

COUNTY OF ERIE

LOCAL LAW NO. 6 - 1982

A LOCAL LAW amending Local Law No. 1-1959 constituting the Erie County Charter, as amended, by amending Section 1902 thereof; and by amending Local Law No. 1-1960 constituting the Erie County Administrative Code, as amended, by adding new Section 19.08 thereof; both in relation to the approval of certain contracts by the Erie County Legislature.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Local Law No. 1-1959, constituting the Erie County Charter, as amended, Article XIX, Section 1902 thereof, of the Erie County Charter is hereby amended to read as follows:

Section 1902. Approval of contracts. Except as otherwise provided in this charter or the administrative code, any contract to which the county is a party shall require approval by the county legislature, if said contract is for: (a) the sale or purchase of real property; (b) the erection, alteration or demolition of a building or other structure; (c) professional, technical or other consultant services; or (d) the provision of facilities or the rendering of services by or for any other unit of government. Contracts for professional, technical or other consultant services under this section shall be subject to

the informal requirements as provided in the administrative code.

The county executive shall execute all contracts on behalf of the county, except as otherwise provided in the administrative code.

Section 2. Local Law No. 1-1960, constituting the Erie County Administrative Code, as amended, Article 19 thereof is hereby amended by adding Section 19.08 to read as follows:

- Section 19.01 Advisory boards
- 19.02 Compensation of boards
- 19.03 Compensation of officers
- 19.04 Expenses
- 19.05 Validity of prior obligations
- 19.06 Pending actions and proceedings
- 19.07 Execution of contracts
- 19.08 Professional, technical or other consultant services

Section 19.01 Advisory boards. a. Except as otherwise provided in the charter or this code: (1) members of advisory boards shall be appointed for terms ending the thirty-first day of December; and (2) the county executive may designate the chairman of each such board at the time of the original appointments, and the chairman so

designated shall hold office for the current calendar year; provided that if the county executive fails to designate a member to serve as the first chairman, the advisory board shall proceed to elect a chairman from among its members except as provided above, each advisory board shall annually on or before the first day of February, select a chairman and such officers as it may desire, for one year terms or until their successors are elected and qualified.

b. Each advisory board shall determine its own rules of procedure. A majority of the whole number of members of such board shall constitute a quorum. Unless otherwise provided in the rules of procedure, each such advisory board shall meet at the call of the chairman or of a quorum or of the county executive.

c. The county executive may designate quarters wherein advisory boards may meet at reasonable intervals.

d. The county executive may designate any officer or employee paid from county funds to attend the meeting of any such advisory board.

Section 19.02. Compensation of boards. No member of any board, by whatever name known, appointed pursuant to the charter or this code shall receive compensation for services performed in connection therewith.

Section 19.03. Compensation of officers.

Any salary fixed by the county legislature of an officer paid from county funds shall be in lieu of all fees, percentages, emoluments or other form of compensation payable for services rendered in the performance of the powers and duties of the office; provided, however, that any such officer (1) required by law to reside at a county institution or (2) authorized and directed by the county executive, may be furnished maintenance or any part thereof at a county institution. Such maintenance shall be defined and the fair value thereof determined by resolution of the board and the amount so determined shall constitute part of the salary fixed for any such officer.

Section 19.04. Expenses. The actual and necessary expenses of all legislators, officers and employees paid from county funds incurred in the performance of powers and duties of the county shall be a county charge.

The County legislature may by resolution authorize the payment of a mileage allowance as fixed by said legislature for the expense of using an automobile privately-owned by the user thereof and operated by any such legislator, officer or employee.

Whenever under the charter or this code, the appointment of a board or commission by whatever title known, is authorized, the actual and necessary expenses

including mileage incurred in the performance of their duties shall be a county charge.

Section 19.05. Validity of prior obligations. The validity or legality of any bonds, notes, certificates of indebtedness or the method of payment thereof heretofore authorized, issued or sold by the county shall not be effected or impaired by any of the provisions of the county charter or this code.

Section 19.06. Pending actions or proceedings. No action, suit or proceeding commenced before the effective date of the charter or this code shall be affected by the adoption thereof or by any of the provisions herein contained but shall be continued as if the charter or this code had not taken effect.

Section 19.07. Execution of contracts. No contract shall be executed by the county executive on behalf of the county until the same has been approved as to form by the county attorney. A copy of each such contract when executed shall be filed with the commissioner of finance, comptroller and county legislature.

Section 19.08. Professional, technical or other consultant services. When a professional, technical or other consultant service contract has a value in gross of

\$10,000 or more, the head of a department or administrative unit shall distribute to responsible persons able to provide the required special skill or service, (for the purposes of this section, persons, including the singular of that term, shall include individuals, firms partnerships and corporations), a request for a proposal (RFP). The RFP shall contain all information, including any particular or unique specifications required, necessary to adequately inform the potential contractor of the special skill or service required by the county and shall afford the potential contractor an opportunity to submit a response to the RFP outlining his qualifications, expertise, experience, past experience with the county, if any, and the total estimated cost, or rate, for providing the special service or skill required. Necessary information shall include the name, title and department of any employee or officer who was a county employee or officer one (1) year prior to the date of the potential contractor's response.

Upon receipt of responses to the RFP, a three (3) member committee shall be formed by the department head or administrative unit head, and the members of this committee shall preliminarily review and evaluate the responses. This committee shall prepare in writing and shall submit a comparison of all the persons who responded showing (a) what special skill or service will be provided; (b) the qualifications of the person; (c) the expertise of the person and the quality of any past experience that person

has had with the county; (d) the total estimated cost, or rate, for providing the special service or skill; and (e) the person shall disclose the name, title and department of any employee or officer of his who was a county employee or officer one (1) year prior to the date of his response. The head of the department or administrative unit shall submit such evaluation with his recommendation to the Erie County Legislature.

The head of the department or administrative unit shall in writing represent to the legislature that, if he uses a pre-qualified list for prospective suppliers of professional, technical or other consultant services, he has published or otherwise made known to the community at large that his department or administrative unit uses such a pre-qualified list and that, if a potential contractor wishes to be considered by the county for such services, he should submit necessary information as to what type of service he provides so his name will be added to the list. If the department or administrative unit head does not use a pre-qualified list, then he shall in writing represent to the legislature that he published or otherwise made known to the community at large on a regular basis the fact that his department from time to time requires certain professional, technical or other consultant services and, if a potential contractor is interested in providing such services to the county, that he contact the head of the department or

administrative unit with necessary information as to what type of service he provides.

This provision shall in no event mandate a department head or administrative unit head to recommend or the county legislature to award such contracts to the lowest bidder or any bidder. This provision, moreover, shall not prohibit the County Legislature from approving a contract with a qualified minority person, as defined in the County's minority business enterprise local law, who provides a special service or skill required by the county whether or not this informal procedure has been followed.

Notwithstanding this provision, if the county legislature makes a finding of necessity that the special service or skill must be provided immediately, or, in the case of doctors, dentists or ministers, makes a determination that this procedure is impracticable, then it may by resolution waive this procedure.

Section 3. This local law shall take effect immediately.