

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~City~~ of ERIE  
~~Town~~  
~~Village~~  
~~Ward~~  
Local Law No. 4 of the year 19 82

A local law ~~amending Local Law No. 1~~ 1 ~~1960~~, constituting the Erie County  
(Insert title)  
Administrative Code, as amended, in relation to the Division of  
Purchase by amending Section 3.06, subsection (c) and Section 3.07,  
subsections (a), (e) and (f).  
Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  
~~City~~ of Erie as follows:  
~~Town~~  
~~Village~~  
~~Ward~~

Section 1. Subsection (c) of Section 3.06 of the Erie County  
Administrative Code is amended to read as follows:

(c). The Purchasing Director shall (1) establish and maintain a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment and such services as are specified hereinafter; (3) upon departmental or legislative request, the Purchasing Division shall inspect or supervise the inspection of deliveries of supplies, materials, and equipment and determine their quality, quantity and conformance to specifications; (4) maintain and have charge of such storerooms and warehouses of the County as may be provided by the County Legislature; (5) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon requisitions signed by the respective administrative head or by such employees as the administrative head shall designate; (6) make transfers of supplies, materials and equipment between administrative units; (7) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by act of the County Legislature; (8) prepare annually an inventory of all property, real or personal, in his custody, and submit the same to the Comptroller, Finance Commissioner and Budget Director; (9) upon the request of any city, town, village, school district or other unit of local government in the County, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the County Legislature; (10) perform such other duties as may be required by the County Executive; (11) perform under the direction of the County Executive all other duties of County purchasing agent under the laws of this state, not inconsistent with the provisions of this code.

~~22~~ (If additional space is needed, please attach sheets of the same size as this and number each)

Section 2. Subsections (a), (e) and (f) of Section 3.07 of the Erie County Administrative Code is amended to read as follows:

(a) The Division of Purchase shall make all purchases of and contracts for supplies, materials, equipment and insurance for the County, the County Legislature or any administrative unit, other than primary or election supplies or the County shall be liable. The Division of Purchase shall also purchase or contract for those services which are subject to bidding. A service contract which is subject to approval by the Erie County Legislature or contracted for by a department head pursuant to Charter or Code authority shall not be considered a purchase or contract made by this division. The lease of real property shall not be considered a service for the County purchased or contracted by the Division of Purchase. The Division of Purchase will review contracts for services and shall contract for those services which are determined to be subject to bid. The County Legislature shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and published in the County of Erie and having a circulation of not less than fifty thousand (50,000) which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchase of perishable foodstuffs, drugs, dental and medical supplies or purchase of primary or election supplies or services. By a resolution adopted by a two-thirds (2/3) vote of all its members, the County Legislature may exclude the purchase of other materials, supplies, equipment, insurance or services from the requirements of public advertisement. Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in this section unless the County Legislature by a two-thirds vote shall determine that it will best promote the public interest that a bid other than that of the lowest bidder shall be accepted, and shall authorize, as hereinafter provided, the acceptance of such other bid. Where the bid of the lowest responsible bidder is in excess of \$100,000 and the bidder's product is not manufactured within the County, or the bidder's service is not performed by a contractor whose principal place of business is located within the County, and where a difference of five percent (5%) or less exists between such low bid and the lowest bid submitted by a bidder residing or having a principal place of business in the County of Erie, the purchase director shall submit the bids to the Legislature to determine whether or not it will best promote the public interest to award the bid to the lowest responsible bidder residing or having a principal place of business in the County of Erie. In the event the Legislature does not adopt, at its first or second meeting after submission of said bids, a resolution determining that it will best promote the public interest that such a bid be accepted instead of the lowest responsible bid, the purchase director shall award the contract to the lowest responsible bidder. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the purchase

director may award the contract to any of such bidders. The purchase director may in his discretion, reject all bids and re-advertise for new bids in the manner provided by this section.

(e) No supplies, materials, equipment, insurance or biddable services shall be delivered except as specifically ordered by the Division of Purchase. No supplies, materials, equipment, insurance or biddable services shall be provided by the division to any administrative unit, office or employee except on a requisition in writing signed by an authorized person.

(f) Where the Administrative Code or other provision of law specified that a purchase or contract is to be let by the Purchasing Division such purchase or contract shall be ordered by the Purchasing Director and the Director shall certify the prices at which he made the purchases. The County Comptroller shall not audit any bill or invoice for supplies, materials, equipment, insurance or biddable services unless it shall fully appear that such items or services were ordered pursuant to this Code or other applicable law. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the county comptroller that there are unencumbered balances available for the purpose. Procedures established for the Division of Purchase shall be applicable only to purchases and contracts made by the Division of Purchase. Other purchases and contracts shall be made pursuant to procedures established by the Executive Department in consultation with the Comptroller.

Section 3. This Local Law shall take effect immediately.

