

# ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means  
**Sponsors:** Amo, Benton  
**Co-Sponsors:**

**Agenda No. 1**

## RESOLUTION NO. OF 2012

### **RESOLUTION DENYING APPLICATION FOR CORRECTION OF A CERTAIN TAX ROLL FOR CERTAIN TOWNS AND DISTRICTS, PURSUANT TO SECTION 556 OF THE REAL PROPERTY TAX LAW.**

**WHEREAS**, the County Director of the Real Property Tax Service Agency has transmitted his report to the County Legislature on certain applications for correction of clerical errors appearing in the 2011 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 of the Real Property Tax Law.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That said report of the Director of the Real Property Tax Service Agency is hereby approved.
2. That said application for the correction of error present on the tax roll affecting the parcel of real property hereinafter mentioned, be and the same hereby is denied.

### **FOR THE YEARS 2010-2011**

<b><u>PROPERTY</u></b>	<b><u>OWNER</u></b>	<b><u>REASON</u></b>
Town of Cornwall 34-3-30	Soloman Bahar	Error in essential fact

RECOMMENDATION: DENIAL – No error exists

Complaint was not taken through the grievance process which is the proper step for an assessment claim. SCAR decision was for 2008/2009 tax roll and refund was issued. No further applications were submitted for the following years. The County Director is not authorized to change assessments and it is not correctable under the Real Property Tax Law.

# ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means  
**Sponsors:** Berardinelli, Amo  
**Co-Sponsor:**

**Agenda No. 2**

## RESOLUTION NO. OF 2012

**RESOLUTION APPROVING THE APPLICATIONS FOR CORRECTION OF CERTAIN TAX ROLLS BECAUSE OF CLERICAL ERRORS, ETC., PURSUANT TO TITLE 3 OF ARTICLE 5, SECTION 554 OF THE REAL PROPERTY TAX LAW.**

**WHEREAS**, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2012 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 554 of the Real Property Tax Law as summarized below.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.

2. That the taxes levied and extended upon said parcels be and the same hereby are corrected in the manner and to the extent set forth in said reports of the Director, as shown below.

**FOR THE YEAR 2012**

<b><u>PROPERTY</u></b>	<b><u>OWNER</u></b>	<b><u>REASON</u></b>
City of Newburgh 33-2-16.2	Elant Choice, Inc.	550-7(a) Unlawful Entry, Exemption was removed in error. Parcel should have been wholly exempt

	<b><u>Now Reads</u></b>		<b><u>Should Read</u></b>		<b><u>Amount to be DECREASED</u></b>
County	\$1,586,600	\$ 5,261.48	\$ 0.00	\$ 0.00	\$ 5,261.48
City	\$1,586,600	<u>\$34,347.19</u>	\$ 0.00	<u>\$ 0.00</u>	<u>\$34,347.19</u>
		\$39,608.67		\$ 0.00	\$39,608.67

**FOR THE YEAR 2012**

<b><u>PROPERTY</u></b>	<b><u>OWNER</u></b>	<b><u>REASON</u></b>
Town of Monroe 207-1-9	Monroe Commons, Ltd.	550-7(a) Unlawful Entry Parcel was erroneously put into Roll Sec. 1. A PILOT Agreement exists and parcel should be in Roll Section 8.

	<u>Now Reads</u>	<u>Should Read</u>	<u>Amount to be DECREASED</u>
County	\$379,000	\$ 6,797.37	\$ 0 \$ 6,797.37
Town	\$379,000	\$ 2,437.80	\$ 0 \$ 2,437.80
Monroe Fire	\$379,000	\$ 1,553.14	\$ 0 \$ 1,553.14
Monroe Library	\$379,000	\$ 1,116.50	\$ 0 \$ 1,116.50
Co. 1 Bond			
Stp.&Intc.	\$379,000	\$ 1,014.50	\$379,000 \$1,014.51 \$ 0.00
Co 1 Bond lat.	\$379,000	\$ <u>36.23</u>	\$379,000 \$ <u>36.23</u> \$ <u>0.00</u>
		\$12,955.55	\$1,050.74 \$11,904.81

## ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means  
**Sponsors:** Pahucki, Castricone  
**Co-Sponsor:**

**Agenda No. 3**

### RESOLUTION NO.            OF 2012

**RESOLUTION AUTHORIZING THE PRIVATE SALE AND CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 2 OF 2010.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 2 of 2010), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., May 21, 2012, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to

execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<b><u>PARCEL</u></b>	<b><u>BIDDER</u></b>	<b><u>AMOUNT OF BID NET TO COUNTY</u></b>
Town of Montgomery 305-12-6	Fritz Hyatt & Geowana D. Price 18 West Street Newburgh, NY 12550	\$26,000.00
Town of Warwick 18-1-3.6	Richard & Theresa Marsiglia 12 Ridgeway Loop Warwick, NY 10990	\$ 500.00

## **ORANGE COUNTY LEGISLATURE**

**Committee:** Ways and Means  
**Sponsors:** Amo, Paduch  
**Co-Sponsor:**

**Agenda No. 4**

### **RESOLUTION NO. OF 2012**

#### **RESOLUTION TO APPROVE THE AMENDED AND RESTATED MUNICIPAL CORPORATION AGREEMENT BETWEEN THE COUNTY OF ORANGE AND NYCLASS.**

**WHEREAS**, the County of Orange is currently a participant of the NYCLASS program; and

**WHEREAS**, the County of Orange has been notified of an Amendment to the Corporation Agreement governing NYCLASS which reflects that the Village of Potsdam will become the new Lead Participant and provides for changes to the Investment Advisor from time to time as determined by the Governing Board of NYCLASS; and

**WHEREAS**, the Orange County Commissioner of Finance recommends that the Orange County Legislature approve an Amendment to the Cooperative Liquid Assets Securities System Municipal Cooperation Agreement, in which certain terms are modified to reflect the change in the Lead participant and Investment Advisor for the Program.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Orange County Legislature does hereby authorize the County Executive to execute the Amendment as aforesaid.

## **ORANGE COUNTY LEGISLATURE**

**Committees:** Physical Services; Ways and Means  
**Sponsors:** Benton, Bonelli, Pahucki  
**Co-Sponsors:**

**Agenda No. 5**

**RESOLUTION NO.            OF 2012**

**RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2012 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, this Legislature does wish to provide funds to the Orange County Department of Public Works in the amount of \$123,226.00 for maintenance and repair to the commuter parking lots. This reflects the balance left on Contract No. 2011-1323 with the New York State Department of Transportation. The contract is for \$572,000.00 with expenses at \$448,774.00, leaving a balance of \$123,226.00 to be appropriated as a new Capital Project. Funds are 100% reimbursable from the New York State Department of Transportation. A Capital Project needs to be set up.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the 2012 Budget for the Orange County Department of Public Works is hereby supplemented as indicated below for maintenance and report to the commuter parking lots; and it is further

**RESOLVED**, that the Commissioner of Finance is hereby authorized to make such modifications forthwith.

<b>Revenue:</b>	1100	519701	435891	Other Transportation-State	\$123,226.00
<b>Expense:</b>	1100	519701	577010	Capital Budget	\$123,226.00

**ORANGE COUNTY LEGISLATURE**

**Committees: Physical Services; Ways and Means**  
**Sponsors: Kemnitz, Paduch, Benton, Amo**  
**Co-Sponsors:**

**Agenda No. 6**

**RESOLUTION NO.            OF 2012**

**BOND RESOLUTION DATED APRIL 5, 2012**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING REPLACEMENT OF EQUIPMENT AT THE ORANGE COUNTY AIRPORT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$60,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$60,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.**

(Introduced) \_\_\_\_\_, 2012  
(Adopted) \_\_\_\_\_, 2012

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Department of Public Works/Airport consisting of the replacement of equipment at the Orange County Airport, all as more particularly described in the County's 2012 Capital Plan, as amended. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$60,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$60,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$60,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$60,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the class of objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in the Hudson Valley Press, Newburgh, NY; Times Community Newspapers, Newburgh, NY; The Sentinel, Vails Gate, NY; Straus Newspapers, Chester, NY, News of the Highlands, Inc., Cornwall, NY and The Gazette, Middletown, New York, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

## **ORANGE COUNTY LEGISLATURE**

**Committee:** Physical Services  
**Sponsors:** Pahucki, Benton  
**Co-Sponsor:**

**Agenda No. 7**

### **RESOLUTION NO. OF 2012**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE GIVING NOTICE OF INTENT TO ASSUME LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE REPLACEMENT OF THE MILLSBURGH BRIDGE NO.1 AND RECOMMENDING THIS PROJECT TO BE AN UNLISTED ACTION.**

**WHEREAS**, Orange County intends to replace the Millsburgh Bridge No. 1 in the Towns of Minisink and Wawayanda; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), the Legislature of Orange County intends to assume Lead Agency status based on a review of Part I of the Environmental Assessment Form ("EAF"), and has made a preliminary determination that the above proposed action is an Unlisted Action.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares its intention to assume Lead Agency status concerning the replacement of the Millsburgh Bridge No. 1; and

2. Makes a preliminary determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is an Unlisted Action.

## **ORANGE COUNTY LEGISLATURE**

**Committee:** Physical Services  
**Sponsors:** Brescia, Simmons  
**Co-Sponsors:**

**Agenda No. 8**

**RESOLUTION NO.            OF 2012**

**RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS BY THE COUNTY EXECUTIVE, TO THE ORANGE COUNTY WATER AUTHORITY BOARD OF DIRECTORS.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following appointments and reappointments to the Orange County Water Authority Board of Directors.

**APPOINTMENTS**

**EXPIRATION**

Marcia Jacobowitz, Walden, New York	12/31/13
Jonah Mandelbaum, Warwick, New York	12/31/13
R. Michael Worden, Port Jervis, New York	12/31/12

**REAPPOINTMENTS:**

Marc E. Devitt, Montgomery, New York	12/31/13
Joseph J. Minuta, New Windsor, New York	12/31/13
Arthur R. Tully, P.E., Campbell Hall, New York	12/31/13
Tom Fitzgerald, Florida, New York	12/31/13

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said appointments and reappointments be and the same hereby are confirmed.

**ORANGE COUNTY LEGISLATURE**

**Committee:**    **Physical Services**  
**Sponsors:**    **Benton, Pahucki**  
**Co-Sponsors:**

**Agenda No. 9**

**RESOLUTION NO.            OF 2012**

**RESOLUTION CONFIRMING THE REAPPOINTMENTS, BY THE COUNTY EXECUTIVE, TO THE ORANGE COUNTY SOIL AND WATER CONSERVATION DISTRICT.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following reappointments to the Orange County Soil and Water Conservation District.

**REAPPOINTMENTS:**

**TERM EXPIRES:**

David Hulle  
Middletown, New York

December 31, 2013

John Wright  
Warwick, New York

December 31, 2013



**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said reappointments be and the same hereby are confirmed.

**ORANGE COUNTY LEGISLATURE**

**Committees: Rules, Enactments and Intergovernmental Relations; Ways and Means**

**Sponsors: Amo, Hines**

**Co-Sponsor:**

**Agenda No. 10**

**RESOLUTION NO. OF 2012**

**RESOLUTION AMENDING AND ADOPTING THE PROCUREMENT POLICY TO CONFORM TO THE REQUIREMENTS OF AND AMENDMENTS TO ARTICLE 5-A OF THE GENERAL MUNICIPAL LAW.**

**WHEREAS**, the Legislature of the County of Orange did, on September 1, 2011 approve Resolution No. 189 of 2011 authorizing the adoption of the new Procurement Policies and Procedures which would be the guiding principles of the Orange County Commissioner of General Services with regard to Orange County's purchasing of all goods and services not required by law to be made pursuant to competitive bidding requirements; and

**WHEREAS**, the Orange County Commissioner of General Services recommends certain amendments to the Procurement Policy including increasing the threshold for professional services to \$35,000.00; and

**WHEREAS**, the Orange County Commissioner of General Services recommends the adoption of the attached Amended Orange County Procurement Policy in order to conform with the requirements and amendments to Article 5A ("Public Contracts") of the General Municipal Law.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Orange County's Procurement Policy is hereby adopted as amended and as annexed hereto as Schedule "A", and shall constitute the guiding principles of the Orange County Commissioner of General Services with regard to Orange County's purchasing of all goods and services not required by law to be made pursuant to competitive bidding requirements.

**COUNTY OF ORANGE**

**PROCUREMENT POLICY**

Pursuant to General Municipal Law §104-b, "so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption" the following Procurement Policy is applicable to the procurement of goods and services not subject to competitive bidding under General Municipal Law §103.

## **PART I. DEFINITIONS**

**A. Commodities** – as used in this Policy, unless stated otherwise, means material goods, supplies, products, construction items or other standard articles of commerce, other than technology, which are the subject of any purchase or other exchange. *See State Finance Law §160(3).*

**B. Contract Administrator** – refers to the staff or individual in a Procuring Agency that assists with procurement (i.e. typically buyers in the Department of General Services and clerical or fiscal personnel in other departments).

**C. Department Head** – means the Commissioner, Director or head of a unit of County government as defined in section 1.05(x) of the Orange County Charter.

**D. Procuring Agency** – means the unit of County government procuring a commodity, technology or service.

**E. Professional Services** – are a subset of the general category Services, further defined in Part V of this Policy.

**F. Public Work** – refers to §103 of the General Municipal Law and encompasses contracts for services, labor or construction.

**G. Public Improvement** – means projects involving the erection, construction, reconstruction or alteration of County facilities, including but not limited to buildings, grounds and roads. *See County Law §850 and Lien Law §2.*

**H. Purchase Contract** – as used in General Municipal Law, this means contracts for goods, commodities and equipment, including technology. Recent versions of General Municipal Law reference commodities and technology as separate items, but they are both subject to the competitive bidding threshold for Purchase Contracts.

**I. Service or Services** – means the performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange. *See State Finance Law §160(7).*

**J. Technology** – means either a good or a service or a combination thereof, resulting in a technical method of achieving a practical purpose or in improvements in productivity. Goods may be either new or used. *See State Finance Law §160(10).*

**K. Unit of County Government or Unit of Government** – means any part of the County government, including officers thereof, and any quasi-independent agency, board, commission or committee receiving County funds or on a budgeted basis by appropriation, unless such unit is required to enact their own Procurement Policy pursuant to New York State law. *See Orange County Charter § 1.05(x).*

## **PART II. GENERAL PROVISIONS**

## **A. Applicability of Policy**

### **1. Applicability and Funding Source Requirements**

**Unless the funding source (i.e. a state or federal grant) for a purchase requires otherwise,** procurements not subject to competitive bidding under General Municipal Law §103 must be made in accordance with this Policy. **If funding source guidelines conflict with or are more stringent than this policy,** Contract Administrators should confer with the Law Department prior to soliciting or acquiring the commodity, equipment or service.

### **2. Applicability by Procurement Methods**

Parts III and IV of this policy are not applicable if a procurement is made:

- through Preferred Sources pursuant to State Finance Law §162 (However, an explanation of Preferred Source requirements as applied to Purchase Contracts and Public Works can be found in Parts III and IV, respectively.);
- through the New York State Office of General Services pursuant to General Municipal Law §104;
- through another New York county's contract pursuant to General Municipal Law §103(3);
- in an emergency pursuant to General Municipal Law §103(4) and Part VII of this Policy;
- as a Professional Service pursuant to Part V of this Policy;
- as a Sole Source pursuant to Part VI of this Policy;
- through a group purchasing organization, as long as the procuring agency qualifies as a municipal hospital or nutrition program pursuant to General Municipal Law §103(8);
- through federal, New York State, or New York political subdivisions, districts or public benefit corporations when the purchase is surplus or second-hand supplies, material or equipment pursuant to General Municipal Law 103(6);
- through certain federal General Services Administration schedules pursuant to General Municipal Law §103(1-b) or §104; or
- through other exemptions as may be authorized by the laws of the State of New York.

## **B. Determining Whether a Procurement is Subject to Competitive Bidding**

Before any solicitation occurs, Contract Administrators need to first determine whether the intended procurement is subject to competitive bidding under General Municipal Law §103. Competitive bidding is required if the reasonably expected countywide aggregate will exceed the threshold amounts of \$20,000 for "purchase contracts" (commodities and technology when services are not the predominant portion of the procurement) or \$35,000 for "public works" (services, exclusive of professional services) within 12 months of the date of the planned purchase.

Under General Municipal Law §103(1), aggregates must be examined in two ways:

**1. By Commodity or Service** – Contract Administrators must determine the reasonably expected aggregate amount of all purchases of the same commodities, services or technology that will be made within 12 months of the date of the planned purchase. This means that if your department is purchasing janitorial services for \$1,000 on October 13, you need to evaluate whether it is reasonably expected that the entire County will purchase over \$35,000 in janitorial services within 12 months of October 13. If it is reasonable to expect this, the \$1,000 in janitorial services for your department must be competitively bid pursuant to General Municipal Law §103. Artificial division of purchases of commodities, technology or services to avoid the thresholds is prohibited by General Municipal Law §103(1).

**AND**

**2. By Vendor** – Contract Administrators must also determine whether the reasonably expected aggregate amount of all purchases of the same commodities, services or technology within 12 months of the date of the planned purchase will be made from the same vendor. Therefore, if your department is purchasing \$500 in software from Microsoft on February 7, you need to evaluate whether it is reasonably expected that the entire County will purchase over \$20,000 in similar goods from that same vendor within 12 months of February 7. If it is reasonable to expect this, the \$500 in software must be competitively bid pursuant to General Municipal Law §103. GML §103 (1) does not permit change orders to or renewals of contracts that were not competitively bid initially because they did not meet the \$20,000 threshold if the change order or renewal would bring the reasonably expected 12-month aggregate amount of purchases from the same vendor over the \$20,000 threshold. Therefore, if you need additional software in November from the same vendor i.e., Microsoft, you must first determine whether the vendor already has over \$20,000 in contracts with the County before you prepare and submit a change order or renewal of the initial contract on February 7. If the aggregate amount exceeds \$20,000, a change order to or renewal of the initial contract would not be legal and the additional software purchase must be bid.

While it is not easy to examine or guarantee the accuracy of aggregates, the following methods may be useful:

- reviewing past use of that commodity, technology, service or vendor, both from general knowledge and by querying the NIGP code and/or the Vendor in Oracle;
- conferring with the Department of General Services and/or departments that you know use similar commodities, technology, services or vendors to determine their reasonably expected procurements for the 12 months after your purchase; or
- noting grant awards or significant projects (e.g. when they are announced in Department Head, legislative or other meetings) that may involve major purchases that could be similar to yours.

**PART III. PROCUREMENT FOR PURCHASE CONTRACTS** (Commodities, Goods and Technology When Services are Not a Predominant Part of the Purchase)

**A. GENERAL PROVISIONS FOR PURCHASE CONTRACTS**

Except in emergency situations, if items required for a Purchase Contract are available in the form, function and utility required by the Procuring Agency from a Preferred Source, the items must be purchased through a Preferred Source Provider. *See Section B of this Part III for more information on Preferred Source procurement for Purchase Contracts.* The following guidelines apply to all purchase contracts where the purchase of the goods, commodities or technology is not an emergency and procurement cannot be made through a Preferred Source or other expedited procurement method.

**For Purchase Contracts estimated to cost:**

**They may be purchased:**

\$1 - 5,000

Services.

At the discretion of the Commissioner of General

\$5,001-\$19,999

By soliciting written quotes from at least three separate (when available).

vendors

**For Purchase Contracts estimated to cost:**

**They MUST be purchased:**

\$20,000 and up By sealed competitive bids in conformance with General Municipal Law §103.

Awards for purchase contracts estimated to cost less than \$20,000 may be made to the responsive and responsible potential vendor submitting the lowest price. If the award is not subject to competitive bidding because the amount is less than \$20,000 and the award is given to someone other than the lowest bidder, then the law requires that the Department justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award: furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption.

Unless delegated in writing by the County Executive or the Commissioner of General Services, with the approval of the County Executive, the procurement of all goods, equipment and commodities shall be obtained through the Department of General Services and compliance with this Policy and any related procedures for such purchases will be the responsibility of the Commissioner of General Services.

## **B. PREFERRED SOURCE EXCEPTION FOR PURCHASE CONTRACTS**

Except in emergency situations, when commodities or goods are available from a Preferred Source in the form, function and utility required by the Procuring Agency, they must be purchased from one of the Preferred Source providers identified on the list below in descending order **prior to** any solicitation from any other vendor. *See NYS Finance Law §162 for updates to this list and any changes to order of priority.*

1. The New York State Department of Corrections, Correctional Industries Program (CORCRAFT)
2. Approved charitable non-profit-making agencies for the blind
3. Equal priority to qualified non-profit-making agencies for other severely disabled persons, a qualified special employment program for mentally ill persons or a qualified veterans' workshop

Consult the Preferred Source Guidelines on the Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf> for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources if your agency determines that the Commodity offered on the List of Preferred Source Offerings does not meet the form, function and utility you require (e.g. a Preferred Source offers staplers but not the kind of staplers that meet your form, function and utility requirements).

State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.

## **C. OTHER EXPEDITED PROCUREMENT METHODS FOR PURCHASE CONTRACTS**

If a procurement is not an emergency or if the items can not be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts
2. Other counties' contracts
3. A group purchasing organization, if your unit of government is eligible
4. Surplus or second-hand supplies, materials or equipment from the federal government, the state of New York, or from any other New York political subdivision, district or public benefit corporation
5. Federal GSA Schedules, if the procurement involves the applicable type of goods
6. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

If you aren't using any of the expedited methods then the general policy described above in Part III applies to the Purchase Contract.

**PART IV. PROCUREMENT OF PUBLIC WORKS (Services)**

**A.** Except in emergency situations or when procuring professional services, if services required for a Public Works contract are available in the form, function and utility required by the Procuring Agency from a Preferred Source, the services must be purchased through a Preferred Source Provider. *See Section B of this Part IV for more information on Preferred Source procurement of services.* The following guidelines apply to the procurement of all Public Works, absent an emergency, purchase through a preferred source or other expedited procurement method.

**For Public Works estimated to cost: They may be purchased:**

- \$1 - 5,000 At the discretion of the Department Head of the Procuring Agency.
- \$5,001-\$34,999 By soliciting written quotes from at least three separate vendors (when available).

**For Public Works estimated to cost: They MUST be purchased:**

- \$35,000 and up By sealed competitive bids in conformance with General Municipal Law §103.

Awards for public works contracts estimated to cost less than \$35,000 may be made to the responsive and responsible potential vendor submitting the lowest price. If the award is not subject to competitive bidding because the amount is less than \$35,000 and the award is given to someone other than the lowest bidder, then General Municipal Law §104-b requires that the Department justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased services are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption.

Unless the plan that is approved by the County Executive and promulgated by the Commissioner of General Services pursuant to Section 27.02(3) of the Orange County Administrative Charter, as may be amended, provides otherwise, the procurement of services for each unit of County government shall be the responsibility of that unit of government. The Commissioner reserves the right to solicit and procure services of any type for all or several units of government in the aggregate, upon the approval of the County Executive, and all such units of government shall be required to use the aggregate contract once the current term of any unit's contract for the same service expires. Each Department Head or his or her written designee shall be responsible for and maintain appropriate documentation to demonstrate his or her unit's compliance with this Policy and any related procedures. Contract Administrators responsible for procurement activities must be designated in writing by the Department Head, which shall be maintained on file with the Commissioner of General Services and shall be updated as changes occur.

**B. PREFERRED SOURCE EXCEPTION FOR PUBLIC WORKS CONTRACTS**

Pursuant to State Finance Law §162 and except in emergency situations, when Services are available in the form, function and utility required by a Procuring Agency, those services **MUST** be purchased from the following Preferred Source Providers, according equal priority to:

1. Approved, charitable, non-profit-making agencies for the blind;
2. Approved, charitable, non-profit-making agencies for other severely disabled persons;
3. Qualified special employment programs for mentally ill persons; and
4. Qualified veterans' workshops.

See NYS Finance Law §162 for updates to this list and any changes to order of.

If multiple sources meet the specifications, cost shall be the determining factor in selection.

Consult the Preferred Source Guidelines on the Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf>, for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources of your Department's need for services that appear on the List of Preferred Source Offerings (i.e. if you need janitorial services and janitorial services is on the List of Preferred Source Offering, those Preferred Sources must be notified of your form, function and utility requirements.)

State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.

## **B. OTHER EXPEDITED PROCUREMENT METHODS FOR PUBLIC WORKS**

If a procurement is not a Professional Service, an emergency or if the services can not be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts
2. Other counties' contracts, except those involving services subject to Prevailing Wage
3. A group purchasing organization, if your unit of government is eligible
4. Federal GSA Schedules if the procurement involves the applicable type of services
5. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

If you aren't using any of the expedited methods then the general policy described above in Part IV applies to all purchase contracts.

## **PART V. PROCUREMENT OF PROFESSIONAL SERVICES**

### **A. DETERMINATION OF PROFESSIONAL SERVICES**

Professional Services are defined in New York case law and Comptroller opinions. As a general guideline, Professional Services require specialized or technical skills or expertise, training, licensing or certifications, exercise of judgment or discretion, a high degree of creativity and/or a relationship of personal trust and confidence. Some examples of Professional Services include but are not limited to, services provided by: physicians, nurses, therapists, engineers, surveyors, attorneys, designers, publicity agents, laboratories, and insurance or financial service firms. Consult the Law Department prior to any solicitation with any questions regarding the Professional Services exemption.

Procurements that involve both the acquisition of Professional Services and Goods (e.g. equipment or computer software that needs to be customized for the County) may not be subject to competitive bidding if there is an "inextricable integration of scientific and technical skills" required with the purchase of the Goods. *Burroughs Corp. v. New York State Higher Education Services Corp.*, 458 N.Y.S.2d 702 (3 Dept. 1983). This integration analysis also applies to procurements that involve the acquisition of Professional

with other Services (e.g. design work with printing). To determine whether the procurement is subject to competitive bidding, you should look to whether the other Services are predominant or merely incidental. If you have questions or are uncertain whether the procurement is exempt from competitive bidding, consult the Law Department prior to soliciting any such procurements.

## **B. SOLICITATION OF PROFESSIONAL SERVICES**

Unless exempted under Part V.C:

- if the estimated cost of a particular Professional Service contract is less than \$5,000, that procurement may be made at the discretion of the Department Head of the Procuring Agency, with a written justification for the selected vendor or consultant documented in the Procurement Record.
- if the estimated cost of a particular Professional Service contract is \$5,000 to \$34,999.99, the Procuring Agency shall use its best efforts to obtain quotes from at least three (3) separate potential vendors or consultants and, if not obtained, written justification for the lack of quotes shall be documented in the Procurement Record.
- if the estimated cost of a particular Professional Service contract is \$35,000 or more, the Procuring Agency must issue a Request for Proposals (RFP) that, at a minimum, requires submission of pricing and qualifications by potential service providers.

When quotes or proposals are required for Professional Services and a contract is not awarded to the lowest priced quote or proposal submitted, General Municipal Law §104-b(e) requires that the Department justify and document in writing the reasons for awarding the contract. The written justification must generally address how such an award furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption.

## **C. EXEMPTIONS FROM SOLICITATION FOR PROFESSIONAL SERVICES**

Certain types of professional services may be exempt from the RFQ or RFP process upon approval of the Commissioner of General Services. Such an exemption might apply to contracts for services with set rates for classes of vendors or for contracts where the County was mandated to use certain vendors by State or Federal laws, regulations or grant requirements. Examples of such contracts include, but are not limited to:

- Contracts with Early Intervention Providers certified by the State which are selected by the parents of children in the program
- Contracts with third-party agencies hired by the State to pass-through funds for or implement certain State programs;
- Contracts with properly credentialed Foster Care agencies;
- Contracts with properly credentialed treating and consulting professionals paid at rates set by or paid directly to vendors/providers by Medicaid or other Federal or State programs;
- Subgrants, intermunicipal and similar agreements for professional services provided in relation to a State or Federal grant for which the County is the responsible Grantee and the contracted party was identified in the grant application.
- Funding agreements with entities authorized by County legislative resolution.

## **D. ADVERTISING FOR PROFESSIONAL SERVICES SOLICITATIONS**

It is recommended but not required that RFPs be advertised in the official paper(s) and/or be made available on the Department's website and/or any website consistently used by the Department of General Services for solicitation, for at least five (5) days, commencing with the date after the day of publication and not including the proposal opening date (let date).



## **E. AWARD OF PROFESSIONAL SERVICES RFP'S**

It is important to keep in mind that the award of a RFP must be made in accordance with the evaluation criteria specified in the RFP.

## **PART VI. SOLE SOURCE PROCUREMENT (for goods, commodities and/or services)**

Sole source procurement is an exception to the general rules and policies stated herein, governing the procurement of goods and/or services. Sole source procurement may only be used in rare and extraordinary cases where the goods or services sought and required are manufactured, sold or performed by only one entity and/or individual. Generally, this will only apply in the following situations:

- Only one company in the world makes and sells a certain good or provides a certain service.
- Only one company in the world can service or maintain the equipment without voiding the warranty. (Note: This only applies during the warranty period so you can not continue to use the sole source exemption after warranty expiration. After warranty expiration, repairs and maintenance must be bid.)
- We are leasing equipment like postal machines or copiers that have a certain type of consumable component (e.g. ink cartridges) that must be used to avoid breaching a warranty or a maintenance provision of a lease.
- It is a service performed by companies that traditionally have territories (e.g., cable TV or certain types of equipment dealerships).
- Software licensing and/or maintenance contracts specific to the software.

In determining whether a purchase qualifies for a Sole Source exemption, the Procuring Agency must document, at a minimum:

- a. The unique benefits to the County of the product or service as compared to other products or services available in the marketplace;
- b. That no other product or service provides substantially equivalent or similar benefits;
- c. That, considering the benefits received, the cost of the product or service is reasonable in comparison to other products or services in the marketplace;
- d. That there is no possibility of competition from competing dealers or distributors.

No Sole Source purchase will be approved by the County Attorney without written justification from the Procuring Agency responding to points (a) through (d) above and supporting documentation on the letterhead of the entity providing the good, equipment, commodity or service that they are the sole source.

## **PART VII. EMERGENCY PROCUREMENT**

General Municipal Law §103 defines a "public emergency" as "arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants" of the County "require immediate action which cannot await competitive bidding". Procurement in emergency situations is exempt from competitive bidding. However, when practicable you should make every effort to obtain three (3) written quotes for the required goods or services or, if not practicable, three (3) verbal quotes. If three (3) quotes, written or verbal, are not practicable in light of the emergency, then you should make every effort to obtain two (2)

written quotes, if practicable, or if not, two (2) verbal quotes. If it is not practicable to obtain any written or verbal quotes based upon the conditions and needs created by the emergency, then no quotes are necessary. Nevertheless, procurements in emergency circumstances should be justified in writing by the Department Head, or designee, of the Procuring Agency and approved in writing by the County Executive, or designee.

## **PART VIII. EQUIPMENT LEASES**

True Leases\* of equipment require quotations from at least three (3) separate potential vendors, if available. Procuring Agencies are reminded to consider the cost of consumable items (e.g. print cartridges for printers) when comparing potential vendors. Even if equipment is leased, the purchase of consumable items for the leased equipment is still subject to the applicable provisions of this Policy and may require that the consumable items be subject to competitive bidding or other applicable procurement methods.

\* True leases include leases that do not contain or refer to installment plans, purchase options or the ownership of the leased equipment at the expiration of the lease. Please contact the Law Department if you have questions regarding true leases.

## **PART IX. BONDING REQUIREMENTS**

### ***A. Bid Bonds***

All contracts for Public Improvements (i.e. those subject to Prevailing Wage, Wicks Law and/or a Project Labor Agreement) require a bid bond.

For all other solicitations, if the average annual budget of that contract is estimated at \$50,000 or more, a Bid Bond is required.

### ***B. Payment Bonds***

In accordance with New York State Finance Law §137, all contracts for a Public Improvement project as defined in this policy, §2 of the Lien Law and §850 of County Law require a Payment Bond in the full amount of the contract.

For all other services contracts, if the average annual budget of that contract is \$100,000 or more, a Payment Bond is required, unless a waiver is approved by the County Attorney or his or her designee.

### ***C. Performance Bonds***

Performance Bonds are required for all contracts for Public Improvements as defined herein.

For all other Services contracts, if the average annual budget of that contract is \$100,000 or more, a Performance Bond is required, unless a waiver is approved by the County Attorney or his or her designee.

### ***D. Maintenance Bonds***

In addition to any guarantees or warranties specified in a contract for Public Improvements, the Department Head of the Procuring Agency may require a Maintenance Bond in an appropriate amount to ensure the maintenance or repair of any work for one or more years following the completion of Public Improvements.

## **PART X. WICKS LAW REQUIREMENTS**

General Municipal Law §101 (a.k.a. the "Wicks Law") mandates that all contracts for Public Work over \$500,000, involving the erection, construction, reconstruction or alteration of buildings must contain separate specifications to permit independent bidding for a) plumbing and gas fitting, b) steam heating, hot water heating, ventilating and air conditioning apparatus, and c) electric wiring and standard illuminating fixtures.

Solicitations for such work under the General Municipal Law §101 threshold amount (\$500,000 currently but any amended statutory amount shall control) involving a scope of work including a) plumbing and gas fitting, b) steam heating, hot water heating, ventilating and air conditioning apparatus, and c) electric wiring and standard illuminating fixtures must require the contractors to submit **WITHIN THEIR SEALED BID, A SEPARATE SEALED LIST** of the names and pricing for any subcontractor(s) that will perform public work in any of the trades specified above. This separate sealed list submitted with the bid and identifying the names of costs for any such subcontractor(s) shall be opened only with the sealed bid of the apparent low bidder.

Notwithstanding the provisions of this Part, this Policy shall be implemented in compliance with General Municipal Law §101, as may be amended, at the time the solicitation of any such work occurs (e.g. if the threshold amount is adjusted, the new amount shall be applicable).

## **PART XI. MWDBE REQUIREMENTS**

All solicitations shall be performed and contracts prepared in compliance with any applicable state or federal laws, regulations, grant requirements, County policies and procedures governing and/or relating to Minority, Women and/or Disadvantaged Business Enterprises.

## **PART XII. PROCUREMENT LOBBYING**

### **A. Solicitation Requirements and Contacts During the Restricted Period**

State Finance Law §139-j prohibits "Contacts" (verbal, written or electronic) that are intended to influence the County's conduct or decision regarding a "Governmental Procurement" during the "Restricted Period." This period begins when the earliest written notice, advertisement or solicitation of a purchase and/or service procurement occurs and ends when the final contract is awarded and approved.

A Governmental Procurement involves a "Procurement Contract" which is a procurement involving an estimated annualized expenditure in excess of \$15,000 including any amendment, extension, renewal or change order. This includes all goods and services contracts as well as sale, lease, acquisition or granting of an interest in real property and revenue contracts where the County is granting a concession or franchise. *See State Finance Law §139-j1(e) and (g) and §139-k(1)(e) and (g).* Grants, intergovernmental agreements and utility relocation project agreements, among other statutory exceptions, are not considered Procurement Contracts.

Every Request for Quotes (RFQ), Request for Proposals (RFP) or Request for Bids (RFB) for a Procurement Contract, must designate a person or persons in the Procuring Agency who may be contacted by Offerors or Bidders in relation to the Procurement Contract. *State Finance Law §139-j(2)(a).*

The following types of contacts are permissible exceptions during the Restricted Period:

- Submissions of Quotes, Proposals or Bids
- Questions submitted for question and response under the RFQ, RFP, or RFB
- Participation in conferences open to all Offerors or Bidders;

- Complaints to the County Attorney that the designated individual of the Procuring Agency has failed to respond in a timely manner to authorized contacts;
  - Negotiation of contracts with Offerors or Bidders who have been notified of a tentative award;
  - Offerors or Bidders contacting the designated individual(s) to request review of an award;
  - Contacts by Offerors or Bidders in protests, appeals or other review proceedings or, complaints of alleged improper conduct to the District Attorney
- See State Finance Law §139-j(3)(a).*

Every solicitation (RFQ, RFP or RFB) for a Procurement Contract, as defined in this Part XII, must include a summary of the policy and prohibitions regarding permissible contacts, a copy of any guidelines, rules and regulations regarding permissible contacts and must also require a written affirmation from the Offeror or Bidder as to their understanding of and agreement to comply with the County's procedures relating to permissible contacts. *See State Finance Law §139-j(6)(a) & (b).*

Every solicitation for a Procurement Contract must also require Bidders or Offerors to disclose findings of non-responsibility due to violations of the permissible contacts provisions within the previous four years by any governmental entity where the prior finding of non-responsibility was due to violation State Finance Law §139-j or the intentional provision of false or incomplete information to a governmental entity. *State Finance Law §139-k(2).* Furthermore, the solicitation must also require Bidders or Offerors to certify that all information provided with respect to this disclosure requirement is complete, true and accurate. *State Finance Law §139-k(5).*

For any Contact during the restricted period, the Procuring Agency must obtain the name, address, telephone number, place of principal employment and occupation of the person or organization making the Contact and inquire and record whether the person or organization making such contact is a Bidder or Offerer or was retained, employed or designated by or on behalf of a Bidder or Offerer to appear before or contact the Procuring Agency about the procurement. All such Contacts must be included in the Procurement Record. *State Finance Law §139-k(4).* However, any communications received by a Procuring Agency from members of the state legislature, or state legislative staff, when acting in their official capacity, shall not be considered to be a Contact and shall not be recorded by the Procuring Agency. *State Finance Law §139-k(6).*

## **B. Violations and Investigations**

Any officer or employee of the County who becomes aware that a Bidder or Offeror has violated the restrictions on permissible contacts shall immediately notify the Director of Operations and Cost Control in the Office of the Orange County Executive. *See State Finance Law §139-j(8).*

Upon notice of any allegation of a violation of the restricted contacts provisions, the Director of Operations and Cost Control shall immediately cause an investigation of the allegation to be initiated and, if sufficient cause exists to believe it is true, give the Bidder or Offeror reasonable notice of the investigation and an opportunity to be heard. *State Finance Law §139-j(10)(a).* If a violation is found to be knowing and willful, the Bidder or Offeror shall be deemed non-responsible and the Director of Operations and Cost Control must notify the New York State Office of General Services of any such finding of non-responsibility. *State Finance Law §139-j(10)(b).*

In the event of a knowing and willful employee violation, the Director of Operations and Cost Control shall report the employee's violation of this Policy and procedures to the Procuring Agency's head. *State Finance Law §139-j(10)(b) and (c).*

## **PART XIII. PROPOSAL AND BID OPENINGS**

Prior to awarding a quote, bid or proposal, the individual making the award must have a written designation authorizing that individual to make such award on file with the Commissioner of General Services. The County Executive or Commissioner shall have the discretion to approve such designations, which shall be made and maintained by the Department Head of each Procuring Agency. Designations may be made with regard to the type of procurement, dollar thresholds, etc. as the Department Head, in consultation with the County Executive or Commissioner of General Services, shall see fit.

#### **PART XIV. RESPONSIBILITY DETERMINATIONS**

In addition to the responsibility determination required for Procurement Contracts under Part XII of this Policy and applicable state laws and regulations, the Procuring Agency must determine that any Bidder awarded a contract pursuant to General Municipal Law §103 is responsible and responsive. It is also recommended, though not required, that responsibility determinations be made with regard to vendors, consultants or contractors under all other types of solicitations. Responsible Bidders or Offerors are those that have the financial ability, legal capacity, integrity, and past experience to perform the contract. *See State Finance Law §163(c)*. Responsive Bidders or Offerors are those that meet the minimum specifications or requirements set forth in the solicitation for the procurement. *See State Finance Law §163(d)*. Bidders or Offerors who do not meet these standards may be declared non-responsible. Before declaring a Bidder or Offeror non-responsible, the Procuring Agency, in consultation with the County Attorney, must provide the Bidder or Offeror notice that he or she may be declared non-responsible and an opportunity to be heard in accordance with procedures for all such hearings by any Procuring Agency as established by the Commissioner and approved by the County Attorney and County Executive.

#### **PART XV. STANDARD CONTRACT FORMS**

Procurements under \$1,500.00 for goods or services where the vendor or provider will not be using County property or entering upon any County building or facility, do not require the use of standard County contract templates (e.g. Vendor Services, Consultant Services, etc.) unless required by the County Executive or County Attorney. Requisitions, purchase orders, vouchers and similar forms that may be required by the Department of Finance or the County Attorney must still be used.

Additionally, the Department of Finance, upon approval of the County Attorney and the County Executive, may designate in writing categories of payments (i.e., utility bills) that do not require standard County contract forms.

**IMPORTANT: The solicitation requirements of this Policy apply even if standard contract forms are not required.**

#### **PART XVI. USE OF COUNTY CONTRACTS BY OTHER LOCAL GOVERNMENTS AND SCHOOL DISTRICTS**

Pursuant to General Municipal Law §103(3) and County Law §408-a any officer, board or agency of a New York state political subdivision or district authorized to make purchases of materials, equipment or supplies or to contract for services may make purchases through County of Orange contracts, with the exception of contracts subject to prevailing wage or contracts excepted by the terms and conditions of the contract itself. The following rules govern procurements through County of Orange contracts.

1. The Department of General Services shall make contract award information on contracts that may be used by other political subdivisions and districts available through their webpage and the Commissioner may promulgate procedures to obtain information on such contracts from other Procuring Agencies.

2. Other political subdivisions or districts shall issue purchase orders directly to the vendor, consultant, contractor, etc. within the specified contract period referencing the County's contract and shall be solely liable and responsible for all payments due under the contract for that political subdivision's or district's use of the contract. The County shall not be liable or responsible for any debts incurred by the other users of a County contract.
3. All purchases shall be subject to audit and inspection by the County of Orange.
4. The solicitation documents for any contract that may be used by other political subdivisions or districts must contain a provision alerting all Bidders or Offerors that the contract may be used by other political subdivisions or districts and stating whether the use of that contract by others is a mandatory requirement for award of the contract.
5. Necessary deviations from the County's specifications in the terms of a contract, whether such deviations relate to quantities or delivery points, shall be resolved between the vendor, contractor, or consultant and the other political subdivisions or districts. However, at no time shall any change to price and product specification be permitted, except where an item has been replaced by another item due to obsolescence or pricing is contingent on an outside factor (e.g. fuel at market rates) pursuant to the terms of the contract, and/or the vendor, consultant, or contractor offers reduced pricing to any participant, which then must be made immediately available to all participants. If a product specification requires modification due to obsolescence, the County must approve a change of product in writing in order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be lower than the originally awarded price. Any reduced pricing shall be applicable to all other participants' quantities ordered on and after the date such reduced pricing became effective for the initial participant receiving such pricing.

## **PART XVII. RECORDKEEPING**

In addition to any further recordkeeping requirements promulgated by the Department of General Services and any federal or state law or funding source requirements, Contract Administrators shall maintain a written record for every procurement, which contains the following information, **as applicable**:

- Written determination of whether the procurement is subject to competitive bidding.
- Preferred Source Solicitation documentation.
- Documentation from Preferred Source, Office of General Services, other County procurement agencies, other government surplus programs, or group purchasing organizations and/or their distributors pertaining to purchases made through those entities.
- Solicitation documentation appropriate to the procurement method used (Request for Quotes/Bids/Proposals; advertising and other records of public distribution; contact records required by the Procurement Lobbying Law, the quotes, bids or proposal received, etc.).
- Award documentation (score sheets or other written analysis of the quotes, bids or proposals, the award decision, notice of award, etc.).
- Purchase Order or Contract documentation (purchase order or contract with all attachments, appendixes, business associate agreements, insurance, etc.).

- Contract Administration documentation (performance reports, invoices, payroll certifications, payment records, records of disputes, etc.).

## **PART XVIII. PROCUREMENT MANUAL**

The Commissioner of General Services is authorized to promulgate procedures to implement this Policy. For complete procedures outlining specifics of the entire procurement process in more detail, please refer to the Orange County Procurement Manual.

## **PART XIX. INDIVIDUALS RESPONSIBLE FOR PURCHASING**

The individuals listed below are responsible for purchasing decisions as of the date of the last annual review of this Policy. However, no contract is binding on the County until approved and executed by the County Executive.

### **A. For Commodities Not Related to Construction or Maintenance of County Facilities as Performed by the Department of Public Works:**

James P. Burpoe, Commissioner, Department of General Services

### **B. For Commodities Related to Construction or Maintenance of County Facilities as Performed by the Department of Public Works:**

Charles W. Lee, Commissioner, Department of Public Works

### **C. For Services, as Applicable to each Procuring Agency:**

Office for the Aging	AnnMarie Maglione, Director
Budget	Neil Blair, Director
Office of Community Development	Joanne Fazzino, Acting Director
Consumer Affairs	Charles F. Mitchell, Commissioner
County Clerk	Donna L. Benson, County Clerk
County Executive	Edward A. Diana, County Executive
District Attorney	Francis D. Phillips, II, District Attorney
Board of Elections	Susan Bahren, Commissioner (D) & David C. Green, Commissioner (R)
Dept. of Emergency Services	Walter C. Koury, Commissioner
Employment & Training Administration	Stephen Knob, Director
Environmental Facilities & Services	Peter S. Hammond, Deputy Commissioner
Dept. of Finance	Joel Kleiman, Commissioner
Dept. of General Services	James P. Burpoe, Commissioner
Dept. of Health	Jean M. Hudson, Commissioner
Historian	Cornelia W. Bush, County Historian
Dept. of Human Resources	Steven Gross, Commissioner
Human Rights Commission	Nolly Climes, Chairperson
Dept. of Information Technology	Kim S. McKinney, Commissioner
Dept. of Law	David L. Darwin, County Attorney
Legislature	Michael R. Pillmeier, Chairman
Dept. of Mental Health	Darcie Miller, Commissioner
Dept. of Parks, Recreation & Conservation	Richard L. Rose, Jr., Commissioner
Dept. of Planning	David Church, Commissioner

Dept. of Probation  
Dept. of Public Works  
Real Property Tax Service Agency  
Residential Health Care Facility  
Division of Risk Management  
Sheriff's Office  
Dept. of Social Services  
Veterans Service  
Water Authority  
Youth Bureau

Derek Miller, Director  
Charles W. Lee, Commissioner,  
John McCarey, Director  
William J. Pascocello, Administrator  
Michael T. Morris, Risk Manager  
Carl E. DuBois, Sheriff  
David Jolly, Commissioner  
Anthony Zippo, Director  
David Church, Executive Director  
Carol Chichester, Director

## **ORANGE COUNTY LEGISLATURE**

**Committees: Rules, Enactments and Intergovernmental Relations; Ways and Means**

**Sponsors: Bonacic, Bonelli, Castricone, Hines**

**Co-Sponsors:**

**Agenda No. 11**

### **RESOLUTION NO. OF 2012**

#### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE AUTHORIZING THE COMMISSIONER OF FINANCE TO FILE A NOTICE OF INTENTION TO MAKE A CLAIM AGAINST CERTAIN FIRE INSURANCE PROCEEDS, PURSUANT TO GENERAL MUNICIPAL LAW SECTION 22 AND LOCAL LAW NO. 9 OF 1979**

**WHEREAS**, this Legislature is requested to authorize the Commissioner of Finance to file a Notice of Intention to Make a Claim against the fire insurance proceeds as to the parcel known as Town of Cornwall, Section 43, Block 1, Lot 1.-1, pursuant to General Municipal Law Section 22 and Local Law No. 9 of 1979; provided that the Commissioner of Finance releases and returns said insurance proceeds to the insured, if the owner of said parcel enters into a written Agreement with the Commissioner of Finance to restore the affected premises to the same or improved condition that it was prior to the time that the lien of the County against the proceeds arose and provided that the owner deposits such proceeds into an Escrow Account. There is currently a series of County tax liens as to this parcel, totaling \$214,037.99, and all funds are to go to the General Fund Revenue.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby authorizes the Commissioner of Finance to file a Notice of Intention to Make a Claim against the fire insurance proceeds as to the parcel known as Town of Cornwall, Section 43, Block 1, Lot 1.-1 under the terms and conditions as listed above, and it is further

**RESOLVED**, that the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

## **ORANGE COUNTY LEGISLATURE**



**Committees: Rules, Enactments and Intergovernmental Relations; Ways and Means**

**Sponsors: Amo, Bonelli, Benton**

**Co-Sponsors:**

**Agenda No. 12**

**RESOLUTION NO. OF 2012**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE AUTHORIZING THE ACCEPTANCE OF A TAX LITIGATION SETTLEMENT WITH THE UNITED TALMUDICAL ACADEMY OF KIRYAS JOEL**

**WHEREAS**, this Legislature is requested to authorize the acceptance of a tax litigation settlement between the County of Orange and the United Talmudical Academy of Kiryas Joel for the 2006 property taxes, whereby the County will receive the principal County taxes due and owing for the Town of Monroe parcel Section 301, Block 1, Lot 29.111 in the amount of \$33,705.73 plus four (4%) percent interest on said parcel, while the remainder of the interest and penalties are to be forgiven; and

**WHEREAS**, as to the Town of Monroe parcel Section 302, Block 1, Lot 38, the full amount of County taxes due and owing will be \$27,207.21. Said funds to go to the General Fund Revenue.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves and authorizes the acceptance of a tax litigation settlement between the County of Orange and the United Talmudical Academy of Kiryas Joel for the parcels being in the Town of Monroe and known as Section 301, Block 1, Lot 29.111 and Section 302, Block 1, Lot 38 under the terms and conditions as stated above, and it is further

**RESOLVED**, that the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**ORANGE COUNTY LEGISLATURE**

**Committees: Rules, Enactments and Intergovernmental Relations; Ways and Means**

**Sponsors: Bonacic, Castricone, Pahucki**

**Co-Sponsors:**

**Agenda No. 13**

**RESOLUTION NO. OF 2012**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE AUTHORIZING THE ACCEPTANCE OF A TAX LITIGATION SETTLEMENT WITH IWS TRANSFER SYSTEM OF NEW YORK, INC.**

**WHEREAS**, this Legislature is requested to authorize the acceptance of a tax litigation settlement between the County of Orange and IWS Transfer System of New York, Inc., whereby the County will receive the principal County taxes due and owing for the parcel known as Town of Goshen Section 12, Block 1, Lot 21.21 in the amount of \$1,439,375.69 of which one-half (1/2) of the interest and penalties will be forgiven. Said funds to go to the General Fund Revenue.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves and authorizes the acceptance of a tax litigation settlement between the County of Orange and IWS Transfer System of New York, Inc. for the County taxes due and owing on parcel known as Town of Goshen Section 12, Block 1, Lot 21.21, under the terms and conditions as stated above, and it is further

**RESOLVED**, that the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors: Berkman, Bonacic**

**Co-Sponsors:**

**Agenda No. 14**

### **RESOLUTION NO.        OF 2012**

#### **RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS BY THE COUNTY EXECUTIVE, TO THE ORANGE COUNTY PLANNING BOARD.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following appointments and reappointments to the Orange County Planning Board.

#### **REAPPOINTMENTS:**

John Dodson, Highland Falls, NY	12/31/15
Gerald Jacobowitz, Cornwall-on-Hudson, NY	12/31/15

#### **APPOINTMENTS:**

#### **EXPIRATION**

Denise J. Ribble, Newburgh, NY	12/31/13
David Niemotko, Monroe, NY	12/31/14

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that said appointments and reappointments be and the same hereby are confirmed.

# ORANGE COUNTY LEGISLATURE

**Committee:** Rules, Enactments and Intergovernmental Relations  
**Sponsors:** Amo, Hines  
**Co-Sponsors:**

**Agenda No.15**

## RESOLUTION NO. OF 2012

### RESOLUTION INCREASING THE PETTY CASH FUND OF THE ORANGE COUNTY CLERK'S OFFICE.

**WHEREAS**, this Legislature does wish to provide the Orange County Clerk's Office with increased petty cash funds in the amount of \$300.00, bringing the total amount for the Office of the County Clerk to \$4,590.00. This increase is needed to facilitate making change for customers.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Orange County Office of the County Clerk's petty cash fund is hereby increased by \$300.00 bring the total to \$4,590.00.

# ORANGE COUNTY LEGISLATURE

**Committee:** Rules, Enactments and Intergovernmental Relations  
**Sponsors:** Berkman, Brescia  
**Co-Sponsors:**

**Agenda No. 16**

## RESOLUTION NO. OF 2012

### RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY BOARD OF ELECTIONS TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE NEW YORK STATE BOARD OF ELECTIONS, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

**WHEREAS**, the New York State Board of Elections offered a grant in the amount of \$12,722.00, which will be used to establish, expand and improve access to and participation by individuals with a full range of disabilities in the election process. Said grant expires on September 30, 2016; and

**WHEREAS**, this Legislature does wish to accept and appropriate said grant funds for the Orange County Board of Elections. Said funds are to be reimbursed by HAVA funds and a grant needs to be set up.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioners of the Orange County Board of Elections be and hereby is authorized to accept and appropriate grant funds from the New York State Board of Elections in the amount of \$12,722.00 as indicated above.

2. That the 2012 Budget for the Orange County Board of Elections is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	XXXXXX	442891	Federal Aid	\$12,722.00
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**Expenses:**

1010	XXXXXX	576820	Specialty Payments	\$12,722.00
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## ORANGE COUNTY LEGISLATURE

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors: Berkman, Brescia, Bonacic, Amo, Bonelli, Hines, Pahucki**

**Co-Sponsors:**

**Agenda No. 17**

### RESOLUTION NO. OF 2012

#### RESOLUTION RECOGNIZING APRIL 19, 2012 AS HOLOCAUST MEMORIAL DAY "YOM HASHOAH."

**WHEREAS**, in 1953, Israel signed a law to recognize a day each year for all its citizens to commemorate the victims of the Holocaust "Yom Hashoah Ve-Hagevurah" (the day of remembrance of the Holocaust and Heroism); and

**WHEREAS**, in 2005, the General Assembly of the United Nations adopted a Resolution on the Holocaust Remembrance, reaffirming, among other things, (i) the Universal Declaration of Human Rights which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion and other status and (ii) that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice; and

**WHEREAS**, today, Holocaust Memorial Day, is recognized internationally as the day to commemorate all those who were victims of the Holocaust and Nazi persecution, as well as the victims of earlier and later genocides - including victims of persecution in Armenia, Cambodia, Rwanda, Bosnia, Kosovo, Darfur and others - and to explore wider issues of prejudice, hatred, discrimination and community cohesion throughout the world.

**WHEREAS**, this year the United States Holocaust Memorial Museum has selected the theme of "Choosing to Act: Stories of Rescue" for the Holocaust Memorial Day, commemorating the heroic acts of intervention of witnesses to the persecution and murder of Europe's Jews. These people had a choice of whether or not to intervene. Getting involved meant running the risk of severe punishment. The motivation of rescuers varied widely, from opposition to Nazi racial ideology, to compassion, to religious or moral principles. Some even had anti-Semitic prejudices but still chose to rescue Jews. In their uniqueness, stories of rescue remind us of the wide range of choices that we as individuals are capable of making and that our actions in the face of injustice or hatred always matters.

**WHEREAS**, today we reflect upon the heroic efforts of the Swedish diplomat Raul Wallenberg in Budapest, the German industrialist Oskar Schindler at his factory in Poland, Miep Gies, who hid Anne Frank in Holland, the Danish resistance fighters who ferried almost all of Denmark's Jews to safety in Sweden and Greek Orthodox Bishop Chrysostomos, who saved the lives of all the Jews on the island of Zakynthos.

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Orange County Legislature recognize April 19, 2012 as Holocaust Memorial Day and We commend these sentiments to every citizen of Orange County that all might remember and reflect upon the Holocaust, genocides and ethnic and religious persecutions as a clear warning of where racism and other forms of prejudice and discrimination can lead.

**ORANGE COUNTY LEGISLATURE**

**Committee: Rules, Enactments and Intergovernmental Relations**  
**Sponsors: Bonelli, Pahucki**  
**Co-Sponsors:**

**Agenda No. 18**

**RESOLUTION NO. OF 2012**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE AND THE ORANGE COUNTY EXECUTIVE URGING GOVERNOR ANDREW CUOMO AND THE NEW YORK STATE LEGISLATURE TO FUND AND EXPEDITE COMPLETION OF THE INTERSTATE 86 PROJECTS IN ORANGE, SULLIVAN, DELAWARE AND BROOME COUNTIES**

**WHEREAS**, previous New York Governors have committed to a construction program to complete the Route 17 conversion to I-86; and

**WHEREAS**, the upgrade and designation of Route 17 as I-86 will make Orange County and the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of traveling public; and

**WHEREAS**, the New York I-86 Economic Development Benefit Study, issued in January 2000, was widely accepted and quoted at all levels of government, which called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Corridor once the conversion was completed; and

**WHEREAS**, the Orange County Legislature wishes to acknowledge that significant work has already been accomplished by the New York State Department of Transportation along the Route 17/future I-86 corridor in Orange County, including the improvements from Exit 120 (at Route 211) west to Sullivan County, State 2 of the Exit 122 reconstruction project (at Main Street/Crystal Run Road) now underway adjacent to the new hospital, and design of the Exit 131 interchange project; and

**WHEREAS**, the New York State Department of Transportation in the latest update to its capital program proposes to delay to 2017 the first stage of the two stage Exit 131 reconstruction project which was to have begun in 2013; and

**WHEREAS**, the New York State Department of Transportation has also proposed to delay construction to Exit 122 Stage 3 (the westbound ramps) to 2017; and

**WHEREAS**, at the same time as these proposed delays, the Governor has proposed various new federally-funded projects around the State and in Orange County as part of a New York Works program; and

**WHEREAS**, the I-86 conversion projects in Orange County and in other counties, especially the reconstruction of Exit 131, would serve to create jobs just as would the Governor's New York Works projects and in the case of Exit 131 would possibly create even more jobs indirectly through the improved access and reduced congestion for the retail developments at and near Woodbury Commons; and

**WHEREAS**, the Exit 131 reconstruction project will address critical traffic control and safety needs in this region due to the expected reductions in severe traffic delay and congestion arising near this connection of the New York State Thruway (I-87) and New York State Route 17 (future I-86); and

**WHEREAS**, with proper funding and resources for the remaining projects in Orange, Sullivan, Delaware and Broome Counties, the conversion of Route 17 to I-86 could be completed in many years sooner than on the present schedule.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Orange County Legislature and Orange County Executive does hereby request the Governor and the New York State Legislature to advance funding and expedite completion of the I-86 conversion projects in Orange, Sullivan, Delaware and Broome Counties; and be it further

**RESOLVED**, that the Orange County Legislature and the Orange County Executive implores the Governor to re-examine the proposed list of NY Works projects in light of the superior economic benefits to the region and state which will be derived from early completion of the Exit 131 reconstruction project in Woodbury; and be it further

**RESOLVED**, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Commissioner Susan Bahren, Commissioner David Green, Governor Andrew Cuomo, State Senate Majority Leader Dean Skelos, Speaker of the Assembly Sheldon Silver and to each member of the State Senate and Assembly whose districts include all or part of Orange County.

## ORANGE COUNTY LEGISLATURE

**Committee:** Rules, Enactments and Intergovernmental Relations  
**Sponsors:** Berkman, Bonacic  
**Co-Sponsors:**

**Agenda No. 19**

### RESOLUTION NO. OF 2012

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE AMENDING RESOLUTION NO. 2 OF 2012 WHICH ESTABLISHED THE LEGISLATIVE CALENDAR FOR 2012, PURSUANT TO ARTICLE II, C, 1 (F) OF THE LEGISLATIVE MANUAL.**

**WHEREAS**, this Legislature does wish to amend the Legislative Calendar for 2012 by changing the calendar date for the July 2012 Legislative Session.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that Resolution No. 2 of 2012 is hereby amended to provide that the July 5, 2012 Legislative Session date shall be deleted and replaced with **July 3, 2012** as the new Legislative Session date.

## ORANGE COUNTY LEGISLATURE

**Committee:** Health and Mental Health  
**Sponsors:** Berardinelli, Donnery, Kemnitz  
**Co-Sponsors:**

**Agenda No. 20**

### RESOLUTION NO. OF 2012

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT SUPPLEMENTAL FUNDING FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health offered supplemental funds for the W.I.C. Program in the amount of \$89,785.00 in order to improve the nutrition and health status of eligible pregnant, postpartum and breastfeeding women, infants and children in Orange County. The term of the grant runs from October 1, 2011 through September 30, 2012; and

**WHEREAS**, this Legislature does wish to appropriate the supplemental funding from the New York State Department of Health for the W.I.C. Program in Orange County, as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate the supplemental funding in the amount of \$89,785.00 from the New York State Department of Health as indicated above.

2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2012 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010.408201.444821	WIC Prog. & Enap COLA	\$89,785.00
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**Expenses:**

1010.408201.560110	Permanent Base Salary	\$50,703.00
	Fringe Benefits	\$29,044.00
1010.408201.586100	Employee Retire. System	\$ 9,784.00
1010.408201.586300	Social Security/FICA	\$ 3,839.00
1010.408201.586400	Workers' Comp.	\$ 3,547.00
1010.408201.586500	Unemployment Ins.	\$ 51.00
1010.408201.586600	Hospital Insurance	\$11,274.00
1010.408201.586650	Dental Insurance	\$ 425.00
1010.408201.586660	Vision Insurance	\$ 31.00
1010.408201.586700	Disability Insurance	\$ 80.00
1010.408201.586800	EAP	\$ 13.00
1010.408201.577090	Maintenance Contracts	\$ 1,084.00
1010.408201.575610	Rent	\$ 8,559.00
1010.408201.576310	Electric	\$ 210.00
1010.408201.573550	Gas	\$ 185.00
		<u>\$89,785.00</u>



# ORANGE COUNTY LEGISLATURE

**Committee:** Health and Mental Health  
**Sponsors:** Bonacic, Buckbee, Eachus  
**Co-Sponsors:**

**Agenda No. 21**

## **RESOLUTION NO.                      OF 2012**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered a grant in the amount of \$34,055.00 for the Migrant Health Services Program in order to provide funding for Public Health Outreach and Education Services to the migrant/seasonal farm worker population throughout Orange County. The term of the grant runs from April 1, 2012 until March 31, 2013; and

**WHEREAS**, this Legislature does wish to accept said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept a grant from the New York State Department of Health in the amount of \$34,055.00 for the Migrant Health Services Program as indicated above.
2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.
3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.
4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.
5. That the 2012 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the

review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 401018 434721 State Aid Migrant Health Services \$34,055.00

**Expenses:**

1010	401018	566010	Sr. Community Health Worker SP/ENG		\$20,370.00
			Fringe Benefits		\$10,785.00
1010	401018	586100	Employee Retire.System	\$3,595.00	
1010	401018	586300	Social Security/FICA	\$1,520.00	
1010	401018	586400	Workers' Comp.	\$1,425.00	
1010	401018	586500	Unemployment Ins.	\$ 21.00	
1010	401018	586600	Hospital Insurance	\$3,865.00	
1010	401018	586650	Dental Insurance	\$ 277.00	
1010	401018	586660	Vision Insurance	\$ 21.00	
1010	401018	586700	Disability Insurance	\$ 52.00	
			EAP	\$ 9.00	
1010	401018	573100	Office Supplies		\$ 150.00
1010	401018	573820	Specialty Materials		\$ 750.00
1010	401018	576760	Routine Mileage		\$ 2,000.00
					<u>\$34,055.00</u>

**ORANGE COUNTY LEGISLATURE**

**Committee: Health and Mental Health**  
**Sponsors: Amo, Berardinelli, Donnery**  
**Co-Sponsors:**

**Agenda No. 22**

**RESOLUTION NO. OF 2012**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the Cancer Service Network, Inc., through a contract with the New York State Department of Health offered a grant in the amount of \$66,329.00, which was accepted by Orange County by Resolution No. 270 of 2011, for the Youth Action Program/Reality Check Program; and

**WHEREAS**, the Orange County Department of Health is requesting the appropriation of the 2nd period funds for the Youth Action Program in the amount of \$51,105.00. This would be for the period April 1, 2012 through March 31, 2013; and

**WHEREAS**, this Legislature does wish to appropriate said 2nd period funds from said grant for the Department of Health as indicated above.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to appropriate the 2nd period funds for the Youth Action Program/Reality Check Program in the amount of \$51,105.00 from the New York State Department of Health as indicated above.

2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2012 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	401018	434701	State Aid – TCP/RC/YAP	\$51,105.00
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**Expenses:**

1010	401018	560110	Public Health Educator	\$31,120.00
			Fringe Benefits	\$18,849.00
1010	401018	586100	Employee Retire.System	\$5,298.00
1010	401018	586300	Social Security/FICA	\$2,261.00
1010	401018	586400	Workers' Comp.	\$2,099.00
1010	401018	586500	Unemployment Ins.	\$ 30.00
1010	401018	586600	Hospital Insurance	\$9,100.00
1010	401018	586700	Disability Insurance	\$ 52.00
1010	401018	586800	EAP	\$ 9.00
1010	401018	576770	Special Travel	\$ 300.00
1010	401018	576760	Mileage Reimb. Co. Employee	\$ 836.00
				<u>\$51,105.00</u>

# ORANGE COUNTY LEGISLATURE

**Committee:** Health and Mental Health  
**Sponsors:** Berardinelli, Buckbee  
**Co-Sponsors:**

**Agenda No. 23**

## RESOLUTION NO. OF 2012

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health offered an Early Intervention Administration Reimbursement grant in the amount of \$242,437.00 in order to provide support for the administrative functions of the State-mandated Early Intervention Program in Orange County. This would be for the period October 1, 2011 until September 30, 2012; and

**WHEREAS**, this Legislature does wish to accept and appropriate said grant for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept a grant from the New York State Department of Health in the amount of \$242,437.00 for the Early Intervention Administration Reimbursement Program as indicated above.

2. That the 2012 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

### **Revenue:**

1010.401018.434721	State Aid – EIAR	\$242,437.00
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### **Expenses:**

1010.401018.560110	Permanent Base Salary	\$151,264.00
	Fringe Benefits	\$ 79,126.00

1010.401018.586100	ERS	\$23,918.00	
1010.401018.586300	Social Security	\$11,478.00	
1010.401018.586400	Workers' Comp.	\$10,586.00	
1010.401018.586500	Unemployment Ins.	\$ 151.00	
1010.401018.586600	Health Insurance	\$31,728.00	
1010.401018.586650	Dental Insurance	\$ 939.00	
1010.401018.586660	Vision Insurance	\$ 69.00	
1010.401018.586700	Employer Disability	\$ 228.00	
1010.401018.586800	EAP	\$ 29.00	
1010.401018.576760	Travel In-State (Co. Mileage Reimb.)		\$ 9,220.00
1010.401018.571820	Contracted Svcs (non-medical)		<u>\$ 2,827.00</u>
			\$242,437.00

## ORANGE COUNTY LEGISLATURE

**Committee:** Public Safety and Emergency Services  
**Sponsors:** Castricone, Simmons  
**Co-Sponsor:**

**Agenda No. 24**

### RESOLUTION NO.                      OF 2012

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF'S OFFICE, TO ACCEPT AND APPROPRIATE FUNDS RECEIVED FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Division of Criminal Justice Services has offered has offered funds in the amount of \$30,000.00 for video teleconferencing equipment for the Office of the Sheriff to provide video visitation for inmates. The term of the grant runs from October 1, 2011 through September 30, 2012; and

**WHEREAS**, this Legislature does wish to accept and appropriate said funds for the Office of the Sheriff as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Orange County Sheriff, be and hereby is authorized to accept and appropriate funds from the New York State Division of Criminal Justice Services in the amount of \$30,000.00 as indicated above.
2. That the 2012 budget for the Orange County Sheriff's Office is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 315003 433891 Other Public Safety \$30,000.00

**Expenses:**

1010 315003 585012 Inv. Specialty Equipment \$30,000.00

**ORANGE COUNTY LEGISLATURE**

**Committee: Public Safety and Emergency Services**

**Sponsors: Brescia, Eachus**

**Co-Sponsor:**

**Agenda No. 25**

**RESOLUTION NO. OF 2012**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PROBATION TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES THROUGH THE GOVERNOR’S TRAFFIC SAFETY COMMITTEE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS,** the Office of Probation and Correctional Alternatives at the New York State Division of Criminal Justice Services has received an award provided through the Governor’s Traffic Safety Committee for local assistance to counties and the City of New York to continue the active monitoring and supervision of persons convicted under “Leandra’s Law” as it pertains to mandated Ignition Interlock Devices; and

**WHEREAS,** the Orange County Department of Probation is requesting the acceptance of \$90,237.00 allocated to the Orange County Probation Department to engage in Breath Alcohol Ignition Interlock Device monitoring activities; and

**WHEREAS,** this Legislature does wish to accept said grant funds for the Department of Probation as indicated above.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** as follows:

1. That the County Executive, in conjunction with the Commissioner of Probation, be and hereby is authorized to accept a grant from the New York State Division of Criminal Justice Services through the Governor’s Traffic Safety Committee the amount of \$90,237.00 allocated to the Orange County Probation Department to engage in Breath Alcohol Ignition Interlock Device monitoring activities as indicated above.

2. That the 2012 budget for the Department of Probation is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	314003	443891	Other Public Safety	\$90,237.00
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**Expenses:**

1010	314003	573870	Safety Protective Items	\$ 2,100.00
1010	314003	583800	Specialty Equipment	\$16,900.00
1010	314003	585012	Inv. Specialty Equipment	\$28,120.00
1010	314003	571820	Consultant Services	\$25,005.00
1010	314003	573790	Computer Software	<u>\$18,112.00</u>
				\$90,237.00

**ORANGE COUNTY LEGISLATURE**

**Committee:** Human Services  
**Sponsors:** Bonelli, Castricone, Donnery  
**Co-Sponsors:**

**Agenda No. 26**

**RESOLUTION NO. OF 2012**

**RESOLUTION CONFIRMING THE APPOINTMENTS AND REAPPOINTMENTS, BY THE COUNTY EXECUTIVE, TO THE ORANGE COUNTY VETERANS' ADVISORY BOARD COMMITTEE.**

**WHEREAS**, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following reappointments to the Orange County Veterans' Advisory Board Committee.

**TERMS TO EXPIRE DECEMBER 31, 2013:**

**REAPPOINTMENTS:**

Eugene Watkins	Newburgh, New York
Barbara Ryan	Port Jervis, New York
David McTamane	Newburgh, New York
Robert Ibe	Chester, New York

**APPOINTMENTS:**

Timothy Dempsey	Montgomery, New York
Karen Nappi	New Windsor, New York
Peter Rollins	Goshen, New York
Francis Gilner	New Hampton, New York

**TERMS TO EXPIRE DECEMBER 31, 2014:**

**REAPPOINTMENTS:**

Mike Ali		Circleville, New York
Peter Mathieu		Montgomery, New York
Daniel Grella		Rock Tavern, New York
William Rogers		New Windsor, New York
Cory Kilvert		Pine Bush, New York
Ralph Karabec		Monroe, New York
William Novak		Middletown, New York
Robert Fabrizio		Warwick, New York

**APPOINTMENTS:**

Catherine Burke		New Windsor, New York
Michael M. Law		Port Jervis, New York

**NOW, THEREFORE,** it is hereby

**RESOLVED,** that said reappointments be and the same hereby are confirmed.

**ORANGE COUNTY LEGISLATURE**

**Committee:** Personnel and Compensation  
**Sponsors:** Hines, Paduch  
**Co-Sponsors:**

**Agenda No. 27**

**RESOLUTION NO. OF 2012**

**RESOLUTION CONFIRMING THE REAPPOINTMENTS, BY THE COUNTY EXECUTIVE, TO THE ORANGE COUNTY HUMAN RIGHTS COMMISSION.**

**WHEREAS,** Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the following reappointments to the Orange County Human Rights Commission. Said terms are to expire June 30, 2014.

**REAPPOINTMENTS:**

Christine Sadowski, New Windsor, NY  
Nolly Climes, Campbell Hall, NY  
Daniel McMann, Goshen, NY

**NOW, THEREFORE,** it is hereby



**RESOLVED**, that said reappointments be and the same hereby are confirmed.

## **ORANGE COUNTY LEGISLATURE**

**Committees:** Human Services; Personnel and Compensation

**Sponsors:** Berardinelli, Donnery, Hines, Smith

**Co-Sponsor:**

**Agenda No. 28**

### **ACT NO.      OF 2012**

**AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO RECLASSIFY THE POSITION OF ONE (1) "SPECIAL PROGRAMS ASSISTANT" TO "AGING SERVICES SPECIALIST" AT THE ORANGE COUNTY OFFICE FOR THE AGING, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER.**

**Section 1.** Act No. 22 of 1971, an Act approving Orange County title and grade listing, alphabetical title, grade and jurisdictional listing; and allocation listing, as last amended by Act No. 1 of 2009, is hereby further amended as follows:

**Add to Allocation Listing for Orange County Office for the Aging:**

Aging Services Specialist, Grade 09 (#04192)

**Delete from said Listing:**

Special Programs Assistant, Grade 11 (#04192)

**Section 2:** This Act shall take effect April 14, 2012.