

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Ways and Means
Sponsors:
Co-Sponsors:

Agenda No. 1

RESOLUTION NO. OF 2013

RESOLUTION CONFIRMING THE REAPPOINTMENT OF JOHN I. MCCAREY AS DIRECTOR OF REAL PROPERTY TAX SERVICE AGENCY FOR THE COUNTY OF ORANGE BY THE COUNTY EXECUTIVE, PURSUANT TO SECTION 5.05 OF THE ORANGE COUNTY CHARTER.

WHEREAS, Honorable Edward A. Diana, County Executive, has notified the County Legislature that he has made the reappointment of:

John I. McCarey, of Wallkill, New York, as Director of Real Property Tax Service Agency for the County of Orange, pursuant to Article V, Section 5.05 of the Orange County Charter. Said reappointment is effective October 1, 2013.

NOW, THEREFORE, it is hereby

RESOLVED, that the above said reappointment be and the same hereby is confirmed.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means
Sponsors:
Co-Sponsors:

Agenda No. 2

RESOLUTION NO. OF 2013

RESOLUTION APPROVING GRANT FUNDS TO LOCAL PUBLIC SCHOOL DISTRICTS IN ACCORDANCE WITH THE ORANGE COUNTY SCHOOL ADVISORY SAFETY ASSESSMENT GRANT EVALUATION PROGRAM.

WHEREAS, Resolution No. 35 of 2013 established the Orange County School Advisory Safety Assessment Grant Evaluation ("S.A.G.E.") program and appropriated funds to allocate to Orange County public school districts located in Orange County based upon an application process for the purpose of evaluating and implementing a safer environment in which to educate our children; and

WHEREAS, the S.A.G.E. Advisory Board, created by Resolution No. 35, 2013 reviewed the school district grant requests and has made recommendations for the award of grant funds under the S.A.G.E. program to this Legislature and the Orange County Executive.

NOW, THEREFORE, be it hereby

RESOLVED, this Legislature hereby approves the following grant requests:

Florida Union Free School District	\$20,000.00
Newburgh Enlarged School District	\$20,000.00
Monroe-Woodbury School District	\$19,991.00
Tuxedo Union Free School District	\$20,000.00
Kiryas Joel Union Free School District	\$20,000.00
Middletown Central School District	\$20,000.00
Washingtonville School District	\$20,000.00
Pine Bush Central School District	\$20,000.00

and be it further

RESOLVED, that formal notification be sent to the grant recipients along with the proposed Memorandum of Understanding for review and approval by each school district's governing body; and be it 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: Ways and Means

Sponsors:

Co-Sponsor:

Agenda No. 3

RESOLUTION NO. OF 2013

RESOLUTION DENYING APPLICATION FOR CORRECTION OF CERTAIN TAX ROLLS BECAUSE OF CLERICAL ERRORS, ETC., PURSUANT TO TITLE 3 OF ARTICLE 5, SECTION 556 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 2012-2013 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 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 denied and/or corrected in the manner and to the extent set forth in said reports of the Director, as shown below.

FOR THE YEARS 2012-2013

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 64-1-25	Efrain Serrano	Denial - No Error Exists. The unpaid sewer amount from 2012 was relevelied onto the 2013 County/Town Bill. Although the unpaid amount covers a time period prior to Mr. Serrano owning the property, it is considered a lien which should have been handled at closing and is not correctable by a Correction of Error.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means
Sponsors:
Co-Sponsor:

Agenda No. 4

RESOLUTION NO. OF 2013

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., September 3, 2013, 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.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Mt. Hope 9-1-32	Svetlana Gekht 160 E. 88 th Street, Apt. 14E New York, NY 10128	\$27,500.00
New Windsor 55-1-86	Darline Nash 16 Lexington Lane New Windsor, NY 12553	\$ 900.00

ORANGE COUNTY LEGISLATURE

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

Sponsors:

Co-Sponsors:

Agenda No. 5

LOCAL LAW INTRODUCTORY NO. 14 OF 2013

LOCAL LAW AUTHORIZING THE AWARD OF PURCHASE AND SERVICE CONTRACTS ON THE BASIS OF BEST VALUE CRITERIA PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW AND STATE FINANCE LAW

BE IT ENACTED, by the Orange County Legislature, State of New York, as follows:

Section 1. **Short Title and Statement of Intent**

This Local Law shall be known as the "Orange County Best Value Contract Award Law."

The intent of this Local Law shall be to authorize the use of Best Value criteria when awarding purchase and service contracts consistent with section 103 of the General Municipal Law and section 163 of the New York State Finance Law. Use of Best Value criteria is intended to provide the County greater flexibility in awarding contracts and ensure that the County obtains the highest quality goods and services at a low cost. Awarding contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsive and responsible offerors.

Section 2. **Definitions**

Whenever used in this local law, the following terms shall mean:

- a. **County.** Orange County, New York
- b. **Commissioner of Department of General Services.** The Commissioner of the Department of General Services, County of Orange, New York.
- c. **Procuring Agency.** The unit of County government procuring a commodity, technology or service.
- d. **Purchase Contracts.** Contracts for goods, commodities and equipment, including technology.
- e. **Service or Services.** 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.
- f. **Best Value.** The basis for awarding contracts for services to a responsive and responsible offeror and/or bidder who optimizes quality, cost and efficiency for the County based upon objective and quantifiable analysis whenever possible. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 (1), (7), (15) and (20) and as may be amended.

Section 3. **Requirements**

1. When the basis for award is based upon a Best Value offer, the Commissioner of the Department of General Services and/or his designee shall document the evaluation criteria and the process used to make such determination.

2. Whenever possible, the evaluation shall be based upon objective and quantifiable factors and shall not be based solely on cost. Whenever possible and applicable, factors

including but not limited to quality, reliability, maintenance, useful lifespan and performance shall be evaluated.

3. The process for procurements based upon Best Value and general evaluation criteria shall be identified in the County's Procurement Policy, a copy of which shall be maintained in the Department of General Services and be made available to the public.

4. The solicitation documents shall state the minimum requirements and specifications that must be met in order for the vendor and/or offeror to be deemed responsive and responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted. All such requirements shall remain consistent with the County's procurement policy.

5. The Commissioner of General Services and/or his designee shall make every effort to ensure that the solicitation documents, evaluation criteria and procedure for awarding purchase and service contracts on the basis of Best Value complies with the County's procurement policy, local, state and/or federal rules, regulations and/or laws.

Section 4. **Effective Date**

This Local Law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

ORANGE COUNTY LEGISLATURE

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

Sponsors:

Co-Sponsor:

Agenda No. 6

RESOLUTION NO. OF 2013

RESOLUTION AMENDING AND REAFFIRMING THE ORANGE COUNTY DEPARTMENT OF GENERAL SERVICES PROCUREMENT POLICY.

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. Said Policy was amended by Resolution No. 79 of 2012 on April 5, 2012; and

WHEREAS, the Orange County Commissioner of General Services recommends the reaffirmation of the Orange County Department of General Services Procurement Policy with certain amendments, including but not limited to:

1. An amendment to the Procurement Policy to increase the threshold for Professional Services requiring an RFP from \$35,000.00 to \$75,000.00.
2. The addition of Best Value contract awarding pursuant to New York State Finance and General Municipal Law and Introductory Local Law No. 14.
3. The addition of Piggybacking provisions consistent with General Municipal Law Subsection 103(16).
4. The addition of certain exemptions for solicitation of professional services.

NOW, THEREFORE, it is hereby

RESOLVED, that the Orange Department of General Services Procurement Policy is hereby adopted as amended and as annexed hereto as Schedule "A".

**COUNTY OF ORANGE
PROCUREMENT POLICY**

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PART I.

PURPOSE

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 II.

DEFINITIONS

A. Best Value.

Means the basis for awarding contracts for services to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for Offerors that are small businesses or certified minority- or women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20), to be used in evaluation of offers for awarding of contracts for services. *See State Finance Law §163(1)(j).*

B. 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).*

C. 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).

D. 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.

E. Procuring Agency.

Means the unit of County government procuring a commodity, technology or service.

F. Professional Services.

Are a subset of the general category Services, further defined in Part VI of this Policy.

G. Public Work.

Refers to §103 of the General Municipal Law and encompasses contracts for services, labor or construction.

H. 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.

I. 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.

J. 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).*

K. 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).*

L. 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 III.

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 IV and V 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 IV and V, 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 VIII of this Policy;
- as a Professional Service pursuant to Part VI of this Policy;
- as a Sole Source pursuant to Part VII 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(2);
- through "piggybacking" on other federal, state or local government contracts for certain goods and services pursuant to General Municipal Law §103(16) and Part XVIII of this policy; 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 IV.

PROCUREMENT FOR PURCHASE CONTRACTS

A. General Provisions for Purchase Contracts

Except in emergency situations, if items required for a Purchase Contract are available from a Preferred Source in the form, function and utility required by the Procuring Agency, the items must be purchased through a Preferred Source Provider. *See Section B of this Part IV 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 – 10,000

At the discretion of the Commissioner of General Services.

\$10,000.01 - \$19,999.99

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

For Purchase Contracts estimated to cost:

They MUST be purchased:

\$20,000 and up

By sealed competitive bids or Best Value procurement in conformance with General Municipal Law §103 and Part XIX of this Policy, as applicable at the time of purchase.

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 given to someone other than the lowest bidder, and the basis of award was not Best Value in accordance with Part XIX of this Policy, 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 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, all goods, equipment and commodities shall be procured through the Department of General Services. Compliance with this Policy and any related procedures for such purchases will be the responsibility of the Commissioner of General Services and/or his or her designee.

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 per General Municipal Law §104
2. Other counties' contracts per General Municipal Law §103(3)
3. A group purchasing organization, if your unit of government is eligible, per General Municipal Law §103(8)
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 per General Municipal Law §103(6)
5. Federal GSA Schedules, if the procurement involves the applicable type of goods per General Municipal Law §103(1-b) or §104(2)
6. "Piggybacking" on other federal, state or local government contracts for purchase of "apparatus, materials, equipment and supplies" per General Municipal Law §103(16) or
7. 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 in this Part applies to the Purchase Contract.

PART V. PROCUREMENT FOR PUBLIC WORKS

A. General Provisions for Public Works Contracts

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 V 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 - \$10,000

At the discretion of the Department Head of the Procuring Agency.

\$10,000.01- \$34,999.99

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

**For Public Works
estimated to cost:**

They MUST be purchased:

\$35,000 and up

By sealed competitive bids or Best Value procurement in conformance with General Municipal Law §103 and Part XIX of this Policy, as applicable at the time of purchase.

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 given to someone other than the lowest bidder and the basis of award was not Best Value in accordance with Part XIX of this Policy, 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 and any changes to the order of this list.

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

Consult the Preferred Source Guidelines on the NYS 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.

C. 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 per General Municipal Law §104
2. Other counties' contracts, except those involving services subject to Article 9 of the New York State Labor Law, per General Municipal Law §103(3)
3. A group purchasing organization, if your unit of government is eligible, per General Municipal Law §103(8)
4. Federal GSA Schedules if the procurement involves the applicable type of services per General Municipal Law §103(1-b) or §104(2)
5. "Piggybacking" on other federal, state or local government contracts for "services related to the installation, maintenance or repair of apparatus, materials, equipment and supplies" per General Municipal Law §103(16) or
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 in this Part applies to all purchase contracts.

PART VI. 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 VI.C:

- if the estimated cost of a particular Professional Service contract is less than \$10,000, 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 \$10,000.01 to \$74,999.99, 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 \$75,000 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:

- a.) Contracts with Early Intervention Providers and Pre-School Service Providers certified by the State
- b.) Contracts with third-party agencies hired by the State to pass-through funds for or implement certain State programs;
- c.) Contracts with properly credentialed Foster Care and Adoption agencies;
- d.) Contracts at rates set by federal, state or local agencies, statute and/or regulation, including but not limited to Medicaid;
- e.) Subgrants, inter-municipal 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.
- f.) Funding agreements with not-for-profit corporations and other service organizations that provide a unique service that advances the public good. Where more than one such organization provides the same services, as Determined by the Commissioner of General Services or his designee, then such funding agreement may be subject to a Request for Applications (RFA).
- g.) Contracts with former employees for transitional consulting services
- h.) Contracts to fund entities that operate emergency and transitional housing
- i.) Contracts to implement a program that is jointly funded by the County and an outside agency or entity; i.e., a program in which both the County and/or the outside agency or entity contributes funding or in-kind services.
- j.) Contracts for existing projects that require the continuity of professional services to ensure proper completion of the project

All requests for exemptions, except those on the basis of a – e above, require that the procuring agency provide written justification for the request to the Commissioner of the Department of General Services. 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.

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 VII.

SOLE OR SINGLE SOURCE PROCUREMENT

Sole or single source procurement is an exception to the general rules and policies stated herein, governing the procurement of goods and/or services. Sole or single 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 or Single 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 or Single 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 VIII.

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 IX.

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 X.

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 XI.

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 XII.

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 XIII.

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 Offeror or was retained, employed or designated by or on behalf of a Bidder or Offeror 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).*

Comment [SB1]: Is this position currently filled and/or is there a possibility the position or title may change in 2014?

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 XIV.

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 XV.

RESPONSIBILITY DETERMINATIONS

In addition to the responsibility determination required for Procurement Contracts under Part XIII 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 XVI.

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 XVII. USE OF COUNTY CONTRACTS BY OTHER LOCAL GOVERNMENTS AND SCHOOL DISTRICTS

Pursuant to General Municipal Law §103(16), §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 may 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.

Comment [SB2]: This should either be done or deleted.

PART XVIII.

PIGGYBACKING

General Municipal Law §103(16) allows procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding, and

has been made available for use by other governmental agencies. Approval for the use of “piggybacking” will be through the Department of General Services in collaboration with the County Attorney.

PART XIX.

BEST VALUE

Pursuant to General Municipal Law § 103(1) purchase contracts or public works contracts (except those subject to New York State Labor Law Article 8) may be awarded on the basis of the Best Value to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Best Value solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The Basis of Award of the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by a Procuring Agency in its determination of Best Value. The evaluation may also identify a quantitative factor for small businesses or certified minority- or women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20). The Basis of Award shall reflect, wherever possible, objective and quantifiable analysis. Documentation in the Procurement Record shall, where practicable, include a quantification of the application of the evaluation criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that Best Value will be achieved.

If Best Value is authorized as a procurement method eligible for piggybacking consideration, then any potential piggyback contract should be evaluated for substantial compliance with the above. All procurements based upon Best Value are subject to review and/or approval by the Commissioner of the Department of General Services or his designee.

PART XX.

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 XXI.

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 XXII. 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	Richard Mayfield, 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)
	Walter C. Koury, Commissioner
	Stephen Knob, Director
	Peter S. Hammond, Deputy Commissioner
	Joel Kleiman, Commissioner
	James P. Burpoe, Commissioner
	Jean M. Hudson, Commissioner
	Cornelia W. Bush, County Historian
	Steven Gross, Commissioner
	Fred Cook, Chairperson
	Jerry Alberti, Commissioner
	David L. Darwin, County Attorney
	Michael R. Pillmeier, Chairman
	Darcie Miller, Commissioner
	Richard L. Rose, Jr., Commissioner
	David Church, Commissioner
	Derek Miller, Director
	Charles W. Lee, Commissioner,

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

John McCarey, Director
Laurence LaDue, Administrator
Michael T. Morris, Risk Manager
Carl E. DuBois, Sheriff
David Jolly, Commissioner
Anthony Zippo, Director
David Church, Executive Director
Rachel Wilson, Director

PART XXIII.

STATUTORY AUTHORIZATIONS

All procurement under this Policy related to federal or state statutory citations shall be made in accordance with the current version of the statute at the time of procurement, notwithstanding the specific language of this Policy. Procurements may also be made in accordance with any additional statutory authorizations, existing or future, regardless of whether they are mentioned in this Policy.

PART XXIV.

EFFECTIVE DATE

The effective date of this Policy shall be August 1, 2013.

ORANGE COUNTY LEGISLATURE

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

Sponsors:

Co-Sponsor:

Agenda No. 7

RESOLUTION NO. OF 2013

RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2013 ORANGE COUNTY BUDGET FOR THE ORANGE COUNTY ATTORNEY'S OFFICE, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, this Legislature does wish to provide funds to the 2013 budget of the Orange County Attorney's Office in the amount of \$92,371.08 for counsel fees and special master fees in connection with the matter of Molina v. County of Orange (redistricting litigation), and in order to accomplish said purposes does wish to supplement the 2013 budget for the County Attorney's Office.

NOW, THEREFORE, it is hereby

RESOLVED, that the 2013 budget for the Orange County Attorney's Office is hereby supplemented as indicated below, which money is for legal services and disbursements as stated above, and it is further

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

Revenue:

1010.199001.410011	Taxation	(\$92,371.08)
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Expense:

1010.199001.579880	Contingency	(\$92,371.08)
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Revenue:

1010.142001.410011	Taxation	\$92,371.08
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Expense:

1010.142001.571250	Legal Fees/Services	\$92,371.08
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ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 8

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY ATTORNEY'S OFFICE, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES, PURSUANT TO SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Office of Indigent Legal Services has offered funds in the amount of \$97,060.00 to be used for the purchase and implementation of an electronic voucher program for 18-B Panel Attorneys, summer interns for the Legal Aid Society, and for CLE training for 18-B Panel and Legal Aid Society Attorneys; and

WHEREAS, this Legislature does wish to accept said funds for the County Attorney's Office for the Legal Aid Society as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Orange County Attorney, be and hereby is authorized to accept funds from the New York State Office of Indigent Legal Services in the amount of \$97,060.00 as indicated above.

2. That the 2013 budget for the Orange County Attorney'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	142001	430251	Indigent Legal Services Fund	\$97,060.00
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Expenses:

1010	142001	571820	Consultant Services (Includes purchase of Hardware-Server)	\$78,000.00
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1010	142001	576750	Special Travel - Vendor Payments Non-County Employees (CLE Training)	\$10,000.00
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1010	142001	576900	Legal Aid Society (Summer Internship Program)	\$ 9,060.00
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ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsor:

Agenda No. 9

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE LEGAL AID SOCIETY, TO SUBMIT AN APPLICATION FOR THE AID TO DEFENSE GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES.

WHEREAS, the Legal Aid Society of Orange County has recommended that an application be submitted to the New York State Division of Criminal Justice for the Aid to Defense grant in the amount of \$17,900.00. The purpose of this grant is to continue to provide effective representation of defendants in the Orange County Courts for violent and non-violent felonies. The term of this grant is from 04/01/2013 through 03/31/2014; and

WHEREAS, this Legislature does wish to authorize the County Executive to apply for such grant; and

NOW, THEREFORE, it is hereby

RESOLVED as follows:

1. That the County Executive, in conjunction with the Legal Aid Society of Orange County, is hereby authorized to apply for a grant from the New York State Division of Criminal Justice Services, as stated above, and
2. 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:
Co-Sponsors:

Agenda No. 10

RESOLUTION NO. OF 2013

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ACCEPTING THE PROPOSED AMENDMENTS ("ORANGE COUNTY GREENWAY COMPACT DOCUMENT") TO THE ORANGE COUNTY COMPREHENSIVE PLAN, ACCEPTING THE SEQRA FINDINGS OF THE HUDSON RIVER VALLEY GREENWAY COUNCIL REGARDING SAID DOCUMENT AND SETTING A PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE COUNTY COMPREHENSIVE PLAN PRIOR TO ITS ADOPTION.

WHEREAS, in 2011 the Orange County Planning Department received a New York State Hudson Valley Greenway Council grant to develop an Orange County Greenway Compact, and

WHEREAS, such grant is consistent with Resolution No. 6 of 2011 by the Orange County Legislature which authorized the County Executive with the County Planning Department to submit a grant application to develop said County Greenway Compact; and,

WHEREAS, by Resolution No. 50 of 2001 the Orange County Legislature had earlier endorsed Orange County being designated a Greenway Compact County; and,

WHEREAS, one of the major objectives of the New York State Hudson River Valley Greenway Act ("Greenway") is the development and implementation of regional strategies called Greenway Compacts as voluntary partnerships among a County its municipalities, and the Hudson River Valley Greenway Communities Council; and,

WHEREAS, the Hudson River Valley Greenway Compact Program provides a process for voluntary regional cooperation to further the Greenway criteria of natural and cultural resource protection, regional planning, economic development , public access, and heritage and environmental education; and,

WHEREAS, the Greenway Compact will provide for renewed commitment to high developmental standards, economic development, natural and cultural resource and protection and other goals of the Greenway program; and,

WHEREAS, Orange County will actively pursue approval of the County Greenway Compact from at least a majority of the municipalities in Orange County; and,

WHEREAS, the Orange County Planning Department with the assistance of the Orange County Planning Board and the Regional Plan Association prepared a draft Orange County Greenway Compact document dates February 2013 and submitted that for approval; and

WHEREAS, on June 12, 2013 the Hudson River Valley Greenway Council approved a SEQRA finding of a negative declaration and approved a submitted Orange County Greenway Compact; and,

NOW, THEREFORE BE IT

RESOLVED, the Orange County Legislature hereby accepts the Orange County Greenway Compact document for review and approval as an amendment to the Orange County Comprehensive Plan; and be it further

RESOLVED, the Orange County Legislature hereby acknowledges that the Hudson River Valley Greenway Council has completed a SEQRA review of the Orange County Greenway Compact, determining it to be a TYPE I action and finding a negative declaration of no potential for significant adverse environment impact; and be it further

RESOLVED, in accordance with Article 12-B of the New York State General Municipal Law Section 239-d, a public hearing shall be held at the auditorium of the Orange County Emergency Services Building, 22 Wells Farm Road, Goshen, New York on the 19th day of August 2013 at 5:30 p.m. (EDST) to solicit comments and concerns from the public with respect to the proposed amendments to the Orange County Comprehensive Plan; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish the attached notice of public hearing in the County's official newspapers and mail a copy of said notice to the executives of each local municipality and the chairpersons of each local planning board at least 10 calendar days prior to the date of the public hearing; and be it further

RESOLVED, that the Commissioner of Planning is hereby directed to post the proposed amendments to the Orange County Comprehensive Plan on the Orange County website on or before August 2, 2013; and be it further

RESOLVED, that any written comments regarding the proposed amendments to the Orange County Comprehensive Plan be submitted to the Orange County Department of

Planning located at 22 Main Street, Goshen, NY 10924 or emailed to the Commissioner of Planning at Dchurch@orangecountygov.com.

NOTICE OF PUBLIC HEARING

REVIEW OF AMENDMENTS TO THE ORANGE COUNTY COMPREHENSIVE PLAN: ORANGE COUNTY GREENWAY COMPACT

NOTICE IS HEREBY GIVEN, that the Orange County Legislature and members of the Department of Planning of the County of Orange, New York, will meet at the at the auditorium of the Orange County Emergency Services Building, 22 Wells Farm Road, Goshen, New York on the 19th day of August 2013 at 5:30 p.m. (EDST) for the purpose of holding a public hearing and to solicit comments and concerns from the public with respect to the proposed amendments to the Comprehensive Plan: Orange County Greenway Compact, , prior to its adoption. Written comments shall be accepted by the Clerk of the Orange County Legislature or by email to the Commissioner of the Orange County Planning Department at Dchurch@orangecountygov.com on or before August 19th, 2013.

FURTHER NOTICE IS HEREBY GIVEN, that copies of the proposed amendments and the environmental assessment form are available at the Office of the Clerk of said County Legislature, 15 Matthews Street, Suite 203, Goshen New York 10924 or the Orange County Planning Department, 124 Main Street, Goshen, New York 10924 where they may be inspected or procured by any interested person during usual business hours.

BY ORDER OF THE ORANGE COUNTY LEGISLATURE

By Jean M. Ramppen
Clerk, County Legislature

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PLANNING TO ACCEPT AND APPROPRIATE NYSDOT STATE DEDICATED FUNDS, 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 Transportation (NYSDOT) has offered State Dedicated funds in the amount of \$961,725.00 to purchase new transit vehicles to replace those that have reached their end of useful life; and

WHEREAS, said funding is 100% NYSDOT Transit Capital funding, with no County or operator match required; and

WHEREAS, this Legislature does wish to authorize the County Executive to accept said funds from the New York State Department of Transportation as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Orange County Department of Planning, be and hereby is authorized to accept funds from the New York State Department of Transportation in the amount of \$961,725.00 as indicated above.
2. That the 2013 budget for the Orange County Department of Planning 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:

1100519701	435891	Capital Transportation - State	\$961,725.00
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Expenses:

1100519701	577010	Capital Budget	\$961,725.00
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ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means

Sponsors:

Co-Sponsor:

Agenda No. 12

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS TO INCREASE THE TIP FEE AT THE ORANGE COUNTY TRANSFER STATION.

WHEREAS, the Commissioner of the Orange County Department of Public Works has requested that the Legislature authorize the Department of Public Works to increase the tip fee at the transfer station from \$80.00 per ton to \$85.00 per ton. Said increase would be effective on September 1, 2013.

NOW, THEREFORE, it is hereby

RESOLVED, that this Legislature hereby authorizes the Orange County Department of Public Works to increase the tip fee at the Orange County transfer station from \$80.00 per ton to \$85.00 per ton, effective September 1, 2013.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsor:

Agenda No. 13

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE ORANGE COUNTY EXECUTIVE, ON BEHALF OF THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, TO ENTER INTO A SUPPLEMENTAL AGREEMENT NO. 3 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID EMERGENCY PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, a Project for the Emergency Repair work to correct damages caused by Hurricane Irene on August 26, 2011, at various locations in Orange County, PIN 8701.66 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency

relief that calls for the apportionment of the costs of the Emergency Repair to be borne at the ratio of 100% Federal funds and 0% non-Federal funds; and

WHEREAS, by Resolutions No. 125 of 2012 adopted on June 7, 2012 and No. 344 of 2012 adopted on December 20, 2012 by the Orange County Legislature approved and agreed to advance the Project by making a commitment of 100% of the non-Federal share of the construction costs thereof; and

WHEREAS, it was subsequently found necessary to undertake additional construction work not contemplated in the original Agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the Federal and non-Federal share of costs for the additional construction work for the project; and

WHEREAS, Orange County desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs thereof.

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby authorizes the County of Orange to pay in the first instance 100% of the Federal and non-Federal share of the cost of the construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$128,562.00 (\$2,244,847.00 minus previous \$2,116,285.00) is hereby appropriated from the County Capital Project No. 223 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof; and it is further

RESOLVED, that the County Executive of Orange County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Orange with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore, that are not so eligible; and it is further

RESOLVED, that in addition to the County Executive, the following municipal titles: Commissioner of Public Works and the Commissioner of Finance and/or a designee, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the

project identified in the State/Local Agreement.

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

Agenda No. 14

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS, TO IMPLEMENT AND FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATE FUNDS THEREFORE AND ENTER INTO SUPPLEMENTAL AGREEMENT NO. 2 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION PHASE OF SCOTCHTOWN AVENUE BRIDGE (CRYSTAL RUN BRIDGE - CAPITAL PROJECT 473), PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, a project for the replacement of Scotchtown Avenue Bridge (CR 83) over Wallkill River (BIN 3344680) in the Towns of Hamptonburgh and Wallkill, Orange County, PIN 8759.19 (the "Project") is eligible for funding under title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, Orange County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and construction supervision.

NOW, THEREFORE, the Orange County Legislature, duly convened does hereby

RESOLVE, that the Orange County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Orange County Legislature hereby authorizes Orange County to pay in the first instance 100% of the federal and non-federal share of the cost of construction,

construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$5,170,000.00 is hereby made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event that full federal and non-federal share costs of the project exceeds the amount stated above, the Orange County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the Orange County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and /or applicable Marchiselli Aid on behalf of Orange County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the County Executive, the following municipal titles: Commissioner of Public Works and the Commissioner of Finance and/or a designee, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement.

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsor:

Co-Sponsor:

Agenda No. 15

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DRAINAGE EASEMENT FROM POCHUCK VIEWS SUBDIVISION IN THE TOWN OF WARWICK.

WHEREAS, the County of Orange desires to accept the dedication of a drainage easement of property owned by the Pochuck Views Subdivision in the Town of Warwick. The subject

property is located at County Road No. 26 - Glenwood Road, County of Orange, New York, Section 24, Block 1, Lot 20.1 and Section 24, Block 1, Lot 35.

NOW, THEREFORE, it is hereby

RESOLVED, that the Legislature hereby authorizes the acceptance of the dedication of the drainage easement from Pochuck Views Subdivision, Town of Warwick, as stated in the attached Schedule "A"; and it is further

RESOLVED, that the Orange County Executive is hereby authorized to enter into a Drainage Easement Agreement with Pochuck Views Subdivision in the Town of Warwick for the conveyance of an easement over the premises indicated above, subject to the review and approval of the Orange County Attorney.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsor:

Co-Sponsors:

Agenda No. 16

RESOLUTION NO. OF 2013

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 CONSTRUCTION OF THE ORANGE COUNTY TACTICAL TRAINING RANGE AND RECOMMENDING THIS PROJECT TO BE AN UNLISTED ACTION.

WHEREAS, Orange County intends to construct the Orange County Tactical Training Range in the Town of Goshen; 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 construction of the Orange County Tactical Training Range; and

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

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsor:

Agenda No. 17

RESOLUTION NO. OF 2013

BOND RESOLUTION DATED AUGUST 1, 2013

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ACQUISITION OF LAND TO PROVIDE SITES FOR NEW PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY TO PAY THE COSTS THEREOF.

(Introduced) , 2013
(Adopted) , 2013

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 Emergency Services and Communications, consisting of (a) acquisition of land to provide sites for new public safety communications radio towers, at the estimated maximum cost of \$1,700,000 and (b) acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs, at the estimated maximum cost of \$1,300,000. The total estimated cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,000,000, and said amount is hereby appropriated therefor, all as more particularly described in the County's 2013 Capital Plan, as amended. The plan of financing includes the issuance of \$3,000,000 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 respective principal amounts of (a) \$1,700,000 and (b) \$1,300,000 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 following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$1,700,000 bonds herein authorized by Section 2(a) of this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.; and

(b) The period of probable usefulness of the objects or purposes for which said \$1,300,000 bonds herein authorized by Section 2(b) of this resolution are to be issued, within the limitations of Section 11.00 a. 89 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 specific object or purpose 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 Sentinel, Vails Gate, New York; Straus Newspapers, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, 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: Public Safety and Emergency Services
Sponsors:
Co-Sponsor:

Agenda No. 18

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES/EMERGENCY MANAGEMENT, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY 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 Homeland Security and Emergency Services has offered a 2013 State Homeland Security Program grant (SHSP) in the amount of \$652,500.00 to be used for exercise consultant, security consultant, various supplies, public education printing, radio maintenance, travel, etc. in support of Orange County's homeland security capabilities, including the addressing of threats from terrorism and other hazards; and

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

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Emergency Services, be and hereby is authorized to accept the New York State Homeland Security Program grant in the amount of \$652,500.00 as indicated above.
2. That the 2013 budget for the Department of Emergency Services 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	364001	440891	General Govt. Aid	\$652,500.00
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Expenses:

1010	364001	571820	Consultant Services	\$130,000.00
1010	364001	573100	Office Supplies	\$ 10,000.00
1010	364001	575400	Rad/Pag/Mobile Comm.	\$ 25,000.00
1010	364001	577090	Maintenance Contract	\$ 21,000.00
1010	364001	577080	Printing	\$ 5,000.00
1010	364001	585112	Cap. Spec. Eqpt.	\$447,500.00
1010	364001	576770	Special Travel	\$ 14,000.00
				<u>\$652,500.00</u>

ORANGE COUNTY LEGISLATURE

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

Agenda No. 19

RESOLUTION NO. OF 2013

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF'S OFFICE, TO ACCEPT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY 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 Department of Homeland Security and Emergency Services has offered funds in the amount of \$217,500.00 for the FY 2013 State Law Enforcement Terrorism Prevention Program (SLETPP). Said funds will continue to support our regional effort to prevent, protect against, respond to and recover from a terrorist related incident in Orange County. The term of the grant will run twenty-four (24) months from the date of execution; and

WHEREAS, this Legislature does wish to accept 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 funds from New York State Department of Homeland Security and Emergency Services in the amount of \$217,500.00 as indicated above.
2. That the 2013 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	311033	440891	Grants - Government Aid	\$217,500.00
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Expenses:

1010	311033	585012	Inventory Specialty Equipment	\$125,000.00
1010	311033	571820	Consultant Non-medical	\$ 20,000.00
1010	311033	571500	Employee Consultant Chargebacks	\$ 72,500.00

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 20

ACT NO. OF 2013

AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO REALLOCATE "UNDERSHERIFF" FROM GRADE 25 TO GRADE 27 AT THE ORANGE COUNTY OFFICE OF THE SHERIFF, 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. 21 of 2004, is hereby further amended as follows:

Add to Orange County Title and Grade Listing at Grade:

Grade 27, Undersheriff

Delete from said Listing:

Grade 25, Undersheriff

Add to Alphabetical Title, Grade and Jurisdictional Listing:

Undersheriff, Grade 27

Delete from said Listing:

Undersheriff, Grade 25

Add to Allocation Listing for Office of the Sheriff:

Undersheriff, Grade 27

Delete from said Listing:

Undersheriff, Grade 25

Section 2. This Act shall take effect August 10, 2013.

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 21

ACT NO. OF 2013

AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO REALLOCATE "CORRECTIONS ADMINISTRATOR" FROM GRADE 24 TO GRADE 26 AT THE ORANGE COUNTY OFFICE OF THE SHERIFF/CORRECTIONS DIVISION, 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. 21 of 2004, is hereby further amended as follows:

Add to Orange County Title and Grade Listing at Grade:

Grade 26, Corrections Administrator

Delete from said Listing:

Grade 24, Corrections Administrator

Add to Alphabetical Title, Grade and Jurisdictional Listing:

Corrections Administrator, Grade 26

Delete from said Listing:

Corrections Administrator, Grade 24

Add to Allocation Listing for Office of the Sheriff/Corrections Division:

Corrections Administrator, Grade 26

Delete from said Listing:

Corrections Administrator, Grade 24

Section 2. This Act shall take effect August 10, 2013.

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 22

ACT NO. OF 2013

AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO REALLOCATE "DEPUTY PROBATION DIRECTOR III" FROM GRADE 24 TO GRADE 25 AND CREATE "PRINCIPAL PROBATION OFFICER" POSITION AT THE ORANGE COUNTY DEPARTMENT OF PROBATION, 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. 21 of 2004, is hereby further amended as follows:

Add to Orange County Title and Grade Listing at Grade:

Grade 25, Deputy Probation Director III

Grade 24, Principal Probation Officer

Delete from said Listing:

Grade 24, Deputy Probation Director III

Add to Alphabetical Title, Grade and Jurisdictional Listing:

Deputy Probation Director III, Grade 25
Principal Probation Officer, Grade 24

Delete from said Listing:

Deputy Probation Director III, Grade 24

Add to Allocation Listing for Department of Probation:

Deputy Probation Director III, Grade 25
Principal Probation Officer, Grade 24

Delete from said Listing:

Deputy Probation Director III, Grade 24

Section 2. This Act shall take effect August 10, 2013.

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Physical Services

Sponsors:

Co-Sponsor:

Agenda No. 23

ACT NO. OF 2013

AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO ABOLISH "WASTEWATER TREATMENT PLANT OPERATOR A" AND CREATE "ENGINEERING EQUIPMENT OPERATOR I" POSITION AT THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS/DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES, 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 Department of Public Works/Division of Environmental Facilities & Services:

Engineering Equipment Operator I, Grade 09

Delete from said Listing:

Wastewater Treatment Plant Operator A, Grade 11 (#12716)

Section 2: This Act shall take effect August 10, 2013.

ORANGE COUNTY LEGISLATURE

Committees: Personnel and Compensation; Education and Economic Development

Sponsors:

Co-Sponsor:

Agenda No. 24

ACT NO. OF 2013

AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO RECLASSIFY "SENIOR CLERK" TO "ASSOCIATE CLERK" AT THE ORANGE COUNTY DEPARTMENT OF CONSUMER AFFAIRS, 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 Department of Consumer Affairs:

Associate Clerk, Grade 08 (#28548)

Delete from said Listing:

Senior Clerk, Grade 06 (#28548)

Section 2: This Act shall take effect August 10, 2013.

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsor:

Agenda No. 25

RESOLUTION NO. OF 2013

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 \$188,041.00 for the Immunization Action Program. This grant provides funding for professional and clerical staff to support ongoing immunization initiatives. The term of the grant runs from April 1, 2013 through March 31, 2014; 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 \$188,041.00 for the Immunization Action Program as indicated below.
2. That the 2013 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	Special Health Programs	\$188,041.00
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Expenses:

1010 401018 560110	Permanent Base Salary	\$117,289.00
	Fringe Benefits	\$ 70,752.00
1010 401018 586100	ERS	\$24,400.00
1010 401018 586600	Hospital Insurance	\$35,830.00
1010 401018 586300	Social Security	\$ 8,852.00
1010 401018 586500	Unemployment	\$ 235.00
1010 401018 586650	Dental Insurance	\$ 1,125.00
1010 401018 586660	Vision Insurance	\$ 85.00
1010 401018 586800	EAP	\$ 35.00
1010 401018 586700	Disability	\$ 190.00
	Total Immunization Action Plan	\$188,041.00