

LOCAL LAW No. 19 - 1973

A local law amending local law number one—nineteen hundred sixty, as amended, constituting the Erie county administrative code, by amending article three, section 3.07 thereof, to provide for bidding of insurance contracts.

Became a law with the approval of the county executive, November 16, 1973. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state November 23, 1973.

*Be it enacted by the legislature of the county of Erie as follows:*

Section 1. Amendment to Erie county administrative code. Local law number one—nineteen hundred sixty, as amended, constituting the Erie county administrative code, is hereby amended by amending article three, section 3.07 thereof, to read as follows:

§ 3.07 Bureau of purchase; purchasing procedure. a. The bureau of purchase shall make all purchases of and contracts for supplies, materials, equipment, insurance and services for the county, the county legislature or any administrative unit, other than primary or election supplies or services for the board of elections, for the payment of which the county shall be liable. The county legislature shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and published in the county of Erie and having a circulation of not less than fifty thousand (50,000) which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchases of perishable foodstuffs, drugs and medical supplies or purchases of primary or election supplies or services. By a resolution adopted by a two-thirds (2/3) vote of all its members, the county legislature may exclude the purchase of other materials, supplies, equipment, insurance or services from the requirement of public advertisement. Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the purchasing director may award the contract to any of such bidders. The purchasing director may in his discretion reject all bids and readvertise for new bids in the manner provided by this section.

b. The purchasing director may purchase supplies, materials, equipment, insurance or services to be rendered by contract without the advertisement required by paragraph a of this section in the following cases: (1) when the county executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the county of Erie require immediate action which cannot await competitive bidding; (2) when, by resolution adopted by a two-thirds (2/3) vote of all its members, the county legislature has determined it to be impracticable to advertise for such bids, or (3) when the county legislature is not in session, and through some accident or other unforeseen circumstances the machinery, apparatus or equipment of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair of the defect. Such certificate shall be approved by the county executive.

c. Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of all the members of the county legislature stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, services, insurance or supplies in excess of the amount specified by the county legislature in accordance with paragraph a may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

d. Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the federal government, the state of New York or any other political subdivision or district.

e. No supplies shall be delivered except as specifically ordered by the bureau of purchase. No supplies shall be delivered by the bureau to any administrative unit, office or employee except on a requisition in writing signed by an authorized person.

f. The county comptroller shall not audit any bill for supplies, materials, equipment, insurance or services unless it shall fully appear that such items or services were ordered by the purchasing director and the purchasing director has certified the prices at which he made the purchases. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the county comptroller that there are unencumbered balances available for the purpose.

g. No bid for materials, supplies, insurance or equipment may be accepted from or contract therefor awarded to any person who is in arrears to the county, upon debt or contract or who has defaulted as surety or otherwise upon a contract or obligation to the county.

h. Additions to insurance coverage which become necessary while there is a policy in force covering like risks shall be added to the existing policy for the balance of its term whenever practicable without seeking bids for such coverage.

§ 2. This local law shall become effective immediately.

---