New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave
Albany, NY 12231-0001
dos.ny.gov

NEW YORK STATE | **Department of State**
Corporations, State Records & UCC

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

4 **of the year 20** 26

Local Law Title: A Local Law to encourage Small Business Utilization within the County of Erie

Be it enacted by the Erie County Legislature **of the**
(Name of Legislative Body)

☑ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one)

of Erie **as follows on the attached pages:**
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ **of the year 20** ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Findings and Intent.

There are approximately 21,000 small businesses in the County of Erie ("County") with forty-nine employees or less that are not often represented on County procurements of goods and commodities, as well as professional services. The County is committed to supporting small businesses within our community. Engagement of small and locally-owned businesses in government procurement directly and indirectly benefits our community by increasing the potential number of bidders and removing barriers such as the size of the project. When we support our small business community, we ultimately increase competitiveness on smaller projects and help businesses develop capacity to one day be able to bid on mid to large-size projects.

Most small businesses are local businesses, meaning they conduct most of their business activity in one geographic market, and are typically owned by those with ties to that region. Spending with a local business retains and recirculates money and economic activity within the community, as opposed to extracting money to a location outside the local marketplace. These recirculated dollars compound their impact: paying local workers' wages, paying local vendors, paying local taxes and fees, investing money into their business within the community. Academic and policy group analyses estimate the local multiplier from anywhere between 1.4 – 2.5, meaning for every dollar spent with a local business, that dollar generates $1.40 - $2.50 in broader economic activity. Conversely, spending with a larger, non-locally based business generates a multiplier of 1.14.

Socioeconomic Stability is another factor that relates to the foundations on which the local multiplier and velocity of money rest, and what would happen in the absence of those processes. If a small business closes, that leads to a host of negative social and economic consequences: physical blight, unemployment, loss of tax revenue, loss of ancillary and compounding spending, discussed earlier, etc. Contracts with larger firms, which often take money out of the local community and economy, do not provide as much social and economic structure to a given region. Additionally, lack of business to a larger firm is more easily absorbed across their multiple projects and business units, and is less detrimental to employees or the firm's overall health. An inability to access contracts for small firms is more detrimental. A loss of even small or medium-sized business opportunities is much more likely to result in layoffs or business closure.

The ability to support small businesses through County contracts must also be balanced against the County's bidding requirements found under New York State law. Specifically, New York State General Municipal Law ("GML") §103 requires municipalities to publicly advertise, open bids and award certain contracts to the lowest responsible bidder or on the basis of best value. GML §103 states that all contracts for public work involving an expenditure of greater than $35,000 must be awarded to the lowest responsible bidder, and that all purchase contracts involving an expenditure greater than $20,000 must be awarded to the lowest responsible bidder

or on the basis of bast value when authorized by local law. Municipalities are further required to implement procurement policies and procedures in order to ensure fair competition and guard against fraud or favoritism for all contracts, including those not bound by the bidding requirements in GML §103. *NYS GML §104-b.*

The County's Purchasing Policies and Procedures ("Purchasing Policy") are implemented pursuant to NYS GML §104-b. The Purchasing Policy establishes a process whereby discretionary purchases, those below the statutorily established thresholds and at the discretion of the County, may be made without a formal competitive bidding process. The use of discretionary purchasing streamlines the procurement process and allows for opportunities to award contract dollars to minority owned businesses, women owned businesses and service-disabled veteran own businesses. Similarly, discretionary purchasing can also improve opportunities for Erie County small businesses.

This local law intends to support small local businesses, strengthen the local economy and further develop the County's tax base. Opportunities for small locally-owned businesses to be awarded County contract dollars will have a stronger impact on the well-being of Erie County, with direct and ancillary benefits to both the business community and residents.

Section 2. Definitions

For the purposes of this local law, the term "Erie County Small Business Enterprise" ("ECSBE") shall mean a business which (1) performs a commercially-useful function; (2) has a principal place of business physically located within the boundaries of Erie County (not a PO Box); (3) is not in any way affiliated with a franchise; (4) employes from zero up to and including forty-nine employees, including sole proprietorships and (5) has a gross annual revenue of not more than $5,000,000.

Section 3. Applicability

A. The following types of solicitations prepared or administered by the County, that are not otherwise subject to New York State General Municipal Law §103 or any other local or state bidding requirements, shall be applicable to this local law:

   1. Purchases for commodities, equipment, supplies, materials and services, other than those services deemed to be professional services by the County, equal to or less than $20,000; and

   2. Purchases that are defined as public works projects equal to or less than $35,000.

B. Contracts for professional, technical or other consultant services having a value of $10,000 or more and are procured by the use of Requests for Proposals (RFP).

Section 4. Erie County Small Business Enterprise Utilization Commitment

A. Bid solicitations for purchases of commodities, equipment, supplies, materials and services not deemed to be professional services, between $5,000 and $20,000, shall be posted by the Director of Purchasing or his or her agent on the Erie County Purchasing website for **no less than 3** business days. If an ECSBE is within 5% of the lowest responsible bidder, the ECSBE can be awarded the contract.

B. Bid solicitations for public works projects between $5,000 and $35,000, shall be posted by the Director of Purchasing or his or her agent on the Erie County Purchasing website for **no less than 3** business days. If an ECSBE is within 5% of the lowest responsible bidder, the ECSBE can be awarded the contract.

C. Contracts for professional, technical or other consultant services having a value of $10,000 or more are procured by the use of Requests for Proposals (RFP). In those instances, when scoring proposals, an additional five percent (5%) shall be applied to the tallied score of each certified ECSBE to obtain their final score. If the final score of any ECSBE matches the final score of a non-ECSBE, preference shall be given to the certified ECSBE. If two or more ECSBEs have the same final score, the County shall determine the contract award based on the County's best interest. The scoring committee for the underlying project shall be required to document their findings.

D. ECSBEs shall be required to submit proof with their bid or RFP response that they meet the definition of a ECSBE described in Section 2 herein. In the event that a bid or response does not include a proper certification at the time of submission, the bid or proposal shall not be scored as an ECSBE.

E. Erie County Small Business Enterprise Exemptions

In addition to those contracts of the types and amounts covered under New York State General Municipal Law §103, the ECSBE consideration shall not apply under the following circumstances:

- Specific state or federally-funded projects where prohibited by law or regulations;
- Sole Source contracts; or
- Emergency contract as defined by NYS GML and Erie County Purchasing Policies and Procedures.

Section 5. Rules and Regulations

The Director of the Division of Equal Employment Opportunity ("EEO") in conjunction with the Purchasing Director and County Attorney's Office, shall promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this local Law and shall file a copy of the Rules and Regulations with the Clerk of the County Legislature within sixty (60) calendar days of the effective date of the law.

Section 6. Purchasing Policies & Procedures

The County's Purchasing Policies & Procedures are hereby amended to restate and incorporate Section 4 of this Local Law. Nothing in this Local Law shall be interpreted to prevent the Erie County Legislature from exercising its authority under the General Municipal Law to make amendments to the Purchasing Policies & Procedures not inconsistent with this Local Law.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Section 8. Effective Date

This local law shall take effect twenty days after it is filed as provided in section twenty-seven of the New York State Municipal Home Rule Law.

Sponsors:

Taisha St. Jean Tard

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number 4 of 20 26 of the (County)(~~City)(Town)(Village~~) of Erie was duly passed by the Erie CountyLegislature on October 8, 20 26 and was
(Name of Legislative Body)

(approved)(~~not approved)(repassed after disapproval~~) by the Erie County Executive
(Elective Chief Executive Officer)*

on October 29, 2026 20 26 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was
(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer)*

_____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was
(Name of Legislative Body)

(approved)(not approved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer)*

_____ 20 _____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____ became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 _____of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 2 above.

Clerk of the county legislative body, ~~City, Town or Village Clerk or officer designated by local legislative body~~ Olivia M. Owens

(Seal)

November 2, 2026
(Date)

A Public Hearing was held on the foregoing **Local Law Intro. No. 7-1-2026** on **October 21, 2026** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 29 day of October, **2026**.

Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 7-1-2026** on **October 21, 2026** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, **2026.**

Mark C. Poloncarz

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 2, 2026

Hon. Olivia M. Owens
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Local Law Intro. No. 7-, A local law to encourage Small Business Utilization within the County of Erie
Our File No.: 22-20260017

Dear Hon. Olivia Owens:

Enclosed please find an original of the above-referenced Local Law for filing in your office.

Thank you.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: _____
Gregory P. Kammer
Assistant County Attorney

GPK/jls
Enclosure