

Chapter 836: PURCHASE AND SALE OF EQUIPMENT AND SUPPLIES

Sec. 836.01. Repealer.

[Ord. No. 5, § 1]

Local Law No. 3-1939 as last amended by Local Law No. 1-1959 is hereby repealed.

Sec. 836.11. Enactment of provisions.

[Ord. No. 5, § 2]

A local law entitled "An Act Setting Forth Rules and Regulations of the Bureau of Purchase for the Purchase and Sale of All Supplies, Materials and Equipment; the Maintenance and Supervision of Storerooms and Warehouses; and the Sale or Lease of Surplus, Obsolete or Unused Supplies, Materials and Equipment," in relation to including maintenance, repair, rental or service contracts therein, the requirements for competitive bidding on purchases authorizing minor purchases by departments, increasing the amount of emergency purchases by the Purchasing Agent without report to the County Executive and increasing the inventory value of supplies, materials and equipment under the jurisdiction of the Purchasing Agent, is hereby enacted as follows.

Cross references—Bureau of Purchase and Supplies, § 119.51; Purchasing Agent, § 229.41; Board of Acquisition and Contract, Ch. 161 and Ch. 233; Professional Prequalification Board and Professional Selection Board, Ch. 277, Art. V.

Sec. 836.21. Competitive bidding.

[Ord. No. 5, § 1; amended by L.L. No. 4-1979; L.L. No. 12-1982; L.L. No. 4-1984; L.L. No. 3-1992; L.L. No. 7-1993; L.L. No. 2-1994]

1. On all purchases of materials, supplies and on all contracts for the purchase or repair of equipment of \$10,000.00 or more, or for maintenance or service of equipment at a rate of \$3,000.00 per month or more, the Purchasing Agent shall solicit bids by public advertisement appearing in one or more issues of a daily paper published in the County of Westchester not less than two days prior to the date set for opening such bids. Such advertising is not required for perishable food stuffs, medical supplies, livestock, feed, forage, law books and supplements, texts, films and certain other publications, but bids shall be secured if possible from at least three bidders separately engaged in the regular business of supplying such items. The form of advertisement shall be approved by the County Attorney and shall include:
 - a. The place where the proposals may be obtained.
 - b. The place where and the day and hour when the bids will be publicly opened.
 - c. The quantity, quality and specifications of the supplies, materials, equipment or services to be furnished.
2. Proposals for bids shall be in such form as may be prescribed by the Purchasing Agent and shall include, but need not be limited to the following statements:
 - a. All bids shall be enclosed in a sealed envelope addressed to the Purchasing Agent and shall have endorsed thereon the name of the bidder, the time and date of the bid opening and the Bureau of Purchase bid number.
 - b. The place where and the day and hour when the bids will be publicly opened.
 - c. The quantity, quality and specifications of the supplies, materials, equipment,

maintenance or services to be furnished.

- d. Each bid submitted shall be accompanied by certified check made payable to the order of the County of Westchester in a sum not more than five percent of the amount of such bid, unless, in the discretion of the Purchasing Agent, he shall deem it to be for the best interest of the County of Westchester to waive this requirement. Upon the award of the contract to the successful bidder all deposits will be returned, except that of the successful bidder, which will be retained by the Purchasing Agent and returned to the successful bidder when the contract is executed on behalf of the County of Westchester. A performance or maintenance bond and/or a certificate of insurance may, in the discretion of the Purchasing Agent, be required to be signed, executed and delivered by the successful bidder and, if required, said bond or bonds shall be approved by the County Attorney as to form, manner or execution, sufficiency and adequacy.
 - e. Each bid shall contain:
 - i. The name, business address, federal identification or social security number of each bidder.
 - ii. A statement to the effect that it is made without any connection with any other person making a bid for the same purpose and is in all respects fair and without collusion or fraud.
 - iii. A statement to the effect that no elected official or other officer or employee or person whose salary is payable in whole or in part from the County Treasury is directly or indirectly interested therein or in the supplies, materials, equipment or services to which it relates or in any portion of the profits thereof. This provision shall not apply in instances of direct or indirect holdings of less than one percent of the stock of a corporation.
3. Any and all bids received which do not conform to the above rules are invalidated.
 4. At the time and place designated all bids shall be opened and publicly read by the Purchasing Agent or his representative.
 5. Bids on all purchases of materials, supplies, and on all contracts for the purchase or repair of equipment of less than \$10,000.00, or the maintenance, rental or servicing of equipment of less than \$3,000.00 per month, may be taken without public advertisement but bids shall be secured, if possible, from at least three bidders separately engaged in the regular business of furnishing supplies, materials, equipment and services of the type and kind required. All such bids received shall be duly considered in awarding the contract.
 6. The Purchasing Agent shall, without other consent or approval, award the contract to the lowest responsible bidder; provided, however, that he may reject any or all bids, or any portion of a bid, if he shall deem it for the interest of the County to do so. In the case of tie bids the award shall be decided by the Purchasing Agent by lot, except that residents of the County of Westchester shall have preference.
 7. Purchases of \$1,000.00 or less may be made by the Purchasing Agent without competitive bidding, provided that such purchases shall not exceed \$15,000.00 in any one month, except that purchases of postage supplies from the United States Post Office, minor repairs, including parts to equipment, and such other items where competitive bids are impossible to obtain, shall be excluded from the monthly limitations.
 8. With authorization in writing by the Purchasing Agent, the head of any department may authorize purchases of not more than \$150.00 per contract for the purchase of materials or supplies or repairs or for the maintenance, rental or services of equipment without competitive bidding, provided that such purchases by said department shall not exceed limitations authorized by the Purchasing Agent as approved by the Budget Director. Any such contract shall be evidenced by an order using the form and procedure prescribed by the Purchasing Agent, and a copy of said order shall be delivered within two working days of the

date of the purchase to the Purchasing Agent. Orders made pursuant to the provisions of this subdivision shall be paid for in the manner provided for the payment of all claims against the County.

9. In addition to the power granted by subsection 7, hereof, emergency purchases and maintenance, repair, rental or service contracts to remedy a breakdown in service or to safeguard life or property may be made without competition, but if any such emergency purchase or contract exceeds \$1,500.00, the Purchasing Agent shall file a complete report thereon with the County Executive.
10. On any purchases the Purchasing Agent may utilize the terms of a state contract, or federal government general service contract where the terms are to the advantage of the County and have been offered to the County by the contractor.
11. In accordance with the requirements of § 104-a of the New York General Municipal Law, the Purchasing Agent may, in his or her discretion, when purchasing products with and without significant recycled content, pay up to ten percent above the lowest responsible bid for the purchase of comparable recycled products manufactured from secondary materials, or pay up to 15 percent above the lowest responsible bid for the purchase of comparable recycled products where at least 50 percent of the secondary materials used in the manufacture of such recycled products are generated from the waste stream of New York State. The term "recycled product" shall be defined as it is set forth in § 104-a of the New York General Municipal Law. The term "secondary materials" shall be defined as it is set forth in Subdivision 1 of § 261 of the New York Economic Development Law. In the event that equal bids are received for comparable products where one product has no significant recycled content and another product contains post-consumer materials, the Purchasing Agent may give preference to the product containing post-consumer materials. In addition, in the event that equal bids are received for comparable recycled products and one recycled product contains post-consumer materials and the other does not, the Purchasing Agent may give preference to the recycled product containing post-consumer material. Post-consumer materials shall be defined as those materials that are commonly source-separated and collected in municipal recycling programs. The Purchasing Agent shall consult with the Commissioner of Environmental Facilities to develop a list of post-consumer materials, which shall be updated as necessary in the future to correctly reflect any significant changes in the materials commonly source-separated and collected separately in municipal recycling programs. This provision of law shall expire on December 6, 1995.

Sec. 836.31. Sale or lease of surplus, obsolete or unused supplies, materials and equipment.

[Ord. No. 5, § 2; amended by L.L. No. 3-1973; L.L. No. 6-1998; L.L. No. 23-2000]

1. Surplus, obsolete or unused supplies, materials, or equipment in any storeroom or warehouse or not required by any agency of the County, except computers and computer equipment, shall be surrendered to the Purchasing Agent and shall be sold or leased by him as provided for in 836.31 2., 3., 4. and 5. of this section.
2. Such supplies, materials or equipment as set forth in 836.31 1. of this section may be sold or leased to the highest responsible bidder at public auction or after receipt of bids and after advertisement in at least two successive issues of a daily paper published in the County of Westchester.
3. Whenever in the opinion of the Purchasing Agent, the value of such item as mentioned in 836.31 1. of this section does not exceed the sum of \$1,000.00, he may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained from at least three bidders, whenever possible. If, however, only one bid is submitted to the Purchasing Agent, the sale or lease shall be made at a price not less than the value fixed by the Purchasing Agent.

4. All surplus, obsolete or unused materials, supplies and equipment, which, in the opinion of the Purchasing Agent and the head of the department involved, are not salable, may be destroyed or otherwise disposed of under the direction of the Purchasing Agent. This provision shall not apply to public records or computers and computer equipment.

Sec. 836.32. Sale or lease of surplus, obsolete, or unused supplies, materials and equipment of Westchester Community College.

[Added by L.L. No. 8-2001]

1. Surplus, obsolete or unused supplies, materials or equipment as determined by the President of the Westchester Community College, or his duly authorized designee, may be sold or leased to the highest responsible bidder at public auction or after the receipt of bids and after advertisement in at least two successive issues of a daily newspaper published in the County of Westchester, provided, however, that, except as provided in subdivision 2. below, no such supplies, materials or equipment shall be sold or leased without the prior approval of the Board of Trustees of the Westchester Community College.
2. Whenever in the opinion of the President of the Westchester Community College, or his duly authorized designee, and with the concurrence of the Westchester Community College Senior Buyer, the value of such items as mentioned in subdivision 1. of this section does not exceed the sum of \$1,000.00, he or she may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained, whenever possible, from at least three bidders, provided, however, if only one bid is submitted, the sale or lease shall be made at a price not less than the value fixed by the President or his duly authorized designee.
3. All surplus, obsolete or unused materials, supplies and equipment described in subdivision 2. of this section which are not saleable or leaseable may be destroyed or otherwise disposed of with the concurrence of the Westchester Community College Senior Buyer. This provision shall not apply to public records.

Sec. 836.41. Storerooms and warehouses.

[Ord. No. 5, § 3; amended by Act No. 38-1978; L.L. No. 3-1992; L.L. No. 9-2001; L.L. No. 2-2007 Editor's Note: This local law provided that it shall apply to Fiscal Year 2006 and all subsequent fiscal years.]

1. The Purchasing Agent is hereby authorized to establish and maintain storerooms located at Grasslands and other locations as from time to time shall become necessary, upon approval by the Budget Director.
2. The Purchasing Agent is authorized and directed to keep all departmental stocks to a minimum consistent with reasonable and uninterrupted service of the several County departments.
3. The total storeroom inventory of all supplies, materials and equipment under the jurisdiction of the Purchasing Agent shall at no time exceed the sum of fifty thousand dollars (\$50,000.).

Sec. 836.51. When effective.

[Ord. No. 5, § 3]

This chapter shall take effect 60 days after its adoption.