

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of NIAGARA
Town
~~Village~~

Local Law No. 7 of the year 19 77

A local law creating a Department of Purchasing for the County of Niagara
(Insert title)

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

County
~~City~~ of NIAGARA as follows:
Town
~~Village~~

There is hereby created a Department of Purchasing, the head of which shall be the Director of Purchasing who shall be appointed on the basis of his experience and qualifications for the duties of the office by the County Legislature for a term of office for which the members of the Legislature were elected. The Director of Purchasing shall:

1. In accordance with the requirements as to advertising and competitive bidding, make purchases and sales of all materials, supplies and equipment for all departments of the County, including the Highway Department.
2. Maintain central stores of supplies and materials for the County.
3. Establish and enforce standard specifications with respect to supplies, materials, equipment and services.
4. Inspect or supervise or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to contract.
5. Sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the county legislature.
6. Upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same for pooled purchases and for any other part of its purchases upon such conditions as may be prescribed by the county legislature.
7. Approve and execute all contracts on behalf of the county with respect to the buying, selling or leasing of any supplies, materials, equipment and services other than personal services for any amount not more than such sum as shall be fixed by the county legislature.
8. Control the selling or leasing of any surplus, obsolete or unused supplies, materials or equipment. Periodically, the division of purchase shall obtain listings of obsolete or unused equipment from each department. The division of purchase may fill requisitions from surplus lists, publicize for disposal bids, or declare of no value and dispose of as junk.
9. Until December 31, 1977, be responsible for the development of procedures for maintaining inventory records for all property and equipment. The procedure will also include instructions for standard nomenclature and identification numbering. At least annually, the department of purchasing will provide the instructions for an annual physical audit of property and equipment to be conducted within each of the departments of county government.

1. The division of purchases shall make all purchases and contracts for supplies, materials, equipment and services for the county legislature or any administrative unit for the payment of which the County shall be liable. The county legislature shall fix a sum not to exceed limitations set forth in Section 103 of the General Municipal Law as the limit above which any such purchase or contract of purchase shall not be made without publishing an advertisement in an official daily newspaper published in the County of Niagara and having a general circulation in the County of Niagara, which advertisement shall invite sealed bids for the same. The purchase of perishable foodstuffs, drugs and medical supplies, may be made without public advertisement when expressly permitted by written order of the County Legislature.

2. Such advertisements 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. If any 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 herein and may also waive minor informalities.

3. The purchasing director may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required herein in the following cases:

(a) When the Chairman of the Legislature 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 Niagara require immediate action which cannot await competitive bidding;

(b) When, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the county legislature has determined it to be impracticable to advertise such bids;

(c) When, through some accident or other unforeseen circumstance the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus 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 or for some cause due to explosion, fire, or from generally unforeseeable events creating an emergency, 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 to the defect or defects, and such certificate of necessity is approved by the chairman of the legislature; or

(d) Whenever the machinery, equipment or other apparatus of the department of public works becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the commissioner of public works shall certify in writing, as soon as practicable, to the director of purchasing of the necessity of such immediate repair and/or replacement.

4. Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the county legislature stating that, for reasons of efficiency and economy, there is a need for a particular type of, or kind of equipment, material, services in excess of the amount fixed by the county legislature pursuant to the purchasing procedure herein set forth, bid may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefor in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.

5. All required supplies which can be furnished by the State Department of Correction, and all required products made by the blind which can be furnished by any appropriate charitable non-profit making agency for the blind, incorporated under the laws of the State of New York, shall, after such purchases have been authorized, be purchased from them without competitive bidding at prices established pursuant to Section 175(a) of the Finance Law. In addition, the purchasing director may, without the competitive bidding hereinbefore required, make purchases of supplies, materials or equipment, except printed material, through the State Office of General Services, subject to such rules and regulations as may be established pursuant to Section 163 of the Finance Law or other applicable law.

6. Surplus and secondhand supplies, materials or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.

7. Because of the emergency nature of motor vehicles in the Sheriff's Department, the Sheriff is authorized to make such purchases and authorize such repairs related to the operation of motor vehicles in that department as may be, in his discretion, necessary without prior approval of the Director of Purchasing. All expenses properly incurred under this section shall be audited by the County Auditor.

8. Except as otherwise specifically provided, no supplies, materials or equipment shall be delivered except as specifically ordered by the department of purchasing. No supplies, materials or equipment shall be delivered by such department to any administrative unit, officer or employee except upon a requisition in writing.

9. The County Auditor shall not audit any bill for supplies, materials, equipment 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 Treasurer that there are unencumbered balances available for the purpose.

10. No bid for materials, supplies, equipment or services may be accepted from or contracted therefor to any person who is in arrears in taxes or upon debt or contract to or with the County or who has defaulted as surety or otherwise upon a contract or obligation to the County or who may be otherwise disqualified under any act of the legislature.

11. Disburse and transfer the supplies, materials and equipment in the custody of the purchasing department among the administrative units upon receipt of properly executed requisitions; make transfers of supplies, materials and equipment between administrative units; prepare annually an inventory of all property in his custody and submit same to the county legislature.

This local law shall be effective immediately.

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

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 7 of 1977 of the County of NIAGARA was duly passed by the NIAGARA COUNTY LEGISLATURE on June 21, 1977 in accordance with the applicable provisions of law.

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

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County of was duly passed by on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County of was duly passed by the on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer on 19. Such local law was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on 19, in accordance with the applicable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County of was duly passed by the on 19 and was approved not disapproved repassed after disapproval by the Elective Chief Executive Officer on 19. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19 became operative: general

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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 paragraph above.

[Signature]
Clerk of the Board of Supervisors
NIAGARA COUNTY LEGISLATURE

Date: June 21, 1977

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
NIAGARA COUNTY ATTORNEY
County of NIAGARA
Town of

Dated: June 21, 1977