

(Use this form to file a 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~~  
~~Town~~  
~~Village~~

of NIAGARA

Local Law No. 5 of the year 19 91

A local law AMENDMENT OF LOCAL LAW NO. 7 ENACTED IN 1977  
(Insert Title)

Be it enacted by the NIAGARA COUNTY LEGISLATURE of the  
(Name of Legislative Body)

County

~~City~~  
~~Town~~  
~~Village~~

of NIAGARA as follows:

There is hereby created a Department of Purchasing, the head of which shall be the Director of Office of Management and Budget. The Director of Office of Management and Budget serves for the term for which the membership of such board appointing him was elected as recommended by the Finance and Education Committee and shall be appointed on the basis of his or her experience and qualifications for the duties of the Office by the County Legislature.

The Director of Office of Management and Budget shall be directly responsible for the operations and functions of the Office of Purchasing and shall directly supervise the activities of the office or an Independent Contractor appointed by the Niagara County Legislature to carry out the purchasing duties of the County.

The Director of Office of Management and Budget 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 of 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 Director of Management and Budget shall obtain listings of obsolete or unused equipment from each department. The Director of Management and Budget may fill requisitions from surplus lists, publicize for disposal bids, or declare of no value and dispose of as junk.

9. 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 Purchasing Department will provide the instructions for an annual physical audit of property and equipment to be conducted with each of the departments of county government.

#### Purchasing Procedure:

1. The Director of Management and Budget 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 between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The Director of Office of Management and Budget or the person or contractor designated by him to pen the bids at the time and place specified shall make a record of such bids in such form and detail as the Director of Office of Management and Budget 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 Director of Office of Management and Budget may award the contract to any of such bidders. The Director of Office of Management and Budget may, in his or her discretion, reject all bids and readvertise for new bids in the manner provided herein and may also waive minor informalities.

3. The Director of Office of Management and Budget 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 occurrences 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 Director of Management and Budget 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 Management and Budget 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 therefore 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 Director of Management and Budget 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. 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 requisition in writing.

8. 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 Director of Office of Management and Budget and the Director of Office of Management and Budget has certified the prices at which he made the purchases. All requisitions received by the Director of Office of Management and Budget shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The Director of Office of Management and Budget shall make no purchases until he has first secured the certification of the County Treasurer that there are unencumbered balances available for the purpose.

9. No bid for materials, supplies, equipment or services may be accepted from or contracted therefore to any person who is in arrears in taxes or upon debt or contract to or with the County of 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.

10. 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 become effective immediately.

(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, designated as local law No. 5 of 1991 of the (County)~~(City)(Town)(Village)~~ of Niagara was duly passed by the NIAGARA COUNTY LEGISLATURE on September 17 1991, 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, designated as local law No. \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_. 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 \_\_\_\_\_ 19\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

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, designated as local law No. \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

\*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 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.

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

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 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 \_\_\_\_\_ 19\_\_\_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ 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 1, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
DESPINA BOBICK

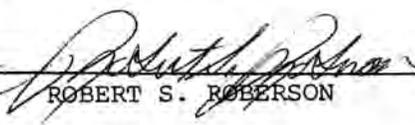
(Seal)

Date: \_\_\_\_\_  
SEPTEMBER 19, 1991

(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   
ROBERT S. ROBERSON

Title \_\_\_\_\_ 1ST ASSISTANT COUNTY ATTORNEY

County \_\_\_\_\_  
~~City~~ of \_\_\_\_\_ NIAGARA  
~~Town~~  
~~Village~~

Date: \_\_\_\_\_ September 19, 1991