

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

AGENDA
RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
TO BE HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Thursday March 21, 2024
(Immediately following Protective Mtg. beginning at 6:30pm)

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – February 21, 2024**
- 4. Approval/ Fund Transfer 24T040/ County Attorney/ Litigation Settlement/ TD Auto Finance**
- 5. Approval/ Town of Southeast/ American Rescue Plan Act (ARPA) Funding Reallocation to Lake Tonetta Bio Treatment System Project**
- 6. Approval/ Town of Patterson/ American Rescue Plan Act (ARPA) Funding Reallocation to Dorset Hollow Water District Extension Project**
- 7. Approval/ Village of Nelsonville/ Savings of Sales Tax Funds Applied to the HVAC System at Village Hall**

8. Approval/ Proposed Legislation to Create Department of General Services

- a. Local Law to Amend Article 5 of the Putnam County Charter Entitled “Executive Department”**
- b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services**
- c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”**
- d. Local Law to Amend Article 3 of the Putnam County Charter Entitled “County Executive”**

9. Other Business

10. Adjournment

Rules
3/21/24 #3

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Wednesday

6:30pm

February 21, 2024

The meeting was called to order at 6:30pm by Chairwoman Addonizio who requested Legislator Nacerino lead in the Pledge of Allegiance. Upon roll call Legislator Nacerino and Chairwoman Addonizio were present. Legislator Ellner was absent.

Item #3 – Acceptance of Minutes – December 12, 2023

The minutes were accepted as submitted.

Item #4 – Approval/ 2024 Putnam Arts Council Grants

President & Executive Director of the Putnam Arts Council Joyce Picone stated the panel was intentional in making sure the grant funding was spread among different art disciplines throughout each town in the County. She stated the Putnam Arts Council received requests of \$92,725 and they were able to provide \$44,793 in funding; \$13,993 from Putnam County and \$30,800 from New York State. She stated these funds are vital to the programs they got toward. She stated \$8.00 are raised both directly and indirectly for every \$1.00 spent on the arts.

Chairwoman Addonizio stated 27 application requests were made to the Putnam Arts Council and 26 were supported.

Putnam Arts Council Regrant Coordinator Mary Beth Becker stated the Putnam Arts Council received three (3) proposals from one (1) organization. She stated there are some organizations that had already applied for New York State Council on the Arts grants, which make them ineligible of New York State funding through the Putnam Arts Council regrant program; they would only be eligible to receive County funds. She stated based on the tighter budget of the County funding and the fact that the organization had not fulfilled part of their contract from the previous year it was decided not to fund them this year.

President & Executive Director Picone stated the organization can also raise money through sponsorships for their projects. She clarified that once application is made directly to the State, the Putnam Arts Council cannot utilize State funding toward that organization or project, whether the State grants or denies the request.

Chairwoman Addonizio spoke to the importance of arts in the community.

Legislator Nacerino stated her appreciation for the work done by the Putnam Arts Council. She stated the arts are so valuable to our wellbeing.

President & Executive Director Picone stated the arts creates jobs and brings in visitors to the County, but most importantly these programs enhance the community for the residents of Putnam County.

Legislator Montgomery thanked the Putnam Arts Council for their work and the consideration given to each applicant. She stated she is grateful that the County provides funding to the Putnam Arts Council for this purpose and would like to see that funding amount increased. She spoke to the revenue generated by the arts.

President & Executive Director Picone stated she is grateful for the funding they receive. She stated this particular program comes into the Putnam Arts Council and goes right back to local projects and organizations.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #5 – Approval/ Sales Tax Funding Reallocation/ Town of Putnam Valley/ Parks & Recreation Day Camp

Chairwoman Addonizio stated Town of Putnam Valley Supervisor Jacqueline Annabi submitted a request to the Administration in November 2023 to reallocate the Sales Tax funding from the Bell Hollow Road culvert project to be used for their Parks & Recreation Day Camp. She stated when the County was affected by the July 10, 2023 storm, the Bell Hollow Road culvert was undermined and declared an emergency site by FEMA (Federal Emergency Management Agency). She stated FEMA will fund the repair of the bridge and culvert as the extent of the damage became much worse than was originally anticipated.

Commissioner of Finance Michael Lewis stated due to the storm damage and the previous project being funded by FEMA, a resolution was created to reallocate \$509,858.90 of the Sales Tax funding to go toward the Parks & Recreation Day Camp project. He stated they met with the towns and villages last week about this funding to notify them that the projects needs to start being planned accordingly or they could be in jeopardy of losing the money.

Legislator Nacerino stated her support for this reallocation.

Legislator Gouldman stated although the July 10, 2023 storm had a major impact on the area, he is happy to see FEMA providing funding for the Bell Hollow Road bridge and culvert repairs, allowing this funding to be redirected to another use.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #6 – Approval/ Appointment/ Plumbing & Mechanical Trades Board/ Redlon

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #7 – Approval/ Appointment/ Home Improvement Board/ Katsuk

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #8 – Approval/ Appointment/ Board of Ethics/ Eldridge

Legislator Nacerino questioned if having Personnel Officer Paul Eldridge on the Board of Ethics could be a potential conflict if a matter involving an employee arose.

Legislative Counsel Robert Firriolo stated he would look into that. He stated he would imagine if such a conflict presented itself, Personnel Officer Eldridge could recuse himself and allow the rest of the Ethics Board to consider the issue.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #9 – FYI/ Litigation Report – Duly Noted

Item #10 – Other Business – None

Item #11 – Adjournment

There being no further business at 6:46pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Nacerino. All in favor.

Respectfully submitted by Administrative Assistant Beth Robinson.

THE PUTNAM COUNTY LEGISLATURE

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- 8. Approval/ Appointment/ Board of Ethics/ Eldridge**
- 9. FYI/ Litigation Report**
- 10. Other Business**
- 11. Adjournment**

**COUNTY OF PUTNAM
FUND TRANSFER REQUEST**

*cc: all
Rules 3/21/24
A+A
Reso
#4*

TO: Michael Lewis
Commissioner of Finance

FROM: C. Compton Spain
County Attorney

DEPT: Law

DATE: February 22, 2024

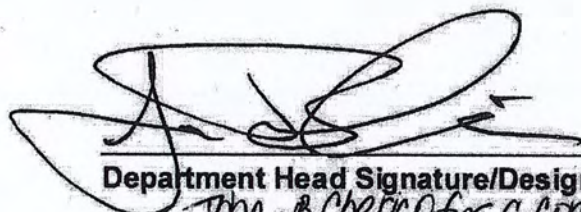
2024 FEB 26 PM 4:37
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

I hereby request approval for the following transfer of funds:

<u>FROM ACCOUNT# / NAME</u>	<u>TO ACCOUNT# / NAME</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
10199000 54980 General Contingency	10193000 54933 Judgment & Claims	\$102,500.00	TD Auto Finance, v. Cty. Of Putnam Settlement (Reso #49/2024 attached.)

2024 Fiscal Impact \$ 102,500.00

2025 Fiscal Impact \$ _____


 Department Head Signature/Designee Date
John B. Cheriaco for C. Compton Spain 2/22/24
F.D. Cty. Atty. Cty. Atty.

AUTHORIZATION: (Electronic signatures)

Date _____ Commissioner of Finance/Designee: Initiated by: \$0 - \$5,000.00

Date _____ County Executive/Designee: Authorized for Legislative Consideration: \$5,000.01 - \$10,000.00

Date _____ Chairperson Audit /Designee: \$0 - \$10,000.00

Date _____ Audit & Administration Committee: \$10,000.01 - \$25,000.00

2/22/24

PUTNAM COUNTY LEGISLATURE

Resolution #49

Introduced by Legislator: Paul Jonke at a Regular Meeting held on February 6, 2024.

page 1

APPROVAL/ LITIGATION SETTLEMENT/ TD AUTO FINANCE LLC V. COUNTY OF PUTNAM

WHEREAS, on or about November 4, 2021, Plaintiff TD Auto Finance LLC (Plaintiff) commenced action against the County of Putnam in United States District Court, Southern District of New York alleging Section 1983 civil rights violations, specifically that the County's practice and custom in civil forfeiture matters did not provide Plaintiff with due process of law as Plaintiff was not timely notified of the seizure of the subject vehicle and not provided with an opportunity to be heard at any point in connection with the seizure; and

WHEREAS, Plaintiff sought recovery for financial damages in an undetermined amount as well as costs, disbursements, attorney's fees and interest; and

WHEREAS, the County's insurer, NYMIR, assigned the Portale Randazzo law firm, James A. Randazzo, Esq., to defend the County's interests in this matter, which litigation has been handled by counsel since action was commenced; and

WHEREAS, following extensive motion practice the Court granted Plaintiff's motion for summary judgment determining in doing so that the County violated Plaintiff's procedural due process rights under the Fourteenth Amendment concerning the County's handling of the subject impounded vehicle; and

WHEREAS, Plaintiff proposed for consideration a settlement with the County subject to the County Attorney's endorsement and Legislature's approval, in which the County, would pay Plaintiff, inclusive of attorneys' fees and costs, the sum of one hundred fifteen thousand two hundred sixty six dollars and forty five cents (\$115,266.45); and

WHEREAS, in response to Plaintiff's settlement demand of \$115,266.45, outside counsel, negotiated a reduced settlement of one hundred two thousand five hundred dollars (\$102,500.00); and

WHEREAS, the County Attorney, the County's outside counsel, James A. Randazzo, Esq., and NYMIR's claims representative conditionally recommended settlement as an alternative to proceeding with an appeal that outside counsel does not believe will be successful; and

WHEREAS, the County Attorney and the County's outside counsel, now present this updated settlement to the Legislature and approve the proposed settlement as an alternative to appeal so as to minimize the County's exposure and risk potential for an increased amount; and

WHEREAS, the proposed settlement is in the public interest and would avoid the costs of further litigation, additional attorney's fees and costs and the risk of an appeal; now therefore be it RESOLVED, that the proposed settlement of this matter for the sum of one hundred two thousand five hundred dollars (\$102,500.00) is hereby approved.

RESOLVED, that the County Executive is hereby authorized to sign any required settlement documents on behalf of the County including a Settlement Agreement and General Release with respect thereto.

BY POLL VOTE: ALL AYES. LEGISLATORS ADDONIZIO & NACERINO WERE ABSENT. MOTION CARRIES.

State of New York

ss:

County of Putnam

APPROVED

[Handwritten Signature]
COUNTY EXECUTIVE DATE 2/16/24

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on February 6, 2024.

Dated: February 8, 2024.

Signed: *[Handwritten Signature]*

Diane Schonfeld
Clerk of the Legislature of Putnam County

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

cc: all
Rules 3/21/24
Reso

Approval
#5

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

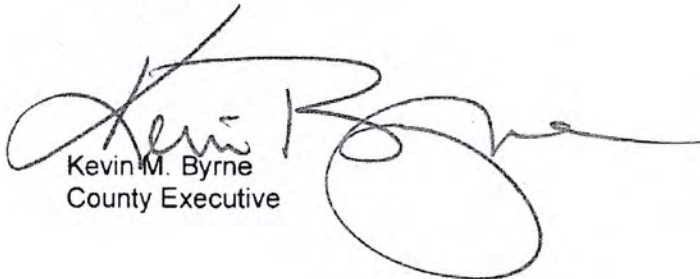
RE: **Town of Southeast – ARPA Funding Change Request**

DATE: March 4, 2024

Please find enclosed correspondence from the Town of Southeast dated back on February 21, 2024, requesting that the ARPA funding that was previously approved for the Town Court Relocation (Resolution 133-2022) be reallocated to the Lake Tonetta Bio Treatment System Project. This project was presented to the County's ARPA Consultant and was deemed ARPA compliant under the requirements of Public Health and Economic impacts (EC 2.22: Neighborhood Features that Promote Health & Safety) which is one of the seven allowable categories under the US Treasury Final Rule. This proposal is furthermore supported by the administration.

Attached is a proposed resolution for consideration by the Legislature.

Approved:


Kevin M. Byrne
County Executive

2024 MAR -5 PM 1:43
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

APPROVAL/TOWN OF SOUTHEAST AMERICAN RESCUE PLAN ACT (ARPA) FUNDING REALLOCATION

WHEREAS, the Town of Southeast was allocated a total of \$1,592,128.00 of American Rescue Plan Act (ARPA) and sales tax funding pursuant to Resolutions # 133 & # 134 of 2022; and

WHEREAS, the Town of Southeast has requested that the use of these funds originally approved for the Town Court Relocation pursuant to Resolutions #133 & #134 of 2022 be modified to provide that a portion the ARPA funding, \$150,000.00, be reallocated to a different project, the Lake Tonetta Bio Treatment System Project; and

WHEREAS, the County consultant has indicated that the Lake Tonetta Bio Treatment System Project is an allowable use of ARPA funds; and

WHEREAS, the County Executive and the Rules Committee has reviewed and approved of this request; now there be it

RESOLVED, that the Town of Southeast ARPA funding of \$150,000.00 originally allocated pursuant to Resolution # 133 of 2022 is hereby authorized to be expended on the Lake Tonetta Bio Treatment System Project.



Supervisor
Nick Durante

Town of Southeast

1360 Route 22
Brewster, New York 10509
Tel. (845) 279-5345
ndurante@southeast-ny.gov

Town Board
Eric Cyprus
Eric Larca
Wendy Lewis
Alex Mazzotta

Town Attorney
Willis Stephens, Jr.

February 21, 2024

Putnam County Commissioner of Finance
40 Gleneida Avenue
Room 202
Carmel, NY 10512

Commissioner Lewis,

As a follow-up to our e-mail conversation, this is a request to see if a proposed aeration and bio treatment system for Lake Tonetta would be eligible for the County ARPA/Sales Tax share. If so, we'd likely consider moving \$125,000 - \$150,000 from our previously approved Town Hall / Town Court relocation lines. Similar to many other local lakes, our Town Beach was closed a significant portion of last summer. Maintaining access to outdoor recreation seems directly in line with the guidelines of SLFRF and this system will accomplish that.

The project is currently out for RFP with responses due March 10th. We would like to complete this project early Spring so that we can hopefully feel some effects this Summer.

Please let me know if you have questions about the lake remediation proposal.

Thank you,

Eric Cyprus
Councilman, Town of Southeast



February 22, 2024

Michael Lewis
Commissioner of Finance
40 Gleneida Avenue
Putnam County
Carmel, NY 10512

Dear Mr. Lewis:

After our discussion and review of the Lake Tonetta aeration and bio treatment system project requested by the Town of Southeast, NY we have deemed that project is eligible under the Coronavirus State & Local Fiscal Recovery Funds issued by the Department of Treasury. The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency.

The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue,
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity

The program has seven allowable categories:

- Replacing Lost Public Sector Revenue
- Public Health and Economic Impacts
- Premium Pay
- Water, Sewer & Broadband Infrastructure
- Emergency relief from natural disasters
- Support surface transportation projects
- Support Title I projects

We recommend using EC 2.22: Neighborhood Features that Promote Health and Safety for this project. We reviewed the compliance requirements under Public Health and Economic Impacts for this project. We have summarized the compliance requirements below:

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted

PKF O'CONNOR DAVIES, LLP

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millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

Subrecipient Monitoring. SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

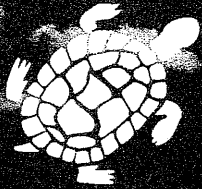
Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

We appreciate the opportunity to be of service to you. If you have any questions, please let us know.

Very truly yours,



Elizabeth G. Ballotte
Partner



EVERBLUE
LAKES

Keep Lakes Natural

**Proposal for
Lake Tonetta**

Revised January 2024



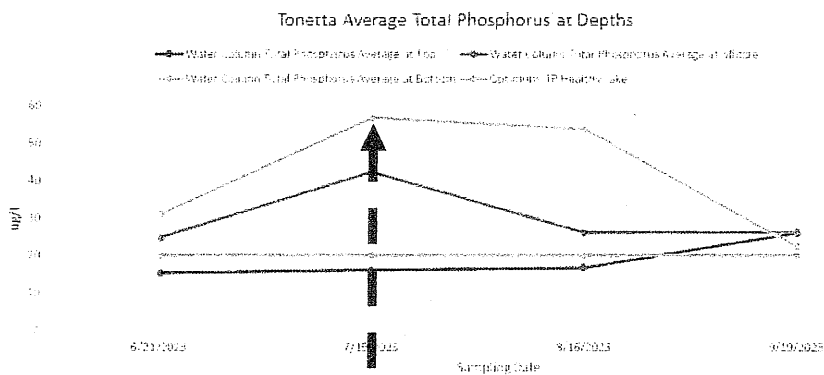
Executive Overview

- ▶ EverBlue Lakes Watershed and Water Quality Analysis process confirmed that Lake Tonetta is an impaired system at risk of more frequent and severe harmful algal blooms and likely to continue to deteriorate in terms of recreational value and asset value to the Town and residents.
- ▶ The Town of Southeast has done a very good job on implementing stormwater infrastructure to protect the lake from external nutrient loading. EverBlue Lakes watershed assessment rated the existing stormwater infrastructure as well above average as compared to most lake communities. The Town of Southeast moved extremely quickly to invest in additional infrastructure to improve filtration on the two top priority input points to Lake Tonetta identified by EverBlue Lakes. This investment has already proved worthwhile based on the new filtration structure's ability to handle and process a SIX-inch rain event in mid-December 2023.
- ▶ While the existing and ongoing watershed efforts are helping the lake, EverBlue Lakes water quality assessment has determined that fertile, nutrient rich sediments and low oxygen levels in the lake are critical drivers of nuisance weed and algae growth in the lake.
- ▶ These issues need to be addressed with in-lake treatment programs in conjunction with the watershed management program to improve the water quality, recreational value and asset value of Lake Tonetta.



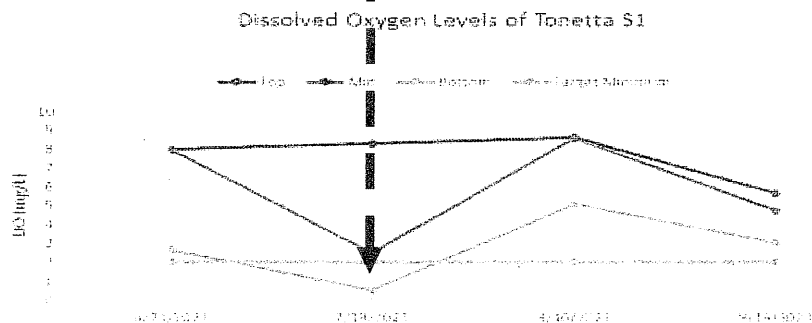
What the Data Tells Us...

Lake Tonetta – Phosphorus



► Textbook example of internal loading of phosphorus from oxygen depleted sediments

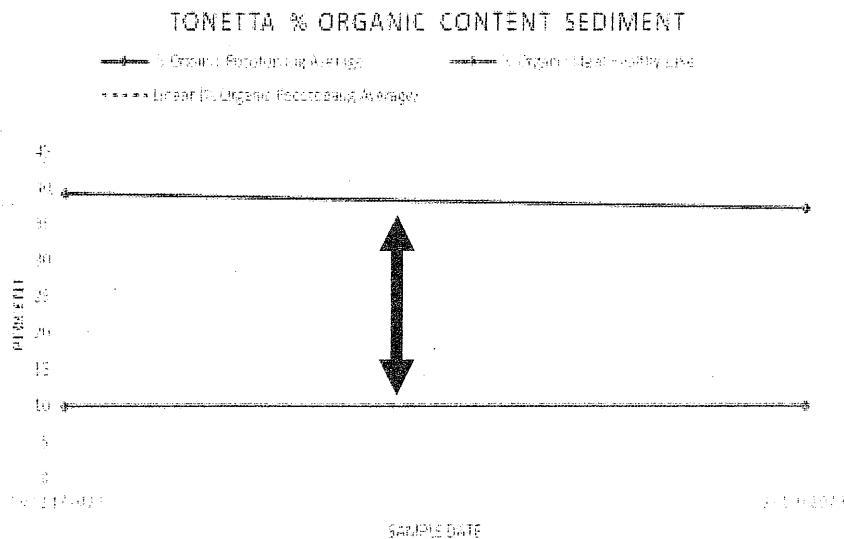
Lake Tonetta – Dissolved Oxygen






What the Data Tells Us...

Lake Tonetta – Muck



- ▶ Lake bottom sediments are high in organics – very rich compost feeding weed and algae growth



Proposal Overview

- ▶ EverBlue is well aware of the funding challenges facing lake communities looking to implement lake restoration programs. While there is grant funding available, much of it is allocated toward watershed management vs. in-lake treatment and it can take a long time to push through the grant writing and awards process.
- ▶ EverBlue Lakes is pleased to offer a proposal to the Town of Southeast for in-lake aeration and biological treatment on an annual fee basis at a significantly reduced rate for three years to both prove the effectiveness of our program and provide more time to secure long-term funding for the protection and betterment of Lake Tonetta.

Program Highlights

- ▶ State of the art Whole Lake Aeration System with additional targeted aeration at the two main beach sites.
- ▶ AutoBio Biological Treatment Technology.
- ▶ Annual water quality sampling and analysis to track progress included with continuous monitoring of Dissolved Oxygen and Temperature and an online accessible web portal for tracking and communication of results.



Diffused Aeration System Design for Lake Tonetta

One EBC-150 Aeration System with VFD Controller, Sound Engineered Ventilated Enclosure, manifold and all piping and fittings.

Twenty-eight EB-1290 Micro-Porous Ceramic Diffusers US Patent # 9688553.

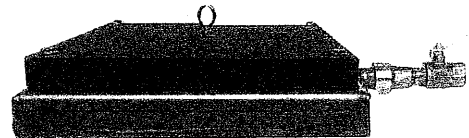
26,000 feet of self-sinking airline.

All required fittings.

EverBlue EBC-150 Aeration System and Manifold



EB-1290 Patented Diffuser Technology





Lake Tonetta Aeration Design



Aeration Diffuser Location

Compressor Location

The System will circulate and oxygenate
1600- acre feet of water per day.

This will completely turnover the entire water
volume of Lake Tonetta 2 times per day.

Keep Lakes Natural

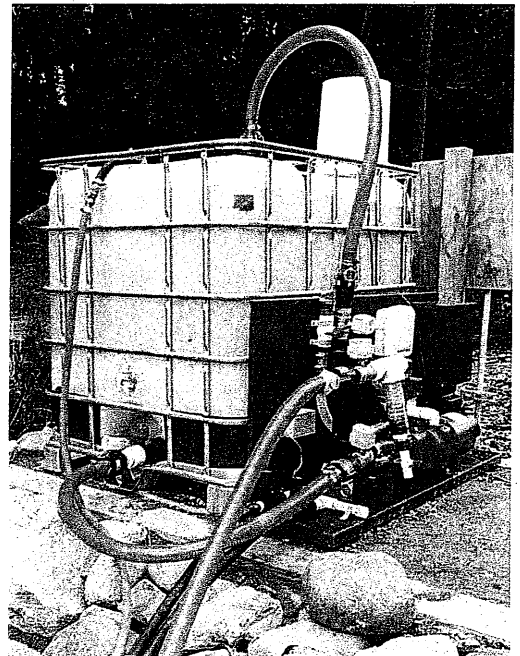


AutoBio Treatment System for Lake Tonetta

One 500-gallon AutoBio Treatment System with distribution lines running into the lake to ensure full coverage of treatment for Lake Tonetta

AutoBio is a NEW proprietary technology developed by EverBlue Lakes for continuous Biological Treatment of Lakes and Ponds

- Guarantees activation of the beneficial bacteria under controlled conditions.
- Automatically “brews” the formulation using water from the target lake/pond combined with a proprietary blend of bacteria and feedstock to optimize growth and “tune” the product to the unique chemistry of each water body.
- Delivers exponentially more treatment to the water body at a cost between \$.10 to \$.16 per gallon of treatment – a fraction of the cost of freeze-dried powders/pellets or prepacked liquid on a per acre treated basis.



Keep Lakes Natural



AutoBio Technology

AutoBio Growth Rate 11 Hour Brew Time

Cycles	Time	Bacteria	CFUs
0	0:00	1	5.E+09
1	0:17	4	2.E+10
2	0:34	16	8.E+10
3	0:51	64	3.E+11
4	1:08	256	1.E+12
5	1:25	1,024	5.E+12
6	1:42	4,096	2.E+13
7	1:59	16,384	8.E+13
8	2:16	65,536	3.E+14
9	2:33	262,144	1.E+15
10	2:50	1,048,576	5.E+15
11	3:07	4,194,304	2.E+16
12	3:24	16,777,216	8.E+16
13	3:41	67,108,864	3.E+17
14	3:58	268,435,456	1.E+18
15	4:15	1,073,741,824	5.E+18
16	4:32	4,294,967,296	2.E+19
17	4:49	17,179,869,184	9.E+19
18	5:06	68,719,476,736	3.E+20
19	5:23	274,877,906,944	1.E+21
20	5:40	1,099,511,627,776	5.E+21
21	5:57	4,398,046,511,104	2.E+22
22	6:14	17,592,186,044,416	9.E+22
23	6:31	70,368,744,177,664	4.E+23
24	6:48	281,474,976,710,656	1.E+24
25	7:05	1,125,899,906,842,620	6.E+24
26	7:22	4,503,599,627,370,500	2.E+25
27	7:39	18,014,398,509,482,000	9.E+25
28	7:56	72,057,594,037,927,900	4.E+26
29	8:13	288,230,376,151,712,000	1.E+27
30	8:30	1,152,921,504,606,850,000	6.E+27
31	8:47	4,611,686,018,427,390,000	2.E+28
32	9:04	18,446,744,073,709,600,000	9.E+28
33	9:21	73,786,976,294,838,200,000	4.E+29
34	9:38	295,147,905,179,353,000,000	1.E+30
35	9:55	1,180,591,620,717,410,000,000	6.E+30
36	10:12	4,722,366,482,869,650,000,000	2.E+31
37	10:29	18,889,465,931,478,600,000,000	9.E+31
38	10:46	75,557,863,725,914,300,000,000	4.E+32
39	11:03	302,231,454,903,657,000,000,000	2.E+33

Off-the-Shelf vs AutoBio

- Off-the-Shelf Powdered, Pellet and Liquid Bacteria formulations contain 3 to 5 Billion CFU (Colony Forming Units Per Gram). These inert bacteria need to “wake-up” and multiply when applied to a lake under hostile, uncontrolled conditions.
- Auto-Bio starts with a product with 5 Billion CFU and then actively grows out that bacteria in controlled conditions over an 11-hour brew cycle.

Off the Shelf Bacteria Products

- 3 – 5 Billion CFU/gram that might activate in the lake.

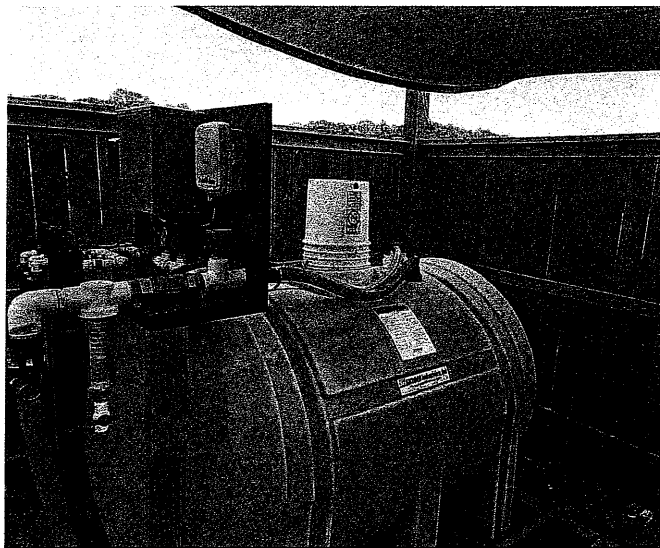
AutoBio

- **302,231,454,903,657,000,000,000 X**
3-5 Billion CFU/gram ACTIVATED, growing and eating bacteria when applied to the lake.
- Thus producing 1.511 with 33 zeros after of ACTIVATED bacteria units.
- For perspective that is 1.511 X Trillion X Trillion X Billion - TWICE PER DAY, EVERY DAY!

Keep Lakes Natural

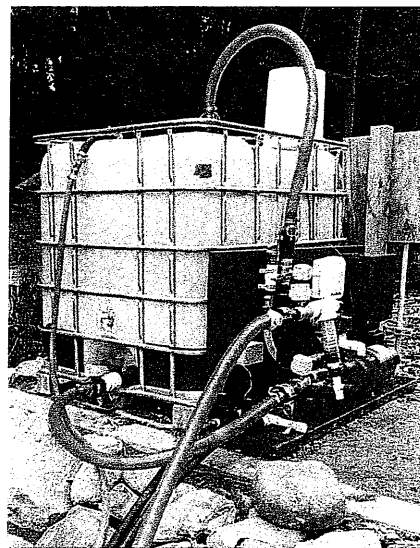


Pilot Customer Feedback



I live next to a Gully washer, and this is the first year I have not had to see it green all year. People on this lake are delighted as they can see their feet when before they could not even see their hands.

- Bob Ranson, Walnut Grove Water Quality



OMG, it has only been in for two weeks, and we can already see the lake is clearer and a reduction in the lily pads.

- Kenny DeCamp,
DeCamp Lake

Keep Lakes Natural



Lake Tonetta Aeration & Biological Treatment Costs

- ▶ EverBlue is interested in building our customer base for lake restoration in the Southern New York Geographical Region.
- ▶ The Aeration System Design Proposed would **normally cost \$41,100** per year for five years on a lease basis with a discount for renewal after five years. We are sensitive to the funding challenges for Lake Tonetta.
- ▶ We also know that the longer you wait to take action on an impaired lake, the more expensive the project and the more difficult it becomes to turn the lake around.
- ▶ EverBlue has the necessary equipment for the aeration design for Lake Tonetta on-hand and is offering to reduce the lease rate by 50% for three years and pull forward the discount for renewal to year four of the program.
- ▶ EverBlue will FUND the AutoBio Equipment so that 100% of the AutoBio Treatment Budget goes to treatment and not equipment costs.
- ▶ Our proposal includes the monitoring program AND ALL service, replacement and repair of all equipment.
- ▶ In addition, we can work with the Community to utilize our Adopt A Lake Program to support the costs with private, tax-deductible contributions.

	Year 1	Year 2	Year 3	Year 4	Year 5
Systems Installation	\$6,800.00				
Aeration Lease	\$21,200.00	\$21,200.00	\$21,200.00	\$31,000.00	\$31,000.00
AutoBio Treatment	\$8,400.00	\$8,400.00	\$8,400.00	\$7,000.00	\$7,000.00
Service, Data, Reporting	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
Total Annual	\$43,900.00	\$37,100.00	\$37,100.00	\$45,500.00	\$45,500.00



Lake Tonetta Aeration System Purchase Option

	Year 1	Year 2	Year 3	Year 4	Year 5
Systems Installation	\$6,800.00				
Aeration System Purchase	\$124,675.00				
AutoBio Treatment	\$8,400.00	\$8,400.00	\$8,400.00	\$7,000.00	\$7,000.00
Service, Data, Reporting	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00
	\$152,375.00	\$20,900.00	\$20,900.00	\$19,500.00	\$19,500.00

- ▶ All new equipment. Three-year warranty on compressor and controller, 10-year warranty on all other components.
- ▶ Discount available for reconditioned equipment, however, this may not be allowed if purchased with grant(s).
- ▶ Service does not include "break-fix" repair/replacement under purchase option.



Contact:

John Tucci
President
jtucci@EverBlueLakes.com
(269) 383.3400

www.EverBlueLakes.com

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

cc: all
Rules 3/21/24
Res

#6

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

RE: Town of Patterson – ARPA Funding Change Request

DATE: March 4, 2024

Please find enclosed correspondence from the Town of Patterson dated back on February 16, 2024, requesting that the ARPA funding that was previously approved for the EMS Building (Resolution 133-2022) be reallocated to the Dorset Hollow Water District Extension Project. This project was presented to the County's ARPA Consultant and was deemed ARPA compliant under the requirements of the Water, Sewer & Broadband Infrastructure (EC 5.11 Drinking Water: Transmission & Distribution) which is one of the seven allowable categories under the US Treasury Final Rule. This proposal is furthermore supported by the administration.

Attached is a proposed resolution for consideration by the Legislature.

Approved:

A large, stylized handwritten signature in black ink, appearing to read "Kevin M. Byrne".

Kevin M. Byrne
County Executive

2024 MAR -5 PM 1:43
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

APPROVAL/TOWN OF PATTERSON AMERICAN RESCUE PLAN ACT (ARPA) FUNDING REALLOCATION

WHEREAS, the Town of Patterson was allocated a total of \$1,181,656.00 of American Rescue Plan Act (ARPA) and sales tax funding pursuant to Resolutions # 133 & # 134 of 2022; and

WHEREAS, the Town of Patterson has requested that the use of the funds approved for the EMS Building pursuant to Resolutions #133 and #134 of 2022 be modified to provide that a portion of the APRA funding, \$250,000.00, be reallocated to a different project, the Dorset Hollow Water District Extension; and

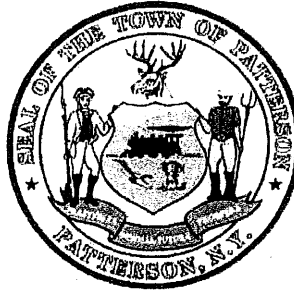
WHEREAS, the County consultant has indicated that the Dorset Hollow Water District Extension is an allowable use of ARPA funds; and

WHEREAS, the County Executive, and the Rules Committee has reviewed and approved of this request; now therefore be it

RESOLVED, that the Town of Patterson funding of \$250,000.00 originally allocated pursuant to Resolution # 133 of 2022 hereby authorized to be expended on the Dorset Hollow Water District Extension.

SUPERVISOR

Richard Williams Sr.
Tel. (845) 878-6500
Fax. (845) 878-6343
supervisor@pattersonny.org



TOWN BOARD

Peter Muentener
Shawn Rogan
Mary E. Smith

Susan Brown
Aide to the Town Board

TOWN CLERK

Donna Ramos
Tel. (845) 878-6500
Fax (845) 878-6343
townclerk@pattersonny.org

TOWN COUNSEL

Hogan & Rossi
Tel. (845) 279-2986
Fax (845) 278-6135

TOWN OF PATTERSON

1142 Route 311
P.O. Box 470
Patterson, New York 12563
www.pattersonny.org

February 16, 2024

Jennifer L. Caruso
Director of Compliance and Intergovernmental Relations
Putnam County Office Building
40 Gleneida Avenue, 3rd Floor
Carmel, NY 10512

Re: Reallocation of ARPA Funds
Dorset Hollow Water District Extension

Dear Mrs. Caruso:

I would like to request that an additional project be added to the list of approved projects for which ARPA funds and sales tax has been allocated to the Town of Patterson.

It is a priority for the Town of Patterson to extend the service line from the Dorset Hollow Water District to properties located along Front Street in order to encourage the redevelopment of this area. The Town has allocated the full amount of the ARPA funds received from the federal government towards this project. While we are hopeful that the bids for the project are consistent with the initial project estimates, which will be within the federal ARPA funds we have, we are concerned that the recent rise in material costs will result in bids exceeding those available funds.

I am requesting that the County reallocate up to \$250,000 in the ARPA funds from the EMS Building to this project.

Thank you for your consideration.

Richard Williams Sr.
SUPERVISOR

cc: Mr. Michael Lewis, Commissioner of Finance
Mrs. Ginny Nacerino, Legislator



February 26, 2024

Michael Lewis
Commissioner of Finance
40 Gleneida Avenue
Putnam County
Carmel, NY 10512

Dear Mr. Lewis:

After our discussion and review of the Front Street Water Project requested by the Town of Patterson, NY we have deemed that project is eligible under the Coronavirus State & Local Fiscal Recovery Funds issued by the Department of Treasury. The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency.

The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue,
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity

The program has four allowable categories:

- Replacing Lost Public Sector Revenue
- Public Health and Economic Impacts
- Premium Pay
- Water, Sewer & Broadband Infrastructure
- Emergency relief from natural disasters
- Support surface transportation projects
- Support Title I projects

We recommend using EC 5.11: Drinking water: Transmission & Distribution for this project. We reviewed the compliance requirements under water, sewer & Broadband for this project. We have summarized the compliance requirements below:

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income

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and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

Subrecipient Monitoring. SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

Projects must be eligible under EPA's clean water state revolving fund (CWSRF) or under EPA's Drinking water state revolving fund (DWSRF).

Exceptions include the following:

Beyond the CWSRF and DWSRF, if they are found to be "necessary" according to the definition provided in the final rule and outlined below.

- Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A "necessary" investment in infrastructure must be:

(1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,

(2) a cost-effective means for meeting that need, considering available alternatives, and

(3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population

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growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

We do believe this project is eligible under EPA's Drinking water state revolving fund (DWSRF) eligible use category: Transmission and Distribution.

We appreciate the opportunity to be of service to you. If you have any questions, please let us know.

Very truly yours,

A handwritten signature in cursive script that reads "Elizabeth G. Ballotte".

Elizabeth G. Ballotte

Partner

PKF O'CONNOR DAVIES, LLP

PKF O'Connor Davies, LLP is a member firm of the PKF International Limited network of legally independent firms and does not accept any responsibility or liability for the actions or inactions on the part of any other individual member firm or firms.

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

CC: ALL
Rules 3/21/24

Approved
#7

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Michael J. Lewis, Commissioner of Finance – MJL

RE: **Village of Nelsonville – Sales Tax Funding Change Request**

DATE: March 14, 2024

The Village of Nelsonville realized a savings of \$4,945 on one of its approved projects (Sewer Feasibility) contained in Resolutions #133 and 134 of 2022. As such, the Village is requesting that the savings of sales tax funds be applied to the other of its approved projects, the HVAC system at Village Hall. Attached is the Village's request and documentation of the Sewer Feasibility project expenditures. This proposal is supported by the administration.

Please find enclosed a proposed resolution for consideration by the Legislature.

Attached is a proposed resolution for consideration by the Legislature.

Approved:

Kevin M. Byrne
County Executive

2024 MAR 14 AM 11:33
LEGISLATURE
PUTNAM COUNTY
CARNEL, NY

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

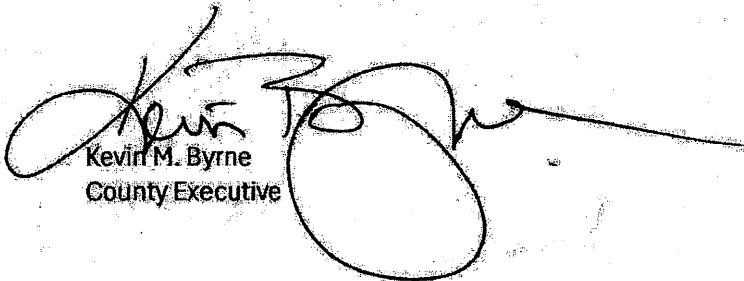
RE: Village of Nelsonville – Sales Tax Funding Change Request

DATE: March 14, 2024

The Village of Nelsonville realized a savings of \$4,945 on one of its approved projects (Sewer Feasibility) contained in Resolutions #133 and 134 of 2022. As such, the Village is requesting that the savings of sales tax funds be applied to the other of its approved projects, the HVAC system at Village Hall. Attached is the Village's request and documentation of the Sewer Feasibility project expenditures. This proposal is supported by the administration.

Please find enclosed a proposed resolution for consideration by the Legislature.

Approved:

A handwritten signature in black ink, appearing to read "Kevin M. Byrne".

Kevin M. Byrne
County Executive

APPROVAL/VILLAGE OF NELSONVILLE SALES TAX FUNDING REALLOCATION

WHEREAS, the Village of Nelsonville was allocated a total of \$63,890 of American Rescue Plan Act (ARPA) and sales tax funding pursuant to Resolutions # 133 & # 134 of 2022; and

WHEREAS, the Village of Nelsonville has recognized a savings on one its projects, the Village-wide Sewer Feasibility Study, and would like to shift these funds to its other approved project, the HVAC System-Village Hall; and

WHEREAS, the Village of Nelsonville has requested that the use of these funds originally approved for the pursuant to Resolutions #133 & #134 of 2022 be modified to provide that the remaining \$4,945 of sales tax funding that was originally allocated to the Village-wide Sewer Feasibility Study be reallocated to be used for the HVAC System -Village Hall; and

WHEREAS, the County Executive and the Rules, Enactments, and Intergovernmental Relations Committee has reviewed and approved of this request; now therefore be it

RESOLVED, that the Village of Nelsonville sales tax funding of \$4,945 originally allocated pursuant to Resolution # 134 of 2022 is hereby authorized to be expended on the HVAC System-Village Hall Project.

DRAFT

Jennifer Caruso

From: Mayor <mayor@nelsonvilleny.gov>
Sent: Monday, March 11, 2024 11:59 AM
To: Michael Lewis; Jennifer Caruso; villageclerk@nelsonvilleny.gov
Subject: Final Nelsonville ARPA/Sales Tax Reimbursement Submission
Attachments: County Docs.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: ARPA

Hello Mike and Jen,
Please find the final documents for our ARPA/Sales Tax reimbursement for our Sewer Feasibility Study. The final amount of the study was \$27,000. As previously discussed, the village would very much appreciate transferring/shifting the unused portion of our Sewer Study Project (\$4,945) to fill the gap from the underestimate of actual costs for the village's HVAC system which came to a total of \$38,486, previously submitted (a difference of \$6,541 from the original award). The village being responsible for the final difference of \$1,596.

Thank you for considering this request, please let me know if you need any further information.

With gratitude,
Chris

Chris Alice Winward, MPA
Mayor, Village of Nelsonville
(845) 265-2500
mayor@nelsonvilleny.gov

	<u>Feasibility Study</u>	<u>HVAC</u>
	Sales Tax \$ 15,972	Total HVAC \$ 38,486
	ARPA 15,973	Less : Sales Tax < 15,972 >
	<u>\$31,945</u>	Less : ARPA < 15,973 >
	Study < 27,000 >	Village Shortage 6,541
	Savings \$ 4,945 ←	Cost Savings from Sewer Study < 4,945 >
		Revised Village Cost \$ <u>1,596</u>



February 13, 2023

Mayor Winward, Mayor and Board of Trustees
Village of Nelsonville
258 Main Street
Nelsonville, NY 10516

RE: Engineering Services for the Development of a Feasibility and Grant Funding Study for a Sanitary Sewer Collection System
Village of Nelsonville, Putnam County, New York
LaBella Proposal #P2301165

Mayor, Winward and Village Board,

LaBella Associates, DPC (LaBella) is pleased to submit to the Village of Nelsonville (Village) this proposal for professional services related to the development of a Feasibility and Grant Funding Study for a Sanitary Sewer Collection System to be submitted to funding agencies in order to secure grant monies for the design and construction of a sanitary sewer system for the Village at a later date. This proposal conveys our understanding of the project and proposes the scope of work we believe is necessary to achieve your goals, along with our fee.

PROJECT UNDERSTANDING

LaBella has toured the project site, met with Mayor Winward and Deputy Mayor Moroney, read the Report for the New York State Pure Water Authority on a Sanitary Sewerage System for the Village of Nelsonville, New York, circa 1969 and understands the following:

- The Village is supplied by potable water from the neighboring Village of Cold Spring;
- The existing properties located within the Village have either septic systems or cesspools to treat the wastewater effluent;
- The average property lot size is not large enough to be serviced by a conventional septic system;
- The Village consists of a dense population on small lots;
- The Village wants to consider grant funding for the installation of a sanitary sewer system;
- The Village approached LaBella to discuss possible alternatives for the installation of a sanitary sewer system; and
- The Village will retain LaBella to prepare a Feasibility and Grant Funding Study in order to solicit grant funding from local, state and federal funding agencies.



Scope of Work

LaBella offers the following scope of services which we believe are necessary to accomplish your desired objectives.

Work with Stakeholders

Meet with representatives of the Villages of Nelsonville and Cold Spring to identify issues and develop criteria. Our goal is to listen to the ideas and experiences of the stakeholders, make recommendations from our experience, and then formulate a common vision for success.

Mapping and Data Gathering

Develop mapping through the use of Putnam County's geographic information systems (GIS).

Compile and summarize information about the Village's existing sewage collection and treatment systems. This effort will identify the number of properties with insufficient lot size or other impediments to on-site wastewater treatment.

Identify Parameters/Constraints for Collection and Treatment Systems

Identify any specific areas within the Village having moderate constraints or obstacles to wastewater collection service such as areas below the elevation of the receiving treatment plant necessitating pumping. Identify areas with more serious constraints to the provision of public sewer service and identify alternatives that would effectively eliminate the discharge of pollutants locally on lot.

Consider topography, distance, soil conditions, environmentally sensitive areas, rights-of-way, connection points and other physical features that may affect the design of collection system(s).

Develop Schematic Design

Layout and evaluate potential routes for wastewater collection mains and identify potential physical or permitting hurdles.

Identify special service areas requiring low pressure sewers, pumping stations, or holding tanks and collection service. Estimate the number of properties that would be served in each such service area, if required, and the amount of wastewater expected to be generated.

Develop Opinions of Probable Costs

Consider potential costs of providing sewer service to each of the identified service areas anticipating a phased construction sequence. Develop capital costs as well as on-going operation, maintenance and administrative costs.

Identify Potential Funding Sources and Implementation Options

Identify potential funding sources to implement alternatives. Sources may include U.S.D.A. Rural Development, the Clean Water State Revolving Fund (CWSRF), WIIA, IMG and others. Identify eligibility requirements for each of the potential funding sources. Summarize the process required to obtain funding from each source.



Develop a Recommendation

Once the circumstances affecting engineering and hydraulic feasibility have been determined, cost and affordability are likely to emerge as the driving forces determining whether any particular solution can be successfully implemented. LaBella will evaluate alternative implementation scenarios to determine which is most economically advantageous and affordable.

In identifying solutions within the service area and in assessing the feasibility of various alternatives, LaBella will focus on the following opportunities and strategies:

- Economies of scale and opportunities for facility and cost sharing;
- Service contracts and other measures facilitating strategic use of low-pressure collection systems;
- Household incomes and funding assistance necessary to meet target service charges; and,
- Potential environmental impacts and their role in securing additional sources of funding.

Establish Implementation Plan

Identify specific steps to implement the recommended alternative. The implementation plan will include provisions to ensure that stakeholders, including property owners and municipal representatives, understand the implications of the recommended alternative and the steps required.

Publish Final Report

Publish a final report that summarizes the findings of the study. The anticipated table of contents is as follows:

- 1.0 Project Planning
- 2.0 Existing Facilities
- 3.0 Need for Project
- 4.0 Alternatives Considered
- 5.0 Selection of an Alternative
- 6.0 Proposed Project
- 7.0 Funding Strategies
- 8.0 Conclusions and Recommendations

ASSUMPTIONS AND EXCLUSIONS

Unless explicitly stated in this proposal, the following items are not included:

- Topographic and/or boundary surveys; soil surveys, test pits or geotechnical borings; wetlands delineation; and pump station or treatment plant design

□

PROFESSIONAL SERVICES FEE

LaBella proposes to complete this Feasibility and Grant Funding Study for a fee of twenty-six thousand five hundred dollars (\$ 26,500.00). This scope of services includes only the cost for the preparation of the work as outlined above and does not include our direct expenses, such as mileage, overnight mailings, photocopying, map reproductions, etc. An initial budget of five hundred dollars (\$ 500.00) should be budgeted for these reimbursables and those fees will be included on our invoices.

Please note that while we have furnished what we believe is a comprehensive and complete scope of services in response to our initial dialogues with you, we are open to dialogue as to how we may modify our proposal to ensure that our services may better meet your needs, and/or how alternate approaches may be implemented. This proposal is valid for 90 days from the date hereof.

Please feel free to contact me at (330) 518-6639 or JFusillo@LaBellaPC.com. If you have any questions whatsoever, LaBella looks forward to collaborating with you on this project.

Respectfully submitted,

LaBella Associates



Joseph M. Fusillo, PE, ENV SP
Senior Civil Engineer | Regional Civil Leader

JMF/jmf

cc: file



Rules Mtg
3/21/24

Approval
#8

PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Kevin M. Byrne, County Executive

CC: James Burpoe, Deputy County Executive
John Tully, Director of Purchasing
Thomas Lannon, Director of IT/GIS
Michael Lewis, Commissioner of Finance
Paul Eldridge, Personnel Officer
Tracey Walsh, Director of Tourism
Conrad Pasquale, Senior Deputy County Attorney

DATE: March 8, 2024

RE: Proposed Legislation to Create Department of General Services

After months of hard work and collaboration among several departments, we are presenting this comprehensive proposal for the creation of a new Department of General Services. This new department would merge the Department of Purchasing, the Department of IT/GIS, and other related central services of the County with zero fiscal impact.

Like other municipalities that have done this before, this merger will provide a long-term solution using technology to process data. This will provide greater oversight that will cut costs, improve efficiencies, and reduce overhead. Ultimately, the goal is to cut costs to County government, streamline business practices, and maximize existing County resources by providing coordinated procurement. This will assist in ensuring contract compliance, enhancing communications, as well as coordinating grants activities and office services for the departments and agencies of Putnam County.

Integrating these units, offices, and departments under the Department of General Services will aid all departments in performing their respective functions with the greatest potential efficiency and fiscal economy, while avoiding duplication and waste wherever possible.

The Department of General Services will be headed by a Commissioner of General Services. The Commissioner of General Services shall supervise and coordinate the diverse units, offices, departments, activities, functions, and services of purchasing at all County facilities.

Due to the specialized nature of the duties and responsibilities, there will be an independent Division of Information Technology within the Department of General Services. This division will be headed by a Director of Information Technology, who will be responsible for coordinating, planning, developing, and managing all information technology systems and resources for the County. Previously, the Office of Information Technology/GIS was inadvertently removed from the Charter. This change will remedy that flaw, and formally recognize IT/GIS.

Finally, as a result of these changes, the Department of Tourism will be moved to Article 3 of the Charter.

Attached for review and discussion by the Legislature are the following:

- Proposal to form the Department of General Services from John Tully Director of Purchasing and Tom Lannon, Director of IT/GIS
- Charter and Code Changes prepared by Conrad Pasquale, Sr. Deputy County Attorney as follows:
 - Local law to amend the Charter for the formation of the Department of General Services (Article 5);
 - Local law to amend the Code for the formation of the Department of General Services (Chapters 117 and 140);
 - Local law to amend the Charter to add the Commissioner of General Services to the Capital Projects Committee (§7.05);
 - Local law to move the Department of Tourism to Article 3 of the Charter.
- Civil Service appendix from the Director of Personnel, Paul Eldridge
- Budgetary Amendments from Commissioner of Finance, Michael Lewis

The attached legislation is being forwarded for the review and consideration of the Rules, Enactments, & Intergovernmental Relations Committee (or, appropriate committee). Please note that the proposed amendment is subject to a permissive referendum and shall take effect within forty-five (45) days from passage as consistent with Section 15.01 of the Charter, which addresses the procedure for Charter amendments.

Should you have any questions, please do not hesitate to contact my office.

A proposal to Putnam County Executive Kevin Byrne and the Putnam County Legislature on the initiative to create a Department of General Services to help direct policy, enhance business practices and effectively manage centralized operating and capital costs.

Proposal for Department of General Services

For Putnam County
Government

John Tully, Director of Purchasing and Central
Services and Tom Lannon, Director of IT/GIS

Executive Summary

The creation of a Department of General Services (“DGS”), through the merging of the Purchasing and IT/GIS Departments, will increase efficiency and cost effectiveness, consolidate operations, and maximize existing County resources by providing centralized, coordinated services to other Departments of County government. These services will include Purchasing, Central Services, Asset Management, Capital Planning, Information Technology and GIS.

By merging Information Technology and Procurement into the Department of General Services, we will modernize and enhance the services of information technology as a method to improve business practices and efficiencies, while cutting County government operational costs. By researching and utilizing best business practices together with best technology practices, we will be able to reduce costs and improve efficiencies while better coordinating the use of technology to reduce the financial burden on taxpayers, all while improving services to our citizens. The challenge has been and will continue to be learning to adapt as an organization to new methods in a world where technology develops daily.

Similar to decisions made by other county governments such as Albany, Dutchess, Orange, and Rockland, creating a Department of General Services will help to further achieve both the County Executive and the Legislature’s goal of reducing government spending, finding new and innovative solutions to promote efficiencies, and contain costs to ensure that taxpayers are getting added value for their hard-earned dollars. This Administration supports and respects the policy making authority of the County Legislature and respectfully asks that the Board approve the requested Charter and Code changes and the budgetary amendments necessary for the formation of the Department of General Services. This Administration, along with the Directors of Purchasing and Information Technology are available to meet and discuss these changes through the committee process. Establishing a Department of General Services and supporting its mission is a proactive measure that will help to ensure Putnam County continues to be ranked among the top of the most fiscally prudent counties in New York State.

Included with this proposal for Legislative consideration are the necessary changes to the Putnam County Charter, and the Putnam County Code, budgetary amendments (no fiscal impact) and a Civil Service explanation.

Department of General Services (“DGS”)

Introduction:

During the preparation and subsequent adoption of the 2024 budget, certain measures were taken to consolidate and transfer various governmental expenses into the Department of Purchasing and Central Services and the Department of Information Technology (“IT”)/Geographic Information Systems (“GIS”). Administratively, these measures were taken because they provide economic efficiencies and are consistent with our intentions to create a Department of General Services that will include Purchasing, Central Services, Asset Management, Capital Planning, Information Technology and GIS.

This initiative is intended to bring together important internal services. This will improve efficiency and effectiveness of not only these two departments, but also, and more importantly, the ones that they serve.

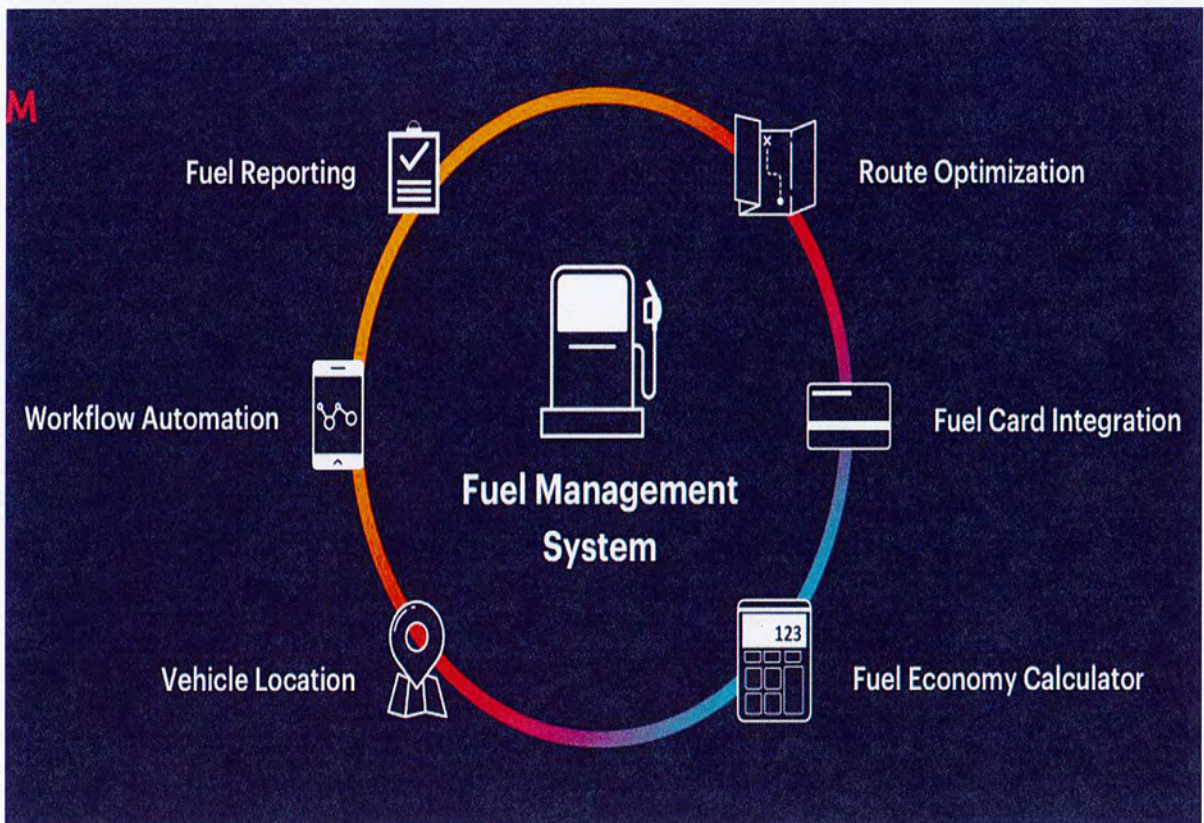
In order to officially effectuate the creation of the Department of General Services (“DGS”), attached to this proposal is a recommended charter change that rescinds the existing Article 5 and replaces it with a new Article 5 wherein Procurement and Information Technology/GIS are merged into the Department of General Services. The structure presented in the Charter change provides the current and future administrations with two options, one of which would require subsequent budgetary considerations. The first option the Charter change provides is to hire a commissioner to oversee both Divisions of Procurement and Information Technology. Each Division would be headed by its own Director under the purview of the Commissioner of DGS. The second scenario, and the one that this Administration is recommending, requires that the Commissioner of the Department of General Services also be directly responsible for one of the two Divisions. ***It should be noted that this proposal also corrects an oversight, in that even though the Department of Information Technology/GIS existed, no reference was made to it in the County Charter.***

The Charter proposal above, along with this Administration’s intent to rely upon two current employees with over 60 years of combined and diverse Putnam County government experience, and in consultation with Deputy County Executive Burpoe with his 12 plus years of experience running one of the first and largest County Departments of General Services in New York State, are the key elements for the successful development of a DGS for Putnam County.

The mission we have laid out for the Department of General Services is to strive for excellence in public service through the seamless integration of procurement, central services, Information Technology, GIS, asset management and capital planning functions. To that end, some of the initiatives that will be handled by DGS are:

Fleet and Fuel Management:

DGS will manage the inventory, purchases, leases and the disposal of vehicles in the County Fleet to ensure that the fleet is consistently right sized and that all Departments have the necessary vehicles needed to carry out their respective missions. The Department of General Services will coordinate this effort with all Departments who are stakeholders in Fleet Management activities, including Risk Management through the Law Department, as well as the Department of Public Works Chief Mechanic.



Additionally, under a continuing initiative to transition the County fleet to a national fueling card system, DGS will issue fuel cards for fleet vehicles, track fuel usage and monitor expenditures. This centralization will result in increased efficiency, additional security and a reduction in consulting and compliance costs.

Asset Management & Capital Planning:

DGS, through Asset management, will develop and implement a comprehensive program to manage County-wide assets through their lifecycle, from planning to procurement to disposition. This includes identification and tracking of the County's fixed assets and establishment of an inclusive fixed asset inventory maintained in the centralized financial database.



Capital improvement planning is critically important in creating a long-term plan for capital projects and a strong capital plan results from a strong asset management program. An Asset Manager will inventory and collect data about the County's infrastructure and condition, monitor performance and identify the need for maintenance, restoration or replacement measures and prioritize those needs based on the condition of the asset and the purpose it serves. This ongoing programmatic collection and aggregation of data will allow the County to evaluate and identify infrastructure needs well in advance, providing the time to develop funding and to establish prioritization in the capital plan. This will prevent a reactive approach to infrastructure expenditures and instead allow a proactive approach to capital planning.

As a function of asset management and capital Planning, DGS will also act as a liaison to the Law Department, Executive and Legislature in matters concerning the leasing and rental of County owned or occupied facilities or other infrastructure.

Commodities/ Utilities:

Natural Gas, Electricity, Gasoline:

Prior to last year's budget process, certain expense categories such as electricity, natural gas, heating oil and other building specific expenses were accounted for through various budget strategies. Twenty years ago, the budget had cost centers included in certain department or building account budgets. Over the years, the expenses were aggregated and included as a budget item in the Highways and Facilities (currently DPW) accounts. As we continue to evolve and adapt, the decisions we made last year to move the expense to the Purchasing Department, coupled with the Legislature's support of this initiative, will put the expense squarely in the Department of General Services' budget. In doing so, we are making a clear distinction between budget responsibility and the responsibility for effectively managing the procurement of entire expense categories that are subject to economic conditions, requiring regular monitoring and consultation with experts.

Former Purchasing Director Alex Mazzotta took a leadership role in working with then Highways and Facilities on the implementation of Article 9 Energy improvements to reduce the electrical demand of County Government facilities. Now, with all utility expenses aggregated into the Department of General Services we will monitor and track the cost of every Kilowatt, therm, and gallon of fuel that this County consumes and contract with experts and cooperatives to guide us in keeping the cost of the commodities as low as possible. I am happy to report that this effort has saved Putnam County \$126,000 on the purchase of electricity and natural gas during fiscal year 2023. ***This effort coupled with proper selection of energy efficient equipment through Asset Management will ensure that Putnam County government is doing its part to contain costs and be energy efficient.***

Grant Assistance:

In addition to making every effort to control costs and maximize the County buying power, DGS will also centralize the task of aiding departments in their search for grant opportunities to offset County investments. The Department will issue requests for proposals (RFPs) to organizations interested in aggressively seeking grant opportunities that will offset the costs of department missions, and approved initiatives that align with countywide goals. The selected firm(s) will offer to be compensated as a percentage of successful grant proceed. This effort will include a collaborative approach with the Department of Planning, Development and Transportation Commissioner who continuously monitors available governmental grant opportunities. The Legislative rule regarding the pre-approval of grant applications will be coordinated with the Clerk of the Legislature for appropriate committee assignment.

Information Technology

Before discussing the benefits of combining IT/GIS and Procurement into one department, it is important to reiterate that this proposal also addresses administrative and legislative responsibility to the Putnam County Charter. This proposal corrects an oversight, in that even though the department existed, no reference was made to the Department of Information Technology/GIS in the County Charter.

By merging Information Technology and Procurement into the Department of General Services, we will modernize and enhance the services of information technology as a method to improve business practices and efficiencies, while cutting County government operational costs. By researching and utilizing best business practices together with best technology practices, we will be able to reduce costs and improve efficiencies while better coordinating the use of technology to reduce the financial burden on taxpayers, all while improving services to our citizens. The challenge has been, and will continue to be learning to adapt as an organization to new methods in a world where technology develops daily.

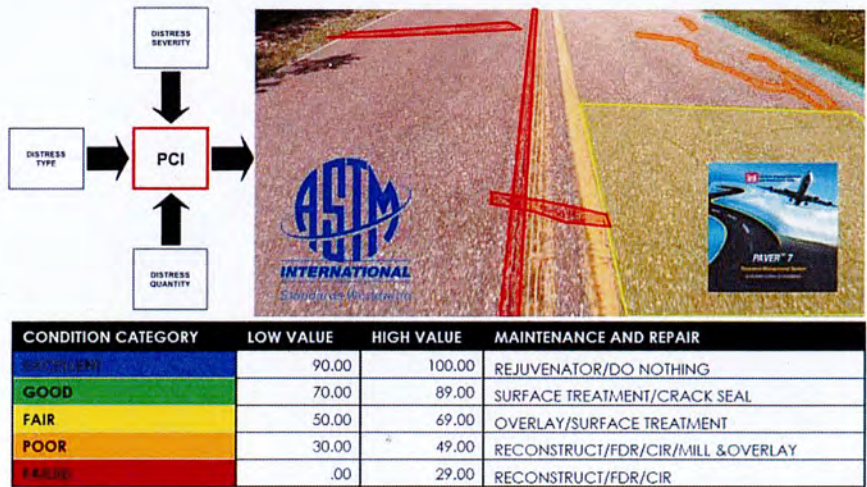
Putnam County Information Technology continuously support between 600 and 1000 active users of I.T.- managed networks and resources. Listed below are some of the specific tools used by our employees daily. These tools (computers, servers, phones, cell phones, tablets peripherals, etc.) are a significant ongoing investment in our annual operating budget. Keeping these components as close to 100% reliable will always be one of the goals of the IT Department staff as they are extraordinarily important to productivity. We witnessed this firsthand as Deputy County Executive Burpoe began conversations with all Department Heads regarding "Continuity of Operations Plans (COOP)". Every single Department will rely upon our network and technology solutions to maintain services during events that range from snow delays to catastrophic events that could disrupt daily operations and the delivery of vital government services.

Each expense category could be described in a narrative to justify how, working closely with Procurement, we can more effectively manage the expense categories through DGS. However, for the purposes of this proposal we can describe the concept through the procurement of computer equipment expenditures.

Geographic Information Systems (GIS):

The budgetary amendment included with this package, if approved, will set us up for generating additional revenue as we prepare for the 2025 budget. This amendment restructures the budget of DGS and establishes a new cost center for GIS only that will remain under the management of the Director of Information Technology. Isolating the costs of GIS will help us to understand the investment we make in this important function. It will also help us allocate recoverable expenses to other Departments and divisions of the County that rely on this important service. We have already identified the \$50k in additional funding available through the Planning Department in 2025.

In furtherance of the goals of the DGS, Geographic Information Systems will play a crucial role in supporting the asset management functions. Map based presentation of County owned assets will aid in decision making, GIS will also play a role in asset inventory, tracking, and analysis. In fact, procurement and IT/GIS are currently working with DPW and Planning to integrate and collect new spatial data that will assist Planning and DPW in their mutual efforts to plan for infrastructure improvements. Below is a sample of what we can, through GIS mapping, display pavement conditions and demonstrate that funding for road rehabilitation and reconstruction efforts are being used wisely. We are currently working with Planning and DPW to implement this system.



Computer Expenditures:

The County Executive and Legislature supported the aggregation of certain computer budgets into the Department of Information Technology. In doing so, it becomes easier to standardize the hardware and software configurations across the County. This will also simplify warranty claims, repairs, and ongoing technical support, leading to faster resolution of issues and improved user satisfaction. This will also support the Department of Information Technology in effectively managing the shipping dates and deployment of new equipment. Standardizing hardware and

software configurations through aggregated purchases can strengthen security measures allowing for more consistent implementation of security protocols, updates and patches across all devices.

From a procurement perspective, the aggregation of this expense category provides numerous untapped benefits beyond volume discounts and cost savings, including increased efficiency, improved quality control, enhanced vendor relationships, and better support for Putnam County objectives such as security and innovation. This streamlined effort can also save time and administrative effort for both Procurement and Information Technology staff.

Cybersecurity:

As the world becomes increasingly reliant on technology, the more important cybersecurity becomes. Everyday our security systems fend off multiple attacks from malicious actors. To protect the County, we must be involved in all aspects of each department. As we work to make technology an integral part of County business, we must stay ahead of cybersecurity threats.

As the Director of IT has said time and time again, viruses don't just jump into our system, we (the employees) allow them in. Clicking a link, downloading a file, opening a web page, all these are common actions taken by employee's multiple time each day. Ironically, each of these are the way into our infrastructure where cyber criminals can begin the chaos. Having IT and its goal of 100 % cybersecurity compliance front and center to each department is effectively achieved by establishing the Department of General Services.

"We need to do a lot more training for our existing staff, not only our end users. Better training will reduce the number of issues, while also creating more security professionals. It must be a multi-faceted approach."

Faisal Shah, Chief Information Officer, Broome County

Building Security:

Building security is a critical component of protecting our assets, and we need to leverage the role that technology plays in safeguarding our space. Monitoring fire, intrusion, providing access control. Technology has changed the landscape of each of these. Old school switches and sensors connected by vulnerable wires to dial up phone systems are being replaced by highly reliable solid state and digital equipment connected via wireless technology and monitored via internet connections.

Weighing the advantages of using newer technology or staying with traditional methods is a task that the Office of IT/GIS deals with every day. In the past, the Office of IT/GIS was given the

oversight of most of the security landscape, but not provided with the funds. In budget year 2023 all funds for month-to-month operations were moved to the Office of IT/GIS. This still leaves the operational control of new projects along with the break/fix administration (both technologically and financially) to be redirected.

To allow the County to realize better financial oversight as well implementing the best technology solution, all County Physical Security needs will fall under the oversight of the Director of IT

Other, ongoing Information Technology Services and Responsibilities:

Other services and day to day functions that are supported by the Department of Information Technology are referenced below. Fostering ongoing collaboration, and using all the tools of procurement DGS will strive to improve these functions and services:

- Cloud Support, including M365
- Computers & Peripherals
- Printing and Copiers
- County Switchboard
- Credit Cards
- Databases
- Event Planning & Support
- Financials
- Firewalls
- Inventory Management
- Mobile App
- Tyler ERP
- Network
- NY Alert
- Phones
- Photography
- Project Management
- Recycling, E-waste
- Security Systems & ID Cards
- Servers
- SharePoint
- Social Media
- Trainings
- Videography
- Website Design & Maintenance
- Wireless Communication – Cellphones/Wireless Telephony
- Wireless Communications – Radios, microwave, towers

Implementation Considerations

Civil Service Impact:

Upon approval of the Charter Change by local law of the Putnam County Legislature, all staff from the Department of Information Technology and the Department of Purchasing and Central Services will be considered staff within the Department of General Services. The Personnel Department has reviewed Civil Services requirements and I have attached a memorandum summarizing the review, from Director Paul Eldridge.

Current Budget Considerations:

The adopted budget for information Technology/GIS for fiscal year 2024 is \$2.6 million, and for Purchasing and Central services \$2.7 million, for a combined total budget of \$5.3 million. It is through these resources that the Department of General Services is proposed to be funded. In other words, the measures taken through the combined efforts of the Legislature and the County Executive's administration in the preparation and adoption of the 2024 budget allows us to support the proposal for formation of DGS as outlined above ***with no fiscal impact*** to Putnam County. Through its mission, and with Executive and Legislative support, we anticipate greater efficiencies and productivity savings that will inure to the benefit of our taxpayers and further support this proposal as a future proof strategy.

Future Forward:

We have outlined several different functions and responsibilities that will be managed by the efforts of the Directors within DGS. However, we must recognize that there exist additional opportunities to improve upon this initiative as DGS continues to evolve. Some such items include, but are not limited to:

- Proper succession planning
- Co-locating the Divisions of DGS
- Investments in Innovative technology solutions
- Modernize printing and mail services to include centralized shipping and receiving.
- Enhancing cyber security efforts
- Investing in the future of GIS

The addition of these programs and any budgetary impacts will be brought forth with separate justification for approval by the Administration and Legislature before implementation.

While we recognize that there are other goals and opportunities for DGS, the functions that will become the responsibility of DGS are not taken lightly and will require our ongoing support. Those functions include procurement, capital planning, asset management, utility/commodity management, lease/rental management, fleet management, coordinated grant assistance, central mail, information technology, GIS, and website and social media maintenance. It is noteworthy that some of the functions are full-time positions in other larger municipalities. Some require an ongoing commitment from other departments. These will be coordinated through DGS as, referenced in our Fleet Management example. Managing these functions as efficiently and effectively as possible will be the charge of DGS and we are confident that our team can deliver.

Measuring Success:

Service will be the cornerstone of a strong DGS operation. We intend to measure its success on a regular basis through feedback from those we serve. We will use the results of surveys to provide unfiltered feedback from which to build upon. Who, where, what, when, why and how DGS can help will be questions the staff will be encouraged to ask, as we deliver centralized General Services.

DGS is being proposed to have a major role in assisting the County Executive and Legislature in setting policy (for example: procurement, energy, fleet, vehicle, security, and various technology policies) that will result in both short- and long-term cost reductions for Putnam County. It is through this ongoing relationship that DGS also intends to have its success measured.

Conclusion:

Creating a Department of General Services will help to further achieve both the County Executive and the Legislature's goal of reducing government spending, finding new and innovative solutions to promote efficiencies, and contain costs to ensure that taxpayers are getting added value for their hard-earned dollars. This Administration supports and respects the policy making authority of the County Legislature and respectfully asks that the Board approve the requested Charter and Code changes, and the budgetary amendments necessary for the formation of the Department of General Services. This Administration, along with the Directors of Purchasing and Information Technology are available to meet and discuss these changes through the committee process. Establishing a Department of General Services and supporting its mission is a proactive measure that will help to ensure Putnam County continues to be ranked among the top of the most fiscally prudent counties in New York State.

Revised 3/21/24

8a

Approval

A LOCAL LAW TO AMEND ARTICLE 5 OF THE PUTNAM COUNTY CHARTER
ENTITLED "EXECUTIVE DEPARTMENT"

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 5 of the Putnam County Charter is hereby REPEALED and REPLACED as provided hereinafter:

ARTICLE 5

DEPARTMENT OF GENERAL SERVICES

§ 5.01 Department of General Services; Commissioner.

There shall be a Department of General Services under the direction of a Commissioner of General Services who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The appointment shall be on the basis of education, professional experience, and qualifications for the duties of the office. The Commissioner shall hold at minimum a Bachelor's degree and four (4) years' experience as a buyer, purchaser or an equivalent position. He or she shall have the authority within budgetary appropriations, and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as may be necessary. The Commissioner shall be directly responsible to and serve at the pleasure of the County Executive.

The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment. He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice, nor be employed in their field of expertise with the County by any private or other government entity.

§ 5.02 Commissioner of General Services; powers and duties.

Except as otherwise provided by law, the Commissioner of General Services shall have the following duties:

- A. Have charge, oversight, and supervision of the Department;
- B. Make all purchases of materials, supplies, and equipment, and contract for rentals and servicing of equipment for the County in accordance with applicable law;

- C. Assure suitable specifications or standards for all materials, supplies, and equipment to be purchased and assure inspection of all deliveries to determine their compliance with such specifications and standards;
- D. Make purchases for municipalities or other civil divisions of the County upon the written request of the governing body thereof;
- E. Have authority to transfer or reassign equipment, material, and supplies among offices, departments and agencies of the County upon approval of the County Executive;
- F. Be responsible for disposing of any surplus, obsolete or unwanted County property in a manner provided by state law;
- G. Manage the County's vehicle fleet, with the exception of those heavy vehicles which maintain, improve, and plow County highways.
- H. Administer all central administrative services for the County government, including but not limited to mail and messenger service, printing and reproduction, telephone, and other related operational services;
- I. Monitor and enforce procurement and contract compliance practices throughout County government and coordinate training to ensure such compliance;
- J. Identify and evaluate grant initiatives of benefit to the County; provide assistance and training to units of County government with application drafting, contract monitoring, reporting and compliance requirements; ensure that procurement practices and contracts are in compliance with the terms and conditions of all applicable federal or state grants, including all applicable laws, regulations, and policies related thereto;
- K. Be responsible for the continuing development of programs designed to provide accurate, sufficient and timely information for decision making and service provisions by all units of Putnam County Government, and any entity contracting with Putnam County for such services;
- L. Exercise such further power and authority as the Legislature of Putnam County may, from time to time, delegate by local law or resolution or as the County Executive may delegate in his or her administrative capacity; and
- M. Perform all the duties now or hereafter conferred or imposed by law.

§ 5.03 Division of Procurement and Central Services; Director.

There shall be within the Department of General Services a Division of Procurement and Central Services. The Commissioner may appoint, within budgetary appropriations, a Director of Procurement and Central Services. Such appointment shall be made on the basis of professional training, experience, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, in accordance with County policy or as may be otherwise required by law, to appoint, within budgetary appropriations, and remove such staff as he or she deems necessary.

§ 5.04 Director of Procurement and Central Services; powers and duties.

The Director of Procurement and Central Services appointed by the Commissioner shall have all the powers and duties of the Commissioner, excluding those powers and duties that are related to any other division within the department. The Director shall be directly responsible to, and serve at the pleasure of, the Commissioner.

§ 5.05 Division of Information Technology/Geographic Information Systems; Director.

There shall be within the Department of General Services an independent Division of Information Technology/Geographic Information Systems (IT/GIS), which shall be headed by a Director of Information Technology/GIS. The Director shall be appointed by the Commissioner of General Services on the basis of professional training, experience in IT, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, within budgetary appropriations and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as he or she deems necessary.

§ 5.06 Director of Information Technology/GIS; powers and duties.

Except as otherwise provided in this Charter, the Director of Information technology shall have the power to:

- A. Coordinate, plan, and develop all information technology systems and resources, which shall include all computer, telephone and radio hardware, fax machines, software, peripherals, applications (including electronic and voice mail), networks and network connections (including to the Internet), documentation and other capabilities intended for the purpose of processing, transferring or storing data to conduct County business and provide access to government information and government services;

- B. Administer the storage and security of electronic data as may be required by departments and agencies, and in compliance with federal and/or state governmental requirements. In furtherance of this, the Director of Information Technology shall consult with the County Clerk to meet records retention requirements;
- C. Provide and support the communications and technology infrastructure as may be required by departments and agencies;
- D. Develop and administer policies and protocols governing information technology systems employed by the County and to ensure maximum intra- and interdepartmental compatibility;
- E. Have charge of the management and processing of information and data for all units of Putnam County Government and all other local governments or other entities that may contract with Putnam County for such services;
- F. Be responsible for the ongoing development of efficient information systems including data and word processing, and other information management techniques;
- G. Coordinate and consult with all units of Putnam County Government and any entity contracting with Putnam County for such services, relating to the planning, development, organization and use of information management techniques;
- H. Advise and assist the Putnam County Legislature in matters and decisions related to the selection and implementation of information technology services;
- I. Perform such other and related duties required by the County Executive or County Legislature and work with the Commissioner of General Services to assist in completing the responsibilities required under this Article.

Section 2.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

§ 5.01 Department of Purchasing; Director.

There shall be a Department of General Services under the direction of Purchasing, administered by a Commissioner of General Services~~Director~~, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The appointment shall be on the basis of education, professional experience, and qualifications for the duties of the office. The Commissioner~~Director~~ shall hold at minimum a Bachelor's degree and be qualified for his or her position by training and experience, including four (4) years' experience as a buyer, purchaser or an equivalent position. He or she shall serve at the pleasure of the County Executive and shall have the authority within budgetary appropriations, and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as may be necessary. The Commissioner shall be directly responsible to and serve at the pleasure of the County Executive.

The Commissioner~~The Director~~, shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment. He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice, nor be employed in their field of expertise with the County by any private or other government entity, except any such employee hired prior to December 31, 2010 may continue in any private practice in their field of expertise until December 31, 2013 as long as they remain in their current position of County employment.

§ 5.02 Commissioner~~Director~~, of General Services: Purchasing; powers and duties.

Except as otherwise provided by law in this Charter, the Commissioner~~Director~~, of General Services~~Purchasing~~ shall have the following duties~~power to~~:

A. Have charge, oversight, and supervision of the Department;

A.B. Make all purchases of equipment, materials, and supplies, and equipment, required for any County purpose and contract for rentals~~the rental~~, and servicing of equipment for the all County departments, in accordance with applicable law~~the requirements established by law or by the County Legislature~~;

B.C. Assure suitable specifications or standards for all materials, supplies, and equipment to be purchased and assure inspection of~~Of~~ all deliveries to determine their compliance with such specifications and standards;

C.D. Make purchases for municipalities or other civil divisions of the County upon the written request of the governing body thereof;

D.E. Have authority to transfer or reassign equipment, material, and supplies among offices, departments and agencies of the County upon approval of the County Executive;

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~~E. Operate and maintain facilities for providing mailing as may be authorized by the County Executive or the County Legislature;~~

F. ~~Be responsible for disposing of any surplus, obsolete or unwanted County property in a manner provided by state law;~~

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G. Manage the County's vehicle fleet, with the exception of those heavy vehicles which maintain, improve, and plow County highways.

H. Administer all central administrative services for the County government, including but not limited to mail and messenger service, printing and reproduction, telephone, and ~~Perform such other and related operational services;~~

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I. Monitor and enforce procurement and contract compliance practices throughout County government and coordinate training to ensure such compliance;

J. Identify and evaluate grant initiatives of benefit to the County; provide assistance and training to units of County government with application drafting, contract monitoring, reporting and compliance requirements; ensure that procurement practices and contracts are in compliance with the terms and conditions of all applicable federal or state grants, including all applicable laws, regulations, and policies related thereto;

K. Be responsible for the continuing development of programs designed to provide accurate, sufficient and timely information for decision making and service provisions by all units of Putnam County Government, and any entity contracting with Putnam County for such services;

~~G.L. Exercise such further power and authority duties as the Legislature of Putnam County may, from time to time, delegate by local law or resolution or as ~~be required by~~ the County Executive may delegate in his or her administrative capacity; and~~

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~~H.M. Perform all the duties now or hereafter conferred or imposed by law.~~

§ 5.03 Department of Tourism; Director.

<<Moved to Article 3>>

§ 5.04 Director of Tourism: powers and duties.

<<Moved to Article 3>>

Revised 3/21/24

8b.

Approval

A LOCAL LAW TO AMEND CHAPTER 117 ENTITLED "APPRENTICESHIP TRAINING PROGRAM" AND CHAPTER 140 ENTITLED "CONTRACTS AND PROCUREMENT" OF THE PUTNAM COUNTY CODE IN RELATION TO THE CREATION OF THE DEPARTMENT OF GENERAL SERVICES

Be it enacted by the Legislature of the County of Putnam as follows:

<<PUTNAM COUNTY CODE CHAPTER 117>>

Section 1.

Section 117-5 of the Putnam County Code is hereby amended to read as follows:

§ 117-5 Enforcement.

The Commissioner of General Services is hereby authorized, empowered and directed to promulgate and, from time to time amend, such rules and regulations that he deems necessary for the implementation and enforcement of any provisions of this chapter. However, this local law shall not preclude the Commissioner of General Services, along with the Putnam County Attorney, from negotiating such terms and conditions with the construction contract contractor to assure a sufficient labor workforce on the job so as not to delay timely completion of the construction contract project.

Section 2.

Section 117-8 of the Putnam County Code is hereby amended to read as follows:

§ 117-8 Effective date.

This chapter shall become effective 90 days after its filing in the office of the Secretary of the State pursuant to Municipal Home Rule Law, provided, however, that any regulations of the Commissioner of General Services may be promulgated prior to the effective date of this chapter.

<<PUTNAM COUNTY CODE CHAPTER 140>>

<<ARTICLE I: General Provisions>>

Section 3.

Section 140-1.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.3 Exemptions.

Unless otherwise ordered by regulation the following commodities, supplies or services need not be procured through the Department of General Services in accordance with the County's Procurement Policy, and shall be procured by the appropriate agency, department or committee:

- A. Works of art for public display.

Section 4.

Section 140-1.6 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.6 Definitions.

CHANGE ORDER

A written order signed and issued by the Commissioner of General Services, directing the contractor to make changes in relation to a specific purchase order or County contract.

<<ARTICLE II: Office of the Commissioner Of General Services>>

Section 5.

Section 140-2.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.1 Authority and duties.

- A. Principal public purchasing official. Except as otherwise provided herein, the Commissioner of General Services shall serve as the principal public purchasing official for the County, and shall be responsible for the procurement of supplies, services, equipment, and public works projects in accordance with this policy, as well as the management and disposal of supplies, services, and equipment.
- B. Duties. In accordance with this policy, the Commissioner of General Services shall:
 - (1) Procure or supervise the procurement of all supplies, services, materials and equipment, as well as public works projects.
 - (2) Exercise direct supervision over the County's central stores and general supervision over all other inventories of supplies belonging to the County;

- (3) Sell, trade, or otherwise dispose of surplus supplies belonging to the County; and
 - (4) Establish and maintain programs for specification development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services, and construction.
- C. Operational procedures. Consistent with this policy, the Commissioner of General Services may adopt operational procedures relating to the execution of its duties.

Section 6.

Section 140-2.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.2 Delegations to other County officials.

With the approval of the County Executive, the Commissioner of General Services may delegate authority to purchase certain supplies, services, equipment, or construction items to other County officials, if such delegation is deemed necessary for the effective procurement of those items.

Section 7.

Section 140-2.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.3 Procurement card program.

- A. With the approval of the County Executive, the Commissioner of General Services, under the authority provided in § 140-2.1 of this policy, may establish a procurement card program to improve efficiency and streamline the purchasing process of small-dollar items, thereby eliminating the need for many petty cash accounts, and also reducing the volume of individual purchase orders and payments processed by the County to suppliers. Audits shall be required to ensure that the cardholders and their respective department head or commissioner are adhering to proper policies and procedures.
- B. Conditions for use. The Commissioner of General Services and the Commissioner of Finance shall develop procurement card policies and procedures that detail the regulations which will govern the program. The Procurement Card Policy shall be reviewed annually by the County Legislature in conjunction with its annual review of the County's Procurement Policy. The Procurement Card Policy shall include:
 - (1) Purpose of the procurement card program.

- (2) Scope of the program.
- (3) Detailed listing of all card holders, card limits, and approved uses.
- (4) Applicability of the policies and procedures.
- (5) Responsibilities.
- (6) Assignment and control of the procurement cards.
- (7) Card holder use of the procurement card.
- (8) Prohibited use of the procurement card.
- (9) Procedures for making and paying for purchases.
- (10) Procedures for disputes.
- (11) Review of purchases by departments.
- (12) Audit requirements.

<<ARTICLE III: Source Selection, Bidder Qualifications, Contract Formation and
Administration >>

Section 8.

Section 140-3.1 of the Putnam County Code is hereby amended to read as follows:

140-3.1 Competitive sealed bidding; lowest responsible bidder.

- A. Conditions for use. All contracts of the County of Putnam shall be awarded by competitive sealed bidding except as otherwise provided in §§ 140-3.3 (Competitive sealed proposals), 140-3.5 (Contracting for legal services), 140-3.7 (Small purchases), 140-3.8 (Sole source procurement), 140-3.9 (Emergency procurements).
- B. Invitation for bids. An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.

- C. Public notice. Adequate public notice of the invitation for bids shall be given, not less than 14 calendar days prior to the date set forth therein for the opening of bids, unless it is determined by the Commissioner of General Services, in writing, that a public notice of less than 14 days is adequate. In no instance shall the public notice be less than five business days. Such notice shall include publication in the newspaper(s) of general circulation as designated by the County Legislature. The public notice shall state the place, date, and time of the bid opening.
- D. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Commissioner of General Services deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection in accordance with § 140-1.7 (Public access to procurement information).
- E. Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria that are not set forth in the invitation for bids may be used in bid evaluations.
- F. Correction or withdrawal of bids; cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, correction of bids shall not be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by written determination made by the Commissioner of General Services.

G. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

H. Receipt of bids.

(1) Bids are to be packaged, sealed and submitted to the location stated in the bid specifications. Bidders are solely responsible for timely delivery of their bids to the location set forth in the bid specification prior to the stated bid opening date/time; or

(2) If authorized by the bid specification, bids may be submitted in an electronic format. Submission in an electronic format may not, however, be required as the sole method for the submission of bids.

(a) The receiving device designated by the County of Putnam will be the Empire State Purchasing Group's e-Procurement software from Bidnet or the Bonfire e-Procurement software and will be identified in the bid specification. Both receiving devices will:

[1] Document the time and date of each bid received electronically;

[2] Authenticate the identity of the sender;

[3] Ensure the security of the information transmitted; and

[4] Ensure confidentiality of the bid until the time and date established for opening of the bids.

(b) The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or specifications shall be the sole responsibility of each bidder or prospective bidder. The County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

Section 9.

Section 140-3.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.2 Best value awards.

A. Purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of best value, as defined in § 163 of the State

Finance Law and as authorized in § 103 of the General Municipal Law, to a responsive and responsible offeror.

- B. Where the basis for award is the best value offer, the Commissioner of General Services shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- C. The Commissioner of General Services shall select a formal competitive procurement process and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved.
- D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The solicitation shall identify the relative importance and/or weight of cost and the overall evaluation criterion to be considered by the County in its determination of best value.
- E. In assessing best value when awarding the purchase contract, non-price factors can be considered. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law.

Section 10.

Section 140-3.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.3 Competitive sealed proposals.

- A. Conditions for use. When the Commissioner of General Services determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by the use of the competitive sealed proposal method.
- B. Request for proposals. Proposals shall be solicited through a request for proposals.
- C. Public notice. Adequate public notice of the request for proposal shall be given in the same manner as provided in § 140-3.1C (Competitive sealed bidding, public notice), provided the minimum time shall be 14 calendar days.
- D. Receipt of proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- E. Evaluation factors. The request for proposals shall state the importance of price and other evaluation factors.
- F. Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offerors. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- G. Award. Award shall be made to the responsible offeror whose proposal is determined, in writing, to offer the best value to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award was made.

Section 11.

Section 140-3.7 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.7 Purchases not subject to competitive bidding.

- A. The following purchases are not subject to competitive bidding:

- (1) Purchases of \$20,000 or less for commodities, equipment, materials, supplies and services.
- (2) Purchases of \$35,000 or less for public works projects.
- (3) Purchases through preferred sources pursuant to § 162 of the state Finance Law.
- (4) Purchases in excess of \$500, of materials, equipment and supplies (except printed material) through the New York State Office of General Services (OGS), subject to rules established by OGS (see State Finance Law, § 163).
- (5) Purchases through other New York State counties contracts, pursuant to General Municipal Law § 103(3).
- (6) Purchases of surplus and secondhand supplies, materials or equipment from the federal government, the State of New York or from any other political subdivision, district or public benefit corporation with the state, pursuant to General Municipal Law § 103(6).
- (7) Purchases through contracts let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value.

B. Section 104-b of the New York State General Municipal Law requires that procedures for purchasing goods and services that fall below the monetary bid limits be established and approved by the governing board. The following shall constitute Putnam County policy:

- (1) Cumulative purchases.
 - (a) Purchases shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. The Commissioner of General Services shall canvas using agencies to determine yearly value of a commodity or service. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity or service. If the bid limit is suspected to be exceeded, competitive bidding shall be used. This decision shall rest with the Commissioner of General Services.
 - (b) If there are several comparable separate public works projects for the same or various locations, in a foreseeable time frame, whose expected cumulative total is more than \$10,000, written quotes must be obtained from a minimum of three suppliers.
- (2) Methods of procurement not covered by competitive bidding.

- (a) Purchases for commodities, equipment, supplies, materials and services in the amount of \$3,000 or less shall be awarded at the discretion of the Commissioner of General Services; purchases of more than \$3,000 up to and including \$20,000 shall require a minimum of three electronic or written quotes. All purchases of more than \$20,000 shall be competitively bid.
 - (b) Purchases that are defined as public works projects in the amount of \$10,000 or less shall be awarded at the discretion of the Commissioner of General Services; purchases of more than \$10,000 up to and including \$35,000 shall require a minimum of three written or electronic quotes. All purchases of more than \$35,000 shall be competitively bid.
 - (c) Purchases and contracts defined as professional services in the amount of \$50,000 or less shall be awarded at the discretion of the County Executive, Commissioner of General Services and the Commissioner or Director of the using agency. Purchases and contracts of more than \$50,000 shall require the issuing of a formal request for proposal and the approval of the County Executive.
- (3) Award. All awards from telephone, facsimile, e-mail or written quotes shall be made to the supplier offering the best value to the County. In determining the best value for the County, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the Commissioner of General Services may consider other relevant factors, including:
- (a) Installation costs;
 - (b) Life cycle costs;
 - (c) The quality and reliability of the goods and services;
 - (d) The delivery terms;
 - (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;
 - (f) The cost of any employee training associated with a purchase;
 - (g) The effect of a purchase on agency productivity; and

(h) Other factors relevant to determining the best value for the County in the context of a particular purchase, including the status of the vendor as a Putnam County based small business.

(4) Documentation. All quotes (written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the Department of General Services' copy of the purchase order. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

Section 12.

Section 140-3.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.8 Sole source procurement.

- A. A contract may be awarded without competition when the Commissioner of General Services determines in writing, after conducting a good faith review of available resources that there is only one source for the required commodity, supply, service or construction item. The Commissioner of General Services shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file.
- B. In determining whether procurement qualifies as a sole source, the Department of General Services and the agency requesting the procurement shall show, at a minimum:
- (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace;
 - (4) That there is no possibility of competition, as from competing dealers or distributors.

Section 13.

Section 140-3.9 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.9 Emergency procurements.

Notwithstanding any other provisions of this policy, the Commissioner of General Services, with the approval of the County Executive and the Chairman of the Legislature, may make or authorize others to make emergency procurements of commodities, supplies, services, or construction items when there exists a threat to public health, welfare, or safety, or County property, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular supplier shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the supplier's name, the amount and type of contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.

- A. All Departments, except for Department of Public Works: During periods of emergency, such as (1) natural catastrophes such as landslides, snowfalls, flooding or other acts of nature which prevent normal operations, (2) damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses, and (3) breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes, the normal purchasing procedures are not practical. Therefore, special emergency procedures are established to aid the departments in their operations. In those cases of emergency requiring immediate actions, the department head responsible for that operation will assume charge for the operation. The following procedure will then be used:
- (1) If possible, immediately notify the Commissioner of General Services of the nature of the emergency and your plans to cope with the situation.
 - (2) Contact the vendor immediately and arrange the purchase.
 - (3) Notify the Department of General Services, as soon as practical, that the emergency purchases are necessary and being arranged.
 - (4) Within five days after the emergency purchase is made, the department head will prepare and forward to the Department of General Services a receiving report, indicating descriptions of the purchase and other information.
- B. Department of Public Works: For field employees: If an emergency purchase is required, such as natural catastrophes (e.g., landslides, snowfalls, flooding or other acts of nature which prevent normal operations), damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses. Breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes:
- (1) Normal purchasing procedures are not practical. Therefore, the following should be followed:

- (a) Contact vendor.
 - (b) Notification to your supervisor and/or commissioner.
 - (c) Make purchase.
- (2) For Public Works Administration Office only:
- (a) Public Works Administration only will provide documentation as to the item/service purchased, vendor, date and justification as to why this procedure was utilized to the Department of General Services via letter or e-mail.
 - (b) The Department of General Services will then document verification of purchase to audit.

Section 14.

Section 140-3.11 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.11 Responsibility of bidders and offerors.

- A. Determination of nonresponsibility. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the Commissioner of General Services. The unreasonable failure of a bidder or offeror promptly to supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror. The final determination shall be made part of the contract file and be made a public record.
- B. Right of nondisclosure. To the extent possible under the New York State Freedom of Information Law (FOIL), information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the County outside of the office of the Commissioner of General Services, or using agency, without prior written consent of the bidder or offeror.

Section 15.

Section 140-3.13 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.12 Cost or pricing data.

- A. Required submissions relating to the award of contracts. A prospective contractor shall submit cost or pricing data when the contract is expected to exceed \$100,000 and is to be awarded by competitive sealed proposals (§ 140-3.3, Competitive sealed proposals), or by sole source procurement authority (§ 140-3.8, Sole source procurement).
- B. Exceptions. The submission of cost or pricing data relating to the award of a contract is not required when:
- (1) The contract price is based on adequate price competition;
 - (2) The contract price is based on established catalog prices or market prices;
 - (3) The contract price is set by law or regulation; or
 - (4) It is determined, in writing, by the Commissioner of General Services that the requirements of § 140-3.12A (Cost or pricing data, Required submissions relating to the award of contracts) may be waived, and the determination states the reasons for such a waiver.
- C. Required submissions relating to change orders or contract modifications. A contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, when the change or modification involves aggregate increases or aggregate decreases in costs plus applicable profits that are expected to exceed 10% of the original contract amount.
- D. Exceptions. The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience.
- E. Certification required. A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.
- F. Price adjustment provision required. Any contract award, change order, or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the County of Putnam, including profit or fee, shall be adjusted to exclude any significant sums by which the County of Putnam finds that such price was increased because the contractor-furnished cost or pricing data that was

inaccurate, incomplete, or not current as of the date agreed upon between the County of Putnam and the contractor.

Section 16.

Section 140-3.14 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.14 Bid and performance bonds on supply or service contracts.

- A. Bid and performance bonds or other security may be requested for supply contracts or service contracts as the Commissioner of General Services or head of a using agency deems advisable to protect the County of Putnam's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder's or offeror's responsibility.
- B. The County reserves its right to approve the form, sufficiency, or manner of execution of surety bonds and contracts of insurance furnished by the surety company selected by the bidder to underwrite such bonds or contracts. In addition, all surety companies shall be licensed by the State of New York and have a Best's rating on bonds and contracts of insurance of an A- or better.
- C. In addition, the County reserves the right to approve or reject the contractor's proposed surety company. The County shall notify potential bidders, as part of the bid solicitation, of any surety company that has been deemed unacceptable to the County.

Section 17.

Section 140-3.15 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.15 Types of contracts.

- A. General authority. Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the County of Putnam may be used. A cost reimbursement contract may be used only when a determination is made, in writing, that such contract is likely to be less costly to the County of Putnam than any other type or that it is impracticable to obtain the supply, service, or construction item required under such a contract.
- B. Multiterm contracts.

- (1) Specified period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the County of Putnam, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriations of funds thereafter.
- (2) Determination prior to use. Prior to the utilization of a multiterm contract, it shall be determined in writing that:
 - (a) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
 - (b) Such a contract will serve the best interests of the County of Putnam by encouraging effective competition or otherwise promoting economies in County of Putnam procurements.
- (3) Cancellation due to unavailability of funds in succeeding fiscal periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled.

C. Multiple source contracting.

- (1) General. A multiple source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provision of Uniform Commercial Code § 2-306(1).
- (2) Limitations on use. A multiple source award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple source award shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the actual requirements.
- (3) Contract and solicitation provisions. All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the actual requirements of such users that can be met under the contract be obtained in accordance with the contract, provided that:

- (a) The County of Putnam shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or an amount specified in the contract; and
 - (b) The County of Putnam shall reserve the right to take bids separately if the Commissioner of General Services approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the County of Putnam.
- (4) Intent to use. If a multiple source award is anticipated prior to issuing a solicitation, the County of Putnam shall reserve the right to make such an award, and the criteria for award shall be stated in the solicitation.
- (5) Determination required. The Commissioner of General Services shall make a written determination setting forth the reasons for a multiple source award, which shall be made a part of the procurement file.
- D. Multiple source contracting: purchase of office furnishings by percentage discount awards.
- (1) General. A multiple source award for office furnishings is an award of an indefinite quantity contract on one or more office furnishings manufacturer's product lines to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provisions of Uniform Commercial Code Section 2-306(1).
 - (2) Limitations of use. A multiple source award may be made when award to two or more bidders or offerors for similar product lines is necessary for adequate delivery, service or product compatibility. All multiple source awards shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet actual requirements.
 - (3) Contract and solicitation provisions. Specifications shall be drafted to include and utilize a mini-bid system to ensure that the County receives the best value for dollars expended.
 - (4) Mini-bid procurement process. The Department of General Services shall issue bids for discounts off of manufacturers' product lines and suggested retail price list. Award will be made by product line to the bidder offering the highest discount. Departments may

request a specific brand and item based on the bid awards made. The Department of General Services shall review the requested requisition and obtain a minimum of three additional quotations from a minimum of three additional contract vendors for an "equivalent" item from other manufacturers. The Department of General Services shall review all of the mini-bid quotations and select the vendor/manufacturer that meets the form, function, utility and quality of the requesting agency, and also offers the lowest price.

- (5) Waiver of mini bid procurement process. The Commissioner of General Services may waive the requirement of the mini-bid process for those procurements that are additions to and alterations of existing systems furniture groups. The reasons for such waiver shall be documented, in writing, and made part of the procurement record.

E. Design service contracts for office furnishings.

- (1) General. The Commissioner of General Services or his/her designee may enter into separate contracts for design services or space planning services as deemed necessary for a particular project.
- (2) Limitations on use. A design services or space planning services contract may be entered into in accordance with the provisions of § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable.
- (3) Contract and solicitation provisions. All solicitations and contracts for design services and space planning services shall include the following requirements:
 - (a) All specifications prepared under this contract shall be drafted so as to promote overall economy for the purpose intended and encourage competition in satisfying the County's needs and shall not be unduly restrictive. Design service contractors are prohibited from recommending or specifying any manufacturer's products or brand names in their plans and specifications if the design services contractor currently holds a bid award for that product line/manufacturer with the County of Putnam.
 - (b) When brand names are used in the plans and specifications developed by the Contractor, the contractor shall identify a minimum of three brand names that will satisfy the requirements of the plans and specifications.

Section 18.

Section 140-3.16 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.16 Contract clauses and their administration.

A. Contract clauses. All County of Putnam contracts for supplies, services, materials and equipment, as well as public works projects, shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Commissioner of General Services, after consultation with the County Attorney, may issue clauses appropriate for supply, service, or public works contracts, addressing among others, the following subjects:

- (1) The unilateral right of the County of Putnam to order, in writing, the changes in the work within the scope of the contract;
- (2) The unilateral right of the County of Putnam to order, in writing, temporary stopping of the work or delaying performance that does not alter the scope of the contract;
- (3) Variations occurring between estimated quantities of work in contract and actual quantities;
- (4) Defective pricing;
- (5) Liquidated damages;
- (6) Specified excuses for delay or nonperformance;
- (7) Termination of the contract for default;
- (8) Termination of the contract, in whole or in part, for the convenience of the County of Putnam;
- (9) Suspensions of work on a construction project or by the County of Putnam; and
- (10) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:
 - (a) When the contract is negotiated;
 - (b) When the contractor provides the site or design; or
 - (c) When the parties have otherwise agreed with respect to the risk of differing site conditions.

B. Price adjustments.

- (1) Adjustments in price resulting from the use of contract clauses required by Subsection A of this section shall be computed in one or more of the following ways:
 - (a) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
 - (b) By unit prices specified in the contract or subsequently agreed upon;
 - (c) By the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
 - (d) In such other manner as the contracting parties may mutually agree.
- (2) A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of § 140-3.12 (Cost or pricing data).

C. Standard clauses and their modification. The Commissioner of General Services, after consultation with the County of Putnam County Attorney, may establish standard contract clauses for use in County of Putnam contracts. If the Commissioner of General Services establishes any standard clauses addressing the subjects set forth in Subsection A of this section, such clauses may be varied, provided that any variations are supported by a written determination that states the circumstances justifying such variations, and provided that notice of any such material variation be stated in the invitation for bids or requests for proposals.

Section 19.

Section 140-3.17 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.17 Approval of accounting system.

Except with respect to firm fixed-price contracts, no contract shall be awarded unless it has been determined in writing by the Commissioner of General Services that:

- A. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and
- B. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted cost accounting principles.

Section 20.

Section 140-3.21 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.21 Procurement records.

1. Contract file. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained by the County of Putnam in a contract file by the Commissioner of General Services.
2. Retention of procurement records. All procurement records shall be retained and disposed of by the County of Putnam in accordance with record retention guidelines and schedules approved by the State of New York.

<<ARTICLE IV: Specifications>>

Section 21.

Section 140-4.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.2 Brand name or equal specification.

- A. Use. Brand name or equal specifications may be used when the Commissioner of General Services determines in writing that:
 - (1) No other design or performance specification is available;
 - (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - (3) The nature of the product or the nature of the County of Putnam's requirements makes use of a brand name or equal specification suitable for the procurement; or
 - (4) Use of a brand name or equal specification is in the County of Putnam's best interests.
- B. Designation of several brand names. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.

- C. Required characteristics. Unless the Commissioner of General Services determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- D. Nonrestrictive use of brand name or equal specifications. Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

Section 22.

Section 140-4.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.3 Brand name specification.

1. Use. Since use of a brand name specification is restrictive of product competition, it may be used only when the Commissioner of General Services makes a written determination that only the identified brand name item or items will satisfy the County of Putnam's needs. After the Commissioner of General Services prepares the written determination, a request shall be forwarded to the County Legislature to pass a standardization resolution. Under no circumstances shall any solicitation offered by the County contain only one brand name, without allowing for "or equal" products, unless a standardization resolution has been passed by the County Legislature.
2. Competition. The Commissioner of General Services shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under § 140-3.8 (Sole source procurement).

<<ARTICLE V: Debarment or Suspension>>

Section 23.

Section 140-5.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.1 Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Commissioner of General Services, after consultation with the County Attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After consultation with the County Attorney, the Commissioner of General Services is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment. The suspension shall be for a period not to exceed three years. The causes for debarment include:

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract or subcontract;
- B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County of Putnam contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the Commissioner of General Services to be so serious as to justify debarment action:
 - a. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
- E. Any other cause the Commissioner of General Services determines to be so serious and compelling as to affect responsibility as a County of Putnam contractor, including debarment by another governmental entity for any cause listed in this policy; and
- F. For violation of the ethical standards set forth in Article VII (Ethics in Public Contracting).

Section 24.

Section 140-5.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.2 Decision to debar or suspend.

The Commissioner of General Services shall issue a written decision to debar or suspend. The decision shall state the reasons for action taken and inform the debarred or suspended person involved of its rights concerning judicial or administrative review.

<<ARTICLE VI: Appeals and Remedies>>

Section 25.

Section 140-6.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.1 Bid protests.

- A. Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the County Executive. Protestors are urged to seek resolution of their complaints initially with the Commissioner of General Services. A protest with respect to an invitation for bids or request for proposals shall be submitted, in writing, prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within three calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.
- B. Stay of procurements during protests. In the event of a timely protest under Subsection A of this Section, the Commissioner of General Services shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the County Executive makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the County of Putnam.

Section 26.

Section 140-6.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.2 Contract claims.

- A. Decision of the Commissioner of General Services. All claims by a contractor against the County of Putnam relating to a contract, except bid protests, shall be submitted in writing to the Commissioner of General Services for a decision. The contractor may request a conference with the Commissioner of General Services on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of a contract, mistake, misrepresentation, or other causes for contract modification or rescission.
- B. Notice to the contractor of the Commissioner of General Services' decision. The decision of the Commissioner of General Services shall be promptly issued, in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under Subsection C of this section.
- C. Finality of Commissioner of General Services' decision; contractor's right to appeal. The Commissioner of General Services' decision shall be final and conclusive unless, within five calendar days from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the County Executive or commences an action in a court of competent jurisdiction.
- D. Failure to render timely decision. If the Commissioner of General Services does not issue a written decision regarding any contract controversy within 20 days after written request for a final decision, or within such longer period as may be agreed upon between parties, then the aggrieved party may proceed as if an adverse decision had been received.

Section 27.

Section 140-6.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.4 Authority of Commissioner of General Services to settle bid protests and contract claims.

The Commissioner of General Services is authorized to settle any protest regarding the solicitation or award of a County of Putnam contract, or any claim arising out of the performance of a County of Putnam contract, prior to an appeal to the County Executive or the commencement of an action in a court of competent jurisdiction.

Section 28.

Section 140-6.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.5 Remedies for solicitations or awards in violation of law.

- A. Prior to bid opening or closing date for receipt of proposals. If, prior to the bid opening or closing date for receipt of proposals, the Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or municipal law, then the solicitation shall be cancelled or revised to comply with applicable law.
- B. Prior to award. If, after bid opening or the closing date for receipt of proposals, the Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law, then the solicitation or proposed award shall be cancelled.
- C. After award. If, after an award, the Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law, then:
 - (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (a) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the County of Putnam; or
 - (b) The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to the termination; or
 - (2) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County of Putnam.

<<ARTICLE VII: Ethics in Public Contracting>>

Section 29.

Section 140-7.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-7.8 Sanctions.

- A. Employees. Sanctions against employees shall be in accordance with Chapter 55 of the Laws of Putnam County (Code of Ethics).

B. Nonemployees. The Commissioner of General Services may impose any one or more of the following sanctions on a non-employee for violations of ethical standards:

- (1) Written warnings or reprimands;
- (2) Termination of contracts; or
- (3) Debarment or suspension as provided in § 140-5.1 (Authority to debar or suspend).

<<ARTICLE VIII: Disposition of Surplus Personal Property>>

Section 30.

Section 140-8.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-8.1 Purpose.

No statute prescribes a procedure for the sale of unneeded County personal property, and, therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction. The method chosen for sale is within the sound discretion of the Commissioner of General Services, subject to the approval of the County Executive. However, in order to fill a fiduciary duty, the method of sale adopted should be one which is thought to bring the best price or maximum benefits and may include sale by either auction, private negotiation, or competitive bidding.

<<ARTICLE IX: Additional Requirements for Federal Transit Administration Funded
Contracts>>

Section 31.

Section 140-9.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.4 Duty to inquire into vendor's election not to submit a bid.

Should any request for bid or request for proposal result in only one submitted bid or proposal, the Department of General Services will contact all vendors that received a bid or RFP package and inquire into why they elected not to submit a bid or proposal.

Section 32.

Section 140-9.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.5 Procedures to implement provisions.

The Commissioner of General Services shall develop and implement procedures for the execution of this article.

<<ARTICLE X: Uniform Guidance for Compliance for Federal Awards>>

Section 33.

Section 140-10.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-10.2 General policy statement.

B.(13) County departments will be required to notify the Department of General Services and Department of Law that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the vendor/contractor's name through the System for Award Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the Department of General Services will check the SAM to determine if any exclusions exist for the vendor/contractor. If a vendor/contractor is found to be suspended or debarred, the County will immediately cease to do business with the vendor.

Section 34.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

A LOCAL LAW TO AMEND CHAPTER 117 ENTITLED "APPRENTICESHIP TRAINING PROGRAM" AND CHAPTER 140 ENTITLED "CONTRACTS AND PROCUREMENT" OF THE PUTNAM COUNTY CODE IN RELATION TO THE CREATION OF THE DEPARTMENT OF GENERAL SERVICES

Be it enacted by the Legislature of the County of Putnam as follows:

<<PUTNAM COUNTY CODE CHAPTER 117>>

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Section 1.

Section 117-5 of the Putnam County Code is hereby amended to read as follows:

§ 117-5 Enforcement.

The ~~Director of Purchasing~~ Commissioner of General Services is hereby authorized, empowered and directed to promulgate and, from time to time amend, such rules and regulations that he deems necessary for the implementation and enforcement of any provisions of this chapter.

However, this local law shall not preclude the ~~Director of Purchasing~~ Commissioner of General Services, along with the Putnam County Attorney, from negotiating such terms and conditions with the construction contract contractor to assure a sufficient labor workforce on the job so as not to delay timely completion of the construction contract project.

Section 2.

Section 117-8 of the Putnam County Code is hereby amended to read as follows:

§ 117-8 Effective date.

This chapter shall become effective 90 days after its filing in the office of the Secretary of the State pursuant to Municipal Home Rule Law, provided, however, that any regulations of the ~~Director of Purchasing~~ Commissioner of General Services may be promulgated prior to the effective date of this chapter.

<<PUTNAM COUNTY CODE CHAPTER 140>>

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<<ARTICLE I: General Provisions>>

Section 3.

Section 140-1.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.3 Exemptions.

Unless otherwise ordered by regulation the following commodities, supplies or services need not be procured through the ~~Purchasing Division~~Department of General Services in accordance with the County's Procurement Policy, and shall be procured by the appropriate agency, department or committee:

- A. Works of art for public display.

Section 4.

Section 140-1.6 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.6 Definitions.

CHANGE ORDER

A written order signed and issued by the ~~Director of Purchasing~~Commissioner of General Services, directing the contractor to make changes in relation to a specific purchase order or County contract.

<<ARTICLE II: Office of the ~~Director of Purchasing~~Commissioner Of General Services>>

Section 5.

Section 140-2.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.1 Authority and duties.

- A. Principal public purchasing official. Except as otherwise provided herein, the ~~Director of Purchasing~~Commissioner of General Services shall serve as the principal public purchasing official for the County, and shall be responsible for the procurement of supplies, services, equipment, and public works projects in accordance with this policy, as well as the management and disposal of supplies, services, and equipment.
- B. Duties. In accordance with this policy, the ~~Director of Purchasing~~Commissioner of General Services shall:
 - (1) Procure or supervise the procurement of all supplies, services, materials and equipment, as well as public works projects;

- (2) Exercise direct supervision over the County's central stores and general supervision over all other inventories of supplies belonging to the County;
- (3) Sell, trade, or otherwise dispose of surplus supplies belonging to the County; and
- (4) Establish and maintain programs for specification development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services, and construction.

C. Operational procedures. Consistent with this policy, the ~~Director of Purchasing~~ Commissioner of General Services may adopt operational procedures relating to the execution of its duties.

Section 6.

Section 140-2.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.2 Delegations to other County officials.

With the approval of the County Executive, the ~~Director of Purchasing~~ Commissioner of General Services may delegate authority to purchase certain supplies, services, equipment, or construction items to other County officials, if such delegation is deemed necessary for the effective procurement of those items.

Section 7.

Section 140-2.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.3 Procurement card program.

- A. With the approval of the County Executive, the ~~Director of Purchasing~~ Commissioner of General Services, under the authority provided in § 140-2.1 of this policy, may establish a procurement card program to improve efficiency and streamline the purchasing process of small-dollar items, thereby eliminating the need for many petty cash accounts, and also reducing the volume of individual purchase orders and payments processed by the County to suppliers. Audits shall be required to ensure that the cardholders and their respective department head or commissioner are adhering to proper policies and procedures.
- B. Conditions for use. The ~~Director of Purchasing~~ Commissioner of General Services and the Commissioner of Finance shall develop procurement card policies and procedures that detail the regulations which will govern the program. The Procurement Card Policy shall be

reviewed annually by the County Legislature in conjunction with its annual review of the County's Procurement Policy. The Procurement Card Policy shall include:

- (1) Purpose of the procurement card program.
- (2) Scope of the program.
- (3) Detailed listing of all card holders, card limits, and approved uses.
- (4) Applicability of the policies and procedures.
- (5) Responsibilities.
- (6) Assignment and control of the procurement cards.
- (7) Card holder use of the procurement card.
- (8) Prohibited use of the procurement card.
- (9) Procedures for making and paying for purchases.
- (10) Procedures for disputes.
- (11) Review of purchases by departments.
- (12) Audit requirements.

<<ARTICLE III: Source Selection, Bidder Qualifications, Contract Formation and
Administration >>

Section 8.

Section 140-3.1 of the Putnam County Code is hereby amended to read as follows:

140-3.1 Competitive sealed bidding; lowest responsible bidder.

- A. Conditions for use. All contracts of the County of Putnam shall be awarded by competitive sealed bidding except as otherwise provided in §§ 140-3.3 (Competitive sealed proposals), 140-3.5 (Contracting for legal services), 140-3.7 (Small purchases), 140-3.8 (Sole source procurement), 140-3.9 (Emergency procurements).

- B. Invitation for bids. An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.
- C. Public notice. Adequate public notice of the invitation for bids shall be given, not less than 14 calendar days prior to the date set forth therein for the opening of bids, unless it is determined by the ~~Director of Purchasing~~ Commissioner of General Services, in writing, that a public notice of less than 14 days is adequate. In no instance shall the public notice be less than five business days. Such notice shall include publication in the newspaper(s) of general circulation as designated by the County Legislature. The public notice shall state the place, date, and time of the bid opening.
- D. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the ~~Director of Purchasing~~ Commissioner of General Services deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection in accordance with § 140-1.7 (Public access to procurement information).
- E. Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria that are not set forth in the invitation for bids may be used in bid evaluations.
- F. Correction or withdrawal of bids; cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, correction of bids shall not be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit correction or withdrawal of bids, or to cancel awards

or contracts based on bid mistakes, shall be supported by written determination made by the ~~Director of Purchasing~~ Commissioner of General Services.

G. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

H. Receipt of bids.

- (1) Bids are to be packaged, sealed and submitted to the location stated in the bid specifications. Bidders are solely responsible for timely delivery of their bids to the location set forth in the bid specification prior to the stated bid opening date/time; or
- (2) If authorized by the bid specification, bids may be submitted in an electronic format. Submission in an electronic format may not, however, be required as the sole method for the submission of bids.
 - (a) The receiving device designated by the County of Putnam will be the Empire State Purchasing Group's e-Procurement software from Bidnet or the Bonfire e-Procurement software and will be identified in the bid specification. Both receiving devices will:
 - [1] Document the time and date of each bid received electronically;
 - [2] Authenticate the identity of the sender;
 - [3] Ensure the security of the information transmitted; and
 - [4] Ensure confidentiality of the bid until the time and date established for opening of the bids.
 - (b) The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or specifications shall be the sole responsibility of each bidder or prospective bidder. The County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

Section 9.

Section 140-3.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.2 Best value awards.

- A. Purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of best value, as defined in § 163 of the State Finance Law and as authorized in § 103 of the General Municipal Law, to a responsive and responsible offeror.
- B. Where the basis for award is the best value offer, the ~~Director of Purchasing~~ Commissioner of General Services shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- C. The ~~Director of Purchasing~~ Commissioner of General Services shall select a formal competitive procurement process and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved.
- D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The solicitation shall identify the relative importance and/or weight of cost and the overall evaluation criterion to be considered by the County in its determination of best value.
- E. In assessing best value when awarding the purchase contract, non-price factors can be considered. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law.

Section 10.

Section 140-3.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.3 Competitive sealed proposals.

- A. Conditions for use. When the ~~Director of Purchasing~~ Commissioner of General Services determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by the use of the competitive sealed proposal method.
- B. Request for proposals. Proposals shall be solicited through a request for proposals.
- C. Public notice. Adequate public notice of the request for proposal shall be given in the same manner as provided in § 140-3.1C (Competitive sealed bidding, public notice), provided the minimum time shall be 14 calendar days.
- D. Receipt of proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- E. Evaluation factors. The request for proposals shall state the importance of price and other evaluation factors.
- F. Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offerors. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- G. Award. Award shall be made to the responsible offeror whose proposal is determined, in writing, to offer the best value to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award was made.

Section 11.

Section 140-3.7 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.7 Purchases not subject to competitive bidding.

A. The following purchases are not subject to competitive bidding:

- (1) Purchases of \$20,000 or less for commodities, equipment, materials, supplies and services.
- (2) Purchases of \$35,000 or less for public works projects.
- (3) Purchases through preferred sources pursuant to § 162 of the state Finance Law.
- (4) Purchases in excess of \$500, of materials, equipment and supplies (except printed material) through the New York State Office of General Services (OGS), subject to rules established by OGS (see State Finance Law, § 163).
- (5) Purchases through other New York State counties contracts, pursuant to General Municipal Law § 103(3).
- (6) Purchases of surplus and secondhand supplies, materials or equipment from the federal government, the State of New York or from any other political subdivision, district or public benefit corporation with the state, pursuant to General Municipal Law § 103(6).
- (7) Purchases through contracts let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value.

B. Section 104-b of the New York State General Municipal Law requires that procedures for purchasing goods and services that fall below the monetary bid limits be established and approved by the governing board. The following shall constitute Putnam County policy:

- (1) Cumulative purchases.
 - (a) Purchases shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. The ~~Director of Purchasing~~ Commissioner of General Services shall canvas using agencies to determine yearly value of a commodity or service. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity or service. If the bid limit is suspected to be exceeded, competitive bidding shall be used. This decision shall rest with the ~~Director of Purchasing~~ Commissioner of General Services.

- (b) If there are several comparable separate public works projects for the same or various locations, in a foreseeable time frame, whose expected cumulative total is more than \$10,000, written quotes must be obtained from a minimum of three suppliers.

(2) Methods of procurement not covered by competitive bidding.

- (a) Purchases for commodities, equipment, supplies, materials and services in the amount of \$3,000 or less shall be awarded at the discretion of the ~~Director of Purchasing~~ Commissioner of General Services; purchases of more than \$3,000 up to and including \$20,000 shall require a minimum of three electronic or written quotes. All purchases of more than \$20,000 shall be competitively bid.

- (b) Purchases that are defined as public works projects in the amount of \$10,000 or less shall be awarded at the discretion of the ~~Director of Purchasing~~ Commissioner of General Services; purchases of more than \$10,000 up to and including \$35,000 shall require a minimum of three written or electronic quotes. All purchases of more than \$35,000 shall be competitively bid.

- (c) Purchases and contracts defined as professional services in the amount of \$50,000 or less shall be awarded at the discretion of the County Executive, ~~Director of Purchasing~~ Commissioner of General Services and the Commissioner or Director of the using agency. Purchases and contracts of more than \$50,000 shall require the issuing of a formal request for proposal and the approval of the County Executive.

- (3) Award. All awards from telephone, facsimile, e-mail or written quotes shall be made to the supplier offering the best value to the County. In determining the best value for the County, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the ~~Director of Purchasing~~ Commissioner of General Services may consider other relevant factors, including:

- (a) Installation costs;
- (b) Life cycle costs;
- (c) The quality and reliability of the goods and services;
- (d) The delivery terms;
- (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;

- (f) The cost of any employee training associated with a purchase;
 - (g) The effect of a purchase on agency productivity; and
 - (h) Other factors relevant to determining the best value for the County in the context of a particular purchase, including the status of the vendor as a Putnam County based small business.
- (4) Documentation. All quotes (written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the ~~Purchasing Division~~ Department of General Services' copy of the purchase order. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

Section 12.

Section 140-3.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.8 Sole source procurement.

- A. A contract may be awarded without competition when the ~~Director of Purchasing~~ Commissioner of General Services determines in writing, after conducting a good faith review of available resources that there is only one source for the required commodity, supply, service or construction item. The ~~Director of Purchasing~~ Commissioner of General Services shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file.
- B. In determining whether procurement qualifies as a sole source, the ~~Purchasing Division~~ Department of General Services and the agency requesting the procurement shall show, at a minimum:
 - (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace;

- (4) That there is no possibility of competition, as from competing dealers or distributors.

Section 13.

Section 140-3.9 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.9 Emergency procurements.

Notwithstanding any other provisions of this policy, the ~~Director of Purchasing~~ Commissioner of General Services, with the approval of the County Executive and the Chairman of the Legislature, may make or authorize others to make emergency procurements of commodities, supplies, services, or construction items when there exists a threat to public health, welfare, or safety, or County property, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular supplier shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the supplier's name, the amount and type of contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.

A. All Departments, except for Department of ~~Highways and Facilities~~ Public Works: During periods of emergency, such as (1) natural catastrophes such as landslides, snowfalls, flooding or other acts of nature which prevent normal operations, (2) damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses, and (3) breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes, the normal purchasing procedures are not practical. Therefore, special emergency procedures are established to aid the departments in their operations. In those cases of emergency requiring immediate actions, the department head responsible for that operation will assume charge for the operation. The following procedure will then be used:

- (1) If possible, immediately notify the ~~Director of Purchasing~~ Commissioner of General Services of the nature of the emergency and your plans to cope with the situation.
- (2) Contact the vendor immediately and arrange the purchase.
- (3) Notify the Department of ~~Purchasing~~ General Services, as soon as practical, that the emergency purchases are necessary and being arranged.
- (4) Within five days after the emergency purchase is made, the department head will prepare and forward to the Department of ~~Purchasing~~ General Services a receiving report, indicating descriptions of the purchase and other information.

B. Department of ~~Highways and Facilities~~Public Works: For field employees: If an emergency purchase is required, such as natural catastrophes (e.g., landslides, snowfalls, flooding or other acts of nature which prevent normal operations), damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses. Breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes:

(1) Normal purchasing procedures are not practical. Therefore, the following should be followed:

- (a) Contact vendor.
- (b) Notification to your supervisor and/or commissioner.
- (c) Make purchase.

(2) For ~~Highways and Facilities~~Public Works Administration Office only:

- (a) ~~Highways and Facilities~~Public Works Administration only will provide documentation as to the item/service purchased, vendor, date and justification as to why this procedure was utilized to ~~Purchasing~~the Department of General Services via letter or e-mail.
- (b) ~~Purchasing~~The Department of General Services will then document verification of purchase to audit.

Section 14.

Section 140-3.11 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.11 Responsibility of bidders and offerors.

A. Determination of nonresponsibility. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the ~~Director of~~ ~~Purchasing~~Commissioner of General Services. The unreasonable failure of a bidder or offeror promptly to supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror. The final determination shall be made part of the contract file and be made a public record.

- B. Right of nondisclosure. To the extent possible under the New York State Freedom of Information Law (FOIL), information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the County outside of the office of the **Director of Purchasing Commissioner of General Services**, or using agency, without prior written consent of the bidder or offeror.

Section 15.

Section 140-3.13 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.12 Cost or pricing data.

- A. Required submissions relating to the award of contracts. A prospective contractor shall submit cost or pricing data when the contract is expected to exceed \$100,000 and is to be awarded by competitive sealed proposals (§ 140-3.3, Competitive sealed proposals), or by sole source procurement authority (§ 140-3.8, Sole source procurement).
- B. Exceptions. The submission of cost or pricing data relating to the award of a contract is not required when:
- (1) The contract price is based on adequate price competition;
 - (2) The contract price is based on established catalog prices or market prices;
 - (3) The contract price is set by law or regulation; or
 - (4) It is determined, in writing, by the **Director of Purchasing Commissioner of General Services** that the requirements of § 140-3.12A (Cost or pricing data, Required submissions relating to the award of contracts) may be waived, and the determination states the reasons for such a waiver.
- C. Required submissions relating to change orders or contract modifications. A contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, when the change or modification involves aggregate increases or aggregate decreases in costs plus applicable profits that are expected to exceed 10% of the original contract amount.
- D. Exceptions. The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience.

- E. Certification required. A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.
- F. Price adjustment provision required. Any contract award, change order, or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the County of Putnam, including profit or fee, shall be adjusted to exclude any significant sums by which the County of Putnam finds that such price was increased because the contractor-furnished cost or pricing data that was inaccurate, incomplete, or not current as of the date agreed upon between the County of Putnam and the contractor.

Section 16.

Section 140-3.14 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.14 Bid and performance bonds on supply or service contracts.

- A. Bid and performance bonds or other security may be requested for supply contracts or service contracts as the ~~Director of Purchasing~~ Commissioner of General Services or head of a using agency deems advisable to protect the County of Putnam's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder's or offeror's responsibility.
- B. The County reserves its right to approve the form, sufficiency, or manner of execution of surety bonds and contracts of insurance furnished by the surety company selected by the bidder to underwrite such bonds or contracts. In addition, all surety companies shall be licensed by the State of New York and have a Best's rating on bonds and contracts of insurance of an A- or better.
- C. In addition, the County reserves the right to approve or reject the contractor's proposed surety company. The County shall notify potential bidders, as part of the bid solicitation, of any surety company that has been deemed unacceptable to the County.

Section 17.

Section 140-3.15 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.15 Types of contracts.

A. General authority. Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the County of Putnam may be used. A cost reimbursement contract may be used only when a determination is made, in writing, that such contract is likely to be less costly to the County of Putnam than any other type or that it is impracticable to obtain the supply, service, or construction item required under such a contract.

B. Multiterm contracts.

- (1) Specified period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the County of Putnam, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriations of funds thereafter.
- (2) Determination prior to use. Prior to the utilization of a multiterm contract, it shall be determined in writing that:
 - (a) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
 - (b) Such a contract will serve the best interests of the County of Putnam by encouraging effective competition or otherwise promoting economies in County of Putnam procurements.
- (3) Cancellation due to unavailability of funds in succeeding fiscal periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled.

C. Multiple source contracting.

- (1) General. A multiple source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provision of Uniform Commercial Code § 2-306(1).
- (2) Limitations on use. A multiple source award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple source award shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed

proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the actual requirements.

(3) Contract and solicitation provisions. All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the actual requirements of such users that can be met under the contract be obtained in accordance with the contract, provided that:

(a) The County of Putnam shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or an amount specified in the contract; and

(b) The County of Putnam shall reserve the right to take bids separately if the **Director of Purchasing Commissioner of General Services** approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the County of Putnam.

(4) Intent to use. If a multiple source award is anticipated prior to issuing a solicitation, the County of Putnam shall reserve the right to make such an award, and the criteria for award shall be stated in the solicitation.

(5) Determination required. The **Director of Purchasing Commissioner of General Services** shall make a written determination setting forth the reasons for a multiple source award, which shall be made a part of the procurement file.

D. Multiple source contracting: purchase of office furnishings by percentage discount awards.

(1) General. A multiple source award for office furnishings is an award of an indefinite quantity contract on one or more office furnishings manufacturer's product lines to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provisions of Uniform Commercial Code Section 2-306(1).

(2) Limitations of use. A multiple source award may be made when award to two or more bidders or offerors for similar product lines is necessary for adequate delivery, service or product compatibility. All multiple source awards shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be

made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet actual requirements.

- (3) Contract and solicitation provisions. Specifications shall be drafted to include and utilize a mini-bid system to ensure that the County receives the best value for dollars expended.
- (4) Mini-bid procurement process. The ~~Purchasing Division~~ Department of General Services shall issue bids for discounts off of manufacturers' product lines and suggested retail price list. Award will be made by product line to the bidder offering the highest discount. Departments may request a specific brand and item based on the bid awards made. The ~~Purchasing Division~~ Department of General Services shall review the requested requisition and obtain a minimum of three additional quotations from a minimum of three additional contract vendors for an "equivalent" item from other manufacturers. The ~~Purchasing Division~~ Department of General Services shall review all of the mini-bid quotations and select the vendor/manufacturer that meets the form, function, utility and quality of the requesting agency, and also offers the lowest price.
- (5) Waiver of mini bid procurement process. The ~~Director of Purchasing~~ Commissioner of General Services may waive the requirement of the mini-bid process for those procurements that are additions to and alterations of existing systems furniture groups. The reasons for such waiver shall be documented, in writing, and made part of the procurement record.

E. Design service contracts for office furnishings.

- (1) General. The ~~Director of Purchasing~~ Commissioner of General Services or his/her designee may enter into separate contracts for design services or space planning services as deemed necessary for a particular project.
- (2) Limitations on use. A design services or space planning services contract may be entered into in accordance with the provisions of § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable.
- (3) Contract and solicitation provisions. All solicitations and contracts for design services and space planning services shall include the following requirements:
 - (a) All specifications prepared under this contract shall be drafted so as to promote overall economy for the purpose intended and encourage competition in satisfying the County's needs and shall not be unduly restrictive. Design service contractors are prohibited from recommending or specifying any manufacturer's products or brand

names in their plans and specifications if the design services contractor currently holds a bid award for that product line/manufacturer with the County of Putnam.

- (b) When brand names are used in the plans and specifications developed by the Contractor, the contractor shall identify a minimum of three brand names that will satisfy the requirements of the plans and specifications.

Section 18.

Section 140-3.16 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.16 Contract clauses and their administration.

A. Contract clauses. All County of Putnam contracts for supplies, services, materials and equipment, as well as public works projects, shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The ~~Director of~~ Purchasing Commissioner of General Services, after consultation with the County Attorney, may issue clauses appropriate for supply, service, or public works contracts, addressing among others, the following subjects:

- (1) The unilateral right of the County of Putnam to order, in writing, the changes in the work within the scope of the contract;
- (2) The unilateral right of the County of Putnam to order, in writing, temporary stopping of the work or delaying performance that does not alter the scope of the contract;
- (3) Variations occurring between estimated quantities of work in contract and actual quantities;
- (4) Defective pricing;
- (5) Liquidated damages;
- (6) Specified excuses for delay or nonperformance;
- (7) Termination of the contract for default;
- (8) Termination of the contract, in whole or in part, for the convenience of the County of Putnam;
- (9) Suspensions of work on a construction project or by the County of Putnam; and

(10) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:

- (a) When the contract is negotiated;
- (b) When the contractor provides the site or design; or
- (c) When the parties have otherwise agreed with respect to the risk of differing site conditions.

B. Price adjustments.

(1) Adjustments in price resulting from the use of contract clauses required by Subsection A of this section shall be computed in one or more of the following ways:

- (a) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
- (b) By unit prices specified in the contract or subsequently agreed upon;
- (c) By the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
- (d) In such other manner as the contracting parties may mutually agree.

(2) A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of § 140-3.12 (Cost or pricing data).

C. Standard clauses and their modification. The ~~Director of Purchasing~~ ~~Commissioner of General Services~~, after consultation with the County of Putnam County Attorney, may establish standard contract clauses for use in County of Putnam contracts. If the ~~Director of Purchasing~~ ~~Commissioner of General Services~~ establishes any standard clauses addressing the subjects set forth in Subsection A of this section, such clauses may be varied, provided that any variations are supported by a written determination that states the circumstances justifying such variations, and provided that notice of any such material variation be stated in the invitation for bids or requests for proposals.

Section 19.

Section 140-3.17 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.17 Approval of accounting system.

Except with respect to firm fixed-price contracts, no contract shall be awarded unless it has been determined in writing by the Commissioner of General Services that:

A. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and

B. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted cost accounting principles.

Section 20.

Section 140-3.21 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.21 Procurement records.

1. Contract file. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained by the County of Putnam in a contract file by the ~~Director of Purchasing~~ Commissioner of General Services.
2. Retention of procurement records. All procurement records shall be retained and disposed of by the County of Putnam in accordance with record retention guidelines and schedules approved by the State of New York.

<<ARTICLE IV: Specifications>>

Section 21.

Section 140-4.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.2 Brand name or equal specification.

A. Use. Brand name or equal specifications may be used when the ~~Director of Purchasing~~ Commissioner of General Services determines in writing that:

- (1) No other design or performance specification is available;

- (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - (3) The nature of the product or the nature of the County of Putnam's requirements makes use of a brand name or equal specification suitable for the procurement; or
 - (4) Use of a brand name or equal specification is in the County of Putnam's best interests.
- B. Designation of several brand names. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.
- C. Required characteristics. Unless the **Director of Purchasing Commissioner of General Services** determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- D. Nonrestrictive use of brand name or equal specifications. Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

Section 22.

Section 140-4.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.3 Brand name specification.

1. Use. Since use of a brand name specification is restrictive of product competition, it may be used only when the **Director of Purchasing Commissioner of General Services** makes a written determination that only the identified brand name item or items will satisfy the County of Putnam's needs. After the **Director of Purchasing Commissioner of General Services** prepares the written determination, a request shall be forwarded to the County Legislature to pass a standardization resolution. Under no circumstances shall any solicitation offered by the County contain only one brand name, without allowing for "or equal" products, unless a standardization resolution has been passed by the County Legislature.
2. Competition. The **Director of Purchasing Commissioner of General Services** shall seek to identify sources from which the designated brand name item or items can be obtained and

shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under § 140-3.8 (Sole source procurement).

<<ARTICLE V: Debarment or Suspension>>

Section 23.

Section 140-5.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.1 Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After consultation with the County Attorney, the ~~Director of Purchasing~~ Commissioner of General Services is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment. The suspension shall be for a period not to exceed three years. The causes for debarment include:

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract or subcontract;
- B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County of Putnam contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the ~~Director of Purchasing~~ Commissioner of General Services to be so serious as to justify debarment action:
 - a. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or

b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;

E. Any other cause the ~~Director of Purchasing~~ Commissioner of General Services determines to be so serious and compelling as to affect responsibility as a County of Putnam contractor, including debarment by another governmental entity for any cause listed in this policy; and

F. For violation of the ethical standards set forth in Article VII (Ethics in Public Contracting).

Section 24.

Section 140-5.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.2 Decision to debar or suspend.

The ~~Director of Purchasing~~ Commissioner of General Services shall issue a written decision to debar or suspend. The decision shall state the reasons for action taken and inform the debarred or suspended person involved of its rights concerning judicial or administrative review.

<<ARTICLE VI: Appeals and Remedies>>

Section 25.

Section 140-6.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.1 Bid protests.

A. Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the County Executive. Protestors are urged to seek resolution of their complaints initially with the ~~Director of Purchasing~~ Commissioner of General Services. A protest with respect to an invitation for bids or request for proposals shall be submitted, in writing, prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within three calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.

- B. Stay of procurements during protests. In the event of a timely protest under Subsection A of this Section, the Director of Purchasing Commissioner of General Services shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the County Executive makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the County of Putnam.

Section 26.

Section 140-6.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.2 Contract claims.

- A. Decision of the Director of Purchasing Commissioner of General Services. All claims by a contractor against the County of Putnam relating to a contract, except bid protests, shall be submitted in writing to the Director of Purchasing Commissioner of General Services for a decision. The contractor may request a conference with the Director of Purchasing Commissioner of General Services on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of a contract, mistake, misrepresentation, or other causes for contract modification or rescission.
- B. Notice to the contractor of the Director of Purchasing's Commissioner of General Services' decision. The decision of the Director of Purchasing Commissioner of General Services shall be promptly issued, in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under Subsection C of this section.
- C. Finality of Director of Purchasing's Commissioner of General Services' decision; contractor's right to appeal. The Director of Purchasing's Commissioner of General Services' decision shall be final and conclusive unless, within five calendar days from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the County Executive or commences an action in a court of competent jurisdiction.
- D. Failure to render timely decision. If the Director of Purchasing Commissioner of General Services does not issue a written decision regarding any contract controversy within 20 days after written request for a final decision, or within such longer period as may be agreed upon between parties, then the aggrieved party may proceed as if an adverse decision had been received.

Section 27.

Section 140-6.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.4 Authority of ~~Director of Purchasing~~ Commissioner of General Services to settle bid protests and contract claims.

The ~~Director of Purchasing~~ Commissioner of General Services is authorized to settle any protest regarding the solicitation or award of a County of Putnam contract, or any claim arising out of the performance of a County of Putnam contract, prior to an appeal to the County Executive or the commencement of an action in a court of competent jurisdiction.

Section 28.

Section 140-6.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.5 Remedies for solicitations or awards in violation of law.

- A. Prior to bid opening or closing date for receipt of proposals. If, prior to the bid opening or closing date for receipt of proposals, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or municipal law, then the solicitation shall be cancelled or revised to comply with applicable law.
- B. Prior to award. If, after bid opening or the closing date for receipt of proposals, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law, then the solicitation or proposed award shall be cancelled.
- C. After award. If, after an award, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law, then:
 - (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (a) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the County of Putnam; or
 - (b) The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to the termination; or

- (2) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County of Putnam.

<<ARTICLE VII: Ethics in Public Contracting>>

Section 29.

Section 140-7.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-7.8 Sanctions.

- A. Employees. Sanctions against employees shall be in accordance with Chapter 55 of the Laws of Putnam County (Code of Ethics).
- B. Nonemployees. The ~~Director of Purchasing~~ Commissioner of General Services may impose any one or more of the following sanctions on a non-employee for violations of ethical standards:
- (1) Written warnings or reprimands;
 - (2) Termination of contracts; or
 - (3) Debarment or suspension as provided in § 140-5.1 (Authority to debar or suspend).

<<ARTICLE VIII: Disposition of Surplus Personal Property>>

Section 30.

Section 140-8.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-8.1 Purpose.

No statute prescribes a procedure for the sale of unneeded County personal property, and, therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction. The method chosen for sale is within the sound discretion of the ~~Director of Purchasing~~ Commissioner of General Services, subject to the approval of the County Executive. However, in order to fill a fiduciary duty, the method of sale

adopted should be one which is thought to bring the best price or maximum benefits and may include sale by either auction, private negotiation, or competitive bidding.

<<ARTICLE IX: Additional Requirements for Federal Transit Administration Funded Contracts>>

Section 31.

Section 140-9.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.4 Duty to inquire into vendor's election not to submit a bid.

Should any request for bid or request for proposal result in only one submitted bid or proposal, the ~~Purchasing~~ Department of General Services will contact all vendors that received a bid or RFP package and inquire into why they elected not to submit a bid or proposal.

Section 32.

Section 140-9.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.5 Procedures to implement provisions.

The ~~Director of Purchasing~~ Commissioner of General Services shall develop and implement procedures for the execution of this article.

<<ARTICLE X: Uniform Guidance for Compliance for Federal Awards>>

Section 33.

Section 140-10.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-10.2 General policy statement.

B.(13) County departments will be required to notify the ~~Purchasing~~ Department of General Services and Department of Law that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the vendor/contractor's name through the System for Award

Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the Purchasing Department of General Services will check the SAM to determine if any exclusions exist for the vendor/contractor. If a vendor/contractor is found to be suspended or debarred, the County will immediately cease to do business with the vendor.

Section 34.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

Revised 3/21/24

#8C

Approval

A LOCAL LAW TO AMEND SECTION 7.05 OF THE PUTNAM COUNTY CHARTER ENTITLED "CAPITAL PROGRAM AND CAPITAL BUDGET."

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Subsection 3 of Section 7.05(B) of the Putnam County Charter is hereby amended to read as follows:

§ 7.05 Capital program and capital budget.

3. Review by the Capital Projects Committee. There shall be a Capital Projects Committee consisting of the County Executive as Chairman, the Commissioner of Finance as Vice-Chairman, the Commissioner of General Services, the Commissioner of Planning, Development and Public Transportation, the Commissioner of Public Works, the Chairman of the County Legislature, a designee of the Budget and Finance Committee and a member of the County Legislature representing the minority political party, if another party is represented, or a member elected without party endorsement, to review the capital project requests in consideration of the capital program and the capital budget. In the event there is no member of the County Legislature representing another party nor any member of the County Legislature elected without party endorsement, then the County Legislature shall select any other member of the County Legislature not serving on the Capital Projects Committee as the additional member of this Committee.

Section 2.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

A LOCAL LAW TO AMEND SECTION 7.05 OF THE PUTNAM COUNTY CHARTER ENTITLED "CAPITAL PROGRAM AND CAPITAL BUDGET."

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Subsection 3 of Section 7.05(B) of the Putnam County Charter is hereby amended to read as follows:

§ 7.05 Capital program and capital budget.

3. Review by the Capital Projects Committee. There shall be a Capital Projects Committee consisting of the County Executive as Chairman, the Commissioner of Finance as Vice-Chairman, the Commissioner of General Services, the Commissioner of Planning, Development and Public Transportation, the Commissioner of ~~Highways and Facilities~~Public Works, the Chairman of the County Legislature, a designee of the Budget and Finance Committee and a member of the County Legislature representing the minority political party, if another party is represented, or a member elected without party endorsement, to review the capital project requests in consideration of the capital program and the capital budget. In the event there is no member of the County Legislature representing another party nor any member of the County Legislature elected without party endorsement, then the County Legislature shall select any other member of the County Legislature not serving on the Capital Projects Committee as the additional member of this Committee.

Section 2.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

Rules 3/21/24

#8d.

Approval

A LOCAL LAW TO AMEND ARTICLE 3 OF THE PUTNAM COUNTY CHARTER
ENTITLED "COUNTY EXECUTIVE"

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 3 of the Putnam County Charter is hereby amended to add a new section 3.07 to read as follows:

§ 3.07 Department of Tourism; Director

There shall be an Office of Tourism under the direction of a Director of Tourism who shall be appointed by the County Executive subject to confirmation by the County Legislature. The Director shall serve at the pleasure of the County Executive. He or she shall have the power, within budgetary appropriations and in accordance with County policy, or as may be otherwise required by law, to appoint and remove such staff as he or she deems necessary. The Director shall serve on a full-time basis and shall not engage in any private practice nor be employed in their field of expertise with the County by any private or other governmental entity.

Section 2.

Article 3 of the Putnam County Charter is hereby amended to add a new section 3.08 to read as follows:

§ 3.08 Director of Tourism; powers and duties.

The Director shall have the following powers and duties:

- A. Promote tourism in Putnam County;
- B. Serve as the County's representative as the official Tourism Promotion Agency ("TPA") under the regulations of the I Love New York Matching Funds program, which is administered by Empire State Development, Market New York and Matching Funds Program;
- C. Promote already existing attractions, help develop new tourism related events and attractions, and help provide an environment conducive to attracting tourists to Putnam County;
- D. Create, update, compile and publish brochures and guides that encompass all tourism sites, accommodations, restaurants, a county map, transportation information, brief town

histories, county historical information and any and all other information relevant to tourism events and destinations within and throughout the County;

- E. Promote events throughout the year by advertising in regional and State-wide newspapers, magazines, trade publications and on radio and/or television stations;
- F. Maintain a presence on the internet and social media outlets with continual updates and posts relative to upcoming events, attractions, business openings, as well as permanent tourist attractions, restaurants and other tourism-related events;
- G. Promote tourism and tourist-related events, including, without limitation, annual and/or seasonal special events at tourist sites such as: Tilly Foster Farm and Tilly's Table, Boscobel, Putnam County Veteran's Memorial Park, Putnam County Golf Course, as well as various food and beverage festivals, tourism lecture series and any and all other events and festivals of interest to the general public;
- H. Work closely with the Putnam County Economic Development Corporation to assist in the marketing of local businesses and economic ventures related to tourism;
- I. Report to the Legislature on a quarterly basis, or as often as is directed, relative to the operations of the department;
- J. Perform such other and related duties as may be required by the County Executive.

Section 3.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

Rules 3/21/24

#8

PAUL ELDRIDGE
Personnel Officer



ADRIENE IASONI
Deputy Personnel Officer

M · E · M · O · R · A · N · D · U · M

TO: Hon. Kevin M Byrne, County Executive
FROM: Paul Eldridge Personnel Officer
DATE: March 7, 2024
SUBJECT: Creation of the Department of General Services - Civil Service Requirements

The creation of the Department of General Services via the merging of the existing departments of IT/GIS and Purchasing is a transfer of function. There are several steps that must be taken to effectuate the charter change required and to properly transfer the function from department to department. These must be done in compliance with Municipal Home Rule and the Civil Service Law Section (CSL) 70.2.

In order to effectuate the charter change, revising the existing IT/GIS and Purchasing Departments to divisions in the new Department of General Services, a local law must be passed. Due to the nature of this local law, it is subject to referendum on petition, or what is known as permissive referendum. Municipal Home Rule Section 24.2 states that the local law does not take effect until forty-five days after it is adopted. However, in the event an authenticated petition protesting the law is filed with the clerk within those forty-five days, there must be an affirmative vote of a majority of the qualified electors for its approval. If no protest is filed, the law may take effect.

CSL 70 (2) lays forth the requisite steps to properly transfer functions from one department to another. First, it outlines the four different scenarios the section covers. The pertinent part to the instant circumstances reads, as follows: "Upon the transfer of a function ... (b) from one department or agency of a civil division of the state to another department or agency of such civil division ...". Broadly read, the combining of two separate existing departments as divisions into one newly created department, in our opinion, fits the definition above.

CSL 70(2) goes on to outline the steps which begin upon the adoption of the enabling legislation, which in this case is the adoption of a local law changing the Putnam County Charter. First, the departments heads from the departments from which employees are being transferred (It/GIS and Purchasing) must identify the employees who are substantially engaged in the performance of the functions to be transferred. As all employees are being transferred into the new and unstaffed department, there are no other employees completing these functions and all current employees would be substantially engaged in the performance of the function transferred. The Directors of IT/GIS and Purchasing must then certify a list of these employees to the department head for the new Department of General Services. This must be done as soon as practicable after the adoption of the law but not later than

PUTNAM COUNTY PERSONNEL DEPARTMENT

110 Old Route Six, Building Three
Carmel, NY 10512

Tel: 845-808-1650 Fax: 845-808-1921
www.putnamcountyny.com/personneldept

twenty days prior to the effective date of such transfer. This list shall also be publicly and conspicuously posted in both IT/GIS and Purchasing along with a copy of Civil Service Law Section 70.2. This can be done during the forty-five-day waiting period required by Municipal Home Rule.

Employees may protest their inclusion or exclusion from the list. Any protest must be done in writing within ten days of the posting and must include a reason. In the event that a protest is lodged, the department head of employee's pre-transfer department would confer with the DGS department head to make a determination regarding the protest.


Failure to make a protest constitutes consent to the inclusion or exclusion from the list. Additionally, employees who fail to respond to or accept a written offer of transfer are deemed to have waived entitlement to such transfer.

Employees shall retain their civil service status and classification without further examination. Employees that are not transferred shall have their name placed on a preferred eligible list.

This process is administered almost entirely under the direction of the Personnel Department as all requirements but the passage of the local law, are outlined by the Civil Service Law.

To summarize, the steps are:

1. Pass Local Law
2. Submit to state- 45 day waiting period begins
3. Certify list of employees and post conspicuously for no less than twenty days
4. 10-day protest period begins
5. If no protest filed, DGS formed
6. Transfer Occurs


Paul Eldridge, Personnel Officer

Cc: James Burpoe, Deputy County Executive
Compton Spain, County Attorney
John Tully, Director of Purchasing
Tom Lannon, Director of Information Technology

Rules 3/21

#8

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Kevin M. Byrne, County Executive

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

RE: **Budgetary Amendments – Creation of Department of General Services**

DATE: March 4, 2024

Please find enclosed two proposed budgetary amendments that will officially effectuate the creation of the Department of General Services (DGS). The following are as follows:

24Axxx – DGS – Creation of DGS Commissioner from Director of Purchasing and Central Admin.

24Axxx – DGS – Creation of GIS separate from IT.

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk
FROM: Michael J. Lewis, Commissioner of Finance – *MJL*
RE: **Budgetary Amendment – 24Axx**
DATE: March xx, 2024

At the request of the Commissioner of Finance, the following budgetary amendment is required.

GENERAL FUND		
INCREASE APPROPRIATIONS:		
10134500 51000 (101)	DGS - PERSONNEL SERVICES (COMMISSIONER OF DGS)	\$ 145,000.00
10134500 58001 (101)	DGS - RETIREMENT (COMMISSIONER OF DGS)	26,025.00
10134500 58002 (101)	DGS - SOCIAL SECURITY (COMMISSIONER OF DGS)	11,093.00
10134500 58003 (101)	DGS - DISABILITY (COMMISSIONER OF DGS)	233.00
10134500 58004 (101)	DGS - WORKERS COMP (COMMISSIONER OF DGS)	345.00
10134500 58006 (101)	DGS - DENTAL (COMMISSIONER OF DGS)	1,218.00
10134500 58007 (101)	DGS - LIFE (COMMISSIONER OF DGS)	964.00
10134500 58008 (101)	DGS - HEALTH INSURANCE (COMMISSIONER OF DGS)	25,923.00
10134500 58009 (101)	DGS - VISION (COMMISSIONER OF DGS)	107.00
		\$ 210,908.00

DECREASE APPROPRIATIONS:			
10134500 51000 (101)	PURCHASING - PERSONNEL SERVICES (DIRECTOR OF PURCHASING)		\$ 145,000.00
10134500 58001 (101)	PURCHASING - RETIREMENT (DIRECTOR OF PURCHASING)		26,025.00
10134500 58002 (101)	PURCHASING - SOCIAL SECURITY (DIRECTOR OF PURCHASING)		11,093.00
10134500 58003 (101)	PURCHASING - DISABILITY (DIRECTOR OF PURCHASING)		233.00
10134500 58004 (101)	PURCHASING - WORKERS COMP (DIRECTOR OF PURCHASING)		345.00
10134500 58006 (101)	PURCHASING - DENTAL (DIRECTOR OF PURCHASING)		1,218.00
10134500 58007 (101)	PURCHASING - LIFE (DIRECTOR OF PURCHASING)		964.00
10134500 58008 (101)	PURCHASING - HEALTH INSURANCE (DIRECTOR OF PURCHASING)		25,923.00
10134500 58009 (101)	PURCHASING - VISION (DIRECTOR OF PURCHASING)		107.00
			\$ 210,908.00
	FISCAL IMPACT 2024 \$0-		
	FISCAL IMPACT 2025 \$0-		

Consistent with the proposal from County Executive Byrne, the attached budgetary amendment is necessary for the formation of the Department of General Services (DGS).

Please forward it to the appropriate committee.

DRAFT

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk
FROM: Michael J. Lewis, Commissioner of Finance – MJL
RE: **Budgetary Amendment – 24Axxx**
DATE: March xx, 2024

At the request of the Commissioner of Finance, the following budgetary amendment is required.

GENERAL FUND				
INCREASE APPROPRIATIONS:				
10168000 51000 10219 (101)	DEPT OF GIS - PERSONNEL SERVICES (REAL PROP SYST SUPV)			\$ 110,399.00
10168000 51000 10219 (118)	DEPT OF GIS - PERSONNEL SERVICES (DEPT OF GIS PROGRAM SPECIALIST)			69,724.00
10168000 54646 (101)	DEPT OF GIS - CONTRACTUAL SERVICES			8,000.00
10168000 58002 10219 (101)	DEPT OF GIS - RETIREMENT (REAL PROP SYST SUPV)			19,815.00
10168000 58002 10219 (118)	DEPT OF GIS - RETIREMENT (DEPT OF GIS PROGRAM SPECIALIST)			5,772.00
10168000 58002 10219 (101)	DEPT OF GIS - SOCIAL SECURITY (REAL PROP SYST SUPV)			8,446.00
10168000 58002 10219 (118)	DEPT OF GIS - SOCIAL SECURITY (DEPT OF GIS PROGRAM SPECIALIST)			5,334.00
10168000 58004 10219 (101)	DEPT OF GIS - WORKERS COMP (REAL PROP SYST SUPV)			1,403.00
10168000 58004 10219 (118)	DEPT OF GIS - WORKERS COMP (DEPT OF GIS PROGRAM SPECIALIST)			886.00
10168000 58006 10219 (101)	DEPT OF GIS - DENTAL (REAL PROP SYST SUPV)			2,004.00
10168000 58006 10219 (118)	DEPT OF GIS - DENTAL (DEPT OF GIS PROGRAM SPECIALIST)			2,004.00
10168000 58008 10219 (101)	DEPT OF GIS - HEALTH INSURANCE (REAL PROP SYST SUPV)			36,365.00
10168000 58008 10219 (118)	DEPT OF GIS - HEALTH INSURANCE (DEPT OF GIS PROGRAM SPECIALIST)			12,144.00
10168000 58009 10219 (101)	DEPT OF GIS - VISION (REAL PROP SYST SUPV)			242.00
10168000 58009 10219 (118)	DEPT OF GIS - VISION (DEPT OF GIS PROGRAM SPECIALIST)			242.00
				\$ 282,780.00

DECREASE APPROPRIATIONS:				
10168000 51000 (101)	DEPT OF IT - PERSONNEL SERVICES (REAL PROP SYST SUPV)			\$ 110,399.00
10168000 51000 (118)	DEPT OF IT - PERSONNEL SERVICES (GIS PROGRAM SPECIALIST)			69,724.00
10168000 54646	DEPT OF IT - CONTRACTUAL SERVICES			8,000.00
10168000 58001 (101)	DEPT OF IT - RETIREMENT (REAL PROP SYST SUPV)			19,815.00
10168000 58001 (118)	DEPT OF IT - RETIREMENT (DEPT OF IT PROGRAM SPECIALIST)			5,772.00
10168000 58002 (101)	DEPT OF IT - SOCIAL SECURDEPT OF ITY (REAL PROP SYST SUPV)			8,446.00
10168000 58002 (118)	DEPT OF IT - SOCIAL SECURDEPT OF ITY (DEPT OF IT PROGRAM SPECIALIST)			5,334.00
10168000 58004 (101)	DEPT OF IT - WORKERS COMP (REAL PROP SYST SUPV)			1,403.00
10168000 58004 (118)	DEPT OF IT - WORKERS COMP (DEPT OF IT PROGRAM SPECIALIST)			886.00
10168000 58006 (101)	DEPT OF IT - DENTAL (REAL PROP SYST SUPV)			2,004.00
10168000 58006 (118)	DEPT OF IT - DENTAL (DEPT OF IT PROGRAM SPECIALIST)			2,004.00
10168000 58008 (101)	DEPT OF IT - HEALTH INSURANCE (REAL PROP SYST SUPV)			36,365.00
10168000 58008 (118)	DEPT OF IT - HEALTH INSURANCE (DEPT OF IT PROGRAM SPECIALIST)			12,144.00
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10168000 58009 (118)	DEPT OF IT - VISION (DEPT OF IT PROGRAM SPECIALIST)			242.00
				\$ 282,780.00
	FISCAL IMPACT 2024	\$0-		
	FISCAL IMPACT 2025	\$0-		

Consistent with the proposal from County Executive Byrne, the attached budgetary amendment is necessary for the formation of the Department of General Services (DGS).

Please forward it to the appropriate committee.

DRAFT

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

cc: All
Rules 3/21
#8

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

MEMORANDUM

DATE: March 15, 2024

TO: Kevin Byrne
Putnam County Executive

FROM: Toni Addonizio *Toni Addonizio*
Chairwoman, Rules, Enactments, & Intergovernmental Relations Committee

RE: Proposal to Create Department of General Services

The Rules, Enactments, & Intergovernmental Relations Committee will review and consider your proposal to create the Department of General Services at its March 21, 2024, Meeting. Respectfully, I request Director of Purchasing John Tully, Director of IT/GIS Thomas Lannon, and Personnel Officer Paul Eldridge attend said meeting to participate in the discussion.

Thank you for your attention to this request. I look forward to the discussion.

cc: John Tully, Director of Purchasing
Thomas Lannon, Director of IT/GIS
Paul Eldridge, Personnel Officer

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

cc: b/c
Rules 3/21/24

#8

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

MEMORANDUM

DATE: March 15, 2024

TO: Compton Spain
County Attorney

FROM: Toni Addonizio
Chairwoman, Rules, Enactments, & Intergovernmental Relations Committee

RE: Proposal to Create Department of General Services

Toni Addonizio

The Rules, Enactments, & Intergovernmental Relations Committee will review and consider County Executive Kevin Byrne's proposal to create the Department of General Services at its March 21, 2024, Meeting. Respectfully, I request Senior Deputy County Attorney Conrad Pasquale attend said meeting to participate in the discussion.

Thank you for your attention to this request.

cc: Conrad Pasquale, Senior Deputy County Attorney