

Chapter 161 BOARD OF ACQUISITION AND CONTRACT

Sec. 161.01. Board created; powers and duties.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Budget Director and the Chairman of the County Board. In the event of absence from the county or disability of the Chairman of the Board of Legislators, the Vice Chairman of the County Board may act as a member of the Board of Acquisition and Contract in the place and stead of the Chairman of the County Board. In the event of absence from the county or disability of both the Chairman of the Board of Legislators and the Vice Chairman of the County Board, the majority leader of the County Board may act as a member of the Board of Acquisition and Contract in their place and stead. The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property, the acquisition of which has been authorized by the County Board, and shall award on behalf of the county all contracts, including but not limited to contracts for the construction, reconstruction, repair or alteration of all public works or improvement, and excepting: (1) contracts authorized under section 161.11 to be executed by the Bureau of Purchase and Supply; (2) contracts authorized under section 161.11 to be made by the head of any department, board or commission for matters relating to the maintenance and/or operation of such department, board or commission; and (3) contracts which are required to be by New York State Law to be approved by the County Board of Legislators, such as inter municipal agreements, but not excepting contracts required to be approved by the Board of Acquisition and Contract under section 3307 of the Public Authorities Law or any other New York State Law. The Board of Acquisition and Contract shall require, prior to the approval of an amendment to the cost of any contract, the submission of a schedule or backup information which shall consist of: (1) the contract number; (2) the date when the Board of Acquisition and Contract awarded the original contract and the amount of the original contract; (3) a brief description of the need for the change order; (4) the total amount of the increase; and (5) the revised contract amount which includes the amount of the increase.

(§ 61 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735; L.L. No. 7-1961; L.L. No. 4-1973; L.L. No. 13-1978; L.L. No. 12-1982; L.L. No. 3-1993; L.L. No. 19-2010, § 7; L.L. No. 6-2012 (NY Law No. 4115-2011) , § 1, 12-22-2011)

Sec. 161.11. Execution of contracts and bidding procedure.

1. All contracts entered into by or on behalf of the County of Westchester, with the exception of contracts which solely require the approval of the County Board of Legislators pursuant to section 161.01 of this Chapter, shall be executed in accordance with one of the following methods:
 - a. The authority to execute contracts for the purchase, sale, rental, maintenance or repair of supplies, materials, and equipment and the services incidental thereto is delegated to the Bureau of Purchase and Supply, except that with respect to the Westchester Community College, such authority is delegated to the President of Westchester Community College, or his duly authorized designee, subject to the approval of the Board of Trustees of the Westchester Community College, to be exercised in accordance with the procedures prescribed by law; provided, however, that the authority delegated hereunder shall not extend to contracts for the rental, leasing or licensing of equipment at a rate of \$3,000.00 or more per month.
 - b. All contracts, except those contracts to be executed in the manner provided by subsection a. hereof relating to matters which have been the subject of an appropriation by the board of legislators and which have been approved by the Board of Acquisition and Contract and the office of the County

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- Attorney, may be executed by the head of the appropriate department, board or commission pursuant to a written authorization signed by the County Executive. Such authorization shall require the approval of the Board of Acquisition and Contract and, in addition, may contain such other limitations as the County Executive deems appropriate.
- c. Notwithstanding the foregoing, the County Executive may, by written authorization, empower the head of any department, board or commission to execute contracts on behalf of his department, board or commission, without the need for approval by the Board of Acquisition and Contract, provided such contracts do not exceed in total amount the maximum set forth in said written authorization, which authorization shall have been previously approved by the Board of Acquisition and Contract.
 - d. No contract shall be executed on behalf of the county until it has been approved as to substance and as to form by the office of the County Attorney.
- 2. All contracts that are solely approved by the County Board of Legislators shall, in the legislation approving the contract, designate who shall be responsible to take such actions and execute such documents as may be necessary and appropriate to effectuate the purpose of such contract authorization.
 - 3. Whenever any contract for public work involves the expenditure of more than the dollar amount established by New York State General Municipal Law Section 103(1), the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals, made in compliance with the public notice published at least once in a newspaper published in the county designated by the Board of Acquisition and Contract at least ten days prior to the day on which such sealed bids or proposals are to be opened. The bids or proposals shall be opened publicly in the presence of at least two members of the Board of Acquisition and Contract or their representatives. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Board of Acquisition and Contract; provided, however, that the Board of Acquisition and Contract may, in its discretion, waive security requirements for contracts which are not in excess of \$15,000.00 in amount. A copy of each such contract when executed shall be filed with the Commissioner of Finance together with a copy of any act, other than the annual appropriation act, upon which the right to make such contract rests.

(§ 62 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735; L.L. No. 4-1955; L.L. No. 8-1961; L.L. No. 8-1971; L.L. No. 3-1973; L.L. No. 8-1974; L.L. No. 8-1978; L.L. No. 16-1979; L.L. No. 2-1982; L.L. No. 12-1982; L.L. No. 4-1984; L.L. No. 2-1992; L.L. No. 8-2001; L.L. No. 6-2012 (NY Law No. 4115-2011) , § 2, 12-22-2011; L.L. No. 16-2020 , § 1)

Cross reference(s)—Board of Acquisition and Contract, Ch. 233; Bureau of Purchase and Supplies, § 116.21; Purchasing Agent, § 225.11; Professional Prequalification Board and Professional Selection Board, Ch. 277, Art. V; affirmative action in public works contracts, Ch. 307; purchase and sale of equipment and supplies, Ch. 836.

Sec. 161.21. Prequalification of bidders.

The Board of Acquisition and Contract may require the prequalification of bidders on any contract, subject to such conditions or procedure as shall be established by the County Board.

(§ 63 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735)

Sec. 161.31. Prequalification and selection of architects, engineers and land surveyors as consultants.

The Board of Acquisition and Contract shall require the prequalification of architects, engineers and land surveyors by the Prequalification Professional Board and participation in their selection as consultants to Westchester County by the Professional Selection Board, pursuant to rules and procedures enacted by the Board of Legislators.

(Added as § 63a by L.L. No. 1-1975)

Sec. 161.41. Board of Acquisition and Contract Meeting Schedules.

On or before January 15 of each year, the Board of Acquisition and Contract shall, by resolution, adopt a schedule of the dates and times of all meetings of the Board of Acquisition and Contract for the calendar year. Any change to such this schedule, other than a change due to extreme weather conditions or other emergency situations which makes a meeting of the Board of Acquisition and Contract physically impractical to attend, must be obtained at least 72 hours prior to such meeting.

(L.L. No. 6-2012 (NY Law No. 4115-2011) , § 3, 12-22-2011)

Sec. 161.51. Acquisition and Contract resolutions for the procurement of services added by the Westchester County Board of Legislators which appear in a finally adopted County budget Act.

Acquisition and Contract resolutions for the procurement of services added by the Westchester County Board of Legislators which appear in a finally adopted County budget Act shall be advanced to the Acquisition and Contract agenda by March 31 of the budget year consistent with requirements of Westchester County Procurement policy. Should an acquisition and Contract resolution for the procurement of such service items fail to be advanced to the agenda of the Board of Acquisition and Contract agenda by March 31 of the budget year or within one-quarter of the expiration of an existing contract for the same service item, the Chairman of the County Board may place an Acquisition and Contract resolution for the procurement of service item on the Acquisition and Contract agenda at any time during that budget year consistent with requirements of Westchester County procurement policy.

(L.L. No. 6-2012 (NY Law No. 4115-2011) , § 4, 12-22-2011)