

Chapter 836 WESTCHESTER COUNTY PURCHASING ACT¹

Sec. 836.01. Short title.

The rules and regulations of this local law shall be known by its historical common name, the Westchester County Purchasing Act.

(L.L. No. 18-2023 , § 2, 11-18-2023)

Sec. 836.11. **Competitive bidding.**

1. On all purchases of materials, supplies and on all contracts for the purchase or repair of equipment, including the rental, leasing or licensing of equipment that falls under any monthly monetary limit set forth in section 161.11(a)(a), that require the expenditure of more than the dollar amount established by New York State General Municipal Law Section 103(1) for publicly bidding purchase contracts, the Purchasing Agent shall solicit bids by public advertisement appearing in one or more issues of a daily paper published in the County of Westchester not less than five days prior to the date set for opening such bids. Such advertising is not required for perishable food stuffs, medical supplies, livestock, feed, forage, law books and supplements, texts, films and certain other publications, but bids shall be secured if possible from at least three bidders separately engaged in the regular business of supplying such items. The form of advertisement shall be approved by the County Attorney and shall include:
 - a. The place where the proposals may be obtained.
 - b. The place where and the day and hour when the bids will be publicly opened.
 - c. The quantity, quality and specifications of the supplies, materials, equipment or services to be furnished.
2. Proposals for bids shall be in such form as may be prescribed by the Purchasing Agent and shall include, but need not be limited to the following statements:
 - a. All bids shall be enclosed in a sealed envelope addressed to the Purchasing Agent and shall have endorsed thereon the name of the bidder, the time and date of the bid opening and the Bureau of Purchase and Supplies bid number.
 - b. The place where and the day and hour when the bids will be publicly opened.
 - c. The quantity, quality and specifications of the supplies, materials, equipment, maintenance or services to be furnished,
 - d. Each bid submitted shall be accompanied by certified check made payable to the order of the County of Westchester in a sum not more than five percent of the amount of such bid, unless, in the discretion

¹Local Law No. 18-2023 , § 2, adopted November 18, 2023, amended Chapter 836 in its entirety to read as herein set out with the exception of Secs. 836.22 and 836.42. Former Chapter 836, §§ 836.01—836.51, pertained to purchase and sale of equipment and supplies, and derived from L.L. No. 5-1973, §§ 1—3; L.L. No. 13-1973; Act No. 38-1978; L.L. No. 4-1979; L.L. No. 12-1982; L.L. No. 4-1984; L.L. No. 13-1992; L.L. No. 17-1993; L.L. No. 2-1994; L.L. No. 6-1998; L.L. No. 23-2000; L.L. No. 8-2001; L.L. No. 19-2001; L.L. No. 2-2007; L.L. No. 7-2009, § 1; L.L. No. 19-2010, § 36; L.L. No. 11-2011; L.L. No. 4-2012; L.L. No. 14-2021, § 1; L.L. No. 10-2012.

of the Purchasing Agent, it shall be deemed to be in the best interest of the County of Westchester to waive this requirement. Upon the award of the contract to the successful bidder all deposits will be returned, except that of the successful bidder, which will be retained by the Purchasing Agent and returned to the successful bidder when the contract is executed on behalf of the County of Westchester. A performance or maintenance bond and/or a certificate of insurance may, in the discretion of the Purchasing Agent, be required to be signed, executed and delivered by the successful bidder and, if required, said bond or bonds shall be approved by the County Attorney as to form, manner or execution, sufficiency and adequacy.

- e. Each bid shall contain:
 - i. The name, business address, federal identification or social security number of each bidder.
 - ii. A statement to the effect that it is made without any connection with any other person making a bid for the same purpose and is in all respects fair and without collusion or fraud.
 - iii. A statement to the effect that no elected official or other officer or employee or person whose salary is payable in whole or in part from the County Treasury is directly or indirectly interested therein or in the supplies, materials, equipment or services to which it relates or in any portion of the profits thereof. This provision shall not apply in instances of direct or indirect holdings of less than one percent of the stock of a corporation.
- 3. Any and all bids received which do not conform to the above rules are invalidated.
- 4. At the time and place designated all bids shall be opened and publicly read by the Purchasing Agent or Purchasing Agent's representative.
- 5. Bids on all purchases of materials, supplies, and on all contracts for the purchase or repair of equipment, including the rental, leasing or licensing of equipment that falls under the monthly monetary limit set forth in section 161.11(1)(a) that are between the dollar amount established by New York State General Municipal Law Section 103(1) for publicly bidding purchase contracts and \$5,000.01, may be taken without public advertisement but bids shall be secured, if possible, from at least three bidders separately engaged in the regular business of furnishing supplies, materials, equipment and services of the type and kind required. All such bids received shall be duly considered in awarding the contract.
- 6. The Purchasing Agent shall, without other consent or approval, award the contract to the lowest responsible bidder; provided, however, that he may reject any or all bids, or any portion of a bid, if he shall deem it for the interest of the County to do so. In the case of tie bids the award shall be decided by the Purchasing Agent by lot, except that residents of the County of Westchester shall have preference.
- 7. Purchases of \$5,000.00 or less may be made by the Purchasing Agent without competitive bidding. In determining whether a purchase is an expenditure within the threshold amount defined by this subsection, the Purchasing Agent shall reasonably consider the expected aggregate amount of all purchases of the same commodities and/or services to be made within the twelve month period commencing on the date of purchase, except that purchases of postage supplies from the United States Post Office, minor repairs, including parts to equipment, and such other items where competitive bids are impossible to obtain, shall be excluded from these limitations.
- 8. With authorization in writing by the Purchasing Agent, the head of any department or his/her duly authorized designee may authorize purchases of not more than \$500.00 per contract for the purchase of materials or supplies or repairs or for the maintenance, rental or services of equipment without competitive bidding, provided that such purchases by said department shall not exceed limitations authorized by the Purchasing Agent as approved by the Commissioner of Finance. However, the Commissioner of Finance may authorize in writing, when the Commissioner of Finance determines it is in the best interests of the County, the head of a department or their duly authorized designee, to make purchases of the kind authorized by this subsection 8 in an amount not to exceed the amount of the dollar limit placed on the Purchasing Agent in

subsection 7 above. In making such purchases, the authorized person shall make reasonable efforts to obtain the best possible price, such as by seeking quotes from at least three providers. Any such contract shall be evidenced by an order using the form and procedure prescribed by the Purchasing Agent, and a copy of said order shall be delivered within two working days of the date of the purchase to the Purchasing Agent. Orders made pursuant to the provisions of this subdivision shall be paid for in the manner provided for the payment of all claims against the County.

9. In addition to the power granted by subsection 8 hereof, and notwithstanding any other County law regarding emergency contract procedures, emergency purchases and maintenance, repair, rental or service contracts to remedy a breakdown in service or to safeguard life or property may be made without competition, but if any such emergency purchase or contract exceeds \$3,000.00, the Purchasing Agent shall file a complete report thereon with the County Executive.
10. On any purchases the Purchasing Agent may utilize the terms of a contract 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 in a manner consistent with New York State Law and purchasing from such contracts is permitted by the provisions of the New York State General Municipal Law, including but not limited to New York State General Municipal Law Section 104 and Section 103(16) where the terms are to the advantage of the County. The Purchasing Agent shall utilize applicable guidance published by the Office of the New York State Comptroller for such procurement, including but not limited to guidance on "piggybacking" pursuant to New York State General Municipal Law Section 103(16).
11. The Purchasing Agent may, in the Purchasing Agent's discretion, purchase comparable recycled products and pay a premium over the lowest responsible bid for a comparable non-recycled products in accordance with the provisions of New York State General Municipal Law Section 104-a.

(L.L. No. 18-2023 , § 2, 11-18-2023)

Sec. 836.21. Best Value Alternative Procedures.

1. The following definitions shall be used for the purposes of this section:
 - A. "Responsible" or "responsibility" means the financial ability, legal capacity, integrity, and past performance of a person or business entity and as such terms have been interpreted relative to public procurements.
 - B. "Responsive" means an offerer meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services by the Purchasing Agent.
 - C. "Specification" or "requirement" means any description of the physical or functional characteristics of commodities, supplies, materials, equipment or technology and/or services related to same and/or the nature of same, any description of the work to be performed, the service or products to be provided, the necessary qualifications of the offerer, the capacity and capability of the offerer to successfully carry out the proposed contract, or the process for achieving specific results and/or anticipated outcomes or any other requirement necessary to perform the work. It may include a description of any obligatory testing, inspection or preparation for delivery and use, and may include federal and/or New York State required provisions and conditions where the eligibility for federal and/or New York State funds is conditioned upon the inclusion of such required provisions and conditions. Specifications shall be designed to enhance competition, ensuring the commodities or services of any offerer are not given preference except where required or permitted by applicable New York State Law.
 - D. "Offer" means the response submitted by an offerer to a Best Value purchase solicitation by the Purchasing Agent.

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- E. "Offerer" means a person or business entity (e.g., corporation or partnership) making an offer in response to a Best Value solicitation by the Purchasing Agent.
 - F. "Procurement record" means documentation of the decisions made and the approach taken in the procurement process.
 - G. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the New York State Executive Law or service-disabled veteran-owned business enterprises as defined in subdivision one of section three hundred sixty-nine-h of the New York State Executive Law to be used in evaluation of offers for awarding of contracts for services.
 - H. "Purchasing Agent" means the Purchasing Agent of Westchester County.
 - I. "Purchase Contract" means a contract to procure supplies, materials, equipment or technology and/or services related to same, including but not limited to installation and maintenance, excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law.
- 2. General Authorization: When the Purchasing Agent and the department head requesting a purchase contract that would otherwise be subject to public bidding in accordance with New York State General Municipal Law Section 103(1) determine that it would be in the best interests of the County in writing, the Purchasing Agent, subject to the conditions set forth in this section, is authorized to solicit offers from responsible offerers in accordance with written specifications and/or requirements utilizing best value as the basis of the contract award. The contract shall be awarded to the most responsive and responsible offerer.
 - 3. General conditions for use. All purchase contracts of the County to be awarded by best value shall be awarded by a request for competitive offers that is consistent with the applicable provisions of New York State Law, including but not limited to, New York State General Municipal Law Section 103(1) and New York State Finance Law Section 163. If the funding source (federal or state) prefers the best value award methodology; the best value award methodology may be used.
 - 4. The following procedures and rules shall be used by the Purchasing Agent in conducting Best Value purchases:
 - A. If the product or service has been previously purchased by the County through a competitive bid, awarded to the lowest responsible bidder, it shall continue to be purchased in that manner unless issues regarding quality, cost and efficiency or the ability to attract a sufficient number of bidders has been documented from previous purchases.
 - B. A determination in writing shall be made by the Purchasing Agent and department head, copies of which shall be maintained in their respective procurement files, detailing the reasons why a best value award is appropriate; the reasons it will benefit the County; and specifying the evaluation criteria to be included in the solicitation. The evaluation criteria shall be included in the procurement record prior to the issuance of the request for competitive offers.
 - C. Where the basis for award is the best-value offer, the Purchasing Agent and department head shall document, in the procurement record and in advance of initial receipt of offers, the determination of the evaluation criteria to be used for each procurement, which shall be objective and quantifiable whenever possible, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

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- D. Prior to award of a contract on the basis of best value, the Purchasing Agent shall make a procurement record for each best value purchase that at a minimum shows that: (1) the offerer is responsive and responsible; and (2) the Purchasing Agent applied objective and quantifiable standards such as cost-benefit analysis, whenever possible, to determine that the offer optimizes quality, cost and efficiency or a written justification if the Purchasing Agent bases a best value award on criteria that are not objective and quantifiable (hereinafter the "Best Value Purchasing Record").
- E. The decision to award a contract on the basis of best value must be based on objective and quantifiable analysis, such as a cost-benefit analysis, whenever possible. In evaluating and determining to accept a higher priced offer, the Purchasing Agent and department head for which the purchase is being made shall use a cost-benefit analysis to show quantifiable value or savings from non-price factors that offset the price differential of the lower price offers.
- F. **The Purchasing Agent may utilize the following criteria for evaluation of a Best Value purchase:**
- a. Purchase price.
 - b. Financing (if applicable) and only to the extent permitted by applicable law.
 - c. Storage, maintenance, insurance, disposal fees and other operational costs.
 - d. Added services at no additional cost to the County.
 - e. Buy America provision (if required by federal or state grant funding source).
 - f. Product warranty.
 - g. Product energy usage.
 - h. Product water usage.
 - i. Other product or service environmental considerations.
 - j. Product or service satisfaction of performance requirements.
 - k. Proposed schedule/delivery time frame.
 - l. Additional training costs to be incurred by the County.
 - m. Compatibility of proposed equipment and current equipment, operational issues related to necessary retrofitting and costs (if any) of spare parts inventory necessary.
 - n. Contractor experience with similar projects.
 - o. Contractor's record of completion on schedule or on-time delivery.
 - p. Contractor's record of compliance with material and workmanship requirements.
 - q. Contractor's record of safety.
 - r. Contractor's hours of operation for obtaining technical assistance, repairs, and maintenance.
 - s. If the participation of small businesses, certified minority- or women-owned business enterprises ("MWBE") as defined in subdivisions one, seven, fifteen and twenty of Section 310 of the New York State Executive Law or service-disabled veteran-owned business enterprises as defined in subdivision one of Section 369-h of the New York State Executive Law are of a concern to the County regarding procurement, the County may take the status of such business into consideration in evaluation of the most responsive offer.
- G. A request for competitive offers shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement. The best value specification shall describe the

general manner in which the evaluation and award of offers will be conducted and identify the relative importance or weighting of price and non-price factors.

- H. Adequate public notice of the invitation for offers shall be given, not less than five calendar days prior to the date set forth therein for the opening of sealed written competitive offers. Such notice shall include publication in the newspaper(s) of general circulation as designated by the Board of Legislators. The public notice shall state the place, date, and time of the opening of offers.
- I. Offers shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for offers. The amount of each offer, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each offerer, shall be recorded by the Purchasing Agent or designee (hereinafter the "Record of Offers"); the Record of Offers and each offer shall be open to public inspection except to the extent that any information in an offer may be exempt from public disclosure under Article 6 of the New York Public Officers Law (e.g. are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise). The Record of Offers shall become part of the Best Value Purchasing Record.
- J. Offers shall be evaluated based on the requirements set forth in the invitation for offers.
- K. Correction or withdrawal of inadvertently erroneous offers before offer opening, or cancellation of awards or contracts based on such offer mistakes, may be permitted where appropriate. Mistakes discovered before offer opening may be modified or withdrawn by written notice, which may include email, to a person or persons designated in the invitation for offers which is received prior to the time set for offer opening. After offer opening, correction or withdrawal of offers shall not be permitted. After offer opening, no changes in offer prices or other provisions of offers prejudicial to the interest of the County or fair competition shall be permitted, except that an offerer alleging a material mistake of fact may be permitted to withdraw the offer if:
 - a. The mistake is clearly evident on the face of the offer document, but the intended correct offer is not similarly evident; or
 - b. The offerer submits evidence that clearly and convincingly demonstrates that a mistake was made.All decisions to permit correction or withdrawal of offers, or to cancel awards or contracts based on offer mistakes, shall be supported by written determination made by the Purchasing Agent which shall become part of the Best Value Purchasing Record.
- L. If the Purchasing Agent and County department both elect to award a purchase contract on the basis of best value, the Purchasing Agent and County department must be prepared to show that: (1) the offerer is responsive and responsible; and (2) the Purchasing Agent and County department applied objective and quantifiable standards to determine that the offer optimizes quality, cost and efficiency in accordance with these procedures.

(L.L. No. 18-2023 , § 2, 11-18-2023)

Sec. 836.22. Federally-funded purchases.

- 1. For purposes of this section:
 - a. "Federal purchase requirements" shall mean any and all federal laws, regulations, rules, guidance, instructions, or grant terms applicable to a federally-funded purchase.

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- b. "Federally-funded purchase" shall mean a purchase that is funded, in whole or in part, by federal funds.
 - c. "Ordinary county purchase requirements" shall mean all of the rules and regulations that would be applicable to a purchase if it was not a federally-funded purchase.
 2. Each federally-funded purchase shall be made in accordance with the federal purchase requirements.
 3. In addition to, and not in limitation of, the requirements of subsection 2. hereof, each purchase:
 - a. Funded by the Federal Transit Administration (FTA) shall follow all applicable rules and procedures set forth in FTA Circular 4220.1F or any FTA Circular for Third Party Contracting Guidance that should supersede it, including, but not limited to the following, in that each such purchase shall:
 - (i) Not utilize any prequalification of vendors or products;
 - (ii) Not utilize any geographic preference;
 - (iii) Only be made from a vendor that the Purchasing Agent has determined, in writing, is responsible;
 - (iv) For a competitive purchase, be permitted to be awarded on the basis of the FTA's 'best value' criterion;
 - (v) For a sole source purchase, be documented in accordance with the applicable FTA procedures and requirements;
 - (vi) For a purchase below the FTA's 'micro-purchase' threshold, be made in accordance with the applicable FTA procedures and requirements;
 - (vii) For a purchase below the FTA's 'small purchase' threshold, be made in accordance with the applicable FTA procedures and requirements;
 - (viii) For a purchase above the FTA's 'small purchase' threshold, be made in accordance with the applicable FTA procedures and requirements;"
 - (ix) For a purchase of rolling stock or replacement parts for buses, not have a term of more than five years;
 - (x) Result in a purchase order that shall include all contract clauses required by applicable FTA rules; and
 - (xi) Be documented by the keeping of all records required by applicable FTA rules.
 4. Notwithstanding subsections 2. and 3. hereof, each federally-funded purchase shall be made in accordance with the ordinary county purchase requirements to the extent that the ordinary county purchase requirements do not conflict with the requirements of subsections 2. and 3. hereof.

(Added by L.L. No. 10-2012)

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

1. Surplus, obsolete or unused supplies, materials, or equipment in any storeroom or warehouse or not required by any agency of the county, except: computers and computer equipment; surplus or obsolete paratransit/shuttle type buses; shall be surrendered to the Purchasing Agent and shall be sold or leased by the Purchasing Agent as provided for in subsections 2., 3., 4. and 5. of this section.
2. Such supplies, materials or equipment as set forth in subsection 1. of this section may be sold or leased to the highest responsible bidder at public auction or after receipt of bids and after advertisement in at least two successive issues of a daily paper published in the County of Westchester.

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3. Whenever in the opinion of the Purchasing Agent, the value of such item as mentioned in subsection 1. of this section does not exceed the sum of \$3,000.00, he may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained from at least three bidders, whenever possible. If, however, only one bid is submitted to the Purchasing Agent, the sale or lease shall be made at a price not less than the value fixed by the Purchasing Agent.
 4. All surplus, obsolete or unused materials, supplies and equipment, which, in the opinion of the Purchasing Agent and the head of the department involved, are not salable, may be destroyed or otherwise disposed of under the direction of the Purchasing Agent. This provision shall not apply to public records or computers and computer equipment or surplus or obsolete paratransit/shuttle type buses, subject to the following exception, if pursuant to Section 131.41 of the Laws of Westchester County, the Commissioner of Public Works and Transportation determines in his or her reasonable opinion that any particular paratransit/shuttle type bus is not capable of safe operation or that there is no interest in any particular bus, then same shall be returned to the jurisdiction of the Purchasing Agent and disposed of by the Purchasing Agent in accordance with this section.
 5. Notwithstanding the above, the Purchasing Agent is hereby authorized to sell to the MTA Bus Company, a corporate subsidiary of the Metropolitan Transportation Authority a New York State public benefit corporation, up to 84 transit buses acquired by the County in 1995 and 1996. Each bus shall be made available for sale only when and if the County Commissioner of Transportation determines that it is no longer required for public transit service and is surplus to the needs of Westchester County. The MTA Bus Company shall pay to the County a price not to exceed \$2,600.00 for each bus accepted.
 6. Notwithstanding the above, the Purchasing Agent is hereby authorized to convey transit vehicles to Federal Transit Administration ("FTA") grant recipients in accordance with the FTA's requirements. This section only applies to transit vehicles that were purchased with the assistance of grants from the FTA and have not yet exceeded their useful life under current FTA standards. All such conveyances are subject to the approval by Act of the County Board and subsequent approval by the FTA.
 7. Notwithstanding the above, the Purchasing Agent is hereby authorized to scrap diesel-powered buses to enable the County to receive a discount from the New York State Energy Research and Development Authority on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. Scrappage must be performed by a State-approved vehicle dismantler facility. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a three-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half. The County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.
 8. Notwithstanding the above, in the event the County participates in a grant program which will result in a reduction of carbon emissions, the Purchasing Agent is hereby authorized, if necessary to comply with the grant program, to dispose of surplus, obsolete or unused materials, supplies and equipment in such manner as may be required pursuant to the grant program.
 9. Notwithstanding the above, the County may make a gift of any surplus, obsolete or unused vehicles, equipment and/or furniture to a municipality located within the County of Westchester that does not have any outstanding bonds used to finance the purchase of said items or is subject to any grant restrictions that would prohibit such gift in a grant used to purchase such items. Such gifts shall be made in a form approved by the County Attorney and subject to the approval of the Board of Legislators.

(L.L. No. 18-2023 , § 3, 11-18-2023)

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

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

(L.L. No. 18-2023 , § 3, 11-18-2023)

Sec. 836.41. Storerooms and warehouses.

1. The Purchasing Agent is hereby authorized to establish and maintain storerooms located at Grasslands and other such locations as from time to time shall become necessary, upon approval by the Commissioner of Finance.
2. The Purchasing Agent is authorized and directed to keep all departmental stocks to a minimum consistent with reasonable and uninterrupted service of the several County departments. However, in the event of anticipated or existing supply chain disruptions, the Purchasing Agent may allow the creation of reserves and buffers of departmental stocks necessary for the reasonable and uninterrupted service of County departments.

(L.L. No. 18-2023 , § 3, 11-18-2023)

Sec. 836.42. Motor vehicles.

1. Notwithstanding any provision of this chapter or any provision of the Laws of Westchester County to the contrary, and unless otherwise exempted as herein provided, all purchases by the County of Westchester of motor vehicles shall be for electric vehicles, plug-in hybrid vehicles or alternative fuel vehicles, exempting instances listed in subsections 7. and 8. of this section.
2. For the purposes of this section, the term "motor vehicle" shall mean every four-wheeled vehicle operated or driven predominantly upon a public highway which is propelled by any power other than muscular power.
3. For the purposes of this section, the term "high mileage vehicle," shall mean a motor vehicle propelled by an internal combustion or similar type engine that is rated as having a combined city/highway fuel consumption of 35 miles per gallon or more and shall have the following United States Environmental Protection Agency smog rating for each of the corresponding years:

(Supp. No. 42, 12-31-2023)

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- Smog rating of six or higher if purchased after January 1, 2015 and on or before December 31, 2015.
 - Smog rating of seven or higher if purchased after January 1, 2016 and on or before December 31, 2016.
 - Smog rating of eight or higher if purchased after January 1, 2017.
4. For the purposes of this section, the term "electric vehicle" shall mean a motor vehicle propelled by an electric motor or motors powered by rechargeable battery packs.
 5. For the purposes of this section, the term "hybrid vehicle" shall mean a motor vehicle that utilizes both an electrical motor and a gasoline or diesel powered engine which work in tandem to decrease fuel consumption.
 6. For the purposes of this section, the term "alternative fuel vehicle" shall mean a motor vehicle propelled by a fuel other than petroleum such as ethanol, biodiesel, natural gas, propane or hydrogen.
 7. For the purposes of this section, the term "plug-in hybrid vehicle" shall mean a motor vehicle that utilizes both an electrical motor with recharging capabilities and a gasoline or diesel powered engine which work in tandem to decrease fuel consumption.
 8. Exempted from the provisions of this section are: (i) all vehicles not of four wheels; and (ii) all vehicles used for heavy construction, hauling or a similar purpose.
 9. Any other request for an exemption from the provisions of this section must be supported by good cause. An exemption may be authorized by the Commissioner of Public Works and Transportation. "Good cause" for the purposes of this subdivision shall include: (i) the vehicle's use for law enforcement or other emergency services purpose; (ii) the vehicle's use for another essential municipal service as determined by the Commissioner of Public Works or other appropriate commissioner; or (iii) the unavailability of a high mileage vehicle, an electric vehicle, a hybrid vehicle or an alternative fuel vehicle suitable for the intended purpose or for other municipal use as might be necessitated by specific circumstances determined by the Commissioner of Public Works.

(Added by L.L. No. 8-2011; L.L. No. 4-2015, §§ 1—3 ; L.L. No. 13-2021 , § 1)

Sec. 836.43. Sole source.

1. A County Department may recommend to the Bureau of Purchase and Supplies a sole source of procurement of goods and/or services when, after reasonable investigation, the County Department determines in writing that only one practicable source for the required goods or service exists.
2. The County Department and the Bureau of Purchase and Supply shall keep a record of all sole source procurements, specifying each contractor's name, the amount and type of each contract, a description of the goods or services procured, and the basis for the determination that the contractor was the only practicable source for the required goods or services.

(L.L. No. 18-2023 , § 4, 11-18-2023)

Sec. 836.51. Green community purchasing.

Where the County is procuring a commodity or service in accordance with this chapter, whether by competitive bid or other procedure required under this chapter, that is the subject of a GreenNY procurement specification that has received final approval of the GreenNY Council pursuant to New York State Executive Order No. 22 (2022), the Purchasing Agent shall follow the GreenNY procurement specifications to the maximum extent practicable and where cost is reasonably competitive as defined in New York State General Municipal Law § 104-a.

(L.L. No. 18-2023 , § 4, 11-18-2023)

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