

89921

January 3, 2022

To: The Honorable Board of Acquisition and Contract

From: George Latimer
County Executive

Re: Resolution authorizing the Westchester County Executive to issue authorizations to department, board, or commission heads for the purpose of enabling them to execute contracts pursuant to Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County.

Pursuant to Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, enclosed for your consideration is an attached resolution that would authorize me, as the Westchester County Executive, to issue certificates of authorization to the heads of the departments, boards, or commissions listed therein, empowering them to execute contracts that have received the approval of the Board of Acquisition and Contract. In addition, when such contracts involve payment by the County, they must have been the subject of an appropriation by the Board of Legislators. Finally, such contracts shall be submitted to the Office of the County Attorney and be approved by said office.

It should be noted that, under the terms of the proposed resolution, the heads of the departments, boards, or commissions may not execute a contract that involves a deed, conveyance, grant, or release of any County interest in all or any part(s) of County lands, property, and real estate, including grants of rights or interests in, over, under, and across any County lands, property, and real estate, as Section 104.11(2) of the Laws of Westchester County specifies that the County Executive shall execute such documents.

It should also be noted that pursuant to Section 161.11(1)(a) of the Laws of Westchester County, the Bureau of Purchase and Supply has been delegated the authority to execute all contracts for purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment, and the services incidental thereto, except with respect to Westchester Community College (the "College"), where such authority has been delegated to the President of the College, subject to the approval of the College's Board of Trustees. Under said law, these delegations are subject to the condition that contracts for the rental, leasing, or licensing of equipment shall have a rate of less than THREE THOUSAND DOLLARS (\$3,000.00) per month.

Accordingly, under the terms of the proposed resolution, the certificates issued to the heads of

departments, boards, or commissions shall specify that they may not execute a contract for the purchase, sale, maintenance, or repair of supplies, materials, and equipment, or for the services incidental thereto, except for contracts for the rental, leasing, or licensing of equipment at a rate of THREE THOUSAND DOLLARS (\$3,000.00) or more per month. However, the certificate issued to the President of the College shall note that the aforementioned restriction shall not be construed to limit the President's ability to execute contracts pursuant to the delegation of authority made under section 161.11(1)(a) of the Laws of Westchester County.

Lastly, the authority granted by the proposed resolution shall permit the certificates issued to the heads of departments, boards, or commissions to be retroactive to January 1, 2022, and to continue through December 31, 2025. Said certificates being permitted to be retroactive to January 1, 2022 is intended to allow for an orderly continuance of government, as the previously-issued certificates all expired on December 31, 2021.

Copies of the standard form of the certificate of authorization, as well as the certificate of authorization modified, as set forth above, for the President of the College, is attached to the resolution for your review and reference.

I respectfully recommend that your Honorable Board adopt the attached resolution.

GL/JMN/bdm/nn
Attachments

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/06/2022 - RAYMOND S. DUKAKIS SECRETARY

RESOLUTION

Upon a communication from the County Executive, be it hereby:

RESOLVED, that pursuant to the provisions of Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, the Board of Acquisition and Contract hereby approves the issuance of certificates of authorization by the County Executive, during his term of office, authorizing the heads of the following listed departments, boards, or commissions to execute contracts relating to the maintenance and/or operation of such department, board, or commission, subject to the conditions of this resolution:

Board of Elections;
Board of Legislators;
Department of Community Mental Health;
Department of Correction;
Department of Emergency Services;
Department of Environmental Facilities;
Department of Finance;
Department of Health;
Department of Human Resources;
Department of Information Technology;
Department of Laboratories and Research;
Department of Law;
Department of Parks, Recreation and Conservation;
Department of Planning;
Department of Probation;
Department of Public Safety Services;
Department of Public Works and Transportation;
Department of Senior Programs and Services;
Department of Social Services;
Department of the Budget;
Office of the County Clerk;
Office of the District Attorney; and
Westchester Community College;

and be it further

RESOLVED, that the certificates of authorization issued by the County Executive pursuant to this resolution shall contain the following limitations regarding the execution of contracts:

- A. All contracts shall have been approved by the Board of Acquisition and Contract;
- B. All contracts involving payment by the County shall relate to matters that have been the subject of an appropriation by the Board of Legislators;

- C. No contract shall involve a deed, conveyance, grant, or release of any County interest in all or any part(s) of County lands, property, and real estate, including grants of rights or interests in, over, under, and across any County lands, property, and real estate;
- D. No contract shall be for the purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment, or for the services incidental thereto, except for contracts for the rental, leasing or licensing of equipment at a rate of THREE THOUSAND DOLLARS (\$3,000.00) or more per month;
- E. All contracts executed by the head of a department, board, or commission must be for the maintenance and/or operation of his/her department, board, or commission; and
- F. All contracts shall be submitted to the Office of the County Attorney and be approved by said office;

and be it further

RESOLVED, that the certificate of authorization to be issued to the President of Westchester Community College will note that the restriction labeled as “D” above shall not be construed to limit the President’s ability to execute contracts pursuant to the delegation of authority given to the President under section 161.11(1)(a) of the Laws of Westchester County; and be it further

RESOLVED, that the County Executive, notwithstanding the authority that is permitted to be delegated to heads of departments, boards, or commissions pursuant to this resolution, shall retain his authority to execute any and all contracts on behalf of the County; and be it further

RESOLVED, that the certificates of authorization issued by the County Executive pursuant to this resolution may contain such additional limitations as the County Executive may from time to time deem appropriate; and be it further

RESOLVED, that the authority conferred by such certificates of authorization may be exercised by a deputy, assistant, or other subordinate officer only when he/she is performing the duties of his/her department, board, or commission head during said person’s absence from the office or inability to act, and pursuant to a designation or appointment made in accordance with the provisions of New York State County Law §401(2), New York State Public Officers Law §9, New York State Defense Emergency Act §29-a, New York State Executive Law §27, the Laws of Westchester County §194.11 and §528.31, and/or other applicable law; and be it further

RESOLVED, that such certificates of authorization shall be in substantially the same form as those attached hereto; and be it further

RESOLVED, that the authority conferred by such certificates of authorization may be for all or only a portion of the period from January 1, 2022 through December 31, 2025; and be it

further

RESOLVED, that the County Executive may take such action as may be necessary and appropriate to effectuate the purposes of this resolution.

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
					N/A

Budget Funding Year(s) _____ Start Date 01/01/22 End Date 12/31/25
(must match resolution)

Funding Source	Tax Dollars:	_____
	State Aid:	_____
<u>N/A</u>	Federal Aid:	_____
(must match resolution)	Other:	_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/06/2022 - RAYMOND SCULKI, SECRETARY

CERTIFICATE OF AUTHORIZATION
Pursuant to Sections 161.01 and 161.11(1)(b)
of the
Laws of Westchester County

Pursuant to the provisions of Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, and the resolution of approval of the Board of Acquisition and Contract that was duly adopted on January ___, 2022, and subject to the limitations set forth herein, I, GEORGE LATIMER, County Executive of Westchester County, do hereby authorize

_____, _____,
(Name) (Title)

to execute and deliver contracts on behalf of the County of Westchester within the limits of the appropriations allocated therefor.

This Certificate of Authorization has the following limitations:

1. All contracts shall have been approved by the Board of Acquisition and Contract.
2. All contracts involving payment by the County shall relate to matters that have been the subject of an appropriation by the Board of Legislators.
3. No contract shall involve a deed, conveyance, grant, or release of any County interest in all or any part(s) of County lands, property, and real estate, including grants of rights or interests in, over, under, and across any County lands, property, and real estate.
4. No contract shall be for the purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment, or for the services incidental thereto, except for contracts for the rental, leasing, or licensing of equipment at a rate of THREE THOUSAND DOLLARS (\$3,000.00) or more per month.

5. All contracts must be for the maintenance and/or operation of the

(Department, Board, or Commission)

6. All contracts shall be submitted to the Office of the County Attorney and be approved by said office.

7. The authority conferred hereunder may be exercised by a deputy, assistant, or other subordinate officer only when he/she is performing the duties of the _____ during his/her absence from the office or inability to act, and pursuant to a designation or appointment made in accordance with the provisions of County Law §401(2), Public Officers Law §9, New York State Defense Emergency Act §29-a, Executive Law §27, the Laws of Westchester County §194.11 and §528.31, and/or other applicable law.

8. The authority to execute contracts granted pursuant to this certificate shall commence as of January 1, 2022 and expire on December 31, 2025, unless sooner revoked.

IN WITNESS WHEREOF, I have hereunto set my hand on this _____ day of _____, 2022.

GEORGE LATIMER
County Executive

CERTIFICATE OF AUTHORIZATION
Pursuant to Sections 161.01 and 161.11(1)(b)
of the
Laws of Westchester County

Pursuant to the provisions of Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, and the resolution of approval of the Board of Acquisition and Contract that was duly adopted on January ___, 2022, and subject to the limitations set forth herein, I, GEORGE LATIMER, County Executive of Westchester County, do hereby authorize

_____, President of Westchester Community College,
(Name)

to execute and deliver contracts on behalf of the County of Westchester within the limits of the appropriations allocated therefor.

This Certificate of Authorization has the following limitations:

1. All contracts shall have been approved by the Board of Acquisition and Contract.
2. All contracts involving payment by the County shall relate to matters that have been the subject of an appropriation by the Board of Legislators.
3. No contract shall involve a deed, conveyance, grant, or release of any County interest in all or any part(s) of County lands, property, and real estate, including grants of rights or interests in, over, under, and across any County lands, property, and real estate.
4. The President may execute contracts for the purchase, sale, rental, maintenance, or repair of supplies, materials, and equipment, or for the services incidental thereto, pursuant to the delegation of authority made to the President under section 161.11(1)(a) of the Laws of Westchester County.

5. All contracts must be for the maintenance and/or operation of Westchester Community College.

6. All contracts shall be submitted to the Office of the County Attorney and be approved by said office.

7. The authority conferred hereunder may be exercised by a deputy, assistant, or other subordinate officer only when he/she is performing the duties of the President of Westchester Community College during his/her absence from the office or inability to act, and pursuant to a designation or appointment made in accordance with the provisions of County Law §401(2), Public Officers Law §9, New York State Defense Emergency Act §29-a, Executive Law §27, the Laws of Westchester County §194.11 and §528.31, and/or other applicable law.

8. The authority to execute contracts granted pursuant to this certificate shall commence as of January 1, 2022 and expire on December 31, 2025, unless sooner revoked.

IN WITNESS WHEREOF, I have hereunto set my hand on this _____ day of _____, 2022.

GEORGE LATIMER
County Executive