

Amendment in the Nature of Substitution to Clerk Item No. 222-19

Introduced by: Siela A. Bynoe

LOCAL LAW 13 -2019

A LOCAL LAW REQUIRING CONTRACTORS TO SUBMIT UP TO DATE DISCLOSURE DOCUMENTS

PETER J. CLINES
MINORITY COUNSEL
APPROVED AS TO FORM

Passed by the Nassau County Legislature on August 5, 2019
Voting: Ayes: 19, Nays: 0, abstained: 0
Became a Local Law on August 22, 2019 with the approval
of the Deputy County Executive acting on behalf of
the County Executive.

WHEREAS, the County Legislature recognizes that ongoing enhancements to the Countywide Procurement and Vendor Compliance Policy and procedures are promoting greater transparency, accountability, and fairness in the County contracting process; and

WHEREAS, a crucial part of the Countywide Procurement and Vendor Compliance Policy is the requirement for vendors to submit vendor integrity and disclosure documentation as part of the process of awarding County contracts; and

WHEREAS, the County Legislature recognizes that review of the vendor integrity and disclosure documents by the Chief Procurement Officer and the Deputy County Executive for Compliance is critical for ensuring that the documentation is up-to-date, complete, and accurate prior to consideration by the Rules Committee of the County Legislature; and

WHEREAS, the Legislature recognizes that it is crucial for County contracting personnel and the County Legislature to have access to current vendor background information; and

WHEREAS, the current Countywide Procurement and Vendor Compliance Policy permits vendor integrity and disclosure documents to be considered current for six months and does not require vendors to submit new disclosure forms for a proposed contract if the vendor has submitted such forms within the past six months in connection with a prior contract; and

WHEREAS, the Legislature hereby determines that the policy to consider disclosure forms current for six months is inconsistent with the goal of ensuring that County contracting decisions are based on up-to-date vendor information; and

WHEREAS, the Legislature further determines that the submission of vendor integrity and disclosure documents should be required in connection with every newly awarded contract and every renewal and extension of an existing contract, and further determines that such requirement should be enacted into law; and

WHEREAS, in furtherance of the goal of ensuring access to current vendor information, the Legislature similarly determines to codify the existing policy requiring vendors to notify County contracting officers in writing of any material changes that occur in the information disclosed subsequent to filing; and

WHEREAS, to further promote effective legislative oversight of County contracting, the Legislature also determines that such material changes shall be submitted to the Clerk of the Legislature so that they shall be available for review prior to consideration of any resolution to approve the relevant contract; now, therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Article XI, Title B constituting the Nassau County Charter, is hereby amended to add a new section as follows:

§1124. Material Changes to Vendor Integrity and Disclosure Documents

- a. For purposes of this section, contractor shall mean all individuals, sole proprietorships, partnerships, joint ventures, or corporations who enter into a contract with a Nassau County department.
- b. Vendor integrity and disclosure documents, as defined in the County's Countywide Procurement and Vendor Compliance Policy, shall be completed and filed by each contractor prior to every contract award, renewal, or extension without exception, regardless of when the contractor last filed such documents. Notwithstanding the foregoing, in lieu of new disclosure documents, such contractor may file an affidavit or sworn certification of "No Change" stating there have been no changes in the information contained in its most recently submitted disclosure documents, provided such documents were filed within the prior six-month period. Such six-month period shall be measured from the earliest date of execution reflected in the vendor integrity and disclosure documents in such most recent submission. Should any material changes occur in the information disclosed subsequent to filing, the contractor shall bring such changes to the attention of the relevant County Department Chief Contracting Officer and the County Chief Procurement Officer in writing indicating material changes as soon as they occur. The County Chief Procurement Officer shall cause all such writings and any no change affidavits or certifications to be filed with the Clerk of the Legislature. Such filings shall be available for review by the Rules Committee prior to consideration of any resolution to approve the contract in question.

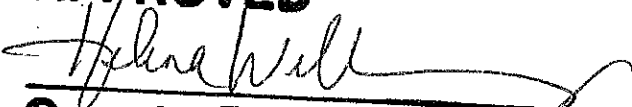
Section 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. SEQRA Determination.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L, section 0101 at seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

Section 4. Effective Date.

This local law shall take effect immediately after enactment.

APPROVED

County Executive
DATE 8/22/19