

January 8, 2010

To: The Honorable Board of Acquisition & Contract

From: Robert P. Astorino
County Executive

Re: Resolution authorizing the Westchester County Executive to issue authorizations to department, board and 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, pursuant to Sections 161.01 and 161.11(1)(b) of the Laws of Westchester County, to execute contracts which have received the approval of the Board of Acquisition & Contract. In addition, when such contracts involve payment by the County, they must have been the subject of an appropriation by the County Board of Legislators and of an allocation of funds by the Budget Director. Finally, such contracts shall be submitted to and approved by the Office of the County Attorney.

It should be noted that pursuant to Section 104.11(2) of the Laws of Westchester County, the County Executive shall execute all conveyances of real property. Accordingly, under the terms of the proposed resolution, the heads of the departments, boards, or commissions may not execute a contract for the purchase or sale of real property.

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, where such authority has been delegated to the President of the College, subject to the approval of the 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 (\$3,000) DOLLARS per month.

Accordingly, under the terms of the proposed resolution, the heads of departments, boards, or commissions may not execute a contract for the purchase, sale, maintenance, or repair of supplies, materials, and equipment or for the services incidental thereto. However, the certificate issued to the President of the Community 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. Notwithstanding the foregoing, the execution of contracts by the heads of departments, boards, or commissions shall be authorized for the rental, leasing or licensing of equipment, provided such contracts have a rate of THREE THOUSAND (\$3,000) DOLLARS or more per month.

Lastly, the authority granted by the resolution to the head of each department board, or commission will be retroactive to January 1, 2010. This is to allow for an orderly transition of government, as the prior authorizations expired with the term of the former County Executive.

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

I recommend the adoption of the annexed resolution by your Honorable Board.

RPA/RFM/JMR/bdm/nn
Attachments

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 JIMMY VEIR, SECRETARY

RESOLUTION

Upon a communication from Robert P. Astorino, the Westchester 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 & 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, subject to the conditions of this resolution:

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

and be it further

RESOLVED, that the certificates of authorization to execute contracts shall contain the following limitations:

- A. All contracts involving payment by the County shall relate to matters, which have been the subject of an appropriation by the County Board of Legislators and an allocation of funds by the Budget Director;

- B. All contracts shall have been approved by the Board of Acquisition & Contract;
- C. No contract shall be for the purchase or sale of real property;
- 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 that the execution of contracts for the rental, leasing or licensing of equipment shall be authorized provided such contracts have a rate of THREE THOUSAND (\$3,000) DOLLARS or more per month; and
- E. The contract shall be submitted to and be approved by the Office of the County Attorney as to form and manner of execution;

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 received under section 161.41(1)(a) of the Laws of Westchester County; and be it further

RESOLVED, that the County Executive, notwithstanding the authority delegated to heads of departments, boards, and 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 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 in such certificates of authorization may be exercised by a deputy, assistant or other subordinate officer only when they are performing the duties of their department, board, or commission head during his/her absence from the office or inability to act 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, and the Laws of Westchester County §§194.11 and 528.31; and be it further

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

RESOLVED, that the authority conferred in such certificates of authorization will be retroactive to January 1, 2010; and be it further

RESOLVED, that the County Executive may take all such actions necessary to effectuate the purposes hereof.

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

Budget Funding Year(s) _____ Start Date 01/01/10 End Date 12/31/13
 (must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 - JOMARY VIEIRA, SECRETARY

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

Pursuant to the provisions of Sections 161.01 and 161.11(1)(b) of the Westchester County Charter, as amended, and the resolution of approval of the Board of Acquisition & Contract duly adopted on January __, 2010, and subject to the limitations set forth herein, I, ROBERT P. ASTORINO, County Executive of Westchester County, do hereby authorize, _____, _____ to
(Name) (Title)

award contracts on behalf of the County of Westchester within the limits of the appropriations allocated therefor, and to contract for, execute and deliver such contracts on behalf of the County.

This Certificate of Authorization has the following limitations:

1. All contracts involving payment by the County shall have been subject to appropriation by the Board of Legislators and allocation of funds by the Budget Director.
2. All contracts shall have been approved by the Board of Acquisition & Contract.
3. No contract shall be for the purchase or sale of real property.
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 that the execution of contracts for the rental, leasing or licensing of equipment shall be authorized

provided such contracts have a rate of THREE THOUSAND (\$3,000) DOLLARS or more per month.

5. All contracts shall be submitted to and approved by the Office of the County Attorney as to form and manner of execution.

6. The authority conferred hereunder may be exercised by a deputy, assistant or other subordinate officer only when they are performing the duties of _____ 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, and the Laws of Westchester County §§194.11 and 528.31.

7. The authority to execute contracts granted pursuant to this certificate shall commence as of January 1, 2010 and expire on December 31, 2013, unless sooner revoked.

IN WITNESS WHEREOF I have hereunto set my hand and official seal on this _____ day of _____ 2010.

ROBERT P. ASTORINO
County Executive

APPROVED BOARD OF ACQUISITION'S CONTRACT 11-28-2010 - JONAR VIERA, SECRETARY

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

Pursuant to the provisions of Sections 161.01 and 161.11(1)(b) of the Westchester County Charter, as amended, and the resolution of approval of the Board of Acquisition & Contract duly adopted on January __, 2010, and subject to the limitations set forth herein, I, ROBERT P. ASTORINO, County Executive of Westchester County, do hereby authorize, _____, President, Westchester Community College, to award contracts on behalf of the County of Westchester within the limits of the appropriations allocated therefor, and to contract for, execute and deliver such contracts on behalf of the County.

This Certificate of Authorization has the following limitations:

1. All contracts involving payment by the County shall have been subject to appropriation by the Board of Legislators and allocation of funds by the Budget Director.
2. All contracts shall have been approved by the Board of Acquisition & Contract.
3. No contract shall be for the purchase or sale of real property.
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 that this restriction shall not be construed to limit the President's ability to execute such contracts pursuant to the delegation of authority made to the President pursuant to section 161.11(1)(a) of the Laws of Westchester County, and except that the execution of

contracts for the rental, leasing or licensing of equipment shall be authorized provided such contracts have a rate of THREE THOUSAND (\$3,000) DOLLARS or more per month.

5. All contracts shall be submitted to and approved by the Office of the County Attorney as to form and manner of execution.

6. The authority conferred hereunder may be exercised by a deputy, assistant or other subordinate officer only when they are performing the duties of President, 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, and the Laws of Westchester County §§194.11 and 528.31.

7. The authority to execute contracts granted pursuant to this certificate shall commence as of January 1, 2010 and expire on December 31, 2013, unless sooner revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this _____ day of _____ 2010.

ROBERT P. ASTORINO
County Executive

APPROVED BOARD OF ACQUISITION & CONTRACT - 1-28-2010 JONAR VIEIRA, SECRETARY