

NASSAU COUNTY LEGISLATURE

NORMA GONSLAVES,
PRESIDING OFFICER

GOVERNMENT SERVICES &
OPERATIONS COMMITTEE

HOWARD KOPEL,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 5, 2014
3:26 p.m.

REGAL REPORTING SERVICES
516-747-7353

A P P E A R A N C E S:

HOWARD KOPEL
Chair

DENISE FORD
Vice-Chair

FRANCIS BECKER (Not Present)

ROSE WALKER (Sitting in for Francis Becker)

LAURA SCHAEFER

ELLEN BIRNBAUM
Ranking

DAVID DENENBERG

KEVAN ABRAHAMS

WILLIAM J. MULLER, III
Clerk

LIST OF SPEAKERS

GREG MAY 5
KEVIN WALSH. 5
MICHAEL SCHLERNOFF 5

2 CHAIRMAN KOPEL: Legislator Ford?

3 LEGISLATOR FORD: Here.

4 CHAIRMAN KOPEL: We've got Legislator
5 Walker substituting for Legislator Becker. She's
6 here.

7 Legislator Schaefer.

8 LEGISLATOR SCHAEFER: Here.

9 CHAIRMAN KOPEL: Legislator Birnbaum?

10 LEGISLATOR BIRNBAUM: Here.

11 CHAIRMAN KOPEL: Legislator Denenberg?
12 You're here.

13 Legislator Bynoe?

14 LEGISLATOR BYNOE: Here.

15 CHAIRMAN KOPEL: Okay. We have a
16 quorum.

17 We have one item, which is Clerk Item
18 Number 152-14, which is a proposed local law to
19 amend the County Charter and Administrative Code
20 in relation to harmonizing purchasing procedures
21 with applicable state laws and practices.

22 Motion, please?

23 LEGISLATOR FORD: So moved.

2 LEGISLATOR WALKER: Second.

3 CHAIRMAN KOPEL: Motion by Legislator
4 Ford, seconded by Legislator Walker.

5 MR. MAY: And we have Mr. Mike
6 Schlernoff from Purchasing and Deputy County
7 Attorney Kevin Walsh.

8 MR. WALSH: Good afternoon, Legislators.
9 This is a local law amending certain provisions
10 of the Charter and actually adding some
11 purchasing related provisions in the
12 Administrative Code to the Charter to basically
13 make it more compliant with changes in the state
14 law; predominantly, first of all, to adopt a
15 standard, an alternative way of bidding, awarding
16 contracts in addition to competitive lowest price
17 bid by awarding by best value. As part of your
18 package you have a copy of the state comptroller
19 guidance.

20 In addition to that change, there are
21 certain things that Mike could speak more to,
22 where we are raising certain of the monetary
23 thresholds for some of the smaller contracts to
24 basically make some of the purchasing processes
25 more efficient.

2 CHAIRMAN KOPEL: Okay.

3 MR. SCHLERNOFF: Michael Schlernoff,
4 Purchasing Department.

5 The thresholds have not been addressed
6 since the legislature was formed in 1996. We are
7 out of step with Suffolk County, with Westchester
8 County, with Nassau Community College. If we
9 want to utilize any of their contracts, we could
10 not under the piggybacking section of the law,
11 because our thresholds do not match their
12 thresholds.

13 What we want to do is raise the sealed
14 bid threshold from \$10,000 to \$20,000 and the
15 non-competitive bidding threshold from \$500 to
16 \$2500.

17 CHAIRMAN KOPEL: Thank you.

18 Any questions from legislators?
19 Legislator Denenberg.

20 LEGISLATOR DENENBERG: With respect to
21 using the best value standard as opposed to the
22 lowest responsible bidder, first explain how
23 often you anticipate using the best value as
24 opposed to the lowest responsive bidder.

25 MR. SCHLERNOFF: I have no idea how

1 often I would use it. We tend to use the lowest
2 responsible bidder. It's another tool that's
3 available to us. It depends upon certain things
4 outside of pricing. So that's the only real way
5 I can answer that.
6

7 We would have to look at each individual
8 procurement separately to determine what is in
9 the best interest of the county.

10 LEGISLATOR DENENBERG: So the lowest
11 responsive bidder standard, although any standard
12 or objective standard could be frustrating at
13 times, was pretty objective. This best value
14 standard, clearly just looking at it, would be
15 subject to a little more subjectivity, if you
16 will, as opposed to objective.

17 MR. SCHLERNOFF: Correct.

18 LEGISLATOR DENENBERG: And you're saying
19 -- how do we make sure that subjectivity is used
20 to get the county more favorable terms on a
21 contract rather than just losing an objective
22 standard to prevent - to prevent an insider from
23 getting a contract, so to say.

24 MR. SCHLERNOFF: Well, each individual
25 procurement would be addressed separately, that's

number one. Number two, it would give us the ability to look at what is in the best interest of the county. You have asked me, other members of the legislature have asked me how we can do more local procurement, and the direct awards is possibly a way of doing that.

LEGISLATOR DENENBERG: I guess -- not I guess. One answer you could have said to me that you didn't say is that ultimately the ratification of the contract would still come to the legislature.

MR. SCHLERNOFF: If it exceeds 100,000.

LEGISLATOR DENENBERG: 100,000?

MR. SCHLERNOFF: Yes. Under the --

LEGISLATOR DENENBERG: You're right. If it's a personal service contract --

MR. SCHLERNOFF: It's 25 --

LEGISLATOR DENENBERG: but that's not a bid contract --

MR. SCHLERNOFF: A regular procurement is 100,000.

LEGISLATOR DENENBERG: anyway. Right. You're right.

I like that the green -- am I correct

2 that the green procurement provisions that we
3 moved and established back in I think it was '07,
4 might have been '08, is now being elevated to
5 Charter status?

6 MR. SCHLERNOFF: Yes.

7 LEGISLATOR DENENBERG: So having --

8 MR. SCHLERNOFF: So that, of course,
9 would be one of the criterion of best value.

10 LEGISLATOR DENENBERG: I think at the
11 time this body was ahead of the curve, in terms
12 of green laws. And I like that we put in the
13 green procurement practice, and I like that it's
14 now a Charter status.

15 I guess my -- there's really no answer.
16 This is more a less objective standard that could
17 be used at times, and you're saying that it just
18 would allow us to do more flexibility, maybe get
19 more local contractors, and at the same time
20 might be able to get the county a better term as
21 well?

22 MR. SCHLERNOFF: Correct.

23 LEGISLATOR DENENBERG: How could it get
24 the county better terms without it being the
25 lowest responsive bid, though?

MR. SCHLERNOFF: Again, every contract is different. I can't really state, unless we would look at the contract. If somebody, for example, would agree to do one particular service which would include a subservice and the other -- and the lowest responsive bidder does not provide the subservice and the subservice is important to the county, then that gives me the ability to have the award made to that other vendor who provides that additional service.

LEGISLATOR DENENBERG: Okay. I have nothing further.

CHAIRMAN KOPEL: Any other legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of moving this item please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Motion to adjourn?

LEGISLATOR FORD: So moved.

2 LEGISLATOR WALKER: Second.

3 CHAIRMAN KOPEL: Made by Legislator
4 Ford, seconded by Legislator Walker.

5 All those in favor of adjournment say
6 aye?

7 (Aye.)

8 Any no?

9 (No verbal response.)

10 Okay. We are adjourned.

11 (Whereupon, the Government Services &
12 Operations Committee adjourned at 3:35 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of May, 2014.

FRANK GRAY