

Chapter 161, BOARD OF ACQUISITION AND CONTRACT

Sec. 161.01. Board created; powers and duties.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works and the Chairman of the County Board. In the event of absence from the county or disability of the Chairman of the Board of Legislators, the Vice Chairman of the County Board may act as a member of the Board of Acquisition and Contract in the place and stead of the Chairman of the County Board. In the event of absence from the county or disability of both the Chairman of the Board of Legislators and the Vice Chairman of the County Board, the majority leader of the County Board may act as a member of the Board of Acquisition and Contract in their place and stead. The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property, the acquisition of which has been authorized by the County Board, and shall award on behalf of the county all contracts, including but not limited to contracts for the construction, reconstruction, repair or alteration of all public works or improvement, and excepting contracts authorized under section 161.11 to be executed by the Bureau of Purchase and Supply, and excepting also contracts authorized under section 161.11 to be made by the head of any department, board or commission for matters relating to the maintenance and/or operation of such department, board of commission.

(§ 61 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735; L.L. No. 7-1961; L.L. No. 4-1973; L.L. No. 13-1978; L.L. No. 12-1982; L.L. No. 3-1993)

Sec. 161.11. Execution of contracts and bidding procedure.

1. All contracts entered into by or on behalf of the County of Westchester shall be executed in accordance with one of the following methods:
 - a. The authority to execute contracts for the purchase, sale, rental, maintenance or repair of supplies, materials, and equipment and the services incidental thereto is delegated to the Bureau of Purchase and Supply, except that with respect to the Westchester Community College, such authority is delegated to the President of Westchester Community College or his duly authorized designee, subject to the approval of the Board of Trustees of the Westchester Community College, to be exercised in accordance with the procedures prescribed by law: provided, however, that the authority delegated hereunder shall not extend to contracts for the rental, leasing or licensing of equipment at a rate of \$3,000.00 or more per month.
 - b. All contracts, except those contracts to be executed in the manner provided by subsection a. hereof relating to matters which have been the subject of an appropriation by the board of legislators and which have been approved by the Board of Acquisition and Contract and the office of the County Attorney, may be executed by the head of the appropriate department, board or commission pursuant to a written authorization signed by the County Executive. Such authorization shall require the approval of the Board of Acquisition and Contract and, in addition, may contain such other limitations as the County Executive deems appropriate.
 - c. Notwithstanding the foregoing, the County Executive may, by written authorization, empower the head of any department, board or commission to execute contracts on behalf of his department, board or commission, without the need for approval by the Board of Acquisition and Contract, provided such contracts do not exceed in total amount the maximum set forth in said written authorization, which authorization shall have been previously approved by the Board of Acquisition and Contract.
 - d. No contract shall be executed on behalf of the county until it has been approved as to substance and as to form by the office of the County Attorney.

2. Whenever any contract for public work involves the expenditure of more than \$20,000.00, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals, made in compliance with the public notice published at least once in a newspaper published in the county designated by the Board of Acquisition and Contract at least ten days prior to the day on which such sealed bids or proposals are to be opened. The bids or proposals shall be opened publicly in the presence of at least two members of the Board of Acquisition and Contract or their representatives. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Board of Acquisition and Contract; provided, however, that the Board of Acquisition and Contract may, in its discretion, waive security requirements for contracts which are not in excess of \$15,000.00 in amount. A copy of each such contract when executed shall be filed with the Commissioner of Finance together with a copy of any act, other than the annual appropriation act, upon which the right to make such contract rests.

(§ 62 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735; L.L. No. 4-1955; L.L. No. 8-1961; L.L. No. 8-1971; L.L. No. 3-1973; L.L. No. 8-1974; L.L. No. 8-1978; L.L. No. 16-1979; L.L. No. 2-1982; L.L. No. 12-1982; L.L. No. 4-1984; L.L. No. 12-1992; L.L. No. 8-2001)

Cross references--Board of Acquisition and Contract, Ch. 233; Bureau of Purchase and Supplies, § 116.21; Purchasing Agent, § 225.11; Professional Prequalification Board and Professional Selection Board, Ch. 277, Art. V; affirmative action in public works contracts, Ch. 307; purchase and sale of equipment and supplies, Ch. 836.

Sec. 161.21. Prequalification of bidders.

The Board of Acquisition and Contract may require the prequalification of bidders on any contract, subject to such conditions or procedure as shall be established by the County Board.

(§ 63 of the Laws of 1937, Ch. 617; amended by the Laws of 1939, Ch. 735)

Sec. 161.31. Prequalification and selection of architects, engineers and land surveyors as consultants.

The Board of Acquisition and Contract shall require the prequalification of architects, engineers and land surveyors by the Prequalification Professional Board and participation in their selection as consultants to Westchester County by the Professional Selection Board, pursuant to rules and procedures enacted by the Board of Legislators.

(Added as § 63a by L.L. No. 11-1975)