

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2020**

**A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE
ENTITLED “GOVERNMENTAL OPERATIONS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 24 of the Town Code entitled “Governmental Operations” in order to establish a local preference by authorizing the Town to award contracts (which are not subject to General Municipal Law section 103) for goods and services to a bidder, proposer or offeror (hereinafter, collectively “bidder”) other than the lowest responsible bidder where such other bidder maintains a principal place of business within the County of Nassau. The purpose of this local law is to help promote local economic activity and thereby generate additional sales tax revenues which would alleviate fiscal and budgetary constraints currently being experienced by the Town and County of Nassau.

Section 2.

Chapter 24 of the Town Code is hereby amended as follows:

Article XI. Local Preference.

§ 24-72 through § 24-79. (Reserved)

§ 24-80 Legislative intent.

- A. This Town Board hereby finds that the current economic downturn being experienced by the Town as a result of the COVID-19 pandemic is adversely affecting local businesses through a reduction in business activity and a concomitant loss of jobs.**
- B. This Town Board further finds that there is a public benefit to spending public funds in the local economy.**
- C. This Town Board also finds and determines that the award of contracts to entities outside the Town of North Hempstead and the County of Nassau, at a time when the Town is experiencing an economic downturn, tends to exacerbate local economic difficulties.**
- D. Therefore, the purpose of this article is to grant local businesses a preference when seeking to do business with the Town.**

§ 24-81 Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. CONTRACT

Any claim, account, demand against or agreement with, upon sufficient consideration, the Town of North Hempstead or any divisions, departments, agencies, or entity thereof, express or implied, for the rendering or performance of personal or professional services and shall include extensions, modifications, renewals, or amendments. The term "contract" shall not include any such agreement which is awarded pursuant to General Municipal Law 103 or collective bargaining agreements.

B. LOCAL BUSINESS

A business physically located within the geographical boundaries of the County of Nassau (the "County") meeting the following criteria:

- (i) A physical presence of at least a year established by ownership or lease of premises that includes an operational office for conducting business or selling and/or manufacturing supplies, materials or equipment, and the employment of a minimum of two (2) full time employees.**
- (ii) In the case of a two-party joint venture both entities must meet the pertinent test for a Local Business set forth in subsections (i) above.**
- (iii) In the case of joint venture with more than two parties at least a majority of the entities must meet the pertinent test for a Local Business set forth above.**

C. BIDDER

Any business providing a bid, offer, quote, estimate, proposal or other response to the Town for the purpose of offering or providing goods or services to the Town other than in response to a public bid as required pursuant to section 103 of the General Municipal Law.

§ 24-82 Local Preference

- A. In the case of all purchases to be made and all contracts to be awarded, except contracts awarded pursuant to section 103 of the General Municipal Law, the Director of Purchasing and the Commissioner of the Department of Public Works may grant a local business preference and effect such purchase from, or award such contract to, a responsible bidder other than the lowest responsible bidder where such other bidder is a Local Business**
- B. The Town Board, by resolution, shall amend the Procurement and Payment Policy**

to provide the Division of Purchasing and the Department of Public Works additional guidelines to implement the provisions of this article.

§ 24-83 Applicability.

A. This article applies to contracts other than those awarded pursuant to section 103 of the General Municipal Law on or after August 1, 2020.

B. This article shall not apply in the following situations:

- (i) Where the preference created by this section would violate federal or state law or any existing contract;**
- (ii) Where external funding sources do not permit local preference purchasing allowances;**
- (iii) Where the goods or services being purchased are available through a cooperative purchasing program or through piggybacking as described in the Town's procurement policy or state law;**
- (iv) Where the Town Board waives the requirements of this article by resolution when it deems appropriate;**
- (v) Where the goods are services are subject to mandatory competitive bidding rules of section 103 of the General Municipal Law.**

§ 24-84 Severability.

If any clause, sentence, paragraph, subdivision, section or part of this article 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 article, or in its application to the person, individual, corporation, firm,, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.