

A Local Law to allow purchasing by Best Value as authorized by NYS General Municipal Law Section 103.

BE IT ENACTED by the Town Board of the Town of Candor

SECTION ONE – Purpose

This Local Law provides for the Town Board of the Town of Candor to exercise its local option under General Municipal Law Section 103, as amended by the State Legislature of the State of New York to permit purchase contracts to be awarded on the basis of best value. This amendment authorizes the Town Board to award purchase and service contracts, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law, to be awarded based on either the lowest responsible bid or best value, as defined in Section 163 of the New York State Finance Law. This best value option may be, but is not required to be, used to award a purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder, all as permitted by State Statute.

SECTION TWO – Applicable Contracts

This Local Law shall apply only to purchase contracts involving an expenditure of more than \$20,000.00, including contracts for Service Work as defined by statute, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option, authorizing the award of a contract under best value. If the dollar thresholds of the New York General Municipal Law Section 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

SECTION THREE – Basis for Award

In accordance with Section 103 (1) of the General Municipal Law of the State of New York, as recently amended, the Town Board may award applicable contracts by either lowest responsible bidder or by best value.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality, while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively, quantified, and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: Cost of maintenance; proximity to the end user if distance or response time is a significant criteria; durability; availability of replacement parts or maintenance; longer product life; product performance criteria; and quality of craftsmanship.

SECTION FOUR – Documentation

An offer or proposal received pursuant to standard bidding procedures may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the subsequent purchase or contract. When a contract is awarded on the basis of best value, rather than the lowest responsible

bidder, the basis for determining best value shall be thoroughly and accurately documented but the Town Board.

SECTION FIVE – Authorization

On or after the effective date of this Local Law, the Town of Candor may award purchase contracts, including contracts for service work, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option, on the basis of best value. The bid or offer solicitation for the purchase contract shall state that said contract may be awarded on the basis of either best value or lowest responsible bidder. The election to award such a contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, the purchase contract shall be awarded to the lowest responsible bidder otherwise in compliance with law and conforming to the bid requirements.

SECTION SIX- Procurement Policy Modified

Any inconsistent provision of the Town's procurement policy effective as to purchase contracts below the threshold required under Section 103 of the General Municipal Law, and as adopted from time to time by the Town Board, shall be deemed modified and amended by the provisions of this Local Law to permit the award of purchase contracts under said threshold to be made on the basis of best value, provided the same is thoroughly and accurately documented.

SECTION SEVEN – Severability

If any part or provision of this Local Law is determined to be invalid, unconstitutional or unenforceable, the validity and enforceability of the remainder of the provisions of this Local Law shall not be affected or impaired.

SECTION EIGHT – Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.