TOWN OF NORTH EAST

LOCAL LAW NO. 5 OF 2016

A LOCAL LAW PERMITTING THE TOWN TO AWARD PURCHASE CONTRACTS PURSUANT TO GENERAL MUNICIPAL LAW SECTION 103(1) ON THE BASIS OF BEST VALUE

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

SECTION 1. NAME.

This local law shall be known as "The North East Best Value Competitive Bidding Law".

SECTION 2. LEGISLATIVE INTENT.

New York State General Municipal Law Section 103(1) allows the Town to authorize, by local law, the award of certain purchase contracts, including contracts for service work subject to competitive bidding under General Municipal Law Section 103 on the basis of "best value" as defined in Section 163 of the New York State Finance Law or any State law superseding or amending said provision. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality and longer product life can be documented.

SECTION 3. BEST VALUE PROCUREMENT.

The Town Board may award purchase contracts after bidding, including contracts for services work on the basis of "best value", as that term is defined in New York State Finance Law Section 163. All awards based on best value shall require Town Board approval.

SECTION 4. APPLICABILITY.

The provisions of this law apply to Town purchase contracts, including contracts for services work involving an expenditure of more than $20,000.00, 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. If the dollar thresholds of 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 5. STANDARDS FOR BEST VALUE.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerers. The determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids of offers. Where possible, such determination shall also be based upon and include a quantifiable analysis of the same. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end use if distance or response time in a significant term; durability, availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

SECTION 6. BASIS FOR DETERMINATION.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

SECTION 7. INCONSISTENT PROVISIONS.

Any inconsistent provisions of the Town's procurement policy, as adopted prior to the effective date of this law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this law.

SECTION 8. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.