

PROPOSED LOCAL LAW #2018-01

AUTHORIZING BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT

Section 1. Title

This Local Law shall be known as the “Village of Richfield Springs Local Law No. 2018-01– A Local Law Authorizing Best Value Competitive Bidding and Procurement.

Section 2. Legislative Intent and Purpose

The intent of this Law is to allow the Village of Richfield Springs the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or “best value” as defined in §163 of the New York State Finance Law.

Section 3. Authority

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the Village of Richfield Springs to enter into contracts and engage in contracting for services.

Section 4. Best Value Competitive Bidding

A. Award Based on Best Value. The Village Board may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance Law §163. All contracts or purchase orders awarded based on best value bidding bases shall require Village Board approval.

B. Applicability. The provisions of this Local Law apply to Village purchase contracts involving an expenditure of more than \$20,000 and Village contracts for services involving an expenditure of more than \$35,000, but exclude 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 §103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be superseded by such as §103 and this Local Law shall be read as if the numbers are amended to conform to said §103.

C. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Village Board determines optimize quality, cost and efficiency among responsive and responsible bidders, as set forth in the Procurement Policy adopted by the Village and as amended, hereafter and from time-to-time, by the Village Board.

2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.

3. The criteria may include, but shall not be limited to, any or all of the following:

- cost of maintenance
- proximity to the contractors
- product life
- product performance criteria
- quality of craftsmanship
- warranties

D. Documentation. 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.

E. Piggybacking of Purchases. Notwithstanding the provisions of this Local Law, the Village of Richfield Springs may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called “piggybacking” of purchases. The Village of Richfield Springs may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

1. Pursuant to General Municipal Law §103 the Village of Richfield Springs may purchase through the bids solicited and bid lists generated by the United States Government and New York State (and its political subdivisions and School Districts) whenever such bids or bid lists are generated in a manner as complies with said §103.

2. If not a bid or list generated by a New York State governmental body or agency, then whenever such contract or bid lists were let in a manner consistent with or materially equivalent to the requirements of the State of New York as reflected in the policy and language of said §103.

3. The Village may also piggyback upon any contract or foreign bid or bid list specifically approved for piggybacking through the New York State Office of General Services, as well as foreign bids and bid lists (mainly, of sister States) that meet the above criteria for piggybacking as set forth in §4(E)(1) or §4(E)(2) of this Local Law, immediately above.

F. Procurement Policy Superseded Where Inconsistent. Any inconsistent provision of the Village’s Procurement Policy, as adopted prior to the effective date of this Local Law by resolution of the Village Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

Section 5. Severability

If any clause, sentence, sub-paragraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

Section 6. Effective Date

This Local Law shall take effect upon adoption by the Village Board of Trustees and file date of NYS Secretary of State in accordance applicable provisions of law, and specifically Article 3, §27 of Municipal Home Rule Law.

