

Local Law Filing

New York State Department of State Division of
Corporations, State Records and Uniform
Commercial Code One Commerce Plaza, 99
Washington Avenue Albany, NY 12231-0001
www.dos.state.ny.us/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of
Unadilla

Local Law No. **2** of the year 2017

A local law authorizing the use of the Best Value Award Methodology

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village of Unadilla
(Select one:)

as follows:

Section 1. Title

This Local Law shall be known and cited as the "Town of Unadilla Best Value Competitive Bidding Local Law."

Section 2. Legislative Intent

It is the intent of this local law to allow the Town Board of the Town of Unadilla the option to award certain purchase contracts, including contracts for services, which are subject to competitive bidding under the New York State General Municipal Law §103 on the basis of lowest responsible bid or "best value" as defined in §163 of the New York State Finance Law.

Section 3. Best Value Competitive Bidding

A. Authority and Purpose

This Local Law is adopted pursuant to §103(1) of the New York State General Municipal Law, which allows the Town to authorize the award of certain purchase contracts, including contracts for services, subject to competitive bidding under the General Municipal Law §103 on the basis of "best value" as defined in §163 of the New York State Finance Law. 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 offeror, if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award based on best value.

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

C. Applicable Contracts

The provisions of this Local Law shall apply to Town purchase contracts involving an expenditure of more than \$20,000 and Town contracts for services involving an expenditure of more than \$35,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of the 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 deemed simultaneously amended to match the New York General Municipal Law thresholds.

D. Standards for Best Value

1. 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 bidders or offerors.
2. Where possible, 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 term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

E. Documentation

A quote or proposal for a purchase or contract covered by this Local Law 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 shall be filed with the documentation supporting the subsequent purchase or public works contract. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining the best value shall be thoroughly and accurately documented.

F. Procurement Policy Superseded where Inconsistent

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

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

DRAFT

(Complete *the* certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of **2017** of the Town of Unadilla was duly passed by the **Town Board** on _____, **2017**, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20 __, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 201____, in accordance with the applicable provisions of law.~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20 __, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local~~

~~law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ____ in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revisions proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph , 1 above.

Terry L. Yoder, Town Clerk
Town of Unadilla

Dated: _____, 2017

(Seal)