

**PUBLIC HEARING ON BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT**

**WHEREAS**, the Enfield Town Board wishes to pass the following Local Law called “Best Value Competitive Bidding and Procurement Law” and

**WHEREAS**, a public hearing is required before the passage of a local law, now therefor be it

**RESOLVED**, that a public hearing on the matter be scheduled for Wednesday, September 13, 2017 at 6:30 PM for the purpose of the public to comment on the following draft Local Law #-2017 for the purpose of being acted upon by the Enfield Town Board. The Town Clerk is directed to do the mandatory public notices as required in MHRL §20.

**LOCAL LAW #2017- \_\_\_\_ BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT**

Section 1. Title

This Local Law shall be known as the “Town of Enfield Local Law No. \_\_\_\_.” 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 Town Board 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 Town of Enfield to enter into contracts and engage in contracting for services.

Section 4. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of “best value” as defined in Section 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 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 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 Town Board approval.

C. Applicability.

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, 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 § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be superseded by such § 103 and this local law shall be read as if the number are amended to conform to said § 103.

D. Standard 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, as set forth in the procurement policy of the Town, as time-to-time and hereafter amended by the Town 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; longer product life; product performance criteria; quality of craftsmanship.

E. 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.

F. Piggybacking of purchases.

Notwithstanding the provisions of this Local Law, the Town of Enfield may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. The Town of Enfield may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

1. Pursuant to General Municipal Law § 103 the Town of Enfield 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 Town 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 sections 4(F)(1) or 4(F)(2) of this local law, immediately above.

G. Procurement Policy Superseded Where Inconsistent.

Any inconsistent provision 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 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, 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 6. Effective Date

This local law shall take effect immediately.