

TOWN OF PLEASANT VALLEY

LOCAL LAW NO. X OF THE YEAR 2015

Re: **A LOCAL LAW OF THE TOWN OF PLEASANT VALLEY, NEW YORK
AUTHORIZING THE USE OF THE BEST VALUE AWARD METHODOLOGY**

BE IT ENACTED by the Town Board of the Town of Pleasant Valley as follows:

Section I: Title.

This Local Law shall be known and cited as Town of Pleasant Valley as “Town of Pleasant Valley Best Value Competitive Bidding Law.”

Section II: Legislative Intent.

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 General Municipal law § 103 on the basis of low bid or “best value” as defined in § 163 of New York State Finance Law.

Section III: Authority.

This Local Law is enacted pursuant to New York State General Municipal Law § 103.

Section IV: Best Value Competitive Bidding.

A. Authority and purpose.

New York General Municipal Law § 103(1) 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 § 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 offerer 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 awards based on value 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 deemed simultaneously amended to match the new General Municipal Law thresholds.

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 bidder or offerers.
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; and 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. Procurement policy superseded where inconsistent.

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prior to the effective date of this chapter by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Section V: 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 VI: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.