

TOWN OF PENDLETON LOCAL LAW NO. \_\_ OF THE YEAR, 2023

**A LOCAL LAW OF THE TOWN OF PENDLETON, COUNTY OF NIAGARA, NEW YORK AUTHORIZING THE AWARD OF PURCHASE CONTRACTS ON THE BASIS OF BEST VALUE CRITERIA PURSUANT TO GENERAL MUNICIPAL AND STATE FINANCE LAW**

A Local Law of the Town of Pendleton, County of Niagara, New York, Authorizing the Award of Purchase Contracts on The Basis of Best Value Criteria Pursuant to General Municipal and State Finance Law:

WHEREAS, a public hearing was held on May \_\_\_\_\_, 2023 at \_\_\_\_\_ p.m. in the Pendleton Town Hall, Town of Pendleton, Lockport, New York, on said Local Law, and

WHEREAS, \_\_\_\_\_people appeared to speak on said Local Law, and

WHEREAS, \_\_\_\_\_ amendment(s) was (were) made to said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that a Local Law of the Town of Pendleton, County of Niagara, New York, for the year 2023 entitled "Town of Pendleton Best Value Contract Award Law" be enacted by the Town of Pendleton, County of Niagara, New York as follows:

Section 1. Purpose

The "best value" standard for selecting goods and services vendors is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

After passage of Section 16 in NYS GML §103 a large number of local municipalities throughout the state have passed Local Laws authorized under said section. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served in situations where public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Award contracts on the basis of best value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality control costs and enhance efficiency among responsible bidders. The local law would authorize the

Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law Sec. §103 by either lowest responsible bidder or best value.

## Section 2. Definitions

Purchase Contracts. Contracts for goods, commodities and equipment, including technology.

Best Value. The basis for awarding contracts for services to a responsible bidder who optimizes quality, cost and efficiency for the Town of Pendleton based upon objective and quantifiable analysis. Goods procured and awarded on the basis of best value are those that are determined will be of the highest quality while being the most cost efficient.

## Section 3. Requirements

- A. 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.
- B. 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.
- C. General evaluation criteria shall be identified and shall be maintained in the Office of the Town Clerk and be made available to the public.
- D. The Pendleton Town Board shall specify evaluation criterion that was relied upon for procuring goods based upon best value, which shall be maintained in the Office of Town Clerk and made available to the public.
- E. Solicitation documents shall state the minimum requirements and specifications that must be met in order for the bidder to be deemed responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted.
- F. The Pendleton Town Board must approve the use of best value for each purchase contract that wishes to utilize the method.

## Section 4. Severability

If any clause, sentence paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

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