Proposed Local Law D of the year 2024
Village of Hoosick Falls, County of Rensselaer

A local law authorizing purchasing based on Best Value

Section 1. Name of local law

This law shall be known as the "Village of Hoosick Falls Best Value Contract Award Law".

Section 2. Findings and Intent

General Municipal Law § 103 generally requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. The State Legislature and Governor amended General Municipal Law §103 on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

The Village Board of the Village of Hoosick Falls hereby determines that it is in the best interest of the Village of Hoosick Falls and its residents for those Village of Hoosick Falls officials and employees making purchase decisions (hereafter referred to as "Purchasing Agent") to have the authority to award purchase contracts on the basis of best value.

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, 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.

Factors that may be used to enact the "best value" option to optimize quality, cost and efficiency and thereby award a contract for the procurement of good(s) or service(s) to other than the lowest bidder are:

> (a) Lowest cost of maintenance for good(s) or service(s) which may include a future or present worth cost analysis;
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> (b) Durability and dependability of good(s) or service(s);
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> (c) Higher quality of good(s) or service(s);
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> (d) Longer product life of good(s) or service(s);

(e) The cost of delivery and/or transportation of the good(s) to their needed location;

(f) Availability of the good(s) or service(s) and the length of time between order and delivery;

(g) Operational advantages of the good(s) or service(s) that may improve effectiveness or efficiencies of the good(s) or service(s).

Section 3. Definitions

"Best value" means the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small and/or local businesses, certified minority, Veteran, or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of Section 310 of the Executive Law as well as Article 3 of the NYS Veterans' Services Law to be used in evaluation of offers for awarding of contracts for services.

"Purchasing Agent" shall be deemed to be Village of Hoosick Falls officials and employees that make purchasing decisions, unless the bid documents for any specific matter shall specifically identify another Village official or entity.

Section 4. Requirements

A. On and after the effective date of this article, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder or offeror.

B. Where the basis for award is the best value offer, the Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

C. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.

D. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent, in consultation with the relevant department head, agents or consultants to the Village, and also the Village Board in such instances where Village Board approval of the purchase contract is otherwise required. In the event that no such election is made,

purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with otherwise applicable law and policy.

E. These procedures shall be included in the Village of Hoosick Falls Procurement Policy and reviewed annually by the Village of Hoosick Falls Board of Trustees in conjunction with its annual review and approval of the Village of Hoosick Falls Procurement Policy.

Section 5. 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 6. Effective date

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