TOWN OF NEW LISBON
LOCAL LAW NO. _1_ FOR THE YEAR 2014

BEST VALUE PROCUREMENT

Pursuant to Section 10 of the Municipal Home Rule Law and Section 103 of the General Municipal Law, be it enacted by the Town Board of the Town of New Lisbon, County of Otsego and State of New York, as follows:

SECTION 1.

The Town of New Lisbon hereby exercises the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which authorizes Towns to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

SECTION 2

Accordingly, the Town of new Lisbon hereby adopts a Local Law entitled "Best Value Procurement" which provides as follows:

§ 37.4 Award to other than the low bidder.

A.　The lowest responsible bidder shall be awarded the purchase or public works contract unless the purchaser either prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder or uses the "best value" option set out below. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

B.　**Best Value Purchasing.** Pursuant to Section 103(1) of New York's General Municipal Law, the Town may award certain purchase contracts and contracts for services using the "best value" standard, as follows:

(1) **Definition.** For purposes of this section, "best value" means the basis for awarding contracts for purchases and services to the offerer that optimizes quality, cost, and efficiency, among responsive and responsible offerers.

(2) **Applicability.** The "best value" option may be used for purchase contracts involving an expenditure of more than $20,000 and 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 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 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.

(3) **Standards for Best Value.** Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality and most cost-efficient in the long-term. The determination of quality and cost-efficiency shall be based on an objective and quantifiable analysis, which may take into account, the cost of maintenance, proximity to the end user, durability, availability of replacement parts or maintenance contractors, longer product life, quality of craftsmanship, and any other factors deemed relevant by the Town Board.

(4) **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.

SECTION 3
If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 4
This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.