

Town of East Otto
Cattaraugus County
State of New York
Local Law #1 - 2017 – A Local Law for Best Value Contracts

Section 1: Purpose

The Town Board seeks to exercise 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 amendment authorized the Town to award purchase contracts and contracts of services subject to competitive bidding and/or competitive request for proposals 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 taking into consideration, but not exclusively, factors such as lower cost of maintenance, durability, higher quality and longer product life.

Section 2: Award Based on Low Bid or Best Value

The Town Board may award purchase contracts and service contracts that have been procured pursuant to competitive bidding and/or competitive request for proposals under General Municipal Law §103 by either lowest responsible bidder or “best value”.

Section 3: Applicability

The provisions of this chapter apply to Town purchase contracts involving an expenditure of more than \$20,000 and Town contracts for services involving an expenditure of more than \$35,000 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and exclude 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.

Section 4: 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 while being the most cost efficient. 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; and longer product life; product performance criteria; and quality of craftsmanship.

Section 5: 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 6: 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 7: Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstance, and the Town Board of Farmersville hereby declares that it would have passed this Local Law or the remainder thereof had such invalid provision or invalid application been apparent.

Section 8: Effective Date

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