

Village of Tivoli

Local Law No. 3 of 2019

A LOCAL LAW amending Chapter 56 (Procurement Policy) of the Code of the Village of Tivoli to permit the Village to award purchase contracts on the basis of Best Value.

Be it enacted by the Board of Trustees of the Village of Tivoli as follows:

SECTION 1. PURPOSE

New York General Municipal Law § 103(1) allows the Village to authorize, by local law, the award of certain purchase contracts 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, higher quality and longer product life can be documented.

SECTION 2. AMENDMENT TO CHAPTER 56 ENTITLED "PROCUREMENT POLICY"

An amendment to Chapter 56 of the Code of the Village of Tivoli entitled "Procurement Policy" is hereby amended to read as follows:

§56-2. Best Value Procurement Option.

- A. **Purpose and authority.** This Local Law is enacted pursuant to the provisions of § 103(1) of the General Municipal Law of the State of New York.
- B. **Award based on best value.** The Village Board of Trustees may award purchase contracts, including commodities, equipment, materials, supplies and contracts for services, on the basis of "best value," as that term is defined in New York State Finance Law § 163. All awards based on best value shall require Village Board of Trustees' approval.
- C. **Applicability.** The provisions of this chapter apply to Village purchase contracts, including contracts for services, required to be procured by public bidding pursuant to Section 103 of the General Municipal Law. The provisions of this chapter exclude 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. **Standards for best value.** Goods and services procured and awarded on the basis of best value are those that the Village Board of Trustees determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerors. 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. The criteria 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, and installation costs.
- 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.

SECTION 3. SEVERABILITY

If any provision of this law is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this law.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.