

Local Law 2 of 2020

Establishing Best Value Procurement

Be it enacted by the Town Board of the Town of Rochester, a local law as follows:

Section 1

Article 1 Best Value Procurement

1. Title.

This article shall be known as "The Town of Rochester Best Value Competitive Bidding Law."

2. Legislative intent.

New York State General Municipal Law Section 103(1) allows the Town to authorize, by local law, the award of certain purchase contracts, including contracts for service work subject to competitive bidding under General Municipal Law Section 103 on the basis of "best value" as defined in Section 163 of the New York State Finance Law or any state law superseding or amending said provision. 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.

3. Best value.

The Town Board may award purchase contracts after bidding, including contracts for services work, on the basis of "best value," as that term is defined in New York State Finance Law Section 163. All awards based on best value shall require Town Board approval.

4. Applicability.

The provisions of this article apply to Town purchase contracts, including contracts for services work involving an expenditure of more than \$20,000, but excluding 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 Section 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.

5. Standards for best value.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidders or offerers. The determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids or offers. Where possible, such determination shall also be based upon and include a quantifiable analysis of the same. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end use, 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.

6. Basis for determination.

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.

7. Inconsistent provisions.

This local law is incorporated by reference into the Town of Rochester Procurement Policy. Any inconsistent provisions of the Town's procurement policy, as adopted prior to the effective date of this article by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this article.

Section 2

This local law shall take effect immediately upon filing in the office of the Clerk of the Town of Rochester, the secretary of State of New York and the New York State Commissioner of Tax and Finance.

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