

**CONTRACTS AWARDED TO
BEST VALUE BIDDERS**

LOCAL LAW NO. 6 OF THE YEAR 2013

Be it enacted by the Town Board of the Town of Kirkwood as follows:

Section 1. General Provisions

Section 1.1 Purpose

This local law provides for the Kirkwood Town Board to exercise their local option from § 103, Subdivision 1 of the New York Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012. This amendment authorizes Towns to award purchase and service contracts subject to competitive bidding under General Municipal Law § 103 based on either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. This "best value" option may be, but is not required to be, used to award an applicable purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder.

Section 1.2 Basis for award

In accordance with § 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, Town Boards may award contracts, including both purchase contracts and those contracts for service work, that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or "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 1.3 Applicable Contracts

These sections apply only to purchase contracts involving an expenditure of more than \$20,000 including contracts for service work (ie building services under Article 9 of the Labor Law and utility services), but excluding any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law as well as excluding any other contracts in accordance with future state law. 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.

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Section 1.4 Documentation

A quote or proposal received pursuant to standard bidding procedures, may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the subsequent purchase or public works contract. When a contract is awarded on the basis of best value rather than a lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

Section 1.5 Procurement Policy

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 2.

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 circumstances, and the Town Board of the Town of Kirkwood hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.