

ADOPTION OF LOCAL LAW INTRO. NO. 4-2015, PRINT NO.1, AUTHORIZING THE USE OF BEST VALUE IN THE COMPETITIVE BIDDING PROCESS

Offered by: Ways & Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 4-2015, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 4-2015

Print No. 1

A LOCAL LAW AUTHORIZING THE USE OF BEST VALUE IN THE COMPETITIVE BIDDING PROCESS

BE IT ENACTED, by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Name of local law. This law shall be known as "Allegany County Best Value Competitive Bidding Law."

Section 2. Findings and Intent. The State Legislature and Governor amended General Municipal Law §103 on January 27, 2012, to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The State Legislation requires Political Subdivisions with a population of less than one million to pass a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The federal government, approximately half the states, and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability, and difficulty of maintenance. Best value procurement links the procurement

process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance, and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality, and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

Section 3. Definitions. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen, and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services.

Section 4. Requirements.

- A. Where the basis for award is the best value offer, the County Administrator shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The County Administrator shall select a formal sealed competitive bidding procurement process in accordance with General Municipal Law and the Allegany County Procurement Policy and document their determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County of Allegany in its determination of best value.
- D. The County Administrator shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the Allegany County Procurement Policy and reviewed annually by the Allegany County Board of Legislators in conjunction with its annual review and approval of the Allegany County Procurement Policy.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date. This local law shall take effect immediately upon filing with the New York Secretary of State.

Local Law No. 4 of 2015
 Adopted by Res. No. 201-15, 9/28/15
 Effective Date: October 8, 2015

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the 28th day of September, 20 15.

Brenda Rigby Riehle Dated at Belmont, New York this 8th day of June, 20 18

Clerk, Board of Legislators, Allegany County

Moved by Jessup Seconded by LaForge VOTE: Ayes 13 Noes 0 Absent 2 Voice _____

Absent: Decker, Root