

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one.)

of Niagara

Local Law No. 3 of the year 2022

A local law Of the County of Niagara, New York authorizing the Award of Purchase Contracts on the
(Insert Title)
Basis of Best Value Criteria Pursuant to General Municipal and State Finance Law

Be it enacted by the Legislature of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Niagara

as follows:

Section 1. Purpose

The "best value" standard for selecting goods and services vendors 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.

After passage of Section 16 in NYS GML §103 a large number of local municipalities throughout the state have passed Local Laws authorized under said section. 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 in situations where 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 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Award contracts on the basis of best value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality control costs and enhance efficiency among responsible bidders. The local law would authorize the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law Sec. 103 by either lowest responsible bidder or best value.

Section 2. Definitions

Purchase Contracts. Contracts for goods, commodities and equipment, including technology.

Best Value. The basis for awarding contracts for services to a responsible bidder who optimizes quality, cost and efficiency for the County based upon objective and quantifiable analysis. Goods procured and awarded on the basis of best value are those that are determined will be of the highest quality while being the most cost efficient.

Section 3. Requirements

- A. 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.
- B. 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; longer product life; product performance criteria; and quality of craftsmanship.
- C. General evaluation criteria shall be identified and shall be maintained in the Office of Management and Budget, Division of Purchasing and be made available to the public.
- D. The Director of Budget and Management shall establish specific evaluation criterion that will be relied upon for procuring goods based upon best value, which shall be maintained in the Office of Management and Budget, Division of Purchasing and made available to the public.
- E. Solicitation documents shall state the minimum requirements and specifications that must be met in order for the bidder to be deemed responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted.
- F. The Niagara County Manager must approve the use of best value for each purchase contract that wishes to utilize the method.

Section 4. 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 5. Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2022 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on December 13 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Amanda T. Tommasino
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/14/2022

(Seal)