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** **of** Starkey
- ■ **Town**
- ☐ **Village**

Local Law No. 2 **of the year 20** 13

A local law Adopting Best Value Procurement
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

- ☐ **County**
- ☐ **City** **of** Starkey **as follows:**
- ■ **Town**
- ☐ **Village**

Pursuant to Section 10 of the Municipal Home Rule Law and Section 103 of the General Municipal Law, be it enacted by the Town of Board of the Town of Starkey, County of Yates and State of New York, as follows:

SECTION 1.
The Town of Starkey hereby exercises the local option set forth in § 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, which authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

SECTION 2.
Accordingly, the Town of Starkey Code shall be amended to provide as follows:

Award to other than the low bidder.

A. The lowest responsible bidder shall be awarded the purchase or public works contract unless the purchaser either prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder or uses the "best value" option set out below. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

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

B. Best Value Purchasing. Pursuant to Section 103(1) of New York's General Municipal Law, the Town may award certain purchase contracts and contracts for services using the "best value" standard, as follows:

(1) Definition. For purposes of this section, "best value" means the basis for awarding contracts for purchases and services to the offerer that optimizes quality, cost, and efficiency, among responsive and responsible offerers.

(2) Applicability. The "best value" option may be used for purchase contracts involving an expenditure of more than $20,000 and contracts for services involving an expenditure of more than $35,000 but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. 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.

(3) Standards for 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 and most cost-efficient in the long-term. The determination of quality and cost-efficiency shall be based on an objective and quantifiable analysis, which may take into account, the cost of maintenance, proximity to the end user, durability, availability of replacement parts or maintenance contractors, longer product life, quality of craftsmanship, and any other factors deemed relevant by the Town Board.

(4) 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.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had

SECTION 4.

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

(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. 2 of 20 13 of the (County)(City)(Town)(Village) of Starkey was duly passed by the Town Board on June 6 20 13, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

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 w ith 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.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: June 6, 2013

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Attorney to the Town
Title

County
City of
Town
Village
Starkey

Date: 6/14/13