

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO.4 OF 2020

A Local Law entitled “Local Law No. 4 of the Year 2020, Creating Chapter 111, Procurement Policy”

Be it enacted by the Village Board of Trustees of the Village of Wappingers Falls as follows:

SECTION 1. TITLE.

This Local Law shall be known and cited as “Local Law No.4 of the Year 2020, Creating Chapter 111, Procurement Policy.”

SECTION 2. LEGISLATIVE INTENT; PURPOSE.

The intent and purpose of this Local Law is to allow the Village Board the option to award certain purchase contracts subject to competitive bidding under General Municipal Law § 103 on the basis of low bid or “best value” as defined in § 163 of 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 for factors such as lower cost of maintenance, durability, higher quality and longer product life.

SECTION 3: CREATION OF NEW CHAPTER.

Chapter 111, Procurement Policy shall read as follows:

“CHAPTER 111. PROCUREMENT POLICY.

ARTICLE I. BEST VALUE PROCUREMENTS

§ ____-1. **PURPOSE AND AUTHORITY.**The Village Board of Trustees seeks to exercise the option to award certain purchase contracts 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 for factors such as lower cost of maintenance, durability, higher quality and longer product life.

§ ____-2. **AWARD BASED ON LOW BID OR BEST VALUE.**

The Village Board of Trustees may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under the General Municipal Law § 103 by either lowest responsible bidder or best value. All awards based on best value shall require Village Board approval.

§ ____-3. APPLICABILITY.

The provisions of this Article apply to Village purchase contracts for commodities equipment and/or goods, and related service work. By adopting GML § 103, subdivision 16, political subdivisions such as the Village of Wappingers Falls can award the contract on the basis of determining the best value. The winning proposer, while not offering the best aggregate price, would offer the best value in that its price per technical quality point was lower than all other bidders. This also may exclude 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.

§ ____-4. STANDARDS FOR BEST VALUE.

Goods and services procured and awarded on the basis of best value are those that the Village Board of Trustees determines will be of the highest quality while being the most 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, and/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.

§ ____-5. 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.

§ ____-6. PROCUREMENT POLICY SUPERSEDED WHERE INCONSISTENT.

Any inconsistent provision of the Village's Procurement Policy, as adopted prior to the effective date of this Article by Resolution of the Village Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this Article.

SECTION 4. NUMBERING FOR CODIFICATION.

It is the intention of the Village of Wappingers Falls and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Wappingers Falls; that the sections and sub-sections of this Local Law may be re-numbered or relettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 5. **SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 6. **EFFECTIVE DATE.**

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.