

Government Services & Administration

Laid on Desks 7/11/16

RESOLUTION NO. 2016182

RE: LOCAL LAW NO. OF 2016, A LOCAL LAW
AUTHORIZING THE AWARD OF PURCHASE AND SERVICE
CONTRACTS ON THE BASIS OF BEST VALUE PURSUANT TO
NEW YORK STATE GENERAL MUNICIPAL LAW AND
NEW YORK STATE FINANCE LAW

Legislators BORCHERT, MICCIO, PULVER, LANDISI, FORMAN, TRUITT,
and SAGLIANO offer the following and move it adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2016 which has been submitted this day for consideration by said Legislature.

CA-093-16
CEN/kvh/G-0191-B
06/02/16

Fiscal Impact: None

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of August 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2016

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BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. SHORT TITLE

This Local Law shall be known as the "Dutchess County Best Value Procurement Law."

SECTION 2. LEGISLATIVE INTENT

The intent of this local law is to authorize the use of Best Value criteria when awarding purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law) to a responsive and responsible bidder or offerer after furnishing the required security and advertisement for sealed bids pursuant to New York State General Municipal Law Section 103 and Section 163 of the New York State Finance Law. Awarding contracts on the basis of Best Value is intended to provide the County greater flexibility in awarding contracts by permitting the County to consider, along with cost, other non-cost factors which may result in a better value and long-term investment of public funds. Additionally, authorizing the use of Best Value will allow Dutchess County to participate in National Cooperative Contracts that were initially bid using Best Value criteria.

SECTION 3. LEGISLATIVE AUTHORITY

This Local Law is enacted pursuant to New York State General Municipal Law Section 103, specifically, its amendment of January 27, 2012, (A.0892/Section 6117) which specifically authorizes counties to adopt Best Value criteria through local law.

SECTION 4. DEFINITIONS

- A. County. Dutchess County, New York.
- B. Director of Central Services. The Director of the Division of Central Services within the Department of the Office of Central and Information Services.
- C. Purchase Contracts. Contracts for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) and purchase contracts involving an expenditure of more than twenty-five thousand dollars (\$25,000), including service work, except not including any contract necessary for the completion of a public

works contract pursuant to Article Eight of the Labor Law, or as defined in New York State General Municipal Law §103.

- D. Responsible, Responsibility. The financial ability, legal capacity, integrity, and past performance of a business entity as such terms have interpreted relative to public procurement.
- E. Responsive. The bidder or offerer meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services.
- F. Best Value. 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, certified minority or women-owned business enterprises, or service-disabled veteran-owned business enterprises as defined in Executive Law §§310(1), (7), (15), (20) and §369-h(1) as they may be amended.

SECTION 5. REQUIREMENTS.

1. The Director of Central Services shall determine when the basis of an award shall be upon Best Value. He shall document the criteria he uses to rate proposals and evaluation results, or, where not practicable, he will provide such other justification which demonstrates how best value was achieved.
2. Whenever possible, the evaluation of "Best Value" shall be based upon objective and quantifiable factors and shall not be based solely on cost, in accordance with New York State Finance Law §163. The Director of Central Services shall develop a matrix of evaluation criteria to be used in making best value determinations which shall be incorporated into the County's procurement policy.
3. The process for awarding procurements based upon Best Value as well as the general evaluation criteria shall be identified in the County's procurement policy.
4. The County's solicitation documents shall prescribe the minimum specifications or requirements that must be met in order for bidders and offerers to be considered responsive, and they shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative weight of each of the criterion to be considered by the County in its determination of best value.
5. The Director of Central Services shall make every effort to ensure that the solicitation documents, evaluation criteria and procedure for awarding purchase and service contracts on the basis of Best Value complies with the County's procurement policy, local, state, and federal regulations and laws.

SECTION 6. SEVERABILITY. If any part thereof or any provision herein is rendered or declared illegal or unenforceable, by any court of competent jurisdiction, such order or judgment of such part or portions of this Local Law shall not invalidate the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

New York State GML § 103 now provides that "purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value," In order to utilize the option of best value it "must be authorized by local law... or resolution adopted at a public meeting." By authorizing the use of Best Value in the procurement process, Dutchess County will benefit in two ways. First, such authorization of Best Value will allow Dutchess County to participate in National Cooperative contracts that were initially bid utilizing Best Value, and second, allows for considering other criteria than cost during the procurement of goods and services. Central Services will have the authority to determine when Best Value will be utilized.

Prepared by: Tiffanie Massey, Budget Office

Prepared On: 5/11/2016