

February 10, 2014

Finance Committee: 1-27-2014

RESOLUTION NO. 52-2014

**ADOPTING PROPOSED LOCAL LAW A (NO.) FOR THE YEAR 2014, THE
ST. LAWRENCE COUNTY BEST VALUE CONTRACT AWARD LAW**

By Mr. Morrill, Chair, Finance Committee

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence as follows:

Section 1. Name of local law

This law shall be known as “the St. Lawrence County Best Value Contract Award law.”

Section 2. Findings and Intent

The State Legislature and Governor amended General Municipal Law, §103 (A08692/S6117) 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 Counties with a population of less than one million to pass a local law authorizing the use of the best value award process.

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. Definition

"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. Authorization

- A. St. Lawrence County is hereby authorized to use best value as the basis for awarding purchase contracts, including contracts for service work, without regard to the amount of the expenditure, in addition to awarding such contracts to the lowest responsible bidder furnishing the required security. Excluded from the authorization of the use of best value are purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law. The Purchasing Agent shall determine when to use Best Value as the basis for awarding a purchase contract for any particular good or service.

Section 5. Standards and Procedures

- A. Where the basis for awarding purchase contracts is best value, the Purchasing Agent shall document in the procurement record, no later than in advance of the initial receipt of offers, the determination of the evaluation criteria. Whenever possible, these criteria shall be quantifiable and the documentation shall include 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 Purchasing Agent shall select a formal competitive procurement process in accordance with guidelines established by St. Lawrence County Purchasing Policy and document its 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 in its determination of best value.
- D. The Purchasing Agent shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the St. Lawrence County Purchasing Policy and reviewed annually by the Purchasing Agent in conjunction with the annual review of the Purchasing Policy.

Section 6. 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

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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 7. Effective Date

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

STATE OF NEW YORK)
) ss:
COUNTY OF ST. LAWRENCE)

I, Kelly S. Pearson, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY**, that I have compared this Resolution No. 52-2014 entitled "Adopting Proposed Local Law A (No. __) for the Year 2014, the St. Lawrence County Best Value Contract Award Law", Adopted February 10, 2014, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kelly S. Pearson
Kelly S. Pearson, Deputy Clerk
St. Lawrence County Board of Legislators
February 11, 2014