

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 301-14: AUTHORIZATION TO ADOPT A LOCAL LAW AUTHORIZING PURCHASING BASED ON BEST VALUE

Ms. Park presented the following:

WHEREAS, A Local Law Authorizing Purchasing Based on Best Value was presented to the Board of Supervisors on April 15, 2004; and

WHEREAS, a public hearing on the proposed local law was held on May 20, 2014 at 9:15am in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said Local Law is hereby adopted to read as follows:

COUNTY OF WAYNE – STATE OF NEW YORK
LOCAL LAW NO. 3 FOR THE YEAR 2014

A Local Law Authorizing Purchasing Based on Best Value pursuant to General Municipal Law Section 103.

SECTION 1: LEGISLATIVE 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 County's with a population of less than one million to pass a local law authorizing the use of the best value award process.

(From Assembly Bill Memo A08692) – Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, 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.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. 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 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 good 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 2 – DEFINITIONS:

“Best value” means the basis for awarding contracts for services to the offerer who 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 executive law to be used in evaluation of offers for awarding contracts for services.

SECTION 3 – AUTHORITY:

On and after the effective date of this law, the Purchasing Agent or Department Head may award purchase contracts, including contracts for service work, but excluding any purchase contract necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law § 163 to a responsive and responsible bidder or offeror.

SECTION 4 – REQUIREMENTS:

- A. Where the basis for award is the best value offer, the Purchasing Agent or Department Head shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection be conducted.
- B. The Purchasing Agent or Department head in charge of purchasing procedures shall select a formal competitive procurement process in accordance with guidelines established by the County Procurement 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 offerors to submit responsive offers; and a balance 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.

SECTION 5 – SEVERABILITY:

If any clause, sentence, paragraph, subdivision, section or part of this law of 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 6 – EFFECTIVE DATE:

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

Mrs. Marini moved the adoption of the resolution. Seconded by Mr. Miller. Upon roll call, adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 20th day of May 2014 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 20th day of May 2014.

Clerk of the Board

