

TOWN OF STUYVESANT  
Local Law # \_\_\_\_ of 2014  
AUTHORIZING THE AWARD OF PUBLIC CONTRACTS ON THE BASIS OF EITHER  
LOWEST RESPONSIBLE BIDDER ON THE BASIS OF BEST VALUE

**Section 1.     **PURPOSE.****

The town board of the Town of Stuyvesant seeks to exercise 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 amendment authorizes the Town to award purchase 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 due to factors such as lower cost of maintenance, durability, higher quality and longer product life.

**Section 2.     **AUTHORITY.****

General Municipal Law Section 103(1), as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, provides that municipalities may award public contracts subject to competitive bidding and may be awarded on the basis of either lowest responsible bidder or on the basis of “best value”, as defined in Section 163 of the New York State Finance Law.

**Section 3.     **DEFINITIONS.****

- a. “Responsible” or “responsibility” means the financial ability, legal capacity, integrity, and past performance of a business entity and as such terms have been interpreted relative to public procurements.
- b. “Responsive” means a bidder or other offerer meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services by a state agency.
- c. “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 offers 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.     **APPLICABILITY****

The provisions of this chapter apply to purchase contracts involving an expenditure of more than \$20,000.00 and contracts for services involving an expenditure of more than \$35,000.00 but exclude 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.

**Section 5. DETERMINATION OF BASIS FOR AWARD.**

The determination of the basis of award shall be made on a case by case basis pursuant to the best interests of the Town of Stuyvesant.

**Section 6. NOTICE TO BIDDERS.**

In each case, bidders shall be provided with sufficient notice of the basis upon which each particular contract will be awarded. Such notice shall be contained in the bid documents. When a contract is to be awarded on the basis of best value, the bid documents shall clearly indicate each factor to be considered and the weight that each such factor will be afforded.

**Section 7. 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 recorded.

**Section 8. PROCUREMENT POLICY SUPERCEDED WHERE INCONSISTENT.**

Any consistent provision of the Town's procurement policy, as adopted prior to the effective date of this chapter by resolution of the Town Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

**Section 9. EFFECTIVE DATE.**

This Local Law shall take effect once it is duly filed with the Secretary of State of New York in accordance with the provisions of the General Municipal Law.