

# Warren County Board of Supervisors

## RESOLUTION NO. 571 OF 2013

**Resolution introduced by Supervisors Taylor, Strainer, Loeb, McDevitt, Frasier, Mason and Vanselow**

### TO ENACT LOCAL LAW NO. 8 OF 2013

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law being entitled, “A Local Law Authorizing the use of a Best Value Award Methodology for Purchase Contracts”, and

WHEREAS, the Board of Supervisors adopted Resolution No. 528 of 2013 on September 20, 2013, authorizing a public hearing to be held by the Board of Supervisors on the 18<sup>th</sup> day of October, 2013, at 10:00 a.m. in the Supervisors’ Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 18<sup>th</sup> day of October, 2013, does hereby enact and adopt Local Law No. 8 of 2013 as set forth in Schedule “A” annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

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SCHEDULE "A"

COUNTY OF WARREN

LOCAL LAW NO. 8 OF 2013

**A LOCAL LAW AUTHORIZING THE USE OF A BEST VALUE AWARD  
METHODOLOGY FOR PURCHASE CONTRACTS**

**BE IT ENACTED** by the Board of Supervisors of the County of Warren, New York as follows:

**SECTION 1. Title.** This Local Law shall be known and may be cited as "A Local Law Authorizing the use of a Best Value Award Methodology for Purchase Contracts".

**SECTION 2. Legislative Intent.** General Municipal Law §103 has been amended 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 amendments to General Municipal Law §103 require Counties with a population of less than one million to pass a local law authorizing the use of the best value award process. With the increased complexity of the goods and services that the County 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. Best value procurement links the procurement process directly to the County's performance requirements, including, but not limited to, selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

**SECTION 3. Definitions.** As used in this local law, the following terms shall have the following meaning:

A. "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

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of offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivision 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. The Best Value Award Methodology.** When developing solicitation documents for competitive bids for the award of purchase contracts including contracts for service work, the Purchasing Agent may, and subject to the requirements herein and the applicable requirements set forth in the County's Purchasing Policy, determine that an award of a purchase contract shall be based upon best value methodology. In making such determination, the Purchasing Agent shall consider the recommendation, if any, of the Department Head or designee of the Department the purchase contract is being procured for. The Department Head or designee shall, in all instances, obtain the approval of the Purchasing Agent to utilize best value methodology prior to issuance of the competitive bid documents.

**SECTION 5. Requirements.** Where the basis for an award of a purchase contract will be the best value offer, the Purchasing Agent shall, in all instances:

A. Document in the procurement record as a component of the competitive award process 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 shall be conducted, and

B. Shall select a formal competitive procurement process in accordance with guidelines established under the County's Purchasing Policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be 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

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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 with the approval of the Board of Supervisors that will govern the award of contracts on the basis of best value. The procedures, once approved by the Board of Supervisors, will be incorporated in the County Purchasing Policy and reviewed by the Board of Supervisors as necessary.

**SECTION 6. Severability.** If any section, subdivision, paragraph, subparagraph, clause or item of this Local Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7.** This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.