

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Richfield

FILED
STATE RECORDS

MAY 16 2018

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law

(Insert Title)

of the Town of Richfield
Regarding the Procurement of
Goods and Services

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Richfield

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 18 of the (County)(City)(Town)(Village) of Richfield was duly passed by the Town Board on May 10 20 18, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 ____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 ____, in accordance with the applicable provisions of law.~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 ____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**A Local Law of the Town of Richfield
Regarding the Procurement of Goods and Services
on the Basis of Best Value**

FILED
STATE RECORDS

MAY 16 2018

Local Law No. 1 of the Year 2018

Be it enacted by the Town Board of the Town of Richfield as follows:

DEPARTMENT OF STATE

I. Statutory Authority; Title

This Local Law is adopted pursuant to the authority of Section 103, Subdivision 1, of the New York General Municipal Law and shall be known as the "Best Value Procurement Law of the Town of Richfield."

II. Purpose

The Town Board 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 and 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.

III. Award based on low bid or best value

The Town Board may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either the lowest responsible bidder or best value standard.

IV. Applicability

The provisions of this article apply to Town purchase contracts involving an expenditure of more than \$20,000 and Town contracts for services involving an expenditure of more than \$35,000 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.

V. Standards for Best Value

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

VI. 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 documented.

VII. Procurement Policy Superseded Where Inconsistent

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

VIII. Severability

If any clause, sentence, sub-paragraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

IX. Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of Municipal Home Rule Law.