

Chapter 21

PROCUREMENT¹

[HISTORY: Adopted by the Town Board of the Town of Canadice 3-8-2021 by L.L. No. 1-2021. Amendments noted where applicable.]

§ 21-1. Best value competitive bidding.

- A. Authority and purpose. Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of the "best value" as defined in § 163 of the New York State Finance Law. The best value option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder of offer or if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.
- B. Award based on best value. The Town Board may award purchase contracts, including contracts for services, on the basis of "best value" as the term is defined in New York State Finance Law. All contracts or purchase orders awarded based on value shall require Town Board approval.
- C. Applicability. The provisions of this section apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York 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.
- D. Standard for best value.
 - (1) Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidders or offers.
 - (2) Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
 - (3) The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors; longer product life; product

1. Editor's Note: Former Ch. 21, Procurement Policy, adopted 4-13-1992, was repealed 1-14-2019 by L.L. No. 2-2019.

performance criteria; and quality of craftsmanship.

- E. 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.
- F. Piggybacking of purchases. Notwithstanding the provisions of this section, the Town of Canadice may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to the so-called piggybacking of purchases. Pursuant to General Municipal Law § 103, the Town of Canadice may purchase through the bids solicited by the United States government, New York State and/or any other political subdivision (counties, towns, villages, school districts, etc.), provided that those contracts clearly state that they are available for use by other government entities within the requirements of General Municipal Law § 103, Subdivision 16. Prior to such purchase, the Town of Canadice will ensure that a piggybacking purchase qualifies as follows:
 - (1) The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Canadice should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the Town of Canadice or other municipalities. This determination shall be made on a case-by-case basis.
 - (2) The specific contract must have been issued in accordance with the provisions of General Municipal Law § 103.