

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.

FILED
STATE RECORDS

FEB 04 2016

DEPARTMENT OF STATE

County City Town Village

(Select one.)

of Cortland

Local Law No. 6 of the year 2016

A local law Authorizing the Use of Best Value Award Methodology for Purchase Contracts

(Insert Title)

Be it enacted by the Legislature of the

(Name of Legislative Body)

County City Town Village

(Select one.)

of Cortland

as follows:

See attached

(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. 6 of 2016 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legislature on January 28, 2016, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on 20 in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____, 20____. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____, 20____. Such local *(Elective Chief Executive Officer*)* 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.

* 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.

5. (City local law concerning Charter revision proposed by petition.)

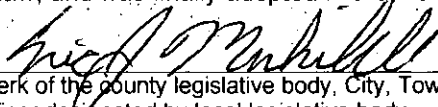
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

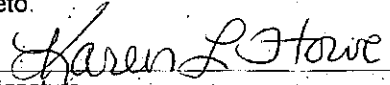
Date: 2/1/2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Cortland County Attorney

Title

County _____
City of Cortland
Town _____
Village _____

Date: February 1, 2016

Adopt Local Law 6 of 2016 Authorizing the Use of Best Value Award Methodology for Purchase Contracts

WHEREAS, New York State 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, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law), on the basis of best value;

NOW THEREFORE, BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Section 1

Legislative Intent

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 which 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 2

Definitions

As used in this local law, the following terms shall have the following meanings:

- A. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive 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 Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j))
- B. Factors which may be used to determine "best value" and to award a contract to other than the lowest bidder, are as follows:

1. Cost of maintenance;
 2. Product life;
 3. Warranties;
 4. Past performance, reliability, or durability, and current or past experience with the provision of similar goods/services;
 5. Organization, staffing (particular abilities and/or experience), and ability to undertake the type and complexity of the work;
 6. Financial capability;
 7. Record of compliance with all federal, state and local laws, rules, and licensing requirements; or
 8. Ability to meet County needs in a timely and accountable fashion.
- C. "Lowest Price" means the basis for awarding contracts for commodities among responsive and responsible offerers. (New York State Finance Law §163 (1)(i))
- D. "Procurement Record" means documentation of the decisions made and the approach taken in the procurement process. (New York State Finance Law §163(1)(f))

Section 3

Best Value Award Methodology Requirements

Where the basis for an award of a purchase contract will be the best value offer, the purchaser 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.
- B. 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.
- C. Select a formal competitive procurement process in accordance with New York State General Municipal Law and other state law and the guidelines established under Cortland 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:
 1. a clear statement of need;

2. a description of the required specifications governing performance and related factors;
 3. a reasonable process for ensuring a competitive field;
 4. a fair and equal opportunity for offerers to submit responsive offers;
 5. a balanced and fair method of award.
- D. 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. Each individual purchaser (County Department) shall maintain and retain all documentation used in the award process.
- E. The determination to award a contract on the basis of best value shall be made by the Cortland County Legislature. Such determination shall include the specific criteria applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Legislature should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers.
- F. In the event that no best value election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing required security.
- G. This local law does not apply to purchase contracts for the following:
- (i) Any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law; and
 - (ii) Any purchase or procurement of goods and/or services otherwise excluded by law from best value purchasing standards, whether now existing or hereafter arising.

Section 4

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or 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 5

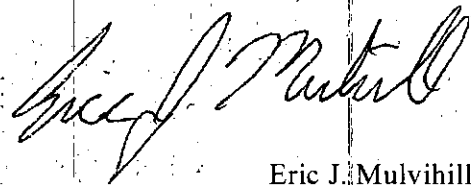
Effective Date

This local law shall take effect immediately upon adoption by the Cortland County Legislature and filing with the New York State Secretary of State.

**STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)**

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 28th day of January, 2016 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 28th day of January, 2016.



Eric J. Mulvihill
Clerk of the Cortland County Legislature