

**TOWN BOARD  
TOWN OF WESTERLO**

**Local Law No. 4 of the Year 2022**

**A Local Law Authorizing Best Value Procurement**

Be it enacted by the Town Board of the Town of Westerlo that a local law entitled “Best Value Procurement”, shall be enacted and established as follows:

**Best Value Procurement**

**Authority and Purpose.**

New York General Municipal Law § 103 requires competitive bidding for purchase contracts and contracts for services and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. This section was amended to provide that, through enactment of a local law so providing, towns may award purchase contracts and contracts for services on the basis of best value, as defined in New York State Finance Law § 163, to a responsive and responsible bidder or offerer. The Town Board hereby determines that it is in the best interest of the Town and its residents for the Town Board to have the authority to award purchase contracts and contracts for services on the basis of best value. This “best value” option may be, but is not required to be, used to award an applicable purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder.

**Definitions.**

Whenever used in this article, the following terms shall have the meanings indicated:

**BEST VALUE**

The basis for awarding purchase contracts and services to the offerer that optimizes quality, cost and efficiency, among responsive and responsible offerers.

**Applicability; dollar thresholds.**

The provisions of this article 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 the 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.

**Best value standards.**

Goods and services procured and awarded on the basis of the best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and

responsible bidders or offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. The criteria 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.

**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.