

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

www.dos.state.ny.us/corps

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 underling to indicate new matter.

~~County~~

~~City~~ of DUNKIRK

~~Town~~

~~Village~~

Local Law No. 1 of the year 2014.

A local law to allow purchasing by Best Value as authorized by General Municipal Law, Section 103.

Be it enacted by the Town Board of the Town of Dunkirk

~~County~~

~~City~~ of DUNKIRK

~~Town~~

~~Village~~

Section One – Purpose:

This Local Law provides for the Town Board of the Town of Dunkirk to exercise their local option from General Municipal Law, Section 103, as amended by the State Legislature of the State of New York to permit purchase contracts to be awarded on the basis of best value. This amendment authorizes the Town Board to award purchase and service contracts, as the same are permitted under General Municipal Law, Section 103, to be awarded based on either the lowest responsible bid, or best value as defined in Section 163 of the New York State Finance Law. This best value option may be, but is not required to be, used to award a purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder, all as permitted by State Statute.

**Section Two –
Applicable
Contracts**

This Local Law shall apply only to purchase contracts involving an expenditure of more than \$20,000, including contracts for Service Work, as defined in the statute, but excluding public works contracts, all as recited in the General Municipal Law, Section 103, authorizing the award of a contract under best value. If the dollar threshold recited herein for the bidding of contracts under the General Municipal Law, Section 103, are increased or decreased in the future by the State Legislature, the dollar threshold set forth herein shall be deemed simultaneously amended to match the General Municipal Law thresholds.

**Section Three – Basis
for Award**

In accordance with Section 103(1) of the General Municipal Law of the State of New York, as recently amended, the Town Board may award contracts, including both purchase contracts and those contracts for service work that have been procured pursuant to competitive bidding under General Municipal Law, Section 103 by either lowest responsible bidder, or by 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 criteria; durability; availability of replacement parts or maintenance; longer product life; product performance criteria; and quality of craftsmanship.

Section Four – Documentation:

An offer or proposal received pursuant to standard bidding procedures, may be awarded on either a best value, or lowest responsible bidder, standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the subsequent purchase or contract. When a contract is awarded on the basis of best value, rather than the lowest

responsible bidder, the basis for determining best value shall be thoroughly and accurately documented by the Town Board.

Section Five – Authorization

On and after the effective date of this Local Law, the Town of Dunkirk may award purchase contracts, including contracts for service work, but excluding any purchase contracts for public works projects, on the basis of best value. The bid or offer solicitation for the purchase contract shall state that said contract may be awarded on the basis of either best value, or lowest responsible bidder. The election to award such a contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, the purchase contract shall be awarded to the lowest responsible bidder, otherwise in compliance with law and conforming to the bid requirements.

**Section Six – Procurement
Policy Modified**

Any inconsistent provision of the Town's procurement policy effective as to purchase contracts below the threshold required under Section 103 of General Municipal Law, and as adopted from time to time by the Town Board, shall be deemed modified and amended by the provisions of this Local Law to permit the award of purchase contracts under said threshold to be made on the basis of best value, provided the same is thoroughly and accurately documented.

Section Seven – Severability

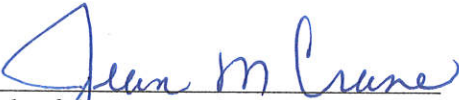
If any part or provision of this Local Law is determined to be invalid, unconstitutional or unenforceable, the validity and enforceability of the remainder of the provisions of this Local Law shall not be affected or impaired.

Section Eight – Effective Date:

This Local Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2014 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on May 6, 2014, in accordance with the applicable provisions of law.

(Seal)


Clerk of the Town of Dunkirk

Date: 5/6/14