

critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages.

With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small, minority, and women-owned businesses and the development of environmentally preferable good and service delivery methods. Best value procurement will provide much needed flexibility in obtaining

important goods and services at favorable prices, and will reduce the time to procure such goods and services.

§42-2. DEFINITIONS:

“Best value” means the purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with the provisions of General Municipal Law, §103 as now existing or as may hereafter be amended.

§42-3. AUTHORITY:

On and after the effective date of this law, the department head or other person authorized by the town for purchasing of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies may award purchase contracts, including contracts for service work, but excluding any purchase contract necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined herein to a responsive and responsible bidder or offeror.

§42-4. REQUIREMENTS:

A. Where the basis for award is the best value offer, the department

head or other person authorized by the town for purchasing apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the criteria and the process to be used in the determination of best value and the manner in which the evaluation process and selection is to be conducted.

B. Where the basis for award is the best value offer, the department head or other person authorized by the town for purchasing apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies shall follow the process provided under the Town Procurement Policy and document such process in the procurement record. The process shall include, but shall not be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award; and a statement demonstrating the reasons why best value is expected to be achieved.

SECTION 3. SEVERABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would not have

enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.