

**VILLAGE OF SUFFERN**

**LOCAL LAW NO. 1 OF 2024**

**A LOCAL LAW LOCAL LAW AUTHORIZING THE BOARD OF TRUSTEES TO AWARD PURCHASE CONTRACTS AND CONTRACTS FOR SERVICES SUBJECT TO COMPETITIVE BIDDING PURSUANT TO GENERAL MUNICIPAL LAW § 103 ON THE BASIS OF EITHER THE LOWEST RESPONSIBLE BIDDER OR THE BEST VALUE STANDARD**

**BE IT ENACTED**, by the Board of Trustees of the Village of Suffern as follows:

Section 1: The Code of the Village of Suffern is hereby amended by adding thereto a new chapter, Chapter 50, entitled “Purchase Contracts and Contracts for Services,” to provide as follows:

§ 50-1. Purpose

The purpose of this Local Law is to promote the public health, safety, and welfare by authorizing the Board of Trustees, in its discretion, to award certain purchase contracts and contracts for services that are subject to competitive bidding under General Municipal Law §103 based on the "lowest responsible bidder" or "best value" as defined in New York State Finance Law §163.

§ 50-2. Best Value Bid Awards.

A. As provided in this Chapter, the Board of Trustees may, in its discretion, award any purchase contractor contract for services, based on "best value" as that term is defined in New York State Finance Law §163 or to the lowest responsible bidder.

B. The provisions of this Chapter do not apply to 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.

§ 50-3. Standard for Best Value.

A. Best value regarding contracts for purchase or procurement of goods and services shall be based upon a determination by the Board of Trustees that an award of the contract selected from among the responsive and responsible bidders optimizes the quality, cost and efficiency of the goods or services being purchased or procured by the Village in accordance with the terms of this Chapter.

B. Although contract price is one consideration in determining best value, the lowest contract price offered will not necessarily constitute the best value among the proposed contracts tendered by the responsive and responsible bidders.

C. Where possible, the determination of best value 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.

D. The criteria may include, but shall not be limited to, any or all of the following:

- (1) product performance
- (2) quality of craftsmanship
- (3) proximity of the contractors
- (4) product life
- (5) cost of maintenance
- (6) warranties

§ 50-4. "Piggybacking" of Purchases.

A. The Board of Trustees may, for purposes of purchase contracts and contracts for services, utilize the provisions of General Municipal Law §103 regarding to so-called

“piggybacking” of purchases. The Board of Trustees may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

(1) Bids are solicited or bid lists generated by the United States Government or New York State (and its political subdivisions and school districts) provided that such bids or bid lists are generated in such a manner that complies with General Municipal Law § 103.

(2) A bid or bid list is generated by a governmental entity other than the United States Government or New York State when such bid or bid list was generated in a manner consistent with or materially equivalent to the requirements of General Municipal Law §103.

(3) A foreign bid or bid list is specifically approved for piggybacking through the New York State Office of General Services.

#### § 50-5. Procurement Policy Superseded.

Any provision of this Chapter which is inconsistent with the provisions of the Village’s Procurement Policy shall be deemed superseded by the provisions of this Chapter.

#### Section 2. 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 of competent jurisdiction, such judgment shall be confined in its operation to the part or 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 persons or circumstances, and the Board of Trustees hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

#### Section 3. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.