

**RESOLUTION OF ADOPTION**

WHEREAS a Local Law was introduced by the Town Board of the Town of Union Vale as Local Law # 1 – 2021 entitled A LOCAL LAW AUTHORIZING BEST VALUE COMPETITIVE BIDDING AND PROCURMENT; and

WHEREAS, a public hearing in relation to said local law was held on July 15, 2021 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday; and

WHEREAS, said local law is subject to permissive referendum pursuant to Municipal Home Rule Law Section 24;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted: TOWN OF UNION VALE LOCAL LAW # 1 - 2021 entitled A LOCAL LAW AUTHORIZING BEST VALUE COMPETITIVE BIDDING AND PROCURMENT:

Section 1. **The Union Vale Town Code will be modified to add a new Chapter 65 entitled “Best Value Competitive Bidding and Procurement” as follows**

**§ 65-1. Legislative Intent and Purpose**

The intent of this Law is to allow the Town of Union Vale the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or “best value” as defined in §163 of the New York State Finance Law.

**§ 65-2. Authority**

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the Town of Union Vale to enter into contracts and engage in contracting for services.

**§ 65-3. Best Value Competitive Bidding**

- A. Award Based on Best Value. The Town Board may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance Law §163. All contracts or purchase orders awarded based on best value bidding basis shall require Town Board approval.
- B. Applicability. The provisions of this Local Law apply to Town purchase contracts involving an expenditure of more than \$20,000 and Town contracts for services involving an expenditure of more than \$35,000, but exclude 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 superseded by such as §103 and this Local Law shall be read as if the numbers are amended to conform to said §103.
- C. Standard for Best Value.
1. Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency among responsive and responsible bidders, as set forth in the Procurement Policy adopted by the Town and as amended, hereafter and from time-to-time, by the Town Board.
  2. Where possible, the determination 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.
  3. The criteria may include, but shall not be limited to, any or all of the following:
    - cost of maintenance
    - proximity to the contractors or end use

- product life
- durability
- product performance criteria
- quality of craftsmanship
- warranties

D. 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 documented.

E. Inconsistent Provisions. Any inconsistent provision of the Town Procurement Policy, as adopted prior to the effective date of this Local Law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

## Section 2. **Severability.**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law. To further this end, the provisions of this Local Law are hereby declared to be severable.

## Section 3. **Effective Date**

This Local Law shall take effect upon adoption by the Town Board and file date of NYS Secretary of State in accordance applicable provisions of law, and specifically Article 3, §27 of Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED that the Town Clerk shall only file this local law with the NYS Secretary of State if the period of time for the filing of a petition for permissive referendum expires without such petition having been duly and timely filed, or, in the event such petition is duly and timely filed, without affirmative vote on such referendum authorizing this local law; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to publish notice setting forth the date of adoption of this Resolution, containing an abstract of this Resolution concisely stating the purpose and effect of this Resolution and further specifying that this Resolution was adopted subject to permissive referendum. Councilman Welsh offered the following Resolution, which was seconded by Councilman Durland, who moved its adoption:

The foregoing Resolution was duly put to a vote which resulted as follows:

Councilman Frazier	Aye
Councilman Durland	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Supervisor Maas	Aye

DATED: Union Vale, New York  
July 15, 2021

  
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ANDREA CASEY, TOWN CLERK

Ayes 5 Noes 0 Resolution No. 21-29

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Welsh, seconded by Councilman Durland and adopted at the meeting of the Town Board, held on July 15, 2021.

  
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Town Clerk, Union Vale – Andrea Casey