

LOCAL LAW NO. “F” FOR 2013

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AUTHORIZING THE AWARD OF PURCHASE CONTRACTS ON THE BASIS OF BEST VALUE CRITERIA PURSUANT TO GENERAL MUNICIPAL AND STATE FINANCE LAW

Introduced: 10/15/13

By Messrs. Cotrofeld, Beston, Bullock, Ms. Chapman, Messrs. Clenahan, Higgins, Reilly, Domalewicz, Commisso, Corcoran, Ethier, Feeney, Jacobson, Joyce, Mackey, Mss. Maffia-Tobler, McKnight, Messrs. Nichols, Rahm, Simpson, Mss. Benedict, Busch, Messrs. Carman, Clay, Clouse, Ms. Connolly, Messrs. Crouse, Dawson, Hogan, Mss. Kinsch, Lockart, Mr. Mayo, Ms. McLean Lane, Messrs. Mendick, Morse, O'Brien, Stevens, Tunny and Ward:

BE IT ENACTED, by the Albany County Legislature, State of New York, as follows:

Section 1. Short Title and Legislative Intent

This Local Law shall be known as the “Albany County Best Value Contract Award Law.”

The intent of this local law is to authorize the use of Best Value criteria when awarding purchase contracts consistent with Section 103 of the General Municipal Law and Section 163 of the New York State Finance Law. Use of best value criteria is intended to provide the County greater flexibility in awarding contracts and to ensure that the County obtains the highest quality goods at a low cost. Awarding contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsible bidders. This local law authorizes the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law Sec. 103 by either lowest responsible bidder or best value.

Section 2. Definitions

Whenever used in this local law, the following terms shall mean:

- a. **Purchasing Agent.** Albany County Purchasing Agent.
- b. **Department.** Albany County Department of General Services.
- c. **Purchase Contracts.** Contracts for goods, commodities and equipment, including technology.
- d. **Best Value.** The basis for awarding contracts for services to a responsible bidder who optimizes quality, cost and efficiency for the County based upon objective and quantifiable analysis. Goods procured

and awarded on the basis of best value are those that the Purchasing Agent determines will be of the highest quality while being the most cost efficient.

Section 3. Requirements

1. 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.

2. 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 term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

3. General evaluation criteria shall be identified in the County's Procurement Policy, a copy of which shall be maintained in the Department of General Services and be made available to the public.

4. The Purchasing Agent shall establish specific evaluation criterion that will be relied upon for procuring goods based upon best value, which shall be maintained in the Department of General Services and made available to the public.

5. Solicitation documents shall state the minimum requirements and specifications that must be met in order for the bidder to be deemed responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted.

Section 4. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 5. Effective Date

This Local Law shall take effect upon filing in the Office of the Secretary of State.

Referred to Audit and Finance Committee. 10/15/13

Favorable Recommendation - Audit and Finance Committee. 4/30/14

On roll call vote the following voted in favor: Ms. Benedict, Messrs. Beston, Bullock, Carman, Ms. Chapman, Messrs. Clay, Clenahan, Clouse, Commisso, Ms. Connolly, Messrs. Corcoran, Cotrofeld, Crouse, Dawson, Domalewicz, Ethier, Feeney, Higgins, Hogan, Jacobson, Joyce, Mss. Kinsch, Lockart, Mr. Mackey, Ms. Maffia-Tobler, Mr. Mayo, Mss. McKnight, McLean Lane, Messrs. Mendick, Morse, Nichols, O'Brien, Rahm, Reilly, Simpson, Stevens, Tunny and Ward – 38.

Those opposed: - 0.

Local Law was adopted. 5/12/14