

**A LOCAL LAW AUTHORIZING THE AWARD OF
CONTRACTS ON THE BASIS OF BEST VALUE**

BE IT ENACTED BY THE LAKE GEORGE TOWN BOARD AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT – Section 103 of the New York General Municipal Law (GML 103) requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. GML 103 has been amended to provide that the Town may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of "best value", as defined in Section 163 of the New York State Finance Law, to a responsive and responsible bidder or offeror, if authorized by Local Law. The Town Board hereby determines that it is in the best interests of the Town and its inhabitants for the Town Board to have the authority to award purchase contracts on the basis of best value.

SECTION 2. AUTHORIZATION OF BEST VALUE AS BASIS FOR AWARD

A. The Town may award purchase contracts, including contracts for service work but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law, on the basis of best value, as defined in Section 163 of the New York State Finance Law, to a responsive and responsible bidder or offeror.

B. The determination to award a contract on the basis of best value shall be made by the Town Board. Such determination shall include the specific criteria to be applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Board should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers.

C. The procedure for awarding a contract on the basis of best value shall include public solicitation of offers and submission of sealed offers. The specifications of the

nature of the goods or services shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted and, if appropriate, identification of the relative importance or weight of price and non-price factors. Non-price factors include, but are not limited to, such considerations as the reliability of a product, efficiency of operation, difficulty or ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts.

D. In the event that the Town Board does not make a determination to award a contract on the basis of best value, contracts shall continue to be awarded to the lowest responsible bidder furnishing the required security as required by GML 103.

SECTION 3. SEVERABILITY – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

SECTION 4. REPEALER – All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 5. EFFECTIVE DATE – This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law §27.