

**VILLAGE OF CANASTOTA
LOCAL LAW NO. C OF 2024**

**A LOCAL LAW AUTHORIZING
PURCHASING BASED ON BEST VALUE**

Be it enacted by the Village Board of the Village of Canastota as follows:

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule law §10.

SECTION 2. TITLE

This law shall be known as the “Local Law Authorizing Purchasing Based on Best Value.”

SECTION 3. DECLARATION OF INTENT

General Municipal Law §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 project specifications. Section 103 was amended to provide that, by enacting an appropriate Local Law, municipalities may award purchase contracts that would otherwise be subject to the “lowest bidder” rule, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Village of Canastota Village Board hereby determines that it is in the best interests of the Village of Canastota and its residents for the Village of Canastota purchasing agent (hereinafter “purchasing agent”) to have the authority to award purchase contracts on the basis of best value. Factors that may be used to invoke the “best value” option to award contracts for good(s) or service(s) to a bidder other than the lowest bidder include, but are not limited to:

- (a) Lowest cost of maintenance for good(s) or service(s);
- (b) Durability of good(s) or service(s);
- (c) Higher quality of good(s) or service(s); or
- (d) Longer product life of good(s) or service(s).

SECTION 4. BEST VALUE PURCHASING

On and after the effective date of this law, the purchasing agent 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 Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

- (a) Where the basis for award is the best value offer, purchasing agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the

evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

(b) Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criteria to be considered by the purchasing agent in his or her determination of best value.

(c) The election to award any such contract on the basis of best value shall be made by the purchasing agent in consultation with the appropriate Department Head(s) and appropriate Legislative Body. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Village of Canastota Procurement Policy.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.