

**VILLAGE OF WARWICK
LOCAL LAW NO. 1 OF THE YEAR 2021**

A local law to amend the Village Code by enacting a new Chapter 100 entitled "Procurement: Best Value Bid Awards".

Section 1. Purpose:

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

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to add a new Chapter 100 entitled "Procurement: Best Value Bid Awards " which shall read as follows:

§ 100-1 Best Value Bid Awards.

- A. As provided in this Chapter, the Village may, in its discretion, award any purchase contract, including a contract for services, on the basis of "best value" as that term is defined in New York State Finance Law §163. Village Board approval shall be required for all awards of contracts on a best value basis.
- 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.

§ 100-2 Standard for Best Value.

- A. Best value in regard to contracts for purchase or procurement of goods and services shall be based upon a determination by the Village Board 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; and
 - (6) warranties.

§ 100-3. "Piggybacking" of Purchases.

- A. The Village of Warwick may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. The Village 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 as 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.

§ 100-4. 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 3. 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 Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.