

**VILLAGE OF CORNWALL-ON-HUDSON, NEW YORK  
INTRODUCTORY LOCAL LAW \_\_\_\_ OF 2018**

**A LOCAL LAW TO AUTHORIZE USE OF “BEST VALUE” AND “PIGGYBACKING”  
OPTIONS IN PROCUREMENT PURSUANT TO SECTION 103 OF THE NEW YORK  
GENERAL MUNICIPAL LAW**

BE IT ENACTED by the Village Board of the Village of Cornwall-on-Hudson, Orange County, New York, as follows:

**SECTION 1. Title.**

This local law shall be referred to as the “Procurement Law”.

**SECTION 2. Purpose.**

The Village of Cornwall-on-Hudson seeks to exercise the local option set forth in section 103, subdivision 1, of the New York General Municipal Law, which authorizes the Village of Cornwall-on-Hudson to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law section 103 on the basis of either lowest responsible bidder or “best value” as defined in section 163 of the New York State Finance Law. This local law also authorizes the Village to award purchase contracts and service contracts on a “piggybacking” basis as authorized by General Municipal Law section 103, subdivision 16.

**SECTION 3. Local Law.**

New Chapter 28 of the Village Code is hereby adopted, with the following text:

§ 28 – 1 **Award to other than low bidder.**

A. The lowest responsible bidder shall be awarded a purchase or public works contract unless the village determines that it is in the best interests of the Village and its taxpayers to make an award to other than the low bidder through use of the "best value" option or the “piggybacking” option set out below. If a bidder is

not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

B. Best value purchasing. Pursuant to General Municipal Law section 103, the Village may award certain purchase contracts and contracts for services using the "best value" standard, as follows:

(1) Definition. For purposes of this section, "best value" means the basis for awarding contracts for purchases and services to the offeror that optimizes quality, cost, and efficiency, among responsive and responsible offerors.

(2) Applicability. The "best value" option may be used for purchase contracts involving an expenditure of more than \$20,000 and contracts for services involving an expenditure of more than \$35,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds set forth in General Municipal Law section 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

(3) Standards for best value. Goods and services procured and awarded on the basis of best value are those that the Village Board determines will be of the highest quality and most cost-efficient in the long term. 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: product or service features, quality, durability, reliability, product performance criteria, quality of craftsmanship, cost and extent of maintenance, useful lifespan, availability of replacement parts, availability of maintenance contractors, warranties, proximity to the end user if distance or response time is a significant factor, references, past performance, organization and staffing, and financial capabilities, and any other factors deemed relevant by the Village Board. Such basis may also identify a quantifiable factor for offerors that are small businesses, certified minority or women-owned business enterprises or service-disabled veteran-owned business enterprises, as defined in

the Executive Law, to be used in evaluation of offers for awarding contracts for services.

(4) 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 thoroughly and accurately documented.

§ 28 –2 **Award to lowest responsible bidder; Piggybacking exception.**

“Piggybacking” is permissible as an exception to the general bidding requirements set forth in subdivisions one, two and three of General Municipal Law section 103, and section 104 of the General Municipal Law. Consistent with General Municipal Law section 103, subdivision 16, the Village Board may make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment and supplies, may make such purchases, or may contract for such services related to the installation, maintenance, or repair of apparatus, materials, equipment or supplies as may be required through the use of a contract let by the United States of America or any Agency thereof, any State or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value and made available for use by other governmental entities.

**SECTION 4. Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 5. Conflict with other Laws.**

Where this article differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or

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federal government, the more restrictive or protective of the Village and the public shall apply.

**SECTION 6. Authority.**

This article is enacted pursuant to subdivisions 1 and 16 of section 103 of the New York State General Municipal Law and the Municipal Home Rule Law.

**SECTION 7. Rules and Regulations.**

The Village Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

**SECTION 8. Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**SECTION 9. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.