

VILLAGE OF TARRYTOWN  
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21<sup>st</sup> day of May, 2018, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendments to Chapter 47. Purchasing Procedures of the Code of the Village of Tarrytown. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

SECTION 1. PURPOSE.

To adjust and update the code to reflect our annual review of that policy as required by New York State law, as well as implementing a new section authorizing best value purchases, which are permitted under New York State law.

Chapter 47. Purchasing Procedures

Part 1. Procurement Policy

§ 47-1. Authorization of purchases.

Procurement of goods and services by the Village of Tarrytown shall be in conformance with the Village of Tarrytown's procurement policy, established under the provisions of New York State General Municipal Law Section 104-b, which shall be reviewed, updated if necessary and adopted by the Board of Trustees on an annual basis.

§ 47-2. Conformance with procedure required.

Claims for payment shall be audited by the Board of Trustees as provided pursuant to New York State Village Law Section 5-524.

§ 47-3. Applicability.

This chapter applies to all funds and departments of the village, and exceptions shall be made only when authorized by resolution of the Board of Trustees, or under emergency procurement under applicable provisions of New York State law.

§ 47-4. Shared Purchasing Initiatives.

Pursuant to resolution adopted by the Board of Trustees, the Village of Tarrytown may participate in shared purchasing initiatives, which they may authorize and add from time to time by resolution of the Board of Trustees.

Part 2. Best Value Procurement

§ 47-5. Purpose.

New York General Municipal Law § 103(1) allows the Village to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of "best value" as defined in § 163 of the New York State Finance Law. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality and longer product life can be documented.

§ 47-6. Award based on low bid or best value.

Purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or best value may be awarded so long as the award process complies with the terms of this chapter and General Municipal Law § 103.

§ 47-7. Definitions.

Whenever used in this article, the following terms shall mean:

#### **BEST VALUE**

The basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15, and 20 of § 310 of the Executive Law to be used in evaluation of offers for awarding of contracts for services.

§ 47-8. Requirements.

- A. A best value solicitation shall contain a specific notification that the solicitation will be analyzed and awarded in accordance with this best value. Such solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted.
- B. When the basis for award is based upon a best value offer, the Village Administrator and/or designee shall document the evaluation criteria and the process used to make such determination.

§ 47-9. Applicability.

- A. The provisions of this chapter apply to Village contracts involving an expenditure of more than \$20,000 for goods and Village contracts for services involving an expenditure of more than \$35,000, but exclude 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.

- B. If the dollar thresholds of General Municipal Law § 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.

§ 47-10. Standards for best value.

Goods and services procured and awarded on the basis of best value are those that the Village determines will be of the highest quality while being the most cost-efficient as offered by responsive and responsible bidders and offerors. 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.

§ 47-11. Documentation.

A contract that is awarded on the basis of best value instead of lowest responsible bidder shall be authorized only when the basis for determining best value is thoroughly and accurately documented.