

COUNTY OF JEFFERSON

Local Law Number of 2024

A LOCAL LAW AUTHORIZING BEST VALUE AWARD METHODOLOGY IN THE COMPETITIVE BIDDING PROCESS FOR PUBLIC CONTRACTS.

BE IT ENACTED by the County Legislature of the County of Jefferson as follows:

Section 1. Findings and Intent

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principals to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors. . . Taxpayers are not well served when a public procurement results in low unit cost at the onset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful life span, quality and options incentives for more timely performance and/or additional services. Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services. (NYS Assembly Bill Memo A08692, 2012)

Section 2. Definitions.

“Best Value” means the basis for awarding contracts for good and services to the offerer which optimizes quality, cost, and efficiency, among responsive and responsible offerers. In assessing best value, non-price factors can be considered when awarding the purchase contract. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. Such basis shall reflect, whenever 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 enterprises as defined in subdivision one, seven, fifteen and twenty of section three hundred ten of the Executive Law to be used in evaluation of offers for awarding of contracts for services. NYS Finance Law §163.

Section 3. Requirements

- A. Where the basis for award is the best value offer, the Jefferson County Purchasing Director (hereinafter "Purchasing Director") 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 processes and selection shall be conducted.
- B. The Purchasing Director shall establish a formal sealed competitive bidding procurement procedure in accordance with General Municipal Law and the County of Jefferson's procurement policy and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis of the award is best value, documentation in the procurement record shall, where practicable, include qualifications of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- C. The solicitation 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. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County of Jefferson in its determination of best value.
- D. Purchasing Director shall develop procedures that will govern the award of contracts on the basis of "best value". These procedures shall be included in the Jefferson County Administrative Code. Best value awards shall not be used for public works purchase contracts under Article 8 of the Labor Law, where otherwise prohibited by state law or in any circumstances where federal or state funding or contractual requirements contain separate competitive bidding requirements.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by a 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, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such order or judgement shall be rendered.

Section 5. Effective Date.

This Local Law Shall be effective immediately upon its filing with the New York State Secretary of State.