

LOCAL LAW NO. 3 of 2023
Town of Ossining

A Local Law known and cited as Procurement in the Town of Ossining

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Legislative Intent. The Town Board of the Town of Ossining seeks to exercise the option to award certain purchase and service contracts subject to competitive bidding under New York General Municipal Law § 103 on the basis of “best value” as defined in New York State Finance Law § 163, instead of strictly to the “lowest responsible bidder.” With the increased complexity of the goods and services that the Town must obtain in order to serve its residents and businesses, it is critical to consider selection and evaluation criteria which measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the Town’s performance requirements, including, but not limited to, selection factors such as useful lifespan, quality, and options and incentives for more timely performance and/or additional services. Further, the Town believes it would be beneficial to, when appropriate, engage in the practice of “piggybacking” off of contracts already awarded by other municipal entities in compliance with General Municipal Law § 103 that would serve the Town’s needs without the Town having to undertake the administrative time and cost of engaging in its own competitive bidding process. The efficiency of piggybacking is especially pertinent for the Town, which has several intermunicipal agreements for municipal services with the Village of Ossining; and therefore, utilizing contractors that the Village has contracted with would facilitate productive and effective transactions that would benefit the Town’s taxpayers.

SECTION 2. The Town Board hereby creates a new Chapter 42 of the Town Code entitled “Procurement” as follows:

§ 42-1. Contract award to lowest responsible bidder.

Except as otherwise provided in this Chapter, all contracts for public work and all purchase contracts involving the expenditure of a monetary sum exceeding the respective thresholds set forth in General Municipal Law § 103(1), as amended from time to time, shall be subject to the competitive bidding requirements of General Municipal Law § 103 and shall be awarded to the lowest responsible bidder furnishing the required security. If the lowest bidder is not deemed responsible, facts supporting that determination shall be documented and filed with the record supporting the procurement.

§ 42-2. Best value contracting permitted.

As an alternative to awarding contracts subject to competitive bidding under General Municipal Law § 103(1) to the lowest responsible bidder, if the Town Board determines it is in the best interest of the Town and its taxpayers, the Town may award applicable purchase contracts and contracts for services to a responsive and responsible bidder on the basis of "best value", as follows:

- A. Definition. For the purposes of this Section, "best value" means the basis for awarding contracts for purchases and services to the bidder that optimizes quality, cost, and efficiency among responsive and responsible bidders.
- B. Exclusion. The "best value" option may not be used for purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of New York Labor Law and any other contract(s) that State law may exclude in the future.
- C. Standards for best value. Goods and services procured and awarded on the basis of best value are those that the Town 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, financial capabilities, and any other factors deemed relevant by the Town Board. Such basis may also identify a quantifiable factor for bidders 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 bids for awarding contracts for services.
- D. 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.

§ 42-3. Piggybacking permitted.

- A. Definition. For the purposes of this Section, "piggyback" or "piggybacking" means making 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, through the use of a contract let by the United State of America or any agency thereof, any state or any other political subdivision or district (including, but not limited to, counties, towns, villages, school districts, etc.).
- B. The Town shall be permitted to piggyback when the following requirements are met:
 - (1) It must have been clearly stated in writing in the bid solicitation that the awarded contract is available for use by other municipal entities; and
 - (2) The contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with this Chapter and General Municipal Law.
- C. Upon meeting the aforementioned requirements, the Town may engaging in piggybacking without being required to comply with the competitive bidding requirements of General Municipal Law § 103.

§ 42-4. Inconsistent policies superseded.

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this article by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this Chapter.

SECTION 3. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law that can be given effect without such invalid provision.

SECTION 4. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING