

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Plattsburgh

Local Law No. 1 of the year 2022

A local law adding Article II entitled "Best Value Competitive Bidding and Procurement" to Chapter 64
(Insert Title)
"Finances" of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Plattsburgh as follows:

1. Chapter 64 "Finances" of the City Code of the City of Plattsburgh will be amended so that Article II entitled "Best Value Competitive Bidding and Procurement" is added and this new Article II will read as follows:

Chapter 64 "Finances"...Article II "Best Value Competitive Bidding and Procurement".

Section 64-2. Legislative Intent and Purpose

The intent of this Law is to allow the City of Plattsburgh the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or "best value" as defined in §163 of the New York State Finance Law.

Section 64-3. Authority

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the City of Plattsburgh to enter into contracts and engage in contracting for services.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 64-4. Best Value Competitive Bidding

A. Award Based on Best Value. The Common Council may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance Law §163. All contracts or purchase orders awarded based on best value bidding bases shall require Common Council approval.

B. Applicability. The provisions of this Local Law apply to City purchase contracts involving an expenditure of more than \$20,000 and City contracts for services involving an expenditure of more than \$35,000, but exclude and any other contract that may be excluded under State law from the best value option. If the dollar thresholds of New York General Municipal Law §103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be superseded by such as §103 and this Local Law shall be read as if the numbers are amended to conform to said §103.

C. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Common Council determines optimize quality, cost and efficiency among responsive and responsible bidders, as set forth in the Procurement Policy adopted by the City of Plattsburgh and as amended, hereafter and from time-to-time, by the Common Council.
2. Where possible, the determination 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.
3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors or the equipment and resources of the contractor; product life; product performance criteria; quality of craftsmanship; warranties; carbon emissions or sustainability.

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.

E. Piggybacking of Purchases. Notwithstanding the provisions of this Local Law, the City of Plattsburgh may, for purposes of public purchases for goods and services, utilize the provisions of General Municipal Law §103 with regard to so-called “piggybacking” of purchases. The City of Plattsburgh may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

1. Pursuant to General Municipal Law §103 the City of Plattsburgh may purchase through the bids solicited and bid lists generated by the United States Government and New York State (and its political subdivisions and School Districts) whenever such bids or bid lists are generated in a manner as complies with said §103.

2. If not a bid or list generated by a New York State governmental body or agency, then whenever such contract or bid lists were let in a manner consistent with or materially equivalent to the requirements of the State of New York as reflected in the policy and language of said §103.

3. The City may also piggyback upon any contract or foreign bid or bid list specifically approved for piggybacking through the New York State Office of General Services, as well as foreign bids and bid lists (mainly, of sister States) that meet the above criteria for piggybacking as set forth in this Local Law, immediately above.

F. Procurement Policy Superseded Where Inconsistent. Any inconsistent provision of the City's Procurement Policy, as adopted prior to the effective date of this Local Law by resolution of the Common Council, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

Section 64-5. Severability

If any clause, sentence, sub-paragraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

Section 64-6. Effective Date

This Local Law shall take effect immediately upon approval by the Common Council and Mayor and filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20²² of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh Common Council was duly passed by the _____ (Name of Legislative Body) on March 3 20²², and was ~~(approved)(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor (Elective Chief Executive Officer*) and was deemed duly adopted on March 3 20²², in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

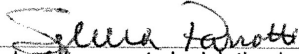
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 3, 2020

(Seal)