

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 Southport

Local Law No. 2 of the year 20²⁴

A local law Local Law No. 2 of 2024

(Insert Title)

Town of Southport Best Value Competitive Bidding Law

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Southport as follows:

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

(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. 2 of 2024 of the (County)(City)(~~Town~~)(Village) of Southport was duly passed by the Town Board on May 14 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.)

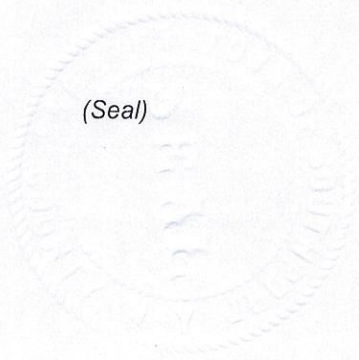
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.


Carolyn Renko

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

Date: 5/15/24

(Seal)

Resolution adopted by the Town Board of the Town of Southport at a meeting held thereof on May 14, 2024.

RESOLUTION NO. 78-2024

LOCAL LAW NO. 2 OF 2024
TOWN OF SOUTHPORT BEST VALUE COMPETITIVE BIDDING LAW

Resolution by: Gunderman
Seconded by: Mathews

WHEREAS, the Town Board of the Town of Southport wishes to allow the option to award certain purchase contracts, including contracts for services which are subject to competitive bidding under New York State General Municipal Law Section 103 on the basis of "best value" as defined in Section 163 of the New York State Finance Law which can allow for more cost efficiency over time and may possibly be served by awarding the lowest responsible bidder; and

WHEREAS, that this Local Law No. 2 of 2024, Town of Southport Best Value Competitive Bidding Law in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on May 14, 2024 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No.2 of 2024, Town of Southport Best Value Competitive Bidding Law, and is hereby enacted to wit:

LOCAL LAW NO. 2 OF 2024
TOWN OF SOUTHPORT BEST VALUE COMPETITIVE BIDDING LAW

Section 1. Title. The title of this Local Law shall be known and cited as "Town of Southport Best Value Competitive Bidding Law."

Section 2. Legislative Intent. New York State General Municipal Law Section 103 allows the Town to authorize by a Local Law for the award of certain purchase contracts, including contracts for service work, subject to competitive bidding under General Municipal Law Section 103, on the basis of "best value" as defined in Section 163 of New York State Finance Law or any state law superseding or amending said provision. The "best value" option may be used, for example, if it is more cost-efficient over time to award the goods or services to other than lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality, and longer product life can be documented. Even if the initial expenditure is higher, consideration is given to the total value over the life of the procurement resulting in a better value and long-term investment of public funds. In addition, this option can foster healthy competition to ensure that bidders will continue to strive for participation of small, minority- and women-owned businesses, and the development of environmentally preferable goods and services 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.

Section 3. Best Value. The Town Board may award purchase contracts after bidding, including contracts for services work, on the basis of "best value" as that term is defined in New York State Finance Law Section 163. "Best Value," in accordance with New York State Finance Law, means 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, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the Executive Law or service-disabled veteran-owned business enterprises as defined in subdivision one of section forty of the Veterans' Services Law to be used in evaluation of offers for awarding of contracts for services.

Section 4. Authority and Purpose. This Local Law is adopted pursuant to Section 103(1) of the New York State General Municipal Law, which allows the Town to authorize the award of certain purchase contracts, including contracts for services, subject to competitive bidding under the General Municipal Law Section 103 on the basis of "best value" as defined in Section 163 of the New York State Finance Law.

Section 5. Applicability. The provisions of this Local Law apply to Town purchase contracts, involving an expenditure of more than \$20,000 and Town 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 New York Labor Law and any other contract that may in the future be excluded under state law from the "best value" option. If the dollar thresholds of New York State 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.

Section 6. Standards for Best Value. Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost, and efficiency among responsive and responsible bidders or offerers. The determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids or offers. Where possible, such determination shall also be based upon and include a quantifiable basis of the same. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end use, if distance or response time is a significant term; durability, availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

Section 7. Documentation. A quote or proposal for a purchase or contract covered by this Local Law received pursuant to standard bidding procedures may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures shall be filed with the documentation supporting the subsequent purchase or public works contract. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining the best value shall be thoroughly and accurately documented.

Section 8. Inconsistency. Any inconsistent provisions of the Town procurement policy as adopted prior to the effective date of this Local Law, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

Section 9. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

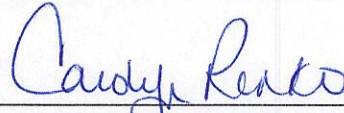
AYES: Gunderman, Hurley, Williams, Mathews, Roman

NOES: None

CARRIED.

I, Carolyn A. Renko, Town Clerk of the Town of Southport, New York, do hereby certify that I have compared the foregoing with the resolution duly adopted by the Town Board of the Town of Southport on the 14th day of May, 2024, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 15th day of May, 2024.



Carolyn A. Renko, Town Clerk