

Proposed Local Law Number 5 Of 2014

County Of Ulster

A Local Law Authorizing The Award Of Purchase And Service Contracts On The Basis Of Best Value Criteria Pursuant To New York State General Municipal Law And New York State Finance Law

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. SHORT TITLE.

This Local Law shall be known as the “Ulster County Best Value Procurement Law.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.

The intent of this Local Law is to authorize the use of Best Value criteria when awarding purchase and service contracts consistent with section 103 of the New York State General Municipal Law and section 163 of the New York State Finance Law. Use of Best Value criteria is intended to provide the County greater flexibility in awarding contracts and ensure that the County obtains the highest quality goods and services at a low cost. Awarding contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsive and responsible vendors/offers.

SECTION 3. DEFINITIONS.

Whenever used in this local law, the following terms shall mean:

- a. **County.** Ulster County, New York
- b. **Director of Purchasing.** The Director of Purchasing for the County of Ulster, New York.
- c. **Procuring Agency.** The unit of County government procuring a commodity, technology or service.
- d. **Purchase Contracts.** Contracts for goods, commodities and equipment, including technology.

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- e. **Service or Services.** The performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange.
- f. **Best Value.** The basis for awarding contracts for purchases and/or services to a responsive and responsible vendor/offeror and/or bidder who optimizes quality, costs and efficiency for the County based upon objective and quantifiable analysis whenever possible. Such basis may also identify a quantitative factor for vendors/offerors that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §§310 (1),(7),(15) and (20) and as may be amended.

SECTION 4. REQUIREMENTS.

1. When the basis for award is based upon Best Value, the Director of Purchasing and/or his or her designee shall document the evaluation criteria and the process used to make such determination.
2. Whenever possible, the evaluation shall be based upon objective and quantifiable factors and shall not be based solely on cost. Whenever possible and applicable, factors including, but not limited to, quality, reliability, maintenance, useful lifespan and performance shall be evaluated.
3. The process for procurements based upon Best Value or general evaluation criteria shall be identified in the County's Procurement Policy, a copy of which shall be maintained in the Department of Purchasing and be made available to the public.
4. The solicitation documents shall state the minimum requirements and specifications that must be met in order for the vendor/offeror to be deemed responsive and responsible; and shall, additionally identify the general procedure and manner in which the evaluation and selection shall be conducted. All such requirements shall remain consistent with the County's procurement policy.

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5. The Director of Purchasing and/or his or her designee shall make every effort to ensure that the solicitation documents, evaluation criteria and procedure for awarding purchase and services contracts on the basis of Best Value complies with the County's procurement policy, local, state and/or federal rules, regulations and/or laws.

SECTION 5. EFFECTIVE DATE.

This local Law shall take effect upon filing in the Office of the Secretary of State.