

RESOLUTION NO. 207-13

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 5  
FOR THE YEAR 2013 AND CALLING FOR A PUBLIC HEARING**

**WHEREAS**, Supervisor Degear has duly introduced proposed Local Law No. 5 for the year 2013, entitled "LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE"; and

**WHEREAS**, a copy of said proposed local law has been furnished to each Supervisor;

**NOW, THEREFORE BE IT RESOLVED**, that a public hearing be held on the proposed Local Law in the Chambers of the Board of Supervisors at the Madison County Office Building in Wampsville, New York on Tuesday, August 13, 2013 @ 2:30 p.m.; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing date.

**DATED: July 9, 2013**



---

**Daniel Degear, Chairman  
Government Operations Committee**

COUNTY OF MADISON

LOCAL LAW NO. 5 OF THE YEAR 2013

**LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE**

Be it enacted by the Madison County Board of Supervisors as follows:

Section 1. Title: This law shall be known as the "Local Law to Authorize Purchasing Based on Best Value".

Section 2. Declaration of Intent: General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Madison County Board of Supervisors hereby determines that it is in the best interest of the County of Madison and its residents for the Madison County Purchasing Agent (hereafter referred to as "Purchasing Agent") to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:

- (a) lowest cost of maintenance for good(s) or service(s);
- (b) durability of good(s) or service(s);
- (c) higher quality of good(s) or service(s); or
- (d) longer product life of good(s) or service(s)

Section 3. Authority: On and after the effective date of this law, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

- a. Where the basis for award is the best value offer, Purchasing Agent 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 process and selection shall be conducted.
- b. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.

c. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Madison County Purchasing Policy.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any 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, 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 5. Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 262-13

ADOPTING LOCAL LAW NO. 5 FOR THE YEAR 2013

**WHEREAS**, there has been duly introduced Local Law No. 5 for the year 2013 entitled "LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE"; and

**WHEREAS**, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on August 13, 2013;

**NOW, THEREFORE BE IT RESOLVED**, that Local Law No.5 for the year 2013 be and the same is hereby adopted.

**DATED: August 13, 2013**



---

**Daniel Degear, Chairman  
Government Operations Committee**