

**AGENDA**

**FIRST EMERGENCY SESSION**

**JULY 26, 2021**

9:30 AM      Call to Order  
                 Pledge to Flag  
                 Opening Prayer  
                 Roll Call

Public Comment Period

Reports of Standing/Special Committees

**RESOLUTION:**

**Finance Committee:**

No. 1            A Local Law Adopting the Hamilton County Best Value Procurement Law

**RESOLUTION NO.**

**A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE  
PROCUREMENT LAW**

**DATED: JULY 26, 2021**

**BY**

BE IT RESOLVED, that proposed Local Law No. 2 of the year 2021 entitled respectively, "A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE PROCUREMENT LAW" be and the same is hereby introduced to the Board of Supervisors, and be it further

RESOLVED, that the copies of the aforesaid proposed Local Law be laid upon the desks of each member of the Hamilton County Board of Supervisors, and be it further

RESOLVED, that the Hamilton County Board of Supervisors shall hold a public hearing on said proposed Local Law at the County Office Complex, Route 8, Lake Pleasant, New York, on the 5<sup>th</sup> day of August, 2021, at 11:00 a.m., and be it further

RESOLVED, that the Chairman of the County Board of Supervisors publish or cause to be published a public notice in the official newspaper of the County of said public hearing at least five (5) days prior thereto.

Seconded by

**PROPOSED LOCAL LAW NO. 2 OF 2021**

State of New York  
County of Hamilton

**A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE  
PROCUREMENT LAW**

BE IT ENACTED by the County of Hamilton as follows:

**SECTION 1. Name of Local Law**

This law shall be known as “Hamilton County Best Value Procurement Law”.

**SECTION 2. Findings and Intent**

General Municipal Law § 103 provides local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The state requires a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to Hamilton County in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality’s performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities’ needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much needed flexibility in obtaining important goods and services at favorable process, and will reduce the time to procure such goods and services.

### SECTION 3. Definitions

“Best value” 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 or certified minority or women-owned business enterprises as defined in the executive law to be used in evaluation of offers for awarding of contracts for services.

### SECTION 4. The Best Value Award Methodology

When developing solicitation documents for competitive bids for the award of purchase contracts for goods and contracts for service work, a department head may and subject to the requirements herein below set forth and the applicable requirements set forth in the Hamilton County Procurement Policy, determine that an award of a purchase contract or applicable service contract shall be based upon best value methodology.

### SECTION 5. Requirements

Where the basis for award of a purchase contract will be the best value offer, the department head shall in all instances:

- A. Where the basis for award is the best value offer, the department head 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. The department head shall select a formal competitive procurement process in accordance with guidelines established by the state procurement council and the Hamilton County Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the

solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.

#### SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

#### SECTION 7. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.