

**RESOLUTION INTRODUCING PROPOSED LOCAL
LAW NO. 2 OF 2026 ENTITLED 'TOWN OF JAY
BEST VALUE PROCUREMENT LAW'**

The following resolution was offered by Councilperson Mc Brady, who moved its adoption.

BE IT RESOLVED that the Town of Jay hereby introduces proposed Local Law No. 2 of 2026 entitled "Town of Jay Best Value Procurement Law," reading and provided as follows:

"TOWN OF JAY LOCAL LAW NO. 2 OF 2026"

A local law authorizing the use of a Best Value Award methodology for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the bases of best value, as authorized in section 103 of the General Municipal Law and as defined in section one hundred sixty-three of the state finance law.

BE IT ENACTED, by the Town Board of the Town of Jay as follows:

Section 1. Name of local law

This law shall be known as "Town of Jay Best Value Procurement Law."

Section 2. Findings and Intent

The State Legislature and Governor amended General Municipal Law §103 on January 27, 2012 to provide 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 legislation requires counties with a population of less than one million to pass a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to localities 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 prices, 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 subdivisions one, seven, fifteen and twenty of section three hundred ten of 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, the Purchasing Agent may, and subject to the requirements herein below set forth and the applicable requirements set forth in the Town of Jay Purchasing Policy, determine that an award of a purchase contract or applicable service contract shall be based upon best value methodology. In making such determination, the Purchasing Agent shall consider the recommendations, if any, of the department head or designee of the department head the purchase

contract is being procured for. The department head or designee shall, in all instances, obtain the approval of the Purchasing Agent to utilize the best value methodology prior to issuance of the competitive bid documents.

Section 5. Requirements

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

- A. Where the basis for award is the best value offer, the 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. The Purchasing Agent shall select a formal competitive procurement process in accordance with guidelines established by the state procurement council and the Town Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, a 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.
- D. The Purchasing Agent shall develop procedures with the approval of the Town Attorney and Town Board that will govern the award of contracts on the basis of best value. These procedures, once approved by the Town Attorney and Town Board, will be incorporated in the Town of Jay Procurement Policy and reviewed annually by the Board of Supervisors in conjunction with its annual review and approval of the County's Procurement Policy.

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 any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 judgment shall be rendered.

Section 7. Effective Date

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

6:45 7:00 **BE IT FURTHER RESOLVED** that the Town of Jay shall hold and conduct a public hearing on the foregoing proposed local law on the 22 day of June, 2026, at 6:45 7:00 o'clock in the forenoon of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Town Clerk will publish a notice of such hearing in the designated County newspaper at least five days prior to said hearing.

This resolution was duly seconded by Councilperson Sauer, and adopted upon a roll call vote as follows:

	<u>Vote</u>
Supervisor Stanley	<u>yes</u>
Councilperson Dwyer	<u>yes</u>
Councilperson Forbes	<u>yes</u>
Councilperson McDonald	<u>yes</u>
Councilperson Sauer	<u>yes</u>