

**NOTICE OF PUBLIC HEARING
COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. ONE FOR THE YEAR 2018**

NOTICE IS HEREBY GIVEN, that the Steuben County Legislature will hold a Public Hearing at the Steuben County Legislative Chambers, Steuben County Office Building, Bath, New York on the 26th day of February, 2018, at 10:00 a.m. upon County of Steuben Local Law Tentatively No. One for the Year 2018, Authorizing Purchase and Service Contracts to be Awarded on the Basis of Best Value Methodology pursuant to NYS General Municipal Law and Finance Law.

Said Local Law is as follows:

Section 1. Legislative Intent

The intent of this Local Law is to authorize Steuben County to use the Best Value basis, as authorized in Section 103 of New York's General Municipal Law and Section 163 of New York's Finance Law, when awarding applicable purchase and service contracts and excepting those specifically excluded in General Municipal Law Section 103. The use of Best Value is to provide Steuben County more flexibility and an alternative methodology in awarding contracts to ensure that public funds are being used to procure the highest quality goods and services at the lowest available costs while promoting competition, fairness, and efficiency in awarding contracts to responsive, responsible vendors/offerors and/or bidders. Best Value procurement links the procurement process to the County's performance requirements; including, but not limited to, selection factors such as useful lifespan and quality.

Section 2. Definitions

As used in this local law, the following terms shall have the following meanings:

- a. **County.** Steuben County, New York
- b. **Director of Purchasing.** The Director of Purchasing for the County of Steuben, State of New York.
- c. **Purchase Contracts.** Contracts for goods, commodities and equipment, including technology.
- d. **Service and/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.
- e. **Best Value.** 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 three hundred sixty-nine-h of the executive law to be used in evaluation of offers for awarding of contracts for services.

Section 3. Best Value Award Methodology Requirements

- A. Where the basis for award is the Best Value offer, the Director of Purchasing 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 Director of Purchasing shall select a formal competitive procurement process, in accordance with guidelines established by New York State General Municipal Law, other relevant State Laws and the County's Procurement Policy, and document the 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 offerors 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 Director of Purchasing shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the Steuben County Procurement Policy and all awards based on Best Value shall be made by the appropriate Legislative committee, if applicable, and the Administration Committee of the Steuben County Legislature.
- E. In the event that no best value election has been made, purchase contracts will continue to be awarded to the lowest responsive and responsible bidder.

Section 4. 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 5. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule and section 2.08 of the Charter of the County of Steuben.

ALL PERSONS ARE INVITED TO ATTEND AND BE HEARD.
"BY ORDER OF THE STEUBEN COUNTY LEGISLATURE"

Dated: February 12, 2018
Village of Bath, New York

BRENDA K. MORI
Clerk of the Legislature
County of Steuben
3 East Pulteney Square
Bath, New York 14810