

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one)

of Shawangunk, Ulster County, New York

Local Law No. 1 of the year 20²⁴

A local law Authorizing Best Value Purchasing
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one)

of Shawangunk as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Be it enacted by the Town Board of the Town of Shawangunk, Ulster County, New York, as follows:

The Code of the Town of Shawangunk hereby is amended to add a new Chapter 58 entitled Authorizing Best Value Purchasing.

Section 1. General Provisions

Section 1.1 Purpose/Authority

This local law provides for the Shawangunk Town Board to exercise its local option authorized by § 103, Subdivision 1 and Subdivision 16 of the New York Municipal Law. This amendment authorizes the Town to award purchase and service contracts subject to competitive bidding under General Municipal Law § 103 based on either lowest responsible bidder or “best value”, as defined in § 163 of the New York State Finance Law. This best value option may be, but is not required to be, used to award an applicable purchase contract for either goods or services to optimize quality, cost and efficiency among responsive and other responsible offerors instead of the lowest responsible bidder.

This local law is authorized also by the New York Municipal Home Rule Law, the Statute of Local Governments and other enabling authority.

Section 1.2 Basis for award

In accordance with § 103, Subdivisions 1 and 16 of the New York General Municipal Law, Town Boards may award contracts, including both purchase contracts and those contracts for service work, that otherwise would have been procured pursuant to competitive bidding under General Municipal Law § 103, by either lowest responsible bidder or best value. All awards based upon best value shall require Town Board approval.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described as documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

Section 1.3 Applicable Contracts

These sections apply to purchase contracts involving an expenditure of more than \$20,000 including contracts for service work, but excluding any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law as well as excluding any other contracts in accordance with state law as may be amended. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds. Additionally, this local law shall also apply to matters where competitive bidding is not required per General Municipal Law § 103. See Section 1.5 below.

Section 1.4 Documentation

A quote or proposal received pursuant to standard bidding procedures, may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the subsequent purchase or public works contract. When a contract is awarded on the basis of best value rather than a lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

Section 1.5 Procurement Policy

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this chapter by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Section 2 Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Shawangunk hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent. The determination of a court of competent jurisdiction that any provision of this local law is unenforceable, invalid, void, unconstitutional or in conflict with other laws shall not in any way affect the enforceability of validity of any of the other provisions contained herein.

Section 3 Repealor

All resolutions, ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4 Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

BE IT ENACTED THIS 15th DAY OF February 2024 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK

KENNETH J. RONK JR., SUPERVISOR
ADRIAN M. DEWITT, COUNCILMAN
BRIAN AMTHOR, COUNCILMAN
ALEX DANON, COUNCILMAN
JOSEPH E. LOCICERO, COUNCILMAN

Jane P. Rascoe
JANE P. RASCOE, TOWN CLERK
TOWN OF SHAWANGUNK

TOWN SEAL:



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Shawangunk, NY was duly passed by the Town Board on February 15 2024, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Jane P. Rascoe
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
JANE P. RASCOE TOWN CLERK
Date: 2/20/2024

(Seal)



