

TOWN OF WALES

LOCAL LAW INTRO NO. ~~4~~⁶-2012

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A LOCAL LAW, TO AMEND LOCAL LAW 1-1993 KNOWN AS "ADOPTION OF CODE", ADOPTED BY THE TOWN BOARD OF THE TOWN OF WALES ON MAY 11, 1993, BY ESTABLISHING A NEW CHAPTER ENTITLED "GOVERNMENTAL OPERATIONS" REGARDING PUBLIC BIDDING.

BE IT ENACTED BY THE TOWN BOARD AS FOLLOWS:

1. SECTION LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as "Adoption of Code" adopted by the Town of Wales on May 11, 1993, as amended, relating to the administrative, legislative and general legislation of Codes within the Town of Wales as therein set forth.

Pursuant to General Municipal Law Section 103(1), as amended by L. 2011, c. 608 and L. 2012, c.2, the Town is authorized to adopt a local law which would permit the Town to use the "best value" standard in awarding purchase contracts by competitive bidding or accepting offers for purchase. The Town of Wales determines that it is in the best interests of the Town that such legislation be enacted, and that such standard be used in the Town where appropriate for the award of such contracts.

SECTION 2.

The Codes of the Town of Wales are hereby amended by adding thereto the following new Chapter 66 to be identified as “Governmental Operations”.

Section 66-1. Purchase contracts.

Notwithstanding any other provision with respect to purchase contracts by competitive or purchase proposals, and pursuant to the provisions of General Municipal Law Section 103(1), the Town of Wales may award such purchase contracts and proposals to a responsive and responsible bidder or proposer on the basis of “best value”.

Section 66-2. Definition of best value.

The definition for “best value” as used herein shall be in accord with the definition set forth in New York State Finance Law Section 163(j), now enacted or hereafter amended, which definition identifies the term “best value” to mean the basis for awarding contracts for purchase to the offerer which optimizes equality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

SECTION 3.

If any clause, sentence, paragraph, or section of this Local Law shall be held invalid by any Court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.