

Intro No 4
Local Law No. ____ of 2019

**A LOCAL LAW AMENDING CHAPTER 112
OF THE HUDSON CITY CODE**

Section 1. Title.

This local law shall be known as Local Law No. ____ for the year 2019.

Section 2. Legislative Findings.

The Common Council of the City of Hudson seeks to exercise their local option pursuant to New York General Municipal Law §103(1), as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2013, which authorizes a municipality to award purchase contracts and contracts for services subject to competitive bidding on the basis of the lowest responsible bidder or best value as defined in §163 of the New York State Finance Law, in order to provide the greatest measure of flexibility in its public bidding procedures and to ensure the best value and price for the residents of the City of Hudson.

Section 3. Legislative Intent.

It is the intent of the Common Council to amend Chapter 112 of the Hudson City Code to add §112-2, which shall provide the City with the authority to award purchase contracts and contracts for services subject to competitive bidding on the basis of the lowest responsible bidder or best value as defined in General Municipal Law §103(1) and §163 of the New York State Finance Law.

Section 4. Statement of Authority.

This local law is authorized by the Municipal Home Rule Law §10, General Municipal Law §103, and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 5. Amendment to the Code of the City of Hudson.

Chapter 112 of the Hudson City Code is hereby AMENDED by ADDING the following provision:

§112-2. Bidding of Public Contracts.

A. Purpose

The City of Hudson hereby exercises their local option pursuant to §103, Subdivision 1 of the New York Municipal Law, as amended by Chapter 497 of the Laws of 2013, which authorizes municipalities to award purchase and service contracts, subject to competitive bidding under General Municipal Law § 103, based upon either the lowest responsible bidder or "best value," as defined in §163 of the New York State Finance Law. This "best value" option may, but is not required to be, used to award an applicable purchase and service contracts to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder

B. Basis for award

In accordance with §103, Subdivision 1 of the New York General Municipal Law, as amended by Chapter 497 of the Laws of 2013, the City of Hudson may award contracts, including both purchase contracts and those contracts for service work, that have been procured pursuant to competitive bidding under General Municipal Law §103 by either lowest responsible bidder or "best value". Goods and services procured and awarded on the basis of best value pursuant to General Municipal Law §103 (16) are those that the City of Hudson 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 and 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; and longer product life; product performance criteria; and quality of craftsmanship.

C. Applicable Contracts

These sections shall apply to all purchase contracts, both those involving an expenditure of more than \$20,000 including contracts for service work (i.e. building services under Article 9 of the Labor Law and utility services), 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 future state law. If the dollar including contracts for service work (i.e. building services under Article 9 of the Labor Law and utility services), 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 future state law. 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.

D. Documentation

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.

E. General Municipal Law §103 Purchases

Notwithstanding the provisions of this Local Law, the City of Hudson may, for purposes of public purchases, utilize the provisions of General Municipal Law ("GML") §103 with regard to so-called "piggybacking" of purchases. The City of Hudson may piggyback whenever allowed by law, including but not limited to, the following situations and criteria:

1. Pursuant to General Municipal Law §103 the City of Hudson may purchase through the bids solicited and bid lists generated by the United States government and New York State (and its political subdivisions and school districts) whenever such bids or bid lists are generated in a manner as complies with said GML §103. A quote or proposal received pursuant to standard bidding procedures let out by the United States or any agency thereof, any state or any other political subdivision or district therein, may be awarded on either a best value or lowest responsible bidder standard;
2. If not a bid or list generated by a New York State governmental body or agency, then whenever such contract or bid lists were let in a manner consistent with or materially equivalent to the requirements of the State of New York as reflected in the policy and language of said GML §103;
3. The City may also piggyback upon any contract or foreign bid or bid list specifically approved for piggybacking through the New York State Office of General Services, as well as foreign bids and bid lists (mainly, of sister states) that meet the above criteria for piggybacking as set forth in sections §112(E)(1) or (E)(2) herein.

F. Procurement Policy

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

Section 6. Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 7. Effective Date.

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced _____

Seconded _____

Approved _____

By: _____
Rick Rector, Mayor