

# 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 St. Johnsville

Local Law No. 2 of the year 2022

A local law to Adopt a 'Best Value' Standard for Purchase Contracts, Public Works Contracts, and  
(Insert Title)  
Quote Solicitations Under the Village of St. Johnsville Procurement Policy

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

County  City  Town  Village  
(Select one.)

of St. Johnsville as follows:

AS ATTACHED

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

(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. 2 of 2022 of the ~~(County)(City)(Town)~~ (Village) of St. Johnsville was duly passed by the Board of Trustees on June 21 2022, 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 \_\_\_\_\_ 20   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 \_\_\_\_\_<sup>1</sup> above.

*[Handwritten Signature]*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date *6/22/22*

(Seal)

## LOCAL LAW NO. 2 OF 2022

A Local Law to Adopt a 'Best Value' Standard for Purchase Contracts, Public Works Contracts, and Quote Solicitations Under the Village of St. Johnsville Procurement Policy.

I. FINDINGS. The Village of St. Johnsville Board of Trustees finds, except for construction projects under Article 8 of the Labor Law or as may not otherwise be allowed by law, that the use of a 'best value' standard, as opposed to 'lowest responsible bidder' standard, for purchase contracts, public works contracts and quote solicitations, and authorized in a 2012 amendment to Chapter 608 of the Laws of 2012, will better serve the overall interests of both local taxpayers and operations of the various Village departments.

II. DEFINITIONS. The following definitions shall apply for the purposes of this local law and the local procurement policy, to wit:

A. Best Value. The awarding of purchase contracts, public works contracts, and quote solicitations under the local procurement policy on the basis of an *optimization* of quality, cost and efficiency notwithstanding that competitive bidding may not otherwise be required.

B. Optimization. The good faith consideration of such applicable objective and quantifiable factors for purchase contracts, public works contracts, quote solicitations and services as, but not limited to, cost; size of business; location of business; reputation of product; efficiency of product for the desired purpose; certification as a minority or women-owned business enterprise as defined in Executive Law 310; whether initial investment will

ultimately result in cost savings, higher quality products, or greater efficiency; and, the responsiveness and responsibility of an offeror/bidder.

III. REQUIREMENTS. The following shall be satisfied under the 'best value' standard, to wit:

A. An optimization justification analysis for the purchase or quote selection shall be documented regardless of whether competitive bidding is required.

B. When competitive bidding is not required RFPs (Request For Proposal) shall be used and advertised when it would be more prudent to do so for purchase of the particular product, work, or service.

IV. EFFECTIVE DATE. This local law shall become effective upon its filing with the Secretary of State.

**PROCUREMENT POLICY**  
**Village of St. Johnsville**  
**Amended and Adopted May 17, 2022**

**1. PURPOSE**

The Village of St. Johnsville Board of Trustees recognizes that the establishment of formal policies and procedures regarding the purchasing process, while also legally required, will help protect local taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for situations both in which competitive bidding is required by General Municipal Law 103 and small procurement and other situations when competitive bidding is not required pursuant to General Municipal Law 104-b. The public trust is insured by establishing standard methods for official use.

**2. GENERAL POLICY**

A. As a general principal, competitive bids or quotations shall be solicited in connection with all purchasing, when possible. Both competitive bid and quote solicited contracts shall be awarded on the basis of 'best value' that complies with specifications, stipulated bidding conditions, and the requirements of a local law adopted for that purpose.

B. Cooperative purchasing with a nearby governmental unit, including school districts, may be sought when advantageous to the Village. Such purchasing shall be by contract and adhere to applicable state law, rules, regulations and other provisions of this policy. There can be no cooperative purchases with private entities.

**3. SEALED BIDS**

A. Competitive sealed bids are required for general 'purchase' contracts involving the acquisition of commodities, materials, supplies, or equipment of at least \$20,000.00 and for 'public works' contracts involving services, labor, or construction in the amount of \$35,000.00 or more. In determining the applicability of these limits, the total annual purchases by the village for the item(s) in question shall be used.

B. Sealed bids will be solicited by public advertisement authorized by the Board of Trustees. All sealed bids shall be received and securely held by the Clerk-Treasurer. At the appropriate time, the Clerk-Treasurer shall open all bids received in time to meet the requirements of the resolution authorizing the bid advertisement. The results of the bid opening shall be recorded and forwarded to the appropriate department head(s) for review. Recommendations for the award of all such contracts shall be submitted to the Board by the affected department head. All such contracts must be awarded by Board of Trustees Resolution.

#### 4. EXCEPTIONS TO SEALED BID REQUIREMENTS

Note. All of the below sections of law shall be reviewed prior to reliance on a listed exemption to insure that all necessary and required factors are considered.

A. Pursuant to General Municipal Law 103.

1. Emergencies.

Purchases made in response to public emergencies as defined by and in accordance with General Municipal Law 103(4). The Resolution of the Board or the Order of the Mayor authorizing the purchase shall clearly define the existence and conditions of said emergency and all attempts shall be made to make purchases on the basis of 'best value'.

2. 'Piggybacking'.

3. County contracts.

4. Sole source.

5. Professional services.

The acquisition of professional services and services requiring special or technical skill, training, or expertise and are not purchase contracts or contracts for public works. In order to secure professional services at the lowest possible cost, the village shall attempt to secure three (3) written quotations through a request for proposal (RFP). The issuance of an RFP shall be approved by the Board. In the case of quotations received as a result of an RFP, the Board may consider factors such as expertise, staffing, and suitability for needs, in addition to price, in reaching its decision. The Board of Trustees shall have the right to negotiate on a fair and equal basis.

6. True leases.

7. Insurance.

8. Surplus/second hand materials, supplies and equipment.

9. Food and Milk purchases.

10. Municipal Hospital or Nutrition Program purchases.

B. Pursuant to General Municipal Law 104.

1. State contracts and certain Federal contracts. Board approval is still required.

IC. Pursuant to other legal provisions.

1. Preferred sources in accordance with State Finance Law 162 and/or Corrections Law 184 and 186.

2. Co-operative inter-municipal purchasing in accordance with General Municipal Law 99-r.

## 5. OTHER PURCHASES

A. Despite the lack of legal requirements, it remains important that procurement through general 'purchase' contracts below \$20,000.00 and 'public works' contracts below \$35,000.00 be made on the basis of 'best value' as defined in a local law to that effect. To achieve this goal, each public officer or public official engaged in any such purchase shall make all reasonable attempts to secure quotations.

B. Purchase Contracts

Up to \$1,999.99	- no quotes required, but are strongly suggested
\$2,000.00- \$9,999.99	- minimum two (2) verbal quotes
\$10,000.00- \$34,999.99	- three (3) written quotes, to be awarded by Board Resolution to the 'best value' quote

C. Contracts for Public Works

Up to \$1,749.99	- no quotes required, but are strongly suggested
\$1,750.00 - \$8,749.99	- minimum two (2) verbal quotes
\$8,750.00- \$34,999.99	- three (3) written quotes, to be awarded by Board Resolution to 'best value' quote

D. Each public officer or official engaged in purchasing for B. and C. above shall take care to document his/her steps leading to a purchase regarding either the securing of quotations. Such documentation shall include telephone logs and notes.

E. Purchases of all office supplies, cleaning supplies, and paper supplies will be handled through the Village Office. All catalog purchases will be cleared through the Village Office to make sure funds are available.

F. Contracts of \$375.00 or more for either 'purchases' or 'public works' should be discussed with the Village Board or at least one (1) member of a Committee of Trustees charged with overseeing that department (if such Committees are appointed by the Mayor).

G. The Board may institute the use of a purchasing log or purchase orders as seems appropriate or adopt provisions, or a local law, to implement 'standardized purchasing'.



## **6. INSPECTION OF RECORDS**

The Clerk-Treasurer and/or his/her designated Deputy may annually inspect the records of each department and officer to insure compliance with this purchasing policy. The results of such inspections shall be reported to the Board of Trustees.

## **7. CONFLICT OF INTEREST**

A. No Board of Trustees member, officer, or employee of the Village or their respective spouse, minor child or dependent (except a contract of employment with the Village for which lawful compensation may be paid) shall have any financial interest in any contract entered into by the Board.

B. In addition, none of those mentioned in the preceding paragraph may accept any gratuities, financial or otherwise from any supplier of materials or services to the Village, except as provided in the Code of Ethics.

## **8. ADOPTION, AMENDMENT, AND REVIEW**

A. This policy replaces the amended Purchasing Policy adopted by the Board of Trustees on April 2, 2007 and any subsequent amendments to that policy. As soon as practical after adoption, copies of this policy and any subsequent amendments shall be distributed to all department heads and (i)thew involved in the purchasing process This policy may be amended at any Board of Trustees meeting with the effective date of the amendment noted.

B. This policy should be reviewed no less than biannually by the Board of Trustees at its Organizational Meeting.

History. First adopted by the Board of Trustees at its organizational meeting of April 10, 2006. Policy amended and readopted April 2, 2007.