

LOCAL LAW NO. 1 OF THE YEAR 2014

OF THE VILLAGE OF LIMA

Be it enacted by the Village Board of the Village of Lima as follows:

SECTION 1. TITLE AND SCOPE

- A. This local law shall be known as “A LOCAL LAW AUTHORIZING THE VILLAGE OF LIMA TO AWARD PURCHASE CONTRACTS, INCLUDING CONTRACTS FOR SERVICE WORK, BUT EXCLUDING ANY PURCHASE CONTRACTS NECESSARY FOR THE COMPLETION OF A PUBLIC WORKS CONTRACT PURSUANT TO ARTICLE 8 OF THE LABOR LAW, ON THE BASIS OF BEST VALUE, AS DEFINED IN SECTION 163 OF THE STATE FINANCE LAW, TO A RESPONSIVE AND RESPONSIBLE BIDDER OR OFFER.”

SECTION 2. PURPOSE

- A. Section 103 of the General Municipal Law requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications of the project; and
- B. Section 103 was recently amended to provide that by enacting a Local Law so providing, counties and other municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer; and
- C. The Village of Lima hereby determines that it is in the best interest of the Village and its residents for the Village Board to have authority to award purchase contracts on the basis of best value.

SECTION 3. AUTHORIZATION

- A. On and after the effective date hereof, the Village of Lima may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder or offer.

- B. The election to award any such contract on the basis of best value shall be made by the Village Board which authorizes the solicitation for bids.
- C. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing the required security.

#### SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local 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 to which such order or judgment shall be rendered.

#### SECTION 5. EFFECTIVE DATE

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.