

Village of Watkins Glen, New York

LOCAL LAW NO. 1 OF THE YEAR 2016

A Local Law entitled Exception to Competitive Bidding

Be it enacted by the BOARD OF TRUSTEES of the

Village of Watkins Glen as follows:

A Local Law to authorize the use of a Best Value award methodology in the competitive bidding process, for 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 NYS Labor Law) in accordance with General Municipal Law ("GML") Sections 103(1), 103(16) and the NY Municipal Home Rule Law.

Section 1. Applicability

The following specific procurement policy is intended to apply only to goods and services where the Village wishes to make procurements under GML Section 103(1) through the basis of best value and/or under GML Section 103(16) through the basis of best value and procurements let by other governmental entities, including the United States or any agency thereof, the State of New York and any political subdivision thereof, in a manner consistent with GML Section 103.

Section 2. Policy.

(a) Many local governments have been approached by vendors offering goods and services under contracts, and in some cases, vendors have asserted that the contract falls within the exception in GML Section 103(1). Pursuant to GML Section 103(1) and the NY Municipal Home Rule Law, the following must be present in order for GML Section 103(1) to apply to specific contracts approved by the Village, which would otherwise be subject to public bidding, but for this Local Law:

1. The contract must be a purchase contract (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law.).
2. The contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section.
3. The contract must be consistent with GML Section 103.

(b) Many local governments have been approached by vendors offering goods and services under other government contracts, and in some cases, vendors have asserted that the contract falls within the exception in GML Section 103(16). Pursuant to GML Section 103(16) and the NY Municipal Home Rule Law, the following must be present in order for GML Section 103(16) to apply to specific contracts approved by the Village, which would otherwise be subject to public bidding, but for this Local Law:

1. The contract must be let by the United States or any agency thereof, the State of New York or any political subdivision or district therein.
2. The contract must have been made available for use by other governmental entities.
3. The contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section.
4. The contract must be consistent with GML Section 103.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

(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 2016 of the (County)(City)(Town)(Village) of Watkins Glen was duly passed by the Board of Trustees on March 21, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)(repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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)(repassed after disapproval) by the on 20. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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)(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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.)~~

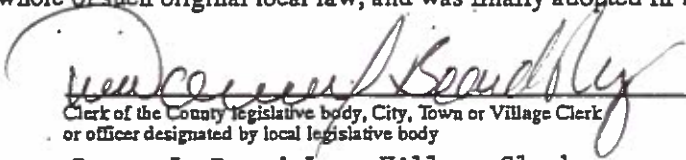
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

Donna J. Beardsley, Village Clerk

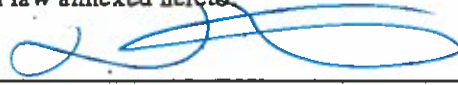
Date: March 24, 2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SCHUYLER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature David H. Ealy

Village Attorney
Title

County
City
Town of Watkins Glen
Village

Date: March 7 2016