

Resolution offered by Mayor Spinello and seconded by

LOCAL LAW 04-2015

BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT

BE IT ENACTED by the **GLEN COVE CITY COUNCIL** as follows:

Section 1. Title

This Local Law shall be known as the "City of Glen Cove Local Law Authorizing Best Value Competitive Bidding and Procurement."

Section 2. Legislative Intent and Purpose

The intent of this law is to allow the City Council the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or "best value" as defined in §163 of the New York State Finance Law.

Section 3. Authority

This local law is enacted pursuant to New York State General Municipal Law §103.

Section 4. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the City to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law §103 on the basis of "best value" as defined in §163 of the New York State Finance Law. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offeror if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award Based on Best Value.

The City Council may award purchase contracts, including contracts for services, on the basis of "best value" as the term is defined in New York State Finance law §163. All contracts or purchase orders awarded based on value shall require City Council approval.

C. Applicability.

The provisions of this chapter apply to City purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York 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. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the City Council determines optimize quality, cost and efficiency, among responsive and responsible bidders or offerors.
2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors; longer product life; product performance criteria; and quality of craftsmanship.

E. Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

F. Piggybacking of purchases.

Notwithstanding the provisions of this Local Law, the City of Glen Cove may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law §103, the City of Glen Cove may purchase through the bids solicited by the United States government, New York State and/or any other political subdivision (counties, towns, villages, school districts, etc.), provided those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law §103(16). Prior to such purchase, the City of Glen Cove will ensure that a piggyback purchase qualifies as follows:

- i. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the City of Glen Cove should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the City of Glen Cove or other municipalities. This determination should be made on a case-by-case basis.
- ii. The specific contract must have been issued in accordance with the provisions of General Municipal Law §103.

G. Procurement Policy Superseded Where Inconsistent.

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

Section 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

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

Resolution 6B

Resolution offered by Mayor Spinello and seconded by

LOCAL LAW 05-2015

LOCAL LAW ALLOWING PURCHASING AGENT TO UTILIZE BEST VALUE COMPETITIVE BIDDING:

Legislative Intent and 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 for the project.

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 offeror.

C. The Glen Cove City Council hereby determines that it is in the best interest of the City to allow the purchasing agent to have the authority to award purchase contracts on the basis of best value.

D. This local law shall allow the City's purchasing agent to develop a procurement policy consistent Section 163 of the State Finance Law, to a responsive and responsible bidder or offeror.

BE IT ENACTED, that the City Council hereby amends the Glen Cove City Charter Section C2-10 (B) as follows:

Delete:

§C2-10. City Purchasing Agent

B. Competitive bidding is required in all situations where so designated under the provisions of the General Municipal Law and in all other situations where required by the City Council.

Add:

§C2-10. City Purchasing Agent

B. Competitive bidding is required in all situations where so designated under the provisions of the General Municipal Law, ***including the "best value" provision, (GML Sec. 103)*** and in all other situations where required by the City Council.

This local law shall become effective immediately upon the filing with the New York Secretary of State.

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that in accordance with Section 104(b) of the General Municipal Law, the City Council hereby adopts the revised purchasing policy and procedures, which govern all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of section 103 of the General Municipal Law.

SEE DOCUMENTS BELOW

Resolution offered by Mayor Spinello and seconded by

**RESOLUTION APPROVING THE CHANGE OF INDIRECT CONTROL OF THE FRANCHISEE
UNDER THE CABLE TELEVISION FRANCHISE**

WHEREAS, Cablevision Systems Long Island Corporation (“Franchisee”) owns, operates and maintains a cable television system (the “System”) in the City of Glen Cove, New York pursuant to a cable television franchise (Franchise”) granted by the governing body of the City of Glen Cove (the “Franchise Authority”), and the Franchisee is the current duly authorized holder of the Franchise; and

WHEREAS, pursuant to an Agreement and Plan of Merger (“Agreement”), Neptune Merger Sub Corp., a Delaware corporation and subsidiary Altice N.V. (“Acquiror”), will merge with Cablevision Systems Corporation (“Cablevision”) (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the “Change of control”); and

WHEREAS, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the “Application”); and

WHEREAS, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquiror has the legal, financial and technical qualifications Acquiror to indirectly control Franchisee,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

SECTION 3. This Resolution shall be deemed effective as of the date of its passage.

This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.

Resolution 6E

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that the City Council hereby authorizes the City Attorney to settle the following claims in full and final settlement:

<u>Name</u>	<u>Claim Number</u>	<u>Amount</u>
Susan Siarkowski	13-2437	\$35,000
Eiana Maldonado	15-2529	\$1,282.61

Resolution 6F

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that the City Council hereby authorizes the Glen Cove Chamber of Commerce to erect twenty (20) lawn signs, November 20, 2015 through December 7, 2015, to advertise annual "Winter Wonderland" event.

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that the City Council hereby authorizes Martino Auto to host annual “Toys 4 Tots”, December 6, 2015, and the closing of School Street, Glen Street and Bridge Street, 7:30 a.m. to 10:30 a.m.

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that Geoffrey M. Gaynor is hereby appointed as part-time Cashier at \$8.00 per hour effective retroactive to November 25th, 2015.

Budget Line CR7180-51120

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that Donna McNaughton, is hereby appointed to Zoning Board of Appeals, effective November 25, 2015 through November 24, 2018

Resolution offered by Mayor Spinello and seconded by

BE IT RESOLVED, that the following persons are hereby appointed to Ethics Commission, as indicated:

Fred Moore – November 25, 2015 through November 24, 2016

Carmine Fillipone – November 25, 2015 through November 24, 2017

Michael Bellissimo – November 25, 2015 through November 24, 2018

Donald Franklin – November 25, 2015 through November 24, 2019

Cindy Rogers – November 25, 2015 through November 24, 2020

CITY OF GLEN COVE PROCUREMENT PROCEDURES

When acquiring goods and/or services from outside vendors for City of Glen Cove purposes, the Purchasing Policy as approved by the City Council must be adhered to and each department must comply with the following procedures:

1. A determination must be made whether a purchase of goods and/or services is subject to the competitive bidding requirements of General Municipal Law Section 103. This section of law states that the purchase of any goods or services for \$20,000 or more must be publicly bid and any purchase of goods *and* services (public works contracts) for \$35,000 or more must be publicly bid.
2. Competitive Bids – the issuance of a public bid in accordance with item 1 above must be obtained by the following:
 - Before the bidding process begins, the department head must first determine the availability of funding and the budget account to be charged.
 - A determination should be made if the goods or services can be acquired through state or county contracts. If a state or county contract is available for the item or service to be purchased, the city should use the available contract thus saving time and procurement costs.
 - When no state or county contract is available, detailed specifications must be written for distribution to each potential bidder.
 - *If a bid is to be let on a best value basis the specifications must so indicate and must include the factors that will be considered and the method used to analyze and determine the best value vendor.*
 - *Best value cannot be used for public works contracts that are covered under prevailing wage provisions of article 8 of the Labor Law such as for building construction.*
 - The bid documents and any other information, specifically the budget account, must be delivered to the Purchasing Agent. The Purchasing Agent will administer and coordinate the bid process. The Purchasing Agent and a representative from the department requesting the bid (when necessary) will open and record all bids received.
 - The department head will review the bids submitted for compliance with the specifications in the bid documents.
 - Upon reviewing the bids, the department will make a written recommendation to the Purchasing Agent as to which bidder is the *lowest responsible bidder* (meets all of the specifications and provides the lowest price).
 - *Best value bids must also include a cost benefit analysis of the non-price factors and indicate why the best value vendor is being selected.*
 - The Purchasing Agent, if in concurrence with the department head, will submit a recommendation to the City Council that the bid be awarded to the lowest responsible bidder *or the bidder providing the best value to the city.*
 - Once awarded by the City Council, the Purchasing Agent will issue a purchase order to the selected vendor.
3. If a determination is made that the purchase of goods and/or services are not subject to the competitive bidding requirements of General Municipal Law Section 103 then the following methods of purchase must be utilized:

**CITY OF GLEN COVE
PROCUREMENT PROCEDURES**

- | | |
|--|---|
| <ul style="list-style-type: none"> • Estimated amount of purchase contracts for goods or services | <u>Method</u> |
| <ul style="list-style-type: none"> \$.00 - \$ 999.99 \$ 1,000.00 - \$ 4,999.99 \$ 5,000.00 - \$ 9,999.99 \$ 10,000.00 - \$ 19,999.99 | <ul style="list-style-type: none"> No quotes or PO Purchase order required, three phone quotes Three written/fax quotes & PO Three written /fax quotes made in response to uniform specifications & PO. |
| <ul style="list-style-type: none"> • Estimated amount of public works contracts for goods and services: | <u>Method</u> |
| <ul style="list-style-type: none"> \$.00 - \$ 999.99 \$ 1,000.00 - \$ 4,999.99 \$ 5,000.00 - \$ 14,999.99 \$ 15,000.00 - \$ 34,999.99 | <ul style="list-style-type: none"> No quotes or PO Purchase order required, three phone quotes Three written/fax quotes & PO Three written /fax quotes made in response to uniform specifications & PO. |

4. For purchases under \$1,000, it is not necessary to obtain any quotes or submit any requisitions. A properly completed city claim form must be submitted along with the original invoice, delivery receipts or packing lists from the vendor. The department head authorizing the purchase must sign the claim form and must indicate a properly funded budget code for the purchase to be charged.
5. For purchases in excess of \$1,000, a Purchase Order will be required to insure that sufficient budgeted funds are available to cover the purchase. The following steps are to be followed in requesting a Purchase Order:
 - A written Purchase Requisition must be submitted to the Purchasing Dept.
 - The requisition must include, as required in item 3 above, copies of all the quotes obtained. If you cannot obtain the required number of quotes, the names of the vendors where quotes were attempted and an explanation as to why you could not obtain the required number of quotes must accompany the requisition.
 - Requisitions written on a best value basis, whether based on a formal bid or quotes, must include the analysis used to determine the best value vendor.
 - The department head must authorize the purchase by signing the requisition in the appropriate location.
 - An appropriate budget code that is sufficiently funded must be indicated.
6. Once the Purchasing Department receives a properly completed and supported Purchase Requisition, a Purchase Order will be issued. A copy will be sent to the requesting department at which time the department can then place the order. The Purchasing Agent will send a confirmation copy of the purchase order and a payment voucher to the vendor.
7. Upon receipt of an invoice from the vendor, the department head is to submit a City Claim Voucher with the original invoice, purchase order, ~~requisition,~~ and packing list attached to the City Controller's office for review and payment. The Claim Voucher must include the Purchase Order number, the budget code to be charged, and must be signed by the Department Head certifying that the goods and/or services have been properly received or delivered in accordance with specifications detailed in the bid or quotes received.

**CITY OF GLEN COVE
PROCUREMENT PROCEDURES**

8. Annual Purchase Orders – should be set up for vendors that have recurring monthly charges (i.e. pagers, cell phones, copy machines etc). A single purchase order should be established that would cover the cost for the entire year. If numerous small purchases are to be made from a single vendor, a purchase requisition should be submitted for that vendor at the beginning of the year, with the estimated amount that will be expended with in a four (4) month period. At the end of the four-month period, a new requisition must be submitted with an estimated amount that will be expended over the next four-month period. These blanket purchase orders will expire at the end of ever four-month cycle and will only be renewed and extended if a new requisition is received.

**CITY OF GLEN COVE
PROCUREMENT POLICY**

Purpose

The purpose of this policy is to assure that goods and services, which are not required by law (General Municipal Law section 103) to be procured pursuant to competitive bidding, are procured in a prudent and economical manner, in the best interest of the taxpayer, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.

Methods for Non-Bid Procurements

The following methods of purchase will be used for purchase contracts under \$20,000 and for public works contracts under \$35,000.

<u>Estimated amount of purchase contracts for goods or services</u>	<u>Method</u>
\$.00 - \$ 999.99	No quotes or PO
\$ 1,000.00 - \$ 4,999.99	Purchase order required, three phone quotes
\$ 5,000.00 - \$ 9,999.99	Three written/fax quotes & PO
\$ 10,000.00 - \$ 19,999.99	Three written /fax quotes made in response to uniform specifications & PO.

<u>Estimated amount of public works contracts for goods and services:</u>	<u>Method</u>
\$.00 - \$ 999.99	No quotes or PO
\$ 1,000.00 - \$ 4,999.99	Purchase order required, three phone quotes
\$ 5,000.00 - \$ 14,999.99	Three written/fax quotes & PO
\$ 15,000.00 - \$ 34,999.99	Three written /fax quotes made in response to uniform specifications & PO.

A good faith effort shall be made to obtain the required number of proposal or quotations. If the purchaser is unable to obtain the required number of proposal or quotations, the purchaser will document the attempt made at obtaining the quotations. In no event shall the failure to obtain the quotation be a bar to the procurement. Copies of the quotes or any other documentation in obtaining the quotes or attempting to obtain the quotes must accompany the purchase requisition.

All purchases that exceed the above dollar amounts must be publicly bid in accordance with General Municipal Law, Section 103 *or as a "best value" bid under section 103 (1). Bids written as "best value" bid must indicate in its specifications that it is a best value bid and what factors will be considered in determining which vendor will provide the best value. Best value bids can be used for purchase or service work contracts but cannot be used on public works contracts that are covered by the prevailing wage provisions of article 8 of the Labor Law.*

CITY OF GLEN COVE PROCUREMENT POLICY

If a purchase requisition is written to a vendor on a best value basis, documentation detailing the reason for the selection other than the lowest responsible vendor an explanation must accompany the requisition. Documentation for a best value award should contain, at a minimum, an analysis of the factors, as spelled out in the specifications, that were used to determine the best value vendor.

Exceptions

1. Professional services or services requiring special or technical skill, training, or expertise. The individual or company must be chosen based on accountability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications may not necessarily be found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.
In determining whether a service fits into this category, the following guidelines should be taken into consideration:
 - Whether the services are subject to State licensing or testing requirements
 - Whether substantial formal education or training is necessary
 - Whether the services require a personal relationship between the individual and the municipal officials.
2. Emergency purchases – Due to the nature of this exception, these goods or services must be purchased immediately any delay in order to seek alternative proposals may threaten life, health, safety or welfare of the residents or employees.
3. Purchases of surplus and second hand good from any source.
4. When there is only one possible source from which to procure the goods and/or services, thus indicating no possibility of competition. The award shall be made to the sole source, and the following shall be documented:
 - Unique benefits of the items needed
 - Reasonable cost
 - No competition available
 - No other product or service is comparable
5. Purchases made pursuant to the competitive bidding requirements of General Municipal Law, Section 103, or Section 103(1) best value, or pursuant to State, ~~or~~ County or Federal contracts or from agencies for the blind, or other severely handicapped or articles manufactured in correctional institutions are not subject to this policy. However, these purchases would still be required to comply with the city's procurement procedures.

**CITY OF GLEN COVE
PROCUREMENT POLICY**