

FIRST EMERGENCY SESSION
JULY 26, 2021
Board of Supervisors – County of Hamilton
Lake Pleasant, New York

Mrs. Laura A. Abrams, Clerk
Board of Supervisors of Hamilton County
Lake Pleasant, New York 12108

Dear Clerk:

WHEREAS, the undersigned, we the majority of the members of the Board of Supervisors of Hamilton County, do hereby request you to call an Emergency Session pursuant to Section 152 of the County Law, to be held at the Chambers of the Board, in the Town of Lake Pleasant, in said County on Monday, July 26, 2021 at 9:30 A.M. for the purpose of authorizing a Public Hearing for Proposed Local Law No. 2 of 2021 A Local Law Adopting the Hamilton County Best Value Procurement Law and for any other business that may come before said Board.

Arietta _____	ABSENT	Richard A. Wilt
Benson _____		John M. Stortecky
Hope _____		Steven M. Tomlinson
Indian Lake _____		Brian Wells
Inlet _____		John Frey
Lake Pleasant _____		Betsy A. Bain
Long Lake _____		Clay J. Arsenault
Morehouse _____		William G. Farber
Wells _____		Nick Mauro

Also present: No one.

Public Comment: No one present.

Reports of Standings/Special Committees:

Mr. Stortecky: Stated that he had spoken with the Department of State regarding public comment period and the law is silent.

RESOLUTIONS:

RESOLUTION NO. 174-21

**A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE
PROCUREMENT LAW**

DATED: JULY 26, 2021

BY MR. FREY:

BE IT RESOLVED, that proposed Local Law No. 2 of the year 2021 entitled respectively, “A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE PROCUREMENT LAW” be and the same is hereby introduced to the Board of Supervisors, and be it further

RESOLVED, that the copies of the aforesaid proposed Local Law be laid upon the desks of each member of the Hamilton County Board of Supervisors, and be it further

RESOLVED, that the Hamilton County Board of Supervisors shall hold a public hearing on said proposed Local Law at the County Office Complex, Route 8, Lake Pleasant, New York, on the 5th day of August, 2021, at 11:00 a.m., and be it further

RESOLVED, that the Chairman of the County Board of Supervisors publish or cause to be published a public notice in the official newspaper of the County of said public hearing at least five (5) days prior thereto.

Seconded by Ms. Bain and adopted by the following vote:

AYES: STORTECKY, TOMLINSON, WELLS, FREY, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: WILT

PROPOSED LOCAL LAW NO. 2 OF 2021

State of New York
County of Hamilton

**A LOCAL LAW ADOPTING THE HAMILTON COUNTY BEST VALUE
PROCUREMENT LAW**

BE IT ENACTED by the County of Hamilton as follows:

SECTION 1. Name of Local Law

This law shall be known as “Hamilton County Best Value Procurement Law”.

SECTION 2. Findings and Intent

General Municipal Law § 103 provides local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The state requires a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to Hamilton County in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality’s performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities’ needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much needed flexibility in obtaining important goods and services at favorable process, and will reduce the time to procure such goods and services.

SECTION 3. Definitions

“Best value” means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in the executive law to be used in evaluation of offers for awarding of contracts for services.

SECTION 4. The Best Value Award Methodology

When developing solicitation documents for competitive bids for the award of purchase contracts for goods and contracts for service work, a department head may and subject to the requirements herein below set forth and the applicable requirements set forth in the Hamilton County Procurement Policy, determine that an award of a purchase contract or applicable service contract shall be based upon best value methodology.

SECTION 5. Requirements

Where the basis for award of a purchase contract will be the best value offer, the department head shall in all instances:

- A. Where the basis for award is the best value offer, the department head shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The department head shall select a formal competitive procurement process in accordance with guidelines established by the state procurement council and the Hamilton County Procurement Policy and document its determination in the procurement record. The process shall include, but is not limited to, clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.

SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgement 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 in which such order or judgement shall be rendered.

SECTION 7. Effective Date

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

Other Reports: None

The Chairman stated that the County has been working with AdkAction, Warren County EDC and Lake Champlain Lake George Regional Planning Board on the broadband/cellular issue and the gaps that exist around that. There is a ton of federal money that's starting to get rolled out to backfill these gaps. Particularly, there's the opportunity to create more infrastructure for cellular by doing that. One of the challenges is that each one of the federal funding streams is different in terms of criteria and how it works. He further discussed the award money Frontier had received. He and Mr. Wells had met with SLIC and DANC on how to figure out whether or not they could identify enough areas that needed to be served in Indian Lake. The funding application that is due is NTIA (National Telecommunications and Information Administration) funding. They are looking at a regional application and Lake Champlain Lake George is going to make the application on behalf of all the counties that are represented. Would Hamilton County be willing to be the sponsor municipality needed? He feels this is going to be an ongoing process of following the federal grant money and continuing to apply for areas as soon as they can. Lake Champlain Lake George will continue to be the grant writer, representing five counties already. They are also working with Franklin County directly plus partnering with DANC. He asked for the Board's opinion. He stated that he was comfortable with it and that it needed a resolution to be passed.

Mr. Wells asked Mr. Frey if he had gotten involved with CAP21 for mapping. Mr. Frey stated that he had but he thought they could use help. The Chairman stated that the mapping they had worked on was specific to the Spectrum issue and coverage. He and Mr. Frey further discussed.

The Chairman stated that this application would be to partner with SLIC, Spectrum and any other phone providers. The NTIA money is competitive funding and the only way they will get funded is if they keep the cost per customer down. Part of that effort means that they have to partner with the closest provider. He stated that he did have a conversation with Frontier regarding fast tracking their projects if the NTIA money was received and they expressed very little interest. The money is fast track money and needs to be utilized in one year and it's not really in Frontier's DNA if they were to look at how they do build out. He asked the Board if anyone was uncomfortable with them doing a resolution to serve as the host municipality for Lake Champlain Lake George's application on behalf of the Adirondack Region for the NTIA money. Mr. Stortecky asked if there was any downside to this. The Chairman stated that there wasn't. He actually thought it would put the County in good standing. Mr. Wells asked if the County had to go out to bid with Lake Champlain Lake George being the grant writer. The Chairman stated that they won't charge the County because they are the County's Regional Planning Board. As part of that the County pays them an annual fee. They are currently providing grant writing for a couple of the towns as well as the Village of Speculator.

The Chairman stated that on August 5th NYSAC is coming back and they are bringing Shaun Groden who is the Greene County Administrator. They decided on doing a working lunch.

As there was no further business, motion to adjourn by Mr. Arsenault, seconded by Mr. Stortecky. Carried.