

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 New Lebanon

Introductory Local Law No. 2 of the year 2024

**A LOCAL LAW TO AMEND CHAPTER 40 OF THE TOWN CODE OF THE TOWN OF
NEW LEBANON.**

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

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

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2024

**A LOCAL LAW TO AMEND CHAPTER 40 OF THE TOWN CODE OF
THE TOWN OF NEW LEBANON.**

SECTION 1

This local law shall be referred to as “A Local Law to Amend Chapter 40 of the Town Code of the Town of New Lebanon”.

SECTION 2

A. Section 40-3 of Chapter 40 of the Town Code of the Town of New Lebanon is hereby amended to read in its entirety as follows:

§ 40-3 Purchases not governed by General Municipal Law § 103.

Goods and services which are not governed by General Municipal Law § 103 must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the Town, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, all procurements of goods and services which are not governed by General Municipal Law § 103 shall comply with the applicable portions of this section, except where otherwise provided in this chapter.

A. Purchase contracts not governed by General Municipal Law § 103 shall be secured as follows:

(1) Contracts not governed by General Municipal Law § 103 involving expenditures greater than \$10,000 shall require a written request for proposals (RFP) and written/fax quotes from at least three vendors.

(2) Contracts not governed by General Municipal Law § 103 involving expenditures of \$10,000 or less, but greater than

\$5,000 shall require an oral request for proposals and oral/fax quotes from at least two vendors.

- (3) Contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less are left to the discretion of the purchaser.

B. Public works contracts not governed by General Municipal Law § 103 shall be secured as follows:

- (1) Contracts not governed by General Municipal Law § 103 involving expenditures greater than \$10,000 shall require a written request for proposals (RFP) and written/fax quotes from at least three contractors

- (2) Contracts not governed by General Municipal Law § 103 involving expenditures of \$10,000 or less, but greater than \$5,000 shall require a written request for proposals (RFP) and written/fax quotes from at least two contractors.

- (3) Contracts not governed by General Municipal Law § 103 involving expenditures of \$5,000 or less are left to the discretion of the purchaser.

C. Any written RFP required under this section shall describe, as applicable, the desired goods and/or services to be provided, the quantity thereof, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

B. Section 40-6 of Chapter 40 of the Town Code of the Town of New Lebanon is hereby amended to read in its entirety as follows:

§ 40-6 Circumstances not requiring solicitation of proposals.

A. Except as otherwise directed by the Town Board, no solicitation of written proposals or quotations under § 40-3 shall be required under the following circumstances:

- (1) Emergencies.
- (2) Sole source situations.

- (3) Goods purchased from agencies for the blind or severely handicapped.
- (4) Goods purchased from correctional facilities.
- (5) Goods purchased from another governmental agency, including but not limited to state or county bid.
- (6) Goods purchased at an auction.
- (7) Goods purchased for \$5,000 or less.
- (8) Public works contracts for \$5,000 or less.

B. Contracts for the repair or maintenance of Highway Department equipment. Section 40-3 of this chapter shall not apply to contracts for the repair or maintenance of Highway Department equipment that are not otherwise governed by General Municipal Law § 103 where obtaining written solicitations or proposals is impracticable or is not cost-effective due to the need to transport the subject equipment to various potential vendors in order to obtain such written solicitations or proposals.

C. Paragraph D of Section 40-8 of Chapter 40 of the Town Code of the Town of New Lebanon is hereby amended to read in its entirety as follows:

- D. Public works contracts and purchase contracts involving expenditures of \$5,000 or less.

SECTION 3

This Local Law is adopted pursuant to N.Y. General Municipal Law § 104-b and the N.Y. Municipal Home Rule Law.

SECTION 4

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall

be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5

This local law is subject to a referendum on petition in accordance with Municipal Home Rule Law § 24.

SECTION 6

This Law shall become effective upon filing with the New York 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. ___ of 20__ of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on April 9, 2019, in accordance with the applicable 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) (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____.

(Name of Legislative body)
(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 2024 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town of New Lebanon Town Board on _____ 2024, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2024, 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 _____ 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 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.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____