


Lisa M. Flores
Director and
City Chief Procurement Officer



Eric Adams
Mayor

TO: Mayoral Agency Chief Contracting Officers

FROM: Lisa M. Flores 

CC: Sheena Wright, First Deputy Mayor
All Deputy Mayors
Lisa Zornberg, Chief Counsel to the Mayor and Cityhall
Michael Garner, Chief Business Diversity Officer
All Mayoral Commissioners
Mayoral Agency Chief Diversity Officers
Mayoral Agency Contracting Diversity Officers
Mayoral Agency M/WBE Officers

DATE: 6/26/2024

SUBJECT: Utilization of Best Value Competitive Sealed Bids and Best Value Competitive Sealed Proposals

The Mayor's Office of Contract Services is committed to and continues to enforce procurement regulations for an accountable, transparent, and equitable procurement process. Under Mayor Adams administration, we are committed to equity and inclusion in the City of New York. The City has a robust M/WBE program and we are working together to include more of the small businesses that form the fabric of our City. One of the many ways the City can maximize the goals of the M/WBE program is for agencies to employ either the Best Value Bid method or the Best Value RFP method. These methods have different mechanisms built in to give M/WBE vendors an appropriate preference over non-M/WBE vendors while still requiring a comprehensive review of qualifications, competition, and thorough evaluation. Best Value Bids and Best Value RFPs are built to achieve that balance.

Best Value Bids¹ and Best Value Requests for Proposals² (RFPs) not only lead to contract awards that optimize quality, cost, and efficiency among responsive and responsible potential vendors but also grant advantages to historically disadvantaged groups through the application of preferences to City or State certified M/WBE vendors.

Pursuant to the authority vested in the City Chief Procurement Officer (CCPO) by Executive Order 121 of 2008, and its successors³, and effective for procurements that, as of the date of this directive, have yet to have an approved Pre-Solicitation Review, agencies are directed to utilize Best Value

¹ 9 RCNY 3-02.

² 9 RCNY 3-03.

³ Executive Order 137 of 2010 and Executive Order 27 of 2017.

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Bids and Best Value RFPs in **all** cases where a Best Value Bid or a Best Value RFPs can be utilized. This means that RFPs for Goods, Standardized Services, or Professional Services **must** now be processed as Best Value RFPs, absent written approval of the CCPO. For agencies processing Bids for Goods or Standardized Services, those bids must now be Best Value Bids.

Applicability

As of 2020, two Procurement Policy Board (PPB) Rules were updated to allow agencies to utilize the newly enabled authority from New York State⁴ for the City to utilize “Best Value” procurement, as defined in the enabling legislation. These changes reflected the City’s commitment to obtaining high quality goods and services at reasonable or low cost to the City while maximizing the equity of whom the City contracts with.

PPB Rule Section 3-02(b)(2) was updated to state the following regarding best value as applied to competitive sealed bids:

“(iv) a statement regarding how the award will be made:

(A) for construction, a statement that award shall be made to the lowest responsive and responsible bidder;

(B) for purchase of goods and standard services, a statement that award shall be made to the lowest responsive and responsible bidder or to the bidder whose bid represents the best value to the City by optimizing quality, cost and efficiency. If award will be made on the basis of best value to the City, such statement shall include how best value will be determined in accordance with 3- 02(o);”

PPB Rule Section 3-03 was updated to state the following regarding best value as applied to competitive sealed proposals:

“(a) The Request for Proposals (RFP) – Contents. RFPs must include the following data:

(1) statement that the contract award will be made to the responsible proposer whose proposal represents the best value to the City by optimizing quality, cost and efficiency and therefore is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP, including the quantitative preference to be provided to proposals submitted by vendors that are M/WBEs or State-certified M/WBEs;”

Please see the table below to check if your procurement will be subject to Best Value.

⁴ See, NY State Finance Law § 163.

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Industry Applicability:

Industry	Best Value Bid Required?	Best Value Proposal Required?
Goods	Yes	Yes
Standard Services	Yes	Yes
Professional Services	No	Yes
Human Services	No	No
Construction/Public Works	No	No

Exemptions to this directive

- Human Client Service RFPs are not subject to Best Value requirements and will, therefore, remain procured via standard Client Service RFPs.
- Bids for Construction are also not subject to Best Value requirements and will, therefore, continue to be processed via standard, regular Bids.
- Procurements using Federal Funds will not be subject to Best Value requirements.

Oversight

Failure to adhere to this directive will result in revocation of relevant agency delegations and prompt further oversight of agency contracting practices to ensure conformity with City policies.

The Office of Minority and Women Owned Business Enterprises will also be monitoring agency actions regarding the use of Best Value.

Resources

For further instruction on the technical aspects of applying Best Value in a Bid or Proposal scenario, please refer to the resources available for agency review on [BuyWise](#), including:

- [‘Best Value Bids and Proposals’](#) Training Module, recorded October 26, 2023
- [‘Best Value Bids’](#) instructions and informational page
- [‘Best Value Proposals’](#) instructions and informational page

Please reach out to your MOCS Procurement Operations team if you have further questions on how to use Best Value Bids and Best Value Proposals.