

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the procurement of transit vehicles, supplies, equipment or services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 103 of the general municipal law is amended by
2 adding a new subdivision 9-a to read as follows:
3 9-A. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION AND OF
4 ANY OTHER LAW TO THE CONTRARY, WHEN PROCURING VEHICLES, SUPPLIES, EQUIP-
5 MENT OR SERVICES TO BE USED BY A MUNICIPALLY SPONSORED, OWNED OR OPER-
6 ATED PUBLIC TRANSIT SYSTEM, A POLITICAL SUBDIVISION MAY, UPON THE
7 ADOPTION OF A RESOLUTION OF THE GOVERNING BODY OF THE POLITICAL SUBDIVI-
8 SION, UTILIZE AN EXISTING PUBLIC CONTRACT FOR SUCH PROCUREMENT IN
9 ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION. IN THE USE OF AN
10 EXISTING PUBLIC CONTRACT PURSUANT TO THIS SUBDIVISION, THE POLITICAL
11 SUBDIVISION MAY PROCURE VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES WITH-
12 OUT COMPLYING WITH THE OTHER REQUIREMENTS OF THIS SECTION.
13 (B) AN EXISTING PUBLIC CONTRACT SHALL ONLY BE USED PURSUANT TO THIS
14 SUBDIVISION IF THE VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES PROCURED
15 ARE AVAILABLE THROUGH AN EXISTING CONTRACT THAT WAS PREVIOUSLY AWARDED
16 BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A PUBLIC TRANSPOR-
17 TATION AUTHORITY FOLLOWING A PROCESS OF COMPETITIVE BIDDING OR THE
18 REVIEW OF COMPETITIVE PROPOSALS SOLICITED FROM THE PUBLIC.
19 (C) THE POLITICAL SUBDIVISION SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY
20 PAYMENT DUE AS A RESULT OF THE POLITICAL SUBDIVISION'S PARTICIPATION IN
21 THE PREVIOUSLY EXISTING CONTRACT. ALL PURCHASES AND ALL CONTRACTS FOR
22 VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES UNDER THIS SUBDIVISION SHALL
23 BE SUBJECT TO AUDIT AND INSPECTION BY THE POLITICAL SUBDIVISION FOR
24 WHICH MADE. A POLITICAL SUBDIVISION SHALL NOT UTILIZE AN EXISTING PUBLIC

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 CONTRACT PURSUANT TO THIS SUBDIVISION IF THE POLITICAL SUBDIVISION HAS
2 ALREADY ENTERED INTO A CONTRACT FOR VEHICLES, SUPPLIES, EQUIPMENT OR
3 SERVICES UPON THE SAME TERMS, CONDITIONS AND SPECIFICATIONS AT A LOWER
4 PRICE.

5 S 2. This act shall take effect immediately.