S T A T E O F N E W Y O R K

2013--A

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sens. STEWART-COUSINS, AVELLA, KLEIN, KRUEGER, OPPENHEIMER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the education law, in relation to the information technology procurement savings act of 2012; provides local governments and school districts more contract flexibility; and provides for purchasing services

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

Section 1. This act shall be known and may be cited as "the information technology procurement savings act of 2012".

S 2. Section 103 of the general municipal law is amended by adding a new subdivision 16 to read as follows:

16. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE, UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS

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

LBD04073-02-2

PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B OF THIS ARTICLE.

S 3. The general municipal law is amended by adding a new section 109-c to read as follows:

S 109-C. PURCHASE OF SERVICES. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED THREE OF THIS ARTICLE OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, ANY OFFICER, BOARD OR AGENCY OF A VILLAGE, TOWN OR COUNTY IS AUTHORIZED TO MAKE PURCHASES THROUGH THE LOCAL SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) DISTRICT SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ESTABLISHED FROM TIME TO TIME PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW OR THROUGH THE GENERAL SERVICES ADMINISTRATION PURSUANT TO SECTION 1555 OF THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994. ALL PURCHASES SHALL BE SUBJECT TO AUDIT AND INSPECTION BY THE VILLAGE, TOWN OR COUNTY. NO OFFICER, BOARD OR AGENCY OF A VILLAGE, TOWN OR COUNTY SHALL MAKE A PURCHASE THROUGH SUCH SCHOOL OR BOCES DISTRICT WHEN BIDS HAVE BEEN RECEIVED FOR SUCH PURCHASE BY SUCH OFFICER, BOARD OR AGENCY, UNLESS SUCH PURCHASE MAY BE MADE UPON THE SAME TERMS, CONDITIONS AND SPECIFICATIONS AT A LOWER PRICE THROUGH SUCH SCHOOL OR BOCES DISTRICT.

S 4. The education law is amended by adding a new article 25 to read as follows:

ARTICLE 25

SHARED CONTRACTS

SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.

S 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, ANY LOCAL SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICT SHALL BE AUTHORIZED TO ENTER INTO AGREEMENTS TO SHARE PROCUREMENT CONTRACTS FOR TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES, AS REFERENCED IN SCHOOL DISTRICT CAPITAL EQUIPMENT AS DEFINED IN SUBDIVISION FORTY-THREE OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW, OFFERED BY THE DEPARTMENT WITH ANY OFFICER, BOARD OR AGENCY OF A VILLAGE, TOWN OR COUNTY.

S 5. This act shall take effect immediately, and shall apply to procurement contracts entered into on or after such effective date.