

S T A T E   O F   N E W   Y O R K

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2013

2011-2012 Regular Sessions

I N   S E N A T E

January 14, 2011

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Introduced by Sens. STEWART-COUSINS, AVELLA, KLEIN -- 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 and the education law, in relation to the information technology procurement savings act of 2011; 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:

1     Section 1. This act shall be known and may be cited as "the informa-  
2     tion technology procurement savings act of 2011".  
3     S 2. Section 103 of the general municipal law is amended by adding two  
4     new subdivisions 1-b and 16 to read as follows:  
5     1-B. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE  
6     OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARD-  
7     WARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING  
8     PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMA-  
9     TION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL  
10    SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL  
11    SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND  
12    CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE  
13    ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION  
14    8.405-1 OR 8.405-2, WHICHEVER IS APPLICABLE. ADHERENCE TO SUCH PROCEDURE  
15    SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS  
16    UNDER THIS SECTION.  
17    16. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION  
18    AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION  
19    AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR  
20    AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED  
21    TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH  
22    PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY

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

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1 DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR  
2 POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH  
3 COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION  
4 AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL  
5 ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE  
6 POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE,  
7 UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON  
8 ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE  
9 BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS  
10 PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL  
11 SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B  
12 OF THIS ARTICLE.

13 S 3. The general municipal law is amended by adding a new section  
14 109-c to read as follows:

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

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

#### 32 ARTICLE 25

#### 33 SHARED CONTRACTS

34 SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY  
35 SERVICES.

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

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