

7769

I N S E N A T E

June 18, 2012

Introduced by Sens. RANZENHOFER, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the state finance law, the general municipal law, the public authorities law, the executive law, the education law and the transportation law, in relation to establishing a preference for New York state entities contracting with architects, landscape architects or engineers to use architects, landscape architects or engineers having their principal place of business within New York state

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

1 Section 1. Subdivision 3 of section 136-a of the state finance law, as
2 amended by chapter 746 of the laws of 1982, is amended to read as
3 follows:

4 3. In the procurement of architectural, LANDSCAPE ARCHITECTURAL, engi-
5 neering and surveying services, the requiring state department shall
6 GIVE PREFERENCE TO PARTNERSHIPS, FIRMS, BUSINESSES OR CORPORATIONS WHICH
7 HAVE THEIR PRIMARY PLACE OF BUSINESS IN THE STATE. IN ADDITION, THE
8 REQUIRING STATE DEPARTMENT SHALL encourage professional firms engaged in
9 the lawful practice of the profession to submit an annual statement of
10 qualifications and performance data. The requiring state department for
11 each proposed project shall evaluate current statements of qualifica-
12 tions and performance data on file with the department. If desired, the
13 requiring state department may conduct discussions with three or more
14 professional firms regarding anticipated design concepts and proposed
15 methods of approach to the assignment. The state department shall
16 select, in order of preference, based upon criteria established by the
17 requiring state department, no less than three professional firms deemed
18 to be the most highly qualified to provide the services required.

19 S 2. Section 103 of the general municipal law is amended by adding a
20 new subdivision 14 to read as follows:

21 14. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, FOR EVERY ARCHI-
22 TECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO
23 GO TO THE LOWEST RESPONSIBLE BIDDER, PREFERENCE SHALL BE GIVEN TO AN
24 INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION

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

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OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

S 3. The general municipal law is amended by adding a new section 103-h to read as follows:

S 103-H. NEW YORK STATE ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS PREFERRED FOR PUBLIC WORKS. 1. AS USED IN THIS SECTION:

A. THE TERM "PROFESSIONAL FIRM" SHALL BE DEFINED AS ANY INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING.

B. THE TERM "MUNICIPALITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE OR MUNICIPAL CORPORATION.

2. NOTWITHSTANDING ANY PROVISION OF LAW, ANY MUNICIPALITY REQUIRED TO USE THE LOWEST RESPONSIBLE BIDDER FOR CERTAIN PUBLIC WORKS, CONSTRUCTION OR ARCHITECTURAL OR LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS SHALL GIVE PREFERENCE TO PROFESSIONAL FIRMS HAVING THEIR PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

S 4. Subdivision 10 of section 354 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

10. To construct, reconstruct or improve on or along the thruway system in the manner herein provided, suitable facilities for gas stations, restaurants, and other facilities for the public, or to lease the right to construct, reconstruct or improve and operate such facilities; such facilities shall be publicly offered for leasing for operation, or the right to construct, reconstruct or improve and operate such facilities shall be publicly offered under rules and regulations to be established by the authority, provided, however, that lessees operating such facilities at the time this act becomes effective, may reconstruct or improve them or may construct additional like facilities, in the manner and upon such terms and conditions as the board shall determine; and provided further, however, that such facilities constructed, reconstructed or improved on or along the canal system shall be consistent with the canal recreationway plan approved pursuant to section one hundred thirty-eight-c of the canal law and section three hundred eighty-two of this title AND PROVIDED, FURTHER, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

S 5. Section 559 of the public authorities law, as amended by chapter 6 of the laws of 1940, is amended to read as follows:

S 559. Construction contracts. The authority shall do all construction pursuant to a contract or contracts in the manner, so far as practicable, provided in the charter of the city for contracts of such city except that where the estimated expense of a contract does not exceed ten thousand dollars such contract may be entered into without public letting, but failure to comply with this section shall not invalidate such contracts; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

1 S 6. Subdivisions 8, 9 and 11 of section 1204 of the public authori-
2 ties law, subdivision 8 as amended by chapter 980 of the laws of 1958,
3 subdivision 9 as amended by chapter 732 of the laws of 1959 and subdivi-
4 sion 11 as amended by section 14 of part 0 of chapter 61 of the laws of
5 2000, are amended to read as follows:

6 8. Pursuant to the provisions of this title, to construct, recon-
7 struct, improve, maintain and operate any transit facility, whether now
8 existing, or constructed, acquired or provided in the future, and to fix
9 fares on any such transit facilities; PROVIDED, HOWEVER, THAT FOR EVERY
10 ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFER-
11 ENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,
12 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRAC-
13 TICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-
14 NEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

15 9. To construct, reconstruct, improve, maintain and operate buildings,
16 structures and facilities as may be necessary or convenient and to main-
17 tain and operate, directly or enter into contracts or leases for the
18 acquisition, maintenance, and operation of areas for the parking of
19 motor vehicles in the vicinity of its transit facilities, and in its
20 discretion to fix and charge for such parking a combination fee which
21 shall include the established rate of fare for use of its transit facil-
22 ities; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHI-
23 TECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDI-
24 VIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR
25 OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF
26 ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS
27 PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

28 11. To make or enter into contracts, agreements, deeds, leases,
29 conveyances or other instruments necessary or convenient, and to assist
30 and cooperate with the metropolitan transportation authority to carry
31 out the powers of the metropolitan transportation authority in further-
32 ance of the purposes and powers of the authority as provided in this
33 article, including, without limitation, the transactions described in
34 sections twelve hundred sixty-six-c, twelve hundred sixty-nine and
35 twelve hundred seventy-d of this article; PROVIDED, HOWEVER, THAT FOR
36 EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT,
37 PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PART-
38 NERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW
39 TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR
40 ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK
41 STATE. This power shall include the power to make contracts with other
42 persons operating transit facilities for combined fares for the use of
43 such facilities and the transit facilities operated by the authority and
44 for the division of such fares, and the power to make contracts for the
45 transportation of the United States mail or personal property.

46 S 7. Section 1676-a of the public authorities law, as added by chapter
47 769 of the laws of 1978, is amended to read as follows:

48 S 1676-a. Payment on authority public work projects. Notwithstanding
49 the provisions of any other law to the contrary, all contracts for
50 public work awarded by the dormitory authority pursuant to this title
51 shall be in accordance with section one hundred thirty-nine-f of the
52 state finance law, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL,
53 LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE
54 GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION,
55 ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE
56 PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND

1 HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE. For the
2 purposes of this section, public work by the dormitory authority shall
3 include but not be limited to the construction of dormitories and other
4 related structures as defined in paragraph [a] (A) of subdivision two of
5 section sixteen hundred seventy-six of this title, boards of cooperative
6 educational services as defined in paragraph [d] (D) of subdivision two
7 of section sixteen hundred seventy-six of this title, locally sponsored
8 community colleges as defined in subdivision seven of section sixteen
9 hundred seventy-six of this title, and the city university as defined in
10 subdivision eight of section sixteen hundred seventy-six of this title.

11 S 8. Subdivision 8 of section 1678 of the public authorities law, as
12 amended by chapter 251 of the laws of 1962, is amended to read as
13 follows:

14 8. By contract or contracts or by its own employees to construct,
15 acquire, reconstruct, rehabilitate and improve, and furnish and equip,
16 dormitories and necessary and usual attendant facilities for state-oper-
17 ated institutions and statutory and contract colleges under the juris-
18 diction of the state university of New York pursuant to agreement with
19 the state university construction fund created by section three hundred
20 seventy-one of the education law, PROVIDED, HOWEVER, THAT FOR EVERY
21 ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFER-
22 ENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,
23 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRAC-
24 TICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-
25 NEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

26 S 9. Section 1680 of the public authorities law is amended by adding a
27 new subdivision 41 to read as follows:

28 41. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, FOR EVERY ARCHITEC-
29 TURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO GO
30 TO THE LOWEST RESPONSIBLE BIDDER, PREFERENCE SHALL BE GIVEN TO AN INDI-
31 VIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR
32 OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF
33 ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS
34 PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

35 S 10. Paragraph a of subdivision 1 of section 1734 of the public
36 authorities law, as added by chapter 738 of the laws of 1988, is amended
37 and a new paragraph e is added to subdivision 3 to read as follows:

38 a. All contracts for the construction, reconstruction, improvement,
39 rehabilitation, maintenance, repair, furnishing, equipping of or other-
40 wise providing for educational facilities for the city board may be
41 awarded in accordance with the provisions of this section, notwithstand-
42 ing the provisions of section eight of the public buildings law, section
43 one hundred three of the general municipal law, section one hundred
44 thirty-five of the state finance law, section seven of the New York
45 state financial emergency act for the city of New York or of any other
46 provision of general, special or local law, charter or administrative
47 code, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHI-
48 TECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDI-
49 VIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR
50 OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF
51 ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS
52 PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

53 E. NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, FOR EVERY ARCHI-
54 TECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO
55 GO TO COMPETITIVE BIDDING, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL,
56 SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER

LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

S 11. The public authorities law is amended by adding a new section 2879-c to read as follows:

S 2879-C. NEW YORK STATE ENTITIES PREFERRED FOR CERTAIN CONTRACTS. EVERY PUBLIC AUTHORITY AND PUBLIC BENEFIT CORPORATION, A MAJORITY OF THE MEMBERS OF WHICH CONSIST OF PERSONS EITHER APPOINTED BY THE GOVERNOR OR WHO SERVE AS MEMBERS BY VIRTUE OF HOLDING A CIVIL OFFICE OF THE STATE, OR A COMBINATION THEREOF, (SUCH ENTITIES TO BE HEREINAFTER IN THIS SECTION REFERRED TO AS "CORPORATION") SHALL, WHEN REQUIRED TO USE COMPETITIVE BIDDING FOR CERTAIN PUBLIC WORKS, CONSTRUCTION, ARCHITECTURAL, LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS GIVE PREFERENCE TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

S 12. The executive law is amended by adding a new section 170-c to read as follows:

S 170-C. NEW YORK STATE ENTITIES PREFERRED FOR CERTAIN CONTRACTS. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF ANY GENERAL OR SPECIAL LAW OR RESOLUTION, THE STATE, INCLUDING, BUT NOT LIMITED TO: (I) ANY STATE AGENCY, (II) ANY STATE DEPARTMENT, OR (III) ANY DIVISION, BOARD, COMMISSION, OR BUREAU OF ANY STATE DEPARTMENT, OR (IV) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, INCLUDING ALL THEIR CONSTITUENT UNITS, EXCEPT COMMUNITY COLLEGES AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT COLLEGES ON BEHALF OF THE STATE, OR (V) ANY PUBLIC AUTHORITY, OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATIONS, AND COMMISSIONS AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, WHEN REQUIRED TO USE COMPETITIVE BIDDING FOR CERTAIN PUBLIC WORKS, CONSTRUCTION, ARCHITECTURAL, LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS SHALL GIVE PREFERENCE TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

S 13. Subdivision 8 of section 373 of the education law, as added by chapter 251 of the laws of 1962, is amended to read as follows:

8. To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for the state university in accordance with sections three hundred seventy-five and three hundred seventy-six of this chapter, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

S 14. Subdivision 12 of section 373 of the education law, as amended by section 2 of subpart A of part D of chapter 58 of the laws of 2011, is amended to read as follows:

12. To procure and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL,

SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE. Notwithstanding subdivision two of section one hundred twelve of the state finance law or any other law to the contrary, fund procurements shall not be subject to the prior approval of any state officer or agency;

S 15. Subdivision 12 of section 373 of the education law, as added by chapter 251 of the laws of 1962, is amended to read as follows:

12. To make and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

S 16. Subdivisions 8, 9, 12 and 15 of section 454 of the education law, as added by chapter 999 of the laws of 1966, subdivision 8 as amended by chapter 963 of the laws of 1968 and subdivision 12 as amended by chapter 888 of the laws of 1970, are amended to read as follows:

8. Upon a two-thirds vote of the trustees of the fund, and subject to the approval of the board of education, to design, construct, acquire, reconstruct, rehabilitate and improve combined occupancy structures and incidental or appurtenant facilities thereto, or cause such structures and facilities to be designed, constructed, acquired, reconstructed, rehabilitated and improved in accordance with the provisions of this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

9. In connection with such design, construction, acquisition, reconstruction, rehabilitation and improvement, to install or cause to be installed water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, including appropriate connections, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

12. To make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, subject to the approval of the corporation counsel as to form of all such documents to which the city of New York is a party, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE; the term of any such lease or sublease or renewal thereof shall not be limited by any provision of any

1 general, special or local law or charter applicable to the city of New
2 York or to the board of education of the city of New York;

3 15. To engage the services of construction, engineering, architec-
4 tural, LANDSCAPE ARCHITECTURAL, legal and financial consultants,
5 surveyors and appraisers, on a contract basis or as employees, for
6 professional service and technical assistance and advice, PROVIDED,
7 HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGI-
8 NEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE
9 PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL
10 ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE,
11 LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE OF
12 BUSINESS WITHIN NEW YORK STATE;

13 S 17. Section 2513 of the education law, as added by chapter 861 of
14 the laws of 1953, is amended to read as follows:

15 S 2513. Contracts; advertisement for bids. The board of education
16 shall let all contracts for public work and all purchase contracts to
17 the lowest responsible bidder after advertisement for bids where so
18 required by section one hundred three of the general municipal law,
19 PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL
20 AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL,
21 SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER
22 LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITEC-
23 TURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS PRIMARY PLACE
24 OF BUSINESS WITHIN NEW YORK STATE.

25 S 18. Subdivision 10 of section 2556 of the education law, as added by
26 chapter 861 of the laws of 1953, is amended to read as follows:

27 10. The board of education shall let all contracts for public work and
28 all purchase contracts to the lowest responsible bidder after advertise-
29 ment for bids where so required by section one hundred three of the
30 general municipal law, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL,
31 LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE
32 GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION,
33 ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE
34 PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND
35 HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

36 S 19. Subdivisions 11 and 12 of section 6275 of the education law,
37 subdivision 11 as amended by chapter 817 of the laws of 1976 and subdi-
38 vision 12 as amended by chapter 305 of the laws of 1979, are amended to
39 read as follows:

40 (11) to engage the services of construction, engineering, architec-
41 tural, legal and financial consultants, surveyors and appraisers, on a
42 contract basis or as employees, for professional service and technical
43 assistance and advice, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL,
44 LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE
45 GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION,
46 ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE
47 PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND
48 HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

49 (12) to cause facilities to be designed, constructed, acquired, recon-
50 structed, rehabilitated, improved, operated, maintained, furnished and
51 equipped and made secure in accordance with the provisions of this arti-
52 cle, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHI-
53 TECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDI-
54 VIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR
55 OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF

1 ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING AND HAVING ITS
2 PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE;

3 S 20. Subdivision 17 of section 14 of the transportation law, as
4 amended by chapter 736 of the laws of 1972, is amended to read as
5 follows:

6 17. Notwithstanding the provisions of this chapter or of any general
7 or special law, and whenever funds therefor are available or have been
8 otherwise provided, the commissioner is hereby authorized and empowered,
9 subject to the approval of the division of the budget, to retain and
10 employ private engineers, architects, LANDSCAPE ARCHITECTS and consult-
11 ants, or firms practicing such professions for purposes of (1) preparing
12 designs, plans and estimates of structures of any type and character,
13 (2) rendering assistance and advice in connection with any project,
14 whether defined or proposed, and under the supervision of the department
15 of transportation, (3) preparing surveys, studies and plans, including
16 the negotiating for and securing of reservation easements necessary to
17 such plans, for joint development of transportation corridors and
18 provision for multiple use outside the counties of Kings and Queens of
19 rights of way appurtenant thereto, and (4) performing such other and
20 necessary services as the commissioner may deem necessary in the admin-
21 istration of the department, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITEC-
22 TURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE
23 SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,
24 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRAC-
25 TICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-
26 NEERING AND HAVING ITS PRIMARY PLACE OF BUSINESS WITHIN NEW YORK STATE.

27 S 21. This act shall take effect on the one hundred twentieth day
28 after it shall have become a law; provided, however, that the amendments
29 to subdivision 12 of section 373 of the education law made by section
30 fourteen of this act shall be subject to the expiration and reversion of
31 such subdivision pursuant to section 4 of subpart A of part D of chapter
32 58 of the laws of 2011, as amended, when upon such date the provisions
33 of section fifteen of this act shall take effect. Effective immediately,
34 the addition, amendment and/or repeal of any rule or regulation neces-
35 sary for the implementation of this act on its effective date is author-
36 ized to be made on or before such date.