

693

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. STEWART-COUSINS, AVELLA, KRUEGER, STAVISKY -- 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 2014; 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 2014".
3 S 2. Section 103 of the general municipal law is amended by adding a
4 new subdivision 17 to read as follows:
5 17. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
6 AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION
7 AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR
8 AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED
9 TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH
10 PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY
11 DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR
12 POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH
13 COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION
14 AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL
15 ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE
16 POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE,
17 UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON
18 ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE
19 BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS
20 PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL

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

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1 SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B
2 OF THIS ARTICLE.

3 S 3. The general municipal law is amended by adding a new section
4 109-c to read as follows:

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

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

22 ARTICLE 25

23 SHARED CONTRACTS

24 SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
25 SERVICES.

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

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