

9744

I N   A S S E M B L Y

April 5, 2016

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Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Local Governments

AN ACT to amend the general municipal law, in relation to modernizing  
and increasing the transparency of local government procurement of  
goods and services

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "local government procurement modernization and transparency act".  
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. (A) AS AN ALTERNATIVE TO THE NOTICE PROCEDURE SET FORTH IN SUBDI-  
6     VISION TWO OF THIS SECTION, A POLITICAL SUBDIVISION MAY PROVIDE NOTICE  
7     OF REQUESTS FOR BIDS BY POSTING THE REQUESTS ON THE NEW YORK STATE  
8     CONTRACT REPORTER WEBSITE. IN ADDITION, THE MUNICIPALITY MUST POST  
9     NOTICE OF REQUESTS FOR BIDS ON A WEBSITE MAINTAINED BY THE POLITICAL  
10    SUBDIVISION ITSELF. BEFORE A POLITICAL SUBDIVISION MAY UTILIZE THE  
11    ONLINE NOTIFICATION METHOD OUTLINED IN THIS SUBDIVISION, THE POLITICAL  
12    SUBDIVISION MUST ADOPT A LOCAL LAW WHICH PROVIDES THAT ALL REQUESTS FOR  
13    BIDS WILL BE POSTED ONLINE PURSUANT TO THE PROCEDURES OUTLINED IN THIS  
14    SUBDIVISION. AFTER A POLITICAL SUBDIVISION ADOPTS A LOCAL LAW PURSUANT  
15    TO THIS PARAGRAPH, NOTICE OF THE LOCAL LAW'S ADOPTION MUST BE PUBLISHED  
16    ONCE A WEEK FOR THREE CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCU-  
17    LATION WITHIN THE POLITICAL SUBDIVISION. IN ADDITION, A POLITICAL SUBDI-  
18    VISION MUST CONTINUOUSLY AND CONSPICUOUSLY POST ON ITS WEBSITE THAT  
19    NOTICES OF REQUESTS FOR BIDS ARE POSTED ONLINE WITH A LINK TO THE  
20    WEBPAGE WHERE CURRENT AND PREVIOUS REQUESTS FOR BIDS HAVE BEEN POSTED.  
21    (B) ONCE A POLITICAL SUBDIVISION HAS DESIGNATED THE ONLINE BID NOTIFI-  
22    CATION PROCESS AS THE METHOD FOR REQUESTING BIDS, EACH REQUEST FOR BIDS  
23    MUST BE CONTINUOUSLY POSTED FOR AT LEAST FIVE CONSECUTIVE DAYS ON BOTH  
24    THE POLITICAL SUBDIVISION'S WEBSITE AND THE NEW YORK STATE CONTRACT  
25    REPORTER WEBSITE BEFORE THE BID OPENING DEADLINE. FOR THE PURPOSE OF  
26    CALCULATING THE NUMBER OF DAYS, THE FIRST DAY THE REQUEST FOR BIDS IS  
27    POSTED ONLINE MAY NOT BE COUNTED BUT THE DAY OF THE BID OPENING MAY BE

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

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1 COUNTED. THE WEBSITE POSTING MUST INCLUDE THE BID SPECIFICATIONS, UNLESS  
2 IT IS INFEASIBLE TO POST THE BID SPECIFICATIONS ON THE WEBSITE IN WHICH  
3 CASE A SUMMARY OF THE REQUEST FOR BIDS MUST BE POSTED ONLINE WITH A  
4 STATEMENT THAT THE COMPLETE BID SPECIFICATIONS ARE AVAILABLE IN THE  
5 OFFICE OF THE CLERK OF THE POLITICAL SUBDIVISION. THE WEBSITE POSTING  
6 MUST ALSO INCLUDE A STATEMENT INDICATING THE ADDRESS TO WHICH BIDS MUST  
7 BE DELIVERED AND A STATEMENT OF THE DATE, TIME, AND PLACE WHERE THE BIDS  
8 WILL BE PUBLICLY OPENED AND READ.

9 (C) NOTHING IN THIS SUBDIVISION PRECLUDES A POLITICAL SUBDIVISION FROM  
10 PUBLICIZING NOTICES OF A REQUEST FOR BIDS IN OTHER MANNERS IN ADDITION  
11 TO THE METHODS OUTLINED IN THIS SUBDIVISION. NOTHING IN THIS SUBDIVISION  
12 PRECLUDES A NEWSPAPER FROM PUBLISHING INFORMATION OF ITS OWN ACCORD  
13 REGARDING ANY POLITICAL SUBDIVISION'S NOTICE OF REQUEST FOR BIDS OR  
14 REQUEST FOR PROPOSALS.

15 S 3. This act shall take effect immediately.