

STATE OF NEW YORK

7709

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to procurements conducted by the New York city transit authority and the metropolitan transportation authority; and to repeal certain provisions of the public authorities law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 1209 of the
2 public authorities law are REPEALED.
3 § 2. Paragraphs (a) and (b) of subdivision 8 of section 1209 of the
4 public authorities law, paragraph (a) as amended by chapter 725 of the
5 laws of 1993 and paragraph (b) as added by chapter 929 of the laws of
6 1986, are amended to read as follows:
7 (a) Advertisement for bids, when required by this section, shall be
8 published at least once in [~~a newspaper of general circulation in the~~
9 ~~area served by the authority and in~~] the procurement opportunities news-
10 letter published pursuant to article four-C of the economic development
11 law provided that, notwithstanding the provisions of article four-C of
12 the economic development law, an advertisement shall only be required
13 when required by this section. Publication in [~~a newspaper of general~~
14 ~~circulation in the area served or in~~] the procurement opportunities
15 newsletter shall not be required if bids for contracts for supplies,
16 materials or equipment are of a type regularly purchased by the authori-
17 ty and are to be solicited from a list of potential suppliers, if such
18 list is or has been developed consistent with the provisions of subdivi-
19 sion eleven of this section. Any such advertisement shall contain a
20 statement of: (i) the time and place where bids received pursuant to any
21 notice requesting sealed bids will be publicly opened and read; (ii) the
22 name of the contracting agency; (iii) the contract identification

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

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1 number; (iv) a brief description of the public work, supplies, materi-
2 als, or equipment sought, the location where work is to be performed,
3 goods are to be delivered or services provided and the contract term;
4 (v) the address where bids or proposals are to be submitted; (vi) the
5 date when bids or proposals are due; (vii) a description of any eligi-
6 bility or qualification requirement or preference; (viii) a statement as
7 to whether the contract requirements may be fulfilled by a subcontract-
8 ing, joint venture, or co-production arrangement; (ix) any other infor-
9 mation deemed useful to potential contractors; and (x) the name,
10 address, and telephone number of the person to be contacted for addi-
11 tional information. At least fifteen business days for public work
12 contracts and at least ten business days for purchase contracts shall
13 elapse between the first publication of such advertisement or the solici-
14 tation of bids, as the case may be, and the date of opening and reading
15 of bids.

16 (b) The authority may designate any officer or employee to open the
17 bids at the time and place bids are to be opened and may designate an
18 officer to award the contract to the lowest responsible bidder. Such
19 designee shall make a record of all bids in such form and detail as the
20 authority shall prescribe. All sealed bids received shall be received
21 either through an electronic bidding platform and electronically posted
22 for public view, or publicly opened and read, in either case at the time
23 [and], place and in the manner specified in the advertisement or speci-
24 fied at the time of solicitation, or to which the opening and reading or
25 posting have been adjourned by the authority. All bidders shall be noti-
26 fied of the time and place of any such adjournment.

27 § 3. Paragraph (e) of subdivision 9 of section 1209 of the public
28 authorities law, as added by chapter 929 of the laws of 1986, is amended
29 to read as follows:

30 (e) the item is available through an existing contract between a
31 vendor and ~~[(i) another public authority provided that such other~~
32 ~~authority utilized a process of competitive bidding or a process of~~
33 ~~competitive requests for proposals to award such contract or (ii) the~~
34 ~~state of New York or the city of New York,]~~ any department, agency or
35 instrumentality of the United States government and/or any department,
36 agency, office, political subdivision or instrumentality of any state or
37 states provided that in any case when the authority under this paragraph
38 determines that obtaining such item thereby would be in the public
39 interest and sets forth the reasons for such determination. The authori-
40 ty shall accept sole responsibility for any payment due the vendor as a
41 result of the authority's order; or

42 § 4. Subdivision 10 of section 1209 of the public authorities law, as
43 added by chapter 929 of the laws of 1986, is amended to read as follows:

44 10. Upon the adoption of a resolution by the authority stating, for
45 reasons of efficiency, economy, compatibility or maintenance reliabil-
46 ity, that there is a need for standardization, the authority may estab-
47 lish procedures whereby particular supplies, materials or equipment are
48 identified on a qualified products list. Such procedures shall provide
49 for products or vendors to be added to or deleted from such list and
50 shall include provisions for public advertisement of the manner in which
51 such lists are compiled. The authority shall review such list no less
52 than ~~[twice]~~ once a year for the purpose of making modifications there-
53 to. Contracts for particular supplies, materials or equipment identi-
54 fied on a qualified products list may be awarded by the authority to the
55 lowest responsible bidder after obtaining sealed bids in accordance with
56 this section or without competitive sealed bids in instances when the

1 item is available from only a single source, except that the authority
2 may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified
3 products list.
4

5 § 5. Subdivision 1 of section 1265-a of the public authorities law is
6 REPEALED.

7 § 6. Paragraphs (a) and (b) of subdivision 3 of section 1265-a of the
8 public authorities law, paragraph (a) as amended by chapter 494 of the
9 laws of 1990 and paragraph (b) as added by chapter 929 of the laws of
10 1986, are amended to read as follows:

11 (a) Advertisement for bids, when required by this section, shall be
12 published at least once in [~~a newspaper of general circulation in the~~
13 ~~area served by the authority and in~~] the procurement opportunities news-
14 letter published pursuant to article four-C of the economic development
15 law provided that, notwithstanding the provisions of article four-C of
16 the economic development law, an advertisement shall only be required
17 for a purchase contract for supplies, materials or equipment when
18 required by this section. Publication in [~~a newspaper of general circu-~~
19 ~~lation in the area served or in~~] the procurement opportunities newslet-
20 ter shall not be required if bids for contracts for supplies, materials
21 or equipment are of a type regularly purchased by the authority and are
22 to be solicited from a list of potential suppliers, if such list is or
23 has been developed consistent with the provisions of subdivision six of
24 this section. Any such advertisement shall contain a statement of: (i)
25 the time and place where bids received pursuant to any notice requesting
26 sealed bids will be publicly opened and read; (ii) the name of the
27 contracting agency; (iii) the contract identification number; (iv) a
28 brief description of the public work, supplies, materials, or equipment
29 sought, the location where work is to be performed, goods are to be
30 delivered or services provided and the contract term; (v) the address
31 where bids or proposals are to be submitted; (vi) the date when bids or
32 proposals are due; (vii) a description of any eligibility or qualifica-
33 tion requirement or preference; (viii) a statement as to whether the
34 contract requirements may be fulfilled by a subcontracting, joint
35 venture, or co-production arrangement; (ix) any other information deemed
36 useful to potential contractors; and (x) the name, address, and tele-
37 phone number of the person to be contacted for additional information.
38 At least fifteen business days for public work contracts and at least
39 ten business days for purchase contracts shall elapse between the first
40 publication of such advertisement or the solicitation of bids, as the
41 case may be, and the date of opening and reading of bids.

42 (b) The authority may designate any officer or employee to open the
43 bids at the time and place bids are to be opened and may designate an
44 officer to award the contract to the lowest responsible bidder. Such
45 designee shall make a record of all bids in such form and detail as the
46 authority shall prescribe. All sealed bids received shall be received
47 either through an electronic bidding platform and electronically posted
48 for public view, or publicly opened and read, in either case at the
49 time, ~~[and]~~ place and in the manner specified in the advertisement or at
50 the time of solicitation, or to which the opening and reading or posting
51 have been adjourned by the authority. All bidders shall be notified of
52 the time and place of any such adjournment.

53 § 7. Paragraph (e) of subdivision 4 of section 1265-a of the public
54 authorities law, as added by chapter 929 of the laws of 1986, is amended
55 to read as follows:

(e) the item is available through an existing contract between a vendor and [~~(i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts or (ii) Nassau county, or (iii) the state of New York or (iv) the city of New York~~] any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states, provided that in any case

when under this paragraph the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 8. Subdivision 5 of section 1265-a of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

5. Upon the adoption of a resolution by the authority stating, for reasons of efficiency, economy, compatibility or maintenance reliability, that there is a need for standardization, the authority may establish procedures whereby particular supplies, materials or equipment are identified on a qualified products list. Such procedures shall provide for products or vendors to be added to or deleted from such list and shall include provisions for public advertisement of the manner in which such lists are compiled. The authority shall review such list no less than [~~twice~~] once a year for the purpose of making such modifications. Contracts for particular supplies, materials or equipment identified on a qualified products list may be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in accordance with this section or without competitive sealed bids in instances when the item is available from only a single source, except that the authority may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

§ 9. This act shall take effect immediately, provided, however, that sections two, three, four, six, seven and eight of this act shall expire and be deemed repealed April 1, 2024.