

STATE OF NEW YORK

9154

IN ASSEMBLY

January 31, 2022

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

AN ACT to amend the public authorities law, in relation to contracts awarded by the Erie county water authority

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

1 Section 1. Section 1069 of the public authorities law, as amended by
2 chapter 525 of the laws of 1979, is amended to read as follows:

3 § 1069. Contracts. [~~All contracts, or orders, for work, material or
4 supplies performed or furnished in connection with construction shall be
5 awarded by the authority pursuant to resolution. Such contracts, or
6 orders, for work, material or supplies needed for any particular purpose
7 involving an expenditure for more than five thousand dollars shall be
8 awarded only after inviting sealed bids or proposals therefor. The
9 notice inviting sealed proposals shall be published at least once in a
10 newspaper or trade paper selected by the authority for such purpose,
11 such publication to be at least ten days before the date for the receipt
12 of bids. If the authority shall not deem it for the interest of the
13 authority to reject all bids, it shall award the contract to the lowest
14 bidder, unless the authority shall determine that it is for the public
15 interest that a bid other than the lowest bid should be accepted. In any
16 contract for work, material or supplies, there shall be inserted in the
17 discretion of the authority a provision that additional work may be done
18 or material or supplies furnished for the purpose of completing such
19 contract at an expense not exceeding fifteen per centum of the amount of
20 such contract if such additional work, materials or supplies shall be
21 ordered by the authority. The bidder whose bid is accepted shall give
22 security for the faithful performance of the contract, and such other
23 security as the authority may require, and may be required to maintain
24 for such period as shall be stipulated any construction done under the
25 contract, all in the manner prescribed and required by the authority,
26 and the sufficiency of such security shall, in addition to the justi-
27 fication and acknowledgment, be approved by the authority. All bids or
28 proposals shall be publicly opened by the authority or its duly author-~~

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

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1 ~~ized agent. If the bidder whose bid has been accepted after advertising~~
2 ~~shall neglect or refuse to accept the contract within five days after~~
3 ~~written notice that the same has been awarded to him on his bid or~~
4 ~~proposal, or, if he accepts but does not execute the contract and give~~
5 ~~proper security the authority shall have the right to declare his depos-~~
6 ~~it forfeited, and thereupon it shall be readvertised and relet as above~~
7 ~~provided. In case any work shall be abandoned by any contractor, the~~
8 ~~authority may, if the best interests of the authority be thereby served,~~
9 ~~adopt on behalf of the authority any or all sub-contracts made by such~~
10 ~~contractor for such work and all such sub-contractors shall be bound by~~
11 ~~such adoption if made; and the authority shall in the manner provided~~
12 ~~herein readvertise and relet the work specified in the original contract~~
13 ~~exclusive of so much thereof as shall be provided for in the sub-con-~~
14 ~~tract or sub-contracts so adopted. No bid shall be accepted from or any~~
15 ~~contracts awarded to, any person or corporation who is in arrears to the~~
16 ~~authority, or the county of Eric upon any debt or contract, or is a~~
17 ~~defaulter as surety or otherwise upon any obligation of the authority,~~
18 ~~or the county. Every contract involving an expenditure of more than five~~
19 ~~thousand dollars when made and entered into as herein provided for shall~~
20 ~~be executed in duplicate, one copy of which shall be held by the author-~~
21 ~~ity and one copy of which shall be delivered to the contractor. Upon the~~
22 ~~adoption of a resolution by a vote of two thirds of all the members of~~
23 ~~the authority stating that, for reasons of efficiency or economy, there~~
24 ~~is need for standardization, purchase contracts for a particular type or~~
25 ~~kind of equipment, material or supplies of more than five thousand~~
26 ~~dollars may be awarded by the authority to the lowest responsible bidder~~
27 ~~furnishing the required security after advertisement for sealed bids~~
28 ~~therefor in the manner provided in this section. Such resolution shall~~
29 ~~contain a full explanation of the reasons for its adoption.] The author-~~
30 ~~ity shall let contracts for construction or purchase of supplies, mate-~~
31 ~~rials, or equipment pursuant to sections one hundred one and one hundred~~
32 ~~three of the general municipal law. Nothing in this section shall be~~
33 ~~construed to limit the power of the authority to do any construction~~
34 ~~directly by the officers, agents and employees of the authority or to~~
35 ~~contract with a public utility, for a term not to exceed five years, for~~
36 ~~the operation and maintenance of a water supply system acquired from~~
37 ~~said public utility.~~

38 § 2. This act shall take effect immediately.