S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. NOLAN, MILLMAN, DINOWITZ, COLTON, JACOBS, O'DONNELL, PERRY -- Multi-Sponsored by -- M. of A. BENJAMIN, CHRISTENSEN, COOK, FARRELL, GLICK, GOTTFRIED, JOHN, MARKEY, PHEFFER, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law and the public authorities law, in relation to procurement by the board of education of the city school district of the city of New York and by the New York city school construction authority; and to repeal subdivision 36 of section 2590-h of the education law relating thereto

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

Section 1. Subdivision 36 of section 2590-h of the education law is REPEALED and a new subdivision 36 is added to read as follows:

36. (A) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, ENSURE THAT ALL CONTRACTS OR AGREEMENTS INVOLVING THE PURCHASE OR DELIVERY OF MATERIAL GOODS, SUPPLIES, AND SERVICES BY OR TO THE CHANCELLOR, THE SUPERINTENDENTS OR THE SCHOOLS, INCLUDING ANY FRANCHISE OR CONCESSION AGREEMENTS, REGARDLESS OF THE SOURCE OF FUNDS, ARE ENTERED INTO IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS THIRTEEN AND FOURTEEN OF THE NEW YORK CITY CHARTER, THE RULES OF THE NEW YORK CITY PROCUREMENT POLICY BOARD AND OF THE NEW YORK CITY FRANCHISE CONCESSION AND REVIEW COMMITTEE. NO SUCH CONTRACT OR AGREEMENT SHALL BE IMPLEMENTED UNTIL IT HAS BEEN FILED AND REGISTERED BY THE COMPTROLLER PURSUANT TO CHAPTERS FIVE AND THIRTEEN OF THE NEW YORK CITY CHARTER. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "CONTRACT" OR "AGREEMENT" SHALL INCLUDE ANY CONTRACT THAT DIRECTLY OR INDIRECTLY BENEFITS THE CITY DISTRICT, INCLUDING ANY CONTRACT OR OTHER INSTRUMENT IN WHICH THE CITY, CITY BOARD, OR ANY OF ITS OFFICERS AGREES TO GIVE OR RECEIVE A CONSIDERATION OTHER THAN THE PAYMENT OF MONEY;

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

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(B) ESTABLISH STANDARDS FOR QUALITY, FUNCTION, AND UTILITY OF ALL MATERIAL GOODS, SUPPLIES, AND SERVICES PURCHASED BY THE CHANCELLOR, SUPERINTENDENTS, OR SCHOOLS; AND

(C) PROMULGATE REGULATIONS WHICH ENABLE SUPERINTENDENTS AND SCHOOLS TO PURCHASE MATERIAL GOODS, SUPPLIES, AND SERVICES DIRECTLY FROM VENDORS OR SUPPLIERS WHEN SUCH PRODUCTS ARE AVAILABLE AT PRICES OR OTHER TERMS MORE ECONOMICALLY BENEFICIAL FOR THE PURPOSES OF THE ACQUIRING SUPERINTENDENT OR SCHOOL. SUCH REGULATIONS SHALL ALSO INCLUDE REPAIR SERVICES AND BUILDING SUPPLIES, AS DEFINED IN SUCH REGULATIONS, FOR EXPENDITURES FROM EACH DISTRICT'S MINOR REPAIR AND PURCHASING FUNDS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE.

S 2. Paragraph b of subdivision 1 of section 1734 of the public authorities law, as added by chapter 738 of the laws of 1988, is amended to read as follows:

b. The authority shall be subject to the provisions of section one hundred one of the general municipal law AND TO THE PROVISIONS OF CHAPTERS THIRTEEN AND FOURTEEN OF THE NEW YORK CITY CHARTER AND THE RULES OF THE NEW YORK CITY PROCUREMENT POLICY BOARD AND OF THE NEW YORK CITY FRANCHISE AND CONCESSION REVIEW COMMITTEE. NO CONTRACT OR AGREEMENT AWARDED PURSUANT TO THIS SECTION SHALL BE IMPLEMENTED UNTIL IT HAS BEEN FILED AND REGISTERED BY THE COMPTROLLER PURSUANT TO CHAPTERS FIVE AND THIRTEEN OF THE NEW YORK CITY CHARTER.

S 3. This act shall take effect immediately.