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

5419

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

AN ACT to amend the general municipal law, in relation to including utility interference work within the competitive bidding process

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

Section 1. Section 100 of the general municipal law is amended by adding a new subdivision 4 to read as follows:

4. "UTILITY INTERFERENCE WORK" MEANS THE WORK REQUIRED TO MAINTAIN THE PHYSICAL EQUIPMENT USED TO DELIVER ELECTRIC, GAS, WATER, SEWER, FUEL OIL, CABLE TELEVISION AND TELEPHONE SERVICES WHILE A PUBLIC WORK PROJECT IS ONGOING. SUCH WORK REQUIRED TO MAINTAIN SUCH PHYSICAL EQUIPMENT MAY INCLUDE, BUT IS NOT NECESSARILY LIMITED TO, REMOVAL, PROTECTION AND RELOCATION.

S 2. Section 103 of the general municipal law is amended by adding a new subdivision 1-b to read as follows:

1-B. ANY POLITICAL SUBDIVISION MAY, BEFORE ADVERTISING FOR SEALED BID PURSUANT TO THIS SECTION, DETERMINE THAT A CONTRACT FOR PUBLIC WORK INVOLVING AN EXPENDITURE OF MORE THAN TWENTY THOUSAND DOLLARS WHICH REQUIRES UTILITY INTERFERENCE WORK SHALL BE SEPARATED INTO TWO SEPARATE BIDS. IF THE POLITICAL SUBDIVISION MAKES THE FOREGOING DETERMINATION, THEN ONE BID SHALL BE FOR THE PUBLIC WORK AND THE SECOND BID SHALL BE FOR THE UTILITY INTERFERENCE WORK. BEFORE ADVERTISING FOR THE TWO FOREGOING BIDS, THE POLITICAL SUBDIVISION SHALL ENTER INTO A WRITTEN AGREEMENT WITH ALL OF THE OWNERS AND/OR OPERATORS OF THE UTILITY EQUIPMENT AFFECTED BY THE PUBLIC WORK CONTRACT AND SUCH AGREEMENT SHALL, AT A MINIMUM, REQUIRE SUCH OWNERS/OPERATORS TO REIMBURSE THE POLITICAL SUBDIVISION FOR THE ACTUAL COSTS OF THE CONTRACT FOR UTILITY INTERFERENCE WORK. THE POLITICAL SUBDIVISION MAY IMPOSE A CHARGE UPON THE UTILITY OWNERS/OPERATORS FOR THE COST OF ADMINISTERING THE UTILITY INTERFERENCE WORK CONTRACT, PROVIDED SUCH CHARGE SHALL NOT EXCEED FIVE PERCENT OF THE

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

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BID AMOUNT FOR THE UTILITY INTERFERENCE WORK CONTRACT. EXCEPT AS EXPRESSLY PROVIDED FOR IN THIS SUBDIVISION, THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE BIDS FOR UTILITY INTERFERENCE WORK AND THE PUBLIC WORK.

S 3. This act shall take effect immediately.