

7212

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 26, 2009

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Introduced by M. of A. FINCH, KOLB -- Multi-Sponsored by -- M. of A.  
CROUCH -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing  
the city of Auburn to prefer businesses located in the county of Cayu-  
ga in awarding public contracts

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

1     Section 1. Subdivision 1 of section 103 of the general municipal law,  
2     as amended by chapter 741 of the laws of 2005, is amended to read as  
3     follows:  
4     1. Except as otherwise expressly provided by an act of the legislature  
5     or by a local law adopted prior to September first, nineteen hundred  
6     fifty-three, all contracts for public work involving an expenditure of  
7     more than twenty thousand dollars and all purchase contracts involving  
8     an expenditure of more than ten thousand dollars, shall be awarded by  
9     the appropriate officer, board or agency of a political subdivision or  
10    of any district therein including but not limited to a soil conservation  
11    district, to the lowest responsible bidder furnishing the required secu-  
12    rity after advertisement for sealed bids in the manner provided by this  
13    section; PROVIDED, HOWEVER, THAT IN THE CITY OF AUBURN, FOR PUBLIC WORKS  
14    AND PURCHASE CONTRACTS UP TO ONE HUNDRED THOUSAND DOLLARS, SUCH  
15    CONTRACTS MAY BE AWARDED TO THE RESPONSIBLE BIDDER WHOSE BID IS WITHIN  
16    FIVE PERCENT OF THE BID OF THE LOWEST RESPONSIBLE BIDDER AND IF THE  
17    PRINCIPAL PLACE OF BUSINESS OF SUCH BIDDER IS LOCATED WITHIN THE COUNTY  
18    OF CAYUGA. In any case where a responsible bidder's gross price is  
19    reducible by an allowance for the value of used machinery, equipment,  
20    apparatus or tools to be traded in by a political subdivision, the gross  
21    price shall be reduced by the amount of such allowance, for the purpose  
22    of determining the low bid. In cases where two or more responsible  
23    bidders furnishing the required security submit identical bids as to  
24    price, such officer, board or agency may award the contract to any of  
25    such bidders. Such officer, board or agency may, in his or its  
26    discretion, reject all bids and readvertise for new bids in the manner  
27    provided by this section. For purposes of this section, "sealed bids",

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

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1 as that term applies to purchase contracts, shall include bids submitted  
2 in an electronic format, provided that the governing board of the poli-  
3 tical subdivision or district, by resolution, has authorized the receipt  
4 of bids in such format. Submission in electronic format may not, howev-  
5 er, be required as the sole method for the submission of bids. Bids  
6 submitted in an electronic format shall be transmitted by bidders to the  
7 receiving device designated by the political subdivision or district.  
8 Any method used to receive electronic bids shall comply with article  
9 three of the state technology law, and any rules and regulations promul-  
10 gated and guidelines developed thereunder and, at a minimum, must (a)  
11 document the time and date of receipt of each bid received electron-  
12 ically; (b) authenticate the identity of the sender; (c) ensure the  
13 security of the information transmitted; and (d) ensure the confiden-  
14 tiality of the bid until the time and date established for the opening  
15 of bids. The timely submission of an electronic bid in compliance with  
16 instructions provided for such submission in the advertisement for bids  
17 and/or the specifications shall be the responsibility solely of each  
18 bidder or prospective bidder. No political subdivision or district ther-  
19 ein shall incur any liability from delays of or interruptions in the  
20 receiving device designated for the submission and receipt of electronic  
21 bids.

22 S 2. Subdivision 1 of section 103 of the general municipal law, as  
23 amended by chapter 413 of the laws of 1991, is amended to read as  
24 follows:

25 1. Except as otherwise expressly provided by an act of the legislature  
26 or by a local law adopted prior to September first, nineteen hundred  
27 fifty-three, all contracts for public work involving an expenditure of  
28 more than twenty thousand dollars and all purchase contracts involving  
29 an expenditure of more than ten thousand dollars, shall be awarded by  
30 the appropriate officer, board or agency of a political subdivision or  
31 of any district therein including but not limited to a soil conservation  
32 district, to the lowest responsible bidder furnishing the required secu-  
33 rity after advertisement for sealed bids in the manner provided by this  
34 section. In any case where a responsible bidder's gross price is reduci-  
35 ble by an allowance for the value of used machinery, equipment, appara-  
36 tus or tools to be traded in by a political subdivision, the gross price  
37 shall be reduced by the amount of such allowance, for the purpose of  
38 determining the low bid. In cases where two or more responsible bidders  
39 furnishing the required security submit identical bids as to price, such  
40 officer, board or agency may award the contract to any of such bidders.  
41 Such officer, board or agency may, in his or its discretion, reject all  
42 bids and readvertise for new bids in the manner provided by this  
43 section; PROVIDED, HOWEVER, THAT IN THE CITY OF AUBURN, FOR PUBLIC WORKS  
44 AND PURCHASE CONTRACTS UP TO ONE HUNDRED THOUSAND DOLLARS, SUCH  
45 CONTRACTS MAY BE AWARDED TO THE RESPONSIBLE BIDDER WHOSE BID IS WITHIN  
46 FIVE PERCENT OF THE BID OF THE LOWEST RESPONSIBLE BIDDER AND IF THE  
47 PRINCIPAL PLACE OF BUSINESS OF SUCH BIDDER IS LOCATED WITHIN THE COUNTY  
48 OF CAYUGA.

49 S 3. This act shall take effect immediately, provided that the amend-  
50 ments to subdivision 1 of section 103 of the general municipal law made  
51 by section one of this act shall be subject to the expiration and rever-  
52 sion of such subdivision pursuant to subdivision (a) of section 41 of  
53 part X of chapter 62 of the laws of 2003, as amended, when upon such  
54 date the provisions of section two of this act shall take effect.