

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

8624--C

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. HOYT, LUPARDO, REILLY, SCHIMEL, RUSSELL, JAFFEE -- Multi-Sponsored by -- M. of A. MCENENY -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the education law, in relation to the information technology procurement savings act of 2010; provides local governments and school districts more contract flexibility; and provides for purchasing services

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

1 Section 1. This act shall be cited as and known as "the information
2 technology procurement savings act of 2010".
3 S 2. Section 103 of the general municipal law is amended by adding two
4 new subdivisions 1-b and 13 to read as follows:
5 1-B. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE
6 OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARD-
7 WARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING
8 PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMA-
9 TION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL
10 SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL
11 SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND
12 CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE
13 ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION
14 8.405-1 OR 8.405-2, WHICHEVER IS APPLICABLE. ADHERENCE TO SUCH PROCEDURE

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

LBD11929-10-0

1 SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS
2 UNDER THIS SECTION.

3 13. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
4 AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION
5 AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR
6 AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED
7 TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH
8 PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY
9 DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR
10 POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH
11 COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION
12 AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL
13 ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE
14 POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE,
15 UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON
16 ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE
17 BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS
18 PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL
19 SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B
20 OF THIS ARTICLE.

21 S 3. The general municipal law is amended by adding a new section
22 109-c to read as follows:

23 S 109-C. PURCHASE OF SERVICES. NOTWITHSTANDING THE PROVISIONS OF
24 SECTION ONE HUNDRED THREE OF THIS ARTICLE OR ANY OTHER GENERAL, SPECIAL
25 OR LOCAL LAW, ANY OFFICER, BOARD OR AGENCY OF A VILLAGE, TOWN OR COUNTY
26 IS AUTHORIZED TO MAKE PURCHASES THROUGH THE LOCAL SCHOOL OR BOARD OF
27 COOPERATIVE EDUCATIONAL SERVICES (BOCES) DISTRICT SUBJECT TO SUCH RULES
28 AND REGULATIONS AS MAY BE ESTABLISHED FROM TIME TO TIME PURSUANT TO
29 SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW OR THROUGH THE
30 GENERAL SERVICES ADMINISTRATION PURSUANT TO SECTION 1555 OF THE FEDERAL
31 ACQUISITION STREAMLINING ACT OF 1994. ALL PURCHASES SHALL BE SUBJECT TO
32 AUDIT AND INSPECTION BY THE VILLAGE, TOWN OR COUNTY. NO OFFICER, BOARD
33 OR AGENCY OF A VILLAGE, TOWN OR COUNTY SHALL MAKE A PURCHASE THROUGH
34 SUCH SCHOOL OR BOCES DISTRICT WHEN BIDS HAVE BEEN RECEIVED FOR SUCH
35 PURCHASE BY SUCH OFFICER, BOARD OR AGENCY, UNLESS SUCH PURCHASE MAY BE
36 MADE UPON THE SAME TERMS, CONDITIONS AND SPECIFICATIONS AT A LOWER PRICE
37 THROUGH SUCH SCHOOL OR BOCES DISTRICT.

38 S 4. The education law is amended by adding a new article 25 to read
39 as follows:

40 ARTICLE 25

41 SHARED CONTRACTS

42 SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
43 SERVICES.

44 S 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.
45 NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO
46 THE CONTRARY, ANY LOCAL SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
47 SERVICES DISTRICT SHALL BE AUTHORIZED TO ENTER INTO AGREEMENTS TO SHARE
48 PROCUREMENT CONTRACTS FOR TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
49 SERVICES, AS REFERENCED IN SCHOOL DISTRICT CAPITAL EQUIPMENT AS DEFINED
50 IN SUBDIVISION FORTY-THREE OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THE
51 PUBLIC AUTHORITIES LAW, OFFERED BY THE DEPARTMENT WITH ANY OFFICER,
52 BOARD OR AGENCY OF A VILLAGE, TOWN OR COUNTY.

53 S 5. This act shall take effect immediately, and shall apply to
54 procurement contracts entered into on or after such effective date.