

2120

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to contracts by the New York city school construction authority

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

1 Section 1. Paragraph b of subdivision 2 of section 1734 of the public
2 authorities law, as added by chapter 738 of the laws of 1988, is amended
3 to read as follows:
4 b. The authority may reject all bids and obtain new bids in the manner
5 provided by this section when it deems it in the public interest to do
6 so or, in cases where two or more responsible bidders submit identical
7 bids which are the lowest bids, award the contract to any of such
8 bidders or obtain new bids from such bidders. Nothing herein shall obli-
9 gate the authority to seek new bids after the rejection of bids or after
10 cancellation of an invitation to bid. Nothing in this section shall
11 prohibit the evaluation of bids on the basis of costs or savings includ-
12 ing life cycle costs of the item to be purchased, discounts, and
13 inspection services so long as the invitation to bid reasonably sets
14 forth the criteria to be used in evaluating such costs or savings. Life
15 cycle costs may include but shall not be limited to costs or savings
16 associated with installation, energy use, maintenance, operation and
17 salvage or disposal. A BID SHALL NOT BE REJECTED OR BE DEEMED INVALID,
18 IMPAIRED OR IN ANY MANNER DEFECTIVE SOLELY FOR HARMLESS, TECHNICAL, OR
19 MINISTERIAL DEFECTS, WHERE THE INTENT IS CLEARLY DISCERNIBLE AND UNIN-
20 TENTIONAL, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT BE DEEMED TO
21 RELIEVE ANY BIDDER FROM ANY CRIMINAL OR CIVIL LIABILITY AS MAY BE
22 IMPOSED BY REASON OF HIS OR HER ACT, NOR ENLARGE THE ACTUAL AUTHORITY OF
23 ANY OFFICER OF THE AUTHORITY, NOR, EXCEPT AS STATED IN THIS SENTENCE,
24 LIMIT ANY OTHER STATUTE OR RULE OF LAW.
25 S 2. This act shall take effect immediately.

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

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