

5600--B

2009-2010 Regular Sessions

I N S E N A T E

May 21, 2009

Introduced by Sens. STEWART-COUSINS, LITTLE, BONACIC, KLEIN, MORAHAN, ONORATO, OPPENHEIMER, PARKER, PERKINS, SAMPSON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, 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
15 SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS
16 UNDER THIS SECTION.

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

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

19 S 3. The general municipal law is amended by adding a new section
20 109-c to read as follows:

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

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

38 ARTICLE 25

39 SHARED CONTRACTS

40 SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
41 SERVICES.

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

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