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

2710

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

AN ACT to amend the general municipal law, in relation to giving the city of Rochester the power to prefer minority and women-owned businesses in awarding public contracts

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

Section 1. Subdivision 1 of section 103 of the general municipal law, as amended by chapter 741 of the laws of 2005, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than twenty thousand dollars and all purchase contracts involving an expenditure of more than ten thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or its discretion, reject all bids and readvertise for new bids in the manner provided by this section; PROVIDED, HOWEVER, THAT IN THE CITY OF ROCHESTER, FOR PUBLIC WORKS AND PURCHASE CONTRACTS UP TO ONE HUNDRED THOUSAND DOLLARS, SUCH CONTRACTS MAY BE AWARDED TO THE RESPONSIBLE BIDDER WHOSE BID IS WITHIN

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

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FIVE PERCENT OF THE BID OF THE LOWEST RESPONSIBLE BIDDER, IF THE PRINCIPAL PLACE OF BUSINESS OF SUCH BIDDER IS LOCATED WITHIN THE ROCHESTER METROPOLITAN STATISTICAL AREA, SUCH BIDDER IS CERTIFIED BY THE STATE OF NEW YORK AS A MINORITY OR WOMEN-OWNED BUSINESS AND SUCH AWARD IS MADE PURSUANT TO A MINORITY/WOMEN BUSINESS ENTERPRISE PROGRAM LAWFULLY ADOPTED BY THE CITY OF ROCHESTER. For purposes of this section, "sealed bids", as that term applies to purchase contracts, shall include bids submitted in an electronic format, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids in such format. Submission in electronic format may not, however, be required as the sole method for the submission of bids. Bids submitted in an electronic format shall be transmitted by bidders to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid until the time and date established for the opening of bids. The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or the specifications shall be the responsibility solely of each bidder or prospective bidder. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

S 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 1 of section 103 of the general municipal law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.