

3249

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

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

AN ACT to amend the county law, the education law, the environmental
conservation law, the general municipal law and the public authorities
law, in relation to separate specifications for public work and to
repeal certain provisions of the general municipal law and the educa-
tion law relating thereto

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

1 Section 1. Section 101 of the general municipal law is REPEALED.
2 S 2. Subdivision 4 of section 279-c of the county law, as added by
3 chapter 504 of the laws of 1997, is amended to read as follows:
4 4. Every agreement entered into between the district and a private
5 entity, pursuant to subdivision one of this section, for the
6 construction of a wastewater treatment facility, shall require the
7 payment of all applicable prevailing wages pursuant to section two
8 hundred twenty of the labor law, shall require the furnishing to the
9 district of a performance bond in the full amount of the cost of such
10 construction, shall require that each contractor and subcontractor
11 performing work on such construction furnish a payment bond in the full
12 amount of its contract guaranteeing prompt payment of monies that are
13 due to all persons furnishing labor and materials to such contractor or
14 subcontractor[, and shall contain provisions that such construction, if
15 in excess of twenty thousand dollars, shall be conducted pursuant to
16 section one hundred one of the general municipal law]. A copy of the
17 above mentioned payment and performance bonds shall be kept by the
18 district and shall be open to public inspection.
19 S 3. Paragraph d of subdivision 1 of section 372-a of the education
20 law, as added by chapter 624 of the laws of 1999, is amended to read as
21 follows:

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

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1 d. Any contracts or leases entered into by the trustees of the state
2 university of New York pursuant to this section shall require the lessee
3 or contracting not-for-profit corporation to comply with the require-
4 ments of article fifteen-A of the executive law. Any contract or lease
5 for construction, rehabilitation, or other improvement authorized by
6 this section entered into by the trustees shall require the lessee or
7 contractor and/or subcontractor to comply with the requirements of
8 section two hundred twenty, two hundred thirty, two hundred thirty-one,
9 two hundred forty and two hundred forty-one of the labor law, where
10 applicable, as well as [sections one hundred one and] SECTION one
11 hundred three of the general municipal law, where applicable;

12 S 4. Subdivision 11 of section 407-a of the education law, as added by
13 chapter 737 of the laws of 1988, is amended to read as follows:

14 11. Any contract undertaken or financed by the dormitory authority for
15 any construction, reconstruction, rehabilitation or improvement for any
16 special act school district shall comply with the provisions of
17 [sections one hundred one and] SECTION one hundred three of the general
18 municipal law.

19 S 5. Subdivision 1 of section 458 of the education law is REPEALED and
20 subdivisions 2 and 2-a are renumbered subdivisions 1 and 2.

21 S 6. Subdivision 1 of section 482 of the education law is REPEALED and
22 subdivisions 2 and 2-a are renumbered subdivisions 1 and 2.

23 S 7. Subdivision 3 of section 1726 of the education law, as added by
24 chapter 198 of the laws of 1973, is amended to read as follows:

25 3. Such agreements shall be subject to the bidding requirements of the
26 general municipal law[, except that the provisions of section one
27 hundred one of the general municipal law shall not apply to lease or
28 lease-purchase of pre-manufactured items delivered to the site, but
29 shall apply to installation and other work to be performed on the site].

30 S 8. Subdivision (b) of section 6281 of the education law is REPEALED.

31 S 9. Subparagraph 4 of paragraph c of subdivision 2 of section 27-0707
32 of the environmental conservation law, as amended by chapter 70 of the
33 laws of 1988, is amended to read as follows:

34 (4) the applicant has received or will receive the written opinion of
35 counsel to each [municipality] MUNICIPALITY or public authority which has
36 entered into a contract, lease or rental agreement with the proposed
37 facility that such contract, lease or rental agreement is in compliance
38 with the applicable requirements of sections [one hundred one,] one
39 hundred three and one hundred twenty-w of the general municipal law.

40 S 10. The closing paragraph of section 99-q of the general municipal
41 law, as added by chapter 825 of the laws of 1987, is amended to read as
42 follows:

43 All contracts entered into pursuant to the provisions of this section
44 shall be subject to the provisions of [sections one hundred one and]
45 SECTION one hundred three of this chapter.

46 S 11. The opening paragraph of paragraph (e) of subdivision 4 of
47 section 120-w of the general municipal law, as amended by chapter 552 of
48 the laws of 1980, is amended to read as follows:

49 It is the intent of the legislature that overall cost should in all
50 cases be a major criterion in the selection of contractors for award of
51 contracts pursuant to this section and that, wherever practical, such
52 contracts which include construction work should be procured through
53 competitive bidding procedures as prescribed by [sections one hundred
54 one and] SECTION one hundred three of this chapter. It is further the
55 intent of the legislature to acknowledge the highly complex and innova-
56 tive nature of resource recovery technology for processing mixed solid

1 waste, the relative newness of the variety of resource recovery systems
2 now available, the desirability of a single point of responsibility for
3 the development of facilities and the economic and technical utility of
4 contracts for resource recovery projects which include in their scope
5 various combinations of design, construction, operation, management
6 and/or maintenance responsibilities over prolonged periods of time and
7 that in some instances it may be beneficial to the municipality to award
8 a contract on the basis of factors other than cost alone, including but
9 not limited to facility design, system reliability, energy efficiency,
10 compatibility with source separation and other recycling systems and
11 environmental protection. Accordingly, and notwithstanding the
12 provisions of any general, special or local law or charter, a contract
13 entered into between a municipality and any person pursuant to this
14 section may be awarded pursuant to public bidding in compliance with
15 [sections one hundred one and] SECTION one hundred three of this chapter
16 or pursuant to the following provisions for the award of a contract
17 based on evaluation of proposals submitted in response to a request for
18 proposals prepared by or for the municipality:

19 S 12. Section 1136 of the public authorities law, as added by chapter
20 592 of the laws of 1991, is amended to read as follows:

21 S 1136. Construction and purchase contracts. The authority shall let
22 contracts for construction or purchase of supplies, materials or equip-
23 ment pursuant to [sections one hundred one and] SECTION one hundred
24 three of the general municipal law. Nothing in this section shall be
25 construed to limit the powers of the authority to do any construction
26 directly by the officers, agents and employees of the authority.

27 S 13. Section 1137 of the public authorities law, as added by chapter
28 595 of the laws of 1991, is amended to read as follows:

29 S 1137. Construction and purchase contracts. The authority shall let
30 contracts for construction or purchase of supplies, materials, or equip-
31 ment pursuant to [sections one hundred one and] SECTION one hundred
32 three of the general municipal law. Nothing in this section shall be
33 construed to limit the power of the authority to do any construction
34 directly by the officers, agents and employees of the authority.

35 S 14. Section 1147-u of the public authorities law, as added by chap-
36 ter 691 of the laws of 1995, is amended to read as follows:

37 S 1147-u. Construction and purchase contracts. The authority shall let
38 contracts for construction or purchase of supplies, materials, or equip-
39 ment pursuant to [sections one hundred one and] SECTION one hundred
40 three of the general municipal law and shall be let in accordance with
41 the provisions of state law pertaining to prevailing wages, labor stand-
42 ards, and working hours. Nothing in this section shall be construed to
43 limit the power of the authority to do any construction directly by the
44 officers, agents and employees of the authority.

45 S 15. Section 1174-q of the public authorities law, as added by chap-
46 ter 491 of the laws of 1991, is amended to read as follows:

47 S 1174-q. Construction and purchase contracts. The authority shall let
48 contracts for construction or purchase of supplies, materials, or equip-
49 ment pursuant to [sections one hundred one and] SECTION one hundred
50 three of the general municipal law. Nothing in this section shall be
51 construed to limit the power of the authority to do any construction
52 directly by the officers, agents and employees of the authority or to
53 contract with a public utility, for a term not to exceed five years, for
54 the operation and maintenance of a water supply system acquired from
55 said public utility.

1 S 16. Section 1198-q of the public authorities law, as added by chap-
2 ter 868 of the laws of 1990, is amended to read as follows:

3 S 1198-q. Construction and purchase contracts. The authority shall let
4 contracts for construction or purchase of supplies, materials, or equip-
5 ment pursuant to [sections one hundred one and] SECTION one hundred
6 three of the general municipal law. Nothing in this section shall be
7 construed to limit the power of the authority to do any construction
8 directly by the officers, agents and employees of the authority or to
9 contract with a public utility, for a term not to exceed five years, for
10 the operation and maintenance of a water supply system acquired from
11 said public utility.

12 S 17. Section 1199-qqq of the public authorities law, as added by
13 chapter 678 of the laws of 1990, is amended to read as follows:

14 S 1199-qqq. Construction and purchase contracts. The authority shall
15 let contracts for construction or purchase of supplies, materials, or
16 equipment pursuant to [sections one hundred one and] SECTION one hundred
17 three of the general municipal law. Nothing in this section shall be
18 construed to limit the power of the authority to do any construction
19 directly by the officers, agents and employees of the authority.

20 S 18. Section 1199-qqqq of the public authorities law, as added by
21 chapter 195 of the laws of 1995, is amended to read as follows:

22 S 1199-qqqq. Construction and purchase contracts. The authority shall
23 let contracts for construction or purchase of supplies, materials, or
24 equipment pursuant to [sections one hundred one and] SECTION one hundred
25 three of the general municipal law and shall be let in accordance with
26 the provisions of state law pertaining to prevailing wages, labor stand-
27 ards, and working hours. Nothing in this section shall be construed to
28 limit the power of the authority to do any construction directly by the
29 officers, agents and employees of the authority.

30 S 19. The closing paragraph of subdivision 13 of section 1678 of the
31 public authorities law, as added by chapter 825 of the laws of 1987, is
32 amended to read as follows:

33 Any contract undertaken or financed by the dormitory authority for any
34 construction, reconstruction, rehabilitation or improvement of any court
35 facilities or combined occupancy structures shall comply with the
36 provisions of [sections one hundred one and] SECTION one hundred three
37 of the general municipal law.

38 S 20. The opening paragraph of paragraph a of subdivision 2 of section
39 1680 of the public authorities law, as amended by section 25 of part II
40 of chapter 59 of the laws of 2004, is amended to read as follows:

41 The dormitory authority is hereby authorized and empowered upon appli-
42 cation of the educational institution concerned to acquire, design,
43 construct, reconstruct, rehabilitate and improve, or otherwise provide
44 and furnish and equip dormitories and attendant facilities for any
45 educational institution, provided that THE SPECIFICATIONS FOR any
46 contract undertaken or financed by the dormitory authority for any
47 construction, reconstruction, rehabilitation or improvement of any
48 building or structure commenced after September first, nineteen hundred
49 seventy-four for the Gananda school district or the Gananda educational
50 facilities corporation, or any agency, board or commission therein, or
51 any official thereof, [shall comply with the provisions of section one
52 hundred one of the general municipal law and the specifications for such
53 contract] may provide for assignment of responsibility for coordination
54 of any of the contracts for such work to a single responsible and quali-
55 fied person, firm or corporation; [provided, however, that all contracts
56 for construction of buildings on behalf of Queens Hospital Center shall

1 be in conformity with the provisions of section one hundred one of the
2 general municipal law;] provided that any contracts for the
3 construction, reconstruction, rehabilitation or improvement of any
4 public work project undertaken by the dormitory authority of any facili-
5 ty for the aged for any political subdivision of the state or any
6 district therein or agency, department, board or commission thereof, or
7 any official thereof, shall comply with the provisions of section one
8 hundred thirty-five of the state finance law; and provided further that
9 any contract undertaken or financed by the dormitory authority for any
10 construction, reconstruction, rehabilitation or improvement of any
11 building commenced after January first, nineteen hundred eighty-nine for
12 the department of health shall comply with the provisions of section one
13 hundred thirty-five of the state finance law.

14 S 21. Subdivision 1 of section 1734 of the public authorities law, as
15 added by chapter 738 of the laws of 1988, is amended to read as follows:

16 1. [a.] All contracts for the construction, reconstruction, improve-
17 ment, rehabilitation, maintenance, repair, furnishing, equipping of or
18 otherwise providing for educational facilities for the city board may be
19 awarded in accordance with the provisions of this section, notwithstand-
20 ing the provisions of section eight of the public buildings law, section
21 one hundred three of the general municipal law, section one hundred
22 thirty-five of the state finance law, section seven of the New York
23 state financial emergency act for the city of New York or of any other
24 provision of general, special or local law, charter or administrative
25 code.

26 [b. The authority shall be subject to the provisions of section one
27 hundred one of the general municipal law.]

28 S 22. Section 1735 of the public authorities law, as added by chapter
29 738 of the laws of 1988, subdivision 1 as amended by chapter 410 of the
30 laws of 1999 and subdivision 4 as amended by chapter 491 of the laws of
31 2000, is amended to read as follows:

32 S 1735. Certain contracts of the authority. 1. [Notwithstanding the
33 provisions of paragraph b of subdivision one of section seventeen
34 hundred thirty-four of this title, the award of construction contracts
35 by the authority between July first, nineteen hundred eighty-nine and
36 June thirtieth, two thousand two, shall not be subject to the provisions
37 of section one hundred one of the general municipal law.

38 2.] Notice of the invitation for bids for contracts to be awarded
39 pursuant to this section shall state the time and place of the receipt
40 and opening of bids.

41 [3] 2. All bidders shall submit to the authority, prior to the open-
42 ing of a bid for the award of a contract under this section, a sealed
43 list identifying the names of each subcontractor each contractor
44 proposes to utilize under the contract for the performance of the
45 following subdivisions of work:

46 a. Plumbing and gas fitting;

47 b. Steam heating, hot water heating, ventilating and air conditioning
48 apparatus; and

49 c. Electric wiring and standard illuminating fixtures.

50 The low bidder shall specify in such list the estimated value to be
51 paid each such subcontractor for the work to be performed by such
52 subcontractor. After the authority has announced the low bidder at the
53 bid opening, the authority shall open only such low bidder's separate
54 sealed list and shall read aloud such subcontractors listed therein. All
55 such sealed lists except those of the low bidder shall be returned

1 unopened to their respective contractors following the awarding of a
2 contract.

3 [4] 3. The authority shall establish a committee to review and report
4 on contracts issued pursuant to this section and on the procedures and
5 methodology of the authority in awarding such contracts. The review
6 shall include, but not be limited to, the degree to which contractors
7 awarded contracts pursuant to [such paragraph] THIS SECTION, and the
8 subcontractors utilized by them, utilize employees who are represented
9 by labor organizations, comply with existing labor standards, maintain
10 harmonious labor relations and recognize state approved apprentice
11 programs. The committee shall, from time to time, issue economic and
12 statistical reports dealing with the costs of construction under this
13 article. Such reports shall deal with the costs of labor, material,
14 equipment and profit. The committee shall have no authority to approve
15 or disapprove contracts. The committee shall be composed of two repre-
16 sentatives from the authority, one representative from the board, two
17 representatives from construction-related labor organizations and two
18 representatives from the construction industry, at least one of whom
19 shall be involved in the subdivisions of work described in subdivision
20 [three] TWO of this section. The president of the authority shall desig-
21 nate the members of the committee, provided, however, that the president
22 shall designate the representatives of labor organizations from a list
23 of names submitted by the New York state AFL-CIO.

24 [5] 4. In awarding contracts pursuant to this section the authority
25 shall, in addition to the factors set forth in subdivision three of
26 section seventeen hundred thirty-four of this title, consider the
27 following factors when establishing a list of pre-qualified bidders for
28 construction work: (a) the degree to which a contractor or subcontractor
29 utilizes employees who are represented by a labor organization; (b) the
30 absence of any intentional misrepresentation with regard to lists of
31 subcontractors previously submitted pursuant to the provisions of subdivi-
32 sion [two] ONE of this section; and (c) the record of the bidder in
33 complying with existing labor standards, maintaining harmonious labor
34 relations and recognizing state approved apprentice programs.

35 [6] 5. The authority shall provide in its construction, erection or
36 alteration contracts which implement a five year educational facilities
37 capital plan a provision that shall require each contractor to make
38 prompt payment to its subcontractors performing each subdivision of work
39 listed in subdivision [three] TWO of this section. Within seven calendar
40 days of the receipt of any payment from the authority, the contractor
41 shall pay to each such subcontractor that portion of the proceeds of
42 such payment representing the value of the work performed by such
43 subcontractor, based upon the actual value of the subcontract, which has
44 been approved and paid for by the authority, less an amount necessary to
45 satisfy any claims, liens or judgments against the subcontractor which
46 have not been suitably discharged and less any amount retained by the
47 contractor as provided herein. For such purpose, the subcontract may
48 provide that the contractor may retain not more than five per centum of
49 each payment to the subcontractor or not more than ten per centum of
50 each such payment if prior to entering into the subcontract the subcon-
51 tractor is unable or unwilling to provide, at the request of the
52 contractor, a performance bond and a labor and material bond both in the
53 amount of the subcontract.

54 At the time of making a payment to the contractor for work performed
55 by the subcontractors set forth in subdivision [three] TWO of this
56 section, the authority shall file in its office for review a record of

1 such payment. If any such subcontractor shall notify the authority and
2 the contractor in writing that the contractor has failed to make a
3 payment to it as provided herein and the contractor shall fail, within
4 five calendar days after receipt of such notice, to furnish either proof
5 of such payment or notice that the amount claimed by the subcontractor
6 is in dispute, the authority shall withhold from amounts then or there-
7 after becoming due and payable to the contractor, other than from
8 amounts becoming due and payable to the contractor representing the
9 value of work approved by the authority and performed by other subcon-
10 tractors and which the contractor is required to pay to such subcontrac-
11 tors within seven calendar days as herein provided, an amount equal to
12 that portion of the authority's prior payment to the contractor which
13 the subcontractor claims to be due it, shall remit the amount when and
14 so withheld to the subcontractor and deduct such payment from the
15 amounts then otherwise due and payable to the contractor, which payment
16 shall, as between the contractor and the authority, be deemed a payment
17 by the authority to the contractor. In the event the contractor shall
18 notify the authority as above provided that the claim of the subcontractor
19 is in dispute, the authority shall withhold from amounts then or
20 thereafter becoming due and payable to the contractor, other than from
21 amounts becoming due and payable to the contractor representing the
22 value of work approved by the authority and performed by other subcon-
23 tractors and which the contractor is required to pay to such subcontrac-
24 tors within seven calendar days as herein provided, an amount equal to
25 that portion of the authority's prior payment to the contractor which
26 the subcontractor claims to be due it and deposit such amount when and
27 so withheld in a separate interest-bearing account pending resolution of
28 the dispute, and the amount so deposited together with the interest
29 thereon shall be paid to the party or parties ultimately determined to
30 be entitled thereto, or until the contractor and subcontractor shall
31 otherwise agree as to the disposition thereof. In the event the authori-
32 ty shall be required to withhold amounts from a contractor for the bene-
33 fit of more than one subcontractor, the amounts so withheld shall be
34 applied to or for such subcontractors in the order in which the written
35 notices of nonpayment have been received by the authority, and if more
36 than one such notice was received on the same day, proportionately based
37 upon the amount of the subcontractor claims received on such day. Noth-
38 ing herein contained shall prevent the authority from commencing an
39 interpleader action to determine entitlement to a disputed payment in
40 accordance with section one thousand six of the civil practice law and
41 rules, or any successor provision thereto.

42 Payment to a subcontractor shall not relieve the contractor from
43 responsibility for the work covered by the payment. Except as otherwise
44 provided, nothing contained herein shall create any obligation on the
45 part of the authority to pay any subcontractor, nor shall anything
46 provided herein serve to create any relationship in contract or other-
47 wise, implied or expressed, between the subcontractor and the authority.

48 The provisions of this subdivision shall not be applicable to the
49 subcontractors of a contractor whose contract is limited to the perform-
50 ance of a single subdivision of work listed in subdivision [three] TWO
51 of this section.

52 [7] 6. The provisions of this section shall cease to be in effect in
53 the event any of the provisions of this section shall be adjudged to be
54 invalid by the final judgment of a court of competent jurisdiction from
55 which judgment all appeals or applications for relief have been

1 exhausted or the time therefor has expired, provided, however, that such
2 appeals or applications are pursued promptly.

3 S 23. Section 2052-k of the public authorities law, as added by chap-
4 ter 683 of the laws of 1992, is amended to read as follows:

5 S 2052-k. Construction and purchase contracts. The authority shall let
6 contracts for construction or purchase of supplies, materials, or equip-
7 ment pursuant to [sections one hundred one and] SECTION one hundred
8 three of the general municipal law. Nothing in this section shall be
9 construed to limit the powers of the authority to do any construction
10 directly by the officers, agents and employees of the authority.

11 S 24. Subdivision 1 of section 2680-q of the public authorities law,
12 as added by chapter 632 of the laws of 1999, is amended to read as
13 follows:

14 1. The authority shall let contracts for construction or purchase of
15 supplies, materials, or equipment pursuant to [sections one hundred one
16 and] SECTION one hundred three of the general municipal law. Nothing in
17 this section shall be construed to limit the powers of the authority to
18 do any construction directly by the officers, agents and employees of
19 the authority.

20 S 25. The opening paragraph of subdivision 9 of section 3303 of the
21 public authorities law, as added by chapter 11 of the laws of 1997, is
22 amended to read as follows:

23 It is the intent of the legislature that overall cost should in all
24 cases be a major criterion in the selection of project developers for
25 award of contracts pursuant to this section and that, wherever practi-
26 cal, such contracts should be entered into through competitive bidding
27 procedures as prescribed by [sections one hundred one and] SECTION one
28 hundred three of the general municipal law. It is further the intent of
29 the legislature to acknowledge the highly complex and innovative nature
30 of medical technology, diagnostic and treatment devices, the relative
31 newness of a variety of devices, processes and procedures now available,
32 the desirability of a single point of responsibility for the development
33 of medical treatment and diagnostic facilities and the economic and
34 technical utility of contracts for medical projects which include in
35 their scope various combinations of design, construction, operation,
36 management and/or maintenance responsibility over prolonged periods of
37 time and that in some instances it may be beneficial to the corporation
38 to award a contract for a medical project on the basis of factors other
39 than cost alone, including but not limited to facility design, system
40 reliability, efficiency, safety, and compatibility with other elements
41 of patient care. Accordingly, and notwithstanding the provisions of any
42 general, special or local law or chapter, a contract for a medical
43 project entered into between the corporation and any project developer
44 pursuant to this section may be awarded pursuant to public bidding in
45 compliance with [sections one hundred one and] SECTION one hundred three
46 of the general municipal law or pursuant to the following provisions for
47 the award of a contract based on evaluation of proposals submitted in
48 response to a request for proposals prepared by or for the corporation:

49 S 26. The opening paragraph of subdivision 8 of section 3402 of the
50 public authorities law, as added by chapter 9 of the laws of 1997, is
51 amended to read as follows:

52 It is the intent of the legislature that overall cost should in all
53 cases be a major criterion in the selection of project developers for
54 award of contracts pursuant to this section and that, wherever practi-
55 cal, such contracts should be entered into pursuant to the provisions of
56 [sections one hundred one and] SECTION one hundred three of the general

1 municipal law. It is further the intent of the legislature to acknowl-
2 edge the highly complex and innovative nature of medical technology,
3 diagnostic and treatment devices, the relative newness of a variety of
4 devices, processes and procedures now available, the desirability of a
5 single point of responsibility for the development of medical treatment
6 and diagnostic facilities and the economic and technical utility of
7 contracts for medical projects which include in their scope various
8 combinations of design, construction, operation, management and/or main-
9 tenance responsibility over prolonged periods of time and that in some
10 instances it may be beneficial to the corporation to award a contract
11 for a medical project on the basis of factors other than capital cost
12 alone, including but not limited to facility design, system reliability,
13 efficiency, safety, long-term operating costs and compatibility with
14 other elements of patient care. Accordingly, and notwithstanding the
15 provisions of any general, special or local law or chapter, a contract
16 for a medical project entered into between the corporation and any
17 project developer pursuant to this section may be awarded pursuant to
18 public bidding in compliance with [sections one hundred one and] SECTION
19 one hundred three of the general municipal law or pursuant to the
20 following provisions for the award of a contract based on evaluation of
21 proposals submitted in response to a request for proposals prepared by
22 or for the corporation:

23 S 27. The opening paragraph of subdivision 8 of section 3603 of the
24 public authorities law, as added by chapter 507 of the laws of 1999, is
25 amended to read as follows:

26 It is the intent of the legislature that overall costs should in all
27 cases be a major criterion in the selection of project developers for
28 the award of contracts pursuant to this section and that, wherever prac-
29 tical, such contracts should be entered into through competitive bidding
30 procedures as prescribed by [sections one hundred one and] SECTION one
31 hundred three of the general municipal law. It is further the intent of
32 the legislature to acknowledge the highly complex and innovative nature
33 of medical technology, diagnostic and treatment devices, the relative
34 newness of a variety of devices, processes and procedures now available,
35 the desirability of a single point of responsibility for the development
36 of medical treatment and diagnostic facilities and the economic and
37 technical utility of contracts for medical projects which include in
38 their scope various combinations of design, construction, operation,
39 management and/or maintenance responsibility over prolonged periods of
40 time. In some instances it may be beneficial to the corporation to award
41 a contract for a medical project on the basis of factors other than cost
42 alone, including but not limited to facility design, system reliability,
43 efficiency, safety, and compatibility with other elements of patient
44 care. Accordingly, and notwithstanding the provisions of any general,
45 special or local law, a contract for a medical project entered into
46 between the corporation and any project developer pursuant to this arti-
47 cle may be awarded pursuant to public bidding in compliance with
48 [sections one hundred one and] SECTION one hundred three of the general
49 municipal law or pursuant to the following provisions for the award of a
50 contract based on evaluation of proposals submitted in response to a
51 request for proposals prepared by or for the corporation:

52 S 28. The opening paragraph of subdivision 10 of section 3628 of the
53 public authorities law, as added by chapter 143 of the laws of 2003, is
54 amended to read as follows:

55 It is the intent of the legislature that overall cost shall in all
56 cases be a major criterion in the selection of project developers for

1 award of contracts pursuant to this section and that, whenever practi-
2 cal, such contracts shall be entered into through competitive bidding
3 procedures, as prescribed by [sections one hundred one and] SECTION one
4 hundred three of the general municipal law. It is further the intent of
5 the legislature to acknowledge the highly complex and innovative nature
6 of medical technology and diagnostic and treatment devices, the relative
7 newness of a variety of devices, processes, and procedures now avail-
8 able, the desirability of a single point of responsibility for the
9 development of medical treatment and diagnostic facilities, and the
10 economic and technical utility of contracts for medical projects which
11 include in their scope various combinations of design, construction,
12 operation, management, or maintenance responsibility, or any combination
13 thereof, over prolonged periods of time, and to acknowledge that, in
14 some instances, it may be beneficial to the corporation to award a
15 contract for a medical project on the basis of factors other than cost
16 alone, including, but not limited to, facility design, system reliabil-
17 ity, efficiency, safety, and compatibility with other elements of
18 patient care. Accordingly, and notwithstanding the provisions of any
19 general, special, or local law or charter, a contract for a medical
20 project entered into between the corporation and any project developer
21 pursuant to this section may be awarded pursuant to public bidding in
22 compliance with [sections one hundred one and] SECTION one hundred three
23 of the general municipal law or pursuant to the following provisions for
24 the award of a contract based on an evaluation of proposals submitted in
25 response to a request for proposals prepared by or for the corporation:
26 S 29. This act shall take effect on the one hundred eightieth day
27 after it shall have become a law; provided, however, that the amendments
28 to section 1735 of the public authorities law made by section twenty-two
29 of this act shall not affect the repeal of such section and shall be
30 deemed repealed therewith.