

5997

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 23, 2009

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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 busi-  
nesses in awarding public contracts

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

1     Section 1. Subdivision 1 of section 103 of the general municipal law,  
2     as amended by chapter 741 of the laws of 2005, is amended to read as  
3     follows:  
4     1. Except as otherwise expressly provided by an act of the legislature  
5     or by a local law adopted prior to September first, nineteen hundred  
6     fifty-three, all contracts for public work involving an expenditure of  
7     more than twenty thousand dollars and all purchase contracts involving  
8     an expenditure of more than ten thousand dollars, shall be awarded by  
9     the appropriate officer, board or agency of a political subdivision or  
10    of any district therein including but not limited to a soil conservation  
11    district, to the lowest responsible bidder furnishing the required secu-  
12    rity after advertisement for sealed bids in the manner provided by this  
13    section. In any case where a responsible bidder's gross price is reduci-  
14    ble by an allowance for the value of used machinery, equipment, appara-  
15    tus or tools to be traded in by a political subdivision, the gross price  
16    shall be reduced by the amount of such allowance, for the purpose of  
17    determining the low bid. In cases where two or more responsible bidders  
18    furnishing the required security submit identical bids as to price, such  
19    officer, board or agency may award the contract to any of such bidders.  
20    Such officer, board or agency may, in his or its discretion, reject all  
21    bids and readvertise for new bids in the manner provided by this  
22    section; PROVIDED, HOWEVER, THAT IN THE CITY OF ROCHESTER, FOR PUBLIC  
23    WORKS AND PURCHASE CONTRACTS UP TO ONE HUNDRED THOUSAND DOLLARS, SUCH  
24    CONTRACTS MAY BE AWARDED TO A MINORITY OR WOMAN-OWNED BUSINESS CERTIFIED

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

LBD05689-01-9

1 AS SUCH BY THE STATE OF NEW YORK AND LOCATED WITHIN THE ROCHESTER METRO-  
2 POLITAN STATISTICAL AREA, AS LONG AS SUCH AWARD IS BASED ON CONTRACTOR  
3 SUBMISSIONS IN RESPONSE TO A REQUEST FOR PROPOSALS AND MADE PURSUANT TO  
4 A MINORITY AND WOMAN-OWNED BUSINESS ENTERPRISE PROGRAM LAWFULLY ADOPTED  
5 BY THE CITY OF ROCHESTER. For purposes of this section, "sealed bids",  
6 as that term applies to purchase contracts, shall include bids submitted  
7 in an electronic format, provided that the governing board of the poli-  
8 tical subdivision or district, by resolution, has authorized the receipt  
9 of bids in such format. Submission in electronic format may not, howev-  
10 er, be required as the sole method for the submission of bids. Bids  
11 submitted in an electronic format shall be transmitted by bidders to the  
12 receiving device designated by the political subdivision or district.  
13 Any method used to receive electronic bids shall comply with article  
14 three of the state technology law, and any rules and regulations promul-  
15 gated and guidelines developed thereunder and, at a minimum, must (a)  
16 document the time and date of receipt of each bid received electron-  
17 ically; (b) authenticate the identity of the sender; (c) ensure the  
18 security of the information transmitted; and (d) ensure the confiden-  
19 tiality of the bid until the time and date established for the opening  
20 of bids. The timely submission of an electronic bid in compliance with  
21 instructions provided for such submission in the advertisement for bids  
22 and/or the specifications shall be the responsibility solely of each  
23 bidder or prospective bidder. No political subdivision or district ther-  
24 ein shall incur any liability from delays of or interruptions in the  
25 receiving device designated for the submission and receipt of electronic  
26 bids.

27 S 2. This act shall take effect immediately; provided that the amend-  
28 ments to subdivision 1 of section 103 of the general municipal law made  
29 by section one of this act shall not affect the expiration of such  
30 subdivision and shall be deemed to expire therewith.