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

6691

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. BRENNAN, BENJAMIN, COLTON, GREENE, PERRY, SCARBOROUGH, GLICK, JACOBS, MARKEY, ORTIZ, ROBINSON, ABBATE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the purchase and delivery of material goods, supplies and services by or to the chancellor of the city school district of the city of New York

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

Section 1. Subdivision 36 of section 2590-h of the education law, as amended by chapter 91 of the laws of 2002, is amended to read as follows:

36. [Develop a procurement policy for the city school district of the city of New York and the districts and public schools therein. Such policy shall ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud, and corruption; and ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to, the following criteria: quality, cost and efficiency. Such policy shall also include: (a) standards for quality, function, and utility of all material goods, supplies, and services purchased by the chancellor, superintendents, or schools; (b) regulations for the purchase of material goods, supplies, and services by the chancellor, the superintendents, and the schools, including clearly articulated procedures which require a clear statement of product specifications, requirements or work to be performed, a documentable process of soliciting bids, proposals, or other offers, and a balanced and fair method, established in advance of receipt of offers, for evaluating offers and awarding contracts; (c) regulations which enable superintendents and schools to purchase material goods, supplies, and services directly from vendors or suppliers when such products are available at prices or other terms more economically beneficial for the purposes of

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

LBD07589-01-9

the acquiring superintendent or school; and (d) regulations shall include repair services and building supplies, as defined in such regulations, for expenditures from each district's minor repair and purchasing funds pursuant to section twenty-five hundred ninety-r of this article.] (A) ENSURE THAT ALL CONTRACTS OR AGREEMENTS INVOLVING THE PURCHASE OR DELIVERY OF MATERIAL GOODS, SUPPLIES AND SERVICES BY OR TO THE CHANCELLOR, THE SUPERINTENDENTS OR THE SCHOOLS, INCLUDING ANY FRANCHISE OR CONCESSION AGREEMENTS, REGARDLESS OF THE SOURCE OF FUNDS, ARE ENTERED INTO IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS THIRTEEN AND FOURTEEN OF THE NEW YORK CITY CHARTER AND THE RULES OF THE NEW YORK CITY PROCUREMENT POLICY BOARD AND OF THE NEW YORK CITY FRANCHISE CONCESSION AND REVIEW COMMITTEE, PROVIDED THAT WHERE SUCH LAW OR RULES REQUIRE ACTION BY OR APPEAL TO THE MAYOR OR AN APPOINTEE OF THE MAYOR, OTHER THAN THE CHANCELLOR, SUCH ACTION SHALL INSTEAD BE TAKEN BY THE CHANCELLOR OR SUCH APPOINTEE OF THE CHANCELLOR AS THE CHANCELLOR MAY DELEGATE IN WRITING, AND PROVIDED FURTHER, ANY CONTRACT AWARDED WITHOUT COMPETITION OR IN EXCESS OF ONE MILLION DOLLARS SHALL BE SUBJECT TO THE VOTE OF THE FULL BOARD OF EDUCATION UNLESS SUCH CONTRACT SHALL BE DEEMED AN EMERGENCY AS DEFINED IN SECTION THREE HUNDRED FIFTEEN OF THE NEW YORK CITY CHARTER OR SHALL BE MADE IN ACCORDANCE WITH RULES OF THE PROCUREMENT POLICY BOARD ESTABLISHED PURSUANT TO SECTION THREE HUNDRED FOURTEEN OF THE NEW YORK CITY CHARTER. NO SUCH CONTRACT OR AGREEMENT SHALL BE IMPLEMENTED UNTIL IT HAS BEEN FILED AND REGISTERED BY THE COMPTROLLER PURSUANT TO CHAPTERS FIVE AND THIRTEEN OF THE NEW YORK CITY CHARTER. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "CONTRACT" OR "AGREEMENT" SHALL INCLUDE ANY CONTRACT THAT DIRECTLY OR INDIRECTLY BENEFITS THE CITY DISTRICT, INCLUDING ANY CONTRACT OR OTHER INSTRUMENT IN WHICH THE CITY, CITY BOARD OR ANY OF ITS OFFICERS AGREES TO GIVE OR RECEIVE A CONSIDERATION OTHER THAN THE PAYMENT OF MONEY;

(B) ESTABLISH STANDARDS FOR QUALITY, FUNCTION, AND UTILITY OF ALL MATERIAL GOODS, SUPPLIES, AND SERVICES PURCHASED BY THE CHANCELLOR, SUPERINTENDENTS, OR SCHOOLS; AND

(C) PROMULGATE REGULATIONS WHICH ENABLE SUPERINTENDENTS AND SCHOOLS TO PURCHASE MATERIAL GOODS, SUPPLIES, AND SERVICES DIRECTLY FROM VENDORS OR SUPPLIERS WHEN SUCH PRODUCTS ARE AVAILABLE AT PRICES OR OTHER TERMS MORE ECONOMICALLY BENEFICIAL FOR THE PURPOSES OF THE ACQUIRING SUPERINTENDENT OR SCHOOL. SUCH REGULATIONS SHALL ALSO INCLUDE REPAIR SERVICES AND BUILDING SUPPLIES, AS DEFINED IN SUCH REGULATIONS, FOR EXPENDITURES FROM EACH DISTRICT'S MINOR REPAIR AND PURCHASING FUNDS PURSUANT TO SECTION TWENTY-FIVE HUNDRED NINETY-R OF THIS ARTICLE.

S 2. This act shall take effect immediately, provided that the amendments to subdivision 36 of section 2590-h of the education law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.