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

275

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the procurement of transit vehicles, supplies, equipment or services

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

Section 1. Section 103 of the general municipal law is amended by adding a new subdivision 9-a to read as follows:

9-A. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION AND OF ANY OTHER LAW TO THE CONTRARY, WHEN PROCURING VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES TO BE USED BY A MUNICIPALLY SPONSORED, OWNED OR OPERATED PUBLIC TRANSIT SYSTEM, A POLITICAL SUBDIVISION MAY, UPON THE ADOPTION OF A RESOLUTION OF THE GOVERNING BODY OF THE POLITICAL SUBDIVISION, UTILIZE AN EXISTING PUBLIC CONTRACT FOR SUCH PROCUREMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION. IN THE USE OF AN EXISTING PUBLIC CONTRACT PURSUANT TO THIS SUBDIVISION, THE POLITICAL SUBDIVISION MAY PROCURE VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES WITHOUT COMPLYING WITH THE OTHER REQUIREMENTS OF THIS SECTION.

(B) AN EXISTING PUBLIC CONTRACT SHALL ONLY BE USED PURSUANT TO THIS SUBDIVISION IF THE VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES PROCURED ARE AVAILABLE THROUGH AN EXISTING CONTRACT THAT WAS PREVIOUSLY AWARDED BY THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A PUBLIC TRANSPORTATION AUTHORITY FOLLOWING A PROCESS OF COMPETITIVE BIDDING OR THE REVIEW OF COMPETITIVE PROPOSALS SOLICITED FROM THE PUBLIC.

(C) THE POLITICAL SUBDIVISION SHALL ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE AS A RESULT OF THE POLITICAL SUBDIVISION'S PARTICIPATION IN THE PREVIOUSLY EXISTING CONTRACT. ALL PURCHASES AND ALL CONTRACTS FOR VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES UNDER THIS SUBDIVISION SHALL BE SUBJECT TO AUDIT AND INSPECTION BY THE POLITICAL SUBDIVISION FOR WHICH MADE. A POLITICAL SUBDIVISION SHALL NOT UTILIZE AN EXISTING PUBLIC

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

LBD00253-01-9

CONTRACT PURSUANT TO THIS SUBDIVISION IF THE POLITICAL SUBDIVISION HAS ALREADY ENTERED INTO A CONTRACT FOR VEHICLES, SUPPLIES, EQUIPMENT OR SERVICES UPON THE SAME TERMS, CONDITIONS AND SPECIFICATIONS AT A LOWER PRICE.

S 2. This act shall take effect immediately.