

5600

2009-2010 Regular Sessions

I N S E N A T E

May 21, 2009

Introduced by Sens. STEWART-COUSINS, 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 and the education law, in relation to the information technology procurement savings act of 2009; provides local governments and school districts more contract flexibility; and provides for purchasing services through the department of education

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

1 Section 1. This act shall be cited as and known as "the information
2 technology procurement savings act of 2009".
3 S 2. Section 103 of the general municipal law is amended by adding two
4 new subdivisions 1-b and 16 to read as follows:
5 1-B. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE
6 OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARD-
7 WARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING
8 PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMA-
9 TION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL
10 SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL
11 SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND
12 CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE
13 ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION
14 8.405-1 OR 8.405-2, WHICHEVER IS APPLICABLE. ADHERENCE TO SUCH PROCEDURE
15 SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS
16 UNDER THIS SECTION.
17 16. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
18 AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION
19 AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR
20 AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED
21 TO MAKE PURCHASES OF MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH

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

LBD11929-02-9

1 PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY
2 DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR
3 POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH
4 COMPETITIVE BIDDING REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION
5 AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL
6 ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE
7 POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL DETERMINE,
8 UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON
9 ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE
10 BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS
11 PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL
12 SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B
13 OF THIS ARTICLE.

14 S 3. The general municipal law is amended by adding a new section
15 109-c to read as follows:

16 S 109-C. PURCHASE OF SERVICES THROUGH STATE EDUCATION DEPARTMENT.
17 NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED THREE OF THIS
18 ARTICLE OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, ANY OFFICER, BOARD
19 OR AGENCY OF A VILLAGE, TOWN OR COUNTY IS AUTHORIZED TO MAKE PURCHASES
20 THROUGH THE DEPARTMENT OF EDUCATION OR ANY LOCAL SCHOOL OR BOARD OF
21 COOPERATIVE EDUCATION SERVICES (BOCES) DISTRICT SUBJECT TO SUCH RULES
22 AND REGULATIONS AS MAY BE ESTABLISHED FROM TIME TO TIME PURSUANT TO
23 SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW OR THROUGH THE
24 GENERAL SERVICES ADMINISTRATION PURSUANT TO SECTION 1555 OF THE FEDERAL
25 ACQUISITION STREAMLINING ACT OF 1994. ALL PURCHASES SHALL BE SUBJECT TO
26 AUDIT AND INSPECTION BY THE VILLAGE, TOWN OR COUNTY. NO OFFICER, BOARD
27 OR AGENCY OF A VILLAGE, TOWN OR COUNTY SHALL MAKE A PURCHASE THROUGH
28 SUCH DEPARTMENT, SCHOOL OR BOCES DISTRICT WHEN BIDS HAVE BEEN RECEIVED
29 FOR SUCH PURCHASE BY SUCH OFFICER, BOARD OR AGENCY, UNLESS SUCH PURCHASE
30 MAY BE MADE UPON THE SAME TERMS, CONDITIONS AND SPECIFICATIONS AT A
31 LOWER PRICE THROUGH SUCH DEPARTMENT, SCHOOL OR BOCES DISTRICT.

32 S 4. The education law is amended by adding a new article 25 to read
33 as follows:

34 ARTICLE 25

35 SHARED CONTRACTS

36 SECTION 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY
37 SERVICES.

38 S 1210. SHARED TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.
39 NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO
40 THE CONTRARY, THE COMMISSIONER AND ANY LOCAL SCHOOL OR BOARD OF COOPER-
41 ATIVE EDUCATIONAL SERVICES DISTRICT SHALL BE AUTHORIZED TO ENTER INTO
42 AGREEMENTS TO SHARE PROCUREMENT CONTRACTS FOR TELECOMMUNICATIONS AND
43 INFORMATION TECHNOLOGY SERVICES, AS REFERENCED IN SCHOOL DISTRICT CAPI-
44 TAL EQUIPMENT AS DEFINED IN SUBDIVISION FORTY-THREE OF SECTION SIXTEEN
45 HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW, OFFERED BY THE
46 DEPARTMENT WITH ANY OFFICER, BOARD OR AGENCY OF A VILLAGE, TOWN OR COUN-
47 TY.

48 S 5. This act shall take effect immediately, and shall apply to
49 procurement contracts entered into on or after such effective date.