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

6801

2011-2012 Regular Sessions

I N A S S E M B L Y

March 31, 2011

Introduced by M. of A. GLICK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to developing a protocol for the most efficient way to purchase goods for the state university system

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

Section 1. Section 355 of the education law is amended by adding two new subdivisions 5-a and 5-b to read as follows:

5-A. A. THE CHANCELLOR OF THE STATE UNIVERSITY AND THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES SHALL DEVELOP A PROTOCOL TO DETERMINE WHETHER IT IS MORE ECONOMICAL AND EFFICIENT TO PURCHASE GOODS FOR THE STATE UNIVERSITY SYSTEM THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES THAN THROUGH A COMPETITIVE BIDDING PROCESS.

B. THE PROTOCOL SHALL INCLUDE A PROCESS IN WHICH THE CHANCELLOR SHALL OBTAIN INFORMATION ANNUALLY FROM EACH STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER UNDER THE JURISDICTION OF THE STATE UNIVERSITY, IN SUCH DETAIL AS REQUIRED BY THE CHANCELLOR, RELATING TO THE TYPE AND TOTAL AMOUNT OF GOODS, INCLUDING TECHNOLOGY PURCHASES FOR NEW SOFTWARE, SYSTEMS, ENHANCEMENTS AND EQUIPMENT, THAT EACH STATE-OPERATED INSTITUTION OR UNIVERSITY HEALTH SCIENCES CENTER PROPOSES TO PURCHASE IN THE UPCOMING FISCAL YEAR.

C. UPON RECEIPT OF THE INFORMATION OBTAINED PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION, THE CHANCELLOR, PURSUANT TO THE PROTOCOL AND IF JUSTIFIED BY PRICE AND VALUE, MAY REQUIRE THE STATE-OPERATED INSTITUTION OR UNIVERSITY HEALTH SCIENCES CENTER TO MAKE ITS PURCHASES THROUGH THE USE OF THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES.

5-B. A. THE STATE UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF EACH YEAR TO THE DIRECTOR OF THE DIVISION OF BUDGET, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION

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

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COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

(1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

(2) SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALED BY STATE-OPERATED INSTITUTIONS AND UNIVERSITY HEALTH SCIENCES CENTERS AND BY TYPE OF GOODS OR COMMODITY;

(3) NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND SOURCE SELECTION METHOD;

(4) A LISTING OF CONTRACTS BY INDIVIDUAL STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER, INCLUDING VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS, INCLUDING THE TOTAL AMOUNT OF GOODS PURCHASED THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES;

(5) A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER; AND MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED TO, GOODS, EQUIPMENT AND COMMODITIES;

(6) THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS REPRESENT OF THE STATE UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

(7) THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND REASONS FOR DISAPPROVAL.

B. THE REPORT SHALL ALSO SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE EFFICIENCY OF THE STATE UNIVERSITY'S PROCUREMENT PROCESS.

S 2. This act shall take effect immediately.