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

S. 5136 A. 7385

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

May 3, 2011

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

IN ASSEMBLY -- Introduced by M. of A. GRAF -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the town law and the county law, in relation to allowing political subdivisions to enter into purchase contracts with retailers, vendors and wholesalers when such contracts are lower than the lowest responsible bidder and state contract price

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 16 to read as follows:

16. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, A POLITICAL SUBDIVISION, WHEN LETTING CONTRACTS IN ACCORDANCE WITH THIS SECTION FOR PURCHASE CONTRACTS INVOLVING AN EXPENDITURE OVER TWENTY THOUSAND DOLLARS MAY REJECT BIDS SOLICITED UNDER THIS SECTION AND MAY ALSO REJECT THE STATE CONTRACT PRICE, AS PROVIDED BY THE OFFICE OF GENERAL SERVICES, AND EXECUTE SUCH PURCHASE CONTRACT WITH ANY RETAILER, VENDOR OR WHOLESALER; PROVIDED THAT SUCH PURCHASE CONTRACT IS TEN PERCENT LOWER THAN THE LOWEST RESPONSIBLE BID AND STATE CONTRACT PRICE. SUCH PURCHASE CONTRACT MUST BE SUBMITTED FOR APPROVAL TO THE STATE COMPTROLLER AND MUST INCLUDE THE SOLICITED BIDS, THE STATE CONTRACT PRICE AND THE PROPOSED PURCHASE CONTRACT.

S 2. Section 122 of the town law, as added by chapter 861 of the laws of 1953 and as renumbered by chapter 1049 of the laws of 1969, is amended to read as follows:

S 122. Advertising for bids; letting of contracts. 1. Every officer, board or agency of a town shall let all contracts for public work and

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

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all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law.

2. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, EVERY OFFICER, BOARD OR AGENCY OF A TOWN WHEN LETTING CONTRACTS IN ACCORDANCE WITH THIS SECTION FOR PURCHASE CONTRACTS INVOLVING AN EXPENDITURE OVER TWENTY THOUSAND DOLLARS MAY REJECT ALL BIDS SOLICITED UNDER THIS SECTION AND MAY ALSO REJECT THE STATE CONTRACT PRICE, AS PROVIDED BY THE OFFICE OF GENERAL SERVICES, AND EXECUTE SUCH PURCHASE CONTRACT WITH ANY RETAILER, VENDOR OR WHOLESALER; PROVIDED THAT SUCH PURCHASE CONTRACT IS TEN PERCENT LOWER THAN THE LOWEST RESPONSIBLE BID AND STATE CONTRACT PRICE. SUCH PURCHASE CONTRACT MUST BE SUBMITTED FOR APPROVAL TO THE STATE COMPTROLLER AND MUST INCLUDE THE SOLICITED BIDS, THE STATE CONTRACT PRICE AND THE PROPOSED PURCHASE CONTRACT.

S 3. Section 408-a of the county law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, EVERY OFFICER, BOARD OR AGENCY OF A COUNTY WHEN LETTING CONTRACTS IN ACCORDANCE WITH THIS SECTION FOR PURCHASE CONTRACTS INVOLVING AN EXPENDITURE OVER TWENTY THOUSAND DOLLARS MAY REJECT BIDS SOLICITED UNDER THIS SECTION AND MAY ALSO REJECT THE STATE CONTRACT PRICE, AS PROVIDED BY THE OFFICE OF GENERAL SERVICES, AND EXECUTE SUCH PURCHASE CONTRACT WITH ANY RETAILER, VENDOR OR WHOLESALER; PROVIDED THAT SUCH PURCHASE CONTRACT IS TEN PERCENT LOWER THAN THE LOWEST RESPONSIBLE BID AND STATE CONTRACT PRICE. SUCH PURCHASE CONTRACT MUST BE SUBMITTED FOR APPROVAL TO THE STATE COMPTROLLER AND MUST INCLUDE THE SOLICITED BIDS, THE STATE CONTRACT PRICE AND THE PROPOSED PURCHASE CONTRACT.

S 4. This act shall take effect immediately.