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

3458

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, the general municipal law, the public authorities law, the executive law, the education law and the transportation law, in relation to establishing a preference for New York state entities contracting with architects, landscape architects or engineers to use architects, landscape architects or engineers having their principal place of business within New York state

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

Section 1. Subdivision 3 of section 136-a of the state finance law, as amended by chapter 746 of the laws of 1982, is amended to read as follows:

3. In the procurement of architectural, LANDSCAPE ARCHITECTURAL, engineering and surveying services, the requiring state department shall GIVE PREFERENCE TO PARTNERSHIPS, FIRMS, BUSINESSES OR CORPORATIONS WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE. IN ADDITION, THE REQUIRING STATE DEPARTMENT SHALL encourage professional firms engaged in the lawful practice of the profession to submit an annual statement of qualifications and performance data. The requiring state department for each proposed project shall evaluate current statements of qualifications and performance data on file with the department. If desired, the requiring state department may conduct discussions with three or more professional firms regarding anticipated design concepts and proposed methods of approach to the assignment. The state department shall select, in order of preference, based upon criteria established by the requiring state department, no less than three professional firms deemed to be the most highly qualified to provide the services required.

S 2. Section 103 of the general municipal law is amended by adding a new subdivision 14 to read as follows:

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

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14. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO GO TO THE LOWEST RESPONSIBLE BIDDER, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 3. The general municipal law is amended by adding a new section 103-h to read as follows:

S 103-H. NEW YORK STATE ARCHITECTS, LANDSCAPE ARCHITECTS AND ENGINEERS PREFERRED FOR PUBLIC WORKS. 1. AS USED IN THIS SECTION:

A. THE TERM "PROFESSIONAL FIRM" SHALL BE DEFINED AS ANY INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING.

B. THE TERM "MUNICIPALITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE OR MUNICIPAL CORPORATION.

2. NOTWITHSTANDING ANY PROVISION OF LAW, ANY MUNICIPALITY REQUIRED TO USE THE LOWEST RESPONSIBLE BIDDER FOR CERTAIN PUBLIC WORKS, CONSTRUCTION OR ARCHITECTURAL OR LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS SHALL GIVE PREFERENCE TO PROFESSIONAL FIRMS WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 4. Subdivision 10 of section 354 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended to read as follows:

10. To construct, reconstruct or improve on or along the thruway system in the manner herein provided, suitable facilities for gas stations, restaurants, and other facilities for the public, or to lease the right to construct, reconstruct or improve and operate such facilities; such facilities shall be publicly offered for leasing for operation, or the right to construct, reconstruct or improve and operate such facilities shall be publicly offered under rules and regulations to be established by the authority, provided, however, that lessees operating such facilities at the time this act becomes effective, may reconstruct or improve them or may construct additional like facilities, in the manner and upon such terms and conditions as the board shall determine; and provided further, however, that such facilities constructed, reconstructed or improved on or along the canal system shall be consistent with the canal recreationway plan approved pursuant to section one hundred thirty-eight-c of the canal law and section three hundred eighty-two of this title AND PROVIDED, FURTHER, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 5. Section 559 of the public authorities law, as amended by chapter 6 of the laws of 1940, is amended to read as follows:

S 559. Construction contracts. The authority shall do all construction pursuant to a contract or contracts in the manner, so far as practicable, provided in the charter of the city for contracts of such city except that where the estimated expense of a contract does not exceed ten thousand dollars such contract may be entered into without public

letting, but failure to comply with this section shall not invalidate such contracts; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 6. Subdivisions 8, 9 and 11 of section 1204 of the public authorities law, subdivision 8 as amended by chapter 980 of the laws of 1958, subdivision 9 as amended by chapter 732 of the laws of 1959 and subdivision 11 as amended by section 14 of part O of chapter 61 of the laws of 2000, are amended to read as follows:

8. Pursuant to the provisions of this title, to construct, reconstruct, improve, maintain and operate any transit facility, whether now existing, or constructed, acquired or provided in the future, and to fix fares on any such transit facilities; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

9. To construct, reconstruct, improve, maintain and operate buildings, structures and facilities as may be necessary or convenient and to maintain and operate, directly or enter into contracts or leases for the acquisition, maintenance, and operation of areas for the parking of motor vehicles in the vicinity of its transit facilities, and in its discretion to fix and charge for such parking a combination fee which shall include the established rate of fare for use of its transit facilities; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

11. To make or enter into contracts, agreements, deeds, leases, conveyances or other instruments necessary or convenient, and to assist and cooperate with the metropolitan transportation authority to carry out the powers of the metropolitan transportation authority in furtherance of the purposes and powers of the authority as provided in this article, including, without limitation, the transactions described in sections twelve hundred sixty-six-c, twelve hundred sixty-nine and twelve hundred seventy-d of this article; PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE. This power shall include the power to make contracts with other persons operating transit facilities for combined fares for the use of such facilities and the transit facilities operated by the authority and for the division of such fares, and the power to make contracts for the transportation of the United States mail or personal property.

S 7. Section 1676-a of the public authorities law, as added by chapter 769 of the laws of 1978, is amended to read as follows:

S 1676-a. Payment on authority public work projects. Notwithstanding the provisions of any other law to the contrary, all contracts for public work awarded by the dormitory authority pursuant to this title shall be in accordance with section one hundred thirty-nine-f of the state finance law, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE. For the purposes of this section, public work by the dormitory authority shall include but not be limited to the construction of dormitories and other related structures as defined in paragraph [a] (A) of subdivision two of section sixteen hundred seventy-six of this title, boards of cooperative educational services as defined in paragraph [d] (D) of subdivision two of section sixteen hundred seventy-six of this title, locally sponsored community colleges as defined in subdivision seven of section sixteen hundred seventy-six of this title, and the city university as defined in subdivision eight of section sixteen hundred seventy-six of this title.

S 8. Subdivision 8 of section 1678 of the public authorities law, as amended by chapter 251 of the laws of 1962, is amended to read as follows:

8. By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, dormitories and necessary and usual attendant facilities for state-operated institutions and statutory and contract colleges under the jurisdiction of the state university of New York pursuant to agreement with the state university construction fund created by section three hundred seventy-one of the education law, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 9. Section 1680 of the public authorities law is amended by adding a new subdivision 41 to read as follows:

41. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO GO TO THE LOWEST RESPONSIBLE BIDDER, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 10. Paragraph a of subdivision 1 of section 1734 of the public authorities law, as added by chapter 738 of the laws of 1988, is amended and a new paragraph e is added to subdivision 3 to read as follows:

a. All contracts for the construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for educational facilities for the city board may be awarded in accordance with the provisions of this section, notwithstanding the provisions of section eight of the public buildings law, section

one hundred three of the general municipal law, section one hundred thirty-five of the state finance law, section seven of the New York state financial emergency act for the city of New York or of any other provision of general, special or local law, charter or administrative code, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

E. NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT REQUIRED TO GO TO COMPETITIVE BIDDING, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 11. The public authorities law is amended by adding a new section 2879-d to read as follows:

S 2879-D. NEW YORK STATE ENTITIES PREFERRED FOR CERTAIN CONTRACTS. EVERY PUBLIC AUTHORITY AND PUBLIC BENEFIT CORPORATION, A MAJORITY OF THE MEMBERS OF WHICH CONSIST OF PERSONS EITHER APPOINTED BY THE GOVERNOR OR WHO SERVE AS MEMBERS BY VIRTUE OF HOLDING A CIVIL OFFICE OF THE STATE, OR A COMBINATION THEREOF (SUCH ENTITIES TO BE HEREINAFTER IN THIS SECTION REFERRED TO AS "CORPORATION"), SHALL, WHEN REQUIRED TO USE COMPETITIVE BIDDING FOR CERTAIN PUBLIC WORKS, CONSTRUCTION, ARCHITECTURAL, LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS GIVE PREFERENCE TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 12. The executive law is amended by adding a new section 170-c to read as follows:

S 170-C. NEW YORK STATE ENTITIES PREFERRED FOR CERTAIN CONTRACTS. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF ANY GENERAL OR SPECIAL LAW OR RESOLUTION, THE STATE, INCLUDING, BUT NOT LIMITED TO: (I) ANY STATE AGENCY, (II) ANY STATE DEPARTMENT, OR (III) ANY DIVISION, BOARD, COMMISSION, OR BUREAU OF ANY STATE DEPARTMENT, OR (IV) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, INCLUDING ALL THEIR CONSTITUENT UNITS, EXCEPT COMMUNITY COLLEGES AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT COLLEGES ON BEHALF OF THE STATE, OR (V) ANY PUBLIC AUTHORITY, OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATIONS, AND COMMISSIONS AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, WHEN REQUIRED TO USE COMPETITIVE BIDDING FOR CERTAIN PUBLIC WORKS, CONSTRUCTION, ARCHITECTURAL, LANDSCAPE ARCHITECTURAL OR ENGINEERING CONTRACTS SHALL GIVE PREFERENCE TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 13. Subdivision 8 of section 373 of the education law, as added by chapter 251 of the laws of 1962, is amended to read as follows:

8. To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for the state university in accordance with sections three hundred seventy-five and three hundred seventy-six of this chapter, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 14. Subdivision 12 of section 373 of the education law, as amended by section 2 of subpart A of part D of chapter 58 of the laws of 2011, is amended to read as follows:

12. To procure and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE. Notwithstanding subdivision two of section one hundred twelve of the state finance law or any other law to the contrary, fund procurements shall not be subject to the prior approval of any state officer or agency;

S 15. Subdivision 12 of section 373 of the education law, as added by chapter 251 of the laws of 1962, is amended to read as follows:

12. To make and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 16. Subdivisions 8, 9, 12 and 15 of section 454 of the education law, subdivision 8 as amended by chapter 963 of the laws of 1968, subdivisions 9 and 15 as added by chapter 999 of the laws of 1966, and subdivision 12 as amended by chapter 888 of the laws of 1970, are amended to read as follows:

8. Upon a two-thirds vote of the trustees of the fund, and subject to the approval of the board of education, to design, construct, acquire, reconstruct, rehabilitate and improve combined occupancy structures and incidental or appurtenant facilities thereto, or cause such structures and facilities to be designed, constructed, acquired, reconstructed, rehabilitated and improved in accordance with the provisions of this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM

AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

9. In connection with such design, construction, acquisition, reconstruction, rehabilitation and improvement, to install or cause to be installed water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, including appropriate connections, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

12. To make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article, subject to the approval of the corporation counsel as to form of all such documents to which the city of New York is a party, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE; the term of any such lease or sublease or renewal thereof shall not be limited by any provision of any general, special or local law or charter applicable to the city of New York or to the board of education of the city of New York;

15. To engage the services of construction, engineering, architectural, LANDSCAPE ARCHITECTURAL, legal and financial consultants, surveyors and appraisers, on a contract basis or as employees, for professional service and technical assistance and advice, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 17. Section 2513 of the education law, as added by chapter 861 of the laws of 1953, is amended to read as follows:

S 2513. Contracts; advertisement for bids. The board of education shall let all contracts for public work and 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, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 18. Subdivision 10 of section 2556 of the education law, as added by chapter 861 of the laws of 1953, is amended to read as follows:

10. The board of education shall let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertise-

ment for bids where so required by section one hundred three of the general municipal law, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 19. Subdivisions 11 and 12 of section 6275 of the education law, subdivision 11 as amended by chapter 817 of the laws of 1976 and subdivision 12 as amended by chapter 305 of the laws of 1979, are amended to read as follows:

(11) to engage the services of construction, engineering, architectural, legal and financial consultants, surveyors and appraisers, on a contract basis or as employees, for professional service and technical assistance and advice, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

(12) to cause facilities to be designed, constructed, acquired, reconstructed, rehabilitated, improved, operated, maintained, furnished and equipped and made secure in accordance with the provisions of this article, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

S 20. Subdivision 17 of section 14 of the transportation law, as amended by chapter 736 of the laws of 1972, is amended to read as follows:

17. Notwithstanding the provisions of this chapter or of any general or special law, and whenever funds therefor are available or have been otherwise provided, the commissioner is hereby authorized and empowered, subject to the approval of the division of the budget, to retain and employ private engineers, architects, LANDSCAPE ARCHITECTS and consultants, or firms practicing such professions for purposes of (1) preparing designs, plans and estimates of structures of any type and character, (2) rendering assistance and advice in connection with any project, whether defined or proposed, and under the supervision of the department of transportation, (3) preparing surveys, studies and plans, including the negotiating for and securing of reservation easements necessary to such plans, for joint development of transportation corridors and provision for multiple use outside the counties of Kings and Queens of rights of way appurtenant thereto, and (4) performing such other and necessary services as the commissioner may deem necessary in the administration of the department, PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-

NEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

S 21. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that the amendments to subdivision 12 of section 373 of the education law made by section fourteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of subpart A of part D of chapter 58 of the laws of 2011, as amended, when upon such date the provisions of section fifteen of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.