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

5119--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to allowing the purchase of apparatus, materials, equipment and supplies and related services through the use of certain contracts let by other government entities, and authorizing the use of certain federal contracts as an exception to certain bidding requirements

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

Section 1. Subdivision 16 of section 103 of the general municipal law, as added by chapter 308 of the laws of 2012, is amended to read as follows:

16. Notwithstanding the provisions of subdivisions one, two and three of this section, and section one hundred four of this article, any officer, board or agency of a [county,] political subdivision or of any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such [county,] political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other [county or] political subdivision or district therein if such contract was let TO THE LOWEST RESPONSIBLE BIDDER OR ON THE BASIS OF BEST VALUE in a manner [that constitutes competitive bidding] consistent with [state law] THIS SECTION and made available for use by other governmental entities; PROVIDED, HOWEVER, THAT NO POLITICAL SUBDIVISION OR DISTRICT THEREIN, OTHER THAN A CITY WITH A POPULATION OF ONE MILLION OR MORE INHABITANTS OR ANY DISTRICT, BOARD OR AGENCY WITH JURISDICTION

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

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EXCLUSIVELY THEREIN, MAY MAKE SUCH PURCHASES OR CONTRACT FOR SUCH SERVICES THROUGH THE USE OF SUCH A CONTRACT LET ON THE BASIS OF BEST VALUE IN A MANNER CONSISTENT WITH THIS SECTION UNLESS THE POLITICAL SUBDIVISION OR DISTRICT SHALL FIRST ADOPT A LOCAL LAW, RULE, REGULATION OR RESOLUTION, AS THE CASE MAY BE, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AUTHORIZING THE USE OF BEST VALUE FOR AWARDING PURCHASE CONTRACTS.

The authority provided to [counties,] political subdivisions and districts therein pursuant to this subdivision shall not relieve any obligation of such [county,] political subdivision or district therein to comply with any applicable minority and women-owned business enterprise program mandates and the preferred source requirements of section one hundred sixty-two of the state finance law.

S 2. Subdivision 2 of section 104 of the general municipal law, as added by section 7 of subpart A of part C of chapter 97 of the laws of 2011, is amended to read as follows:

2. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, or of a district therein, may make purchases from federal general service administration supply schedules pursuant to section 211 of the federal e-government act of 2002, P.L. 107-347 AND THE LOCAL PREPAREDNESS ACQUISITION ACT, P.L. 110-248, and pursuant to section 1122 of the national defense authorization act for fiscal year 1994, P.L. 103-160 AND SECTION 833 OF THE JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007, P.L. 109-364, AND THE FEDERAL SUPPLY SCHEDULE USAGE ACT OF 2010, P.L. 111-263, or any successor schedules, in accordance with procedures established [pursuant thereto] IN CONNECTION THEREWITH. Prior to making such purchases the officer, board or agency shall consider whether such purchases will result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

S 3. This act shall take effect immediately; provided, however, that the amendments to subdivision 16 of section 103 of the general municipal law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and provided further, however, that the amendments to subdivision 2 of section 104 of the general municipal law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.