

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 136-a of the state finance law, as
2 amended by chapter 746 of the laws of 1982, is amended to read as
3 follows:
4 3. In the procurement of architectural, LANDSCAPE ARCHITECTURAL, engi-
5 neering and surveying services, the requiring state department shall
6 GIVE PREFERENCE TO PARTNERSHIPS, FIRMS, BUSINESSES OR CORPORATIONS WHICH
7 WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE
8 OF BUSINESS LOCATED WITHIN NEW YORK STATE. IN ADDITION, THE REQUIRING
9 STATE DEPARTMENT SHALL encourage professional firms engaged in the
10 lawful practice of the profession to submit an annual statement of qual-
11 ifications and performance data. The requiring state department for
12 each proposed project shall evaluate current statements of qualifica-
13 tions and performance data on file with the department. If desired, the
14 requiring state department may conduct discussions with three or more
15 professional firms regarding anticipated design concepts and proposed
16 methods of approach to the assignment. The state department shall
17 select, in order of preference, based upon criteria established by the
18 requiring state department, no less than three professional firms deemed
19 to be the most highly qualified to provide the services required.
20 S 2. Section 103 of the general municipal law is amended by adding a
21 new subdivision 14 to read as follows:

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

LBD07798-01-3

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

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

9 S 6. Subdivisions 8, 9 and 11 of section 1204 of the public authori-
10 ties law, subdivision 8 as amended by chapter 980 of the laws of 1958,
11 subdivision 9 as amended by chapter 732 of the laws of 1959 and subdivi-
12 sion 11 as amended by section 14 of part 0 of chapter 61 of the laws of
13 2000, are amended to read as follows:

14 8. Pursuant to the provisions of this title, to construct, recon-
15 struct, improve, maintain and operate any transit facility, whether now
16 existing, or constructed, acquired or provided in the future, and to fix
17 fares on any such transit facilities; PROVIDED, HOWEVER, THAT FOR EVERY
18 ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFER-
19 ENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,
20 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRAC-
21 TICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-
22 NEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED
23 WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.

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

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

1 S 7. Section 1676-a of the public authorities law, as added by chapter
2 769 of the laws of 1978, is amended to read as follows:

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

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

26 8. By contract or contracts or by its own employees to construct,
27 acquire, reconstruct, rehabilitate and improve, and furnish and equip,
28 dormitories and necessary and usual attendant facilities for state-oper-
29 ated institutions and statutory and contract colleges under the juris-
30 diction of the state university of New York pursuant to agreement with
31 the state university construction fund created by section three hundred
32 seventy-one of the education law, PROVIDED, HOWEVER, THAT FOR EVERY
33 ARCHITECTURAL, LANDSCAPE ARCHITECTURAL AND ENGINEERING CONTRACT, PREFER-
34 ENCE SHALL BE GIVEN TO AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,
35 CORPORATION, ASSOCIATION OR OTHER LEGAL ENTITY PERMITTED BY LAW TO PRAC-
36 TICE THE PROFESSIONS OF ARCHITECTURE, LANDSCAPE ARCHITECTURE OR ENGI-
37 NEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED
38 WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE;

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

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

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

52 a. All contracts for the construction, reconstruction, improvement,
53 rehabilitation, maintenance, repair, furnishing, equipping of or other-
54 wise providing for educational facilities for the city board may be
55 awarded in accordance with the provisions of this section, notwithstand-
56 ing the provisions of section eight of the public buildings law, section

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

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

20 S 11. The public authorities law is amended by adding a new section
21 2879-d to read as follows:

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

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

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

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

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

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

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

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

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

40 S 16. Subdivisions 8, 9, 12 and 15 of section 454 of the education
41 law, subdivision 8 as amended by chapter 963 of the laws of 1968, subdi-
42 visions 9 and 15 as added by chapter 999 of the laws of 1966, and subdi-
43 vision 12 as amended by chapter 888 of the laws of 1970, are amended to
44 read as follows:

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

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

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

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

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

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

42 S 2513. Contracts; advertisement for bids. The board of education
43 shall let all contracts for public work and all purchase contracts to
44 the lowest responsible bidder after advertisement for bids where so
45 required by section one hundred three of the general municipal law,
46 PROVIDED, HOWEVER, THAT FOR EVERY ARCHITECTURAL, LANDSCAPE ARCHITECTURAL
47 AND ENGINEERING CONTRACT, PREFERENCE SHALL BE GIVEN TO AN INDIVIDUAL,
48 SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER
49 LEGAL ENTITY PERMITTED BY LAW TO PRACTICE THE PROFESSIONS OF ARCHITEC-
50 TURE, LANDSCAPE ARCHITECTURE OR ENGINEERING WHICH WILL PERFORM AT LEAST
51 EIGHTY PERCENT OF THE CONTRACTED WORK AT A PLACE OF BUSINESS LOCATED
52 WITHIN NEW YORK STATE.

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

55 10. The board of education shall let all contracts for public work and
56 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-

1 NEERING WHICH WILL PERFORM AT LEAST EIGHTY PERCENT OF THE CONTRACTED
2 WORK AT A PLACE OF BUSINESS LOCATED WITHIN NEW YORK STATE.
3 S 21. This act shall take effect on the one hundred twentieth day
4 after it shall have become a law; provided, however, that the amendments
5 to subdivision 12 of section 373 of the education law made by section
6 fourteen of this act shall be subject to the expiration and reversion of
7 such subdivision pursuant to section 4 of subpart A of part D of chapter
8 58 of the laws of 2011, as amended, when upon such date the provisions
9 of section fifteen of this act shall take effect. Effective immediately,
10 the addition, amendment and/or repeal of any rule or regulation neces-
11 sary for the implementation of this act on its effective date is author-
12 ized to be made on or before such date.