

1652

2015-2016 Regular Sessions

I N   S E N A T E

January 13, 2015

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

AN ACT to amend the general municipal law, in relation to the letting of  
municipal contracts

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

1     Section 1. Subdivision 16 of section 103 of the general municipal law,  
2     as amended by chapter 497 of the laws of 2013, is amended to read as  
3     follows:  
4     16. (A) Notwithstanding the provisions of subdivisions one, two and  
5     three of this section, and section one hundred four of this article, any  
6     officer, board or agency of a political subdivision or of any district  
7     therein authorized to make purchases of apparatus, materials, equipment  
8     or supplies, or to contract for services related to the installation,  
9     maintenance or repair of apparatus, materials, equipment, and supplies,  
10    may make such purchases, or may contract for such services related to  
11    the installation, maintenance or repair of apparatus, materials, equip-  
12    ment, and supplies, as may be required by such political subdivision or  
13    district therein through the use of a contract let by the United States  
14    of America or any agency thereof, any state or any other political  
15    subdivision or district therein if such contract was let to the lowest  
16    responsible bidder or on the basis of best value in a manner consistent  
17    with this section and made available for use by other governmental enti-  
18    ties; provided, however, that no political subdivision or district ther-  
19    ein, other than a city with a population of one million or more inhabit-  
20    ants or any district, board or agency with jurisdiction exclusively  
21    therein, may make such purchases or contract for such services through  
22    the use of such a contract let on the basis of best value in a manner  
23    consistent with this section unless the political subdivision or  
24    district shall first adopt a local law, rule, regulation or resolution,

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

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1 as the case may be, pursuant to subdivision one of this section, author-  
2 izing the use of best value for awarding purchase contracts.

3 (B) IN THE ABSENCE OF A PROVISION EXPRESSLY STATING THE CONTRARY, THE  
4 AUTHORIZATION GRANTED IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE  
5 DEEMED TO APPLY TO MUNICIPAL CONTRACTS ENTERED INTO PURSUANT TO THIS  
6 ARTICLE.

7 (C) The authority provided to political subdivisions and districts  
8 therein pursuant to this subdivision shall not relieve any obligation of  
9 such political subdivision or district therein to comply with any appli-  
10 cable minority and women-owned business enterprise program mandates and  
11 the preferred source requirements of section one hundred sixty-two of  
12 the state finance law.

13 S 2. This act shall take effect immediately and apply to municipal  
14 contracts entered into on or after such effective date; provided, howev-  
15 er, that the amendment to subdivision 16 of section 103 of the general  
16 municipal law made by section one of this act shall not affect the  
17 repeal of such subdivision and shall be deemed to be repealed therewith.