STATE OF NEW YORK

7265--A

2017-2018 Regular Sessions

IN ASSEMBLY

April 12, 2017

Introduced by M. of A. ABINANTI, JAFFEE, GOTTFRIED, GALEF, GUNTHER, COOK, CRESPO, M. G. MILLER, FRIEND, CAHILL, JEAN-PIERRE, RA, D'URSO, JENNE, SOLAGES -- Multi-Sponsored by -- M. of A. ORTIZ, THIELE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law and the education law, in relation to establishing a comprehensive centralized system to coordinate procurement of books and non-print library materials and related ancillary services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 9 of section 160 of the state finance law, as amended by chapter 106 of the laws of 2012, is amended to read as follows:

9. "State agency" or "state agencies" means all state departments, boards, commissions, offices or institutions but excludes, however, for the purposes of subdivision five of section three hundred fifty-five of the education law, the state university of New York and excludes, for the purposes of subdivision a of section sixty-two hundred eighteen of the education law, the city university of New York; provided, however, that the state university of New York and the city university of New York shall be subject to the provisions of section one hundred sixty-five-a of this article **and shall be authorized to use the comprehensive centralized system established pursuant to paragraph e of subdivision three of section one hundred sixty-three of this article**. Furthermore, such term shall not include the legislature or the judiciary.

§ 2. Subdivision 3 of section 163 of the state finance law is amended by adding a new paragraph e to read as follows:

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

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e. (i) The commissioner shall establish a comprehensive centralized system to coordinate the procurement of books and non-print library materials and related ancillary services. The system shall be designed and operated in consultation with the state library to provide state agencies and authorized users with access to books, whether in print of electronic form, including trade, non-trade, scientific, technical, law, text books, reference, encyclopedias, handbooks, university press publications, society or association publications, foreign publications and out-of-print books, and with non-print library materials and related ancillary services, including electronic databases, abridged and unabridged audio books on tape, CD/DVD and MP3/MP4 format, non-subscription based eBooks, microfilm, microfiche, microcards, microprint, filmstrips, slides, DVD and Blu-ray (i.e., motion pictures, videos), audio cassettes, compact discs, laser discs, CD-ROMs, microcomputer software (educational), maps/globes/atlases/charts, video games, sheet music/scores and audio-visual materials. Related ancillary services shall include, but are not limited to, collection management services.

(ii) The system shall to the maximum extent practicable be designed to facilitate the procurement of books and non-print library materials and related ancillary services at the lowest possible cost through the combined market power of state agencies and authorized users or consortia thereof. A state agency or authorized user that elects to purchase items from a separate centralized contract shall be advised of the actual or approximate savings that would have resulted from using the comprehensive centralized system.

(iii) Whenever feasible, at least one remaining copy of a book or other material shall be retained by or shall otherwise be available to the system, when such retention is necessary and appropriate for archival purposes.

(iv) Electronic materials that are procured through the system shall be accessible to people with disabilities to the maximum extent practicable.

§ 3. The education law is amended by adding a new section 245-a to read as follows:

§ 245-a. Comprehensive centralized system; state library responsibilities. To ensure that the comprehensive centralized system procurement for books and non-print library materials and related ancillary services established pursuant to paragraph e of subdivision three of section one hundred sixty-three of the state finance law is designed and operated to address the needs of state agencies and authorized users, the state library shall periodically assess the requirements of state agencies, public libraries and library systems and other authorized users for books and non-print library materials and related ancillary services, and shall advise the office of general services of such requirements.

§ 4. Paragraph a of subdivision 5 of section 355 of the education law, as amended by section 31 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

a. (i) purchase materials, proprietary electronic information resources including but not limited to academic, professional, and industry journals, reference handbooks and manuals, research tracking tools, indexes [~~and~~], abstracts[~~,~~] and equipment and supplies, including computer equipment and motor vehicles, (ii) execute contracts for construction and construction-related services contracts, and (iii) contract for printing, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in

accordance with guidelines promulgated by the state university board of trustees after consultation with the state comptroller; provided that nothing in this section shall preclude the use of the comprehensive centralized system established pursuant to paragraph e of subdivision three of section one hundred sixty-three of the state finance law;

§ 5. Paragraph a of subdivision 5 of section 355 of the education law, as amended by section 32 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

a. (i) purchase materials, proprietary electronic information resources including but not limited to academic, professional, and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed twenty thousand dollars, (ii) execute contracts for services and construction contracts to an amount not exceeding twenty thousand dollars, and (iii) contract for printing to an amount not exceeding five thousand dollars, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the rules and regulations promulgated by the state university board of trustees after consultation with the state comptroller; provided that nothing in this section shall preclude the use of the comprehensive centralized system established pursuant to paragraph e of subdivision three of section one hundred sixty-three of the state finance law. In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

§ 6. Paragraph 1 of subdivision a of section 6218 of the education law, as amended by section 2 of subpart B of part D of chapter 58 of the laws of 2011 and subparagraph (i) as amended by section 33 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

(1) (i) purchase materials; proprietary electronic information resources, including, but not limited to, academic, professional and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts; and equipment and supplies, including computer equipment and motor vehicles, (ii) execute contracts for construction and construction-related services contracts, and (iii) contract for printing, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the guidelines promulgated by the city university board of trustees after consultation with the state comptroller; provided that nothing in this section shall preclude the use of the comprehensive centralized system established pursuant to paragraph e of subdivision three of section one hundred sixty-three of the state finance law.

§ 7. Subdivision a of section 6218 of the education law, as amended by chapter 697 of the laws of 1993 and paragraph (i) as amended by section 34 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

a. Notwithstanding the provisions of paragraph two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, one hundred sixty-three and one hundred seventy-four of the state finance law and sections three and six of the New York state printing and public documents law or any other law to the contrary, the city university trustees are authorized and empowered to:

(i) purchase materials; proprietary electronic information resources, including, but not limited to, academic, professional and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts; and equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed twenty thousand dollars, (ii) execute contracts for services to an amount not exceeding twenty thousand dollars, and (iii) contract for printing to an amount not exceeding five thousand dollars, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the rules and regulations promulgated by the city university board of trustees after consultation with the state comptroller**; provided that nothing in this section shall preclude the use of the comprehensive centralized system established pursuant to paragraph e of subdivision three of section one hundred sixty-three of the state finance law**. In addition, the trustees are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations promulgated by the city university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest possible price.

§ 8. The office of general services shall be authorized to charge fees to defray its reasonable costs and the reasonable costs incurred by the state library for the development and operation of the comprehensive centralized system, and shall transfer the appropriate portion of such fees to the state library. All such costs, charges and transfers shall be subject to audit and approval by the state comptroller.

§ 9. This act shall take effect immediately; provided, however, that:

a. the comprehensive centralized system shall commence operation no later than the thirty-first day of May in the year next succeeding the year in which it shall have become a law;

b. the amendments to subdivision 3 of section 163 of the state finance law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

c. the amendments to paragraph a of subdivision 5 of section 355 of the education law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of subpart B of part D of chapter 58 of the laws of 201l, as amended, when upon such date the provisions of section five of this act shall take effect; and

d. the amendments to paragraph 1 of subdivision a of section 6218 of the education law made by section six of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4

of subpart B of part D of chapter 58 of the laws of 2011, as amended, when upon such date the provisions of section seven of this act shall take effect.