

# STATE OF NEW YORK

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6424

2017-2018 Regular Sessions

## IN SENATE

May 18, 2017

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

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:

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

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

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

18 e. (i) The commissioner shall establish a comprehensive centralized  
19 system to coordinate the procurement of books and non-print library  
20 materials and related ancillary services. The system shall be designed  
21 and operated in consultation with the state library to provide state  
22 agencies and authorized users with access to books, whether in print or  
23 electronic form, including trade, non-trade, scientific, technical, law,

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

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1 text books, reference, encyclopedias, handbooks, university press publi-  
2 cations, society or association publications, foreign publications and  
3 out-of-print books, and with non-print library materials and related  
4 ancillary services, including electronic databases, abridged and  
5 unabridged audio books on tape, CD/DVD and MP3/MP4 format, non-subscrip-  
6 tion based eBooks, microfilm, microfiche, microcards, microprint, film-  
7 strips, slides, DVD and Blu-ray (i.e., motion pictures, videos), audio  
8 cassettes, compact discs, laser discs, CD-ROMs, microcomputer software  
9 (educational), maps/globes/atlas/chart, video games, sheet  
10 music/scores and audio-visual materials. Related ancillary services  
11 shall include, but are not limited to, collection management services.

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

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

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

26 § 245-a. Comprehensive centralized system; state library responsibil-  
27 ities. To ensure that the comprehensive centralized system procurement  
28 for books and non-print library materials and related ancillary services  
29 established pursuant to paragraph e of subdivision three of section one  
30 hundred sixty-three of the state finance law is designed and operated to  
31 address the needs of state agencies and authorized users, the state  
32 library shall periodically assess the requirements of state agencies,  
33 public libraries and library systems and other authorized users for  
34 books and non-print library materials and related ancillary services,  
35 and shall advise the office of general services of such requirements.

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

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

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

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

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

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

49 § 7. Subdivision a of section 6218 of the education law, as amended by  
50 chapter 697 of the laws of 1993 and paragraph (i) as amended by section  
51 34 of part L of chapter 55 of the laws of 2012, is amended to read as  
52 follows:

53 a. Notwithstanding the provisions of paragraph two of section one  
54 hundred twelve and sections one hundred fifteen, one hundred sixty-one,  
55 one hundred sixty-three and one hundred seventy-four of the state  
56 finance law and sections three and six of the New York state printing

1 and public documents law or any other law to the contrary, the city  
2 university trustees are authorized and empowered to:

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

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

33 § 9. This act shall take effect immediately; provided, however, that:  
34 a. the comprehensive centralized system shall commence operation no  
35 later than May 31, 2018;

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

39 c. the amendments to paragraph a of subdivision 5 of section 355 of  
40 the education law made by section four of this act shall be subject to  
41 the expiration and reversion of such subdivision pursuant to section 4  
42 of subpart B of part D of chapter 58 of the laws of 2011, as amended,  
43 when upon such date the provisions of section five of this act shall  
44 take effect; and

45 d. the amendments to paragraph 1 of subdivision a of section 6218 of  
46 the education law made by section six of this act shall be subject to  
47 the expiration and reversion of such subdivision pursuant to section 4  
48 of subpart B of part D of chapter 58 of the laws of 2011, as amended,  
49 when upon such date the provisions of section seven of this act shall  
50 take effect.