

STATE OF NEW YORK

10451

IN ASSEMBLY

April 23, 2018

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to authorizing the New York City school construction authority to award certain contracts to minority or women-owned businesses without a competitive bidding process

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

1 Section 1. Subdivisions 2 and 8 of section 1734 of the public authorities law, as added by chapter 738 of the laws of 1988, are amended to
2 read as follows:

3
4 2. a. Except as otherwise provided in this section, all purchase
5 contracts for supplies, materials or equipment involving an estimated
6 expenditure in excess of ten thousand dollars and all contracts for
7 public work involving an estimated expenditure in excess of fifty thousand dollars shall be awarded by the authority to the lowest responsible
8 bidder after obtaining sealed bids in the manner hereinafter set forth,
9 provided however that the authority may enter into contracts for
10 supplies, materials, equipment or public work for amounts not exceeding
11 one hundred fifty thousand dollars from businesses certified as minority
12 or women-owned business enterprises pursuant to section seventeen
13 hundred forty-three of this title or from locally based enterprises with
14 bidders or offerers that are not the lowest responsible bidder or offer-
15 er, and without obtaining sealed bids in the manner hereinafter set
16 forth. For purposes hereof, contracts for public work shall exclude
17 contracts for personal, engineering and architectural, or professional
18 services.
19

20 b. The authority may reject all bids and obtain new bids in the manner
21 provided by this section when it deems it in the public interest to do
22 so or, in cases where two or more responsible bidders submit identical
23 bids which are the lowest bids, award the contract to any of such
24 bidders or obtain new bids from such bidders. Nothing herein shall obli-
25 gate the authority to seek new bids after the rejection of bids or after
26 cancellation of an invitation to bid. Nothing in this section shall

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

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1 prohibit the evaluation of bids on the basis of costs or savings includ-
2 ing life cycle costs of the item to be purchased, discounts, and
3 inspection services so long as the invitation to bid reasonably sets
4 forth the criteria to be used in evaluating such costs or savings. Life
5 cycle costs may include but shall not be limited to costs or savings
6 associated with installation, energy use, maintenance, operation and
7 salvage or disposal.

8 8. ~~[The]~~ Except for contracts not exceeding one hundred fifty thousand
9 dollars awarded to businesses certified as minority or women-owned busi-
10 ness enterprises pursuant to section seventeen hundred forty-three of
11 this title, the authority shall be subject to the provisions of section
12 twenty-eight hundred seventy-nine of this chapter in awarding contracts
13 for personal services.

14 § 2. This act shall take effect immediately and shall apply to
15 procurements occurring on or after such effective date.