

STATE OF NEW YORK

6424

2017-2018 Regular Sessions

IN SENATE

May 18, 2017

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.