

# STATE OF NEW YORK

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1440

2019-2020 Regular Sessions

## IN ASSEMBLY

January 15, 2019

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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:

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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

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

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1 bidders or obtain new bids from such bidders. Nothing herein shall obli-  
2 gate the authority to seek new bids after the rejection of bids or after  
3 cancellation of an invitation to bid. Nothing in this section shall  
4 prohibit the evaluation of bids on the basis of costs or savings includ-  
5 ing life cycle costs of the item to be purchased, discounts, and  
6 inspection services so long as the invitation to bid reasonably sets  
7 forth the criteria to be used in evaluating such costs or savings. Life  
8 cycle costs may include but shall not be limited to costs or savings  
9 associated with installation, energy use, maintenance, operation and  
10 salvage or disposal.

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

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