

STATE OF NEW YORK

612

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the letting of municipal contracts

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

1 Section 1. Subdivision 16 of section 103 of the general municipal law,
2 as amended by chapter 497 of the laws of 2013, is amended to read as
3 follows:

4 16. (a) Notwithstanding the provisions of subdivisions one, two and
5 three of this section, and section one hundred four of this article, any
6 officer, board or agency of a political subdivision or of any district
7 therein authorized to make purchases of apparatus, materials, equipment
8 or supplies, or to contract for services related to the installation,
9 maintenance or repair of apparatus, materials, equipment, and supplies,
10 may make such purchases, or may contract for such services related to
11 the installation, maintenance or repair of apparatus, materials, equip-
12 ment, and supplies, as may be required by such political subdivision or
13 district therein through the use of a contract let by the United States
14 of America or any agency thereof, any state or any other political
15 subdivision or district therein if such contract was let to the lowest
16 responsible bidder or on the basis of best value in a manner consistent
17 with this section and made available for use by other governmental enti-
18 ties; provided, however, that no political subdivision or district ther-
19 ein, other than a city with a population of one million or more inhabit-
20 ants or any district, board or agency with jurisdiction exclusively
21 therein, may make such purchases or contract for such services through
22 the use of such a contract let on the basis of best value in a manner
23 consistent with this section unless the political subdivision or
24 district shall first adopt a local law, rule, regulation or resolution,

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

LBD04337-01-9

1 as the case may be, pursuant to subdivision one of this section, author-
2 izing the use of best value for awarding purchase contracts.

3 (b) In the absence of a provision expressly stating the contrary, the
4 authorization granted in paragraph (a) of this subdivision shall be
5 deemed to apply to municipal contracts entered into pursuant to this
6 article.

7 (c) The authority provided to political subdivisions and districts
8 therein pursuant to this subdivision shall not relieve any obligation of
9 such political subdivision or district therein to comply with any appli-
10 cable minority and women-owned business enterprise program mandates and
11 the preferred source requirements of section one hundred sixty-two of
12 the state finance law.

13 § 2. This act shall take effect immediately and apply to municipal
14 contracts entered into on or after such effective date; provided, howev-
15 er, that the amendments to subdivision 16 of section 103 of the general
16 municipal law made by section one of this act shall not affect the
17 repeal of such subdivision and shall be deemed to be repealed therewith.