STATE OF NEW YORK

1440

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

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:

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 read as follows:

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

b. The authority may reject all bids and obtain new bids in the manner provided by this section when it deems it in the public interest to do so or, in cases where two or more responsible bidders submit identical 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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bidders or obtain new bids from such bidders. Nothing herein shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

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

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