STATE OF NEW YORK

1633

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing municipalities to make purchases from other municipalities' contracts

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

Section 1. Subdivision 3 of section 103 of the general municipal law, as separately amended by section 5 of subpart A of part C of chapter 97 of the laws of 2011 and by chapter 608 of the laws of 2011, is amended to read as follows:

3. Notwithstanding the provisions of subdivision one of this section, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, other than services subject to article nine of the labor law, when available, through**: (a)** the county in which the political subdivision or district is located**;** or [~~through~~] **(b)** any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; **or (c) another political subdivision or district of any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law;** provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase

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

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or contract for any such services through the county in which the political subdivision or district is located or through any county within the state when bids and offers have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

§ 2. Subdivision 3 of section 103 of the general municipal law, as amended by chapter 608 of the laws of 2011, is amended to read as follows:

3. Notwithstanding the provisions of subdivision one of this section, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, other than services subject to article eight or nine of the labor law, when available[~~,~~]**: (a)** through the county in which the political subdivision or district is located**;** or [~~through~~] **(b)** any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; **or (c) another political subdivision or district of any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law;** provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase or contract for any such services through the county in which the political subdivision or district is located or through any county within the state when bids and offers have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

§ 3. This act shall take effect immediately, provided that the amendments to subdivision 3 of section 103 of the general municipal law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section two of this act shall take effect.