

STATE OF NEW YORK

5196

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. MONTESANO, J. M. GIGLIO, GOODELL, HAWLEY --
Multi-Sponsored by -- M. of A. BARCLAY -- read once and referred to
the Committee on Education

AN ACT to amend the education law and the state finance law, in relation
to authorizing superintendents and schools to purchase certain materi-
al goods and supplies independently

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

Section 1. Section 305 of the education law is amended by adding a new
subdivision 57 to read as follows:

57. The commissioner shall promulgate rules and regulations necessary
to enable superintendents and schools to purchase material goods and
supplies directly from vendors or suppliers when such products are
available at prices or other terms more economically beneficial for the
purposes of the acquiring superintendent or school.

§ 2. Paragraph (i) of subdivision 5 of section 163 of the state
finance law, as amended by section 9 of part L of chapter 55 of the laws
of 2012, is amended to read as follows:

(i) For commodities, upon such determination of need, state agencies
shall ascertain whether the commodity is available in the form, function
and utility consistent with their needs from preferred sources and if
so, shall purchase said commodity from a preferred source in accordance
with the provisions of this article. If not so available, state agencies
shall determine whether the commodity is available in the form, function
and utility consistent with their needs on a centralized contract and if
so, except as provided in subparagraph (v) of paragraph a of subdivision
three of this section, shall purchase said commodity using the central-
ized contract, provided, however, that superintendents and schools may
procure such commodities independently in accordance with regulations
established by the commissioner of education as provided for in subdivi-
sion forty-three of section three hundred five of the education law. If

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

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1 a commodity is not available in the form, function and utility consist-
2 ent with the needs of the state agency from a preferred source or a
3 centralized contract or as provided for in subparagraph (v) of paragraph
4 a of subdivision three of this section, the state agency may procure the
5 commodity independently or in conjunction with another state agency in
6 accordance with paragraph c of subdivision three of this section.
7 § 3. This act shall take effect immediately; provided, however, that
8 the amendments to paragraph (i) of subdivision 5 of section 163 of the
9 state finance law made by section two of this act shall not affect the
10 repeal of such section and shall be deemed to be repealed therewith.