STATE OF NEW YORK

2544

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

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

AN ACT to amend the general municipal law, in relation to procurement reform

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

Section 1. Section 103 of the general municipal law is amended by adding a new subdivision 1-d to read as follows:

1-d. In determining the lowest responsible bidder, the appropriate officer, board or agency for determining the lowest responsible bidder for a city with a population of one million or more and such city's comptroller shall:

(a) reject any bids where the bidder is a legal entity that did not provide the names of all members of such legal entity in their bid;

(b) reject any bids where the bidder: (i) has had any safety, wage theft, or other violations involving the mistreatment of employees or contractors; (ii) has unpaid fines; (iii) has a history of projects not being completed timely; or (iv) has a history of projects that have required substantial additional costs as compared to their original accepted bid;

(c) have binding authority to reject a bid: (i) in the interest of public policy; (ii) upon such appropriate officer, board or agency's or such comptroller's finding that the bidder is not a responsible bidder; or (iii) based on any other reason such appropriate officer, board or agency or such comptroller deems fit; and

(d) inform the community boards, or their equivalent, of the affected area of the bidding process taking place and, at least thirty days before approval or rejection of the bid, hold a public hearing within the community boards the project will be located in. If a contract is awarded on an emergency basis, the public hearing shall be held within seven days of the emergency arising.

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

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§ 2. The general municipal law is amended by adding a new section 103-h to read as follows:

§ 103-h. Representative standing. 1. Where a cause of action arises out of negligent construction or demolition performed by a contractor in the course of being contracted with a city with a population of one million or more, all elected officials which represent the location in which the negligent construction or demolition took place shall have standing to sue such contractor on behalf of the constituents affected by such negligent construction or demolition.

2. If an elected official sues such contractor establishing standing to do so under this section, any monetary judgment in favor of the suing elected official shall only be used to pay the elected official's reasonable legal fees and to repair damage done to property by such contractor.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to all contracts issued on or after such effective date.