

# 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:

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

3 1-d. In determining the lowest responsible bidder, the appropriate  
4 officer, board or agency for determining the lowest responsible bidder  
5 for a city with a population of one million or more and such city's  
6 comptroller shall:

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

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

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

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

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

LBD07021-01-1

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

3 § 103-h. Representative standing. 1. Where a cause of action arises  
4 out of negligent construction or demolition performed by a contractor in  
5 the course of being contracted with a city with a population of one  
6 million or more, all elected officials which represent the location in  
7 which the negligent construction or demolition took place shall have  
8 standing to sue such contractor on behalf of the constituents affected  
9 by such negligent construction or demolition.

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

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