

STATE OF NEW YORK

9098

IN SENATE

May 9, 2022

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to contracts awarded by the Erie county water authority

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

1 Section 1. Section 1069 of the public authorities law, as amended by
2 chapter 525 of the laws of 1979, is amended to read as follows:

3 § 1069. Contracts. [~~All contracts, or orders, for work, material or~~
4 ~~supplies performed or furnished in connection with construction shall be~~
5 ~~awarded by the authority pursuant to resolution. Such contracts, or~~
6 ~~orders, for work, material or supplies needed for any particular purpose~~
7 ~~involving an expenditure for more than five thousand dollars shall be~~
8 ~~awarded only after inviting sealed bids or proposals therefor. The~~
9 ~~notice inviting sealed proposals shall be published at least once in a~~
10 ~~newspaper or trade paper selected by the authority for such purpose,~~
11 ~~such publication to be at least ten days before the date for the receipt~~
12 ~~of bids. If the authority shall not deem it for the interest of the~~
13 ~~authority to reject all bids, it shall award the contract to the lowest~~
14 ~~bidder, unless the authority shall determine that it is for the public~~
15 ~~interest that a bid other than the lowest bid should be accepted. In any~~
16 ~~contract for work, material or supplies, there shall be inserted in the~~
17 ~~discretion of the authority a provision that additional work may be done~~
18 ~~or material or supplies furnished for the purpose of completing such~~
19 ~~contract at an expense not exceeding fifteen per centum of the amount of~~
20 ~~such contract if such additional work, materials or supplies shall be~~
21 ~~ordered by the authority. The bidder whose bid is accepted shall give~~
22 ~~security for the faithful performance of the contract, and such other~~
23 ~~security as the authority may require, and may be required to maintain~~
24 ~~for such period as shall be stipulated any construction done under the~~
25 ~~contract, all in the manner prescribed and required by the authority;~~
26 ~~and the sufficiency of such security shall, in addition to the justi-~~
27 ~~fication and acknowledgment, be approved by the authority. All bids or~~

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

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~~proposals shall be publicly opened by the authority or its duly authorized agent. If the bidder whose bid has been accepted after advertising shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to him on his bid or proposal, or, if he accepts but does not execute the contract and give proper security the authority shall have the right to declare his deposit forfeited, and thereupon it shall be readvertised and relet as above provided. In case any work shall be abandoned by any contractor, the authority may, if the best interests of the authority be thereby served, adopt on behalf of the authority any or all sub-contracts made by such contractor for such work and all such sub-contractors shall be bound by such adoption if made; and the authority shall in the manner provided herein readvertise and relet the work specified in the original contract exclusive of so much thereof as shall be provided for in the sub-contract or sub-contracts so adopted. No bid shall be accepted from or any contracts awarded to, any person or corporation who is in arrears to the authority, or the county of Erie upon any debt or contract, or is a defaulter as surety or otherwise upon any obligation of the authority, or the county. Every contract involving an expenditure of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the authority and one copy of which shall be delivered to the contractor. Upon the adoption of a resolution by a vote of two thirds of all the members of the authority stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than five thousand dollars may be awarded by the authority to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.]~~ The authority shall let contracts for construction or purchase of supplies, materials, or equipment pursuant to sections one hundred one and one hundred three of the general municipal law. Nothing in this section shall be construed to limit the power of the authority to do any construction directly by the officers, agents and employees of the authority or to contract with a public utility, for a term not to exceed five years, for the operation and maintenance of a water supply system acquired from said public utility.

§ 2. This act shall take effect immediately.