STATE OF NEW YORK

9179

IN SENATE

May 12, 2022

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to the electronic submission and public posting of bids for New York state thruway authority construction, reconstruction and improvement contracts

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

Section 1. Subdivision 1 of section 359 of the public authorities law, as amended by section 1 of part F of chapter 58 of the laws of 2022, is amended to read as follows:

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, the authority shall proceed with the construction, reconstruction or improvement thereof. All such work shall be done pursuant to a contract or contracts which shall be let to the lowest responsible bidder, by sealed proposals publicly opened, **or by electronically secure proposal submission as permitted by the authority and electronically posted for public view,** after public advertisement and upon such terms and conditions as the authority shall require; provided, however, that the authority may reject any and all proposals and may advertise for new proposals, as herein provided, if in its opinion, the best interests of the authority will thereby be promoted; provided further, however, that at the request of the authority, all or any portion of such work, together with any engineering required by the authority in connection therewith, shall be performed by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of, the authority. A sealed proposal may be accepted through an electronic platform established or used by the authority, provided that any sealed proposal received electronically shall be made public at the same time as any competing paper proposal, and provided further that the authority shall, at minimum, provide the same opportunity and time for submitting sealed proposals physically as for sealed proposals submitted electronically, and shall provide the opportunity for bidders to submit sealed proposals physically any time that it provides the opportunity to submit sealed elec-

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

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tronic proposals. In addition, the authority shall establish a process for accommodating force majeure events that prevent the submission of a sealed electronic proposal, including but not limited to internet and power outage events, and for automatically confirming receipt of any sealed electronic proposal received. All bidders shall be notified of the time and place of any such adjournment or rejection.

§ 2. This act shall take effect immediately.