

STATE OF NEW YORK

10214

IN ASSEMBLY

February 12, 2026

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

AN ACT to amend the general municipal law, in relation to advertising for bids and offers; letting of contracts

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

1 Section 1. Subdivision 1 of section 103 of the general municipal law,
2 as amended by chapter 668 of the laws of 2023, is amended to read as
3 follows:
4 1. Except as otherwise expressly provided by an act of the legislature
5 or by a local law adopted prior to September first, nineteen hundred
6 fifty-three, all contracts for public work involving an expenditure of
7 more than [~~thirty-five~~ one hundred twenty-five] thousand dollars and all
8 purchase contracts involving an expenditure of more than [~~twenty~~ seven-
9 ty-five] thousand dollars, shall be awarded by the appropriate officer,
10 board or agency of a political subdivision or of any district therein
11 including but not limited to a soil conservation district to the lowest
12 responsible bidder furnishing the required security after advertisement
13 for sealed bids in the manner provided by this section, provided, howev-
14 er, that purchase contracts (including contracts for service work, but
15 excluding any purchase contracts necessary for the completion of a
16 public works contract pursuant to article eight of the labor law) may be
17 awarded on the basis of best value, as defined in section one hundred
18 sixty-three of the state finance law, to a responsive and responsible
19 bidder or offerer in the manner provided by this section except that in
20 a political subdivision other than a city with a population of one
21 million inhabitants or more or any district, board or agency with juris-
22 diction exclusively therein the use of best value for awarding a
23 purchase contract or purchase contracts must be authorized by local law
24 or, in the case of a district corporation, school district or board of
25 cooperative educational services, by rule, regulation or resolution
26 adopted at a public meeting. In any case where a responsible bidder's or
27 responsible offerer's gross price is reducible by an allowance for the
28 value of used machinery, equipment, apparatus or tools to be traded in

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

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1 by a political subdivision, the gross price shall be reduced by the
2 amount of such allowance, for the purpose of determining the best value.
3 In cases where two or more responsible bidders furnishing the required
4 security submit identical bids as to price, such officer, board or agen-
5 cy may award the contract to any of such bidders. Such officer, board or
6 agency may, in ~~his or her~~ **their** or its discretion, reject all bids or
7 offers and readvertise for new bids or offers in the manner provided by
8 this section. In determining whether a purchase is an expenditure within
9 the discretionary threshold amounts established by this subdivision, the
10 officer, board or agency of a political subdivision or of any district
11 therein shall consider the reasonably expected aggregate amount of all
12 purchases of the same commodities, services or technology to be made
13 within the twelve-month period commencing on the date of purchase.
14 Purchases of commodities, services or technology shall not be arti-
15 ficially divided for the purpose of satisfying the discretionary buying
16 thresholds established by this subdivision. A change to or a renewal of
17 a discretionary purchase shall not be permitted if the change or renewal
18 would bring the reasonably expected aggregate amount of all purchases of
19 the same commodities, services or technology from the same provider
20 within the twelve-month period commencing on the date of the first
21 purchase to an amount greater than the discretionary buying threshold
22 amount. For purposes of this section, "sealed bids" and "sealed offers",
23 as that term applies to purchase contracts, (including contracts for
24 service work, but excluding any purchase contracts necessary for the
25 completion of a public works contract pursuant to article eight of the
26 labor law) shall include bids and offers submitted in an electronic
27 format including submission of the statement of non-collusion required
28 by section one hundred three-d of this article, provided that the
29 governing board of the political subdivision or district, by resolution,
30 has authorized the receipt of bids and offers in such format. Submission
31 in electronic format may, for technology contracts only, be required as
32 the sole method for the submission of bids and offers. Provided however,
33 the appropriate officer, board or agency of a city with a population of
34 one million inhabitants or more, or any district, board or agency with
35 jurisdiction exclusively within such city, may authorize or require bids
36 and offers for any contract to be submitted in an electronic format.
37 Bids and offers submitted in an electronic format shall be transmitted
38 by bidders and offerers to the receiving device designated by the poli-
39 tical subdivision or district. Any method used to receive electronic
40 bids and offers shall comply with article three of the state technology
41 law, and any rules and regulations promulgated and guidelines developed
42 thereunder and, at a minimum, must (a) document the time and date of
43 receipt of each bid and offer received electronically; (b) authenticate
44 the identity of the sender; (c) ensure the security of the information
45 transmitted; and (d) ensure the confidentiality of the bid or offer
46 until the time and date established for the opening of bids or offers.
47 The timely submission of an electronic bid or offer in compliance with
48 instructions provided for such submission in the advertisement for bids
49 or offers and/or the specifications shall be the responsibility solely
50 of each bidder or offerer or prospective bidder or offerer. No political
51 subdivision or district therein shall incur any liability from delays of
52 or interruptions in the receiving device designated for the submission
53 and receipt of electronic bids and offers.

54 § 2. Subdivision 1 of section 103 of the general municipal law, as
55 amended by section 2 of chapter 2 of the laws of 2012, is amended to
56 read as follows:

1 1. Except as otherwise expressly provided by an act of the legislature
2 or by a local law adopted prior to September first, nineteen hundred
3 fifty-three, all contracts for public work involving an expenditure of
4 more than ~~[thirty-five]~~ one hundred twenty-five thousand dollars and all
5 purchase contracts involving an expenditure of more than ~~[twenty]~~ seven-
6 ty-five thousand dollars, shall be awarded by the appropriate officer,
7 board or agency of a political subdivision or of any district therein
8 including but not limited to a soil conservation district to the lowest
9 responsible bidder furnishing the required security after advertisement
10 for sealed bids in the manner provided by this section, provided, howev-
11 er, that purchase contracts (including contracts for service work, but
12 excluding any purchase contracts necessary for the completion of a
13 public works contract pursuant to article eight of the labor law) may be
14 awarded on the basis of best value, as defined in section one hundred
15 sixty-three of the state finance law, to a responsive and responsible
16 bidder or offerer in the manner provided by this section except that in
17 a political subdivision other than a city with a population of one
18 million inhabitants or more or any district, board or agency with juris-
19 diction exclusively therein the use of best value of awarding a purchase
20 contract or purchase contracts must be authorized by local law or, in
21 the case of a district corporation, school district or board of cooper-
22 ative educational services, by rule, regulation or resolution adopted at
23 a public meeting. In determining whether a purchase is an expenditure
24 within the discretionary threshold amounts established by this subdivi-
25 sion, the officer, board or agency of a political subdivision or of any
26 district therein shall consider the reasonably expected aggregate amount
27 of all purchases of the same commodities, services or technology to be
28 made within the twelve-month period commencing on the date of purchase.
29 Purchases of commodities, services or technology shall not be arti-
30 ficially divided for the purpose of satisfying the discretionary buying
31 thresholds established by this subdivision. A change to or a renewal of
32 a discretionary purchase shall not be permitted if the change or renewal
33 would bring the reasonably expected aggregate amount of all purchases of
34 the same commodities, services or technology from the same provider
35 within the twelve-month period commencing on the date of the first
36 purchase to an amount greater than the discretionary buying threshold
37 amount. In any case where a responsible bidder's or responsible
38 offerer's gross price is reducible by an allowance for the value of used
39 machinery, equipment, apparatus or tools to be traded in by a political
40 subdivision, the gross price shall be reduced by the amount of such
41 allowance, for the purpose of determining the low bid or best value. In
42 cases where two or more responsible bidders furnishing the required
43 security submit identical bids as to price, such officer, board or agen-
44 cy may award the contract to any of such bidders. Such officer, board or
45 agency may, in ~~[his, her]~~ their or its discretion, reject all bids or
46 offers and readvertise for new bids or offers in the manner provided by
47 this section.

48 § 3. This act shall take effect immediately, provided that the amend-
49 ments to subdivision 1 of section 103 of the general municipal law made
50 by section one of this act shall be subject to the expiration and rever-
51 sion of such subdivision pursuant to subdivision a of section 41 of part
52 X of chapter 62 of the laws of 2003, as amended, when upon such date the
53 provisions of section two of this act shall take effect.