

STATE OF NEW YORK

9344--A

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to regulating the use of cooperative purchasing agreements for public works projects by political subdivisions of the state

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

1 Section 1. Legislative findings and purpose. The Legislature finds and
2 declares that subdivision 16 of section 103 of the general municipal law
3 was enacted to enhance procurement efficiency by permitting New York
4 political subdivisions to use cooperative purchasing agreements, includ-
5 ing piggybacking competitively awarded contracts from other jurisdic-
6 tions. However, the increasing use of national cooperative contracts and
7 those from other states with divergent procurement standards has led to
8 diminished oversight, lower worker protections, and a departure from New
9 York's public bidding laws.

10 This act affirms that cooperative purchasing for public works must be
11 subject to New York's public procurement laws and safeguards. It seeks
12 to clarify allowable uses of cooperative purchasing, improve transparen-
13 cy and accountability, and strengthen prevailing wage enforcement mech-
14 anisms to protect workers and ensure fair competition.

15 The Legislature further finds that clarification is necessary regard-
16 ing the definition and scope of services related to public works
17 construction, in order to ensure that such services are subject to New
18 York State labor protections, including prevailing wage requirements and
19 appropriate craft or trade separation. The Legislature is concerned that
20 cooperative agreements awarded by jurisdictions outside New York have
21 led to inconsistent enforcement practices, improper assignment of trades

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

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1 under Job Order Contracting (JOC) arrangements, and diminished public
2 transparency.

3 § 2. The general municipal law is amended by adding a new section
4 109-e to read as follows:

5 § 109-e. Cooperative purchasing agreements for public works. 1. Poli-
6 tical subdivisions may utilize cooperative purchasing agreements for
7 goods and services, including services related to public works
8 construction, provided any associated contracts were competitively bid
9 by political subdivisions either within or outside the state.

10 2. Cooperative purchasing agreements for public works construction and
11 any services related to public works construction shall only be permit-
12 ted when associated contracts are competitively bid, publicly adver-
13 tised, and awarded by a New York political subdivision in full compli-
14 ance with all applicable public procurement laws, including but not
15 limited to the provisions of this article, including section one hundred
16 one, prevailing wage statutes, and requirements for craft or trade sepa-
17 ration.

18 3. All cooperative contracts for public works shall be locally adver-
19 tised to ensure fair and open competition. Notices shall include
20 detailed procedures for issuing and adding purchase orders.

21 4. Political subdivisions may award indefinite delivery, indefinite
22 quantity contracts for goods, services, and public works without requir-
23 ing final plans and specifications for individual projects at the time
24 of contract execution. However, when used for public works, in addition
25 to the contractor's required submission of certified payroll records as
26 provided in section two hundred twenty-j of the labor law, the contrac-
27 tor shall submit certified payroll records for each job order to the
28 lead agency and political subdivision where the public works project is
29 performed to verify that prevailing wage requirements were met. Addi-
30 tionally, work must be assigned in accordance with appropriate craft or
31 trade classifications as required under the labor law.

32 5. Any project executed under a cooperative purchasing agreement shall
33 be considered a covered project subject to section two hundred twenty-j
34 of the labor law.

35 6. For purposes of this section, "services related to public works
36 construction" shall include construction management, general contract-
37 ing, inspection, testing, or other similar services traditionally
38 performed as part of public works procurement, and such services must
39 also comply with all New York state procurement requirements.

40 § 3. This act shall take effect immediately.