

STATE OF NEW YORK

10326

IN SENATE

May 14, 2026

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

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

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 and explic-
12 itly limits such agreements to those that are bid, advertised, and
13 awarded solely by political subdivisions located within the state of New
14 York. It seeks to clarify allowable uses of cooperative purchasing,
15 improve transparency and accountability, and strengthen prevailing wage
16 enforcement mechanisms to protect workers and ensure fair competition.

17 The legislature further finds that clarification is necessary regard-
18 ing the definition and scope of services related to public works
19 construction, to ensure that such services are subject to New York state
20 labor protections, including prevailing wage requirements and appropri-
21 ate craft or trade separation. The legislature is concerned that cooper-
22 ative agreements awarded by jurisdictions outside New York have led to
23 inconsistent enforcement practices, improper assignment of trades under
24 Job Order Contracting (JOC) arrangements, and diminished public trans-
25 parency.

26 § 2. The general municipal law is amended by adding a new section
27 109-e to read as follows:

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

LBD15839-01-6

1 § 109-e. Cooperative purchasing agreements for public works. 1. (a)
2 Political subdivisions may utilize cooperative purchasing agreements for
3 goods and services, provided the contracts were competitively bid by
4 political subdivisions either within or outside New York.

5 (b) Cooperative purchasing agreements for public works construction
6 and any services related to public works construction shall only be
7 permitted when such contracts are competitively bid, publicly adver-
8 tised, and awarded by a political subdivision located within the state
9 of New York, in full compliance with all applicable New York public
10 procurement laws, including but not limited to section one hundred one
11 of this article, prevailing wage statutes, and requirements for craft or
12 trade separation.

13 (c) For the purposes of this section, any project executed under a
14 cooperative purchasing agreement shall be considered a covered project
15 subject to paragraph d of subdivision one of section two hundred twenty-
16 ty-j of the labor law.

17 (d) For the purposes of this section, "services related to public
18 works construction" shall include construction management, general
19 contracting, inspection, testing, or other similar services tradi-
20 tionally performed as part of public works procurement, and such
21 services must also comply with all New York state procurement require-
22 ments.

23 2. Cooperative contracts for public works shall be locally advertised
24 as required by subdivision two of section one hundred three of this
25 article and shall include detailed procedures for issuing and adding
26 purchase orders.

27 3. Political subdivisions may award indefinite delivery, indefinite
28 quantity (IDIQ) contracts for goods, services, and public works without
29 requiring final plans and specifications for individual projects at the
30 time of contract execution. However, when used for public works in addi-
31 tion to the contractor's required submission of certified payroll
32 records to the department of labor's website in paragraph b of subdivi-
33 sion two of section two hundred twenty-j of the labor law, the contrac-
34 tor shall submit certified payroll records for each job order to the
35 lead agency and political subdivision where the public works project is
36 performed to verify that prevailing wage requirements were met. Addi-
37 tionally, work must be assigned in accordance with appropriate craft or
38 trade classifications as required under New York labor law.

39 § 3. This act shall take effect immediately.