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:

Section 1. Legislative findings and purpose. The legislature finds and declares that subdivision 16 of section 103 of the general municipal law was enacted to enhance procurement efficiency by permitting New York political subdivisions to use cooperative purchasing agreements, including piggybacking competitively awarded contracts from other jurisdictions. However, the increasing use of national cooperative contracts and those from other states with divergent procurement standards has led to diminished oversight, lower worker protections, and a departure from New York's public bidding laws.

This act affirms that cooperative purchasing for public works must be subject to New York's public procurement laws and safeguards and explicitly limits such agreements to those that are bid, advertised, and awarded solely by political subdivisions located within the state of New York. It seeks to clarify allowable uses of cooperative purchasing, improve transparency and accountability, and strengthen prevailing wage enforcement mechanisms to protect workers and ensure fair competition.

The legislature further finds that clarification is necessary regarding the definition and scope of services related to public works construction, to ensure that such services are subject to New York state labor protections, including prevailing wage requirements and appropriate craft or trade separation. The legislature is concerned that cooperative agreements awarded by jurisdictions outside New York have led to inconsistent enforcement practices, improper assignment of trades under Job Order Contracting (JOC) arrangements, and diminished public transparency.

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

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

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

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

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

(d) For the purposes of this section, "services related to public works construction" shall include construction management, general contracting, inspection, testing, or other similar services traditionally performed as part of public works procurement, and such services must also comply with all New York state procurement requirements.

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

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

§ 3. This act shall take effect immediately.