§ 58.00 Notice of sale of bonds. * a. There shall be published, at least once, not less than five nor more than thirty days before the date fixed for the public sale of bonds, a notice of such public sale or a summary thereof in accordance with one of the following methods: (1) the notice of sale shall be published in any financial newspaper published and circulated in the city of New York which the state comptroller, in the rule or order referred to in paragraph d of section 57.00 of this chapter, shall designate for such publication; (2) the notice of sale shall be circularized in such manner as the state comptroller shall prescribe in such rule or order and shall be published in any newspaper or newspapers which the finance board of the municipality, school district or district corporation may designate for such purpose; or (3) (i) a summary of the notice of sale shall be published in both the financial newspaper published and circulated in the city of New York which the state comptroller has designated in the rule or order referred to in paragraph d of section 57.00 of this chapter, and (ii) any newspaper or newspapers which the finance board of the municipality, school district or district corporation may designate for such purpose. A summary of the notice of sale shall at a minimum contain the name of the issuer, the amount, date, and maturities of the bonds, the frequency of interest payments, the place where bids will be received, the designation of the receiving device if the finance board of the issuing municipality, school district or district corporation has authorized or required the receipt of bids in an electronic format, the time and date for the opening of the bids, including circumstances under which such time and date may be changed in accordance with law, the method of award and a procedure for promptly obtaining the complete notice of sale and any preliminary official statement prepared in connection with the sale, and such other information as the state comptroller may prescribe by rule or order.

* NB Effective until June 1, 2028

* a. There shall be published, at least once, not less than five nor more than thirty days before the date fixed for the public sale of bonds, a notice of such public sale or a summary thereof in accordance with one of the following methods: (1) the notice of sale shall be published in any financial newspaper published and circulated in the city of New York which the state comptroller, in the rule or order

referred to in paragraph d of section 57.00 of this chapter, shall designate for such publication; (2) the notice of sale shall be circularized in such manner as the state comptroller shall prescribe in such rule or order and shall be published in any newspaper or newspapers which the finance board of the municipality, school district or district corporation may designate for such purpose; or (3) (i) a summary of the notice of sale shall be published in both the financial newspaper published and circulated in the city of New York which the state comptroller has designated in the rule or order referred to in paragraph d of section 57.00 of this chapter, and (ii) any newspaper or newspapers which the finance board of the municipality, school district or district or district corporation may designate for such purpose. A summary of the notice of sale shall at a minimum contain the name of the issuer, the amount, date, and maturities of the bonds, the frequency of interest payments, the place where bids will be received, the time and date for the opening of the bids, including circumstances under which such time and date may be changed in accordance with law, the method of award and a procedure for promptly obtaining the complete notice of sale and any preliminary official statement prepared in connection with the sale, and such other information as the state comptroller may prescribe by rule or order.

* NB Effective June 1, 2028

b. Such notice shall call for sealed bids for the purchase of such bonds, and shall state:

* 1. The place where bids will be received and considered, and the designation of the receiving device if the finance board of the issuing municipality, school district or district corporation has authorized or required the receipt of bids in an electronic format.

* NB Effective until June 1, 2028

* 1. The place where bids will be received and considered.

* NB Effective June 1, 2028

2. (a) The time and date for the opening of bids, which shall be only on weekdays, Saturdays and holidays excluded, between the hours of ten o'clock ante meridian and four o'clock post meridian, eastern standard time.

(b) In lieu of the statement of the time and date for the opening of bids required by subparagraph (a) of this subdivision, a statement (i) that the time and date for the opening of bids will be provided on not less than twenty-four hours prior notice by means of a supplemental notice of sale and indicating the manner in which such supplemental notice will be provided, or (ii) setting a time and date for the opening of bids, stating that notice of a change in the time or date for the opening of bids may be provided not less than one hour prior to the time originally scheduled for the opening of bids by means of a supplemental notice of sale and indicating the manner in which such supplemental notice will be provided. Where notice is given that the time or date of a sale will be changed without specifying the new time or date, notice of the new time or date of sale must be provided by means of a second supplemental notice of sale at least one hour prior to the new time for the opening of bids.

(c) A supplemental notice of sale shall refer to and be deemed a part of the notice of sale required by this section and shall not establish or change the terms of the sale other than the time or date for the opening of bids, the amount of principal scheduled to be repaid in each year, the right of redemption prior to maturity, and the face value at maturity of the issue or any installment thereof. The time set for the opening of bids in the supplemental notice of sale shall not be less than five nor more than thirty days after publication of the notice of sale required pursuant to paragraph a of this section.

(d) The supplemental notice of sale shall be provided by transmittal over a definitive trade wire service of the municipal bond industry which, in general, makes available information regarding activity and sales of municipal bonds and is generally available to participants in the municipal bond industry, or by publication in the financial newspaper published and circulated in the city of New York which the state comptroller, in the rule or order referred to in paragraph d of section 57.00 of this article, shall designate for such publication. In addition, when the time and date for the opening of bids is delayed by more than twenty-four hours, public notice of the time and date set for the opening of bids in the supplemental notice of sale shall be given to the news media and shall be posted in one or more designated public locations within the issuing municipality, school district or district

corporation at least twenty-four hours prior to the time and date set for the opening of bids; provided however, that such public notice shall not be construed to require publication as a legal notice.

3. The maximum rate of interest, if any, fixed by or pursuant to paragraph b of section 57.00 of this chapter.

c. Such notice shall also include:

1. A statement that the rate or rates of interest to be bid shall be a multiple of one-hundredth of one per centum per annum or a multiple of one-eighth of one per centum per annum, as the agency in charge of the sale may determine and may require or permit in such notice.

2. A statement of the conditions of sale and the methods of bidding which shall include the following:

a. A statement that one or more than one rate of interest may be bid; provided, however, that only one rate of interest may be bid for bonds of the same maturity. Where more than one rate of interest may be bid, such notice shall specify the maximum number of rates which may be bid. Where the net interest cost method of calculating interest cost is used, or where the notice so provides, the interest rate for each maturity shall not be less than the interest rate for any prior maturity. Such notice shall also state that such rate or any of such rates may not be higher than the maximum rate prescribed in such notice, if a maximum rate has been prescribed. Notwithstanding the above, in inviting proposals for the sale of bonds in an amount of twenty million dollars or more, a municipality may advertise in such notice to sell, in series, at a single bid price per bond. b. Where two or more issues are offered in the same notice of sale, a statement specifying whether each of the issues so offered shall be sold separately as a single bond issue, whether some of the issues shall be combined and sold separately as one or more single bond issues, or whether the aggregate amount of bonds of all of the issues shall be combined and sold as a single bond issue. c. Where the finance board of a municipality, school district or district corporation has determined to provide for substantially level or

declining annual debt service pursuant to paragraph d of section 21.00 of this article, a statement specifying the dates of maturity for such bonds and the dates for payment of interest on such bonds, and setting forth the annual principal installments expected to provide for, together with the interest thereon, substantially level or declining annual debt service on such bonds. Such notice shall state that the municipality, school district or district corporation may, after selecting the low bidder, adjust such installments to the extent necessary to meet the requirements of substantially level or declining debt service.

3. A requirement that as a condition precedent to the consideration of his or her bid, each bidder shall deposit with such official as the agency in charge of the sale may designate, a certified or cashier's check drawn upon an incorporated bank or trust company to the order of the municipality, school district or district corporation or such official, for the amount specified in the notice, but in no event less than one-half of one per centum of the amount of bonds to be bid for. Such notice may also provide that, in lieu of a certified or cashier's check, bidders may furnish as security cash in such amount remitted by wire transfer to an account specified in the notice or an eligible surety bond or an eligible letter of credit, approved by such official as to form, sufficiency, and manner of execution. For purposes of this section, "eligible surety bond" shall mean a bond executed by an insurance company authorized to do business in this state, the claims-paying ability of which is rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization; and "eligible letter of credit" shall mean an irrevocable letter of credit issued in favor of the municipality, school district or district corporation, for a term not to exceed ninety days by a bank, as that term is defined in section two of the banking law, whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating

organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

4. A statement that there is reserved to the municipality, school district or district corporation the right to reject all bids, and that any bid not complying with the terms of the notice will be rejected.

5. A statement that the agency prescribing the terms, form and contents of such bonds has reserved to itself the power to call in and redeem a portion of such bonds prior to their date of maturity pursuant to section 53.00 of this chapter, if such agency has reserved to itself such power. Such statement shall identify the portion of the bonds which may be so redeemed and shall describe the terms and conditions under which such bonds may be redeemed.

6. A statement indicating which of the methods set forth in paragraph a of section 59.00 of this chapter will be used in awarding such bonds.

7. Such further data and information as shall be prescribed by the state comptroller in the rule or order referred to in paragraph d of section 57.00 of this chapter.

d. It may be a condition of the sale of bonds that every bidder may be required to accept a portion of the whole amount of the bonds for which he or she has bid, at the same rate for such portion as may be specified in his or her bid for the full amount. If such condition is imposed, the notice of sale shall so state and such notice also shall state that, in addition, any bidder may offer to purchase all or none of such bonds on different terms.

e. The notice of sale may provide that the bidder to whom the bonds are to be awarded, at his or her option, may refuse to accept the bonds if prior to the delivery of the bonds any income tax law of the United States of America shall provide that the interest on such bonds is taxable, or shall be taxable at a future date, for federal income tax purposes.

* f. For purposes of this section and section 59.00 of this chapter,

"sealed bids" shall include bids submitted in an electronic format, provided that the finance board of the issuing municipality, school district or district corporation, by resolution, has authorized the receipt of bids in such format. Submission in electronic format may be required as the sole method for the submission of bids. Bids submitted in an electronic format shall be transmitted by bidders to the receiving device designated by the issuing municipality, school district or district corporation. Any method used to receive electronic bids shall comply with article three of the state technology law and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must: (a) document the time and date of receipt of each bid received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid until the time and date established for the opening of bids. The timely submission of an electronic bid in compliance with instructions provided for such submission in the notice of sale and any supplemental notice of sale shall be the responsibility solely of each bidder or prospective bidder. No issuing municipality, school district or district corporation shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

* NB Repealed June 1, 2028