§ 2046-s. Contracts. All contracts or orders, for work, material or supplies performed or furnished in connection with construction, shall be awarded by the agency pursuant to resolution of the governing body except as hereinafter provided. Such awards, when applicable, may be made in compliance with paragraph (e) of subdivision four and subdivision seven of section one hundred twenty-w of the general municipal law. In any construction contract, the agency may provide a program for the payment of damages for delays and incentive awards in order to encourage timely project completion. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, shall be governed by the provisions of subdivision six of section one hundred twenty-w of the general municipal law and the term "municipality" as used in such subdivision six shall mean the agency.

The bidder whose bid is accepted shall give security for the faithful performance of the contract, and such other security as the agency may require, and may be required to maintain any construction done under the contract for such period as shall be stipulated, all in the manner prescribed and required by the agency and the sufficiency of such security shall, in addition to the justification and acknowledgment, be approved by the agency. All bids or proposals shall be publicly opened by the governing body or its duly authorized agent. If the bidder whose bid or proposal has been accepted shall neglect or refuse to accept the contract within five days after written notice that the contract has been awarded to him on his bid or proposal, or, if he accepts but does not execute the contract and give proper security, the agency shall have the right to declare his security forfeited. In case any work shall be abandoned by any contractor, the agency may, if it determines that the public interest is thereby served, adopt on behalf of the agency any or all subcontracts made by such contractor for such work and all such subcontractors shall be bound by such adoption if made. No bid or proposal shall be accepted from or any contract awarded to, any person or corporation which is in arrears to the agency or the town upon any obligation of the agency or of the town. Every contract involving an expenditure of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of

which shall be held by the agency and one copy of which shall be delivered to the contractor. The agency may adopt, utilize, ratify and confirm any request for proposals, invitation for sealed bids, plans, specifications and notices heretofore or hereafter published by the town with respect to any proposed project, and the agency may adopt, utilize, accept and confirm any bids or proposals submitted to the town and heretofore or hereafter received and publicly opened by the town. The provisions of this section shall supersede any inconsistent provisions of the general municipal law, any other general, special or local law. The agency shall be deemed an authority for the purpose of section twenty-six hundred four of this chapter.