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Committee Assignment: Assembly Freedom 4

Bill #:AF-25

Sponsors: Jayden Mignot, Max Gollhofer, Emmett Clesceri, Gabby Mowery

An Act To Amend Article 5-a § 103 of the General Municipal Law to allow a chief engineer the ability to review a state contract bid.

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

Purpose: This bill will create better communication between contracting officers and the engineer. This communication will allow more accurate cost projections, lead to fewer bidding mistakes, and will allow more accurate budgeting for such a project in New York State.

Summary of Provisions

Section 1:

Contracting Officer: Any person who, by appointment in accordance with applicable regulations, has the authority to enter into and administer contracts and make determinations and findings with respect thereto.

Sealed Bidding: A sealed bid is a document enclosed in a sealed envelope and is submitted in response to the invitation to bid. Can only be reviewed by contracting officers.

Engineer and Contracting Officer Bidding: also known as an ECO bid, it is a sealed envelope and is submitted in response to the invitation to bid. It is reviewed first by the contracting officials, then reviewed by the chief engineer.

Section 2 m

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed ~~Engineer and Contracting Officer~~ bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities,



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services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "~~sealed~~ Engineer and Contracting Officer bids" and "~~sealed~~ Engineer and Contracting Officer offers", as that term applies to purchase contracts.

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5. Upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, supplies or services in excess of the monetary threshold fixed for purchase contracts in this section may be awarded by the appropriate officer, board or agency of such political subdivision or any such district therein, to the lowest responsible bidder or responsible offerer furnishing the required security after advertisement for ~~sealed~~ Engineer and Contracting Officer bids or ~~sealed~~ Engineer and Contracting Officer offers therefore in the manner provided in this section.

Justification: Communication is huge factor if Being an engineer. Someone over 70% of all engineers working for The state of New York are seeking change for the current bidding system, something definitely needs to be done. With the current system in place, A bid request can only be reviewed by one contracting officer, a bid request can only be reviewed by one contracting officer. My bill, however, will allow the chief engineer and the contracting officer to look at the bid offer, which can allow a more accurate budget protection, and better chance of finding something wrong within a bill structure.

Fiscal Implications n/a

Environmental Implications: n/a

Effective Date: 1 January 2020