

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)

State Finance Law ([Refs & Annos](#))

Chapter 56. Of the Consolidated Laws

[↗](#) [Article XI](#). State Purchasing ([Refs & Annos](#))

→ [§ 163. Purchasing services and commodities](#)

<[Expires and deemed repealed June 30, 2008, pursuant to L.1995, c. 83, § 362, subd. 5]>

3. General provisions for purchasing commodities.

a. State agency procurement practices for commodities shall incorporate the following:

... (iv) The commissioner is authorized to permit any officer, body or agency of the state or of a political subdivision or a district therein, or fire company or volunteer ambulance service as such are defined in [section one hundred of the general municipal law](#), to make purchases of commodities through the office of general services' centralized contracts, pursuant to the provisions of [section one hundred four of the general municipal law](#). The commissioner is authorized to permit any county extension service association as authorized under [subdivision eight of section two hundred twenty-four of the county law](#), or any association or other entity as specified in and in accordance with [section one hundred nine-a of the general municipal law](#), or any other association or entity as specified in state law, to make purchases of commodities through the office of general services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.

...

10. Letting of contracts. Contracts for commodities shall be awarded on the basis of lowest price to a responsive and responsible offerer. Contracts for services shall be awarded on the basis of best value from a responsive and responsible offerer. **Multipleawards** for services and commodities shall be conducted in accordance with paragraph c of this subdivision.

...

e. The commissioner may authorize purchases required by state agencies or other authorized purchasers by letting a contract pursuant to a written agreement, or by approving the use of a contract let by any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states.

**NOTE: 163(10)(e) HAS JUST BEEN AMENDED AS FOLLOWS:**

§ 4. Paragraph e of subdivision 10 of section 163 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

<< NY STATE FIN § 163 >>

e. The commissioner may authorize purchases required by state agencies or other authorized purchasers by letting a contract pursuant to a written agreement, or by approving the use of a contract let by any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states. **A state agency purchaser shall document in the procurement record its rationale for the use of a contract let by any department, agency or instrumentality of the United States government**

**or any department, agency, office, political subdivision or instrumentality of any other state or states. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the commissioner is not in the best interest of the state, and the reasonableness of cost.**

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**C**

**Effective: September 17, 2002**

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General Municipal Law [\(Refs & Annos\)](#)

Chapter 24. Of the Consolidated Laws

[Article 5-A](#). Public Contracts [\(Refs & Annos\)](#)

→ [§ 109-a. Purchases through the office of general services by certain public associations](#)

The New York State Association of Counties, the Association of Towns of the State of New York, the New York State Town Clerk's Association, Inc., the New York State Conference of Mayors and Other Municipal Officials, the New York State School Boards Association, Inc., the New York Planning Federation and the Association of Fire Districts of the State of New York, the New York State Association of School Business Officials, the New York state council of school superintendents, any nonpublic elementary and/or secondary school of the state of New York, which provides the instruction required by section thirty-two hundred four and article seventeen of the education law, and which is chartered by, registered with or subject to examination and inspection by the department of education and which is a not for profit institution and any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, may make purchases, except of printed material, through the office of general services subject to such rules as may be established from time to time pursuant to [sections one hundred sixty-three](#) and [one hundred sixty-five of the state finance law](#) and [subdivision eight-a of section one hundred three](#) of this article which may establish limitations with respect to commodities and impose such other appropriate conditions upon purchasing as deemed necessary by the commissioner of general services in order to protect the state's own purchasing interests; and that such association, school, library, library system or cooperative library system shall accept sole responsibility for any payment due the vendor. Boards of education may permit such nonpublic schools to make purchases pursuant to this section through the school district in which the nonpublic school is located, provided that any administrative costs incurred by the school district will be paid by the nonpublic school.

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[Article 5-A](#). Public Contracts [\(Refs & Annos\)](#)

→ [§ 104. Purchase through office of general services](#)

Notwithstanding the provisions of [section one hundred three](#) of this chapter or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service authorized to make purchases of materials, equipment, food products, or supplies, or services available pursuant to [section one hundred sixty-one of the state finance law](#), may

make such purchases, except of printed material, through the office of general services subject to such rules as may be established from time to time pursuant to [section one hundred sixty-three of the state finance law](#) or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, [P.L. 103-355](#); provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."