

New York State Office of General Services
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PURCHASING MEMORANDUM

GENERAL INFORMATION BULLETIN

NUMBER: CL-767

DATE: September 6, 2012

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES &
OTHER AUTHORIZED USERS

Customer Services
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SUBJECT: "PIGGYBACKING" BY POLITICAL SUBDIVISIONS

TO POLITICAL SUBDIVISIONS (Counties, Cities, Towns, Villages, School Districts, Special Districts and other municipal entities):

There have been a number of changes to the General Municipal Law (GML) in recent years to authorize local governments to make certain procurements through the utilization of other public sector contracts as an exception to competitive bidding. The stated purpose of these changes is to offer local governments an alternative to conducting their own bidding process that could reduce administrative and product costs, and increase efficiencies. The purpose of this memorandum is to provide some general guidance to political subdivisions as they consider utilizing these procurement options. Additional guidance will also be forthcoming from the Office of the State Comptroller.

Section 103, subdivision 1-b of the GML now allows political subdivisions the option to purchase "information technology and telecommunications hardware, software and professional services through cooperative purchasing permissible pursuant to federal general services administration information technology schedule seventy..." ("Supply Schedule 70"). Political subdivisions who wish to purchase through Schedule 70 must comply with federal schedule ordering procedures as provided in federal regulations. A similar provision was made by adding subdivision 2 to GML §104, to purchase "from federal general service administration supply schedules pursuant to section 211 of the federal e-government act of 2002..." The amendment to subdivision 2 of the GML also permit political subdivisions to make purchases "pursuant to section 1122 of the national defense authorization act for fiscal year 1994..." in accordance with procedures established in federal law.

Further amendments to General Municipal Law 103 through the addition of a new subdivision (16) allow political subdivisions "to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, ... as may be required by such county, political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein...." It is important to note that the use of such contracts ('piggybacking') is conditioned on the contract that is to be utilized having been "let in a manner that constitutes competitive bidding consistent with state law, and made available for use by other governmental entities."

OGS does not have the statutory authority to review or authorize establishment of piggyback contracts by those local governments governed by the GML. Local governments with questions or concerns about using this form of procurement should seek guidance from their own counsel. The Office of the State Comptroller has indicated that they will be issuing general guidance on how to implement these changes in the near future. Political subdivisions with technical assistance questions may also contact the Office of the State Comptroller's Division of Legal Services at (518) 474-5586 for additional guidance.

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