



NEW YORK STATE SENATOR

Shirley L. Huntley

Joint Bidding Bill

SHIRLEY L. HUNTLEY September 10, 2010

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News From New York State

Senator Shirley L. Huntley

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Senator Huntley: Joint Bidding Bill Signed Into Law

Legislation would make construction more efficient with time, funds

(Jamaica, NY) Senator Shirley L. Huntley (D-Jamaica) celebrated the signing of her legislation (S. 6844) that would allow joint bidding on construction contracts. The new law authorizes New York City to include in a contract for public works relating to the Third Water Tunnel in Manhattan any work deemed necessary to accommodate energy, telecommunications and other private facilities or structures not owned by New York City which are within or adjacent to the construction area of the project.

Public rights of way generally contain not only city-owned utility services like water mains and sewers, but also utility lines for the transmission of energy and telecommunications. These private facilities often must be moved or protected in the course of the municipal work. The municipal work can be delayed or stopped if the private utility work is bid

separately.

Joint bidding would require bidders to provide a single bid for both the municipal and private work required to accomplish a public works project. Having a single entity engage in joint bidding is more efficient, which was recognized when New York City enacted joint bidding in 1992. However, the practice ended in 1998 when the Court of Appeals determined that private utility interference work is not “public work” and cannot be included in a contract for a municipal work bid without Legislative authorization.

“The signing of this new law will allow for more efficient contracting work in New York City,” said Senator Huntley, chair of the Senate Committee on Cities. “This legislation would also enable the City to get reimbursed for work costs from the utilities so that the taxpayers are not negatively affected by joint bidding work.”

The legislation, sponsored by Senator Huntley, also draws support from the New York City Mayor’s Office as well as the International Brotherhood of Electrical Workers.

“It is absolutely essential that City construction is done in the safest and most efficient way, and this legislation helps ensure those goals,” said the Senator. “We have seen successful projects in the City that benefitted from joint bidding, and it makes sense to extend the practice here.”