

1 **2025 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations, General Government**
3 **& Public Employee Relations**
4 **Resolution # 3**

5
6 **Resolution Calling on the State to Increase Certain Local Government**
7 **Procurement Thresholds**
8

9 **WHEREAS**, NYS General Municipal Law (GML) Section 103(16), commonly referred
10 to as the "Piggyback Law," authorizes local governments to piggyback on competitively
11 awarded contracts for public works, provided the contract value does not exceed \$1
12 million; and

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14 **WHEREAS**, NYS local governments and schools have used this type of purchasing
15 option for years in order to streamline the projects, save taxpayer dollars, and create
16 efficiencies; and

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18 **WHEREAS**, GML 103(16) allows local governments to make purchases and contract
19 for services related to the installation, maintenance, or repair of apparatus, materials,
20 equipment, and supplies through cooperative purchasing agreements; however, the
21 statute is silent on whether public works projects may be procured through
22 piggybacking; and

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24 **WHEREAS**, the Office of the State Comptroller (OSC) has previously indicated
25 informally that certain public works projects may be able to be piggybacked under GML
26 103(16) on a case-by-case basis, particularly when the project involves a combination of
27 materials procurement and installation services; and

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29 **WHEREAS**, a recent court decision (Daniel J. Lynch, Inc. v. Maine-Endwell School
30 District) ruled that GML 103(16) does not authorize piggybacking for public works,
31 resulting in the immediate need for legislative clarification; and

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33 **WHEREAS**, GML 103(3) already permits local governments to piggyback on county-
34 awarded public works contracts, provided that the contracts comply with Article 8 of the
35 NYS Labor Law (prevailing wage requirements), therefore extending this authority to
36 GML 103(16) would align state law with existing procurement practices and provide
37 local governments with a legally sound, cost-effective alternative for procuring smaller-
38 scale public works projects; and

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40 **WHEREAS**, GML 103 regarding public works projects and commodity purchases must
41 also be amended to increase the bidding threshold to keep up with inflation; and

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43 **WHEREAS**, this threshold is outdated, placed on local governments and schools over
44 50 years ago at \$35,000 on public works projects and at \$20,000 for commodity
45 purchases; and

1 **WHEREAS**, this outdated threshold places an undue burden on local government and
2 is not in keeping with the spirit of the original law when considering inflationary values.

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4 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
5 Counties (NYSAC) hereby calls on the Governor and the State Legislature to enact
6 legislation increasing the local government bidding thresholds on public works and
7 commodities to be in keeping with adjusted inflationary values; and
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9 **BE IT FURTHER RESOLVED**, the New York State Association of Counties (NYSAC)
10 hereby calls on the Governor and the State Legislature to enact legislation clarifying that
11 public works projects may be able to be piggybacked under GML 103(16); and
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13 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
14 New York encouraging member counties to enact similar resolutions; and
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16 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
17 Governor Kathy Hochul, the New York State Legislature and all others deemed
18 necessary and proper.