State of New York

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Department of State
Secretary of State

State of New York

Executive Chamber

No. 138

EXECUTIVE ORDER

TEMPORARY SUSPENSION OF PROVISIONS RELATING TO TRANSPORTATION INFRASTRUCTURE RECOVERY FOR THE STATE DISASTER EMERGENCY

WHEREAS, on November 18, 2014, I issued Executive Order Number 137 declaring a disaster emergency in the Counties of Cattaraugus, Chautauqua, Erie, Franklin, Genesee, Herkimer, Jefferson, Lewis, Oswego, Wyoming, and contiguous counties;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend, for the period from the date of this Executive Order until further notice, the following laws:

Section 38(1), (2) and (3) of the Highway Law and Article 4-C of the Economic Development Law, in the event that the Commissioner of Transportation determines it is necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and to use such services when needed; and

Section 9(2) and (4) of the Public Buildings Law, to the extent the Commissioner of General Services determines it is necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above three hundred thousand dollars; and

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Transportation or Commissioner of General Services determines it is necessary to add additional work, sites and time to State contracts or award emergency contracts to award leases for relocation and support

of State operations under Public Buildings Law Section 3, to award emergency contracts under Public Buildings Law Section 9, to award emergency contracts for professional services under Section 136-a of the State Finance Law and to award emergency contracts for commodities, services, technology and materials pursuant to Section 163 of the State Finance Law; and

Section 136-a of the State Finance Law, to the extent that the Commissioner of Transportation or Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services; and

Section 163 of the State Finance Law, to the extent of allowing the Commissioner of Transportation or the Commissioner of General Services to purchase necessary commodities, services, technology and materials without following the standard procurement processes; and

Article 8 of the Environmental Conservation Law, and Part 15 of Title 17 and Part 617 of Title 6 of the New York Code of Rules and Regulations, to the extent that the Commissioner of Transportation or Commissioner of General Services determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures; and

Part F of Chapter 56 of the Laws of 2011, to the extent of allowing the Commissioner of Transportation to award design-build and best value contracts without following the proscribed procurement process.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth day of November in the year two thousand fourteen.

BY THE GOVERNOR

Secretary to the Governor