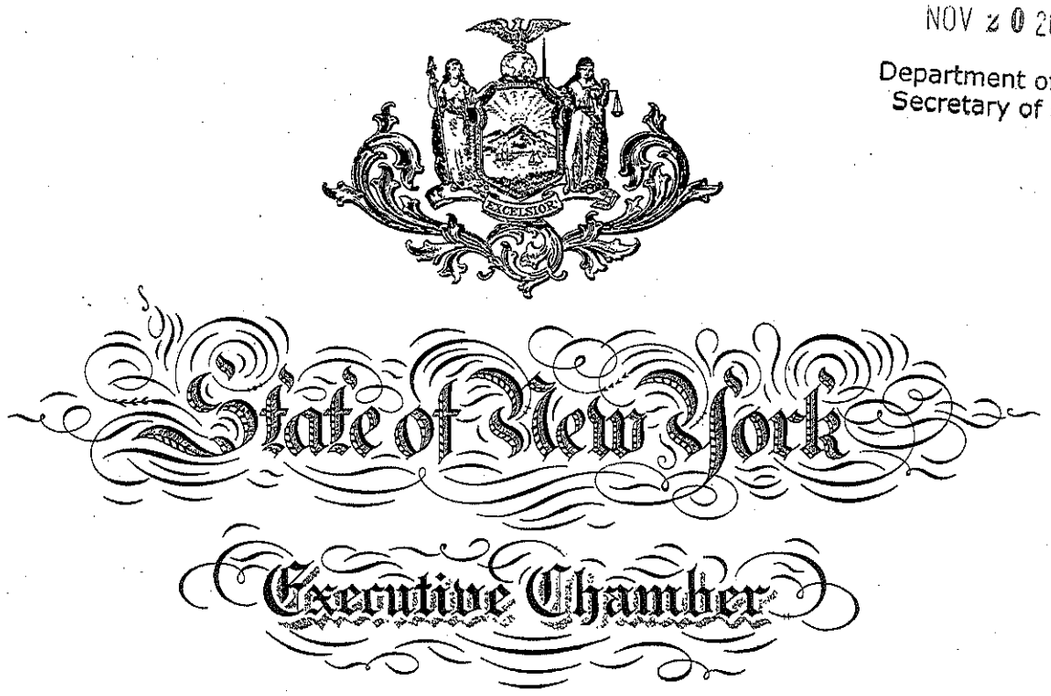
State of New York

NOV 20 2012

Department of State
Secretary of State



No. 79

EXECUTIVE ORDER

TEMPORARY SUSPENSION OF PROVISIONS RELATING TO STATE CONTRACTS AND FOR THE REPAIR OF STATE FACILITIES FOR THE STATE DISASTER EMERGENCY

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York;

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 the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following laws:

Section 3 of the Public Buildings Law, to the extent the Commissioner of General Services determines it necessary to lease space for relocation and support of ongoing operations of State agencies, departments, commissions, boards and officers;

Section 9(2) and (4) of the Public Buildings Law, to the extent the Commissioner of General Services determines it 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;

Sections 135 and 136-a of the State Finance Law, to the extent the 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;

Section 163 of the State Finance Law, to the extent that the Commissioner of General Services may enter into contracts and purchase necessary commodities, services, technology and materials without following the standard procurement processes;

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 General Services determines it necessary to add

additional work, sites and time to State 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

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

Executive Order Number 55, issued November 2, 2012, is superseded by this Executive Order.

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 twelve.

BY THE GOVERNOR

Secretary to the Governor