



# State of New York

## Executive Chamber

No. 152

### EXECUTIVE ORDER

#### TEMPORARY SUSPENSION OF PROVISIONS RELATING TO INFRASTRUCTURE RECOVERY FOR THE STATE OF EMERGENCY DECLARATION

**WHEREAS**, on January 3, 2016, I issued Executive Order Number 151, effective January 5, 2015, to mitigate the threat that inclement winter weather poses to the life, health, and safety of the State's citizens, particularly to persons who are homeless, throughout the State; and

**WHEREAS**, in order to respond to this emergency, State agencies will need to quickly secure and prepare facilities to assist localities in safely sheltering the homeless from inclement winter weather and provide necessary services at those facilities;

**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 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 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 six hundred thousand dollars;

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, the Commissioner of the Office of Mental Health, the Commissioner of the Office for People with Developmental Disabilities, the Commissioner of the Office of Children and Family Services, the Commissioner of the Office of Temporary and Disability Assistance, or the commissioner or head or chief executive officer of any other State agency, board, commission, public authority, or public benefit corporation determines it necessary to add additional work, sites and time to State contracts, to award emergency contracts or 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;

Section 136-a of the State Finance Law, to the extent that 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 and Article 4-C of the Economic Development Law, to the extent of allowing the Commissioner of General Services, the Commissioner of the Office of Mental Health, the Commissioner of the Office for People with Developmental Disabilities, the Commissioner of the Office of Children and Family Services, the Commissioner of the Office of Temporary and Disability Assistance, or the commissioner or head or chief executive officer of any other State agency, board, commission, public authority, or public benefit corporation to purchase necessary commodities, services, technology and materials without following the standard notice and procurement processes; and

Chapter 359 of the laws of 1968 (the Facilities Development Corporation Act) to the extent the Executive Director of the Dormitory Authority determines it necessary to authorize the award of contracts to design, construct, acquire, reconstruct, rehabilitate, or improve mental hygiene facilities, health facilities, municipal buildings, or any other authorized facilities, including contracts combining design and construction services in one contract;

Chapter 782 of the Laws of 1966, Chapter 332 of the Laws of 1975 and section 6281 of the Education Law to the extent the Executive Director of the Dormitory Authority determines it necessary to authorize the award of contracts to design or construct facilities for the City University of New York, including contracts combining design and construction services in one contract;

Chapter 892 of the Laws of 1971 to the extent the Executive Director of the Dormitory Authority determines it necessary to authorize the award of contracts to design or construct health facilities, including contracts combining design and construction services in one contract;

Chapter 464 of the Laws of 1972 to the extent the Executive Director of the Dormitory Authority determines it necessary to authorize the award of contracts to design or construct community college facilities, including contracts combining design and construction services in one contract, or to purchase necessary commodities, services, technology, and materials without following the standard notice and procurement processes;

Sections 1678, 1680, 2879, 2879-a of the Public Authorities Law to the extent the Executive Director of the Dormitory Authority determines it necessary to authorize the award of contracts to design or construct facilities, including contracts combining design and construction services in one contract and to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;

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 General Services, the Commissioner of the Office of Mental Health, the Commissioner of the Office for People with Developmental Disabilities, the Commissioner of the Office of Children and Family Services, the Commissioner of the Office of Temporary and Disability Assistance, or the commissioner or head or chief executive officer of any other State agency, board, commission, public authority, or public benefit corporation determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures; and

Section 97-G of the State Finance Law, to the extent that the Commissioner of General Services determines it necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency.

Part F of Chapter 60 of the Laws of 2015, to the extent of allowing the Commissioner of General Services and the Dormitory Authority to award design-build and best value contracts without following the proscribed procurement process.

Every State agency, board, commission, public authority, and public benefit corporation is authorized to provide cooperatively to one or more other State agencies, boards, commissions, public authorities or public benefit corporations any facility, service, activity, or undertaking which such State agency, board, commission, public authority, or public benefit corporation shall have the power to provide separately within its respective functions and duties.



BY THE GOVERNOR

*William J. Mahon*

Secretary to the Governor

GIVEN under my hand and the Privy Seal of the

State in the City of Albany this twelfth  
day of January in the year two thousand  
sixteen.

A handwritten signature in black ink, appearing to read "A. Cuomo".