

# EXECUTIVE ORDERS

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**Executive Order No. 99: Temporary Suspension of Provisions Relating to Transportation Infrastructure Recovery for the State Disaster Emergency.**

WHEREAS, on October 26, 2012 I issued Executive Order No. 47 declaring a disaster emergency in all 62 counties in the State of New York.

WHEREAS, on April 24, 2013, I issued Executive Order No. 98 to continue the declaration of the disaster emergency declared by Executive Order No. 47 in the counties of Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester for ninety days;

WHEREAS, the facilities of the Metropolitan Transportation Authority and its subsidiaries or affiliates (collectively, the “MTA”) sustained significant damage as a result of, or during, Superstorm Sandy;

WHEREAS, the MTA will receive significant federal assistance money for (i) the repair, reconstruction or rehabilitation of bridges, tunnels, subway or rail lines, facilities, infrastructure and equipment damaged as a result of, or during, Superstorm Sandy; and (ii) mitigation work taken to protect against future storm-related damage to such bridges, tunnels, subway or rail lines, facilities, infrastructure and equipment;

WHEREAS, the MTA needs to expedite the award of contracts in order to promptly perform such necessary critical repairs, reconstruction, rehabilitation and mitigation work and to maximize the use of federal assistance money;

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:

Sections 1209 and 1265-a of the Public Authorities Law, to the extent that the Chief Executive Officer or Executive Director of the MTA determines it necessary to: (i) authorize the award of contracts without the use of sealed bids or other prescribed competitive procurement processes for the repair, reconstruction or rehabilitation of bridges, tunnels, subway or rail lines, facilities, infrastructure or equipment damaged as a result of, or during, Superstorm Sandy and for the purchase of equipment, materials and supplies to perform such work; (ii) authorize the award of contracts without the use of sealed bids or other prescribed competitive procurement processes to undertake mitigation work to protect against future storm-related damage to such bridges, tunnels, subway or rail lines, facilities, infrastructure or equipment and to purchase equipment, materials and supplies to perform such work; and (iii) add work, sites and time to existing MTA contracts;

Section 2879(3)(b)(ii) of the Public Authorities Law to the extent that the Chief Executive Officer or Executive Director of the MTA determines it necessary to suspend the MTA guidelines for procurement contracts involving services to be rendered over a period in excess of one year.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this seventeenth day of May in the year two thousand thirteen.

*BY THE GOVERNOR*

*/S/ Andrew M. Cuomo*

*/s/ Lawrence Schwartz*

*Secretary to the Governor*

