

2733--B

2011-2012 Regular Sessions

I N   S E N A T E

January 31, 2011

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to preferred source status for the purposes of procurement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "Protect New York jobs act".  
3     S 2. Paragraph i of subdivision 2 of section 161 of the state finance  
4     law, as added by chapter 83 of the laws of 1995, is amended to read as  
5     follows:  
6     i. Establish and, from time to time, amend guidelines for the procure-  
7     ment of services and technology in accordance with the provisions of  
8     this article. Such guidelines shall ensure the wise and prudent use of  
9     public money in the best interest of the taxpayers of the state; guard  
10    against favoritism, improvidence, extravagance, fraud and corruption;  
11    and ensure that service contracts are awarded on the basis of best  
12    value, including, but not limited to, the following criteria: quality,  
13    cost, and efficiency; AND ALL OTHER CRITERIA BEING EQUAL, THE ECONOMIC  
14    NEXUS OF THE VENDOR AS PROVIDED FOR IN PARAGRAPH G OF SUBDIVISION TWO OF  
15    SECTION ONE HUNDRED SIXTY-TWO OF THIS ARTICLE;  
16    S 3. Paragraphs e and f of subdivision 2 of section 162 of the state  
17    finance law, paragraph e as amended and paragraph f as added by chapter  
18    501 of the laws of 2002, are amended, and a new paragraph g is added to  
19    read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 e. Commodities and services produced by a qualified veterans' workshop  
2 providing job and employment-skills training to veterans where such a  
3 workshop is operated by the United States department of veterans affairs  
4 and is manufacturing products or performing services within this state  
5 and where such workshop is approved for such purposes by the commission-  
6 er of education; [or]

7 f. Commodities and services produced by any qualified charitable non-  
8 profit-making workshop for veterans approved for such purposes by the  
9 commissioner of education, or incorporated under the laws of this state  
10 and approved for such purposes by the commissioner of education[.]; OR

11 G. COMMODITIES OR SERVICES PRODUCED BY A COMPANY WHOSE PRIMARY BUSI-  
12 NESS PRESENCE IS LOCATED IN NEW YORK STATE, THAT REALIZES, ALONG WITH  
13 THE GROSS REVENUES OF ITS AFFILIATES AND RELATED MEMBERS, NO LESS THAN  
14 FIFTY PERCENT OF ITS COMBINED GROSS REVENUES, AS DEFINED BY GENERALLY  
15 ACCEPTED ACCOUNTING PRINCIPLES, FROM BUSINESS ACTIVITY GENERATED IN NEW  
16 YORK STATE, AND THAT HAS AT LEAST FIFTY-ONE PERCENT OF ITS, ALONG WITH  
17 ITS AFFILIATED AND RELATED MEMBERS, FULLTIME EQUIVALENT EMPLOYEES  
18 EMPLOYED IN NEW YORK STATE, AND WHOSE PRIMARY BUSINESS ACTIVITY IS TO  
19 CONDUCT SUCH ACTIVITY IN ANY CAPACITY OTHER THAN GOVERNMENTAL RELATIONS.

20 S 4. Subparagraph (iii) of paragraph a of subdivision 4 of section 162  
21 of the state finance law, as added by chapter 83 of the laws of 1995, is  
22 amended to read as follows:

23 (iii) When commodities are available, in the form, function and utili-  
24 ty required by, a state agency or political subdivision or public bene-  
25 fit corporation having their own purchasing agency, and such commodities  
26 are not available pursuant to subparagraphs (i) and (ii) of this para-  
27 graph, said commodities shall then be purchased from a qualified non-  
28 profit-making agency for other severely disabled persons, a qualified  
29 special employment program for mentally ill persons, [or] a qualified  
30 veterans' workshop, OR A NEW YORK BASED VENDOR AS PROVIDED FOR IN PARA-  
31 GRAPH G OF SUBDIVISION TWO OF THIS SECTION;

32 S 5. This act shall take effect on the ninetieth day after it shall  
33 have become a law.