S T A T E O F N E W Y O R K

5552--B

2013-2014 Regular Sessions

I N S E N A T E

May 17, 2013

Introduced by Sens. VALESKY, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, the economic development law and the state finance law, in relation to local product procurement; and in relation to a procurement training program for agricultural business

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

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 2-d to read as follows:

2-D. COORDINATE WITH THE OFFICE OF GENERAL SERVICES AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT TO PROVIDE A TRAINING PROGRAM ONCE PER YEAR, IN EACH ECONOMIC DEVELOPMENT REGION, ESTABLISHED IN ARTICLE ELEVEN OF THE ECONOMIC DEVELOPMENT LAW, TO ENCOURAGE AND INCREASE PARTICIPATION IN THE PROCUREMENT PROCESS, PURSUANT TO ARTICLE ELEVEN OF THE STATE FINANCE LAW, BY SMALL BUSINESSES, AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW, INCLUDING FARMS, SELLING FOOD OR FOOD PRODUCTS GROWN, PRODUCED, HARVESTED, OR PROCESSED IN NEW YORK STATE AND ASSIST SUCH BUSINESSES IN IDENTIFYING SUCH FOOD OR FOOD PRODUCTS, WHICH MAY HELP TO MEET STATE AGENCIES' NEEDS. THE DEPARTMENTS AND OFFICE MAY ALSO INVITE TO THE REGIONAL TRAINING PROGRAMS REPRESENTATIVES OF LOCAL GOVERNMENTS, INCLUDING SCHOOL DISTRICTS, THAT MAY BE INTERESTED IN PURCHASING NEW YORK STATE FOOD PRODUCTS.

S 2. Section 100 of the economic development law is amended by adding a new subdivision 18-i to read as follows:

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

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18-I. TO AID THE DEPARTMENT OF AGRICULTURE AND MARKETS AND OFFICE OF GENERAL SERVICES IN PROVIDING A TRAINING PROGRAM ONCE PER YEAR, IN EACH ECONOMIC DEVELOPMENT REGION, ESTABLISHED IN ARTICLE ELEVEN OF THIS CHAPTER, TO ENCOURAGE AND INCREASE PARTICIPATION IN THE PROCUREMENT PROCESS, PURSUANT TO ARTICLE ELEVEN OF THE STATE FINANCE LAW, BY SMALL BUSINESSES, AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THIS CHAPTER, INCLUDING FARMS, SELLING FOOD OR FOOD PRODUCTS GROWN, PRODUCED, HARVESTED, OR PROCESSED IN NEW YORK STATE AND ASSIST SUCH BUSINESSES IN IDENTIFYING SUCH FOOD OR FOOD PRODUCTS, WHICH MAY HELP TO MEET STATE AGENCIES' NEEDS.

S 3. Subparagraphs (vii), (viii), (ix), (x) and (xi) of paragraph b of subdivision 3 of section 163 of the state finance law, subparagraph (vii) as added by chapter 584 of the laws of 2005, and subparagraphs (viii), (ix), (x) and (xi) as added by chapter 137 of the laws of 2008, are amended to read as follows:

(vii) ASSIST THE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT IN PROVIDING A TRAINING PROGRAM ONCE PER YEAR, IN EACH ECONOMIC DEVELOPMENT REGION, ESTABLISHED IN ARTICLE ELEVEN OF THE ECONOMIC DEVELOPMENT LAW, TO ENCOURAGE AND INCREASE PARTICIPATION IN THE PROCUREMENT PROCESS, PURSUANT TO THIS ARTICLE, BY SMALL BUSINESSES, AS DEFINED IN SECTION ONE HUNDRED THIRTY-ONE OF THE ECONOMIC DEVELOPMENT LAW, INCLUDING FARMS, SELLING FOOD OR FOOD PRODUCTS GROWN, PRODUCED, HARVESTED, OR PROCESSED IN NEW YORK STATE AND ASSIST SUCH BUSINESSES IN IDENTIFYING SUCH FOOD OR FOOD PRODUCTS WHICH MAY HELP TO MEET STATE AGENCIES' NEEDS.

(VIII) maintain a list of contractors which produce or manufacture or offer for sale environmentally-sensitive cleaning and maintenance products in the form, function and utility generally used by elementary and secondary schools in accordance with specifications or guidelines promulgated pursuant to section four hundred nine-i of the education law.

[(viii)] (IX) review and consider prior to issuance of bid solicitations the term of the proposed contract based on factors, including, but not limited to; (A) the nature of the commodity, (B) the complexity of the procurement, (C) the identity and type of purchasers, (D) the suitability of the contract for adding additional contractors during the term, and (E) the estimated contract value. This determination shall be documented in the procurement record.

[(ix)] (X) reasonably consider aggregate amount of public sales by potential vendors.

[(x)] (XI) review and consider the feasibility of creating regional contracts for commodities being procured by the state.

[(xi)] (XII) maintain a procurement record for each centralized contract procurement identifying, with supporting documentation, decisions made by the commissioner during the procurement process. The procurement record shall include, but not be limited to, each contract amendment, and the justification for each.

S 4. This act shall take effect immediately; provided however that the amendments made to subparagraphs (vii), (viii), (ix), (x) and (xi) of paragraph b of subdivision 3 of section 163 of the state finance law by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.