

# STATE OF NEW YORK

---

3244

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

---

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring consideration of union made commodities and services in the awarding of certain procurement contracts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph j of subdivision 1 of section 163 of the state  
2 finance law, as amended by chapter 569 of the laws of 2015, is amended  
3 to read as follows:

4 j. "Best value" means the basis for awarding contracts for services to  
5 the offerer which optimizes quality, cost and efficiency, among respon-  
6 sive and responsible offerers. Such basis shall reflect, wherever possi-  
7 ble, objective and quantifiable analysis. Such basis may also identify a  
8 quantitative factor for offerers that are small businesses, certified  
9 minority- or women-owned business enterprises as defined in subdivisions  
10 one, seven, fifteen and twenty of section three hundred ten of the exec-  
11 utive law or service-disabled veteran-owned business enterprises as  
12 defined in subdivision one of section three hundred sixty-nine-h of the  
13 executive law to be used in evaluation of offers for awarding of  
14 contracts for services. Such basis shall also identify as a quantita-  
15 tative factor whether the commodities or services offered were manufac-  
16 tured by or will be performed by members of a labor organization as  
17 defined in section two hundred ninety-two of the executive law.

18 § 2. Paragraph j of subdivision 1 of section 163 of the state finance  
19 law, as amended by section 28 of part PP of chapter 56 of the laws of  
20 2022, is amended to read as follows:

21 j. "Best value" means the basis for awarding contracts for services to  
22 the offerer which optimizes quality, cost and efficiency, among respon-  
23 sive and responsible offerers. Such basis shall reflect, wherever possi-  
24 ble, objective and quantifiable analysis. Such basis may also identify a

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

LBD04734-01-3

1 quantitative factor for offerers that are small businesses, certified  
2 minority- or women-owned business enterprises as defined in subdivisions  
3 one, seven, fifteen and twenty of section three hundred ten of the execu-  
4 tive law or service-disabled veteran-owned business enterprises as  
5 defined in subdivision one of section forty of the veterans' services  
6 law to be used in evaluation of offers for awarding of contracts for  
7 services. Such basis shall also identify as a quantitative factor  
8 whether the commodities or services offered were manufactured by or will  
9 be performed by members of a labor organization as defined in section  
10 two hundred ninety-two of the executive law.

11 § 3. This act shall take effect on the thirtieth day after it shall  
12 have become a law; provided, however, that the amendments to paragraph j  
13 of subdivision 1 of section 163 of the state finance law made by section  
14 two of this act shall take effect on the same date and in the same  
15 manner as part PP of chapter 56 of the laws of 2022, takes effect; and  
16 provided further that the amendments to paragraph j of subdivision 1 of  
17 section 163 of the state finance law made by sections one and two of  
18 this act shall not affect the repeal of such section and shall be deemed  
19 to be repealed therewith.