

STATE OF NEW YORK

7327

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

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

AN ACT to amend the state finance law, the public authorities law and the New York city charter, in relation to discretionary purchasing thresholds for certified minority and women-owned business enterprises

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

1 Section 1. Subdivision 6 of section 163 of the state finance law, as
2 separately amended by section 28 of part PP of chapter 56 and chapter
3 572 of the laws of 2022, is amended to read as follows:

4 6. Discretionary buying thresholds. Pursuant to guidelines established
5 by the state procurement council: the commissioner may purchase services
6 and commodities for the office of general services or its customer agen-
7 cies serviced by the office of general services business services center
8 in an amount not exceeding eighty-five thousand dollars without a formal
9 competitive process; state agencies may purchase services and commod-
10 ities in an amount not exceeding fifty thousand dollars without a formal
11 competitive process; and state agencies may purchase commodities or
12 services from small business concerns or those certified pursuant to
13 article fifteen-A of the executive law and article three of the veter-
14 ans' services law, or commodities or technology that are recycled or
15 remanufactured in an amount not exceeding one million five hundred thou-
16 sand dollars without a formal competitive process and state agencies may
17 enter into construction or professional service contracts with those
18 certified pursuant to article fifteen-A of the executive law and article
19 three of the veterans' services law in an amount not exceeding one
20 million five hundred thousand dollars without a formal competitive proc-
21 ess, and for commodities that are food, including milk and milk
22 products, or animal or plant fiber products, grown, produced, harvested,
23 or processed in New York state or textile products manufactured from

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

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1 animal or plant fiber grown or produced predominantly in New York state
2 in an amount not to exceed two hundred thousand dollars, without a
3 formal competitive process.

4 § 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section
5 2879 of the public authorities law, as amended by chapter 96 of the laws
6 of 2019, is amended to read as follows:

7 (i) for the selection of such contractors on a competitive basis, and
8 provisions relating to the circumstances under which the board may by
9 resolution waive competition, including, notwithstanding any other
10 provision of law requiring competition, the purchase of goods or
11 services from small business concerns those certified as minority or
12 women-owned business enterprises pursuant to article fifteen-A of the
13 executive law, those certified pursuant to article three of the veter-
14 ans' services law, or goods or technology that are recycled or remanu-
15 factured, in an amount not to exceed one million five hundred thousand
16 dollars without a formal competitive process and the entering into
17 construction and professional service contracts with those certified as
18 minority and women-owned business enterprises pursuant to article
19 fifteen-A of the executive law and those certified pursuant to article
20 three of the veterans' services law in an amount not exceeding one
21 million five hundred thousand dollars without a formal competitive proc-
22 ess;

23 § 3. Paragraph 1 of subdivision i of section 311 of the New York city
24 charter, as amended by chapter 569 of the laws of 2022, is amended to
25 read as follows:

26 1. agencies may make procurements of goods, services and construction
27 for amounts not exceeding one million five hundred thousand dollars from
28 businesses certified as minority or women-owned business enterprises
29 pursuant to section thirteen hundred four of the charter without a
30 formal competitive process.

31 § 4. This act shall take effect immediately; provided that the amend-
32 ments to section 163 of the state finance law made by section one of
33 this act shall not affect the repeal of such section and shall be
34 deemed repealed therewith.