

# STATE OF NEW YORK

8385

2025-2026 Regular Sessions

## IN SENATE

June 6, 2025

Introduced by Sen. COMRIE -- (at request of the State Comptroller) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Rules

AN ACT to amend the state finance law and the public authorities law, in  
relation to protest procedures

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

1 Section 1. Subdivision 1 of section 163 of the state finance law is  
2 amended by adding six new paragraphs l, m, n, o, p and q to read as  
3 follows:

4 l. "Bidder" means an individual, entity or other offeror submitting a  
5 response to a solicitation by a state agency, as defined in this chap-  
6 ter.

7 m. "Contract award" means a written determination from a state agency  
8 to a bidder indicating that the state agency has selected a particular  
9 bidder under the procurement process.

10 n. "Interested party" means a participant in the procurement process,  
11 and those who can establish that their participation in the procurement  
12 process was foreclosed by the actions of the state agency and have  
13 suffered harm as a result of the manner in which the procurement was  
14 conducted.

15 o. "Protest" means a written challenge by an interested party of a  
16 contract award by a state agency.

17 p. "Solicitation" means a document issued by a state agency, request-  
18 ing a response to a procurement need, including an invitation for bids,  
19 a request for proposals, or another written method of seeking a bid or a  
20 proposal for a specified purpose.

21 q. "Protest procedure" means the guidance developed and implemented by  
22 every state agency pursuant to the provisions of this section to govern  
23 the protest of a contract award.

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

LBD06355-01-5

1 § 2. Section 163 of the state finance law is amended by adding a new  
2 subdivision 16 to read as follows:

3 16. State agency protest. Every state agency shall make available  
4 protest procedures to interested parties and provide notice of their  
5 protest procedures in solicitation documents, and all bidders shall be  
6 given written notice of the contract award. At a minimum, protest proce-  
7 dures shall include:

8 a. the form and manner for submission of a bid protest;

9 b. the deadline for submission of a bid protest; which shall be either  
10 ten business days from notice of the contract award or five business  
11 days from the debriefing, whichever is later;

12 c. the manner in which the bid protest will be resolved, and a deter-  
13 mination will be issued; and

14 d. a retention policy for all records related to bid protests.

15 § 3. Subdivision 9 of section 2879 of the public authorities law, as  
16 renumbered by chapter 844 of the laws of 1992, is renumbered subdivision  
17 10 and a new subdivision 9 is added to read as follows:

18 9. (a) In addition to the procurement contract guidelines required by  
19 this section, every corporation shall make available protest procedures  
20 to interested parties and provide notice of their protest procedures in  
21 solicitation documents, and all bidders shall be given written notice of  
22 the contract award. At a minimum, protest procedures shall include:

23 (i) the form and manner for submission of a bid protest;

24 (ii) the deadline for submission of a bid protest; which shall be  
25 either ten business days from notice of the contract award or five busi-  
26 ness days from the debriefing, whichever is later;

27 (iii) the manner in which the bid protest will be resolved, and a  
28 determination will be issued; and

29 (iv) a retention policy for all records related to bid protests.

30 (b) For the purposes of this subdivision, the following terms shall  
31 have the following meanings:

32 (i) "Bidder" shall have the same meaning as defined in section one  
33 hundred sixty-three of the state finance law.

34 (ii) "Contract award" shall have the same meaning as defined in  
35 section one hundred sixty-three of the state finance law.

36 (iii) "Interested party" shall have the same meaning as defined in  
37 section one hundred sixty-three of the state finance law.

38 (iv) "Protest" shall have the same meaning as defined in section one  
39 hundred sixty-three of the state finance law.

40 (v) "Solicitation" shall have the same meaning as defined in section  
41 one hundred sixty-three of the state finance law.

42 (vi) "Protest procedure" shall have the same meaning as defined in  
43 section one hundred sixty-three of the state finance law.

44 § 4. This act shall take effect on the sixtieth day after it shall  
45 have become a law.