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

1051

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, CHRISTENSEN, JOHN, BRENNAN, MARKEY, ESPAILLAT -- Multi-Sponsored by -- M. of A. COOK, KOON, MAGEE, PHEFFER, J. RIVERA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to providing for a challenge to a procurement award

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

Section 1. Subdivision 12 of section 163 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

12. Review by the office of the state comptroller. Review by the office of the state comptroller shall be in accordance with section one hundred twelve of this chapter. THE COMPTROLLER SHALL PROMULGATE REGULATIONS WHICH PROVIDE, TO A PARTICIPANT IN THE PROCUREMENT PROCESS AND THOSE WHOSE PARTICIPATION IN THE PROCUREMENT PROCESS HAS BEEN FORECLOSED BY THE ACTIONS OF THE PROCURING AGENCY, AN OPPORTUNITY TO CHALLENGE A PROCUREMENT AWARD. ABSENT EXTRAORDINARY CIRCUMSTANCES, THE PROCUREMENT RECORD SHALL BE AVAILABLE TO PARTIES TO A CHALLENGE TO A PROCUREMENT AWARD.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date; provided, however, that the amendment to subdivision 12 of section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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