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I N A S S E M B L Y

June 22, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Destito, Silver, Farrell, Cook, Towns, Aubry, Brodsky, Christensen, Crespo, DelMonte, Espaillat, Jaffee, Lifton, Millman, Peoples-Stokes, Pretlow, Ramos, Reilly, P. Rivera, Russell, Weinstein, D. Weprin, Wright) -- (at request of the Governor) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to discretionary purchases

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 amended by section 3 of part D of chapter 56 of the laws of 2006, is
3 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 in an amount not exceeding eighty-five thousand dollars
7 without a formal competitive process; state agencies may purchase
8 services and commodities in an amount not exceeding fifty thousand
9 dollars without a formal competitive process; and state agencies may
10 purchase commodities or services from small business concerns or those
11 certified pursuant to article fifteen-A of the executive law, or commod-
12 ities or technology that are recycled or remanufactured, in an amount
13 not exceeding [one] TWO hundred thousand dollars without a formal
14 competitive process.
15 S 2. Subdivision 2 of section 161 of the state finance law is amended
16 by adding a new paragraph n to read as follows:
17 N. RECOMMEND TO THE COMMISSIONER NECESSARY LEGISLATIVE CHANGES OR
18 MODIFICATIONS TO EXISTING OR PROPOSED RULES, REGULATIONS AND PROCEDURES
19 THAT WOULD INCREASE ACCESS TO THE STATE'S PROCUREMENT PROCESS BY MINORI-
20 TY-OWNED BUSINESS ENTERPRISES AND WOMEN-OWNED BUSINESS ENTERPRISES AND
21 CREATE MODEL LANGUAGE TO BE USED BY AGENCIES WHEN ISSUING REQUESTS FOR
22 BIDS OR PROPOSALS TO OTHER SOLICITATIONS OR OFFERS THAT WOULD INCREASE
23 THE ABILITY OF SMALL BUSINESSES TO PARTICIPATE IN STATE PROCUREMENTS.

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

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1 S 3. This act shall take effect on the ninetieth day after it shall
2 have become a law; provided however, that the amendments to subdivision
3 6 of section 163 of the state finance law made by section one of this
4 act shall not affect the repeal of such section and shall be deemed
5 repealed therewith.