

3982

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 29, 2009

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Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A.  
BACALLES, BURLING, FINCH, OAKS, RAIA -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to establishing a  
method for determining the lowest responsible bidder when negotiating  
state contracts

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

1     Section 1. Article 9 of the state finance law is amended by adding a  
2     new section 134 to read as follows:  
3     S 134. DECLARATION OF POLICY. 1. IT IS HEREBY DECLARED TO BE THE POLI-  
4     CY OF THIS STATE THAT THIS ARTICLE SHALL BE CONSTRUED IN THE NEGOTIATION  
5     OF CONTRACTS FOR PUBLIC WORKS AND PUBLIC PURCHASES TO WHICH THE STATE IS  
6     A PARTY SO AS TO ASSURE THE PRUDENT AND ECONOMICAL USE OF PUBLIC MONEYS  
7     FOR THE BENEFIT OF ALL THE INHABITANTS OF THE STATE AND TO FACILITATE  
8     THE ACQUISITION OF FACILITIES AND COMMODITIES OF MAXIMUM QUALITY AT THE  
9     LOWEST POSSIBLE COST. THE STATE ALSO RECOGNIZES THAT THE LOWEST RESPON-  
10    SIBLE BID FOR PUBLIC CONTRACTS MAY NOT SIMPLY BE A MONETARY AMOUNT BUT  
11    SHOULD ALSO INCORPORATE QUANTIFIABLE FISCAL BENEFITS TO THE STATE AND  
12    THAT QUANTIFIABLE FISCAL BENEFITS TO THE STATE SHOULD BE SUBTRACTED FROM  
13    THE ACTUAL BID AMOUNT TO DETERMINE THE LOWEST RESPONSIBLE BIDDER.  
14    2. THE COMPTROLLER SHALL ESTABLISH, IN CONSULTATION WITH THE HEADS OF  
15    STATE AGENCIES, A METHOD FOR DETERMINING THE LOWEST RESPONSIBLE BIDDER  
16    WHEN NEGOTIATING STATE CONTRACTS THAT WOULD INCORPORATE QUANTIFIABLE  
17    FISCAL BENEFITS INCLUDING, BUT NOT BE LIMITED TO, CONSIDERATION OF WHERE  
18    SUB-CONTRACTORS USED BY CONTRACTORS TO FULFILL A STATE CONTRACT ARE  
19    LOCATED, HOW MANY JOBS IN THE STATE, IF ANY, WILL BE CREATED BY THE  
20    AWARDING OF SUCH A CONTRACT, AND THE ESTIMATED TAX REVENUE AND ANCILLARY  
21    ECONOMIC ACTIVITY THAT WOULD BE GENERATED IN THE STATE THROUGH THE  
22    AWARDING OF SUCH CONTRACTS AND SUBSEQUENT SUBCONTRACTS. THE COMPTROLLER  
23    SHALL PROMULGATE RULES AND REGULATIONS TO ENSURE THE INCLUSION OF THESE  
24    CONSIDERATIONS IN DETERMINING THE LOWEST RESPONSIBLE BIDDER FOR STATE  
25    CONTRACTS.  
26    S 2. This act shall take effect immediately.

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

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