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

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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:

Section 1. Subdivision 6 of section 163 of the state finance law, as amended by section 3 of part D of chapter 56 of the laws of 2006, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to article fifteen-A of the executive law, or commodities or technology that are recycled or remanufactured, in an amount not exceeding [one] TWO hundred thousand dollars without a formal competitive process.

S 2. Subdivision 2 of section 161 of the state finance law is amended by adding a new paragraph n to read as follows:

N. RECOMMEND TO THE COMMISSIONER NECESSARY LEGISLATIVE CHANGES OR MODIFICATIONS TO EXISTING OR PROPOSED RULES, REGULATIONS AND PROCEDURES THAT WOULD INCREASE ACCESS TO THE STATE'S PROCUREMENT PROCESS BY MINORITY-OWNED BUSINESS ENTERPRISES AND WOMEN-OWNED BUSINESS ENTERPRISES AND CREATE MODEL LANGUAGE TO BE USED BY AGENCIES WHEN ISSUING REQUESTS FOR BIDS OR PROPOSALS TO OTHER SOLICITATIONS OR OFFERS THAT WOULD INCREASE 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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S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided however, that the amendments to subdivision 6 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.