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

3815

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. BRENNAN, PHEFFER, COLTON -- Multi-Sponsored by -- M. of A. CAHILL, COOK, GLICK, GOTTFRIED, JOHN, SWEENEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to sharing of vendor responsibility determinations

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

Section 1. The state finance law is amended by adding a new section 147 to read as follows:

S 147. SHARING OF VENDOR RESPONSIBILITY DETERMINATIONS. ANY FINAL NONRESPONSIBILITY DETERMINATION MADE BY A STATE AGENCY, DEPARTMENT, BOARD, COMMISSION, OFFICE OR INSTITUTION IN CONJUNCTION WITH AN AWARD OF A CONTRACT EXCEEDING TEN THOUSAND DOLLARS, SHALL BE TRANSMITTED WITH SUPPORTING DOCUMENTATION TO THE STATE COMPTROLLER. A FINAL NONRESPONSIBILITY DETERMINATION MADE BY A PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY IN CONJUNCTION WITH AN AWARD OF A CONTRACT EXCEEDING TEN THOUSAND DOLLARS, MAY BE TRANSMITTED TO THE STATE COMPTROLLER UNLESS THE COMPTROLLER APPROVES SUCH PUBLIC AUTHORITY'S OR PUBLIC BENEFIT CORPORATION'S CONTRACTS, IN WHICH CASE SUCH PUBLIC AUTHORITY'S OR PUBLIC BENEFIT CORPORATION'S FINAL NONRESPONSIBILITY DETERMINATIONS SHALL BE TRANSMITTED TO THE STATE COMPTROLLER WITH SUPPORTING DOCUMENTATION. IN THOSE INSTANCES WHERE THE STATE COMPTROLLER, IN ACCORDANCE WITH SECTION ONE HUNDRED TWELVE OF THIS CHAPTER OR PURSUANT TO ANY OTHER LAW OR AGREEMENT, APPROVES A CONTRACT AWARD WHICH UPHOLDS A FINAL NONRESPONSIBILITY DETERMINATION, THE STATE COMPTROLLER SHALL SHARE SUCH NONRESPONSIBILITY DETERMINATIONS WITH ALL AGENCIES IN SUCH MANNER AND FORM AS HE OR SHE DEEMS APPROPRIATE TO ENSURE THE TIMELY SHARING OF SUCH INFORMATION. NONRESPONSIBILITY DETERMINATIONS SHARED BY THE COMPTROLLER SHALL INCLUDE WITHOUT LIMITATION THE NAME OF THE BIDDER, CONTRACTOR OR SUBCONTRACTOR DEEMED NONRESPONSIBLE, THE NAME OF THE CONTRACTING AGENCY, AND THE REASONS FOR SUCH DETERMINATION. AGENCIES SHALL, AND PUBLIC BENEFIT

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

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CORPORATIONS OR PUBLIC AUTHORITIES MAY, EXAMINE SUCH DATA IN DETERMINING RESPONSIBILITY OF PROSPECTIVE BIDDERS, OR SUBCONTRACTORS BUT SHALL NOT BE BOUND BY SUCH OTHER AGENCY NONRESPONSIBILITY DETERMINATIONS.

S 2. This act shall take effect immediately.