

2729

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. CROUCH, 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.

LBD04577-01-1