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

April 30, 2012

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to preferred source status for the purposes of procurement

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

Section 1. Short title. This act shall be known and may be cited as the "Protect New York jobs act".

S 2. Paragraph i of subdivision 2 of section 161 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

i. Establish and, from time to time, amend guidelines for the procurement of services and technology in accordance with the provisions of this article. Such guidelines shall ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud and corruption; and ensure that service contracts are awarded on the basis of best value, including, but not limited to, the following criteria: quality, cost, and efficiency; AND ALL OTHER CRITERIA BEING EQUAL, THE ECONOMIC NEXUS OF THE VENDOR AS PROVIDED FOR IN PARAGRAPH G OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-TWO OF THIS ARTICLE;

S 3. Paragraphs e and f of subdivision 2 of section 162 of the state finance law, paragraph e as amended and paragraph f as added by chapter 501 of the laws of 2002, are amended, and a new paragraph g is added to read as follows:

e. Commodities and services produced by a qualified veterans' workshop providing job and employment-skills training to veterans where such a workshop is operated by the United States department of veterans affairs and is manufacturing products or performing services within this state and where such workshop is approved for such purposes by the commissioner of education; [or]

f. Commodities and services produced by any qualified charitable non-profit-making workshop for veterans approved for such purposes by the

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

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commissioner of education, or incorporated under the laws of this state and approved for such purposes by the commissioner of education[.]; OR

G. COMMODITIES OR SERVICES PRODUCED BY A COMPANY WHOSE PRIMARY BUSINESS PRESENCE IS LOCATED IN NEW YORK STATE, THAT REALIZES, ALONG WITH THE GROSS REVENUES OF ITS AFFILIATES AND RELATED MEMBERS, NO LESS THAN FIFTY PERCENT OF ITS COMBINED GROSS REVENUES, AS DEFINED BY GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, FROM BUSINESS ACTIVITY GENERATED IN NEW YORK STATE, AND THAT HAS AT LEAST FIFTY-ONE PERCENT OF ITS, ALONG WITH ITS AFFILIATED AND RELATED MEMBERS, FULLTIME EQUIVALENT EMPLOYEES EMPLOYED IN NEW YORK STATE, AND WHOSE PRIMARY BUSINESS ACTIVITY IS TO CONDUCT SUCH ACTIVITY IN ANY CAPACITY OTHER THAN GOVERNMENTAL RELATIONS.

S 4. Subparagraph (iii) of paragraph a of subdivision 4 of section 162 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

(iii) When commodities are available, in the form, function and utility required by, a state agency or political subdivision or public benefit corporation having their own purchasing agency, and such commodities are not available pursuant to subparagraphs (i) and (ii) of this paragraph, said commodities shall then be purchased from a qualified non-profit-making agency for other severely disabled persons, a qualified special employment program for mentally ill persons, [or] a qualified veterans' workshop, OR A NEW YORK BASED VENDOR AS PROVIDED FOR IN PARAGRAPH G OF SUBDIVISION TWO OF THIS SECTION;

S 5. This act shall take effect on the ninetieth day after it shall have become a law.