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

3147

2011-2012 Regular Sessions

I N S E N A T E

February 9, 2011

Introduced by Sens. LAVALLE, BONACIC, LARKIN, RANZENHOFER, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the performance of certain state contracts

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

Section 1. The education law is amended by adding a new section 237-a to read as follows:

S 237-A. REQUIRES CERTAIN SERVICES UNDER STATE CONTRACTS OR SUBCONTRACTS BE PERFORMED WITHIN THE UNITED STATES. 1. STATE CONTRACTS SHALL BE REQUIRED TO INCLUDE A PROVISION STATING ALL SERVICES PERFORMED UNDER SUCH CONTRACT OR ANY SUBCONTRACT AWARDED UNDER SUCH CONTRACT SHALL BE PERFORMED WITHIN THE UNITED STATES.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY WHEN THE COMMISSIONER, IN CONSULTATION WITH THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK AND THE CHAIRMAN OF THE BOARD OF TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK, CERTIFIES IN WRITING A FINDING THAT A SERVICE IS REQUIRED BY A CONTRACTING AGENCY THAT CANNOT BE PROVIDED BY A CONTRACTOR OR SUBCONTRACTOR WITHIN THE UNITED STATES AND SUCH CERTIFICATION IS APPROVED BY THE COMPTROLLER.

3. THE COMPTROLLER SHALL REVIEW ALL EXISTING STATE CONTRACTS THAT HAVE NOT BEEN COMPLETED OR TERMINATED AND DETERMINE IF ANY OR ALL OF THE SERVICES PERFORMED BY THE CONTRACTOR AND ANY SUBCONTRACTOR ARE BEING PERFORMED OUTSIDE OF THE UNITED STATES. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE COMPTROLLER'S FINDINGS UNDER THIS SUBDIVISION SHALL BE REPORTED IN WRITING TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, AND SHALL BE MADE AVAILABLE TO THE GENERAL PUBLIC.

4. FOR THE PURPOSES OF THIS SECTION:

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

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(A) "STATE CONTRACT" MEANS A WRITTEN AGREEMENT OR PURCHASE ORDER INSTRUMENT, PROVIDING FOR A TOTAL EXPENDITURE IN EXCESS OF TWO HUNDRED FIFTY THOUSAND DOLLARS, WHEREBY A CONTRACTING AGENCY IS COMMITTED TO EXPEND OR DOES EXPEND FUNDS IN RETURN FOR LABOR AND SERVICES TO BE PERFORMED FOR, OR RENDERED OR FURNISHED TO THE CONTRACTING AGENCY.

(B) "CONTRACTING AGENCY" MEANS THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, COMMUNITY COLLEGES AND THE DEPARTMENT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all state contracts entered into on or after such effective date.