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

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I N  S E N A T E

May 12, 2014

Introduced by Sen. MARCELLINO -- (at request of the State Comptroller) -- read twice and ordered printed, and when printed to be committed to the Committee on Infrastructure and Capital Investment

AN ACT to amend the state finance law and the public buildings law, in relation to the consolidation of statutory procurement and consulting reports; and to repeal certain provisions of the state finance law relating to reporting

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

Section 1. Subdivision 17 of section 8 of the state finance law, as amended by chapter 10 of the laws of 2006, is amended to read as follows:

[17. Report annually to the legislature on or before May first on the contracts issued by state agencies during the previous fiscal year for consulting services. The report shall include the following information for each agency:

a. The number of contracts issued for consulting services;

b. The name and address of the vendor to whom each contract is issued;

c. The total dollar value of each contract;

d. The consulting services for which each contract is issued;

e. Whether competitive bidding was used in awarding each contract;

f. The number of employees, by employment category within the contract, employed to provide services under the contract, the number of hours they work and their total compensation under the contract.

For the purposes of this report, a contract for consulting services shall mean any contract entered into by a state agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental health and mental health services, accounting, auditing, paralegal, legal, or similar services. This report shall be available for public inspection and copying pursuant to section eighty-seven of the public officers law provided that in disclosing such reports pursuant to the public officers law, the agency making the disclosure shall redact the name or social security number of any individual employee that is included in such document.]

S 2. Subdivision 5 of section 9 of the public buildings law, as added by chapter 674 of the laws of 1993, is amended to read as follows:

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

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[5. On or before January thirty-first of each year, the state comptroller shall file a report with the chairs of the senate finance committee and the assembly ways and means committee listing the construction emergency contracts let under the terms of this section in an amount exceeding ten thousand dollars and approved by the comptroller during the preceding calendar year. The report shall with respect to each such contract state the amount thereof, the name and address of the contractor, the scope of the work of the contract and the nature of the emergency for which it was let.]

S 3. Subdivision 14 of section 163 of the state finance law is REPEALED and two new subdivisions 14 and 15 are added to read as follows:

14. REPORTING BY THE STATE COMPTROLLER. TO SUPPORT TRANSPARENCY IN THE STATE'S PROCUREMENT PROCESS AND PRUDENT PROCUREMENT MANAGEMENT, OVERSIGHT AND POLICY-MAKING, THE STATE COMPTROLLER SHALL SUBMIT A REPORT TO THE STATE PROCUREMENT COUNCIL, THE GOVERNOR, THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, THE DIRECTOR OF THE BUDGET, AND THE LEGISLATIVE FISCAL COMMITTEES CONTAINING DATA RELATED TO STATE AGENCY CONTRACTS. SUCH REPORT SHALL BE MADE ANNUALLY, ON A FISCAL YEAR BASIS BY THE FIRST OF JULY OF THE NEXT SUCCEEDING YEAR.

A. FOR STATE AGENCY CONTRACTS, SUCH REPORT SHALL INCLUDE:

(I) A LIST OF ALL ACTIVE CONTRACTS AS OF THE END OF THE FISCAL YEAR;

(II) A LIST OF ALL CONTRACTS REVIEWED BY THE OFFICE OF THE STATE COMPTROLLER DURING THE FISCAL YEAR;

(III) A LIST OF CONTRACT AWARD PROTESTS REVIEWED BY THE OFFICE OF THE STATE COMPTROLLER AND THE RESOLUTION THEREOF; AND

(IV) FOR CONSULTING CONTRACTS SUBJECT TO APPROVAL OF THE STATE COMPTROLLER, A REPORT OF PLANNED AND ACTUAL EMPLOYMENT UNDER EACH CONTRACT.

B. THE LISTS REQUIRED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH A OF THIS SUBDIVISION SHALL INCLUDE, TO THE EXTENT REASONABLY AVAILABLE, THE FOLLOWING INFORMATION RELATED TO EACH CONTRACT:

(I) THE STATE AGENCY LETTING THE CONTRACT;

(II) THE STATE AGENCY FOR WHICH THE CONTRACT IS LET, IF DIFFERENT;

(III) WHETHER AN AGENCY CONTRACT OR CENTRALIZED CONTRACT;

(IV) VENDOR NAME AND ADDRESS;

(V) A DESCRIPTION OF THE CONTRACT. FOR CONTRACTS LET UNDER SECTION NINE OF THE PUBLIC BUILDINGS LAW, THE DESCRIPTION SHALL DENOTE THE SCOPE OF WORK OF THE CONTRACT AND THE NATURE OF THE EMERGENCY FOR WHICH IT WAS LET;

(VI) CONTRACT START AND END DATES;

(VII) THE DOLLAR VALUE OF THE CONTRACT;

(VIII) FOR CONTRACTS SUBJECT TO APPROVAL BY THE STATE COMPTROLLER, WHETHER APPROVED OR NON-APPROVED, THE DATE OF SUCH APPROVAL/NON-APPROVAL, AND IF NON-APPROVED, THE REASON OR REASONS THEREFOR;

(IX) LIFE TO DATE AND FISCAL YEAR EXPENDITURES AGAINST THE CONTRACT AND BY WHICH AGENCIES;

(X) MAJOR CONTRACT CATEGORY, INCLUDING, BUT NOT LIMITED TO, CONSULTANT, CONSTRUCTION, EQUIPMENT, GRANTS, LEASES, LAND CLAIM, MISCELLANEOUS SERVICES, PRINTING, REPAYMENT AGREEMENTS, REVENUE AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS, AND COMMODITIES;

(XI) SOURCE SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE SOURCE, SINGLE SOURCE, NEGOTIATED AND/OR EMERGENCY PROCUREMENT;

(XII) NUMBER OF BIDS/PROPOSALS RECEIVED BY THE CONTRACTING AGENCY; AND

(XIII) SUBTOTALS AS DEEMED APPLICABLE.

C. THE REPORT REQUIRED PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH A OF THIS SUBDIVISION SHALL INCLUDE:

(I) INFORMATION REQUIRED TO BE REPORTED BY THE CONTRACTOR ANNUALLY BY THE EMPLOYMENT CATEGORY WITHIN THE CONTRACT, INCLUDING THE PLANNED NUMBER OF EMPLOYEES TO PROVIDE SERVICES UNDER THE CONTRACT, THE PLANNED NUMBER OF HOURS TO BE WORKED UNDER THE CONTRACT, AND THE TOTAL COMPENSATION PLANNED UNDER THE CONTRACT; AND

(II) INFORMATION REQUIRED TO BE REPORTED BY THE CONTRACTOR ANNUALLY PURSUANT TO PARAGRAPH G OF SUBDIVISION FOUR OF THIS SECTION, SPECIFICALLY, THE ACTUAL NUMBER OF EMPLOYEES, BY EMPLOYMENT CATEGORY WITHIN THE CONTRACT, EMPLOYED TO PROVIDE SERVICES UNDER THE CONTRACT, THE NUMBER OF HOURS WORKED AND TOTAL COMPENSATION UNDER THE CONTRACT.

D. FOR THE PURPOSES OF THE REPORT REQUIRED PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH A OF THIS SUBDIVISION, A "CONTRACT FOR CONSULTING SERVICES" SHALL MEAN ANY CONTRACT ENTERED INTO BY A STATE AGENCY FOR ANALYSIS, EVALUATION, RESEARCH, TRAINING, DATA PROCESSING, COMPUTER PROGRAMMING, ENGINEERING, ENVIRONMENTAL HEALTH AND MENTAL HEALTH SERVICES, ACCOUNTING, AUDITING, PARALEGAL, LEGAL, OR SIMILAR SERVICES. SUCH REPORT SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING PURSUANT TO SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW PROVIDED THAT IN DISCLOSING SUCH REPORTS PURSUANT TO THE PUBLIC OFFICERS LAW, THE AGENCY MAKING THE DISCLOSURE SHALL REDACT THE NAME, SOCIAL SECURITY NUMBER AND OTHER PERSONAL INFORMATION OF ANY INDIVIDUAL EMPLOYEE OR CONSULTANT THAT IS INCLUDED IN SUCH DOCUMENT.

E. THE INFORMATION REQUIRED BY THIS SUBDIVISION SHALL BE PROVIDED IN ELECTRONIC FORMAT IN SUCH FORM AS PRESCRIBED BY THE STATE COMPTROLLER SUCH THAT THE DATA CAN BE SEARCHED AND SORTED.

F. ALL REPORTS REQUIRED UNDER THIS SUBDIVISION SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING PURSUANT TO SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW PROVIDED THAT IN DISCLOSING SUCH REPORTS PURSUANT TO THE PUBLIC OFFICERS LAW, THE AGENCY MAKING THE DISCLOSURE SHALL REDACT THE NAME OR SOCIAL SECURITY NUMBER OF ANY INDIVIDUAL EMPLOYEE THAT IS INCLUDED IN SUCH DOCUMENT.

15. REPORTING BY AGENCIES. A. STATE AGENCIES SHALL REPORT ANNUALLY, ON A FISCAL YEAR BASIS, BY JULY FIRST OF THE ENSUING YEAR TO THE STATE PROCUREMENT COUNCIL, THE GOVERNOR, THE LEGISLATIVE FISCAL COMMITTEES AND THE STATE COMPTROLLER THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS AWARDED BY THE AGENCY DURING THE FISCAL YEAR, AND THE PERCENTAGE SUCH CONTRACTS REPRESENT OF THE AGENCY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE OF CONTRACT AWARDS DURING THE REPORTING PERIOD.

B. EACH STATE AGENCY SHALL INCLUDE WITH ITS REPORT AN ASSESSMENT BY THE AGENCY HEAD OF THE AGENCY'S EFFORTS TO MINIMIZE THE AWARD OF SINGLE SOURCE CONTRACTS.

C. ALL REPORTS REQUIRED UNDER THIS SUBDIVISION SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING PURSUANT TO SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW PROVIDED THAT IN DISCLOSING SUCH REPORTS PURSUANT TO THE PUBLIC OFFICERS LAW, THE AGENCY MAKING THE DISCLOSURE SHALL REDACT THE NAME OR SOCIAL SECURITY NUMBER OF ANY INDIVIDUAL EMPLOYEE THAT IS INCLUDED IN SUCH DOCUMENT.

S 4. This act shall take effect immediately; provided, however, that the amendments to subdivision 5 of section 9 of the public buildings law made by section two of this act shall not affect the expiration thereof pursuant to chapter 674 of the laws of 1993, as amended, and shall be deemed to expire therewith; and provided, further, that the amendments to section 163 of the state finance law made by section three of this

act shall not affect the repeal of such section and shall be deemed repealed therewith.