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

8768--A

I N A S S E M B L Y

February 12, 2014

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the state finance law, and the public authorities law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings. New York state (the "state") is home to more than 900,000 veterans, seventy-two percent of whom have served during periods of conflict. Additionally, the state is home to approximately 30,000 active duty military personnel as well as 30,000 national guard and reserve personnel. In honor of their service to and sacrifice for our nation, New York state declares that it is the public policy of the state to promote and encourage the continuing economic development of service-disabled veteran-owned businesses. In the furtherance of this policy, the state aims to assist service-disabled veterans in playing a greater role in the economy of the state and to provide additional assistance and support to disabled veterans to better equip them to form and expand small businesses, thereby enabling them to realize the American dream they fought to protect. To achieve this objective, without disrupting the procurement practices and priorities already in law, the legislature finds that it is in the best interest of the economic development of the state to enact the "Service-Disabled Veteran-Owned Business Act".

S 1-a. Short title. This act shall be known and may be cited as the "Service-Disabled Veteran-Owned Business Act".

S 2. The executive law is amended by adding a new article 17-B to read as follows:

ARTICLE 17-B

PARTICIPATION BY SERVICE-DISABLED VETERANS WITH RESPECT TO STATE CONTRACTS

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

LBD12074-03-4

SECTION 369-H. DEFINITIONS.
369-I. DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT.
369-J. OPPORTUNITIES FOR CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES.
369-K. SEVERABILITY.

S 369-H. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, OR CORPORATION THAT IS:

(A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE SERVICE-DISABLED VETERANS;

(B) AN ENTERPRISE IN WHICH SUCH SERVICE-DISABLED VETERAN OWNERSHIP IS REAL, SUBSTANTIAL, AND CONTINUING;

(C) AN ENTERPRISE IN WHICH SUCH SERVICE-DISABLED VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND IS INDEPENDENTLY-OWNED AND OPERATED;

(E) AN ENTERPRISE THAT IS A SMALL BUSINESS PURSUANT TO SUBDIVISION TWENTY OF SECTION THREE HUNDRED TEN OF THIS CHAPTER; AND

(F) CERTIFIED BY THE OFFICE OF GENERAL SERVICES.

2. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES.

3. "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT.

4. "DIVISION" SHALL MEAN THE DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT IN THE OFFICE OF GENERAL SERVICES.

5. "SERVICE DISABLED VETERAN" SHALL MEAN (A) IN THE CASE OF THE ARMY, NAVAL, AIR FORCE, MARINES, COAST GUARD, ARMY NATIONAL GUARD OR AIR NATIONAL GUARD OF THE ARMED FORCES OF THE UNITED STATES AND/OR RESERVES THEREOF, A VETERAN WHO RECEIVED A COMPENSATION RATING OF TEN PERCENT OR GREATER FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A SERVICE-CONNECTED DISABILITY INCURRED IN THE LINE OF DUTY, AND (B) IN THE CASE OF THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA AND/OR RESERVES THEREOF, A VETERAN WHO CERTIFIES, PURSUANT TO THE RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR, TO HAVING INCURRED AN INJURY EQUIVALENT TO A COMPENSATION RATING OF TEN PERCENT OR GREATER FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A SERVICE-CONNECTED DISABILITY INCURRED IN THE LINE OF DUTY.

6. "STATE AGENCY" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED TEN OF THIS CHAPTER.

7. "VETERAN" SHALL MEAN A PERSON WHO SERVED IN THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, AND/OR RESERVES THEREOF, AND/OR IN THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NEW YORK GUARD AND/OR THE NEW YORK NAVAL MILITIA WHO WAS DISCHARGED THEREFROM UNDER HONORABLE CONDITIONS INCLUDING, BUT NOT LIMITED TO, HONORABLE DISCHARGE, DISCHARGE UNDER HONORABLE CONDITIONS, OR GENERAL DISCHARGE.

S 369-I. DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT. 1. THE HEAD OF THE DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT SHALL BE THE DIRECTOR WHO SHALL BE APPOINTED BY THE GOVERNOR AND HOLD OFFICE AT THE PLEASURE OF THE COMMISSIONER.

2. THE DIRECTOR MAY APPOINT SUCH DEPUTIES, ASSISTANTS, AND OTHER EMPLOYEES AS MAY BE NEEDED FOR THE PERFORMANCE OF THE DUTIES PRESCRIBED

HEREIN SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW AND THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION. THE DIRECTOR MAY REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, EXECUTIVE COMMISSION OR AGENCY OF THE STATE SUCH ASSISTANCE AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

3. THE DIRECTOR SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(A) DEVELOP, COLLECT, SUMMARIZE AND DISSEMINATE INFORMATION THAT WILL BE HELPFUL TO PERSONS AND ORGANIZATIONS THROUGHOUT THE STATE IN UNDERTAKING OR PROMOTING THE ESTABLISHMENT AND SUCCESSFUL OPERATION OF A SERVICE-DISABLED VETERAN-OWNED BUSINESS.

(B) DEVELOP AND MAKE AVAILABLE TO STATE AGENCIES A DIRECTORY OF CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES WHICH SHALL, WHEREVER PRACTICABLE, BE DIVIDED INTO CATEGORIES OF LABOR, SERVICES, SUPPLIES, EQUIPMENT, MATERIALS AND RECOGNIZED CONSTRUCTION TRADES AND WHICH SHALL INDICATE AREAS OR LOCATIONS OF THE STATE WHERE SUCH ENTERPRISES ARE AVAILABLE TO PERFORM SERVICES. SUCH DIRECTORY SHALL BE POSTED ON THE OFFICE OF GENERAL SERVICES WEBSITE.

(C) ASSIST STATE AGENCIES IN THE DEVELOPMENT OF PROGRAMS TO FOSTER AND PROMOTE THE USE OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES ON STATE CONTRACTS.

(D) COORDINATE THE PLANS, PROGRAMS AND OPERATIONS OF THE STATE GOVERNMENT WHICH AFFECT OR MAY CONTRIBUTE TO THE ESTABLISHMENT, PRESERVATION AND DEVELOPMENT OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES.

(E) IN CONJUNCTION WITH THE COMMISSIONER, DEVELOP A COMPREHENSIVE STATEWIDE PLAN AND OPERATIONAL GUIDELINES TO PROMOTE SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES AND TO ASSIST THEM IN OBTAINING OPPORTUNITIES TO PARTICIPATE IN THE PROCUREMENT OF GOODS AND SERVICES BY THE STATE, INCLUDING IDENTIFICATION OF BARRIERS TO SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT AND INVESTIGATION AND EVALUATION OF THEIR IMPACT ON ACHIEVING THE OBJECTIVES OF THIS ARTICLE.

4. THE COMMISSIONER SHALL:

(A) COORDINATE TRAINING OF ALL PROCUREMENT PERSONNEL OF STATE AGENCIES, EMPHASIZING INCREASED SENSITIVITY AND RESPONSIVENESS TO THE UNIQUE NEEDS AND REQUIREMENTS OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES.

(B) CONDUCT A COORDINATED REVIEW OF ALL EXISTING AND PROPOSED STATE TRAINING AND TECHNICAL ASSISTANCE ACTIVITIES IN DIRECT SUPPORT OF THE SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT PROGRAM TO ASSURE CONSISTENCY WITH THE OBJECTIVES OF THIS ARTICLE.

(C) EVALUATE AND ASSESS AVAILABILITY OF FIRMS FOR THE PURPOSE OF INCREASING PARTICIPATION OF SUCH FIRMS IN STATE CONTRACTING IN CONSULTATION WITH RELEVANT STATE ENTITIES INCLUDING, BUT NOT LIMITED TO, THE NEW YORK STATE DIVISION OF VETERANS' AFFAIRS.

(D) PROVIDE ADVICE AND TECHNICAL ASSISTANCE TO PROMOTE SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES' UNDERSTANDING OF STATE PROCUREMENT LAWS, PRACTICES AND PROCEDURES TO FACILITATE AND INCREASE THE PARTICIPATION OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES IN STATE PROCUREMENT.

(E) ESTABLISH REGULAR PERFORMANCE REPORTING SYSTEMS REGARDING IMPLEMENTATION OF THE PROGRAMS DESIGNED TO INCREASE SERVICE-DISABLED VETERAN-OWNED BUSINESS PARTICIPATION IN PROCUREMENT CONTRACTS BY STATE AGENCIES.

(F) SUBMIT A REPORT BY THE THIRTY-FIRST OF DECEMBER EACH YEAR, WITH THE FIRST REPORT DUE BY THE THIRTY-FIRST OF DECEMBER IN THE CALENDAR YEAR NEXT SUCCEEDING THE CALENDAR YEAR IN WHICH THIS ARTICLE SHALL HAVE BECOME A LAW, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,

AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE INFORMATION INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF CONTRACTS ENTERED INTO PURSUANT TO THIS ARTICLE, THE AVERAGE AMOUNT OF SUCH CONTRACTS, THE NUMBER OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES CERTIFIED, THE NUMBER OF APPLICATIONS FOR CERTIFICATION AS A SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE, THE NUMBER OF DENIALS FOR SUCH CERTIFICATION, THE NUMBER OF APPEALS OF SUCH DENIALS, AND THE OUTCOME OF SUCH APPEALS, THE AVERAGE TIME THAT IS REQUIRED FOR SUCH CERTIFICATION TO BE COMPLETED, THE NET WORTH OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES THAT WERE AWARDED STATE CONTRACTS PURSUANT TO THIS ARTICLE, AND THE PERSONAL NET WORTH OF THE INDIVIDUALS RELIED UPON TO RECEIVE CERTIFICATION AS A SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE THAT WERE AWARDED STATE CONTRACTS PURSUANT TO THIS ARTICLE. THE CALCULATION OF SUCH INDIVIDUAL PERSONAL NET WORTH SHALL INCLUDE THE AGGREGATE ADJUSTED NET VALUE OF THE ASSETS OF AN INDIVIDUAL REMAINING AFTER TOTAL LIABILITIES ARE DEDUCTED, THE INDIVIDUAL'S SHARE OF ASSETS HELD JOINTLY WITH SAID INDIVIDUAL'S SPOUSE, BUT SHALL NOT INCLUDE THE INDIVIDUAL'S OWNERSHIP INTEREST IN THE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE, THE INDIVIDUAL'S EQUITY IN HIS OR HER PRIMARY RESIDENCE, OR UP TO FIVE HUNDRED THOUSAND DOLLARS OF THE PRESENT CASH VALUE OF ANY QUALIFIED RETIREMENT SAVINGS PLAN OR INDIVIDUAL RETIREMENT ACCOUNT HELD BY THE INDIVIDUAL LESS ANY PENALTIES FOR EARLY WITHDRAWAL.

5. CERTIFICATION. (A) THE DIRECTOR, OR IN THE ABSENCE OF A DIRECTOR, THE COMMISSIONER, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE ESTABLISHMENT OF A STATEWIDE CERTIFICATION PROGRAM INCLUDING RULES AND REGULATIONS GOVERNING THE APPROVAL, DENIAL, OR REVOCATION OF ANY SUCH CERTIFICATION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUCH MATTERS AS MAY BE REQUIRED TO ENSURE THAT THE ESTABLISHED PROCEDURES THEREUNDER SHALL AT LEAST BE IN COMPLIANCE WITH THE CODE OF FAIR PROCEDURE SET FORTH IN SECTION SEVENTY-THREE OF THE CIVIL RIGHTS LAW.

(B) THE DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT SHALL BE RESPONSIBLE FOR VERIFYING BUSINESSES AS BEING OWNED, OPERATED, AND CONTROLLED BY A SERVICE DISABLED VETERAN AND FOR CERTIFYING SUCH VERIFIED BUSINESSES. STATUS AS A SERVICE DISABLED VETERAN PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE DOCUMENTED BY A COPY OF THE VETERAN'S CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY ALSO KNOWN AS A DD-214 FORM OR AN HONORABLE SERVICE CERTIFICATE/REPORT OF CAUSALITY FROM THE DEPARTMENT OF DEFENSE, A LETTER OF CERTIFICATION BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE UNITED STATES DEPARTMENT OF DEFENSE AND ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED BY THE DIVISION OF SERVICE-DISABLED VETERANS' BUSINESS DEVELOPMENT. IN THE CASE OF THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA AND/OR RESERVES THEREOF, STATUS AS A SERVICE DISABLED VETERAN PURSUANT TO THIS PARAGRAPH SHALL BE DOCUMENTED PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR, OR IN THE ABSENCE OF A DIRECTOR, THE COMMISSIONER.

(C) FOLLOWING APPLICATION FOR CERTIFICATION PURSUANT TO THIS SECTION, THE DIRECTOR SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF THE STATUS OF THE APPLICATION, INCLUDING NOTICE OF ANY OUTSTANDING DEFICIENCIES, WITHIN THIRTY DAYS. WITHIN SIXTY DAYS OF SUBMISSION OF A FINAL COMPLETED APPLICATION, THE DIRECTOR SHALL PROVIDE THE APPLICANT WITH WRITTEN NOTICE OF A DETERMINATION BY THE DIRECTOR APPROVING OR DENYING SUCH CERTIFICATION AND, IN THE EVENT OF A DENIAL, A STATEMENT SETTING

FORTH THE REASONS FOR SUCH DENIAL. UPON A DETERMINATION DENYING OR REVOKING CERTIFICATION, THE BUSINESS ENTERPRISE FOR WHICH CERTIFICATION HAS BEEN SO DENIED OR REVOKED SHALL, UPON WRITTEN REQUEST MADE WITHIN THIRTY DAYS FROM RECEIPT OF NOTICE OF SUCH DETERMINATION, BE ENTITLED TO A HEARING BEFORE AN INDEPENDENT HEARING OFFICER DESIGNATED FOR SUCH PURPOSE BY THE DIRECTOR. IN THE EVENT THAT A REQUEST FOR A HEARING IS NOT MADE WITHIN SUCH THIRTY DAY PERIOD, SUCH DETERMINATION SHALL BE DEEMED TO BE FINAL. THE INDEPENDENT HEARING OFFICER SHALL CONDUCT A HEARING AND UPON THE CONCLUSION OF SUCH HEARING, ISSUE A WRITTEN RECOMMENDATION TO THE DIRECTOR TO AFFIRM, REVERSE, OR MODIFY SUCH DETERMINATION OF THE DIRECTOR. SUCH WRITTEN RECOMMENDATION SHALL BE ISSUED TO THE PARTIES. THE DIRECTOR, WITHIN THIRTY DAYS, BY ORDER, MUST ACCEPT, REJECT OR MODIFY SUCH RECOMMENDATION OF THE HEARING OFFICER AND SET FORTH IN WRITING THE REASON THEREFOR. THE DIRECTOR SHALL SERVE A COPY OF SUCH ORDER AND REASONS THEREFOR UPON THE BUSINESS ENTERPRISE BY PERSONAL SERVICE OR BY CERTIFIED MAIL RETURN RECEIPT REQUESTED. THE ORDER OF THE DIRECTOR SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

(D) ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

S 369-J. OPPORTUNITIES FOR CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES. 1. THE DIRECTOR, OR IN THE ABSENCE OF A DIRECTOR, THE COMMISSIONER, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS FOR THE FOLLOWING PURPOSES:

(A) PROVIDE MEASURES AND PROCEDURES TO ENSURE THAT CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES ARE AFFORDED THE OPPORTUNITY FOR MEANINGFUL PARTICIPATION IN THE PERFORMANCE OF STATE CONTRACTS AND TO ASSIST IN STATE AGENCIES' IDENTIFICATION OF THOSE STATE CONTRACTS FOR WHICH CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES MAY BEST PERFORM;

(B) PROVIDE FOR MEASURES AND PROCEDURES THAT ASSIST STATE AGENCIES IN THE IDENTIFICATION OF STATE CONTRACTS WHERE SERVICE-DISABLED VETERAN CONTRACT GOALS ARE PRACTICAL, FEASIBLE AND APPROPRIATE FOR THE PURPOSE OF INCREASING THE UTILIZATION OF SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE PARTICIPATION ON STATE CONTRACTS;

(C) ACHIEVE A STATEWIDE GOAL FOR PARTICIPATION ON STATE CONTRACTS BY SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES OF FIVE PERCENT;

(D) PROVIDE FOR PROCEDURES RELATING TO SUBMISSION AND RECEIPT OF APPLICATIONS BY SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES;

(E) PROVIDE FOR THE MONITORING AND COMPLIANCE OF STATE CONTRACTS BY STATE AGENCIES WITH RESPECT TO THE PROVISIONS OF THIS ARTICLE;

(F) PROVIDE FOR THE REQUIREMENT THAT STATE AGENCIES SUBMIT REGULAR REPORTS, AS DETERMINED BY THE DIRECTOR, WITH RESPECT TO THEIR SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM ACTIVITY, INCLUDING BUT NOT LIMITED TO, UTILIZATION REPORTING AND STATE CONTRACT MONITORING AND COMPLIANCE; AND

(G) PROVIDE FOR ANY OTHER PURPOSES TO EFFECTUATE THIS ARTICLE.

2. STATE AGENCIES SHALL ADMINISTER THE RULES AND REGULATIONS PROMULGATED BY THE DIRECTOR FOR THE IMPLEMENTATION OF THIS ARTICLE.

3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO TAKE PRECEDENCE OVER THE PROVISIONS OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

S 369-K. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE DIRECT-

LY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

S 3. Subdivision 6 of section 163 of the state finance law, as amended by section 1 of part P of chapter 55 of the laws of 2013, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to article fifteen-A OR 17-B of the executive law, or commodities or technology that are recycled or remanufactured, or commodities that are food, including milk and milk products, grown, produced or harvested in New York state in an amount not exceeding two hundred thousand dollars without a formal competitive process.

S 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 174 of the laws of 2010, is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition, including, notwithstanding any other provision of law requiring competition, the purchase of goods or services from small business concerns [or], those certified as minority or women-owned business enterprises, OR THOSE CERTIFIED AS SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES, or goods or technology that are recycled or remanufactured, in an amount not to exceed two hundred thousand dollars without a formal competitive process;

S 5. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2019; provided, however, that the amendments to subdivision 6 of section 163 of the state finance law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.