

STATE OF NEW YORK

3541

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. NORRIS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the state finance law, in relation to enacting the "state contract sunlight act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "state
2 contract sunlight act".

3 § 2. The executive law is amended by adding a new section 170-c to
4 read as follows:

5 § 170-c. State contract project sunlight database. 1. The comptroller
6 shall establish a state-wide database to be known as the state contract
7 project sunlight database.

8 2. (a) Before any contract made for or by any department, division,
9 commission, agency, authority, board or any other entity of the state
10 shall be executed, or before approval by the comptroller and the attor-
11 ney general, if required pursuant to the state finance law, the depart-
12 ment, division, commission, agency, authority, board or any other entity
13 of the state awarding such contract shall submit the proposed contract
14 to the comptroller to be posted on the database for public review and
15 comment at least fourteen days before such contract shall be approved by
16 the comptroller and the attorney general, if required, or be executed.
17 Such proposed contracts shall be submitted on a schedule and in a format
18 determined by the comptroller.

19 (b) Every department, division, commission, agency, authority, board
20 or any other entity of the state shall submit all awarded contracts and
21 bids related to such contracts to the comptroller to be posted on the
22 database on a schedule and in a format determined by the comptroller.

23 3. (a) Such database shall be available online for public review in a
24 searchable, downloadable format. Such database shall include, but not be
25 limited to:

26 (i) all proposed contracts submitted pursuant to paragraph (a) of
27 subdivision two of this section;

28 (ii) descriptions of requests for proposals and contracts;

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

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1 (iii) all bids for state contracts;
2 (iv) authorized contracts including specific requirements under such
3 contracts including job creation and investment and clawback provisions;
4 (v) contact information for all parties to the contract;
5 (vi) project timelines;
6 (vii) funding sources;
7 (viii) history of each project;
8 (ix) return on investment to the state; and
9 (x) any additional information made available to the state as part of
10 the bidding and contracting process.

11 (b) The database shall be in a format that allows for public comment
12 on proposed and awarded contracts.

13 4. The comptroller shall develop, after consultation with the entities
14 required to report under this section, a standardized form for each
15 department, division, commission, agency, authority, board and any other
16 entity of the state to compile the information required under this
17 section and submit such information to the comptroller for inclusion in
18 the database.

19 5. The comptroller shall promulgate any rules and regulations neces-
20 sary for the implementation of such database established pursuant to
21 this section.

22 § 3. Paragraph (a) of subdivision 2 of section 112 of the state
23 finance law, as amended by section 18 of part L of chapter 55 of the
24 laws of 2012, is amended to read as follows:

25 (a) Before any contract made for or by any state agency, department,
26 board, officer, commission, or institution, except the office of general
27 services, shall be executed or become effective, whenever such contract
28 exceeds fifty thousand dollars in amount and before any contract made
29 for or by the office of general services shall be executed or become
30 effective, whenever such contract exceeds eighty-five thousand dollars
31 in amount, it shall first be approved by the comptroller and filed in
32 his or her office, with the exception of contracts established as a
33 centralized contract through the office of general services and purchase
34 orders or other procurement transactions issued under such centralized
35 contracts. The comptroller shall make a final written determination with
36 respect to approval of such contract within ninety days of the
37 submission of such contract to his or her office unless the comptroller
38 shall notify, in writing, the state agency, department, board, officer,
39 commission, or institution, prior to the expiration of the ninety day
40 period, and for good cause, of the need for an extension of not more
41 than fifteen days, or a reasonable period of time agreed to by such
42 state agency, department, board, officer, commission, or institution and
43 provided, further, that such written determination or extension shall be
44 made part of the procurement record pursuant to paragraph f of subdivi-
45 sion one of section one hundred sixty-three of this chapter. Upon
46 approval by the comptroller, the contract shall be delivered to the
47 attorney general who shall within fifteen days of receipt either approve
48 such contract or disapprove and return the contract to the state agency,
49 department, board, officer, commission or institution with reasons
50 therefor.

51 § 4. This act shall take effect on the one hundred eightieth day after
52 it shall have become a law; provided, however, that effective immediate-
53 ly, the addition, amendment and/or repeal of any rule or regulation
54 necessary for the implementation of this act on its effective date are
55 authorized and directed to be made and completed on or before such
56 effective date.