

# STATE OF NEW YORK

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2654

2019-2020 Regular Sessions

## IN ASSEMBLY

January 24, 2019

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Introduced by M. of A. CROUCH, FINCH, RAIA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to establishing a method for determining the lowest responsible bidder when negotiating state contracts

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

1 Section 1. Article 9 of the state finance law is amended by adding a  
2 new section 134 to read as follows:

3 § 134. Declaration of policy. 1. It is hereby declared to be the poli-  
4 cy of this state that this article shall be construed in the negotiation  
5 of contracts for public works and public purchases to which the state is  
6 a party so as to assure the prudent and economical use of public moneys  
7 for the benefit of all the inhabitants of the state and to facilitate  
8 the acquisition of facilities and commodities of maximum quality at the  
9 lowest possible cost. The state also recognizes that the lowest respon-  
10 sible bid for public contracts may not simply be a monetary amount but  
11 should also incorporate quantifiable fiscal benefits to the state and  
12 that quantifiable fiscal benefits to the state should be subtracted from  
13 the actual bid amount to determine the lowest responsible bidder.

14 2. The comptroller shall establish, in consultation with the heads of  
15 state agencies, a method for determining the lowest responsible bidder  
16 when negotiating state contracts that would incorporate quantifiable  
17 fiscal benefits including, but not be limited to, consideration of where  
18 sub-contractors used by contractors to fulfill a state contract are  
19 located, how many jobs in the state, if any, will be created by the  
20 awarding of such a contract, and the estimated tax revenue and ancillary  
21 economic activity that would be generated in the state through the  
22 awarding of such contracts and subsequent subcontracts. The comptroller  
23 shall promulgate rules and regulations to ensure the inclusion of these  
24 considerations in determining the lowest responsible bidder for state  
25 contracts.

26 § 2. This act shall take effect immediately.

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

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