

# STATE OF NEW YORK

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10424

## IN ASSEMBLY

May 17, 2022

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Anderson, Zebrowski) -- (at request of the Office of General Services) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to providing for discretionary buying thresholds for the purchase of services and commodities for the office of general services or its customer agencies

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

1 Section 1. Subdivisions 6 and 6-a of section 163 of the state finance  
2 law, as amended by chapter 257 of the laws of 2021, are amended to read  
3 as follows:

4 6. Discretionary buying thresholds. Pursuant to guidelines established  
5 by the state procurement council: the commissioner may purchase services  
6 and commodities for the office of general services or its customer agen-  
7 cies serviced by the office of general services [~~business-services~~  
8 ~~center~~] in an amount not exceeding eighty-five thousand dollars without  
9 a formal competitive process; state agencies may purchase services and  
10 commodities in an amount not exceeding fifty thousand dollars without a  
11 formal competitive process; and state agencies may purchase commodities  
12 or services from small business concerns or those certified pursuant to  
13 articles fifteen-A and seventeen-B of the executive law, or commodities  
14 or technology that are recycled or remanufactured in an amount not  
15 exceeding five hundred thousand dollars without a formal competitive  
16 process and for commodities that are food, including milk and milk  
17 products, grown, produced or harvested in New York state in an amount  
18 not to exceed two hundred thousand dollars, without a formal competitive  
19 process.

20 6-a. Discretionary purchases. Notwithstanding the provisions of subdi-  
21 vision two of section one hundred twelve of this chapter relating to the  
22 dollar threshold requiring the state comptroller's approval of  
23 contracts, the commissioner of general services may make purchases or  
24 enter into contracts for the acquisition of commodities and services for  
25 the office of general services or its customer agencies serviced by the

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

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1 office of general services [~~business services center~~] having a value not  
2 exceeding eighty-five thousand dollars without prior approval by any  
3 other state officer or agency in accordance with procedures and require-  
4 ments set forth in this article.

5 § 2. Paragraph (a) of subdivision 2 of section 112 of the state  
6 finance law, as amended by chapter 257 of the laws of 2021, is amended  
7 to read as follows:

8 (a) Before any contract made for or by any state agency, department,  
9 board, officer, commission, or institution, except the office of general  
10 services or its customer agencies serviced by the office of general  
11 services [~~business services center~~], shall be executed or become effec-  
12 tive, whenever such contract exceeds fifty thousand dollars in amount  
13 and before any contract made for or by the office of general services,  
14 whether for itself or for its customer agencies serviced by the office  
15 of general services [~~business services center~~], shall be executed or  
16 become effective, whenever such contract exceeds eighty-five thousand  
17 dollars in amount, it shall first be approved by the comptroller and  
18 filed in his or her office, with the exception of contracts established  
19 as a centralized contract through the office of general services and  
20 purchase orders or other procurement transactions issued under such  
21 centralized contracts. The comptroller shall make a final written deter-  
22 mination with respect to approval of such contract within ninety days of  
23 the submission of such contract to his or her office unless the comp-  
24 troller shall notify, in writing, the state agency, department, board,  
25 officer, commission, or institution, prior to the expiration of the  
26 ninety day period, and for good cause, of the need for an extension of  
27 not more than fifteen days, or a reasonable period of time agreed to by  
28 such state agency, department, board, officer, commission, or institu-  
29 tion and provided, further, that such written determination or extension  
30 shall be made part of the procurement record pursuant to paragraph f of  
31 subdivision one of section one hundred sixty-three of this chapter.

32 § 3. This act shall take effect immediately, provided, however that  
33 the amendments to subdivisions 6 and 6-a of section 163 of the state  
34 finance law made by section one of this act shall not affect the repeal  
35 of such section and shall be deemed repealed therewith.