STATE OF NEW YORK

3784

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. NORRIS, ASHBY, J. M. GIGLIO, MONTESANO, MORINELLO, B. MILLER, PALMESANO, SMULLEN -- Multi-Sponsored by -- M. of A. DeSTEFANO, WALSH -- 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:

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

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

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

2. (a) Before any contract made for or by any department, division, commission, agency, authority, board or any other entity of the state shall be executed, or before approval by the comptroller and the attorney general, if required pursuant to the state finance law, the department, division, commission, agency, authority, board or any other entity of the state awarding such contract shall submit the proposed contract to the comptroller to be posted on the database for public review and comment at least fourteen days before such contract shall be approved by the comptroller and the attorney general, if required, or be executed. Such proposed contracts shall be submitted on a schedule and in a format determined by the comptroller.

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

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

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

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

(ii) descriptions of requests for proposals and contracts;

(iii) all bids for state contracts;

(iv) authorized contracts including specific requirements under such contracts including job creation and investment and clawback provisions;

(v) contact information for all parties to the contract;

(vi) project timelines;

(vii) funding sources;

(viii) history of each project;

(ix) return on investment to the state; and

(x) any additional information made available to the state as part of the bidding and contracting process.

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

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

5. The comptroller shall promulgate any rules and regulations necessary for the implementation of such database established pursuant to this section.

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

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

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