STATE OF NEW YORK

3103--A

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to establishing state procurement goals for New York state products throughout state agencies and private entities performing state contracts

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

Section 1. The state finance law is amended by adding a new section 163-c to read as follows:

§ 163-c. Procurement goals for New York state products in state agencies. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "State agency" shall mean any department, agency, board, public benefit corporation, public authority or commission.

(b) "New York state product" shall mean an item that is grown, harvested, manufactured or produced in any way in this state.

2. (a) In order to create, strengthen, and expand local economies throughout New York, it shall be the goal of this state that twenty percent of all products purchased by state agencies or by private entities while performing state contracts, shall, by two thousand twenty-two, be New York state products.

(b) To meet the goals set forth in this section, when a state agency contract for the purchase of products is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of New York state products may be given preference over other bidders, provided that the cost included in the bid of New York state products is not more than ten percent greater than the cost included in a bid that is not for New York state products.

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

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3. (a) The president of the empire state development corporation shall promulgate rules and regulations that would allow for state agencies to be granted a waiver from the requirements of this section if such agency can prove that it is not able to meet the thresholds set forth in this section.

(b) For private entities performing state contracts, the state agency overseeing the performance of such contract shall promulgate rules and regulations to allow for private entities to be granted a waiver from the requirements of this section if a private entity can prove that is not able to meet the thresholds set forth in this section.

4. Any product procured in accordance with this section shall be for the sole use of the state of New York.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.