

# STATE OF NEW YORK

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5303

2021-2022 Regular Sessions

## IN SENATE

March 1, 2021

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Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed,  
and when printed to be committed to the Committee on Procurement and  
Contracts

AN ACT to amend chapter 1 of the laws of 2005, amending the state  
finance law relating to restricting contacts in the procurement proc-  
ess and the recording of contacts relating thereto, in relation to the  
effectiveness thereof; and to amend the state finance law, in relation  
to procurement contracts

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

1 Section 1. Section 16 of chapter 1 of the laws of 2005, amending the  
2 state finance law relating to restricting contacts in the procurement  
3 process and the recording of contacts relating thereto, as amended by  
4 section 2 of part F of chapter 57 of the laws of 2016, is amended to  
5 read as follows:

6 § 16. This act shall take effect immediately; provided, however, that  
7 sections one, six, eight, nine, ten, eleven and fifteen of this act  
8 shall take effect January 1, 2006; and provided, however, the amendments  
9 to paragraph f of subdivision 9 of section 163 of the state finance law  
10 made by section fifteen of this act shall not affect the repeal of such  
11 section and shall be deemed repealed therewith; provided, further, that  
12 the amendments to article 1-A of the legislative law, made by this act,  
13 shall not affect the repeal of such article pursuant to chapter 2 of the  
14 laws of 1999, as amended, and shall be deemed repealed therewith;  
15 provided, further, that sections thirteen and fourteen of this act shall  
16 take effect January 1, 2006 and shall be deemed repealed July 31, [~~2021~~  
17 2026; provided, further, that effective immediately, the advisory coun-  
18 cil on procurement lobbying created pursuant to section twelve of this  
19 act shall be constituted no later than sixty days following the effec-  
20 tive date of this act, provided that effective sixty days following the  
21 effective date of this act, the advisory council on procurement lobbying

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

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1 shall be authorized to establish model guidelines and to add, amend  
2 and/or repeal any rules or regulations necessary for the implementation  
3 of its duties under sections twelve and thirteen of this act, and the  
4 advisory council authorized to make and complete such model guidelines  
5 on or before the effective date of section thirteen of this act;  
6 provided, further, that procurement contracts for which bid solicita-  
7 tions have been issued prior to the effective date of this act shall be  
8 awarded pursuant to the provisions of law in effect at the time of issu-  
9 ance.

10 § 2. Paragraph g of subdivision 1 of section 139-j of the state  
11 finance law, as amended by chapter 4 of the laws of 2010, is amended to  
12 read as follows:

13 g. "Procurement contract" shall mean any contract or other agreement,  
14 including an amendment, extension, renewal or change order to an exist-  
15 ing contract (other than amendments, extensions, renewals, or change  
16 orders that are authorized and payable under the terms of the contract  
17 as it was finally awarded or approved by the comptroller, as applica-  
18 ble), for an article of procurement involving an estimated annualized  
19 expenditure in excess of [~~fifteen~~ twenty-five] thousand dollars. Grants,  
20 article eleven-B state finance law contracts, program contracts between  
21 not-for-profit organizations, as defined in article eleven-B of this  
22 chapter, and the unified court system, intergovernmental agreements,  
23 railroad and utility force accounts, utility relocation project agree-  
24 ments or orders, contracts governing organ transplants, contracts allow-  
25 ing for state participation in trade shows, and eminent domain trans-  
26 actions shall not be deemed procurement contracts.

27 § 3. Paragraph g of subdivision 1 of section 139-k of the state  
28 finance law, as amended by chapter 4 of the laws of 2010, is amended to  
29 read as follows:

30 g. "Procurement contract" shall mean any contract or other agreement,  
31 including an amendment, extension, renewal, or change order to an exist-  
32 ing contract (other than amendments, extensions, renewals, or change  
33 orders that are authorized and payable under the terms of the contract  
34 as it was finally awarded or approved by the comptroller, as applica-  
35 ble), for an article of procurement involving an estimated annualized  
36 expenditure in excess of [~~fifteen~~ twenty-five] thousand dollars. Grants,  
37 article eleven-B state finance law contracts, program contracts between  
38 not-for-profit organizations, as defined in article eleven-B of this  
39 chapter, and the unified court system, intergovernmental agreements,  
40 railroad and utility force accounts, utility relocation project agree-  
41 ments or orders, contracts governing organ transplants, contracts allow-  
42 ing for state participation in a trade show, and eminent domain trans-  
43 actions shall not be deemed procurement contracts.

44 § 4. This act shall take effect immediately, provided, however, that  
45 the amendments to subdivision 1 of section 139-j of the state finance  
46 law and subdivision 1 of section 139-k of the state finance law made by  
47 sections two and three of this act shall not affect the expiration of  
48 such sections and shall be deemed to expire therewith.