

STATE OF NEW YORK

10424

IN ASSEMBLY

May 17, 2022

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.