

# STATE OF NEW YORK

8433--A

2021-2022 Regular Sessions

## IN ASSEMBLY

November 17, 2021

Introduced by M. of A. JONES -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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:

1 Section 1. The state finance law is amended by adding a new section  
2 163-c to read as follows:

3 § 163-c. Procurement goals for New York state products in state agen-  
4 cies. 1. For the purposes of this section, the following terms shall  
5 have the following meanings:

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

8 (b) "New York state product" shall mean an item that is at least  
9 fifty-one percent manufactured or produced in any way in this state.

10 2. (a) In order to create, strengthen, and expand local economies  
11 throughout New York, it shall be the goal of this state that in the  
12 first and second full year after the effective date of this  
13 section, at least fifteen percent of all products purchased by a state  
14 agency shall be New York state products; in the third full year after  
15 the effective date of this section, at least twenty percent of all  
16 products purchased by a state agency shall be New York state products;  
17 and in the fourth full year after the effective date of this section and  
18 thereafter, at least twenty-five percent of all products purchased by a  
19 state agency shall be New York state products.

20 (b) To meet the goals set forth in this section, when a state agency  
21 contract for the purchase of products is to be awarded to the lowest

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

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1 responsible bidder, an otherwise qualified bidder who will fulfill the  
2 contract through the use of New York state products may be given prefer-  
3 ence over other bidders, provided that the cost included in the bid of  
4 New York state products is not more than ten percent greater than the  
5 cost included in a bid that is not for New York state products.

6 3. (a) The provisions of this section shall not apply if the head of  
7 the contracting state agency purchasing products, in his or her sole  
8 discretion, determines that:

9 (i) purchasing New York state products pursuant to the provisions of  
10 this section would be against the public interest;

11 (ii) purchasing New York state products would increase the cost of the  
12 contract by an unreasonable amount;

13 (iii) New York state products cannot be obtained in sufficient and  
14 reasonable available quantities and of satisfactory quality to meet the  
15 contracting state agency's requirements; or

16 (iv) purchasing products manufactured or produced outside of the  
17 state, or in facilities inside or outside of the state comprising less  
18 than fifty-one percent of materials produced in the state, is necessary  
19 to avoid a delay in the delivery of products.

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

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

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