STATE OF NEW YORK

2882

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. SEPULVEDA, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to accessibility requirements in certain procurement 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 139-m to read as follows:

§ 139-m. Accessibility requirements in certain procurement contracts. 1. Notwithstanding any other provision of law to the contrary, where a contract that includes information and communication technologies (ICTs) is to be awarded by a state agency, public authority or municipality pursuant to a competitive bidding process or a request for proposal process, such competitive bidding process or request for proposal and the subsequent awarded contract shall require that such ICTs are accessible to people with disabilities. The ability of a prospective contractor to meet such an accessibility requirement shall be considered in making the contract award.

2. For the purposes of this section, the following terms shall have the following definitions:

(a) "information and communication technologies (ICTs)" includes, but shall not be limited to, any communication device or application including radio, television, cellular phones, computer and network hardware and software, and satellite systems as well as the various services and applications associated with them, such as videoconferencing and distance learning.

(b) "municipality" shall mean any city, town, village, county, municipal corporation, district corporation, district or any office, department or agency, thereof.

(c) "state agency" shall, notwithstanding any other provision of law, mean any state department, board, bureau, division, office, council,

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

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committee or officer of the state, or the state university of New York, or the senior colleges of the city university of New York, or any public benefit corporation or commission at least one of whose members are appointed by the governor.

§ 2. Subdivision 1 of section 163 of the state finance law is amended by adding a new paragraph l to read as follows:

l. "Information and communication technologies (ICTs)" shall have the same meaning as set forth in section one hundred thirty-nine-m of this chapter.

§ 3. Paragraph a of subdivision 3 of section 163 of the state finance law is amended by adding a new subparagraph (viii) to read as follows:

(viii) When the purchase of commodities involves ICTs, commodities contracts shall be awarded to prospective contractors who are able to meet accessibility requirements pursuant to section one hundred thirty-nine-m of this chapter.

§ 4. Subdivision 4 of section 163 of the state finance law is amended by adding a new paragraph h to read as follows:

h. When the purchase of services involves ICTs, service contracts shall be awarded to prospective contractors who are able to meet accessibility requirements pursuant to section one hundred thirty-nine-m of this chapter.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the provisions of this act shall be applied to all contracts to be entered into on or after the first of April next succeeding the date on which this act shall have become a law; and provided, further, that the amendments to section 163 of the state finance law made by sections two, three and four of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such date.