

STATE OF NEW YORK

4110--A

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. BRESLIN -- 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 and the public authorities law, in relation to the purchase of personal protective equipment and medical supplies produced or manufactured in the state of New York

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

1 Section 1. Subdivisions 1 and 3 of section 148 of the state finance
2 law, as added by section 2 of part BB of chapter 55 of the laws of 2021,
3 are amended to read as follows:

4 1. Notwithstanding any other provisions of law, all contracts over
5 fifty thousand dollars in value made and awarded by any department or
6 agency of the state for the purchase of personal protective equipment or
7 medical supplies shall require that the personal protective equipment or
8 medical supply items be produced or made in whole or substantial part in
9 the [~~United States~~] state of New York; and shall utilize, to the extent
10 practicable, preferred sources in accordance with section one hundred
11 sixty-two of the state finance law, for at least thirty percent of such
12 personal protective equipment or medical supply items.

13 3. The provisions of this section shall not apply if the head of the
14 department or agency purchasing the personal protective equipment or
15 medical supplies, in his or her sole discretion, determines that such
16 provisions would not be in the public interest; that obtaining such
17 personal protective equipment or medical supplies produced or made in
18 the state of New York or in the United States would increase the cost of
19 the contract by an unreasonable amount; that such personal protective
20 equipment or medical supplies cannot be produced or made in the state of
21 New York or in the United States in sufficient and reasonably available
22 quantities and of satisfactory quality or design to meet the depart-

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

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1 ment's or agency's requirements; or that purchasing personal protective
2 equipment or medical supplies manufactured outside of the state of New
3 York or outside of the United States is necessary to avoid a delay in
4 the delivery of critical services that could compromise the public
5 welfare. In the event a New York state source or a preferred source is
6 not able to supply personal protective equipment or medical supply
7 items, any other personal protective equipment or medical supply items
8 produced or made in whole or substantial part in the United States may
9 be utilized to satisfy the requirements of this subdivision.

10 § 2. Subdivisions 1 and 3 of section 2878-c of the public authorities
11 law, as added by section 3 of part BB of chapter 55 of the laws of 2021,
12 are amended to read as follows:

13 1. Notwithstanding any other provisions of law, all contracts over
14 fifty thousand dollars in value made and awarded by any state authority
15 for the purchase of personal protective equipment or medical supplies
16 shall require that the personal protective equipment or medical supply
17 items be produced or made in whole or substantial part in the [~~United~~
18 ~~States~~] state of New York; and shall utilize, to the extent practicable,
19 preferred sources in accordance with section one hundred sixty-two of
20 the state finance law, for at least thirty percent of such personal
21 protective equipment or medical supply items.

22 3. The provisions of this section shall not apply if the head of the
23 state authority purchasing the personal protective equipment or medical
24 supplies, in his or her sole discretion, determines that such provisions
25 would not be in the public interest; that obtaining such personal
26 protective equipment or medical supplies in the state of New York or
27 outside of the United States would increase the cost of the contract by
28 an unreasonable amount; that such personal protective equipment or
29 medical supplies cannot be produced or made in the state of New York or
30 in the United States in sufficient and reasonably available quantities
31 and of satisfactory quality or design to meet the state authority's
32 requirements; or that purchasing personal protective equipment or
33 medical supplies manufactured outside of the state of New York or
34 outside of the United States is necessary to avoid a delay in the deliv-
35 ery of critical services that could compromise the public welfare. In
36 the event a New York state source or a preferred source is not able to
37 supply personal protective equipment or medical supply items, any other
38 personal protective equipment or medical supply items produced or made
39 in whole or substantial part in the United States may be utilized to
40 satisfy the requirements of this subdivision.

41 § 3. This act shall take effect on the sixtieth day after it shall
42 have become a law and shall apply to any state contracting opportunities
43 advertised on or after such date and shall exclude contracts for which
44 an invitation for bid, request for proposal, or similar solicitation has
45 been issued prior to this proposal becoming effective.