STATE OF NEW YORK

5303

2021-2022 Regular Sessions

IN SENATE

March 1, 2021

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 process 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 Assembly, do enact as follows:

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

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state finance law made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that the amendments to article 1-A of the legislative law, made by this act, shall not affect the repeal of such article pursuant to chapter 2 of the laws of 1999, as amended, and shall be deemed repealed therewith; provided, further, that sections thirteen and fourteen of this act shall take effect January 1, 2006 and shall be deemed repealed July 31, [~~2021~~] **2026**; provided, further, that effective immediately, the advisory council on procurement lobbying created pursuant to section twelve of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

LBD10229-01-1

shall be authorized to establish model guidelines and to add, amend and/or repeal any rules or regulations necessary for the implementation of its duties under sections twelve and thirteen of this act, and the advisory council authorized to make and complete such model guidelines on or before the effective date of section thirteen of this act; provided, further, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall be awarded pursuant to the provisions of law in effect at the time of issuance.

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

g. "Procurement contract" shall mean any contract or other agreement, including an amendment, extension, renewal or change order to an existing contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the contract as it was finally awarded or approved by the comptroller, as applicable), for an article of procurement involving an estimated annualized expenditure in excess of [~~fifteen~~] twenty-five thousand dollars. Grants, article eleven-B state finance law contracts, program contracts between not-for-profit organizations, as defined in article eleven-B of this chapter, and the unified court system, intergovernmental agreements, railroad and utility force accounts, utility relocation project agreements or orders, contracts governing organ transplants, contracts allowing for state participation in trade shows, and eminent domain transactions shall not be deemed procurement contracts.

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

g. "Procurement contract" shall mean any contract or other agreement, including an amendment, extension, renewal, or change order to an existing contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the contract as it was finally awarded or approved by the comptroller, as applicable), for an article of procurement involving an estimated annualized expenditure in excess of [~~fifteen~~] twenty-five thousand dollars. Grants, article eleven-B state finance law contracts, program contracts between not-for-profit organizations, as defined in article eleven-B of this chapter, and the unified court system, intergovernmental agreements, railroad and utility force accounts, utility relocation project agreements or orders, contracts governing organ transplants, contracts allowing for state participation in a trade show, and eminent domain transactions shall not be deemed procurement contracts.

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