

# STATE OF NEW YORK

5479--A

2021-2022 Regular Sessions

## IN SENATE

March 8, 2021

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to allowing for in-state suppliers to receive preference in certain situations when the state is awarding 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  
2 148 to read as follows:

3 § 148. In-state supplier preference for state contracts. 1. For  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 (a) "State agency" shall have the same meaning as defined in section  
7 one hundred seventy-nine-e of this chapter.

8 (b) "Existing in-state supplier" shall mean an individual or entity  
9 who is resident in the state and regularly and consistently does a  
10 majority of their business within the state who is able to provide goods  
11 or services that the state is looking to contract for.

12 2. (a) When a state contract for the purchase of goods or services is  
13 to be made and awarded to the lowest responsible bidder, an otherwise  
14 qualified bidder who will fulfill the contract who is an existing  
15 in-state supplier of such goods or services shall be allowed to match  
16 the bid of the lowest responsible bidder before any contract is made and  
17 awarded by the state or by any state agency if such lowest responsible  
18 bidder is not an existing in-state supplier, provided that the cost  
19 included in the bid of such existing in-state supplier is not more than  
20 ten percent greater than the cost included in the bid of the lowest  
21 responsible bidder who is not an existing in-state supplier.

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

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1 (b) If such otherwise qualified bidder who will fulfill the contract  
2 who is an existing in-state supplier is a certified minority and women-  
3 owned business enterprise, then such minority and women-owned business  
4 enterprise shall be allowed to match the bid of the lowest responsible  
5 bidder if such lowest responsible bidder is not an existing in-state  
6 supplier before any contract is made and awarded by the state or by any  
7 state agency if the cost included in the bid of such minority and  
8 women-owned business enterprise is not more than fifteen percent greater  
9 than the cost included in the bid of the lowest responsible bidder who  
10 is not an existing in-state supplier.

11 3. If an otherwise qualified bidder who is an existing in-state  
12 supplier chooses to match the lowest responsible bidder who is not an  
13 existing in-state supplier, then the state or a state agency may give  
14 preference to such existing in-state supplier when making and awarding  
15 such contract.

16 § 2. This act shall take effect immediately.