

STATE OF NEW YORK

6998

2021-2022 Regular Sessions

IN SENATE

May 21, 2021

Introduced by Sen. REICHLIN-MELNICK -- (at request of the Office of General Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to providing for discretionary buying thresholds

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

1 Section 1. Subdivision 6 of section 163 of the state finance law, as
2 amended by chapter 96 of the laws of 2019, is amended to read as
3 follows:

4 6. Discretionary buying thresholds. Pursuant to guidelines established
5 by the state procurement council: the commissioner may purchase services
6 and commodities for the office of general services or its customer agen-
7 cies serviced by the office of general services business services center
8 in an amount not exceeding eighty-five thousand dollars without a formal
9 competitive process; state agencies may purchase services and commod-
10 ities in an amount not exceeding fifty thousand dollars without a formal
11 competitive process; and state agencies may purchase commodities or
12 services from small business concerns or those certified pursuant to
13 articles fifteen-A and seventeen-B of the executive law, or commodities
14 or technology that are recycled or remanufactured in an amount not
15 exceeding five hundred thousand dollars without a formal competitive
16 process and for commodities that are food, including milk and milk
17 products, grown, produced or harvested in New York state in an amount
18 not to exceed two hundred thousand dollars, without a formal competitive
19 process.

20 § 2. Subdivision 6-a of section 163 of the state finance law, as
21 amended by chapter 173 of the laws of 2014, is amended to read as
22 follows:

23 6-a. Discretionary purchases. Notwithstanding the provisions of subdi-
24 vision two of section one hundred twelve of this chapter relating to the

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

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1 dollar threshold requiring the state comptroller's approval of
2 contracts, the commissioner of general services may make purchases or
3 enter into contracts for the acquisition of commodities and services for
4 the office of general services or its customer agencies serviced by the
5 office of general services business services center having a value not
6 exceeding eighty-five thousand dollars without prior approval by any
7 other state officer or agency in accordance with procedures and require-
8 ments set forth in this article.

9 § 3. Paragraph (a) of subdivision 2 of section 112 of the state
10 finance law, as amended by section 18 of part L of chapter 55 of the
11 laws of 2012, is amended to read as follows:

12 (a) Before any contract made for or by any state agency, department,
13 board, officer, commission, or institution, except the office of general
14 services or its customer agencies serviced by the office of general
15 services business services center, shall be executed or become effec-
16 tive, whenever such contract exceeds fifty thousand dollars in amount
17 and before any contract made for or by the office of general services,
18 whether for itself or for its customer agencies serviced by the office
19 of general services business services center, shall be executed or
20 become effective, whenever such contract exceeds eighty-five thousand
21 dollars in amount, it shall first be approved by the comptroller and
22 filed in his or her office, with the exception of contracts established
23 as a centralized contract through the office of general services and
24 purchase orders or other procurement transactions issued under such
25 centralized contracts. The comptroller shall make a final written deter-
26 mination with respect to approval of such contract within ninety days of
27 the submission of such contract to his or her office unless the comp-
28 troller shall notify, in writing, the state agency, department, board,
29 officer, commission, or institution, prior to the expiration of the
30 ninety day period, and for good cause, of the need for an extension of
31 not more than fifteen days, or a reasonable period of time agreed to by
32 such state agency, department, board, officer, commission, or institu-
33 tion and provided, further, that such written determination or extension
34 shall be made part of the procurement record pursuant to paragraph f of
35 subdivision one of section one hundred sixty-three of this chapter.

36 § 4. This act shall take effect immediately, provided, however that
37 the amendments to subdivisions 6 and 6-a of section 163 of the state
38 finance law made by sections one and two of this act shall not affect
39 the repeal of such section and shall be deemed to repeal therewith.