STATE OF NEW YORK

2814

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. JONES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to establishing state procurement goals for New York state products throughout state agencies and private entities performing state 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 163-c to read as follows:

§ 163-c. Procurement goals for New York state products in state agencies. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "State agency" shall mean any department, agency, board, public benefit corporation, public authority or commission.

(b) "New York state product" shall mean an item that is at least fifty-one percent manufactured or produced in any way in this state.

2. (a) In order to create, strengthen, and expand local economies throughout New York, it shall be the goal of this state that in the first and second full year after the effective date of this section, at least fifteen percent of all products purchased by a state agency shall be New York state products; in the third full year after the effective date of this section, at least twenty percent of all products purchased by a state agency shall be New York state products; and in the fourth full year after the effective date of this section and thereafter, at least twenty-five percent of all products purchased by a state agency shall be New York state products.

(b) To meet the goals set forth in this section, when a state agency contract for the purchase of products is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of New York state products may be given preference over other bidders, provided that the cost included in the bid of

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

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New York state products is not more than ten percent greater than the cost included in a bid that is not for New York state products.

3. (a) The provisions of this section shall not apply if the head of the contracting state agency purchasing products, in his or her sole discretion, determines that:

(i) purchasing New York state products pursuant to the provisions of this section would be against the public interest;

(ii) purchasing New York state products would increase the cost of the contract by an unreasonable amount;

(iii) New York state products cannot be obtained in sufficient and reasonable available quantities and of satisfactory quality to meet the contracting state agency's requirements; or

(iv) purchasing products manufactured or produced outside of the state, or in facilities inside or outside of the state comprising less than fifty-one percent of materials produced in the state, is necessary to avoid a delay in the delivery of products.

(b) For private entities performing state contracts, the state agency overseeing the performance of such contract shall promulgate rules and regulations to allow for private entities to be granted a waiver from the requirements of this section if a private entity can prove that is not able to meet the thresholds set forth in this section.

4. Any product procured in accordance with this section shall be for the sole use of the state of New York.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.