STATE OF NEW YORK

3244

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

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

AN ACT to amend the state finance law, in relation to requiring consideration of union made commodities and services in the awarding of certain procurement contracts

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

Section 1. Paragraph j of subdivision 1 of section 163 of the state finance law, as amended by chapter 569 of the laws of 2015, is amended to read as follows:

j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law or service-disabled veteran-owned business enterprises as defined in subdivision one of section three hundred sixty-nine-h of the executive law to be used in evaluation of offers for awarding of contracts for services. **Such basis shall also identify as a quantitative factor whether the commodities or services offered were manufactured by or will be performed by members of a labor organization as defined in section two hundred ninety-two of the executive law.**

§ 2. Paragraph j of subdivision 1 of section 163 of the state finance law, as amended by section 28 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

j. "Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a

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

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quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law or service-disabled veteran-owned business enterprises as defined in subdivision one of section forty of the veterans' services law to be used in evaluation of offers for awarding of contracts for services. **Such basis shall also identify as a quantitative factor whether the commodities or services offered were manufactured by or will be performed by members of a labor organization as defined in section two hundred ninety-two of the executive law.**

§ 3. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to paragraph j of subdivision 1 of section 163 of the state finance law made by section two of this act shall take effect on the same date and in the same manner as part PP of chapter 56 of the laws of 2022, takes effect; and provided further that the amendments to paragraph j of subdivision 1 of section 163 of the state finance law made by sections one and two of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.