STATE OF NEW YORK

3324

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

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

AN ACT to amend the environmental conservation law and the state finance law, in relation to requiring consideration of the New York state climate leadership and community protection act in certain procurement contracts

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

Section 1. Section 75-0103 of the environmental conservation law is amended by adding a new subdivision 18 to read as follows:

18. The council shall, in coordination with the commissioner of general services, review existing state purchasing requirements and shall develop recommendations requiring that any evaluation of an offer or purchase subject to the provisions of article eleven of the state finance law shall include consideration of the offerer's compliance with all applicable provisions of this article and all regulations promulgated pursuant thereto, including any specific requirements set forth therein, and with any purchasing requirements developed on and after the effective date of this subdivision in accordance with the provisions hereof.

§ 2. 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

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

LBD02097-01-3

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 the offerer's compliance with all applicable provisions of article seventy-five of the environmental conservation law and all regulations promulgated pursuant thereto, including any recommendations or requirements developed pursuant to section 75-0103 of such article.**

§ 3. 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 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 the offerer's compliance with all applicable provisions of article seventy-five of the environmental conservation law and all regulations promulgated pursuant thereto, including any recommendations or requirements developed pursuant to section 75-0103 of such article.**

§ 4. 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 three 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 two and three of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.