

# STATE OF NEW YORK

2219

2023-2024 Regular Sessions

## IN SENATE

January 19, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the state finance law and the education law, in relation to the oversight of certain contracts by the comptroller

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

Section 1. Paragraph (a) of subdivision 2 of section 112 of the state finance law, as amended by a chapter of the laws of 2022, amending the state finance law and the education law relating to restoring oversight of certain contracts by the comptroller, as proposed in legislative bills numbers S. 6809-A and A. 7925-A, is amended to read as follows:

(a) (i) Before any contract: (1) made for or by any state agency, department, board, officer, commission, or institution, except the office of general services or its customer agencies serviced by the office of general services business services center, shall be executed or become effective, whenever such contract exceeds fifty thousand dollars in amount [and before any contract], it shall first be approved by the office of the comptroller and filed in his or her office; (2) made for or by the office of general services, whether for itself or for its customer agencies serviced by the office of general services business services center, shall be executed or become effective, whenever such contract exceeds eighty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office; or (3) established as a centralized contract through the office of general services shall be executed or become effective, whenever such contract exceeds one hundred twenty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office; provided, however, before any purchase order or other procurement transaction issued under such centralized contract, which exceeds two hundred thousand dollars in amount shall be executed or become effective, it shall first be approved by the comptroller and filed in his or her

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

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1 office. Provided, further, however, that with the exception of contracts  
2 identified in subparagraph (ii) of this paragraph the comptroller shall  
3 make a final written determination with respect to approval of such  
4 contract within ninety days of the submission of such contract to his or  
5 her office unless the comptroller shall notify, in writing, the state  
6 agency, department, board, officer, commission, or institution, prior to  
7 the expiration of the ninety day period, and for good cause, of the need  
8 for an extension of not more than fifteen days, or a reasonable period  
9 of time agreed to by such state agency, department, board, officer,  
10 commission, or institution and provided, further, that such written  
11 determination or extension shall be made part of the procurement record  
12 pursuant to paragraph f of subdivision one of section one hundred  
13 sixty-three of this chapter.

14 (ii) Before any contract established as a centralized contract through  
15 the office of general services, as provided for in item three of subpar-  
16 agraph (i) of this paragraph, or any contract made in accordance with  
17 subdivision five, six or paragraph b of subdivision sixteen of section  
18 three hundred fifty-five of the education law, section three hundred  
19 seventy-three of the education law, section sixty-two hundred eighteen  
20 of the education law, or section sixty-two hundred seventy-five of the  
21 education law, shall be executed or become effective, such contract  
22 shall first be approved by the comptroller and filed in his or her  
23 office. Provided, however, that the comptroller shall make a final  
24 written determination with respect to approval of such contract within  
25 seventy-five days of the submission of such contract to his or her  
26 office unless the comptroller shall notify, in writing, the state agen-  
27 cy, department, board, officer, commission, or institution, prior to the  
28 expiration of the seventy-five day period, and for good cause, of the  
29 need for an extension of not more than fifteen days, or a reasonable  
30 period of time agreed to by such state agency, department, board, offi-  
31 cer, commission, or institution and provided, further, that such written  
32 determination or extension shall be made part of the procurement record  
33 pursuant to paragraph f of subdivision one of section one hundred  
34 sixty-three of this chapter.

35 § 2. Paragraph a of subdivision 5 of section 355 of the education law,  
36 as added by a chapter of the laws of 2022, amending the state finance  
37 law and the education law relating to restoring oversight of certain  
38 contracts by the comptroller, as proposed in legislative bills numbers  
39 S. 6809-A and A. 7925-A, is amended to read as follows:

40 a. (i) purchase materials, proprietary electronic information  
41 resources including but not limited to academic, professional, and  
42 industry journals, reference handbooks and manuals, research tracking  
43 tools, indexes and abstracts; and equipment and supplies, including  
44 computer equipment and motor vehicles, where the amount for a single  
45 purchase does not exceed [~~fifty~~] seventy-five thousand dollars, (ii)  
46 execute contracts for services and construction contracts to an amount  
47 not exceeding [~~fifty~~] seventy-five thousand dollars, and (iii) contract  
48 for printing to an amount not exceeding [~~fifty~~] seventy-five thousand  
49 dollars, without prior approval by any other state officer or agency,  
50 but subject to rules and regulations of the state comptroller not other-  
51 wise inconsistent with the provisions of this section and in accordance  
52 with the guidelines promulgated by the state university board of trus-  
53 tees after consultation with the state comptroller. In addition, the  
54 trustees, after consultation with the commissioner of general services,  
55 are authorized to annually negotiate with the state comptroller  
56 increases in the aforementioned dollar limits and the exemption of any

1 articles, categories of articles, services, or commodities from these  
2 limits;

3 § 3. Items (A) and (B) of subparagraph (i) of paragraph b of subdivi-  
4 sion 16 of section 355 of the education law, as added by a chapter of  
5 the laws of 2022, amending the state finance law and the education law  
6 relating to restoring oversight of certain contracts by the comptroller,  
7 as proposed in legislative bills numbers S. 6809-A and A. 7925-A, are  
8 amended to read as follows:

9 (A) for any contract which does not exceed [~~seventy-five~~] one hundred  
10 fifty thousand dollars; or

11 (B) for joint or group purchasing arrangements which do not exceed  
12 [~~seventy-five~~] one hundred fifty thousand dollars without prior approval  
13 by any other state officer or agency in accordance with procedures and  
14 requirements found in paragraph a of subdivision five of this section.

15 § 4. Subdivision 12 of section 373 of the education law, as added by a  
16 chapter of the laws of 2022, amending the state finance law and the  
17 education law relating to restoring oversight of certain contracts by  
18 the comptroller, as proposed in legislative bills numbers S. 6809-A and  
19 A. 7925-A, is amended to read as follows:

20 12. To make and execute contracts, lease agreements, and all other  
21 instruments necessary or convenient for the exercise of its corporate  
22 powers and the fulfillment of its corporate purposes under this article  
23 to an amount not exceeding seventy-five thousand dollars without prior  
24 approval by any other state officer or agency; notwithstanding the fore-  
25 going, all contracts, lease agreements, and all other instruments  
26 exceeding seventy-five thousand dollars in amount shall be subject to  
27 section one hundred twelve of the state finance law;

28 § 5. Subdivision a of section 6218 of the education law, as added by a  
29 chapter of the laws of 2022, amending the state finance law and the  
30 education law relating to restoring oversight of certain contracts by  
31 the comptroller, as proposed in legislative bills numbers S. 6809-A and  
32 A. 7925-A, is amended to read as follows:

33 a. Notwithstanding the provisions of subdivision two of section one  
34 hundred twelve and sections one hundred fifteen, one hundred sixty-one  
35 and one hundred sixty-three of the state finance law and section three  
36 of the New York state printing and public documents law or any other law  
37 to the contrary, the city university trustees are authorized and  
38 empowered to:

39 (i) purchase materials; proprietary electronic information resources,  
40 including, but not limited to, academic, professional and industry jour-  
41 nals, reference handbooks and manuals, research tracking tools, indexes  
42 and abstracts; and equipment and supplies, including computer equipment  
43 and motor vehicles, where the amount for a single purchase does not  
44 exceed [~~fifty~~] seventy-five thousand dollars, (ii) execute contracts for  
45 services and construction contracts to an amount not exceeding [~~fifty~~]  
46 seventy-five thousand dollars, and (iii) contract for printing to an  
47 amount not exceeding [~~fifty~~] seventy-five thousand dollars, without  
48 prior approval by any other state officer or agency, but subject to  
49 rules and regulations of the state comptroller not otherwise inconsis-  
50 tent with the provisions of this section and in accordance with the  
51 guidelines promulgated by the city university board of trustees after  
52 consultation with the state comptroller. In addition, the trustees are  
53 authorized to annually negotiate with the state comptroller increases in  
54 the aforementioned dollar limits and the exemption of any articles,  
55 categories of articles, services, or commodities from these limits.  
56 Guidelines promulgated by the city university board of trustees shall,

1 to the extent practicable, require that competitive proposals be solic-  
2 ited for purchases, and shall include requirements that purchases and  
3 contracts authorized under this section be at the lowest available  
4 price.

5 § 6. Subdivision 9 of section 6275 of the education law, as amended by  
6 chapter 332 of the laws of 1975, is amended to read as follows:

7 (9) to make and execute contracts, leases, subleases and all other  
8 instruments or agreements necessary or convenient for the exercise of  
9 its corporate powers and purposes to an amount not exceeding seventy-  
10 five thousand dollars without prior approval by any other state officer  
11 or agency; notwithstanding the foregoing, all contracts, leases,  
12 subleases, and all other instruments or agreements exceeding seventy-  
13 five thousand dollars in amount shall be subject to section one hundred  
14 twelve of the state finance law;

15 § 7. This act shall take effect on the same date and in the same  
16 manner as a chapter of the laws of 2022, amending the state finance law  
17 and the education law relating to restoring oversight of certain  
18 contracts by the comptroller, as proposed in legislative bills numbers  
19 S. 6809-A and A. 7925-A, takes effect.