STATE OF NEW YORK

6941

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. COONEY -- (at request of the State Comptroller) -- 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 requiring the public posting of certain contracts otherwise subject to prior approval of the comptroller

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 149 to read as follows:

§ 149. Certain contracts to be publicly posted. 1. For purposes of this section, the following definitions shall apply:

(a) "emergency contract" shall mean:

(i) any contract otherwise subject to prior approval by the comptroller pursuant to section one hundred twelve of this chapter, which is executed or made effective in accordance with an executive order of the governor temporarily suspending such law, or any part thereof, pursuant to his or her authority under section twenty-nine-a of the executive law; and

(ii) any contract otherwise eligible for prior approval by the comptroller pursuant to any provision of law, including section twenty-eight hundred seventy-nine-a of the public authorities law, which is executed or made effective in accordance with an executive order of the governor temporarily suspending such law, or any part thereof, pursuant to his or her authority under section twenty-nine-a of the executive law.

(b) "exempted contract" shall mean:

(i) any contract otherwise subject to prior approval by the comptroller pursuant to section one hundred twelve of this chapter, which is executed or made effective in accordance with any provision of law expressly and specifically suspending the provisions of, exempting, or

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

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otherwise notwithstanding section one hundred twelve of this chapter, or any part thereof; and

(ii) any contract otherwise eligible for prior approval by the comptroller pursuant to any provision of law, including section twenty-eight hundred seventy-nine-a of the public authorities law, which is executed or made effective in accordance with any provision of law suspending the provisions of, exempting, or otherwise notwithstanding such law, or any part thereof.

2. Within thirty days following the execution of an emergency contract or an exempted contract, such state agency, department, board, officer, commission, state authority, or institution shall post on the contracting entity's public website, the emergency contract or exempted contract as well as the following information:

(a) if the contract is an emergency contract, the emergency declaration that such contract pertains to and, if the contract is an exempted contract, the provision of law suspended or exempted;

(b) a brief description of the contract, including: (i) the amount of the contract; (ii) the name of the vendor or vendors; (iii) the contract term; (iv) what is being provided by the contract; and (v) if the contract is an emergency contract, a statement explaining how the contract relates to the declared state disaster emergency; and

(c) whether the contract was awarded based on a competitive process and, if not awarded pursuant to a competitive process, an explanation of why a competitive process was not undertaken.

3. All emergency contracts or exempted contracts currently in effect upon the effective date of this section shall also be posted on the contracting entity's public website within thirty days with the information required in subdivision two of this section.

4. The provisions of this section cannot be suspended, modified, or altered by the governor's authority to temporarily suspend provisions of law during a state disaster emergency pursuant to section twenty-nine-a of the executive law.

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