

# STATE OF NEW YORK

9171

## IN SENATE

May 2, 2024

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 the public posting  
of certain contracts otherwise subject to the approval of the comp-  
troller

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

1 Section 1. The state finance law is amended by adding a new section  
2 149 to read as follows:

3 § 149. Required public posting of certain contracts. 1. For purposes  
4 of this section, the following terms shall have the following meanings:

5 (a) "Emergency contract" shall mean:

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

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

18 (b) "Exempted contract" shall mean:

19 (i) any contract otherwise subject to prior approval by the comp-  
20 troller pursuant to section one hundred twelve of this chapter, which is  
21 executed or made effective in accordance with any provision of law, and  
22 expressly and specifically suspends the provisions of, exempts, or is  
23 otherwise notwithstanding of section one hundred twelve of this chapter,  
24 or any part thereof; and

25 (ii) any contract otherwise eligible for prior approval by the comp-  
26 troller pursuant to any provision of law, including section twenty-eight

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

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1 hundred seventy-nine-a of the public authorities law, which is executed  
2 or made effective in accordance with any provision of law suspending the  
3 provisions of, exempting, or otherwise notwithstanding such law, or any  
4 part thereof.

5 2. Within thirty days following the execution of an emergency contract  
6 or an exempted contract, such state agency, department, board, officer,  
7 commission, state authority, or institution shall post on the contract-  
8 ing entity's public website the following information regarding such  
9 emergency contract or exempted contract by contract number:

10 (i) if the contract is an emergency contract, the emergency declara-  
11 tion that such contract pertains to, and if the contract is an exempted  
12 contract, the provision of law suspended or exempted;

13 (ii) a brief description of the contract, including:

14 (A) the amount of the contract;

15 (B) the name of the vendor or vendors;

16 (C) the contract terms;

17 (D) what is being provided by the contract;

18 (E) if the contract is an emergency contract, a statement explaining  
19 how such contract relates to the declared state disaster emergency; and

20 (F) whether the contact was awarded based on a competitive process,  
21 and if it was not awarded pursuant to a competitive process, an explana-  
22 tion of why a competitive process was not undertaken.

23 3. The provisions of this section shall not be suspended, modified, or  
24 altered by the governor's authority to temporarily suspend provisions of  
25 law during a state disaster emergency pursuant to section twenty-nine-a  
26 of the executive law.

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