

# STATE OF NEW YORK

3425

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the state finance law, in relation to accessibility requirements in certain procurement contracts

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

1 Section 1. The state finance law is amended by adding a new section  
2 139-m to read as follows:

3 § 139-m. Accessibility requirements in certain procurement contracts.

4 1. Notwithstanding any other provision of law to the contrary, where a  
5 contract that includes information and communication technologies (ICTs)  
6 is to be awarded by a state agency, public authority or municipality  
7 pursuant to a competitive bidding process or a request for proposal  
8 process, such competitive bidding process or request for proposal and  
9 the subsequent awarded contract shall require that such ICTs are acces-  
10 sible to people with disabilities. The ability of a prospective contrac-  
11 tor to meet such an accessibility requirement shall be considered in  
12 making the contract award.

13 2. For the purposes of this section, the following terms shall have  
14 the following definitions:

15 (a) "information and communication technologies (ICTs)" includes, but  
16 shall not be limited to, any communication device or application includ-  
17 ing radio, television, cellular phones, computer and network hardware  
18 and software, and satellite systems as well as the various services and  
19 applications associated with them, such as videoconferencing and  
20 distance learning.

21 (b) "municipality" shall mean any city, town, village, county, municipi-  
22 pal corporation, district corporation, district or any office, depart-  
23 ment or agency, thereof.

24 (c) "state agency" shall, notwithstanding any other provision of law,  
25 mean any state department, board, bureau, division, office, council,

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

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1 committee or officer of the state, or the state university of New York,  
2 or the senior colleges of the city university of New York, or any public  
3 benefit corporation or commission at least one of whose members are  
4 appointed by the governor.

5 § 2. Subdivision 1 of section 163 of the state finance law is amended  
6 by adding a new paragraph l to read as follows:

7 l. "Information and communication technologies (ICTs)" shall have the  
8 same meaning as set forth in section one hundred thirty-nine-m of this  
9 chapter.

10 § 3. Paragraph a of subdivision 3 of section 163 of the state finance  
11 law is amended by adding a new subparagraph (viii) to read as follows:

12 (viii) When the purchase of commodities involves ICTs, commodities  
13 contracts shall be awarded to prospective contractors who are able to  
14 meet accessibility requirements pursuant to section one hundred thirty-  
15 nine-m of this chapter.

16 § 4. Subdivision 4 of section 163 of the state finance law is amended  
17 by adding a new paragraph h to read as follows:

18 h. When the purchase of services involves ICTs, service contracts  
19 shall be awarded to prospective contractors who are able to meet acces-  
20 sibility requirements pursuant to section one hundred thirty-nine-m of  
21 this chapter.

22 § 5. This act shall take effect on the ninetieth day after it shall  
23 have become a law; provided, however, the provisions of this act shall  
24 be applied to all contracts to be entered into on or after the first of  
25 April next succeeding the date on which this act shall have become a  
26 law; and provided, further, that the amendments to section 163 of the  
27 state finance law made by sections two, three and four of this act shall  
28 not affect the repeal of such section and shall be deemed repealed ther-  
29 ewith. Effective immediately, the addition, amendment and/or repeal of  
30 any rule or regulation necessary for the implementation of this act on  
31 its effective date is authorized to be made and completed on or before  
32 such date.