STATE OF NEW YORK

5724

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the state finance law, in relation to allowing for in-state suppliers to receive preference in certain situations when the state is awarding contracts

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. In-state supplier preference for state contracts. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "State agency" shall have the same meaning as defined in section one hundred seventy-nine-e of this chapter.

(b) "Existing in-state supplier" shall mean an individual or entity who is resident in the state and regularly and consistently does a majority of their business within the state who is able to provide goods or services that the state is looking to contract for.

2. When a state contract for the purchase of goods or services is to be made and awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract who is an existing in-state supplier of such goods or services shall be allowed to match the bid of the lowest responsible bidder before any contract is made and awarded by the state or by any state agency if such lowest responsible bidder is not an existing in-state supplier, provided that the cost included in the bid of such existing in-state supplier is not more than fifteen percent greater than the cost included in the bid of the lowest responsible bidder who is not an existing in-state supplier.

3. If an otherwise qualified bidder who is an existing in-state supplier chooses to match the lowest responsible bidder who is not an existing in-state supplier, then the state or a state agency may give

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

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preference to such existing in-state supplier when making and awarding such contract.

§ 2. This act shall take effect immediately.