STATE OF NEW YORK

624

2023-2024 Regular Sessions

IN ASSEMBLY

January 10, 2023

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

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

(ii) Before any contract established as a centralized contract through the office of general services, as provided for in item three of subparagraph (i) of this paragraph, or any contract made in accordance with subdivision five, six or paragraph b of subdivision sixteen of section three hundred fifty-five of the education law, section three hundred seventy-three of the education law, section sixty-two hundred eighteen of the education law, or section sixty-two hundred seventy-five of the education law, shall be executed or become effective, such contract shall first be approved by the comptroller and filed in his or her office. Provided, however, that the comptroller shall make a final written determination with respect to approval of such contract within seventy-five days of the submission of such contract to his or her office unless the comptroller shall notify, in writing, the state agency, department, board, officer, commission, or institution, prior to the expiration of the seventy-five day period, and for good cause, of the need for an extension of not more than fifteen days, or a reasonable period of time agreed to by such state agency, department, board, officer, commission, or institution and provided, further, that such written determination or extension shall be made part of the procurement record pursuant to paragraph f of subdivision one of section one hundred sixty-three of this chapter.

§ 2. Paragraph a of subdivision 5 of section 355 of the education law, as added 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) purchase materials, proprietary electronic information resources including but not limited to academic, professional, and industry journals, reference handbooks and manuals, research tracking tools, indexes and abstracts; and equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed [~~fifty~~] seventy-five thousand dollars, (ii) execute contracts for services and construction contracts to an amount not exceeding [~~fifty~~] seventy-five thousand dollars, and (iii) contract for printing to an amount not exceeding [~~fifty~~] seventy-five thousand dollars, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the guidelines promulgated by the state university board of trustees after consultation with the state comptroller. In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any

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

§ 3. Items (A) and (B) of subparagraph (i) of paragraph b of subdivision 16 of section 355 of the education law, as added 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, are amended to read as follows:

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

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

§ 4. Subdivision 12 of section 373 of the education law, as added 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:

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

§ 5. Subdivision a of section 6218 of the education law, as added 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. Notwithstanding the provisions of subdivision two of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one and one hundred sixty-three of the state finance law and section three of the New York state printing and public documents law or any other law to the contrary, the city university trustees are authorized and empowered to:

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

to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price.

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

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

§ 7. This act shall take effect on the same date and in the same manner as 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, takes effect.