STATE OF NEW YORK

7327

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

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

AN ACT to amend the state finance law, the public authorities law and the New York city charter, in relation to discretionary purchasing thresholds for certified minority and women-owned business enterprises

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

Section 1. Subdivision 6 of section 163 of the state finance law, as separately amended by section 28 of part PP of chapter 56 and chapter 572 of the laws of 2022, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities for the office of general services or its customer agencies serviced by the office of general services business services center in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to article fifteen-A of the executive law and article three of the veterans' services law, or commodities or technology that are recycled or remanufactured in an amount not exceeding **one million** five hundred thousand dollars without a formal competitive process **and state agencies may enter into construction or professional service contracts with those certified pursuant to article fifteen-A of the executive law and article three of the veterans' services law in an amount not exceeding one million five hundred thousand dollars without a formal competitive process,** and for commodities that are food, including milk and milk products, or animal or plant fiber products, grown, produced, harvested, or processed in New York state or textile products manufactured from

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

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animal or plant fiber grown or produced predominantly in New York state in an amount not to exceed two hundred thousand dollars, without a formal competitive process.

§ 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition, including, notwithstanding any other provision of law requiring competition, the purchase of goods or services from small business concerns those certified as minority or women-owned business enterprises **pursuant to article fifteen-A of the executive law, those certified pursuant to article three of the veterans' services law**, or goods or technology that are recycled or remanufactured, in an amount not to exceed **one million** five hundred thousand dollars without a formal competitive process **and the entering into construction and professional service contracts with those certified as minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and those certified pursuant to article three of the veterans' services law in an amount not exceeding one million five hundred thousand dollars without a formal competitive process**;

§ 3. Paragraph 1 of subdivision i of section 311 of the New York city charter, as amended by chapter 569 of the laws of 2022, is amended to read as follows:

1. agencies may make procurements of goods, services and construction for amounts not exceeding one million **five hundred thousand** dollars from businesses certified as minority or women-owned business enterprises pursuant to section thirteen hundred four of the charter without a formal competitive process.

§ 4. This act shall take effect immediately; provided that the amendments to section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.