

STATE OF NEW YORK

1074

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. BORRELLO, OBERACKER, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

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

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

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

12 2. When a state contract for the purchase of goods or services is to
13 be made and awarded to the lowest responsible bidder, an otherwise qual-
14 ified bidder who will fulfill the contract who is an existing in-state
15 supplier of such goods or services shall be allowed to match the bid of
16 the lowest responsible bidder before any contract is made and awarded by
17 the state or by any state agency if such lowest responsible bidder is
18 not an existing in-state supplier, provided that the cost included in
19 the bid of such existing in-state supplier is not more than fifteen
20 percent greater than the cost included in the bid of the lowest respon-
21 sible bidder who is not an existing in-state supplier.

22 3. If an otherwise qualified bidder who is an existing in-state
23 supplier chooses to match the lowest responsible bidder who is not an

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

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1 existing in-state supplier, then the state or a state agency may give
2 preference to such existing in-state supplier when making and awarding
3 such contract.

4 § 2. This act shall take effect immediately.