

STATE OF NEW YORK

5425

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

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

AN ACT to amend the state finance law, the general municipal law, the public authorities law and the executive law, in relation to enacting the "New York State buy North American windows act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York State buy North American windows act".

3 § 2. The state finance law is amended by adding a new section 162-b to
4 read as follows:

5 § 162-b. The New York state buy North American windows act. 1. Use of
6 North American materials. (a) Notwithstanding any other provision of
7 law, when soliciting a contract for the purchase of windows, any depart-
8 ment or agency of the state shall award such contract to the responsible
9 and reliable bidder offering to supply windows produced or made in whole
10 or substantial part in North America when such offer is within twenty-
11 five percent of the lowest price or best value offer, rather than to the
12 lowest responsible and reliable bidder.

13 (b) If it has been determined by a court or federal or state agency
14 that any person intentionally carried out any of the following, then
15 such person shall be ineligible to receive any contract or subcontract
16 with this state pursuant to the debarment or suspension provisions
17 provided under section one hundred thirty-nine-a of this chapter:

18 (i) affixed a label bearing a "Made in North America" inscription, or
19 any inscription with the same meaning, to any window product used in
20 projects to which this section applies, sold in or shipped to the United
21 States that was not produced or made in whole or substantial part in
22 North America; or

23 (ii) represented that any window product procured in a contract to
24 which this section applies that was not produced or made in whole or in

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

LBD04153-01-5

1 substantial part in North America, was produced or made in whole or in
2 substantial part in North America.

3 (c) This section shall be applied in a manner consistent with the
4 state's obligations under any applicable international agreements
5 pertaining to government procurement.

6 2. Definitions. For the purposes of this section, the following words
7 shall have the following meanings unless specified otherwise:

8 (a) "Public agency" means a governmental entity as that term is
9 defined in section one hundred thirty-nine-j of this chapter.

10 (b) "Windows produced or made in whole or in part in North America"
11 means the total value, in United States dollars, of the fabrication
12 materials, extrusions, components, hardware, and labor sourced, manufac-
13 tured, and/or performed in North America equals or exceeds seventy-five
14 percent of the total value of all materials, extrusions, components,
15 hardware, and labor for the finished window.

16 (c) "United States" means the United States of America and includes
17 all territory, continental or insular, subject to the jurisdiction of
18 the United States.

19 (d) "North America" means the United States, Canada and Mexico.

20 § 3. The general municipal law is amended by adding a new section
21 104-e to read as follows:

22 § 104-e. The New York state buy North American windows act. 1. Use of
23 North American materials. (a) Notwithstanding any other provision of
24 law, when soliciting a contract for the purchase of windows, any depart-
25 ment or agency of a political subdivision shall award such contract to
26 the responsible and reliable bidder offering to supply windows produced
27 or made in whole or substantial part in North America when such offer is
28 within twenty-five percent of the lowest price or best value offer,
29 rather than to the lowest responsible and reliable bidder.

30 (b) If it has been determined by a court or federal or state agency
31 that any person intentionally carried out any of the following, then
32 such person shall be ineligible to receive any contract or subcontract
33 with this state pursuant to the debarment or suspension provisions
34 provided under section one hundred thirty-nine-a of the state finance
35 law:

36 (i) affixed a label bearing a "Made in North America" inscription, or
37 any inscription with the same meaning, to any window product used in
38 projects to which this section applies, sold in or shipped to the United
39 States that was not produced or made in whole or substantial part in
40 North America; or

41 (ii) represented that any window product procured in a contract to
42 which this section applies that was not produced or made in whole or in
43 substantial part in North America, was produced or made in whole or in
44 substantial part in North America.

45 (c) This section shall be applied in a manner consistent with the
46 state's obligations under any applicable international agreements
47 pertaining to government procurement.

48 2. Definitions. For the purposes of this section, the following words
49 shall have the following meanings unless specified otherwise:

50 (a) "Public agency" means a governmental entity as that term is
51 defined in section one hundred thirty-nine-j of the state finance law.

52 (b) "Windows produced or made in whole or in part in North America"
53 means the total value, in United States dollars, of the fabrication
54 materials, extrusions, components, hardware, and labor sourced, manufac-
55 tured, and/or performed in North America equals or exceeds seventy-five

1 percent of the total value of all materials, extrusions, components,
2 hardware, and labor for the finished window.

3 (c) "United States" means the United States of America and includes
4 all territory, continental or insular, subject to the jurisdiction of
5 the United States.

6 (d) "North America" means the United States, Canada and Mexico.

7 § 4. The public authorities law is amended by adding new section
8 2877-b to read as follows:

9 § 2877-b. The New York state buy North American windows act. 1. Use of
10 North American materials. (a) Notwithstanding any other provision of
11 law, when soliciting a contract for the purchase of windows, any public
12 authority shall award such contract to the responsible and reliable
13 bidder offering to supply windows produced or made in whole or substan-
14 tial part in North America when such offer is within twenty-five percent
15 of the lowest price or best value offer, rather than to the lowest
16 responsible and reliable bidder.

17 (b) If it has been determined by a court or federal or state agency
18 that any person intentionally carried out any of the following, then
19 such person shall be ineligible to receive any contract or subcontract
20 with this state pursuant to the debarment or suspension provisions
21 provided under section one hundred thirty-nine-a of the state finance
22 law:

23 (i) affixed a label bearing a "Made in North America" inscription, or
24 any inscription with the same meaning, to any window product used in
25 projects to which this section applies, sold in or shipped to the United
26 States that was not produced or made in whole or substantial part in
27 North America; or

28 (ii) represented that any window product procured in a contract to
29 which this section applies that was not produced or made in whole or in
30 substantial part in North America, was produced or made in whole or in
31 substantial part in North America.

32 (c) This section shall be applied in a manner consistent with the
33 state's obligations under any applicable international agreements
34 pertaining to government procurement.

35 2. Definitions. For the purposes of this section, the following words
36 shall have the following meanings unless specified otherwise:

37 (a) "Public authority" means a state, local or interstate authority as
38 such terms are defined in section two of this chapter.

39 (b) "Windows produced or made in whole or in part in North America"
40 means the total value, in United States dollars, of the fabrication
41 materials, extrusions, components, hardware, and labor sourced, manufac-
42 tured, and/or performed in North America equals or exceeds seventy-five
43 percent of the total value of all materials, extrusions, components,
44 hardware, and labor for the finished window.

45 (c) "United States" means the United States of America and includes
46 all territory, continental or insular, subject to the jurisdiction of
47 the United States.

48 (d) "North America" means the United States, Canada and Mexico.

49 § 5. Article 50 and sections 1000, 1001, 10002, and 1003 of the execu-
50 tive law, as renumbered by chapter 770 of the laws of 1978, are renum-
51 bered to be article 60 and sections 1100, 1101, 1102, and 1103 and a new
52 article 50 is added to read as follows:

53 ARTICLE 50

54 NEW YORK STATE BUY NORTH AMERICAN WINDOWS ACT

55 Section 1010. Statement of purpose.

1 1011. Definitions.

2 1012. Use of American made windows for a covered affordable
3 housing project.

4 § 1010. Statement of purpose. It is the purpose of this article to
5 encourage and promote the purchase of North American made windows for
6 covered affordable housing projects paid for in whole or in part out of
7 public funds.

8 § 1011. Definitions. For purposes of this article, the following terms
9 shall have the following meanings:

10 1. "Covered affordable housing project" shall mean construction work
11 done under contract for an affordable housing project which is paid for
12 in whole or in part out of public funds, as such term is defined in this
13 section, where the amount of all such public funds, when aggregated, is
14 at least thirty percent of the total construction project costs and
15 where such project costs are over five million dollars.

16 2. "Paid for in whole or in part out of public funds" shall mean any
17 of the following:

18 (a) the payment of money, by a public entity, or a third party acting
19 on behalf of and for the benefit of a public entity, directly to or on
20 behalf of a contractor, subcontractor, developer or owner that is not
21 subject to repayment;

22 (b) the savings achieved from fees, rents, interest rates, or other
23 loan costs, or insurance costs that are lower than market rate costs;
24 savings from reduced taxes as a result of tax credits, tax abatements,
25 tax exemptions or tax increment financing; savings from payments in lieu
26 of taxes; and any other savings from reduced, waived, or forgiven costs
27 that would have otherwise been at a higher or market rate but for the
28 involvement of a public entity;

29 (c) money loaned by a public entity that is to be repaid on a contin-
30 gent basis; or

31 (d) credits that are applied by a public entity against repayment of
32 obligations to such public entity.

33 3. "Windows produced or made in whole or in part in North America"
34 means the total value, in United States dollars, of the fabrication
35 materials, extrusions, components, hardware, and labor sourced, manufac-
36 tured, and/or performed in North America equals or exceeds seventy-five
37 percent of the total value of all materials, extrusions, components,
38 hardware, and labor for the finished window.

39 4. "United States" means the United States of America and includes all
40 territory, continental or insular, subject to the jurisdiction of the
41 United States.

42 5. "North America" means the United States, Canada and Mexico.

43 § 1012. Use of American made windows for a covered affordable housing
44 project. 1. Notwithstanding any other provision of law, any owner,
45 developer, contractor or subcontractor when soliciting a contract for
46 the purchase of windows produced or made in whole or in substantial part
47 in North America for a covered affordable housing project as defined in
48 section one thousand eleven of this article, shall award such contract
49 to the responsible and reliable bidder offering to supply windows
50 produced or made in whole or substantial part in North America when such
51 offer is within twenty-five percent of the lowest price or best value
52 offer, rather than to the lowest and reliable bidder.

53 2. If it has been determined by a court or federal or state agency
54 that any person intentionally carried out any of the following, then
55 such person shall be ineligible to receive any contract or subcontract
56 with this state pursuant to the debarment or suspension provisions

1 provided under section one hundred thirty-nine-a of the state finance
2 law:

3 (a) affixed a label bearing a "Made in North America" inscription, or
4 any inscription with the same meaning, to any window product used in
5 projects to which this section applies, sold in or shipped to the United
6 States that was not produced or made in whole or substantial part in
7 North America; or

8 (b) represented that any window product procured in a contract to
9 which this section applies that was not produced or made in whole or in
10 substantial part in North America, was produced or made in whole or in
11 substantial part in North America.

12 3. This section shall be applied in a manner consistent with the
13 state's obligations under any applicable international agreements
14 pertaining to government procurement.

15 § 6. This act shall take effect on the one hundred eightieth day after
16 it shall have become a law.