

# STATE OF NEW YORK

10881

## IN ASSEMBLY

April 8, 2026

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

AN ACT to amend the state finance law, in relation to providing increased accountability where it concerns contract decisions; and to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof

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

1 Section 1. Paragraph c of subdivision 1 of section 163 of the state  
2 finance law, as amended by chapter 137 of the laws of 2008, is amended  
3 to read as follows:

4 c. "Responsible" or "responsibility" means the financial ability,  
5 legal capacity, integrity, security procedures and past performance of a  
6 business entity and as such terms have been interpreted relative to  
7 public procurements.

8 § 2. Paragraphs (c) and (d) of subdivision 6 of section 163 of the  
9 state finance law, paragraph (c) as amended by chapter 110 of the laws  
10 of 2024 and paragraph (d) as amended by section 1 of part MM of chapter  
11 58 of the laws of 2025, are amended to read as follows:

12 (c) state agencies may purchase commodities or services from small  
13 business concerns, or commodities or technology that are recycled or  
14 remanufactured in an amount not exceeding [~~five~~] one hundred thousand  
15 dollars without a formal competitive process;

16 (d) state agencies may purchase commodities or services from those  
17 certified pursuant to article fifteen-A of the executive law and article  
18 three of the veterans' services law in an amount not exceeding [~~one~~  
19 ~~million~~] five hundred thousand dollars without a formal competitive  
20 process; and

21 § 3. Subparagraph (i) of paragraph b and paragraph d of subdivision 10  
22 of section 163 of the state finance law, subparagraph (i) of paragraph b  
23 as amended by chapter 137 of the laws of 2008 and paragraph d as added  
24 by chapter 83 of the laws of 1995, are amended to read as follows:

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

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1 (i) Single or sole source procurements for services or commodities, or  
2 procurements made to meet emergencies arising from unforeseen causes,  
3 may be made without a formal competitive process and shall only be made  
4 under [~~unusual circumstances~~] a declaration of a disaster emergency  
5 pursuant to section twenty-eight of the executive law and shall include  
6 a determination by the [~~commissioner or the~~] state [~~agency~~] comptroller  
7 that the specifications or requirements for said purchase have been  
8 designed in a fair and equitable manner. The purchasing agency shall  
9 document in the procurement record, subject to review by the state comp-  
10 troller, the bases for a determination to purchase from a single source  
11 or sole source, or the nature of the emergency giving rise to the  
12 procurement.

13 d. It shall be in the discretion of the commissioner [~~or~~], state agen-  
14 cy, state comptroller or governor to require a bond or other guarantee  
15 of performance, and to approve the amount, form and sufficiency thereof.

16 § 4. Subparagraphs (xii) and (xiii) of paragraph b of subdivision 14  
17 of section 163 of the state finance law, as added by chapter 317 of the  
18 laws of 2014, are amended and a new subparagraph (xiv) is added to read  
19 as follows:

20 (xii) number of bids/proposals received by the contracting agency;  
21 [~~and~~]

22 (xiii) subtotals as deemed applicable[~~-~~]; and  
23 (xiv) any relationship pertinent to compliance with section seventy-  
24 four of the public officers law.

25 § 5. Paragraph a of subdivision 15 of section 163 of the state finance  
26 law, as added by chapter 317 of the laws of 2014, is amended to read as  
27 follows:

28 a. State agencies shall report annually, on a fiscal year basis, [~~by~~  
29 ~~July first of~~] no later than sixty days into the ensuing [~~year~~] fiscal  
30 quarter to the state procurement council, the governor, the legislative  
31 fiscal committees and the state comptroller the total number and total  
32 dollar value of single source contracts awarded by the agency during the  
33 fiscal year, and the percentage such contracts represent of the agency's  
34 total number and total dollar value of contract awards during the  
35 reporting period.

36 § 6. Subdivision 5 of section 362 of chapter 83 of the laws of 1995  
37 amending the state finance law and other laws relating to bonds, notes  
38 and revenues, as amended by section 1 of part RR of chapter 55 of the  
39 laws of 2021, is amended to read as follows:

40 5. Sections thirty-one through forty-two of this act shall take effect  
41 on the thirtieth day after it shall have become a law and shall be  
42 deemed to have been in full force and effect on and after April 1, 1995;  
43 provided that section 163 of the state finance law, as added by section  
44 thirty-three of this act shall remain in full force and effect until  
45 June 30, [~~2026~~] 2029 at which time it shall expire and be deemed  
46 repealed. Contracts executed prior to the expiration of such section 163  
47 shall remain in full force and effect until the expiration of any such  
48 contract notwithstanding the expiration of certain provisions of this  
49 act.

50 § 7. This act shall take effect immediately; provided, however, that  
51 the amendments made to section 163 of the state finance law made by  
52 sections one, two, three, four and five of this act shall not affect the  
53 repeal of such section and shall be deemed repealed therewith.