STATE OF NEW YORK

10881--A

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. RAJKUMAR -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraph (i) of paragraph b and paragraph d of subdivision 10 of section 163 of the state finance law, subparagraph (i) of paragraph b as amended by chapter 137 of the laws of 2008 and paragraph d as added by chapter 83 of the laws of 1995, are amended to read as follows:

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

d. It shall be in the discretion of the commissioner [~~or~~]**,** state agency**, state comptroller or governor** to require a bond or other guarantee of performance, and to approve the amount, form and sufficiency thereof.

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

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

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

(xiii) subtotals as deemed applicable[~~.~~]**<u>; and</u>**

<u>(xiv) any relationship pertinent to compliance with section seventy-four of the public officers law.</u>

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

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

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

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

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