

STATE OF NEW YORK

5425--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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 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 act. 1. Use of North
6 American materials. (a) Notwithstanding any other provision of law, when
7 soliciting a contract for the purchase of manufactured products used in
8 building projects, including but not limited to plumbing fixtures,
9 flooring, lumber, exterior windows, exterior doors and facades, any
10 department or agency of the state shall award such contract to the
11 responsible and reliable bidder offering to supply manufactured products
12 used in building projects produced or made in whole or substantial part
13 in North America when such offer is within ten percent of the lowest
14 price or best value offer, rather than to the lowest responsible and
15 reliable bidder.

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

21 (i) affixed a label bearing a "Made in North America" inscription, or
22 any inscription with the same meaning, to any manufactured product used
23 in building projects to which this section applies, sold in or shipped

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

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1 to the United States that was not produced or made in whole or substan-
2 tial part in North America; or

3 (ii) represented that any manufactured product used in building
4 projects procured in a contract to which this section applies that was
5 not produced or made in whole or in substantial part in North America,
6 was produced or made in whole or in substantial part in North America.

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

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

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

14 (b) "Manufactured products used in building projects produced or made
15 in whole or in part in North America" means the total value, in United
16 States dollars, of the fabrication materials, extrusions, components,
17 hardware, and labor sourced, manufactured, and/or performed in North
18 America equals or exceeds seventy-five percent of the total value of all
19 materials, extrusions, components, hardware, and labor for the finished
20 manufactured products used in building projects.

21 (c) "United States" means the United States of America and includes
22 all territory, continental or insular, subject to the jurisdiction of
23 the United States.

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

25 § 3. The general municipal law is amended by adding a new section
26 104-e to read as follows:

27 § 104-e. The New York state buy North American act. 1. Use of North
28 American materials. (a) Notwithstanding any other provision of law, when
29 soliciting a contract for the purchase of manufactured products used in
30 building projects, including but not limited to plumbing fixtures,
31 flooring, lumber, exterior windows, exterior doors and facades, any
32 department or agency of a political subdivision shall award such
33 contract to the responsible and reliable bidder offering to supply manu-
34 factured products used in building projects produced or made in whole or
35 substantial part in North America when such offer is within ten percent
36 of the lowest price or best value offer, rather than to the lowest
37 responsible and reliable bidder.

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

44 (i) affixed a label bearing a "Made in North America" inscription, or
45 any inscription with the same meaning, to any manufactured product used
46 in building projects to which this section applies, sold in or shipped
47 to the United States that was not produced or made in whole or substan-
48 tial part in North America; or

49 (ii) represented that any manufactured product used in building
50 projects procured in a contract to which this section applies that was
51 not produced or made in whole or in substantial part in North America,
52 was produced or made in whole or in substantial part in North America.

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

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

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

5 (b) "Manufactured products used in building projects produced or made
6 in whole or in part in North America" means the total value, in United
7 States dollars, of the fabrication materials, extrusions, components,
8 hardware, and labor sourced, manufactured, and/or performed in North
9 America equals or exceeds seventy-five percent of the total value of all
10 materials, extrusions, components, hardware, and labor for the finished
11 manufactured product used in building projects.

12 (c) "United States" means the United States of America and includes
13 all territory, continental or insular, subject to the jurisdiction of
14 the United States.

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

16 § 4. The public authorities law is amended by adding a new section
17 2877-b to read as follows:

18 § 2877-b. The New York state buy North American act. 1. Use of North
19 American materials. (a) Notwithstanding any other provision of law, when
20 soliciting a contract for the purchase of manufactured products used in
21 building projects, including but not limited to plumbing fixtures,
22 flooring, lumber, exterior windows, exterior doors and facades, any
23 public authority shall award such contract to the responsible and reli-
24 able bidder offering to supply manufactured products used in building
25 projects produced or made in whole or substantial part in North America
26 when such offer is within ten percent of the lowest price or best value
27 offer, rather than to the lowest responsible and reliable bidder.

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

34 (i) affixed a label bearing a "Made in North America" inscription, or
35 any inscription with the same meaning, to any manufactured product used
36 in building projects to which this section applies, sold in or shipped
37 to the United States that was not produced or made in whole or substan-
38 tial part in North America; or

39 (ii) represented that any manufactured product used in building
40 projects procured in a contract to which this section applies that was
41 not produced or made in whole or in substantial part in North America,
42 was produced or made in whole or in substantial part in North America.

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

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

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

50 (b) "Manufactured products used in building projects produced or made
51 in whole or in part in North America" means the total value, in United
52 States dollars, of the fabrication materials, extrusions, components,
53 hardware, and labor sourced, manufactured, and/or performed in North
54 America equals or exceeds seventy-five percent of the total value of all
55 materials, extrusions, components, hardware, and labor for the finished
56 manufactured product used in building projects.

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

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

5 § 5. Article 50 and sections 1000, 1001, 1002, and 1003 of the execu-
6 tive law, as renumbered by chapter 770 of the laws of 1978, are renum-
7 bered to be article 60 and sections 1100, 1101, 1102, and 1103 and a new
8 article 50 is added to read as follows:

9 ARTICLE 50

10 NEW YORK STATE BUY NORTH AMERICAN ACT

11 Section 1010. Statement of purpose.

12 1011. Definitions.

13 1012. Use of North American made manufactured products used in
14 building projects for a covered affordable housing
15 project.

16 § 1010. Statement of purpose. It is the purpose of this article to
17 encourage and promote the purchase of North American made manufactured
18 products used in building projects for covered affordable housing
19 projects paid for in whole or in part out of public funds.

20 § 1011. Definitions. For purposes of this article, the following terms
21 shall have the following meanings:

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

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

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

34 (b) the savings achieved from fees, rents, interest rates, or other
35 loan costs, or insurance costs that are lower than market rate costs;
36 savings from reduced taxes as a result of tax credits, tax abatements,
37 tax exemptions or tax increment financing; savings from payments in lieu
38 of taxes; and any other savings from reduced, waived, or forgiven costs
39 that would have otherwise been at a higher or market rate but for the
40 involvement of a public entity;

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

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

45 3. "Manufactured products used in building projects produced or made
46 in whole or in part in North America" means the total value, in United
47 States dollars, of the fabrication materials, extrusions, components,
48 hardware, and labor sourced, manufactured, and/or performed in North
49 America equals or exceeds seventy-five percent of the total value of all
50 materials, extrusions, components, hardware, and labor for the finished
51 manufactured product used in building projects.

52 4. "United States" means the United States of America and includes all
53 territory, continental or insular, subject to the jurisdiction of the
54 United States.

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

1 § 1012. Use of North American made manufactured products used in
2 building projects for a covered affordable housing project. 1. Notwith-
3 standing any other provision of law, any owner, developer, contractor or
4 subcontractor when soliciting a contract for the purchase of manufac-
5 tured products used in building projects, including but not limited to
6 plumbing fixtures, flooring, lumber, exterior windows, exterior doors
7 and facades, for a covered affordable housing project as defined in
8 section one thousand eleven of this article, shall award such contract
9 to the responsible and reliable bidder offering to supply manufactured
10 products used in building projects produced or made in whole or substan-
11 tial part in North America when such offer is within ten percent of the
12 lowest price or best value offer, rather than to the lowest and reliable
13 bidder.

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

20 (a) affixed a label bearing a "Made in North America" inscription, or
21 any inscription with the same meaning, to any manufactured product used
22 in building projects to which this section applies, sold in or shipped
23 to the United States that was not produced or made in whole or substan-
24 tial part in North America; or

25 (b) represented that any manufactured product used in building
26 projects procured in a contract to which this section applies that was
27 not produced or made in whole or in substantial part in North America,
28 was produced or made in whole or in substantial part in North America.

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

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