STATE OF NEW YORK

8246

2025-2026 Regular Sessions

IN SENATE

May 27, 2025

Introduced by Sen. MYRIE -- (at request of the State Comptroller) -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to campaign contributions by vendors

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

Section 1. The state finance law is amended by adding a new section 139-m to read as follows:

§ 139-m. Restrictions on vendor contributions. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Procuring entity" shall mean:

(i) any state agency, department, board, bureau, division, commission, committee, council, office, state university of New York, city university of New York, or other governmental entity performing a governmental function for the state; and

(ii) any covered authority, as defined in subdivision six of section two-a of this chapter.

(b) "Vendor" shall mean any natural or legal person, business corporation, public corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association, labor organization, religious corporation, education corporation, or not-for-profit corporation organized under the laws of this state, or any other state or foreign jurisdiction, seeking to enter into a procurement contract with any procuring entity or the legislature, including:

(i) key employees, including officers, members of the board of directors and trustees, and shall include the spouse or domestic partner and any dependent children living in the same household as an individual described in this paragraph;

(ii) any subsidiary, parent corporation, or affiliated company or entity thereof directly or indirectly controlled by the vendor;

(iii) any subcontractor of a vendor; and

(iv) any lobbyist hired by a vendor.

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

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(c) (i) "Restricted period" shall mean the period during which a vendor is prohibited from making a contribution to a statewide elected official, a candidate for a statewide elected office, or their authorized political committee.

(ii) The "restricted period" shall commence the earlier of:

(A) when the vendor engages in lobbying, as defined by subdivision (c) of section one-c of the legislative law, to attempt to influence the results of a procurement;

(B) at the earliest posting, on a procuring entity's website, in a newspaper of general circulation, or written notice in the procurement opportunities newsletter pursuant to article four-C of the economic development law, advertisement or solicitation of a request for proposal, invitation for bids, solicitation of proposals, or any other method provided for by law, regulation, or executive order of the governor pursuant to section twenty-nine-a of the executive law for soliciting a response intending to result in a procurement contract with a procuring entity; or

(C) when the procuring entity engages the vendor for the purpose of entering into a non-competitive procurement contract.

(iii) The "restricted period" shall end either:

(A) where approval by the state comptroller is required:

(1) six months after the final procurement contract award and approval by the state comptroller, for the recipient of the final procurement contract; or

(2) with the final procurement contract award and approval by the state comptroller, for all others; or

(B) where approval by the state comptroller is not required:

(1) six months after the final procurement contract award and execution by the procuring entity, for the recipient of the final procurement contract; or

(2) with the final procurement contract award and execution by the procuring entity, for all others.

(d) "Procurement contract" shall mean a contract or other agreement for an article of procurement valued in excess of fifty thousand dollars, including but not limited to, single or sole source contracts, purchase orders, amendments, extensions, renewals, or change orders to an existing contract (other than amendments, extensions, renewals, or change orders that are authorized pursuant to the contract as it was finally awarded).

(e) "Article of procurement" shall have the same meaning as in section one hundred thirty-nine-j of this article.

2. It shall be unlawful for a vendor to make, either directly or indirectly, any contribution, as defined in section 14-100 of the election law, to a statewide elected official, a candidate for a statewide elected office, or their authorized political committee, during the restricted period. Any contributions received by a candidate, officeholder, or political committee during the restricted period, and prohibited by this section, shall be returned or refunded forthwith.

3. (a) Every procurement contract shall include the following statement certifying that the vendor has not made any contributions to, or solicited any contributions on behalf of, any statewide elected official, any candidate to statewide elected office, or their authorized political committee during the restricted period and as of the date of submission of such statement:

"By submission of this procurement contract, each person signing on behalf of any vendor certifies that the vendor has not made any contrib-

utions to, or solicited any contributions on behalf of, any statewide elected official, any candidate to statewide elected office, or candidate's authorized political committee or any political committee the officeholder or candidate exerts operational control over, during the restricted period and as of the date of submission of this statement."

(b) A procurement contract shall not be considered for award or be made to a vendor who has not complied with this paragraph.

4. (a) Upon notification that a vendor has violated subdivision two of this section or has failed to timely disclose accurate or complete information to a procuring entity pursuant to subdivision three of this section, the vendor shall be presumed to be non-responsible and the procuring entity shall consider this presumption as part of their determination of responsibility pursuant to subdivision nine of section one hundred sixty-three of this chapter.

(b) The procuring entity shall, in its determination of vendor responsibility, notify the vendor of the presumption and provide the vendor with an opportunity to be heard prior to making a final determination of responsibility.

(c) A procuring entity shall not award a procurement contract to a vendor that is found non-responsible pursuant to paragraph (a) of this subdivision unless the procuring entity determines that the award of the procurement contract to the vendor is necessary to protect public property or public health or safety, and that the vendor is the only source capable of supplying the required article of procurement within the necessary timeframe; provided, however, that the procuring entity shall include in the procurement record a statement describing the basis for such a finding.

(d) Any award of a procurement contract subject to the provisions of this section shall contain a provision authorizing the procuring entity to terminate such contract if the statement required pursuant to subdivision three of this section is found to be intentionally false or intentionally incomplete. The procuring entity shall include in the procurement record a statement describing the basis for any action taken pursuant to such termination provision.

5. Notwithstanding the foregoing, the provisions of this section shall not apply to a procurement contract between a procuring entity and a vendor where the procurement contract results from such vendor being designated by the legislature to receive funding for a specific program purpose.

§ 2. Paragraph f of subdivision 9 of section 163 of the state finance law, as amended by chapter 1 of the laws of 2005, is amended to read as follows:

f. Prior to making an award of contract, each state agency shall make a determination of responsibility of the proposed contractor which shall supplement, as appropriate, but not supersede the determination of responsibility that may be required pursuant to [~~section~~] sections one hundred thirty-nine-k and one hundred thirty-nine-m of this chapter.

§ 3. This act shall take effect immediately; provided, however, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall not be subject to the provisions of this act; provided, further, however, that the amendments to subdivision 9 of section 163 of the state finance law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.