

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 contribu-
tions by vendors

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

1 Section 1. The state finance law is amended by adding a new section
2 139-m to read as follows:

3 § 139-m. Restrictions on vendor contributions. 1. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "Procuring entity" shall mean:

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

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

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

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

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

26 (iii) any subcontractor of a vendor; and

27 (iv) any lobbyist hired by a vendor.

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

LBD06337-01-5

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

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

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

9 (B) at the earliest posting, on a procuring entity's website, in a
10 newspaper of general circulation, or written notice in the procurement
11 opportunities newsletter pursuant to article four-C of the economic
12 development law, advertisement or solicitation of a request for
13 proposal, invitation for bids, solicitation of proposals, or any other
14 method provided for by law, regulation, or executive order of the gover-
15 nor pursuant to section twenty-nine-a of the executive law for solicit-
16 ing a response intending to result in a procurement contract with a
17 procuring entity; or

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

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

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

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

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

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

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

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

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

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

42 2. It shall be unlawful for a vendor to make, either directly or indi-
43 rectly, any contribution, as defined in section 14-100 of the election
44 law, to a statewide elected official, a candidate for a statewide
45 elected office, or their authorized political committee, during the
46 restricted period. Any contributions received by a candidate, office-
47 holder, or political committee during the restricted period, and prohib-
48 ited by this section, shall be returned or refunded forthwith.

49 3. (a) Every procurement contract shall include the following state-
50 ment certifying that the vendor has not made any contributions to, or
51 solicited any contributions on behalf of, any statewide elected offi-
52 cial, any candidate to statewide elected office, or their authorized
53 political committee during the restricted period and as of the date of
54 submission of such statement:

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

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

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

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

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

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

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

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

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

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

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