

STATE OF NEW YORK

8385

2025-2026 Regular Sessions

IN SENATE

June 6, 2025

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

AN ACT to amend the state finance law and the public authorities law, in
relation to protest procedures

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

1 Section 1. Subdivision 1 of section 163 of the state finance law is
2 amended by adding six new paragraphs l, m, n, o, p and q to read as
3 follows:

4 l. "Bidder" means an individual, entity or other offeror submitting a
5 response to a solicitation by a state agency, as defined in this chap-
6 ter.

7 m. "Contract award" means a written determination from a state agency
8 to a bidder indicating that the state agency has selected a particular
9 bidder under the procurement process.

10 n. "Interested party" means a participant in the procurement process,
11 and those who can establish that their participation in the procurement
12 process was foreclosed by the actions of the state agency and have
13 suffered harm as a result of the manner in which the procurement was
14 conducted.

15 o. "Protest" means a written challenge by an interested party of a
16 contract award by a state agency.

17 p. "Solicitation" means a document issued by a state agency, request-
18 ing a response to a procurement need, including an invitation for bids,
19 a request for proposals, or another written method of seeking a bid or a
20 proposal for a specified purpose.

21 q. "Protest procedure" means the guidance developed and implemented by
22 every state agency pursuant to the provisions of this section to govern
23 the protest of a contract award.

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

LBD06355-01-5

§ 2. Section 163 of the state finance law is amended by adding a new subdivision 16 to read as follows:

16. State agency protest. Every state agency shall make available protest procedures to interested parties and provide notice of their protest procedures in solicitation documents, and all bidders shall be given written notice of the contract award. At a minimum, protest procedures shall include:

a. the form and manner for submission of a bid protest;

b. the deadline for submission of a bid protest; which shall be either ten business days from notice of the contract award or five business days from the debriefing, whichever is later;

c. the manner in which the bid protest will be resolved, and a determination will be issued; and

d. a retention policy for all records related to bid protests.

§ 3. Subdivision 9 of section 2879 of the public authorities law, as renumbered by chapter 844 of the laws of 1992, is renumbered subdivision 10 and a new subdivision 9 is added to read as follows:

9. (a) In addition to the procurement contract guidelines required by this section, every corporation shall make available protest procedures to interested parties and provide notice of their protest procedures in solicitation documents, and all bidders shall be given written notice of the contract award. At a minimum, protest procedures shall include:

(i) the form and manner for submission of a bid protest;

(ii) the deadline for submission of a bid protest; which shall be either ten business days from notice of the contract award or five business days from the debriefing, whichever is later;

(iii) the manner in which the bid protest will be resolved, and a determination will be issued; and

(iv) a retention policy for all records related to bid protests.

(b) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "Bidder" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

(ii) "Contract award" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

(iii) "Interested party" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

(iv) "Protest" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

(v) "Solicitation" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

(vi) "Protest procedure" shall have the same meaning as defined in section one hundred sixty-three of the state finance law.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.