

Annual Report 2023



New York State Senate Standing Committee on Procurement and Contracts

Senator Jeremy A. Cooney

Chair



Senator Andrea Stewart-Cousins
President Pro Tempore
NYS Senate Majority Leader

**THE SENATE
STATE OF NEW YORK**



**SENATOR
JEREMY A. COONEY
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Chair
Procurement and Contracts Committee
Cannabis Subcommittee

Committees
Commerce, Economic Development
and Small Business

Cultural Affairs, Tourism,
Parks and Recreation

Ethics and Internal Governance

Finance

Insurance

Transportation

December 15, 2023

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Dear Majority Leader Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Procurement and Contracts for the 2023 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction, such as improving governmental transparency, supporting MWBEs and small businesses, and promoting more environmentally sustainable procurement and contracting processes.

During the 2023 Session, this Committee met four times and reported 32 bills. In addition, the Committee participated in the Finance Committee budget hearings and reviewed all 67 bills assigned to the Committee.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the Committee this year, and I thank you for the continued support from the Majority Conference in establishing this Committee and in its operations.

Sincerely,

A handwritten signature in blue ink that reads "Jeremy A. Cooney".

Jeremy A. Cooney
New York State Senator, 56th District

2023 LEGISLATIVE SESSION REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON PROCUREMENT AND CONTRACTS

Senator Jeremy A. Cooney, Chairperson

COMMITTEE MEMBERS

MAJORITY MEMBERS

Senator Kristen Gonzalez
Senator James Sanders Jr.
Senator Toby Ann Stavisky
Senator Lea Webb

MINORITY MEMBERS

Senator Jack M. Martins
Senator Robert G. Rolison

COMMITTEE STAFF

David Gordon – Legislative Director & Counsel, Committee Clerk
Katie Kreutter – Legislative Analyst

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Procurement and Contracts has legislative oversight responsibilities for issues concerning procurement and contracting actions including competitive bidding, procurement lobbying, preferred source, as well as minority and women-owned business enterprises (MWBES).

During the 2023 Legislative Session, sixty-seven bills were referred to the Committee for its review. Of these bills, thirty-two were reported from the Committee, and ten passed in both houses. This work was conducted through four committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2023:

- **S.1419** requires agencies to provide unsuccessful bidders who are certified minority and women-owned business enterprises a written statement which includes the reasons for rejection. This will allow MWBEs to improve their bid applications and promote greater MWBE participation in the future.
- **S.4859A** enacts the New York tropical deforestation-free procurement act and establishes the supply chain transparency assistance program, which requires that companies contracting with the state do not contribute to tropical primary forest degradation or deforestation. This would use the power of the state's purse to promote environmental sustainability in tropical ecosystems.
- **S.6941** requires the public posting of certain contracts otherwise subject to prior approval of the comptroller. This would provide transparency during a state of emergency or other suspension of laws, so the public can still review the activity of the state.
- **S.6955** provides that certain purchase contracts to purchase food can be awarded to a qualified bidder who fulfills certain value-based standards. This would provide more flexibility to state and local governments to award contracts to companies that focus on values such as growing local, environmental sustainability, and favoring workers' rights.
- **S.7371** authorizes the Director of the Division of Minority and Women's Business Development and the Mayor of the city of New York to enter into a memorandum of understanding to allow reciprocity between the state and New York City for businesses that are certified as MWBEs. This would streamline the process for MWBEs in NYC to obtain state certification.

TWO HOUSE BILLS

In 2023, 10 of the 67 bills referred to the Standing Committee on Procurement and Contracts passed both houses of the Legislature. Of these bills, the Governor has signed 4 and vetoed 4.

Bill	Sponsor	Summary	Action
S1419	Comrie	Relates to requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection	Vetoed, Memo 98
S1873A	Webb	Relates to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need	Signed, Chapter 700 of 2023
S3605	Webb	Relates to the requirements of the annual report from the division of minority and women's business development	Vetoed, Memo 101
S4859A	Krueger	Enacts the New York tropical deforestation-free procurement act and establishes the supply chain transparency assistance program	On the Governor's Desk
S5664	Kennedy	Relates to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors	Vetoed, Memo 85
S6787	Comrie	Amends chapter 782 of the laws of 2021 establishing a construction industry advisory council on public contracting reform, in relation to the timing of a report and the effectiveness thereof	Signed, Chapter 298 of 2023
S6941	Cooney	Requires the public posting of certain contracts otherwise subject to prior approval of the comptroller	On the Governor's Desk
S7362A	Cooney	Relates to electronic bidding	Signed, Chapter 668 of 2023
S7363A	Cooney	Extends certain provisions of the general municipal law and the local finance law relating to electronic bidding	Signed, Chapter 183 of 2023
S7371	Sanders	Relates to reciprocity between the state and New York City for businesses that are certified as minority and women-owned business enterprises	Vetoed, Memo 97

SUMMARY OF COMMITTEE ACTIVITY

Bill No.	Sponsor	Summary	Significant Action
S499	Stec	Authorizes municipalities to contract for services through contracts let by any other governmental entity	Reported from Committee
S1419	Comrie	Relates to requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection	Vetoed, Memo 98
S1424	Bailey	Directs contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts	Passed Senate
S1535A	Hoylman-Sigal	Requires certain state owned and operated parking facilities to install and maintain charging stations for plug-in electric vehicles	Passed Senate
S1687	Hinchey	Provides a rebuttable presumption relating to certification as a minority and women-owned business enterprise	Passed Senate
S1757	Sanders	Requires contracting agencies to contact minority and women-owned business enterprises when such enterprise is listed on a utilization plan and when a contract is awarded	Reported from Committee
S1873A	Webb	Relates to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need	Signed, Chapter 700 of 2023
S1907	Cooney	Relates to posting the names of individuals who are authorized to sign state contracts	Passed Senate
S2006	Sanders	Relates to participation in state contracts by certified minority and women-owned business enterprises; relates to certain performance and payment bond requirements	Passed Senate
S2689A	Breslin	Relates to the utilization of renewable energy at state-owned facilities in Albany	Reported from Committee
S2850	Breslin	Relates to the purchase of domestically produced personal protective equipment	Reported from Committee
S3125	Hinchey	Establishes procurement goals for New York state food products purchased by state agencies	Passed Senate

S3253	Mannion	Clarifies the eligibility of an employment agency for status as a small business for certain programs	Reported from Committee
S3605	Webb	Relates to the requirements of the annual report from the division of minority and women's business development	Vetoed, Memo 101
S4235	Cleare	Requires state contractors to submit a statement on preventing human trafficking	Passed Senate
S4306	Chu	Prohibits state contracts with contractors who do not provide health insurance which covers supplemental breast cancer screenings	Passed Senate
S4859A	Krueger	Enacts the New York tropical deforestation-free procurement act and establishes the supply chain transparency assistance program	On the Governor's Desk
S4877	Mayer	Relates to the time frame for the implementation of contracts with not-for-profit corporations	Passed Senate
S5175	Gounardes	Exempts the review of certain contracts from suspension of certain laws during a state disaster emergency	Reported from Committee
S5180A	Harckham	Directs state agencies to adopt a sustainability and decarbonization program	Reported from Committee
S5615	Thomas	Relates to procurement requirements for end point device security	Passed Senate
S5664	Kennedy	Relates to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors	Vetoed, Memo 85
S6059	Kennedy	Prohibits broad indemnification by a design professional of a state or local agency or political subdivision involving public work for contracts	Reported from Committee
S6609	Cooney	Relates to the definition of small business for minority group members and women with respect to state contracts	Passed Senate
S6787	Comrie	Amends chapter 782 of the laws of 2021 establishing a construction industry advisory council on public contracting reform, in relation to the timing of a report and the effectiveness thereof	Signed, Chapter 298 of 2023
S6941	Cooney	Requires the public posting of certain contracts otherwise subject to prior approval of the comptroller	On the Governor's Desk

S6942	Cooney	Relates to protest procedures	Passed Senate
S6955	Hinchey	Provides that certain purchase contracts to purchase food can be awarded to a qualified bidder who fulfills certain standards when such bid is not more than 10% higher than the lowest responsible bidder	Passed Senate
S6979A	Cooney	Requires electronic reporting by contractors and sub-contractors for state contracts	Reported from Committee, Passed Assembly
S7362A	Cooney	Relates to electronic bidding	Signed, Chapter 668 of 2023
S7363A	Cooney	Extends certain provisions of the general municipal law and the local finance law relating to electronic bidding	Signed, Chapter 183 of 2023
S7371	Sanders	Relates to reciprocity between the state and New York City for businesses that are certified as minority and women-owned business enterprises	Vetoed, Memo 97



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