

Annual Report 2022



New York State Senate Standing Committee on Procurement and Contracts Senator Elijah Reichlin-Melnick

Chair



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

THE SENATE
STATE OF NEW YORK



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Chair
Procurement and Contracts

Committees
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Education
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Local Government
Transportation
Veterans, Homeland Security
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December 16, 2022

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

Dear Leader Stewart-Cousins:

I am pleased to transmit the second Annual Report of the Senate Standing Committee on Procurement and Contracts for the 2022 Legislative Session. As Chair, I am proud to lead our efforts to address important matters under my committee's jurisdiction, such as improving governmental transparency, supporting MWBE's and promoting more environmentally sustainable procurement and contracting processes. Thank you for your leadership in creating and supporting this important committee.

During the 2022 session, this committee met four times in session and reported twenty-nine bills. Three additional bills were reviewed by the Committee and reported to the Rules 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 the Committee's operations.

Sincerely,

A handwritten signature in black ink that reads 'Elijah Reichlin-Melnick'.

Senator Elijah Reichlin-Melnick
38th Senate District

2022 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON PROCUREMENT AND CONTRACTS**

Senator Elijah Reichlin-Melnick, Chairperson

Committee Members

Senator Leroy Comrie Senator Jeremy Cooney Senator Anna Kaplan Senator James Sanders	Senator George Borrello, Ranking Member Senator Daphne Jordan
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Committee Staff

Amanda Fallon, Committee Director/Clerk

Shannon Owens, Policy Analyst for Committee

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.

During the 2022 Legislative Session, seventy-three (73) bills were referred to the Committee for its review. Of these bills, twenty-nine (29) were reported directly from the Committee and three (3) were discharged to the Committee on Rules. Nineteen (19) were passed by the Senate, and six (6) passed in both houses. This work was conducted through a series of four (4) 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 2022:

- S. 7578C By Senator Mannion to modernize the preferred source program with regard to New Yorkers with Intellectual and Developmental Disabilities
- S. 8446A By Senator Reichlin-Melnick to enact the “*Stop Russian Aggression Act*” which would prohibit the state of New York from contracting with any company doing business with or in Russia.
- S. 8844 By Senator Reichlin-Melnick to address materials cost escalation by providing relief to contractors and subcontractors contracting with New York State who have been significantly impacted by such materials costs.
- S. 9441 By Senator Kennedy to require New York State agencies and authorities to purchase rock salt harvested from American mines.

Bills with a focus on promoting government transparency and equity in contracting:

- S. 2239 By Senator Hoylman to require state contractors to disclose data on employee compensation by gender, race, ethnicity.
- S. 3736 By Senator Comrie to require state agencies to provide prompt written notice to unsuccessful MWBE bidders as to why they were not selected for a bid as well as disclose the successful bidder.
- S. 6626A By Senator Krueger to increase the transparency and flexibility of the state’s procurement process.
- S. 8062 By Senator Reichlin-Melnick to ensure the New York State Comptroller’s authority to review contracts prior to ratification remains intact during a state of emergency that lasts beyond 30-days.
- S. 8086 By Senator Reichlin-Melnick to require the Office of the State Comptroller to conduct a study on all contracts entered into by the Executive or any state agency during the Covid-19 State of Emergency.

Bills with a focus on environmental sustainability and green contracting:

- S. 370A By Senator Hoylman to require all state-owned and operated parking garages and lots that accommodate between 50 and 200 parking spaces to install electric vehicle charging stations.
- S. 5921A By Senator Krueger to enact the New York deforestation-free procurement act to ensure that companies contracting with New York State are not contributing to tropical or boreal intact forest degradation or deforestation directly or through their supply chains.
- S. 8221 By Senator Breslin to require that New York State facilities at the Empire State Plaza complex in Albany shall entirely use renewables for power, heat and cooling.

TWO HOUSE BILLS

In 2022, six of the seventy-three (73) bills referred to the Standing Committee on Procurement and Contracts passed both houses of the Legislature. Of these bills, the Governor has signed four (4), vetoed one (1) and one (1) bill is on the governor's desk awaiting action.

Bill	Sponsor	Summary	Action
S2239	HOYLMAN	Relates to equal pay disclosure with respect to state contracts	Veto 144
S3390A	BAILEY	Relates to minority and women-owned business enterprises post completion certification, duties of the director and creating the minority and women-owned business enterprise fund	Ch. 567 of 2022
S7578C	MANNION	Relates to preferred source status for entities that provide employment to certain persons	Ch. 565 of 2022
S8145	SKOUFIS	Requires the commissioner of the office of general services to compile, make public and keep current certain information about state boards	Ch. 773 of 2022
S8844	REICHLIN-MELNICK	Relates to state construction and commodity contracts	On the Governor's Desk
S9441	KENNEDY	Relates to enacting the New York state buy American salt act	Ch. 729 of 2022

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S370A	HOYLMAN	Requires certain state owned and operated parking garages, open parking lots and other parking facilities to install and maintain charging stations for plug-in electric vehicles	Passed Senate
S541B	KAPLAN	Changes the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency	Passed Senate
S694A	KAPLAN	Relates to the requirements of the annual report from the division of minority and women's business development	Passed Senate
S1826B	SKOUFIS	Requires a call-blocking service to be provided in state contracts that include procurement of a voice service	Passed Senate
S2239	HOYLMAN	Relates to equal pay disclosure with respect to state contracts	Veto 144
S3103B	KAPLAN	Establishes state procurement goals for New York state products throughout state agencies and private entities performing state contracts	Reported to Finance
S3390A	BAILEY	Relates to minority and women-owned business enterprises post completion certification, duties of the director and creating the minority and women-owned business enterprise fund	Ch. 567 of 2022

S3391	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
S3736	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	Passed Senate
S3908A	KENNEDY	Relates to enacting the New York state buy American salt act	Passed Senate, S. 9441 Ch. 729 of 2022
S3919B	SANDERS	Relates to participation in state contracts by certified minority and women-owned business enterprises; relates to certain performance and payment bond requirements	Reported to Finance
S4110A	BRESLIN	Relates to the purchase of domestically produced personal protective equipment	Passed Senate
S4644C	BIAGGI	Relates to guidelines for food and beverages purchased or sold by state agencies	Reported to the Floor
S5304A	REICHLIN-MELNICK	Relates to posting the names of individuals who are authorized to sign state contracts	Passed Senate
S5348	STEC	Authorizes municipalities to contract for services through contracts let by any other governmental entity	Reported to the Floor
S5921A	KRUEGER	Enacts the New York deforestation-free procurement act	Reported to Finance
S6616	SKOUFIS	Establishes the ethical standards for state agency contractors act	Passed Senate

S6626A	KRUEGER	Enacts various provisions relating to procurement procedures	Reported to the Floor
S6808A	HINCHEY	Establishes procurement goals for New York state food products purchased by state agencies	Passed Senate
S7578C	MANNION	Relates to preferred source status for entities that provide employment to certain persons	Ch. 565 of 2022
S8037	REICHLIN-MELNICK	Prohibits state contracts with contractors who do not provide health insurance which covers supplemental breast cancer screenings	Passed Senate
S8061	REICHLIN-MELNICK	Prohibits state contracts with contractors who do not provide health insurance which covers services for transgender, non-binary, and gender expansive people	Passed Senate
S8062	REICHLIN-MELNICK	Exempts the review of certain contracts from suspension of certain laws during a state disaster emergency	Passed Senate
S8080	CLEARE	Requires state contractors to submit a statement on preventing human trafficking	Passed Senate
S8086	REICHLIN-MELNICK	Requires the office of the state comptroller to conduct a study on certain contracts entered into during certain state disaster emergencies	Passed Senate
S8145	SKOUFIS	Requires the commissioner of the office of general services to compile, make public and keep current certain information about state boards	Ch. 773 of 2022
S8174	KAMINSKY	Enacts "The Climate Forward Concrete Leadership Act"	Reported to Finance

S8221	BRESLIN	Relates to the utilization of renewable energy at state-owned facilities in Albany	Reported to Finance
S8446A	REICHLIN-MELNICK	Enacts the "stop Russian aggression act"	Reported to Finance
S8792	MAYER	Relates to the time frame for the implementation of contracts with not-for-profit corporations	Passed Senate
S8844	REICHLIN-MELNICK	Relates to state construction and commodity contracts	On the Governor's Desk
S9441	KENNEDY	Relates to enacting the New York state buy American salt act	Ch. 729 of 2022



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