

Governor Andrew M. Cuomo
NYS State Capitol Building
Albany, NY 12224

Speaker Carl E. Heastie
LOB Room 932
Albany, NY 12248

Senate Majority Leader Andrea
Stewart-Cousins
188 State Street Room 907
Legislative Office Building
Albany, NY 12247

Re: Please put Comptroller pre-audit and Database of Deals into law

Dear Governor Cuomo, Speaker Heastie, and Senate Majority Leader Stewart-Cousins:

We are pleased progress has been made on needed contracting reforms in the past month. **We encourage you to codify the emerging consensus on clean contracting oversight and transparency in statute (the Article VII bills) as part of the Fiscal Year 2019-2020 budget.**

Governor Cuomo announced during his budget presentation that he and Comptroller Tom DiNapoli had agreed to restore the comptroller's authority to review contracts before they are executed. The section of the State Operations appropriation bill that funds the Comptroller includes a provision allowing the Comptroller to pre-audit SUNY and CUNY contracts including construction, commodities, computer equipment and printing valued in excess of \$250,000. It also permits the Comptroller to pre-audit SUNY Research Foundation contracts above \$1 million and Office of General Services' contracts above \$85K. The Comptroller must complete the pre-audit process within 30 days of submission of the contract. Because it is written in the operating part of the budget, this language would only be in effect for one year. It should be made permanent. The State Operations appropriations bill similarly enables the Department of Economic Development to create an online Database of Deals for economic development projects.

[S.3984-A/A.6355-A](#) of 2018 (the Comptroller's Procurement Integrity Act) provides a model for amending state law to integrate the changes agreed to by the Governor and Comptroller. There are also several sections of this bill which are also worth considering and not part of the announced agreement or in the appropriations bills. We urge you to consider codifying:

- requiring authorities to follow procurement rules of state agencies
- restricting authorities from contracting with nonprofits for procurement purposes

- requiring non-competitive contract opportunities be published in the NYS Contract Reporter before they are awarded

[A.8175-A/S.6613-B](#) of 2018 (and also [A.2334 of 2019](#)) provides a model for statutory change to create a Database of Deals. The very similar bills were also in the budget resolutions last year of the Assembly and Senate. The language in the appropriations bill in this year's Executive Budget does not contain any requirements for the design and functionality of the Database of Deals, nor does it specify tracking or publication of different types of jobs created or retained or the variety of business subsidies received. In particular, we ask that you put into law uniform definitions of different types of jobs that allows for apples to apples comparisons between the cost per job of various business subsidy programs. We view the uniform definition of job as one of the most important aspects of the legislature's Database of Deals bills.

We urge the Governor to put the agreement with Comptroller DiNapoli and the Database of Deals in the Transportation, Economic Development and Environmental Conservation (TED) Article VII bill as part of the 30-day budget amendments. The Assembly and Senate should also include these important reforms in their budget resolutions. Lastly, while the Governor spoke of a proposal to require contractors, vendors and grantees with state agencies to certify no collusion or conflicts of interest occurred in state bidding, and disclose family, financial, employment relationships with state employees, this proposal does not appear to be in any of the budget bills.¹

Putting these worthy proposals in the Article VII bills which amend state law as part of the 30-day budget amendments and budget resolutions will allow stakeholders to weigh in on statutory language, en route to codifying these worthy reforms in the FY2019-2020 budget.

Sincerely,

Susan Lerner
Executive Director
Common Cause

David J. Friedfel
Director of State Studies
Citizens Budget Commission

¹ Governor Andrew Cuomo State of the State Book, Available at: <https://www.scribd.com/document/397531730/2019StateoftheStateBook-2>, pgs 249-250

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