



MEMO OF SUPPORT

S9171 (Cooney) / A10281 (Solages)

*Requires information about contracts exempted from
OSC oversight to be published*

August 12, 2024

TITLE OF BILL

An act to amend the state finance law, in relation to requiring the public posting of certain contracts otherwise subject to prior approval of the comptroller.

STATEMENT OF SUPPORT

Our groups support ensuring that the State Comptroller has full power to oversee state contracts. We have successfully fought to restore certain oversight powers to the Comptroller that have been [taken away by law](#) or [proposed to be removed during the budget process](#).

Current law allows the Governor to exempt comptroller review through emergency orders, or the Governor and Legislature to pass budget legislation that exempts comptroller review for certain state spending.

This legislation would better let the public see how the state is spending taxpayer money by requiring state agencies to publish online information about all contracts that are exempt from the Comptroller's oversight. Much of this exempt spending occurs during emergencies, when there is less accountability of governmental activities. Agencies would also have to publish information explaining why the contract is exempt and, for noncompetitive contracts, explain why competitive bidding was not used. This will provide greater transparency of state spending, allowing more public scrutiny and accountability.

We urge the Governor to sign the bill with no changes other than a correction to clarify that “contract terms” (§149(2)(ii)(c)) should read “contract term.”

SUMMARY OF PROVISIONS

Section 1 of this bill amends the State Finance Law by adding a new section 149 to define “emergency contracts” and “exempted contracts.” Emergency or exempted contracts include those otherwise subject to review by the State Comptroller under Section 112 of the State Finance Law, Section 2879-A of the Public Authorities Law, or any other provision of law, but suspended by either emergency order or law.

It also requires information about all emergency and exempted contracts to be published on the contracting entity’s website with:

- the relevant emergency declaration or provision of law suspending or exempting prior Comptroller review;
- a brief description of the contract, including the amount of the contract; the name of the vendor(s); the contract term; what is being provided by the contract; and, if the contract is an emergency contract; a statement explaining how the contract relates to the declared state disaster emergency; and
- whether the contract was chosen on a competitive basis, and, if not, an explanation of why a competitive process was not undertaken.

A provision states that this section cannot be suspended, modified, or altered by the Governor during a state disaster emergency pursuant to section twenty-nine-a of the executive law.

Section 2 states that the bill takes effect 30 days after becoming law.