

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 135

N.Y. State Finance Law Section 135

Separate specifications for contract work for the state

Except as otherwise provided in [Labor Law § 222 \(Project labor agreements\)](#), every officer, board, department, commission or commissions, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction or alteration of buildings, for the state, when the entire cost of such work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, must have prepared separate specifications for each of the following three subdivisions of the work to be performed:

1.

Plumbing and gas fitting.

2.

Steam heating, hot water heating, ventilating and air conditioning apparatus.

3.

Electric wiring and standard illuminating fixtures. Such specifications must be so drawn as to permit separate and independent bidding upon each of the above three subdivisions of work. All contracts hereafter awarded by the state or a department, board, commissioner or officer thereof, for the erection, construction or alteration of buildings, or any part thereof, shall award the three subdivisions of the above specified work separately to responsible and reliable persons, firms or corporations engaged in these classes of work. A contract for one or more buildings in any project shall be awarded to the lowest responsible bidder for all the buildings included in the specifications. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for:

(a)

plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of [Labor Law § 222 \(Project labor agreements\)](#), or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award. Nothing in this section shall be construed to prevent the authorities in charge of any state building, from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the incarcerated individuals thereof.

Source: Section 135 – Separate specifications for contract work for the state, <https://www.nysenate.gov/legislation/laws/STF/135> (updated Aug. 13, 2021; accessed Apr. 19, 2025).

[135](#)

[Separate specifications for contract work for the state 135–A](#)

[Definitions 136](#)

[Contracts in pursuance of appropriations 136–A](#)

[Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B](#)

[Selection of underwriters by state agencies 136–C](#)

[Contracts for employee training and organizational development services 136–D](#)

[Contracts involving industrial painting and industrial coatings 136–D*2](#)

[Contracts involving low embodied carbon concrete 137](#)

[Bond to secure payment of certain claims arising from a public improvement 138](#)

[State contracts not to be assigned without consent 138–A](#)

[Commencement of actions on state public works contracts 139](#)

[Retained percentages 139–A](#)

[Ground for cancellation of contract by state 139–B](#)

[Disqualification to contract with state 139–C](#)

[Removal of disqualification of public contractors by petition 139–D](#)

[Statement of non-collusion in bids to the state 139–E](#)

[Security bonds 139–F](#)

[Payment on public work projects 139–G](#)

[Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H](#)

[Participation in an international boycott prohibited 139–I](#)

[Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J](#)

[Restrictions on contacts during the procurement process 139–K](#)

[Disclosure of contacts and responsibility of offerers 139–L](#)

[Statement on sexual harassment, in bids 140](#)

[Disposition of deposit accompanying bid 141](#)

[Claims against contractors 142](#)

[Workmen's compensation insurance on public works 143](#)

[Deposits on plans and specifications for contracts for public work 144](#)

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Aug. 13, 2021

§ 135's source at [nysenate.gov](#)

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_135

Original Source: Section 135 – Separate specifications for contract work for the state, <https://www.nysenate.gov/legislation/laws/STF/135> (last accessed Aug. 20, 2023).

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 135](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. [!\[\]\(065aacad479feea1b3f501fa02b79a7a_img.jpg\)](#)
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 135-A

N.Y. State Finance Law Section 135-A Definitions

As used in this chapter, unless otherwise indicated, the term “small business concern” shall mean a business which is resident in this state, independently owned and operated, not dominant in its field and employs one hundred or less persons. [♂](#)

Source: Section 135-A – Definitions, <https://www.nysenate.gov/legislation/laws/STF/135-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

[135](#)

[Separate specifications for contract work for the state 135–A](#)

[Definitions 136](#)

[Contracts in pursuance of appropriations 136–A](#)

[Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B](#)

[Selection of underwriters by state agencies 136–C](#)

[Contracts for employee training and organizational development services 136–D](#)

[Contracts involving industrial painting and industrial coatings 136–D*2](#)

[Contracts involving low embodied carbon concrete 137](#)

[Bond to secure payment of certain claims arising from a public improvement 138](#)

[State contracts not to be assigned without consent 138–A](#)

[Commencement of actions on state public works contracts 139](#)

[Retained percentages 139–A](#)

[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 135-A's source at [nysenate.gov](#)

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_135-a

Original Source: Section 135-A – Definitions, <https://www.nysenate.gov/legislation/laws/STF/135-A> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 135-A](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136

N.Y. State Finance Law Section 136

Contracts in pursuance of appropriations

A contract or contracts made in pursuance of an appropriation by the state for a specific object shall be for the completion of the work contemplated by the appropriation, and in the aggregate shall not exceed the amount of such appropriation. A contract for a part of such work shall not be binding upon the state until contracts are also made covering the entire work contemplated by such appropriation, except that, (a) upon certification by the agency having jurisdiction to the state comptroller that sufficient appropriations remain for completion of the entire work contemplated, preliminary work such as site preparation and infrastructure work may be commenced for a project where the timeliness thereof is of the essence and the director of the budget certifies to such need and to the availability of appropriations, and except (b) where it is expressly provided by such appropriation that a part of the work may be done by day's labor. Except as provided in [Highway Law § 38 \(Contracts for construction or improvement of highways\)](#), every such contract shall be accompanied by a bond for the completion of the work, specified in the contract, within the amount stipulated therein, which bond shall be filed in the office of the state comptroller. 

Source: Section 136 – Contracts in pursuance of appropriations, <https://www.nysenate.gov/legislation/laws/STF/136> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

[Contracts for employee training and organizational development services](#) 136–D
[Contracts involving industrial painting and industrial coatings](#) 136–D*2
[Contracts involving low embodied carbon concrete](#) 137
[Bond to secure payment of certain claims arising from a public improvement](#) 138
[State contracts not to be assigned without consent](#) 138–A
[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 136's source at nysenate.gov

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136

Original Source: Section 136 – Contracts in pursuance of appropriations, <https://www.nysenate.gov/legislation/laws/STF/136> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136](#)

Do you have an opinion about this solution? [Drop us a line.](#)



- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136-A

N.Y. State Finance Law Section 136-A

Contracts for architectural, engineering, geological, landscape architecture and surveying services

1.

As used in this section: the term “professional firm” shall be defined as any individual or sole proprietorship, partnership, corporation, association or other legal entity permitted by law to practice the professions of architecture, engineering, geology, landscape architecture or surveying. The term “state department” shall be defined as those state government departments, divisions or commissions empowered by the state to enter into contractual agreements on behalf of the state of New York.

2.

It is the policy of New York state to negotiate contracts for architectural and/or engineering services and/or geological and/or landscape architecture and/or surveying services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable fees.

3.

In the procurement of architectural, engineering, geological, landscape architecture and surveying services, the requiring state department shall encourage professional firms engaged in the lawful practice of the profession to submit an annual statement of qualifications and performance data. The requiring state department for each proposed project shall evaluate current statements of qualifications and performance data on file with the department. If desired, the requiring state department may conduct discussions with three or more professional firms regarding anticipated design concepts and proposed methods of approach to the assignment. The state department shall select, in order of preference, based upon criteria established by the requiring state department, no less than three professional firms deemed to be the most highly qualified to provide the services required.

4.

The requiring state department shall negotiate a contract with the highest qualified professional firm for architectural and/or engineering services and/or geological service and/or landscape architecture and/or surveying services at compensation which the department determines in writing to be fair and reasonable to the state of New York. In making this decision, the department shall take into account the estimated value of the services to be rendered, including the costs, the scope, complexity, and professional nature thereof. The department shall not refuse to negotiate with a professional firm solely because the ratio of the “allowable indirect costs” to direct labor costs of the professional firm or the hourly labor rate in any labor category of the professional firm exceeds a limitation generally set by the department in the determination of the reasonableness of the estimated cost of services to be rendered by the professional firm, but rather the department should also consider the reasonableness of cost based on the total estimated cost of the service of the professional firm which should include, among other things, all the direct labor costs of the professional firm for such services plus all “allowable indirect costs,” other direct costs, and negotiated profit of the professional firm. “Allowable indirect costs” of a professional firm are defined as those costs generally associated with overhead which cannot be specifically identified with a single project or contract and are considered reasonable and allowable under specific state contract or allowability limits. Should the requiring state department be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee the department determines to be fair and reasonable to the state of New York, negotiations with that professional firm shall be formally terminated. The requiring state department shall then undertake negotiations with the second most qualified professional firm. Failing accord with the second most qualified professional firm, the department shall formally terminate negotiations. The requiring state department shall then undertake negotiations with the third most qualified professional firm. Should the requiring state department be unable to negotiate a satisfactory contract with any of the selected professional firms, it shall select additional professional firms in order of their competence and qualification and it shall continue negotiations in accordance with this section until an agreement is reached.

5.

This legislation shall only apply to engineering and/or architectural services and/or geological and/or landscape architecture and/or surveying services in excess of twenty-five thousand dollars.

Source: Section 136-A – Contracts for architectural, engineering, geological, landscape architecture and surveying services, <https://www.-nysenate.gov/legislation/laws/STF/136-A> (updated Feb. 22, 2019; accessed Apr. 19, 2025).

[Definitions](#) 136

[Contracts in pursuance of appropriations](#) 136–A

[Contracts for architectural, engineering, geological, landscape architecture and surveying services](#) 136–B

[Selection of underwriters by state agencies](#) 136–C

[Contracts for employee training and organizational development services](#) 136–D

[Contracts involving industrial painting and industrial coatings](#) 136–D*2

[Contracts involving low embodied carbon concrete](#) 137

[Bond to secure payment of certain claims arising from a public improvement](#) 138

[State contracts not to be assigned without consent](#) 138–A

[Commencement of actions on state public works contracts](#) 139

[Retained percentages](#) 139–A

[Ground for cancellation of contract by state](#) 139–B

[Disqualification to contract with state](#) 139–C

[Removal of disqualification of public contractors by petition](#) 139–D

[Statement of non-collusion in bids to the state](#) 139–E

[Security bonds](#) 139–F

[Payment on public work projects](#) 139–G

[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H

[Participation in an international boycott prohibited](#) 139–I

[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J

[Restrictions on contacts during the procurement process](#) 139–K

[Disclosure of contacts and responsibility of offerers](#) 139–L

[Statement on sexual harassment, in bids](#) 140

[Disposition of deposit accompanying bid](#) 141

[Claims against contractors](#) 142

[Workmen's compensation insurance on public works](#) 143

[Deposits on plans and specifications for contracts for public work](#) 144

[Opening and reading of bids for contracts for public work](#) 145

[Acceptance of final payment under a state contract](#) 146

[Certain construction contracts involving steel](#) 147

[Mentor-protege program](#) 148

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Feb. 22, 2019

§ 136-A's source at nysenate.gov

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136-a

Original Source: Section 136-A — Contracts for architectural, engineering, geological, landscape architecture and surveying services, <https://www.nysenate.gov/legislation/laws/STF/136-A> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136-A](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136-B

N.Y. State Finance Law Section 136-B

Selection of underwriters by state agencies

Whenever a state agency, as defined in article fifteen-A of the executive law, sells its bonds, notes or other securities at a private sale, in selecting one or more underwriters to purchase such securities the state agency shall consider, among other things, the participation of firms certified pursuant to such article as minority or women-owned firms and the ability of other firms under consideration to work with minority and women-owned business enterprises so as to promote and assist participation by such enterprises. * NB Repealed July 1, 2025 

Source: Section 136-B – Selection of underwriters by state agencies, <https://www.nysenate.gov/legislation/laws/STF/136-B> (updated May 3, 2024; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen’s compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

May 3, 2024

§ 136-B’s source at nysenate.gov

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136-b

Original Source: Section 136-B – Selection of underwriters by state agencies, <https://www.nysenate.gov/legislation/laws/STF/136-B> (last accessed May 4, 2024).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136-B](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136-C

N.Y. State Finance Law Section 136-C

Contracts for employee training and organizational development services

The director of employee relations is hereby authorized to enter into contracts for use by all state departments and agencies for services to support employee training and organizational development initiatives. Pursuant to procedures developed by the director of employee relations in consultation with the state comptroller, agencies shall be permitted to access such contracts directly in a manner similar to that used for centralized commodity contracts let by the commissioner of general services pursuant to [State Finance Law § 163 \(Purchasing services and commodities\)](#). Nothing contained herein shall preclude the director of employee relations from adherence to New York state bidding requirements or any other law, rule or regulation governing the purchase of consultant services. Further, nothing contained herein shall restrict or preclude state departments or agencies from procuring such training and organizational development services directly without consideration of contracts let by the director of employee relations. ☝

Source: Section 136-C – Contracts for employee training and organizational development services, <https://www.nysenate.gov/legislation/laws/STF/136-C> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

[Contracts involving industrial painting and industrial coatings](#) 136–D*2
[Contracts involving low embodied carbon concrete](#) 137
[Bond to secure payment of certain claims arising from a public improvement](#) 138
[State contracts not to be assigned without consent](#) 138–A
[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 136-C's source at nysenate.gov

Link Style

Pragmatic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136-c

Original Source: Section 136-C – Contracts for employee training and organizational development services, <https://www.nysenate.gov/legislation/laws/STF/136-C> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136-C](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136-D

N.Y. State Finance Law Section 136-D

Contracts involving industrial painting and industrial coatings

1.

Any state agency contract for the application of industrial painting or industrial coating shall include provisions regarding contractor, subcontractor and worker certification as follows:

a.

Contractors and subcontractors doing work involving industrial painting and industrial coating shall certify that all work completed meets the minimum standards established under this section by the office of general services regarding industrial painting and industrial coating.

b.

Contractors and subcontractors doing work involving industrial painting and industrial coating that require the disturbance of lead-based paint or other hazardous materials shall certify that all work conducted on the project meets the minimum standards established under this section by the office of general services.

2.

Any certifications required by this section shall be kept current for the duration of the contract.

3.

The office of general services shall establish guidelines concerning the procurement of industrial paints and industrial coatings as well as the qualifications required for the application of industrial paints and industrial coatings by contractors and subcontractors pursuant to [§ 163 \(Purchasing services and commodities\)](#). Such guidelines shall implement a certification process with minimum standards for contractors and subcontractors to file with the contracting agency upon completion of a project. When establishing guidelines related to industrial paints and industrial coatings, the office shall consider industry standards set forth by the Association for Materials Protection and Performance (AMPP) or other similar associations that set industry standards for protective coatings and shall consult with affected contractors and subcontractors to consider environmental impact as well as the impact on public health and safety. The office of general services shall establish contractor and subcontractor requirements for employees working on industrial painting and industrial coating projects including, but not limited to, requiring specific trainings or certifications for individual employees.

4.

As used in this section, the term “state agency” shall mean the same as defined in [§ 160 \(Definitions\)](#). * NB There are 2 § 136-d's

Source: Section 136-D – Contracts involving industrial painting and industrial coatings, <https://www.nysenate.gov/legislation/laws/STF/136-D> (updated May 20, 2022; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state [135–A](#)

Definitions [136](#)

Contracts in pursuance of appropriations [136–A](#)

Contracts for architectural, engineering, geological, landscape architecture and surveying services [136–B](#)

Selection of underwriters by state agencies [136–C](#)

Contracts for employee training and organizational development services [136–D](#)

Contracts involving industrial painting and industrial coatings [136–D*2](#)

Contracts involving low embodied carbon concrete [137](#)

Bond to secure payment of certain claims arising from a public improvement [138](#)

State contracts not to be assigned without consent [138–A](#)

Commencement of actions on state public works contracts [139](#)

Retained percentages [139–A](#)

Ground for cancellation of contract by state [139–B](#)

Disqualification to contract with state [139–C](#)

Removal of disqualification of public contractors by petition [139–D](#)

Statement of non-collusion in bids to the state [139–E](#)

Security bonds [139–F](#)

[Payment on public work projects](#) 139–G

[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H

[Participation in an international boycott prohibited](#) 139–I

[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J

[Restrictions on contacts during the procurement process](#) 139–K

[Disclosure of contacts and responsibility of offerers](#) 139–L

[Statement on sexual harassment, in bids](#) 140

[Disposition of deposit accompanying bid](#) 141

[Claims against contractors](#) 142

[Workmen's compensation insurance on public works](#) 143

[Deposits on plans and specifications for contracts for public work](#) 144

[Opening and reading of bids for contracts for public work](#) 145

[Acceptance of final payment under a state contract](#) 146

[Certain construction contracts involving steel](#) 147

[Mentor-protege program](#) 148

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

May 20, 2022

§ 136-D's source at [nysenate.gov](#)

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136-d

Original Source: Section 136-D – Contracts involving industrial painting and industrial coatings, <https://www.nysenate.gov/legislation/laws/STF/136-D> (last accessed Aug. 20, 2023).

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136-D](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

- 1.
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 136-D*2

N.Y. State Finance Law Section 136-D*2

Contracts involving low embodied carbon concrete

1.

Any state agency contract for low embodied carbon concrete shall include provisions regarding contractor, subcontractor and worker product certification as follows:

(a)

Contractors and subcontractors doing work involving low embodied carbon concrete shall certify that all work completed meets the minimum standards established under this section by the office of general services. ☀

(b)

Contractors and subcontractors doing work involving low embodied concrete shall certify that all procured low embodied carbon concrete utilized on projects meets the minimum standards established under this section by the office of general services.

2.

Any certifications required by this section shall be kept current for the duration of all contracts.

3.

(a) The office of general services shall establish guidelines requiring the procurement of low embodied carbon concrete on projects deemed appropriate by such office. Such guidelines shall implement a process with minimum standards for contractors and subcontractors to file with the contracting agency upon completion of a project. When establishing guidelines related to low embodied carbon concrete, the office of general services shall consider industry standards and shall consult with a stakeholder advisory group selected by the commissioner of general services consisting of:

(i)

two licensed professional engineers;

(ii)

two licensed registered architects;

(iii)

two representatives of the construction industry;

(iv)

two representatives of the concrete testing and validation industry;

(v)

two representatives of an accredited school of civil engineering;

(vi)

one representative from the New York State Energy Research and Development Authority; and

(vii)

one representative each from the department of transportation, the department of state, and the department of environmental conservation.

(b)

The office of general services shall consult with any relevant associations that set industry standards for the procurement of low embodied carbon concrete and shall consult with affected contractors and subcontractors to consider environmental impact as well as the impact on public health and safety.

4.

The office of general services shall also examine the use of incentives, including bid credits, related to bids within five percent of the lowest price, to encourage the usage and innovation of low embodied carbon concrete on state agency projects.

5.

In addition, the office of general services shall also examine the use of implementing standards for performance based specification, including but not limited to requirements that a structural material achieve specified performance based outcomes from the use of the structural material, including but not limited to, outcomes related to strength, durability, permeability or other attributes related to the function of the building material for applied uses, as opposed to requiring that a structural material be produced using a specified manufacturer process, design features, technologies, or proportion of materials. The office of general services shall examine the use of methods of compliance, including, but not limited to, maximum cement content specifications and specifications based on maximum potential for global warming.

6.

The commissioner of general services, in consultation with the department of transportation and the stakeholder advisory group established in subdivision three of this section, shall examine the use of an expedited product evaluation protocol for low embodied carbon concrete products.

7.

As used in this section, the term “state agency” shall mean the same as defined in [§ 160 \(Definitions\)](#).

8.

The guidelines established pursuant to this section as well as any recommendations for subsequent legislative action resulting from examining the use of incentives related to bid credits shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly within thirty days of the issuance of such guidelines or within one year from the effective date of this section, whichever may come sooner. * NB There are 2 § 136-d's

Source: Section 136-D*2 – Contracts involving low embodied carbon concrete, https://www.nysenate.gov/legislation/laws/STF/136-D*2 (updated Jun. 24, 2022; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J

Restrictions on contacts during the procurement process 139–K

Disclosure of contacts and responsibility of offerers 139–L

Statement on sexual harassment, in bids 140

Disposition of deposit accompanying bid 141

Claims against contractors 142

Workmen's compensation insurance on public works 143

Deposits on plans and specifications for contracts for public work 144

Opening and reading of bids for contracts for public work 145

Acceptance of final payment under a state contract 146

Certain construction contracts involving steel 147

Mentor-protege program 148

Certain contracts involving personal protective equipment and medical supplies

Up to date



Accessed:

Apr. 19, 2025

Last modified:

Jun. 24, 2022

§ 136-D*2's source at nysenate.gov

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_136-d*2

Original Source: Section 136-D*2 — Contracts involving low embodied carbon concrete, https://www.nysenate.gov/legislation/laws/STF/136-D*2 (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 136-D*2](#)

Do you have an opinion about this solution? [Drop us a line.](#)



- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 137

N.Y. State Finance Law Section 137

Bond to secure payment of certain claims arising from a public improvement

- enforcement

1.

In addition to other bond or bonds, if any, required by law for the completion of a work specified in a contract for the prosecution of a public improvement for the state of New York a municipal corporation, a public benefit corporation or a commission appointed pursuant to law, or in the absence of any such requirement, the comptroller may or the other appropriate official, respectively, shall nevertheless require prior to the approval of any such contract a bond guaranteeing prompt payment of moneys due to all persons furnishing labor or materials to the contractor or any subcontractors in the prosecution of the work provided for in such contract. Whenever a municipal corporation issues a permit subject to compliance with [Labor Law § 220 \(Hours, wages and supplements\)](#), such permittee or its contractor or subcontractors furnishing workers shall post a payment bond subject to this section. Provided, however, that all performance bonds and payment bonds may, at the discretion of the head of the state agency, public benefit corporation or commission, or his or her designee, be dispensed with for the completion of a work specified in a contract for the prosecution of a public improvement for the state of New York for which bids are solicited where the aggregate amount of the contract is under one hundred thousand dollars and provided further, that in a case where the contract is not subject to the multiple contract award requirements of [§ 135 \(Separate specifications for contract work for the state\)](#), such requirements may be dispensed with where the head of the state agency, public benefit corporation or commission finds it to be in the public interest and where the aggregate amount of the contract awarded or to be awarded is less than two hundred thousand dollars. Provided further, that in a case where a performance or payment bond is dispensed with, twenty per centum may be retained from each progress payment or estimate until the entire contract work has been completed and accepted, at which time the head of the state

agency, public benefit corporation or commission shall, pending the payment of the final estimate, pay not to exceed seventy-five per centum of the amount of the retained percentage. *§*

2.

A copy of such payment bond shall be kept in the office of the head of the department or bureau having charge of the public improvement in connection with which the bond was given and a copy shall also be kept in the office of the comptroller or other appropriate official; such copies shall be open to public inspection.

3.

Every person who has furnished labor or material, to the contractor or to a subcontractor of the contractor, in the prosecution of the work provided for in the contract and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was performed or material was furnished by him for which the claim is made, shall have the right to sue on such payment bond in his own name for the amount, or the balance thereof, unpaid at the time of commencement of the action; provided, however, that a person having a direct contractual relationship with a subcontractor of the contractor furnishing the payment bond but no contractual relationship express or implied with such contractor shall not have a right of action upon the bond unless he shall have given written notice to such contractor within one hundred twenty days from the date on which the last of the labor was performed or the last of the material was furnished, for which his claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or for whom the labor was performed. The notice shall be served by delivering the same personally to the contractor or by mailing the same by registered mail, postage prepaid, in an envelope addressed to the contractor at any place where he maintains an office or conducts his business or at his residence; provided, however, that where such notice is actually received by the contractor by other means, such notice shall be deemed sufficient.

4.

(a) A payment bond required pursuant to this section may provide that the place of trial of an action on the bond shall be in the county in which the contract of the contractor who furnished the bond was to be performed or if such contract was to be performed in more than one county, then in any such county, and not elsewhere.

(b)

Except as provided in [Labor Law § 220-G \(Additional enforcement of article\)](#), no action on a payment bond furnished pursuant to this section shall be commenced after the expiration of one year from the date on which the public improvement has been completed and accepted by the public owner.

(c)

In any action on a payment bond furnished pursuant to this section, any judgment in favor of a subcontractor or material supplier may include provision for the payment of interest upon the amount recovered from the date when demand for payment was made pursuant to the labor and material

payment bond and provided further that the court may determine and award reasonable attorney's fee to either party to such action when, upon reviewing the entire record, it appears that either the original claim or the defense interposed to such claim is without substantial basis in fact or law.

5.

(a) The expression "furnishes material" or other similar expression wherever used in this section shall be deemed to include the reasonable rental value for the period of actual use of machinery, tools or equipment, and the value of compressed gases furnished for welding or cutting, and the value of fuel and lubricants consumed by machinery operating on the improvement, or by motor vehicles owned, operated or controlled by the contractor or his subcontractors while engaged exclusively in the transportation of materials to or from the improvement for the purposes thereof.

(b)

The expression "moneys due to persons furnishing labor to the contractor or his subcontractors" includes all sums payable to or on behalf of persons furnishing labor to the contractor or his subcontractors, for wages, health, welfare, non-occupational disability, retirement, vacation benefits, holiday pay, life insurance or other benefits, payment of which is required pursuant to the labor law or by the contract in connection with which the bond is furnished or by a collective bargaining agreement between organized labor and the contractor or subcontractor, and which are computed upon labor performed in the prosecution of the contract. A trustee or other person authorized to collect such payments shall have the right to sue on the payment bond in his own name and subject to the same conditions as if he were the person performing the labor upon which such sums are computed.

Source: Section 137 – Bond to secure payment of certain claims arising from a public improvement; enforcement, <https://www.nysenate.gov/legislation/laws/STF/137> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

[Statement of non-collusion in bids to the state 139–E](#)

[Security bonds 139–F](#)

[Payment on public work projects 139–G](#)

[Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H](#)

[Participation in an international boycott prohibited 139–I](#)

[Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J](#)

[Restrictions on contacts during the procurement process 139–K](#)

[Disclosure of contacts and responsibility of offerers 139–L](#)

[Statement on sexual harassment, in bids 140](#)

[Disposition of deposit accompanying bid 141](#)

[Claims against contractors 142](#)

[Workmen's compensation insurance on public works 143](#)

[Deposits on plans and specifications for contracts for public work 144](#)

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 137's source at [nysenate.gov](#)

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_137

Original Source: Section 137 – Bond to secure payment of certain claims arising from a public improvement; enforcement, <https://www.-nysenate.gov/legislation/laws/STF/137> (last accessed Aug. 20, 2023).

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 137](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 138

N.Y. State Finance Law Section 138

State contracts not to be assigned without consent

A clause shall be inserted in all specifications or contracts hereafter made or awarded by the state, or any public department or official thereof, prohibiting any contractor, to whom any contract shall be let, granted or awarded, as required by law, from assigning, transferring, conveying, subletting or otherwise disposing of the same, or of his right, title or interest therein, or his power to execute such contract to any other person, company or corporation, without the previous consent in writing of the department or official awarding the same. If any contractor, to whom any contract is hereafter let, granted or awarded, as required by law, by the state, or by any public department or official thereof, shall, without the previous written consent specified in the first paragraph of this section, assign, transfer, convey, sublet or otherwise dispose of the same, or his right, title or interest therein, or his power to execute such contract, to any other person, company or other corporation, the state, public department or official, as the case may be, which let, made, granted or awarded said contract, shall revoke and annul such contract, and the state, public department or officer, as the case may be, shall be relieved and discharged from any and all liability and obligations growing out of said contract to such contract, and to the person, company, or corporation to whom he shall assign, transfer, convey, sublet or otherwise dispose of the same, and said contractor, and his assignee, transferee, or sub-lessee, shall forfeit and lose all moneys, theretofore earned under said contract except so much as may be required to pay his employees; provided that nothing herein contained shall be construed to hinder, prevent or affect an assignment by such contract for the benefit of his creditors, made pursuant to the statutes of this state. Notwithstanding the provisions of this section, the commissioner of general services and state agencies may, with concurrence of the office of state comptroller when the original contract was subject to the office of state comptroller approval, waive prior written consent of an assignment, transfer, conveyance, sublease or other disposition of contracts or monies under a contract let pursuant to [article 11 \(State Purchasing\)](#). Such waiver may be granted under circumstances where the contractor verifies to the commissioner of general services or state agency, as applicable, that the assignment, transfer, conveyance, sublease or other disposition is due to but not necessarily limited to, a reorganization, merger or consolidation of the contractor's business entity or enterprise. The commissioner of general services and state agencies retain the right, as provided herein, to accept or reject an assignment, transfer, conveyance, sublease or other disposition by the contractor. ☝

Source: Section 138 – State contracts not to be assigned without consent, <https://www.nysenate.gov/legislation/laws/STF/138> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J

Restrictions on contacts during the procurement process 139–K

Disclosure of contacts and responsibility of offerers 139–L

Statement on sexual harassment, in bids 140

Disposition of deposit accompanying bid 141

Claims against contractors 142

Workmen's compensation insurance on public works 143

Deposits on plans and specifications for contracts for public work 144

Opening and reading of bids for contracts for public work 145

Acceptance of final payment under a state contract 146

Certain construction contracts involving steel 147

Mentor-protege program 148

Certain contracts involving personal protective equipment and medical supplies

Up to date



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 138's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_138

Original Source: Section 138 – State contracts not to be assigned without consent, <https://www.nysenate.gov/legislation/laws/STF/138> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 138](#)

Do you have an opinion about this solution? [Drop us a line.](#)



- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 138-A

N.Y. State Finance Law Section 138-A

Commencement of actions on state public works contracts

1.

All contracts made and awarded by the state or by any state agency, as defined in [§ 179-E \(Definitions\)](#), for the design, construction, reconstruction, demolition, alteration, repair, maintenance or improvement of any public works, or for the inspection, supervision or coordination of the foregoing services, shall provide that the time within which an action on the contract against the contractor must be commenced shall be computed from the date of completion of the physical work; and shall further provide that the contractor may notify the state or state agency in writing that such physical work has been completed by specifying a completion date, which date shall be no more than thirty days previous to the date of such notice, in which case the completion date set forth in such notice shall be deemed to be the date of completion of the physical work unless the state or state agency, within thirty days of receipt of such notice, notifies the contractor in writing of its disagreement. 

2.

In the event that the contractor fails to send the notice provided for herein or the state or state agency disagrees in the manner provided for herein, the date of completion of the physical work shall be determined in any other manner provided by law.

3.

The provisions of this section shall in no way modify the duties and obligations of the state or of any state agency to comply with [article 11-A \(Interest Payments On Certain Amounts Owed By State\)](#).

Source: Section 138-A – Commencement of actions on state public works contracts, <https://www.nysenate.gov/legislation/laws/STF/138-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

[135](#)

[Separate specifications for contract work for the state 135–A](#)

[Definitions 136](#)

[Contracts in pursuance of appropriations 136–A](#)

[Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B](#)

[Selection of underwriters by state agencies 136–C](#)

[Contracts for employee training and organizational development services 136–D](#)

[Contracts involving industrial painting and industrial coatings 136–D*2](#)

[Contracts involving low embodied carbon concrete 137](#)

[Bond to secure payment of certain claims arising from a public improvement 138](#)

[State contracts not to be assigned without consent 138–A](#)

[Commencement of actions on state public works contracts 139](#)

[Retained percentages 139–A](#)

[Ground for cancellation of contract by state 139–B](#)

[Disqualification to contract with state 139–C](#)

[Removal of disqualification of public contractors by petition 139–D](#)

[Statement of non-collusion in bids to the state 139–E](#)

[Security bonds 139–F](#)

[Payment on public work projects 139–G](#)

[Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H](#)

[Participation in an international boycott prohibited 139–I](#)

[Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J](#)

[Restrictions on contacts during the procurement process 139–K](#)

[Disclosure of contacts and responsibility of offerers 139–L](#)

[Statement on sexual harassment, in bids 140](#)

[Disposition of deposit accompanying bid 141](#)

[Claims against contractors 142](#)

[Workmen's compensation insurance on public works 143](#)

[Deposits on plans and specifications for contracts for public work 144](#)

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)

Accessed:

Apr. 19, 2025



Last modified:

Sep. 22, 2014

§ 138-A's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)

- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_138-a

Original Source: Section 138-A – Commencement of actions on state public works contracts, <https://www.nysenate.gov/legislation/laws/STF/138-A> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 138-A](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139

N.Y. State Finance Law Section 139

Retained percentages

1.

A clause shall be inserted in all specifications or contracts hereafter made or awarded by the state, or by any public department or official thereof for work to be executed except as provided in [Highway Law § 38 \(Contracts for construction or improvement of highways\)](#) in which the execution and delivery by the contractor of a performance bond shall be required, providing that the state shall retain five per centum of the amount of each progress payment in accordance with [State Finance Law § 139-F \(Payment on public work projects\)](#).

2.

The clause specified in subdivision one of this section may be inserted in the specifications of any uncompleted public contract, of the kind referred to in such subdivision, heretofore made or awarded by the state or by any public department, or official thereof, with the written consent of the commissioner of general services and of the official of the public department by whom such contract was awarded and of the contractor, provided the surety or sureties upon the performance and labor and material bonds given by the contractor upon any such contract shall consent in writing thereto and the retained percentage of moneys earned under such contract shall, after the insertion of such clause, be payable in accordance with the provisions set forth in said clause.

3.

Under any contract heretofore or hereafter made or awarded by the state, or by any public department or official thereof, the contractor may, from time to time, withdraw the whole or any portion of the amount retained from payments to the contractor pursuant to the terms of the contract, upon depositing with the state comptroller or, if so directed by the state comptroller, with a bank or trust company which has entered into an agreement with the state comptroller to provide the services which the state comptroller is required to perform pursuant to the provisions of this subdivision (1) United States treasury bonds, United States treasury notes, United States treasury certificates of indebtedness or United States treasury bills, (2) bonds or notes of the state of New York, (3) bonds of any political subdivision in the state of New York, (4) bonds of the New York state housing finance agency, or

(5)

bonds of the New York state medical care facilities finance agency, of a market value not exceeding par, at the time of deposit, equal to the amount so withdrawn. The state comptroller shall, from time to time, collect all interest or income on the obligations so deposited, and shall pay the same, when and as collected, to the contractor who deposited the obligations. If the deposit be in the form of coupon bonds, the coupons as they respectively become due shall be clipped, presented for payment, and the proceeds remitted to the contractor. The contractor shall not be entitled to interest or coupons or income on any of the deposited obligations, the proceeds of which shall be or shall have been used, or applied by the state, or by any public department or official thereof, pursuant to the terms of the contract. The state comptroller or any such bank or trust company when authorized by the state comptroller, may impose upon each contractor a service charge for receiving, handling and disbursing obligations, funds and coupons pursuant to the provisions of this subdivision in an amount to be determined by the state comptroller. The provisions of this section, as amended, shall supersede the provisions of any act inconsistent herewith.

Source: Section 139 – Retained percentages, <https://www.nysenate.gov/legislation/laws/STF/139> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

[Security bonds 139–F](#)

[Payment on public work projects 139–G](#)

[Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H](#)

[Participation in an international boycott prohibited 139–I](#)

[Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J](#)

[Restrictions on contacts during the procurement process 139–K](#)

[Disclosure of contacts and responsibility of offerers 139–L](#)

[Statement on sexual harassment, in bids 140](#)

[Disposition of deposit accompanying bid 141](#)

[Claims against contractors 142](#)

[Workmen's compensation insurance on public works 143](#)

[Deposits on plans and specifications for contracts for public work 144](#)

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139's source at [nysenate.gov](#)

Link Style

- Pragmatic
- Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139

Original Source: Section 139 – Retained percentages, <https://www.nysenate.gov/legislation/laws/STF/139> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

- 1.
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-A

N.Y. State Finance Law Section 139-A

Ground for cancellation of contract by state

A clause shall be inserted in all specifications or contracts hereafter made or awarded by the state or any public department, agency or official thereof, for work or services performed or to be performed, or goods sold or to be sold, to provide that:

(a)

upon the refusal by a person, when called before a grand jury, head of a state department, temporary state commission or other state agency, or the organized crime task force in the department of law, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation, concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract; or

(b)

upon the conviction of any person of a crime defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law, (i) such person, and any firm, partnership or corporation of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the state or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal, a period of five years upon a conviction of a misdemeanor defined in article two hundred or article four hundred ninety-six or an attempt to commit a violation of section 195.20 of the penal law, provided that in the event such

conviction is the result of a plea agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in section 195.20, article two hundred or article four hundred ninety-six of the penal law, all parties to such agreement may agree that the period of such bar may be for a period of up to ten years from the date of conviction, or upon conviction of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law, for life, any convicted firm, partnership or corporation is disqualified for its existence and to provide also that (ii) any and all contracts made with the state or any public department, agency or official thereof, since the effective date of this law, by such person, and by any firm, partnership or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the state without incurring any penalty or damages on account of such cancellation or termination, but any monies owing by the state for goods delivered or work done prior to the cancellation or termination shall be paid.

Source: Section 139-A – Ground for cancellation of contract by state, <https://www.nysenate.gov/legislation/laws/STF/139-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J

Restrictions on contacts during the procurement process 139–K

Disclosure of contacts and responsibility of offerers 139–L

Statement on sexual harassment, in bids 140

Disposition of deposit accompanying bid 141

Claims against contractors 142

Workmen's compensation insurance on public works 143

Deposits on plans and specifications for contracts for public work 144

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-A's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-a

Original Source: Section 139-A – Ground for cancellation of contract by state, <https://www.nysenate.gov/legislation/laws/STF/139-A> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-A](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 

2. [Laws](#)

3. [State Fin. Law](#)

4. [Art. 9. Contracts](#)

5. § 139-B

N.Y. State Finance Law Section 139-B Disqualification to contract with state

1.

Any person who, when called before a grand jury, head of a state department, temporary state commission or other state agency, or the organized crime task force in the department of law, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation, concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with a public department, agency or official of the state or of any political subdivision thereof or of a public authority, refuses to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract, and any firm, partnership or corporation of which any such person is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the state or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed pursuant to the provisions of [§ 139-C \(Removal of disqualification of public contractors by petition\)](#). It shall be the duty of the officer conducting the investigation before the grand jury, the head of a state department, the chair of the temporary state commission or other state agency, or the organized crime task force in the department of law before which the refusal occurs to send notice of such refusal, together with the names of any firm, partnership or corporation of which the person so refusing is known to be a member, partner, officer or director, to the state commissioner of transportation, except in the event the investigation concerns a public building transaction or contract said notice shall be sent to the state commissioner of general services, and the appropriate departments, agencies and officials of the state, political subdivisions thereof or public authorities with whom the person so refusing and any firm, partnership or corporation of which he is a member, partner, director or officer, is known to have a contract. However, when such refusal occurs before a body other than a grand jury, notice of refusal shall not be sent for a period of ten days after such refusal occurs. Prior to the expiration of this ten day period, any person, firm, partnership or

corporation which has become liable to the cancellation or termination of a contract or disqualification to contract on account of such refusal may commence a special proceeding at a special term of the supreme court, held within the judicial district in which the refusal occurred, for an order determining whether the questions in response to which the refusal occurred were relevant and material to the inquiry. Upon the commencement of such proceeding, the sending of such notice of refusal to answer shall be subject to order of the court in which the proceeding was brought in a manner and on such terms as the court may deem just. If a proceeding is not brought within ten days, notice of refusal shall thereupon be sent as provided herein. ⁸

2.

Any person who stands convicted of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law, and any firm, partnership or corporation that stands convicted of such crime shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the state or any public department, agency or official thereof, for goods, work or services. In the event a person or firm, partnership or corporation is so convicted, the office responsible for prosecuting such offense shall send notice of such conviction to the state commissioner of general services, and to the office of the state comptroller and such appropriate departments, agencies and officials of the state, political subdivisions thereof or public authorities with whom the person or the firm, partnership or corporation is known to have a contract.

Source: Section 139-B – Disqualification to contract with state, <https://www.nysenate.gov/legislation/laws/STF/139-B> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) [139–J](#)

[Restrictions on contacts during the procurement process](#) [139–K](#)

[Disclosure of contacts and responsibility of offerers](#) [139–L](#)

[Statement on sexual harassment, in bids](#) [140](#)

[Disposition of deposit accompanying bid](#) [141](#)

[Claims against contractors](#) [142](#)

[Workmen's compensation insurance on public works](#) [143](#)

[Deposits on plans and specifications for contracts for public work](#) [144](#)

[Opening and reading of bids for contracts for public work](#) [145](#)

[Acceptance of final payment under a state contract](#) [146](#)

[Certain construction contracts involving steel](#) [147](#)

[Mentor-protege program](#) [148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-B's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-b

Original Source: Section 139-B – Disqualification to contract with state, <https://www.nysenate.gov/legislation/laws/STF/139-B> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, **(3)**, **(4)**, and **(4)(a)** are all outline levels, but **(4)** was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-B](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-C

N.Y. State Finance Law Section 139-C

Removal of disqualification of public contractors by petition

1.

Any firm, partnership or corporation which has become subject to the cancellation or termination of a contract or disqualification to contract on account of the refusal of a member, partner, director or officer thereof to waive immunity when called to testify, as provided in sections one hundred thirty-nine-a and one hundred thirty-nine-b of this article, may, upon ten days' notice to the attorney general and to the officer who conducted the investigation before the grand jury, the head of a state department, the chairman of the temporary state commission or other state agency, or the organized crime task force in the department of law in which the refusal occurred, commence a special proceeding at a special term of the supreme court held within the judicial district in which the refusal occurred for an order discontinuing the disqualification. The petition shall set forth grounds, including that the cooperation by petitioner with the grand jury or other body which conducted the investigation at the time of the refusal was such, and the amount and degree of control and financial interest, if any, in the petitioning firm, partnership or corporation by the member, partner, officer or director who refused to waive immunity is such, that it will not be in the public interest to cancel or terminate petitioner's contracts or to continue the disqualification, as provided in sections one hundred thirty-nine-a and one hundred thirty-nine-b of this article. A copy of the petition and accompanying papers shall be served with the notices to be given pursuant to this subdivision.

1-a. Any firm, partnership, or corporation which has become subject to the cancellation or termination of a contract or disqualification to contract on account of conviction of a crime defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law, as provided in sections one hundred thirty-nine-a and one hundred thirty-nine-b of this article, may, upon thirty days' notice to the district attorney who conducted the action that led to the conviction, and the office of the state comptroller commence a special proceeding at a special term of the supreme court held within the judicial district in which the conviction was obtained for an order discontinuing such disqualification. The petition shall set forth the grounds, including that the firm, partnership, or corporation

has taken sufficient actions to remove from responsibility officers and employees who engaged in the actions that formed the basis of the conviction, that the firm, partnership, or corporation has taken appropriate and sufficient actions to ensure that the actions that formed the basis of the conviction are unlikely to recur, and that it will not be in the public interest to cancel or terminate petitioner's contracts or to continue the disqualification, as provided in sections one hundred thirty-nine-a and one hundred thirty-nine-b of this article; provided further, at any time after such cancellation or disqualification any such firm, partnership or corporation may apply to the supreme court, upon notice as provided herein for an immediate termination of disqualification upon a reversal of the conviction upon which the debarment was imposed. ⁶

2.

Upon the filing of such petition the court may stay as to petitioner, pending a decision upon the petition, the cancellation or termination of any contracts resulting from such refusal upon such terms as to notice or otherwise as may be just.

3.

At least two days prior to the return day, the officer who conducted the investigation before the grand jury or other body and the attorney general may file answers to the petition or move for judgment dismissing the petition as a matter of law. On or before the return day the petitioner may file a reply to the answer.

4.

Upon the return day the court may, upon the petition and answer and other papers filed, forthwith render such judgment as the case requires, or if a triable issue of fact is duly raised, it shall forthwith be tried before a court sitting without a jury or before a referee. The provisions of statute or rule governing references in an action shall apply to a reference under this subdivision.

5.

The court shall render judgment dismissing the petition on the merits or discontinuing the disqualification upon the ground that the public interest would be served by its discontinuance, and granting such other relief as to the cancellation or termination of contracts as may be appropriate, but without costs to petitioner.

Source: Section 139-C – Removal of disqualification of public contractors by petition, <https://www.nysenate.gov/legislation/laws/STF/139-C> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

[Contracts for architectural, engineering, geological, landscape architecture and surveying services](#) 136–B
[Selection of underwriters by state agencies](#) 136–C
[Contracts for employee training and organizational development services](#) 136–D
[Contracts involving industrial painting and industrial coatings](#) 136–D*2
[Contracts involving low embodied carbon concrete](#) 137
[Bond to secure payment of certain claims arising from a public improvement](#) 138
[State contracts not to be assigned without consent](#) 138–A
[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-C's source at nysenate.gov

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users.
Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-c

Original Source: Section 139-C — Removal of disqualification of public contractors by petition, <https://www.nysenate.gov/legislation/laws/STF/139-C> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-C](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-D

N.Y. State Finance Law Section 139-D

Statement of non-collusion in bids to the state

1.

Every bid hereafter made to the state or any public department, agency or official thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification. "(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief: 

(1)

The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2)

Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3)

No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition." (a-1) Notwithstanding the foregoing, the statement of non-collusion may be submitted electronically in accordance with the provisions of subdivision seven of [State Finance Law § 163 \(Purchasing services and commodities\)](#).

(b)

A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the state, public department or agency to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition. The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or

(c)

has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

2.

Any bid hereafter made to the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule or regulation, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Source: Section 139-D – Statement of non-collusion in bids to the state, <https://www.nysenate.gov/legislation/laws/STF/139-D> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

[Contracts involving industrial painting and industrial coatings](#) 136–D*2
[Contracts involving low embodied carbon concrete](#) 137
[Bond to secure payment of certain claims arising from a public improvement](#) 138
[State contracts not to be assigned without consent](#) 138–A
[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-D's source at nysenate.gov

Link Style

Pragmatic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-d

Original Source: Section 139-D — Statement of non-collusion in bids to the state, <https://www.nysenate.gov/legislation/laws/STF/139-D> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-D](#)

Do you have an opinion about this solution? [Drop us a line.](#)

Close

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-E

N.Y. State Finance Law Section 139-E Security bonds

- municipal projects

Whenever a security bond is posted by a successful bidder for the faithful performance of a municipal project, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state department or agency responsible for supervising the aid program regarding the project, shall be transmitted to such department or agency, where it shall be reviewed to determine its authenticity prior to award of such contract. The original of such bond shall remain in the office of the municipality. Upon request of such department or agency, the superintendent of financial services shall render such assistance as is necessary to determine the authenticity of the security bond. 

Source: Section 139-E – Security bonds; municipal projects, <https://www.nysenate.gov/legislation/laws/STF/139-E> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

[135](#)

[Separate specifications for contract work for the state 135-A](#)

[Definitions 136](#)

[Contracts in pursuance of appropriations 136-A](#)

[Contracts for architectural, engineering, geological, landscape architecture and surveying services 136-B](#)

[Selection of underwriters by state agencies 136-C](#)

[Contracts for employee training and organizational development services 136-D](#)

[Contracts involving industrial painting and industrial coatings](#) 136–D*2
[Contracts involving low embodied carbon concrete](#) 137
[Bond to secure payment of certain claims arising from a public improvement](#) 138
[State contracts not to be assigned without consent](#) 138–A
[Commencement of actions on state public works contracts](#) 139
[Retained percentages](#) 139–A
[Ground for cancellation of contract by state](#) 139–B
[Disqualification to contract with state](#) 139–C
[Removal of disqualification of public contractors by petition](#) 139–D
[Statement of non-collusion in bids to the state](#) 139–E
[Security bonds](#) 139–F
[Payment on public work projects](#) 139–G
[Obligations to make contracts available to small and certified women and minority-owned business concerns](#) 139–H
[Participation in an international boycott prohibited](#) 139–I
[Obligations with respect to procurement contracts with New York state and foreign business enterprises](#) 139–J
[Restrictions on contacts during the procurement process](#) 139–K
[Disclosure of contacts and responsibility of offerers](#) 139–L
[Statement on sexual harassment, in bids](#) 140
[Disposition of deposit accompanying bid](#) 141
[Claims against contractors](#) 142
[Workmen's compensation insurance on public works](#) 143
[Deposits on plans and specifications for contracts for public work](#) 144
[Opening and reading of bids for contracts for public work](#) 145
[Acceptance of final payment under a state contract](#) 146
[Certain construction contracts involving steel](#) 147
[Mentor-protege program](#) 148
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-E's source at nysenate.gov

Link Style

Pragmatic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-e

Original Source: Section 139-E – Security bonds; municipal projects, <https://www.nysenate.gov/legislation/laws/STF/139-E> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-E](#)

Do you have an opinion about this solution? [Drop us a line.](#)



- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

- 1.
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-F

N.Y. State Finance Law Section 139-F

Payment on public work projects

Notwithstanding the provisions of any other law to the contrary, except the provisions of [Highway Law § 38 \(Contracts for construction or improvement of highways\)](#), all contracts made and awarded by the state, or by any public department, or by any public benefit corporation or by any public corporation or official thereof, hereafter referred to as the public owner, for construction, reconstruction or alteration of any public work project shall provide for payment by the public owner to the contractor and payment by the contractor to the subcontractor in accordance with the following: *φ*

1.

Payment by public owners to contractors. The contractor shall periodically, in accordance with the terms of the contract, submit to the public owner and/or his agent a requisition for a progress payment for the work performed and/or materials furnished to the date of the requisition, less any amount previously paid to the contractor. The public owner shall in accordance with the terms of the contract approve and promptly pay the requisition for the progress payment less an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged and less any retained amount as hereafter described. The public owner shall retain not more than five per centum of each progress payment to the contractor except that the public owner may retain in excess of five per centum but not more than ten per centum of each progress payment to the contractor provided that there are no requirements by the public owner for the contractor to provide a performance bond and a labor and material bond both in the full amount of the contract. The public owner shall pay, upon requisition from the contractor, for materials pertinent to the project which have been delivered to the site or off-site by the contractor and/or subcontractor and suitably stored and secured as required by the public owner and the contractor provided, the public owner may limit such payment to materials in short and/or critical supply and materials specially fabricated for the project each as defined in the contract. When the work or major portions thereof as contemplated by the terms of the contract are substantially

completed, the contractor shall submit to the public owner and/or his agent a requisition for payment of the remaining amount of the contract balance. Upon receipt of such requisition the public owner shall approve and promptly pay the remaining amount of the contract balance less two times the value of any remaining items to be completed and an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged. As the remaining items of work are satisfactorily completed or corrected, the public owner shall promptly pay, upon receipt of a requisition, for these remaining items less an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged. Any claims, liens and judgments referred to in this section shall pertain to the project and shall be filed in accordance with the terms of the applicable contract and/or applicable laws. 1-a. Not later than forty-five business days after the date when the project has reached substantial completion, as such term is defined in the contract or as it is contemplated by the terms of the contract, the public owner shall submit to the contractor a written list describing all remaining items to be completed by the contractor. Not later than five business days after receiving a written list describing all remaining items to be completed by the contractor, the contractor shall submit to each subcontractor from whom the contractor is withholding retainage a written list of all remaining items required to be completed by the subcontractor. Such list may include items in addition to those items on the public owner's list. 1-b. Notwithstanding any other provision of this section to the contrary, payment of the moneys due under a contract awarded (i) by a state agency as defined in [article 11-A \(Interest Payments On Certain Amounts Owed By State\)](#) or (ii) by a corporation as defined in subdivision one of [Public Authorities Law § 2880 \(Prompt payment\)](#) which is subject to the provision of this section shall be made in accordance with the provisions of such article eleven-A, in the case of such state agencies, or such section twenty-eight hundred eighty, in the case of such corporations, provided failure to make such payment, as heretofore prescribed, shall not be due to any fault, neglect, or omission on the part of the contractor or by reason of the filing of any lien, attachment, or other legal process against the money due such contractor.

2.

Payment by contractors to subcontractors. Within seven calendar days of the receipt of any payment from the public owner, the contractor shall pay each of his subcontractors and materialmen the proceeds from the payment representing the value of the work performed and/or materials furnished by the subcontractor and/or materialman and reflecting the percentage of the subcontractor's work completed or the materialman's material supplied in the requisition approved by the owner and based upon the actual value of the subcontract or purchase order less an amount necessary to satisfy any claims, liens or judgments against the subcontractor or materialman which have not been suitably discharged and less any retained amount as hereafter described. Failure by the contractor to pay any subcontractor or materialman within seven calendar days of the receipt of any payment from the public owner shall result in the commencement and accrual of interest on amounts due to such subcontractor or materialman for the period beginning on the day immediately following the expiration of such seven calendar day period and ending on the date on which payment is made by the contractor to such subcontractor or materialman. Such interest payment shall be the sole responsibility of the contractor, and shall be paid at the rate of interest in effect on the date payment is made by the contractor. Notwithstanding any other provision of law to the contrary, interest shall be computed at the rate established in paragraph (b) of subdivision one of [General Business Law § 756-B \(Remedies\)](#). The contractor shall retain not more than five per centum of each payment to the subcontractor and/or materialman except that the contractor may retain in excess of five per centum but not more than ten per centum of each payment to the subcontractor provided that prior to entering into a subcontract with the contractor, the subcontractor is unable or unwilling to provide a performance bond and a labor and material bond, both in the full amount of the subcontract, at the request of the contractor. However, the contractor shall retain nothing from those payments representing proceeds owed the subcontractor and/or materialman from the public owner's payments to the contractor for the remaining amounts of the contract balance as provided in subdivision one of this section. If the contractor has failed to submit a requisition for payment of the remaining amounts of the contract balance within ninety days of substantial completion as provided in subdivision one of this section, then any clause in the subcontract between the contractor and the subcontractor or materialman which states that payment by the contractor to such subcontractor or materialman is contingent upon payment by the owner to the contractor shall be deemed invalid. Within seven calendar days of the receipt of payment from the contractor, the subcontractor and/or materialman shall pay each of his

subcontractors and materialmen in the same manner as the contractor has paid the subcontractor, including interest as herein provided above. Nothing provided herein shall create any obligation on the part of the public owner to pay or to see to the payment of any moneys to any subcontractor or materialman from any contractor nor shall anything provided herein serve to create any relationship in contract or otherwise, implied or expressed, between the subcontractor or materialman and the public owner.

3.

In the event that the terms of payment on a public works project as provided in this section are pre-empted or superseded as a result of the provisions of any federal statute, regulation or rule applicable to the project, the terms of this section shall not apply.

4.

Notwithstanding any other provision of this section or other law, requirements for the furnishing of a performance bond or a payment bond may be dispensed with at the discretion of the head of the state agency or corporation, or his or her designee, where the public owner is a state agency or corporation described in subdivision one-a of this section and the aggregate amount of the contract awarded or to be awarded is under fifty thousand dollars and, in a case where the contract is not subject to the multiple contract award requirements of [§ 135 \(Separate specifications for contract work for the state\)](#), such requirements may be dispensed with where the head of the state agency or corporation finds it to be in the public interest and where the aggregate amount of the contract awarded or to be awarded is under two hundred thousand dollars. Provided further, that in a case where a performance or payment bond is dispensed with, twenty per centum may be retained from each progress payment or estimate until the entire contract work has been completed and accepted, at which time the head of the state agency or corporation shall, pending the payment of the final estimate, pay not to exceed seventy-five per centum of the amount of the retained percentage.

Source: Section 139-F – Payment on public work projects, <https://www.nysenate.gov/legislation/laws/STF/139-F> (updated Jun. 18, 2021; accessed Apr. 19, 2025).

[135](#)

[Separate specifications for contract work for the state 135-A](#)

[Definitions 136](#)

[Contracts in pursuance of appropriations 136-A](#)

[Contracts for architectural, engineering, geological, landscape architecture and surveying services 136-B](#)

[Selection of underwriters by state agencies 136-C](#)

[Contracts for employee training and organizational development services 136-D](#)

[Contracts involving industrial painting and industrial coatings 136-D*2](#)

[Contracts involving low embodied carbon concrete 137](#)

[Bond to secure payment of certain claims arising from a public improvement 138](#)

[State contracts not to be assigned without consent 138-A](#)

[Commencement of actions on state public works contracts 139](#)

[Retained percentages 139-A](#)

[Ground for cancellation of contract by state 139-B](#)

[Disqualification to contract with state 139–C](#)

[Removal of disqualification of public contractors by petition 139–D](#)

[Statement of non-collusion in bids to the state 139–E](#)

[Security bonds 139–F](#)

[Payment on public work projects 139–G](#)

[Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H](#)

[Participation in an international boycott prohibited 139–I](#)

[Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J](#)

[Restrictions on contacts during the procurement process 139–K](#)

[Disclosure of contacts and responsibility of offerers 139–L](#)

[Statement on sexual harassment, in bids 140](#)

[Disposition of deposit accompanying bid 141](#)

[Claims against contractors 142](#)

[Workmen's compensation insurance on public works 143](#)

[Deposits on plans and specifications for contracts for public work 144](#)

[Opening and reading of bids for contracts for public work 145](#)

[Acceptance of final payment under a state contract 146](#)

[Certain construction contracts involving steel 147](#)

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Jun. 18, 2021

§ 139-F's source at [nysenate.gov](#)

Link Style

Pragmatic

Pedantic

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-f

Original Source: Section 139-F – Payment on public work projects, <https://www.nysenate.gov/legislation/laws/STF/139-F> (last accessed Aug. 20, 2023).

Blank Outline Levels

x

The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-F](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. [!\[\]\(62e518b950adbe4699a02ceb4ce5f7a9_img.jpg\)](#)
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-G

N.Y. State Finance Law Section 139-G

Obligations to make contracts available to small and certified women and minority-owned business concerns

In every state agency, department and authority which has let more than two million dollars in service and construction contracts in the prior fiscal year, the chief executive officer of that agency, department or authority shall, with respect to those contracts let by his agency, department or authority: 

(a)

undertake biannual studies submitted to the legislature, governor, department of economic development, and office of general services, to determine:

(i)

whether current state policies and practices with respect to the procurement of services and construction for that agency, department or authority, including specifications and requirements for bid bonds, preclude small-business and certified women and minority-owned business concerns from the bidding process; and

(ii)

the advisability of a revision of state policies with respect to the procurement of services and construction for that agency, department or authority to include alternatives such as breaking large contracts into smaller contracts. Twelve months from the effective date of this section, or twelve months from the close of the first fiscal year after the effective date of this section in which that agency, department or authority has let more than two million dollars in service and construction contracts, as the case may be, the chief executive officer of that agency, department or authority shall submit recommendations to the governor and the legislature with respect to the need for legislation based on the findings of the study conducted pursuant to this subdivision.

(b)

identify all small-business and certified women and minority-owned business concerns which, in the judgment of the chief executive officer of that agency, department or authority, can bid on those contracts which are usually and customarily let by that agency, department or authority with a reasonable expectation of success. Such chief executive officers shall carry out the provisions of this subdivision:

(i)

in consultation with the department of commerce of the United States and all agencies and departments of the United States which, in the judgment of the chief executive officer of that agency, department or authority contract for services and construction similar in nature to the services and construction contracted for by that agency, department or authority; and

(ii)

with the cooperation of:

(1)

the office of general services of the state;

(2)

the department of economic development;

(3)

all agencies, departments and authorities of the state which, in the judgment of the chief executive officer of the surveying agency, department or authority contract for services and construction similar in nature to the services and construction contracted for by the surveying agency, department or authority; and

(4)

all agencies, departments, or authorities of all political subdivisions of the state which, in the judgment of the chief executive officer of the surveying agency, department or authority contract for services and construction similar in nature to the services and construction contracted for by the surveying agency, department or authority; and

(iii)

by utilizing a study of those agency, department or authority contracts successfully bid upon by small-business and certified women and minority-owned business concerns at the time the survey is taken; and

(iv)

by utilizing all other resources available to the chief executive officer of that agency, department or authority. Twelve months from the effective date of this section, or twelve months from the close of the first fiscal year after the effective date of this section in which that agency, department or authority has let more than two million dollars in service and construction contracts, as the case may be, the chief executive officer of that agency, department or authority shall submit a report to the governor and the legislature setting forth in detail the efforts which that agency, department or authority has made to identify New York small-business and certified women and minority-owned business concerns which can bid on those contracts which are usually and customarily let for bid by that agency, department or authority with a reasonable expectation of success, which report shall set forth the number of small-business concerns and certified women and minority-owned business which were identified pursuant to subdivision (c) of this section on contracts usually and customarily let by that agency, department or authority in the last fiscal year.

(c)

maintain a list of small-business and certified women and minority-owned business concerns identified pursuant to subdivision (b) of this section, which shall be known as the service directory of small-businesses and certified women and minority-owned businesses and which shall be revised at least annually. Except as otherwise provided in this paragraph, at least annually the chief executive officer of that agency, department or authority shall mail notice to those businesses listed in such directory explaining the opportunities for small-businesses and certified women and minority-owned businesses to sell services and provide construction services to that agency, department or authority and describing procedures necessary for competing for contracts from such agency, department or authority. Such notice shall solicit such businesses to request to be given notice, in the same manner in which other businesses which receive such notice are given notice, of opportunities to bid on contracts let by that agency, department or authority. When such request is received by the chief executive officer of that agency, department or authority, the chief executive officer of that agency, department or authority shall cause such business to receive notice of opportunities to bid on contracts let by that agency, department or authority in the same manner as other businesses which receive such notice are given such notice. Notwithstanding any other provision of law, no business need be given the annual notice explaining opportunities for small-businesses and certified women and minority-owned businesses to sell services and provide construction services to that agency, department or authority if it is receiving regular notices of opportunities to bid on contracts let by that agency, department or authority.

(d)

label those invoices of small-business and certified women and minority-owned business concerns which that agency, department or authority processes so as to promote the expeditious payment for services and construction provided by such businesses on a priority basis.

Source: Section 139-G – Obligations to make contracts available to small and certified women and minority-owned business concerns,
<https://www.nysenate.gov/legislation/laws/STF/139-G> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J

Restrictions on contacts during the procurement process 139–K

Disclosure of contacts and responsibility of offerers 139–L

Statement on sexual harassment, in bids 140

Disposition of deposit accompanying bid 141

Claims against contractors 142

Workmen's compensation insurance on public works 143

Deposits on plans and specifications for contracts for public work 144

Opening and reading of bids for contracts for public work 145

Acceptance of final payment under a state contract 146

Certain construction contracts involving steel 147

[Mentor-protege program 148](#)

[Certain contracts involving personal protective equipment and medical supplies](#)

[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-G's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-g

Original Source: Section 139-G – Obligations to make contracts available to small and certified women and minority-owned business concerns, <https://www.nysenate.gov/legislation/laws/STF/139-G> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-G](#)

Do you have an opinion about this solution? [Drop us a line.](#)



- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

1. 
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-H

N.Y. State Finance Law Section 139-H Participation in an international boycott prohibited

1.

A clause shall be inserted in all specifications or contracts hereafter made or awarded by the state or any public department, agency or official thereof, for work or services performed or to be performed, for goods sold or to be sold, in an amount exceeding five thousand dollars, pursuant to which any contractor, to whom any contract shall be let, granted or awarded, agrees, as a material condition of the contract, that neither such contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated or is participating or shall participate in an international boycott in violation of the provisions of the United States export administration act of nineteen hundred sixty-nine, as amended, or the export administration act of nineteen hundred seventy-nine, as amended, or the regulations of the United States department of commerce promulgated thereunder. 

2.

Any such contract shall be rendered forfeit and void by the state comptroller, if, subsequent to execution, such person, firm, partnership or corporation has been convicted of a violation of the provisions of the United States export administration act of nineteen hundred sixty-nine, as amended, or the export administration act of nineteen hundred seventy-nine, as amended, or the regulations promulgated thereunder or has been found upon the final determination of the United States commerce department or any other appropriate agency of the United States to have violated the provisions of either such federal act or such regulations.

3.

Nothing contained in this section shall operate to impair any existing contract, except that any renewal, amendment or modification of such contract occurring on or after the effective date of this section shall be subject to the conditions specified in this section.

4.

The comptroller of the state shall have the power to issue rules and regulations pursuant to this section.

Source: Section 139-H – Participation in an international boycott prohibited, <https://www.nysenate.gov/legislation/laws/STF/139-H> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135–A

Definitions 136

Contracts in pursuance of appropriations 136–A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136–B

Selection of underwriters by state agencies 136–C

Contracts for employee training and organizational development services 136–D

Contracts involving industrial painting and industrial coatings 136–D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138–A

Commencement of actions on state public works contracts 139

Retained percentages 139–A

Ground for cancellation of contract by state 139–B

Disqualification to contract with state 139–C

Removal of disqualification of public contractors by petition 139–D

Statement of non-collusion in bids to the state 139–E

Security bonds 139–F

Payment on public work projects 139–G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139–H

Participation in an international boycott prohibited 139–I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139–J

Restrictions on contacts during the procurement process 139–K

Disclosure of contacts and responsibility of offerers 139–L

Statement on sexual harassment, in bids 140

Disposition of deposit accompanying bid 141

Claims against contractors 142

[Workmen's compensation insurance on public works 143](#)
[Deposits on plans and specifications for contracts for public work 144](#)
[Opening and reading of bids for contracts for public work 145](#)
[Acceptance of final payment under a state contract 146](#)
[Certain construction contracts involving steel 147](#)
[Mentor-protege program 148](#)
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-H's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted:
[Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute, International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-h

Original Source: Section 139-H – Participation in an international boycott prohibited, <https://www.nysenate.gov/legislation/laws/STF/139-H> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-H](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)

- [Laws of New York](#)

Search

- [Remove ads](#)
- [Login](#)

- 1.
2. [Laws](#)
3. [State Fin. Law](#)
4. [Art. 9. Contracts](#)
5. § 139-I

N.Y. State Finance Law Section 139-I

Obligations with respect to procurement contracts with New York state and foreign business enterprises

1.

As used in this section, the following terms shall have the following meanings, unless a different meaning appears from the context:

(a)

“Foreign business enterprise” shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods sought by the state agency or department and which are substantially produced outside New York state, or services sought by the state agency or department and which are substantially performed outside New York state. [♂](#)

(b)

“New York state business enterprise” shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, goods which are sought by the state agency or department and which are substantially manufactured, produced or assembled in New York state, or services which are sought by the state agency or department and which are substantially performed within New York state.

(c)

“New York resident” shall mean a natural person who maintains a fixed, permanent and principal home located within New York state and to which such person, whenever temporarily located, always intends to return.

(d)

“Procurement contract” shall have the same meaning as that set forth in subdivision two of [Economic Development Law § 141 \(Definitions\)](#).

2.

In every state agency and department, the chief executive officer shall:

(a)

notify the commissioner of economic development of the award of a procurement contract for the purchase of goods or services from a foreign business enterprise in an amount equal to or greater than one million dollars simultaneously with notifying the successful bidder therefor. No state agency or department shall thereafter enter into a procurement contract for said goods or services until at least fifteen days has elapsed, except for procurement contracts awarded on an emergency or critical basis, or where the commissioner of economic development waives the provisions of this sentence. The notification to the commissioner of economic development shall include the name, address and telephone and facsimile number of the foreign business enterprise, a brief description of the goods or services to be obtained pursuant to the proposed procurement contract, the amount of the proposed procurement contract, the term of the proposed procurement contract, and the name of the individual at the foreign business enterprise or acting on behalf of the same who is principally responsible for the proposed procurement contract. Such notification shall be used by the commissioner of economic development solely to provide notification to New York state business enterprises of opportunities to participate as subcontractors and suppliers on such procurement contracts, to promote and encourage the location and development of new business in the state, to assist New York state business enterprises in obtaining offset credits from foreign countries, and to otherwise investigate, study and undertake means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of New York state business enterprises, industry and commerce.

(b)

include in all bid documents provided to potential bidders a statement that information concerning the availability of New York state subcontractors and suppliers is available from the New York state department of economic development, which shall include the directory of certified minority and women-owned businesses, and it is the policy of New York state to encourage the use of New York state subcontractors and suppliers, and to promote the participation of minority and women-owned businesses, where possible, in the procurement of goods and services.

(c)

provide annually, on or before the first business day of June of each year, to the department of economic development information pertaining to procurement contracts entered into in an amount equal to or greater than one hundred thousand dollars by such agency or department during the previous year. Such information shall include the subject matter and value of such contracts, designation of each contractor as a New York state business enterprise or a foreign business enterprise, the process used to select such contractors, as well as the status of such contracts; and

(d)

adopt policies to promote the participation by New York state business enterprises and New York state residents in procurement contracts, with the cooperation of the department of economic development and the community services division of the department of labor including, but not limited to, providing through cooperative efforts with contractors for the notification of New York state business enterprises of opportunities to participate as subcontractors and suppliers on procurement contracts in an amount estimated to be equal to or greater than one million dollars and for the notification of New York state residents of employment opportunities arising in New York state out of procurement contracts in an amount estimated to be equal to or greater than one million dollars; and promulgating procedures which will assure compliance by contractors with such notification. Once awarded the contract, such contractors shall document their efforts to encourage the participation of New York state business enterprises as suppliers and subcontractors on procurement contracts equal to or greater than one million dollars. Documented efforts by a successful contractor shall consist of and be limited to showing that such contractor has (a) solicited bids, in a timely and adequate manner, from New York state business enterprises including certified minority and women-owned business, or

(b)

contacted the New York state department of economic development to obtain listings of New York state business enterprises, or

(c)

placed notices for subcontractors and suppliers in newspapers, journals and other trade publications distributed in New York state, or

(d)

participated in bidder outreach conferences. If the contractor determines that New York state business enterprises are not available to participate on the contract as subcontractors or suppliers, the contractor shall provide a statement indicating the method by which such determination was made. If the contractor does not intend to use subcontractors on the contract, the contractor shall provide a statement verifying such intent. Such contractors shall also provide notification to New York state residents of employment opportunities through listing any such positions with the community services division, or providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements. On or before the effective date of this section, each state agency or department shall submit such policies to the division of the budget and copies thereof to the department of audit and control, the department of economic development, the senate finance committee and the assembly ways and means committee.

(e)

include in each set of documents soliciting bids on procurement contracts to let by the state agency or department a statement notifying potential bidders located in foreign countries that the state agency or department may assign or otherwise transfer offset credits created by such procurement contract to third parties located in New York state; provide for the assignment or other form of transfer of offset credits created by such procurement contracts, directly or indirectly, to third parties located in New York state, in accordance with the written directions of the commissioner of economic development; and provide for the state agency or department to otherwise cooperate with the department of economic development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York state created by such procurement contracts.

(f)

promulgate procedures which will assure compliance with the federal equal employment opportunity act of 1972 (P.L.92-261), as amended, by contractors of the state agency or department.

Source: Section 139-I – Obligations with respect to procurement contracts with New York state and foreign business enterprises, <https://www.-nysenate.gov/legislation/laws/STF/139-I> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

135

Separate specifications for contract work for the state 135-A

Definitions 136

Contracts in pursuance of appropriations 136-A

Contracts for architectural, engineering, geological, landscape architecture and surveying services 136-B

Selection of underwriters by state agencies 136-C

Contracts for employee training and organizational development services 136-D

Contracts involving industrial painting and industrial coatings 136-D*2

Contracts involving low embodied carbon concrete 137

Bond to secure payment of certain claims arising from a public improvement 138

State contracts not to be assigned without consent 138-A

Commencement of actions on state public works contracts 139

Retained percentages 139-A

Ground for cancellation of contract by state 139-B

Disqualification to contract with state 139-C

Removal of disqualification of public contractors by petition 139-D

Statement of non-collusion in bids to the state 139-E

Security bonds 139-F

Payment on public work projects 139-G

Obligations to make contracts available to small and certified women and minority-owned business concerns 139-H

Participation in an international boycott prohibited 139-I

Obligations with respect to procurement contracts with New York state and foreign business enterprises 139-J

Restrictions on contacts during the procurement process 139-K

Disclosure of contacts and responsibility of offerers 139-L

[Statement on sexual harassment, in bids 140](#)
[Disposition of deposit accompanying bid 141](#)
[Claims against contractors 142](#)
[Workmen's compensation insurance on public works 143](#)
[Deposits on plans and specifications for contracts for public work 144](#)
[Opening and reading of bids for contracts for public work 145](#)
[Acceptance of final payment under a state contract 146](#)
[Certain construction contracts involving steel 147](#)
[Mentor-protege program 148](#)
[Certain contracts involving personal protective equipment and medical supplies](#)
[Up to date](#)



Accessed:

Apr. 19, 2025

Last modified:

Sep. 22, 2014

§ 139-I's source at [nysenate.gov](#)

Link Style

- Pragmatic
 Pedantic
-

Stay Connected

Join thousands of people who receive monthly site updates.

[Subscribe](#)



Get Legal Help

The [New York State Bar Association](#) runs a service for finding an attorney in good standing. Initial consultations are usually free or discounted: [Lawyer Referral Service](#)

Committed to Public Service

We will always provide free access to the current law. In addition, [we provide special support](#) for non-profit, educational, and government users. Through social entrepreneurship, we're lowering the cost of legal services and increasing citizen access.

Navigate

- [Find a Lawyer](#)
- [Blog](#)
- [About Us](#)
- [Contact Us](#)
- [Reports](#)
- [Secondary Sources](#)

California: [Codes](#)

Colorado: [C.R.S.](#)

Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR](#), [ORS](#)

Texas: [Statutes](#)

World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_139-i

Original Source: Section 139-I – Obligations with respect to procurement contracts with New York state and foreign business enterprises, <https://www.nysenate.gov/legislation/laws/STF/139-I> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

- (3) A person may apply [...]
- (4)(a) A person petitioning for relief [...]

In this example, **(3)**, **(4)**, and **(4)(a)** are all outline levels, but **(4)** was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 139-I](#)

Do you have an opinion about this solution? [Drop us a line.](#)

[Close](#)