



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 272

December 7, 2018

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 2022 entitled:

“AN ACT to amend the state finance law, in relation to the cost effectiveness of consultant contracts by state agencies”

NOT APPROVED

This bill would require State agencies to conduct a cost comparison review of consultant services estimated to cost in excess of \$750,000 in a 12-month period to determine whether the services to be provided by the consultant could be performed by State employees at an equal or lower cost.

I have previously vetoed a similar bill in the past because the bill outlined a process that was, and still is, duplicative of current practice. State agencies are already required to analyze and weigh the benefit of retaining consulting services with non-state entities or employees. (see, Veto No 150, L. 2012). State Finance Law already requires that agencies establish and document the need for services, ensure that the cost is reasonable, and to analyze the existence of resources available at the agency. Rather than focusing the determination solely on cost, in compliance with State Finance Law, agencies are required to award service contracts on the basis of "best value," which requires the optimization of cost as well as an evaluation of quality and efficiency.

Finally, the process outlined in this bill would also delay the selection of a potentially successful bidder and actual contracting, which in many circumstances could be fatal for the procurement. In light of these issues, I am, therefore, constrained to disapprove this bill.

The bill is disapproved.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".