



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 186

December 30, 2022

TO THE ASSEMBLY:

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

Assembly Bill Number 10109, entitled:

“AN ACT in relation to amending state construction and commodity contracts to provide equitable relief to contractors who have sustained unanticipated expenses by reason of construction materials price escalation; and providing for the repeal of such provisions upon the expiration thereof”

NOT APPROVED

This bill would allow contractors who submitted bids to the State of New York or a public benefit corporation prior to April 1, 2020, to have their contracts renegotiated and potentially adjusted with respect to materials costs where the price of those materials escalated in excess of five percent upon invoice or purchase of said materials from the original bid.

The Covid-19 pandemic and inflation have caused serious harm to our economy. There are serious cost implications presented by this legislation that raise concerns from the State’s financial perspective. To have this adjustment happen across many projects simultaneously could cost the State billions of dollars in unforeseen, unbudgeted costs that are not accounted for in our financial plan.

Given these concerns, I am constrained to veto this bill.

The bill is disapproved.

Ruth Hochul