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I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. BICHOTTE, GOTTFRIED, ROZIC, JAFFEE, SOLAGES, SEPULVEDA, SEAWRIGHT, WALKER, HOOPER, ROBINSON, HYNDMAN -- Multi-Sponsored by -- M. of A. BRENNAN, DAVILA, ENGLEBRIGHT -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requirements of the annual report from the division of minority and women's business development

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 315 of the executive law, as added
2 by chapter 175 of the laws of 2010, is amended to read as follows:
3 4. The division of minority and women's business development shall
4 issue an annual report which: (a) summarizes the report submitted by
5 each contracting agency pursuant to subdivision three of this section;
6 (b) contains such comparative or other information as the director deems
7 appropriate, including but not limited to goals compared to actual
8 participation of minority and women-owned business enterprises in state
9 contracting, to evaluate the effectiveness of the activities undertaken
10 by each such contracting agency to promote increased participation by
11 certified minority or women-owned businesses with respect to state
12 contracts and subcontracts; (c) contains a summary of all waivers of the
13 requirements of subdivisions six and seven of section three hundred
14 thirteen of this article allowed by each contracting agency during the
15 period covered by the report, including a description of the basis of
16 the waiver request and the contracting agency's rationale for granting
17 any such waiver; (d) describes any efforts to create a database or other
18 information storage and retrieval system containing information relevant
19 to contracting with minority and women-owned business enterprises; [and]
20 (e) contains a summary of (i) all determinations of violations of this
21 article by a contractor or a contracting agency made during the period
22 covered by the annual report pursuant to section three hundred sixteen-a
23 of this article and (ii) the penalties or sanctions, if any, assessed in

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 connection with such determinations and the rationale for such penalties
2 or sanctions; (F) CONTAINS INFORMATION ON EACH CONTRACT IDENTIFYING THE
3 FOLLOWING: (I) WHETHER IT IS A CONTRACT FOR GOODS OR SERVICES; (II)
4 WHETHER THE CONTRACT WAS AWARDED TO A CERTIFIED MINORITY-OWNED BUSINESS
5 ENTERPRISE OR A CERTIFIED WOMEN-OWNED BUSINESS ENTERPRISE AND IDENTIFY
6 WHICH MINORITY GROUP MEMBER THE MINORITY-OWNED BUSINESS ENTERPRISE
7 RELIES ON FOR CERTIFICATION PURSUANT TO THIS ARTICLE; (III) THE NAME AND
8 BUSINESS ADDRESS OF PRIME CONTRACTORS AND SUBCONTRACTORS PROVIDING
9 SERVICES UNDER SUCH CONTRACT; AND (IV) THE DOLLAR VALUE OF SUCH
10 CONTRACT; AND (G) CONTAINS A SUMMARY OF ALL CERTIFIED MINORITY AND
11 WOMEN-OWNED BUSINESS ENTERPRISES, CATEGORIZED BY THE MINORITY GROUP
12 MEMBER THAT SUCH MINORITY-OWNED BUSINESS ENTERPRISE RELIES ON FOR
13 CERTIFICATION PURSUANT TO THIS ARTICLE AND BY GENDER. Copies of the
14 annual report shall be provided to the commissioner, the governor, the
15 comptroller, the temporary president of the senate, the speaker of the
16 assembly, the minority leader of the senate, the minority leader of the
17 assembly and shall also be made widely available to the public via,
18 among other things, publication on a website maintained by the division
19 of minority and women's business development.

20 S 2. This act shall take effect immediately; provided, however, that
21 the amendments to section 315 of the executive law, made by section one
22 of this act, shall not affect the expiration of such section and shall
23 be deemed to expire therewith.