

4534--A

2015-2016 Regular Sessions

I N   S E N A T E

March 26, 2015

---

Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the executive law, in relation to including the consideration of whether prospective bidders are veteran owned businesses when a municipality or school district establishes its list of pre-qualified bidders

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

1     Section 1. Paragraph (a) of subdivision 15 of section 103 of the  
2     general municipal law, as added by section 1-a of part MM of chapter 57  
3     of the laws of 2008, is amended to read as follows:  
4     (a) Notwithstanding any general, special or local law or rule or regu-  
5     lation to the contrary, an officer, board or agency of any county, any  
6     school district or any political subdivision of the state with a popu-  
7     lation of fifty thousand or more charged with awarding a contract for  
8     public work may establish guidelines governing the qualifications of  
9     bidders seeking to bid or enter into such contracts. If such officer,  
10    board or agency maintains an appropriate list of qualified bidders, the  
11    bidding shall be restricted to those who have qualified prior to the  
12    receipt of bids according to standards fixed by such officer, board or  
13    agency. In determining whether a prospective bidder qualifies for inclu-  
14    sion on a list of pre-qualified bidders, the officer, board or agency  
15    shall consider the experience and record of performance of the prospec-  
16    tive bidder in the particular type of work, as well as: (i) the prospec-  
17    tive bidder's ability to undertake the particular type and complexity of  
18    work; (ii) the financial capability, responsibility and reliability of  
19    the prospective bidder for such type and complexity of work; (iii) the

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

LBD09403-02-6

1 record of the prospective bidder in complying with existing labor stand-  
2 ards and maintaining harmonious labor relations; (iv) WHETHER THE  
3 PROSPECTIVE BIDDER IS A VETERAN OWNED BUSINESS CERTIFIED BY THE DIRECTOR  
4 OF THE DIVISION OF VETERANS' AFFAIRS PURSUANT TO SUBDIVISION  
5 TWENTY-THREE OF SECTION THREE HUNDRED FIFTY-THREE OF THE EXECUTIVE LAW;  
6 (V) the prospective bidder's compliance with equal employment opportu-  
7 nity requirements and anti-discrimination laws, and demonstrated commit-  
8 ment to working with minority and women-owned businesses through joint  
9 ventures or subcontractor relationships; and [(v)] (VI) the record of  
10 the prospective bidder in protecting the health and safety of workers on  
11 public works projects and job sites as demonstrated by the prospective  
12 bidder's experience modification rate for each of the last three years.

13 S 2. Section 353 of the executive law is amended by adding a new  
14 subdivision 23 to read as follows:

15 23. TO ESTABLISH STANDARDS FOR, AND TO ACCEPT AND DETERMINE APPLICA-  
16 TIONS FOR DESIGNATION OF A BUSINESS AS A VETERAN OWNED BUSINESS.

17 S 3. This act shall take effect immediately, except that section one  
18 of this act shall take effect on the first of January next succeeding  
19 the date on which it shall have become a law.