

STATE OF NEW YORK

4560

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. BLAKE, COOK, MOSLEY, SEAWRIGHT, VANEL -- Multi-Sponsored by -- M. of A. CROUCH, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing a joint venture program for minority and women-owned business enterprises

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 313-b
2 to read as follows:

3 § 313-b. Opportunities for joint venture participation. 1. In order to
4 improve the success of minority and women-owned business enterprises in
5 contracting with the state or receiving subcontracts under a state
6 contract and to create sources of reliable contractors and subcontractors
7 ready to perform larger jobs and responsibilities, the director
8 shall develop a joint venture program to foster relationships between
9 non-minority and women-owned business enterprises and minority and
10 women-owned business enterprises. Such program shall also allow non-mi-
11 nority and women-owned business enterprises with experience in contract-
12 ing with the state to provide certified minority and women-owned busi-
13 ness enterprises training and assistance on such bids and contracts.
14 Such program shall also allow certified minority and women-owned busi-
15 ness enterprises who are rejected as contractors to have the opportunity
16 to establish a joint venture with an experienced non-minority and
17 women-owned business enterprise. For purposes of this section, "joint
18 venture" means a contractual agreement joining together two or more
19 business enterprises, one of which is a certified minority and women-
20 owned business enterprise, for the purpose of performing on a state
21 contract. The certified minority and women-owned business enterprise
22 must provide a percentage of value added services representing an equi-
23 table interest in the joint venture, and all parties shall agree to

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

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1 share in the profits and losses of the business endeavor according to
2 their percentage of equitable interest.

3 2. The director shall promulgate rules and regulations for partic-
4 ipation in the program. Incentives for businesses to participate in the
5 program may include, but not be limited to, credit towards fulfillment
6 of minority and women-owned business participation requirements.

7 § 2. This act shall take effect on the ninetieth day after it shall
8 have become a law; provided, however, that the amendments to article
9 15-A of the executive law made by section one of this act shall not
10 affect the expiration of such article and shall be deemed to expire
11 therewith; provided, further that the director of the division of minor-
12 ity and women's business development shall be authorized to commence the
13 rulemaking process required pursuant to section one of this act prior to
14 the effective date of this act.