S T A T E O F N E W Y O R K

10554

I N A S S E M B L Y

April 7, 2010

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the state finance law and the general business law, in relation to the purchase of security services

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

Section 1. Section 165 of the state finance law is amended by adding a new subdivision 9 to read as follows:

9. SPECIAL PROVISIONS REGARDING THE PURCHASING OF SECURITY SERVICES.

A. WHENEVER THE STATE OR ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION OR PUBLIC BENEFIT CORPORATION OF THE STATE ENTERS INTO A CONTRACT IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS TO PURCHASE SECURITY SERVICES FROM ANY PRIVATE INVESTIGATOR, OR WATCH, GUARD OR PATROL AGENCY, OR SECURITY GUARD COMPANY, THE CONTRACT SHALL PROVIDE THAT THE ENTITY PROVIDING THE SECURITY SERVICES SHALL ENSURE THAT EACH SECURITY GUARD WHO PERFORMS SERVICES UNDER THE CONTRACT COMPLETES A TRAINING PROGRAM CERTIFIED BY THE DEPARTMENT OF HOMELAND SECURITY PURSUANT TO PARAGRAPH (R) OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED NINE OF THE EXECUTIVE LAW WITHIN NINETY WORKING DAYS FOLLOWING EMPLOYMENT, AND THAT SUCH TRAINING SHALL BE PROVIDED AT NO COST TO THE SECURITY GUARDS.

B. EXCEPT IN THE CASE OF CONTRACTS IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS OR LESS, EVERY BID, PROPOSAL, OR OTHER RESPONSE TO A SOLICITATION FOR BID OR PROPOSAL FOR SECURITY SERVICES TO BE PROVIDED TO THE STATE OR ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION OR PUBLIC BENEFIT CORPORATION OF THE STATE SHALL BE DEEMED NON-RESPONSIVE UNLESS THE PERSON OR ENTITY SUBMITTING THE BID ESTABLISHES THAT IT HAS THE CAPACITY TO PROVIDE THE NECESSARY TRAINING TO EACH SECURITY OFFICER PERFORMING SERVICES UNDER THE CONTRACT.

C. WHENEVER THE STATE OR ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION OR PUBLIC BENEFIT CORPORATION OF THE STATE ENTERS INTO A CONTRACT IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS TO PURCHASE SECURITY SERVICES FROM ANY PRIVATE INVESTIGATOR, OR WATCH, GUARD OR PATROL AGENCY, OR SECURITY GUARD COMPANY, THE CONTRACT SHALL PROVIDE THAT THE ENTITY PROVIDING THE SECURITY SERVICES SHALL FURNISH A PERFORMANCE BOND

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

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EXECUTED BY A SURETY AUTHORIZED TO DO BUSINESS IN THE STATE, OR THE EQUIVALENT IN CASH. THE PERFORMANCE BOND SHALL BE IN AN AMOUNT ADEQUATE TO ENSURE THE PROTECTION OF THE GOVERNMENT, BUT SHALL BE NO LESS THAN FIFTY PERCENT OF THE AMOUNT PAYABLE UNDER THE CONTRACT.

S 2. The opening paragraph of subdivision 1 of section 79 of the general business law, as amended by chapter 336 of the laws of 1992, is amended to read as follows:

The department of state shall have the power to revoke or suspend any license, or in lieu thereof to impose a fine not exceeding [one] TEN thousand dollars PER VIOLATION OR OCCURRENCE payable to the department of state, or reprimand any licensee or deny an application for a license or renewal thereof upon proof:

S 3. Paragraph b of subdivision 1 of section 89-n of the general business law, as amended by chapter 634 of the laws of 1994, is amended to read as follows:

b. an on-the-job training course to be completed within ninety working days following employment, consisting of a minimum of [sixteen hours and a maximum of] forty hours, [as determined by the council, generally relating to the security guard's specific duties, the nature of the work place and the requirements of the security guard company] WHICH SHALL COVER OBSERVATION, DETECTION AND REPORTING SKILLS; COORDINATION WITH LOCAL POLICE, FIRE AND EMERGENCY SERVICES SKILLS; IN WORKING WITH ADVANCED SECURITY TECHNOLOGY INCLUDING SURVEILLANCE AND ACCESS CONTROL PROCEDURES; AND AT LEAST THREE HOURS OF TRAINING DEVOTED TO TERRORISM AWARENESS. THE ENTITY EMPLOYING THE SECURITY GUARD SHALL COMPENSATE THE SECURITY GUARD FOR ALL HOURS OF ATTENDANCE AT THE TRAINING COURSE AT NO LESS THAN THE SECURITY GUARD'S REGULAR HOURLY WAGE, OR THE OVERTIME RATE, IF APPLICABLE;

S 4. This act shall take effect immediately.