

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:

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

3     9. SPECIAL PROVISIONS REGARDING THE PURCHASING OF SECURITY SERVICES.

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

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

23    C. WHENEVER THE STATE OR ANY GOVERNMENTAL AGENCY OR POLITICAL SUBDIVI-  
24    SION OR PUBLIC BENEFIT CORPORATION OF THE STATE ENTERS INTO A CONTRACT  
25    IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS TO PURCHASE SECURITY SERVICES  
26    FROM ANY PRIVATE INVESTIGATOR, OR WATCH, GUARD OR PATROL AGENCY, OR  
27    SECURITY GUARD COMPANY, THE CONTRACT SHALL PROVIDE THAT THE ENTITY  
28    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.

LBD16779-02-0

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

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

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

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

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

29 S 4. This act shall take effect immediately.