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

4092

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. MILLMAN, DESTITO, PEOPLES -- Multi-Sponsored by -- M. of A. BRODSKY, CLARK, COLTON, COOK, ESPAILLAT, FIELDS, MAGNARELLI, P. RIVERA, ROBINSON, SCHROEDER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to contractor utilization plans

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

Section 1. Paragraph (a) of subdivision 4 of section 313 of the executive law, as added by chapter 261 of the laws of 1988, is amended to read as follows:

(a) Contracting agencies shall administer the rules and regulations promulgated by the director to ensure compliance with the provisions of this section. Such rules and regulations: shall require a contractor to submit a utilization plan after bids are opened, when bids are required, but prior to the award of a state contract; shall require the contracting agency to review the utilization plan submitted by the contractor AND TO POST THE UTILIZATION PLAN AND ANY WAIVERS OF COMPLIANCE ISSUED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION ON THE WEBSITE OF THE CONTRACTING AGENCY within a reasonable period of time as established by the director; shall require the contracting agency to notify the contractor in writing within a period of time specified by the director as to any deficiencies contained in the contractor's utilization plan; shall require remedy thereof within a period of time specified by the director; [may] SHALL require the contractor to submit periodic compliance reports relating to the operation and implementation of any utilization plan; shall allow a contractor to apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to subdivisions five and six of this section; shall allow a contractor to file a complaint with the director pursuant to subdivision seven of this section in the event a contracting agency

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

LBD04441-01-9

has failed or refused to issue a waiver of the minority and women-owned business enterprise participation requirements or has denied such request for a waiver; and shall allow a contracting agency to file a complaint with the director pursuant to subdivision eight of this section in the event a contractor is failing or has failed to comply with the minority and women-owned business enterprise participation requirements set forth in the state contract where no waiver has been granted.

S 2. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 4 of section 313 of the executive law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.