

1787

2009-2010 Regular Sessions

I N   S E N A T E

February 6, 2009

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Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Finance

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of subdivision 4 of section 313 of the execu-  
2     tive law, as added by chapter 261 of the laws of 1988, is amended to  
3     read as follows:  
4     (a) Contracting agencies shall administer the rules and regulations  
5     promulgated by the director to ensure compliance with the provisions of  
6     this section. Such rules and regulations: shall require a contractor to  
7     submit a utilization plan after bids are opened, when bids are required,  
8     but prior to the award of a state contract; shall require the contract-  
9     ing agency to review the utilization plan submitted by the contractor  
10    AND TO POST THE UTILIZATION PLAN AND ANY WAIVERS OF COMPLIANCE ISSUED  
11    PURSUANT TO SUBDIVISION FIVE OF THIS SECTION ON THE WEBSITE OF THE  
12    CONTRACTING AGENCY within a reasonable period of time as established by  
13    the director; shall require the contracting agency to notify the  
14    contractor in writing within a period of time specified by the director  
15    as to any deficiencies contained in the contractor's utilization plan;  
16    shall require remedy thereof within a period of time specified by the  
17    director; [may] SHALL require the contractor to submit periodic compli-  
18    ance reports relating to the operation and implementation of any utili-  
19    zation plan; shall allow a contractor to apply for a partial or total  
20    waiver of the minority and women-owned business enterprise participation  
21    requirements pursuant to subdivisions five and six of this section;  
22    shall allow a contractor to file a complaint with the director pursuant  
23    to subdivision seven of this section in the event a contracting agency  
24    has failed or refused to issue a waiver of the minority and women-owned  
25    business enterprise participation requirements or has denied such

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

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1 request for a waiver; and shall allow a contracting agency to file a  
2 complaint with the director pursuant to subdivision eight of this  
3 section in the event a contractor is failing or has failed to comply  
4 with the minority and women-owned business enterprise participation  
5 requirements set forth in the state contract where no waiver has been  
6 granted.  
7 S 2. This act shall take effect immediately; provided, however, that  
8 the amendments to paragraph (a) of subdivision 4 of section 313 of the  
9 executive law made by section one of this act shall not affect the expi-  
10 ration of such paragraph and shall be deemed to expire therewith.