

1778

2011-2012 Regular Sessions

I N S E N A T E

January 12, 2011

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

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

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

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1 FROM ANY PRIVATE INVESTIGATOR, OR WATCH, GUARD OR PATROL AGENCY, OR
2 SECURITY GUARD COMPANY, THE CONTRACT SHALL PROVIDE THAT THE ENTITY
3 PROVIDING THE SECURITY SERVICES SHALL FURNISH A PERFORMANCE BOND
4 EXECUTED BY A SURETY AUTHORIZED TO DO BUSINESS IN THE STATE, OR THE
5 EQUIVALENT IN CASH. THE PERFORMANCE BOND SHALL BE IN AN AMOUNT ADEQUATE
6 TO ENSURE THE PROTECTION OF THE GOVERNMENT, BUT SHALL BE NO LESS THAN
7 FIFTY PERCENT OF THE AMOUNT PAYABLE UNDER THE CONTRACT.

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

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

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

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

32 S 4. This act shall take effect immediately.