

5863

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 2, 2011

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Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the award of certain contracts to small businesses and/or businesses certified under article 15-A of the executive law; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Section 1678 of the public authorities law is amended by  
2     adding a new subdivision 26 to read as follows:  
3     26. (A) TO AWARD CONTRACTS, NOTWITHSTANDING ANY OTHER PROVISION OF LAW  
4     TO THE CONTRARY, FOR THE PROCUREMENT OF GOODS OR SERVICES FROM SMALL  
5     BUSINESSES AND/OR BUSINESSES CERTIFIED UNDER ARTICLE FIFTEEN-A OF THE  
6     EXECUTIVE LAW IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.  
7     (B) PROCUREMENTS MADE PURSUANT TO THIS SUBDIVISION SHALL BE GOVERNED  
8     BY THE AUTHORITY'S PROCUREMENT POLICY AND GUIDELINES ADOPTED PURSUANT TO  
9     SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER. SUCH GUIDE-  
10    LINES SHALL INCLUDE, BUT NOT BE LIMITED TO: (I) A COMPETITIVE PROCESS  
11    THAT PROVIDES OPPORTUNITY AND ACCESS TO PROCUREMENTS, PURSUANT TO WHICH  
12    CONTRACTS MAY BE AWARDED TO SMALL BUSINESSES AND/OR BUSINESSES CERTIFIED  
13    UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW; (II) PROVIDE A BENCHMARK  
14    OF AMOUNTS PAID UNDER CONTRACTS AWARDED UNDER THIS SUBDIVISION AGAINST  
15    AMOUNTS PAID UNDER OTHER AUTHORITY CONTRACTS FOR LIKE GOODS OR SERVICES;  
16    AND (III) REQUIRE AN ANNUAL ASSESSMENT OF THE EFFECTIVENESS OF SUCH  
17    PROCEDURES IN HELPING THE AUTHORITY ACHIEVE THE AUTHORITY'S GOALS ESTAB-  
18    LISHED PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW FOR PARTIC-  
19    IPATION BY MINORITY AND WOMEN-OWNED ENTERPRISES. SUCH ANNUAL ASSESSMENT  
20    MAY BE INCLUDED WITHIN THE AUTHORITY'S ANNUAL REPORT REQUIRED BY THIS  
21    ARTICLE AND SHALL BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT  
22    OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE  
23    SENATE AND THE MINORITY LEADER OF THE ASSEMBLY.

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

LBD07417-01-1

1 (C) THE TOTAL VALUE OF CONTRACTS AWARDED PURSUANT TO THIS SUBDIVISION  
2 SHALL NOT EXCEED TWO PERCENT OF THE VALUE OF ALL CONTRACTS OFFERED IN  
3 ANY FISCAL YEAR OF THE AUTHORITY; PROVIDED, HOWEVER, THE TOTAL AMOUNT  
4 AVAILABLE FOR AWARD PURSUANT TO THIS SECTION SHALL NOT BE LESS THAN ONE  
5 PERCENT OF THE VALUE OF ALL CONTRACTS OFFERED IN ANY FISCAL YEAR OF THE  
6 AUTHORITY.

7 S 2. This act shall take effect immediately and shall expire July 1,  
8 2016 when upon such date the provisions of this act shall be deemed  
9 repealed.