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

5863

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

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:

Section 1. Section 1678 of the public authorities law is amended by adding a new subdivision 26 to read as follows:

26. (A) TO AWARD CONTRACTS, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR THE PROCUREMENT OF GOODS OR SERVICES FROM SMALL BUSINESSES AND/OR BUSINESSES CERTIFIED UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

(B) PROCUREMENTS MADE PURSUANT TO THIS SUBDIVISION SHALL BE GOVERNED BY THE AUTHORITY'S PROCUREMENT POLICY AND GUIDELINES ADOPTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO: (I) A COMPETITIVE PROCESS THAT PROVIDES OPPORTUNITY AND ACCESS TO PROCUREMENTS, PURSUANT TO WHICH CONTRACTS MAY BE AWARDED TO SMALL BUSINESSES AND/OR BUSINESSES CERTIFIED UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW; (II) PROVIDE A BENCHMARK OF AMOUNTS PAID UNDER CONTRACTS AWARDED UNDER THIS SUBDIVISION AGAINST AMOUNTS PAID UNDER OTHER AUTHORITY CONTRACTS FOR LIKE GOODS OR SERVICES; AND (III) REQUIRE AN ANNUAL ASSESSMENT OF THE EFFECTIVENESS OF SUCH PROCEDURES IN HELPING THE AUTHORITY ACHIEVE THE AUTHORITY'S GOALS ESTABLISHED PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW FOR PARTICIPATION BY MINORITY AND WOMEN-OWNED ENTERPRISES. SUCH ANNUAL ASSESSMENT MAY BE INCLUDED WITHIN THE AUTHORITY'S ANNUAL REPORT REQUIRED BY THIS ARTICLE AND SHALL BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY.

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

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

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take effect immediately and shall expire July 1, 2016 when upon such date the provisions of this act shall be deemed repealed.