

6906

2015-2016 Regular Sessions

I N A S S E M B L Y

April 10, 2015

Introduced by M. of A. BLAKE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the state finance law, in relation to encouraging the participation of minority and women-owned business enterprises in state contracts

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

1 Section 1. Subdivision 2-a of section 313 of the executive law is
2 amended by adding a new paragraph (j) to read as follows:

3 (J) REQUIRE THAT EACH STATE CONTRACT AVOIDS UNNECESSARY AND UNJUSTI-
4 FIED BUNDLING OF CONTRACT REQUIREMENTS THAT PRECLUDES MINORITY AND
5 WOMEN-OWNED BUSINESS ENTERPRISES' PARTICIPATION IN PROCUREMENTS AS PRIME
6 CONTRACTORS.

7 S 2. Section 139-g of the state finance law is amended by adding a new
8 subdivision (e) to read as follows:

9 (E) REQUIRE THAT EACH STATE CONTRACT AVOIDS UNNECESSARY AND UNJUSTI-
10 FIED BUNDLING OF CONTRACT REQUIREMENTS THAT PRECLUDES SMALL AND CERTI-
11 FIED WOMEN AND MINORITY-OWNED BUSINESS' PARTICIPATION IN PROCUREMENTS AS
12 PRIME CONTRACTORS.

13 S 3. Subdivision 4 of section 313 of the executive law, as amended by
14 chapter 175 of the laws of 2010, is amended to read as follows:

15 4. In the implementation of this section, the contracting agency shall
16 (a) consult the findings contained within the disparity study evidencing
17 relevant industry specific availability of certified businesses;

18 (b) implement a program that will enable the agency to evaluate each
19 contract to determine the appropriateness of the goal pursuant to subdi-
20 vision one of this section; AND

21 (c) [consider where practicable, the severability of construction
22 projects and other bundled contracts; and

23 (d)] consider compliance with the requirements of any federal law
24 concerning opportunities for minority and women-owned business enter-

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

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1 prises which effectuates the purpose of this section. The contracting
2 agency shall determine whether the imposition of the requirements of any
3 such law duplicate or conflict with the provisions hereof and if such
4 duplication or conflict exists, the contracting agency shall waive the
5 applicability of this section to the extent of such duplication or
6 conflict.

7 S 4. This act shall take effect immediately; provided however, that
8 the amendments to section 313 of the executive law made by sections one
9 and three of this act shall not affect the expiration of such section
10 and shall be deemed to expire therewith.