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

6907

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, in relation to at least one minority and women-owned business enterprise being selected by a contractor as one of three finalists

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

Section 1. Section 313-a of the executive law, as added by chapter 175 of the laws of 2010, is amended to read as follows:

S 313-a. Diversity practices of state contractors. The director shall promulgate rules and regulations setting forth measures and procedures to require all contracting agencies, where practicable, feasible and appropriate, to assess the diversity practices of contractors submitting bids or proposals in connection with the award of a state contract. Such rules and regulations shall take into account: the nature of the labor, services, supplies, equipment or materials being procured by the state agency; the method of procurement required to be used by a state agency to award the contract and minority and women-owned business utilization plans required to be submitted pursuant to sections three hundred twelve and three hundred thirteen of this article; and such other factors as the director deems appropriate or necessary to promote the award of state contracts to contractors having sound diversity practices. Such assessment shall not in any way permit the automatic rejection of a bid or procurement contract proposal based on lack of adherence to diversity practices. Each bid or proposal shall be analyzed on an individual per bid or per proposal basis with the contractor's diversity practices considered as only a part of a wider consideration of several factors when deciding to award or decline to award a bid or proposal. CONTRACTING AGENCIES SHALL REQUIRE CONTRACTORS TO SELECT AT LEAST ONE MINORITY AND WOMEN-OWNED BUSINESS AS ONE OF THEIR THREE FINALISTS. THIS REQUIREMENT DOES NOT SERVE AS A QUOTA OR A PREFERENCE. The director shall

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

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develop the rules and regulations required hereunder only after consultation with the state procurement council established by section one hundred sixty-one of the state finance law.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 313-a of the executive law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.