

5283

2015-2016 Regular Sessions

I N S E N A T E

May 12, 2015

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

AN ACT to amend the state finance law, in relation to requiring state agencies to pay minority and women-owned business enterprises within fifteen days of receipt of a request for payment

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

1 Section 1. The state finance law is amended by adding a new section
2 139-l to read as follows:
3 S 139-L. PAYMENT TO MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES.
4 NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
5 CONTRACTS MADE AND AWARDED BY A STATE AGENCY TO A MINORITY AND
6 WOMEN-OWNED BUSINESS ENTERPRISE CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
7 OF THE EXECUTIVE LAW, HEREAFTER REFERRED TO AS CONTRACTOR, SHALL PROVIDE
8 FOR PAYMENT BY THE STATE AGENCY TO THE CONTRACTOR IN ACCORDANCE WITH THE
9 FOLLOWING:
10 1. IN ACCORDANCE WITH THE TERMS OF THE CONTRACT, THE CONTRACTOR SHALL
11 SUBMIT TO THE STATE AGENCY A REQUEST FOR PAYMENT FOR THE WORK PERFORMED
12 AND/OR THE MATERIALS FURNISHED TO THE DATE OF THE REQUEST FOR PAYMENT,
13 LESS ANY AMOUNT PREVIOUSLY PAID TO THE CONTRACTOR. WITHIN FIFTEEN DAYS
14 OF RECEIPT OF THE REQUEST, THE STATE AGENCY SHALL IN ACCORDANCE WITH THE
15 TERMS OF THE CONTRACT APPROVE AND PROMPTLY PAY THE CONTRACTOR LESS AN
16 AMOUNT NECESSARY TO SATISFY ANY CLAIMS, LIENS OR JUDGMENTS AGAINST THE
17 CONTRACTOR WHICH HAVE NOT BEEN SUITABLY DISCHARGED. WHEN THE WORK OR
18 MAJOR PORTIONS THEREOF AS CONTEMPLATED BY THE TERMS OF THE CONTRACT ARE
19 SUBSTANTIALLY COMPLETED, THE CONTRACTOR SHALL SUBMIT TO THE STATE AGENCY
20 A REQUEST FOR PAYMENT OF THE REMAINING AMOUNT OF THE CONTRACT BALANCE.
21 WITHIN FIFTEEN DAYS OF RECEIPT OF SUCH REQUEST, THE STATE AGENCY SHALL
22 APPROVE AND PAY THE REMAINING AMOUNT OF THE CONTRACT BALANCE LESS TWO
23 TIMES THE VALUE OF ANY REMAINING ITEMS TO BE COMPLETED AND AN AMOUNT
24 NECESSARY TO SATISFY ANY CLAIMS, LIENS OR JUDGMENTS AGAINST THE CONTRAC-

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

LBD09804-01-5

1 TOR WHICH HAVE NOT BEEN SUITABLY DISCHARGED. AS THE REMAINING ITEMS OF
2 WORK ARE SATISFACTORILY COMPLETED OR CORRECTED, THE STATE AGENCY SHALL
3 PROMPTLY PAY, WITHIN FIFTEEN DAYS OF RECEIPT OF A REQUEST FOR PAYMENT,
4 FOR THESE REMAINING ITEMS LESS AN AMOUNT NECESSARY TO SATISFY ANY
5 CLAIMS, LIENS OR JUDGMENTS AGAINST THE CONTRACTOR WHICH HAVE NOT BEEN
6 SUITABLY DISCHARGED. ANY CLAIMS, LIENS AND JUDGMENTS REFERRED TO IN THIS
7 SECTION SHALL PERTAIN TO THE WORK CONTRACTED FOR AND SHALL BE FILED IN
8 ACCORDANCE WITH THE TERMS OF THE APPLICABLE CONTRACT AND/OR APPLICABLE
9 LAWS.

10 2. IN THE EVENT THAT THE TERMS OF PAYMENT AS PROVIDED IN THIS SECTION
11 ARE PRE-EMPTED OR SUPERSEDED AS A RESULT OF THE PROVISIONS OF ANY FEDER-
12 AL STATUTE, REGULATION OR RULE, THE TERMS OF THIS SECTION SHALL NOT
13 APPLY.

14 S 2. This act shall take effect on the ninetieth day after it shall
15 have become a law.