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

6871

2015-2016 Regular Sessions

I N A S S E M B L Y

April 8, 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 establishing a joint venture program for minority and women-owned business enterprises

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

Section 1. The executive law is amended by adding a new section 313-b to read as follows:

S 313-B. OPPORTUNITIES FOR JOINT VENTURE PARTICIPATION. 1. IN ORDER TO IMPROVE THE SUCCESS OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES IN CONTRACTING WITH THE STATE OR RECEIVING SUBCONTRACTS UNDER A STATE CONTRACT AND TO CREATE SOURCES OF RELIABLE CONTRACTORS AND SUBCONTRACTORS READY TO PERFORM LARGER JOBS AND RESPONSIBILITIES, THE DIRECTOR SHALL DEVELOP A JOINT VENTURE PROGRAM TO FOSTER RELATIONSHIPS BETWEEN NON-MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES. SUCH PROGRAM SHALL ALSO ALLOW NON-MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES WITH EXPERIENCE IN CONTRACTING WITH THE STATE TO PROVIDE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES TRAINING AND ASSISTANCE ON SUCH BIDS AND CONTRACTS. SUCH PROGRAM SHALL ALSO ALLOW CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES WHO ARE REJECTED AS CONTRACTORS TO HAVE THE OPPORTUNITY TO ESTABLISH A JOINT VENTURE WITH AN EXPERIENCED NON-MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE. FOR PURPOSES OF THIS SECTION, "JOINT VENTURE" MEANS A CONTRACTUAL AGREEMENT JOINING TOGETHER TWO OR MORE BUSINESS ENTERPRISES, ONE OF WHICH IS A CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE, FOR THE PURPOSE OF PERFORMING ON A STATE CONTRACT. THE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE MUST PROVIDE A PERCENTAGE OF VALUE ADDED SERVICES REPRESENTING AN EQUITABLE INTEREST IN THE JOINT VENTURE, AND ALL PARTIES SHALL AGREE TO SHARE IN THE PROFITS AND LOSSES OF THE BUSINESS ENDEAVOR ACCORDING TO THEIR PERCENTAGE OF EQUITABLE INTEREST.

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

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2. THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS FOR PARTICIPATION IN THE PROGRAM. INCENTIVES FOR BUSINESSES TO PARTICIPATE IN THE PROGRAM MAY INCLUDE, BUT NOT BE LIMITED TO, CREDIT TOWARDS FULFILLMENT OF MINORITY AND WOMEN-OWNED BUSINESS PARTICIPATION REQUIREMENTS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to article 15-A of the executive law made by section one of this act shall not affect the expiration of such article and shall be deemed to expire therewith; provided, further that the director of the division of minority and women's business development shall be authorized to commence the rulemaking process required pursuant to section one of this act prior to the effective date of this act.