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

6872--A

Cal. No. 256

2015-2016 Regular Sessions

I N A S S E M B L Y

April 8, 2015

Introduced by M. of A. BLAKE, COLTON, MOSLEY, BARRON, COOK, JOYNER, WRIGHT, SEAWRIGHT, RODRIGUEZ -- Multi-Sponsored by -- M. of A. CLARK, PEOPLES-STOKES, THIELE -- read once and referred to the Committee on Governmental Operations -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to directing contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts

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

Section 1. Subdivision 3 of section 311 of the executive law is amended by adding a new paragraph (d-1) to read as follows:

(D-1) TO REQUIRE ALL CONTRACTING STATE AGENCIES TO DEVELOP A THREE YEAR GROWTH PLAN TO DETERMINE A MEANS OF PROMOTING AND INCREASING PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES WITH RESPECT TO STATE CONTRACTS AND SUBCONTRACTS. EVERY THREE YEARS, BEGINNING MAY FIFTEENTH, TWO THOUSAND SEVENTEEN, EACH CONTRACTING STATE AGENCY SHALL SUBMIT A THREE YEAR GROWTH PLAN AS PART OF ITS ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE PURSUANT TO SECTION ONE HUNDRED SIXTY-FOUR OF THIS CHAPTER.

S 2. Subdivision 5 of section 315 of the executive law, as added by chapter 175 of the laws of 2010, is amended to read as follows:

5. Each agency shall include in its annual report to the governor and legislature pursuant to section one hundred sixty-four of [the executive law] THIS CHAPTER its annual goals for contracts with minority-owned and women-owned business enterprises, the number of actual contracts issued to minority-owned and women-owned business enterprises; and a summary of all waivers of the requirements of subdivisions six and seven of section three hundred thirteen of this article allowed by the reporting agency during the preceding year, including a description of the basis of the waiver request and the rationale for granting such waiver. Each agency

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

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shall also include in such annual report whether or not it has been required to prepare a remedial plan, and, if so, the plan and the extent to which the agency has complied with each element of the plan. EVERY THREE YEARS, BEGINNING MAY FIFTEENTH, TWO THOUSAND SEVENTEEN, EACH AGENCY SHALL INCLUDE IN SUCH ANNUAL REPORT ITS THREE YEAR GROWTH PLAN PURSUANT TO SECTION THREE HUNDRED ELEVEN OF THIS ARTICLE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the amendments to sections 311 and 315 of the executive law made by sections one and two of this act respectively, shall not affect the expiration of such sections and shall be deemed to expire therewith.