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

6877

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 prequalification system for certified 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. Subdivision 4 of section 313 of the executive law is amended by adding a new paragraph (e) to read as follows:

(E) ESTABLISH A PREQUALIFICATION SYSTEM FOR CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES TO ENSURE SUCH BUSINESSES ARE GIVEN THE OPPORTUNITY FOR MAXIMUM FEASIBLE PARTICIPATION. PROSPECTIVE BIDDERS MAY BE PREQUALIFIED IN ACCORDANCE WITH GENERAL CRITERIA ESTABLISHED BY THE CONTRACTING AGENCY WHICH MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE EXPERIENCE, PAST PERFORMANCE, ABILITY TO UNDERTAKE THE TYPE AND COMPLEXITY OF WORK, FINANCIAL CAPABILITY, RESPONSIBILITY, COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS AND ANTI-DISCRIMINATION LAWS, AND RELIABILITY. LISTS OF PREQUALIFIED BIDDERS MAY BE ESTABLISHED ON A PROJECT-SPECIFIC BASIS. PREQUALIFIED LISTS SHALL INCLUDE ALL BIDDERS THAT QUALIFY; PROVIDED, HOWEVER, THAT ANY SUCH LIST SHALL HAVE NO LESS THAN FIVE BIDDERS BUT SHALL REMAIN OPEN FOR ALL ADDITIONAL QUALIFIED BIDDERS. THE AGENCY'S PROCEDURES FOR PREQUALIFYING BIDDERS SHALL INCLUDE AN APPEALS PROCESS FOR THOSE DENIED PREQUALIFICATION OR WHOSE PREQUALIFICATION IS REVOKED OR SUSPENDED. THE AGENCY MAY MOVE FORWARD ON THE CONTRACT AWARD DURING SUCH APPEALS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subdivision 4 of section 313 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.

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

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