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

5282--A

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 -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for such rejection

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

Section 1. Section 315 of the executive law is amended by adding a new subdivision 2-a to read as follows:

2-A. THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS TO REQUIRE ALL CONTRACTING AGENCIES TO PROMPTLY PROVIDE WRITTEN NOTICE TO ALL UNSUCCESSFUL BIDDERS THAT ARE CERTIFIED MINORITY-OWNED OR WOMEN-OWNED BUSINESS ENTERPRISES ADVISING SUCH ENTERPRISES OF THE COMPLETION OF A PROCUREMENT SELECTION PROCESS AND THAT SUCH ENTERPRISE WAS NOT SELECTED. SUCH NOTICE SHALL ALSO (A) DISCLOSE THE IDENTITY OF THE SUCCESSFUL BIDDER OR BIDDERS; (B) ADVISE SUCH ENTERPRISE, TO THE EXTENT PRACTICABLE, OF THE REASONS FOR NOT BEING SELECTED; (C) INCLUDE, TO THE EXTENT PRACTICABLE, GUIDANCE CONCERNING METHODS OF IMPROVING FUTURE PROPOSALS OR BIDS BY SUCH ENTERPRISE; (D) ADVISE SUCH ENTERPRISE, IF APPLICABLE, OF THE OPPORTUNITY TO REQUEST A DEBRIEFING PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW; AND (E) INFORM SUCH ENTERPRISE OF THE SERVICES AVAILABLE THROUGH THE DIVISION OF MINORITY AND WOMEN'S BUSINESS DEVELOPMENT AND THE OFFICE OF THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE STATEWIDE ADVOCATE.

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

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

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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 rule-making process required pursuant to section one of this act prior to the effective date of this act.