

STATE OF NEW YORK

10744

IN ASSEMBLY

May 16, 2018

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to certification classifications for businesses owned by minority group members or women

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 314 of the executive law is amended by adding a new
2 subdivision 6 to read as follows:

3 6. (a) The director shall establish by regulation an additional
4 certification classification for minority and women-owned businesses
5 which are ineligible for certification pursuant to this section due to
6 exceeding the personal net worth or small business thresholds; provided,
7 however, that all other eligibility requirements pursuant to subdivision
8 seven or fifteen of section three hundred ten of this article, as appli-
9 cable, are satisfied. Such additional certification classifications
10 shall be listed separately in the directory of certified businesses
11 required to be prepared pursuant to this section. Regulations for the
12 certification classification established pursuant to this subdivision
13 shall require each business seeking certification to demonstrate that it
14 engages in, and significantly invests in, diversity practices.

15 (b) For purposes of this subdivision, the term "diversity practices"
16 shall include, but not be limited to:

17 (i) the inclusion of minority and women-owned business enterprises in
18 procurement opportunities within such business;

19 (ii) joint ventures between such business and other minority and
20 women-owned business enterprises;

21 (iii) trainings, workshops or mentoring programs conducted by the
22 business for other minority and women-owned business enterprises; and

23 (iv) job training and apprenticeship programs conducted by the minori-
24 ty and women-owned business that result in a more diverse workforce
25 within such business.

26 § 2. Paragraphs (h) and (i) of subdivision 2-a of section 313 of the
27 executive law, as added by chapter 175 of the laws of 2010, are amended
28 and a new paragraph (j) is added to read as follows:

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

LBD15809-03-8

1 (h) provide for the collection of statistical data by each agency
2 concerning actual minority and women-owned business enterprise partic-
3 ipation; ~~[and]~~

4 (i) require each agency to consult the most current disparity study
5 when calculating agency-wide and contract specific participation goals
6 pursuant to this article~~[-]~~; and

7 (j) require that businesses certified pursuant to subdivision six of
8 section three hundred fourteen of this article are utilized toward
9 contract solicitation goals after opportunities to meet such goals
10 through contracts with other businesses certified pursuant to this arti-
11 cle have been exhausted by commercially reasonable methods.

12 § 3. Section 313 of the executive law is amended by adding a new
13 subdivision 6-a to read as follows:

14 6-a. Prior to requesting a partial or total waiver pursuant to subdi-
15 vision six of this section, a contractor shall seek to comply with the
16 minority and women-owned business enterprise participation goals by
17 making a good faith effort to contract with a business in the certifi-
18 cation classification established pursuant to subdivision six of
19 section three hundred fourteen of this article.

20 § 4. This act shall take effect immediately; provided, however, that
21 the amendments to article 15-A of the executive law made by sections
22 one, two and three of this act shall not affect the expiration of such
23 article and shall be deemed to expire therewith.