

# STATE OF NEW YORK

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8508--A

2017-2018 Regular Sessions

## IN ASSEMBLY

June 17, 2017

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Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to opportunities for minority and women-owned business enterprises

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

1 Section 1. Section 311 of the New York city charter is amended by  
2 adding a new subdivision i to read as follows:

3 i. In addition to other rules authorized by this section, the board  
4 may provide by rule that:

5 1. agencies may make procurements of goods and services for amounts  
6 not exceeding one hundred fifty thousand dollars from businesses certi-  
7 fied as minority or women-owned business enterprises pursuant to section  
8 thirteen hundred four of the charter without a formal competitive proc-  
9 ess.

10 2. agencies may award contracts for goods and services on the basis of  
11 best value to the bidder or offerer which optimizes quality, cost and  
12 efficiency, among responsive and responsible bidders or offerers. Such  
13 basis shall reflect, wherever possible, objective and quantifiable anal-  
14 ysis and may include the prospective bidder's record of complying with  
15 existing labor standards, maintaining harmonious labor relations, and  
16 protecting the health and safety of workers. Such basis may also identi-  
17 fy a quantitative factor for awarding of contracts for bidders or offer-  
18 ers that are businesses certified as minority or women-owned business  
19 enterprises pursuant to section thirteen hundred four of the charter.

20 3. the rule or rules promulgated to implement paragraph one of this  
21 subdivision shall provide that the city shall, commencing on the first  
22 of October of the first full calendar year following the adoption of  
23 such rule or rules, submit an annual report to the governor and the  
24 state legislature of the total number and total dollar value of procure-

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

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1 ments of goods and services for amounts not exceeding one hundred fifty  
2 thousand dollars from:

3 (i) businesses certified as minority or women-owned business enter-  
4 prises pursuant to section thirteen hundred four of the charter;

5 (ii) all other businesses; and

6 (iii) information about the number of businesses certified as minority  
7 or women-owned business enterprises pursuant to section thirteen hundred  
8 four of this charter able to perform the specific type and scale of work  
9 involved in each procurement.

10 § 2. Severability. If any clause, sentence, paragraph, section or  
11 part of this act shall be adjudged by any court of competent jurisdic-  
12 tion to be invalid and after exhaustion of all further judicial review,  
13 the judgment shall not affect, impair or invalidate the remainder there-  
14 of, but shall be confined in its operation to the clause, sentence,  
15 paragraph, section or part of this act directly involved in the contro-  
16 versy in which the judgment shall have been rendered.

17 § 3. This act shall take effect immediately and shall apply to any  
18 contract entered into, renewed, modified or amended on or after such  
19 date.