STATE OF NEW YORK

9887

IN ASSEMBLY

February 16, 2018

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

AN ACT to amend the executive law, in relation to verification of good faith by contractors that request waivers of compliance with the provisions of article 15-A of the executive law relating to 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. Section 311-a of the executive law is amended by adding a new subdivision 5 to read as follows:

5. (a) The empire state development corporation, acting through the statewide advocate, shall retain one or more independent MWBE consultant firms to review all partial or total waivers of compliance requested by contractors pursuant to section three hundred thirteen of this article, regardless of whether such waivers were granted by the contracting agency. The MWBE consultant firms shall examine the circumstances under which each waiver was requested, and, if applicable, granted, verify whether the contractor has made the request for the waiver in good faith and report their findings to the statewide advocate.

(b) The findings of the MWBE consultant firms shall be published on the website of the statewide advocate and updated on a monthly basis.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to section 311-a of the executive law made by section one of this act shall not affect the expiration of such section and shall be deemed expired therewith.

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

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