STATE OF NEW YORK

11025

IN ASSEMBLY

May 31, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte, Peoples-Stokes) -- (at request of the Dormitory Authority of the State of New York) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public authorities law, in relation to the award of contracts to small businesses, minority-owned business enterprises and women-owned business enterprises; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 1678 of the public authorities law is amended by adding a new subdivision 29 to read as follows:

29. Notwithstanding any law to the contrary, to establish a pilot program for the award of contracts up to the maximum dollar amount specified in paragraph (e) of this subdivision, for the procurement of goods or services from, or for the construction, reconstruction, rehabilitation or improvement of facilities by, small businesses as defined in section one hundred thirty-one of the economic development law and/or minority-owned and women-owned business enterprises as defined in section three hundred ten of the executive law, notwithstanding the expiration of such section pursuant to subdivision (h) of section one hundred twenty-one of chapter two hundred sixty-one of the laws of nineteen hundred eighty-eight, as amended, in accordance with the following provisions:

(a) Procurements made pursuant to this subdivision shall be governed by the authority's procurement policy and guidelines adopted pursuant to section two thousand eight hundred seventy-nine of the public authorities law, with participation in the pilot program reserved exclusively to small businesses, as defined in section one hundred thirty-one of the economic development law, and/or minority-owned and women-owned business enterprises, as defined in section three hundred ten of the executive law.

(b) Procurements made pursuant to this subdivision shall be designated as such by the authority, in its sole discretion. Such designation shall

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

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be made prior to the advertisement and request for bids or proposals, and any such advertisement or request shall indicate this designation clearly.

(c) If the total number of parties responding and considered capable of meeting the specifications and terms of the advertisement and request for bids or proposals is less than three, or if the authority determines that acceptance of any bid or proposal will result in the payment of an unreasonable price, the authority shall reject all responses and withdraw the designation made pursuant to paragraph (b) of this subdivision.

(d) Procurements made pursuant to this subdivision may be undertaken in conjunction with section one hundred forty-seven of the state finance law authorizing a mentor-protege program to foster long-term relationships between approved mentor firms and small business concerns and minority and women-owned businesses certified pursuant to article fifteen-A of the executive law.

(e) The total value of contracts awarded pursuant to this subdivision shall not exceed the greater of twenty million dollars or five percent of the value of all contracts awarded by the authority in a given fiscal year.

§ 2. This act shall take effect immediately and shall expire July 1, 2022 when upon such date the provisions of this act shall be deemed repealed.