

STATE OF NEW YORK

8995

IN ASSEMBLY

January 9, 2018

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Cities

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. Subdivision i of section 311 of the New York city charter,
2 as added by a chapter of the laws of 2017, amending the New York city
3 charter relating to opportunities for minority and women-owned business
4 enterprises, as proposed in legislative bills numbers S.6513-B and
5 A.8508-A, is amended to read as follows:

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

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

13 2. agencies may award contracts for goods and services on the basis of
14 best value to the bidder or offerer which optimizes quality, cost and
15 efficiency, among responsive and responsible bidders or offerers. Such
16 basis shall reflect, wherever possible, objective and quantifiable anal-
17 ysis and may include the prospective bidder's record of complying with
18 existing labor standards, maintaining harmonious labor relations, and
19 protecting the health and safety of workers. Such basis may also identi-
20 fy a quantitative factor for awarding of contracts for bidders or offer-
21 ers that are businesses certified as minority or women-owned business
22 enterprises pursuant to article fifteen-a of the executive law and
23 section thirteen hundred four of the charter. Where an agency identi-
24 fies a quantitative factor pursuant to this paragraph, the agency must
25 specify that businesses certified as minority or women-owned business
26 enterprises pursuant to article fifteen-a of the executive law as well
27 as those certified as minority or women-owned business enterprises
28 pursuant to section thirteen hundred four of the charter are eligible to

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

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1 qualify for such factor. Nothing in this paragraph shall be construed as
2 a requirement that such businesses be concurrently certified as minority
3 or women-owned business enterprises under both article fifteen-a of the
4 executive law and section thirteen hundred four of the charter to quali-
5 fy for such quantitative factor.

6 3. the rule or rules promulgated to implement paragraph one of this
7 subdivision shall provide that the city shall, commencing on the first
8 of October of the first full calendar year following the adoption of
9 such rule or rules, submit an annual report to the governor and the
10 state legislature of the total number and total dollar value of procure-
11 ments of goods and services for amounts not exceeding one hundred fifty
12 thousand dollars from:

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

15 (ii) all other businesses; and

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

20 § 2. Severability. If any clause, sentence, paragraph, section or
21 part of this act shall be adjudged by any court of competent jurisdic-
22 tion to be invalid and after exhaustion of all further judicial review,
23 the judgment shall not affect, impair or invalidate the remainder there-
24 of, but shall be confined in its operation to the clause, sentence,
25 paragraph, section or part of this act directly involved in the contro-
26 versy in which the judgment shall have been rendered.

27 § 3. This act shall take effect on the same date and in the same
28 manner as a chapter of the laws of 2017, amending the New York city
29 charter relating to opportunities for minority and women-owned business
30 enterprises, as proposed in legislative bills numbers S.6513-B and
31 A.8508-A, takes effect.