# STATE OF NEW YORK

1173

2019-2020 Regular Sessions

# IN SENATE

January 11, 2019

Introduced by Sen. AMEDORE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the general municipal law and the executive law, in relation to including the consideration of whether prospective bidders are veteran owned businesses when a municipality or school district establishes its list of pre-qualified bidders

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

Section 1. Paragraph (a) of subdivision 15 of section 103 of the general municipal law, as added by section 1-a of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

(a) Notwithstanding any general, special or local law or rule or regulation to the contrary, an officer, board or agency of any county, any school district or any political subdivision of the state with a population of fifty thousand or more charged with awarding a contract for public work may establish guidelines governing the qualifications of bidders seeking to bid or enter into such contracts. If such officer, board or agency maintains an appropriate list of qualified bidders, the bidding shall be restricted to those who have qualified prior to the receipt of bids according to standards fixed by such officer, board or agency. In determining whether a prospective bidder qualifies for inclusion on a list of pre-qualified bidders, the officer, board or agency shall consider the experience and record of performance of the prospective bidder in the particular type of work, as well as: (i) the prospective bidder's ability to undertake the particular type and complexity of work; (ii) the financial capability, responsibility and reliability of the prospective bidder for such type and complexity of work; (iii) the record of the prospective bidder in complying with existing labor standards and maintaining harmonious labor relations; (iv) **whether the prospective bidder is a veteran owned business certified by the director**

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

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**of the division of veterans' affairs pursuant to subdivision twenty-four of section three hundred fifty-three of the executive law; (v)** the prospective bidder's compliance with equal employment opportunity requirements and anti-discrimination laws, and demonstrated commitment to working with minority and women-owned businesses through joint ventures or subcontractor relationships; and [~~(v)~~] **(vi)** the record of the prospective bidder in protecting the health and safety of workers on public works projects and job sites as demonstrated by the prospective bidder's experience modification rate for each of the last three years.

§ 2. Section 353 of the executive law is amended by adding a new subdivision 24 to read as follows:

**24. To establish standards for, and to accept and determine applications for designation of a business as a veteran owned business.**

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law.