

# STATE OF NEW YORK

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2843

2019-2020 Regular Sessions

## IN SENATE

January 29, 2019

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Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to requirements of the annual report from the division of minority and women's business development

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

1 Section 1. Subdivision 4 of section 315 of the executive law, as added  
2 by chapter 175 of the laws of 2010, is amended to read as follows:

3 4. The division of minority and women's business development shall  
4 issue an annual report which: (a) summarizes the report submitted by  
5 each contracting agency pursuant to subdivision three of this section;  
6 (b) contains such comparative or other information as the director deems  
7 appropriate, including but not limited to goals compared to actual  
8 participation of minority and women-owned business enterprises in state  
9 contracting, to evaluate the effectiveness of the activities undertaken  
10 by each such contracting agency to promote increased participation by  
11 certified minority or women-owned businesses with respect to state  
12 contracts and subcontracts; (c) contains a summary of all waivers of the  
13 requirements of subdivisions six and seven of section three hundred  
14 thirteen of this article allowed by each contracting agency during the  
15 period covered by the report, including a description of the basis of  
16 the waiver request and the contracting agency's rationale for granting  
17 any such waiver; (d) describes any efforts to create a database or other  
18 information storage and retrieval system containing information relevant  
19 to contracting with minority and women-owned business enterprises; [~~and~~]  
20 (e) contains a summary of (i) all determinations of violations of this  
21 article by a contractor or a contracting agency made during the period  
22 covered by the annual report pursuant to section three hundred sixteen-a  
23 of this article and (ii) the penalties or sanctions, if any, assessed in  
24 connection with such determinations and the rationale for such penalties

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

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1 or sanctions; (f) contains information on each contract identifying the  
2 following: (i) whether it is a contract for goods or services; (ii)  
3 whether the contract was awarded to a certified minority-owned business  
4 enterprise or a certified women-owned business enterprise and identify  
5 which minority group member the minority-owned business enterprise  
6 relies on for certification pursuant to this article; (iii) the name and  
7 business address of prime contractors and subcontractors providing  
8 services under such contract; and (iv) the dollar value of such  
9 contract; and (g) contains a summary of all certified minority and  
10 women-owned business enterprises, categorized by the minority group  
11 member that such minority-owned business enterprise relies on for  
12 certification pursuant to this article and by gender.

Copies of the  
13 annual report shall be provided to the commissioner, the governor, the  
14 comptroller, the temporary president of the senate, the speaker of the  
15 assembly, the minority leader of the senate, the minority leader of the  
16 assembly and shall also be made widely available to the public via,  
17 among other things, publication on a website maintained by the division  
18 of minority and women's business development.

19 § 2. This act shall take effect immediately; provided, however, that  
20 the amendments to section 315 of the executive law, made by section one  
21 of this act, shall not affect the expiration of such section and shall  
22 be deemed to expire therewith.