STATE OF NEW YORK

7266--B

2021-2022 Regular Sessions

IN ASSEMBLY

April 29, 2021

Introduced by M. of A. BICHOTTE HERMELYN, RODRIGUEZ, DICKENS, BARRON, SEAWRIGHT, STIRPE, TAYLOR, ANDERSON, REYES, SIMON -- Multi-Sponsored by -- M. of A. DAVILA -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter in relation to opportunities for businesses owned by women and minorities

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

Section 1. Subdivision i of section 311 of the New York city charter, as amended by chapter 19 of the laws of 2018, paragraph 1 as amended by chapter 98 of the laws of 2019, is amended to read as follows:

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

1. agencies may make procurements of goods, services and construction for amounts not exceeding [~~five hundred thousand~~] one million dollars from businesses certified as minority or women-owned business enterprises pursuant to section thirteen hundred four of the charter without a formal competitive process.

2. agencies may award contracts for goods and services on the basis of best value to the bidder [~~or offerer~~] which optimizes quality, cost and efficiency, among responsive and responsible bidders [~~or offerers~~]. Such basis shall reflect, wherever possible, objective and quantifiable analysis and may include the [~~prospective~~] bidder's record of complying with existing labor standards, maintaining harmonious labor relations, implementing sound diversity practices and protecting the health and safety of workers. Such basis may also identify a quantitative factor for awarding of contracts for bidders [~~or offerers~~] that are businesses certified as minority or women-owned business enterprises pursuant to

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

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article [~~fifteen-a~~] fifteen-A of the executive law and section thirteen hundred four of the charter. Where an agency identifies a quantitative factor pursuant to this paragraph, the agency must specify that businesses certified as minority or women-owned business enterprises pursuant to article [~~fifteen-a~~] fifteen-A of the executive law as well as those certified as minority or women-owned business enterprises pursuant to section thirteen hundred four of the charter are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority or women-owned business enterprises under both article [~~fifteen-a~~] fifteen-A of the executive law and section thirteen hundred four of the charter to qualify for such quantitative factor.

3. agencies awarding construction contracts on the basis of competitive sealed bidding pursuant to section three hundred thirteen of the charter may identify a quantitative factor for bidders that are businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law and section thirteen hundred four of the charter. Where an agency identifies a quantitative factor pursuant to this paragraph, the agency must specify that businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law as well as those certified as minority or women-owned business enterprises pursuant to section thirteen hundred four of the charter are eligible to qualify for such factor. Nothing in this paragraph shall be construed as a requirement that such businesses be concurrently certified as minority or women-owned business enterprises under both article fifteen-A of the executive law and section thirteen hundred four of the charter to qualify for such quantitative factor. Agencies may also identify a quantitative factor for awarding of such construction contracts based on each bidder's record of implementing sound diversity practices. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

4. the rule or rules promulgated to implement paragraph one of this subdivision shall provide that the city shall, commencing on the first of October of the first full calendar year following the adoption of such rule or rules, submit an annual report to the governor and the state legislature of the total number and total dollar value of procurements of goods and services for amounts not exceeding [~~one hundred fifty thousand dollars~~] the dollar threshold for making procurements without a formal competitive process, as established by rule pursuant to paragraph one of this subdivision, from:

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

(ii) all other businesses; and

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

§ 2. This act shall take effect immediately.