

STATE OF NEW YORK

4165

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law and the labor law, in relation to the publication of information regarding waivers of compliance with state contract provisions concerning minority and women-owned business enterprise participation requirements

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

1 Section 1. Paragraph (b) of subdivision 6 of section 313 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to
2 read as follows:

3 (b) Upon the issuance of all waivers of compliance as provided in
4 paragraph (a) of this subdivision, the contracting agency shall: (i)
5 report the issuance of the waiver to the director; and (ii) publish on
6 the contracting agency's website on a monthly basis, if practicable, but
7 no less than on a quarterly basis, in a location easily accessible to
8 the general public: (1) information identifying the contract, including
9 the value of the contract; (2) the name of the contractor receiving the
10 waiver; (3) the date of the waiver; [~~and~~] (4) whether the waiver was a
11 partial or total waiver; and (5) the specific contract provisions to
12 which the waiver applies.

13 § 2. Paragraph (j) of subdivision 3 of section 311 of the executive
14 law, as amended by chapter 96 of the laws of 2019, is amended to read as
15 follows:

16 (j) to make publicly available records of all waivers of compliance
17 reported pursuant to paragraph (b) of subdivision six of section three
18 hundred thirteen of this article on the division's website in a location
19 easily accessible to the general public. The record shall provide, at a
20 minimum: (A) information identifying the contract, including the amount
21 of the contract; (B) information identifying the contracting agency; (C)
22

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

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1 the name of the contractor receiving the waiver; and (D) the date of the
2 waiver.

3 § 3. Section 21 of the labor law is amended by adding a new subdivi-
4 sion 16 to read as follows:

5 16. Shall compile and publish, on an annual basis, a list of waivers
6 of compliance with state contract provisions concerning minority and
7 women-owned business enterprise participation requirements, issued
8 pursuant to paragraph (b) of subdivision six of section three hundred
9 thirteen of the executive law. The commissioner or his or her delegate
10 shall make such list publicly available on the department's website in a
11 location easily accessible to the general public. The list shall
12 provide, at a minimum: (A) information identifying the contract, includ-
13 ing the amount of the contract; (B) information identifying the
14 contracting agency; (C) the name of the contractor receiving the waiver;
15 and (D) the date of the waiver.

16 § 4. This act shall take effect on the sixtieth day after it shall
17 have become a law; provided, however, that:

18 a. the amendments to subdivision 6 of section 313 of the executive law
19 made by section one of this act shall not affect the expiration of arti-
20 cle 15-A of such law and shall be deemed to expire therewith; and

21 b. the amendments to subdivision 3 of section 311 of the executive law
22 made by section two of this act shall not affect the expiration of arti-
23 cle 15-A of such law and shall be deemed to expire therewith.

24 c. Effective immediately, the addition, amendment and/or repeal of
25 any rule or regulation necessary for the implementation of this act on
26 its effective date are authorized to be made and completed on or before
27 such effective date.