

# STATE OF NEW YORK

5517--A

2021-2022 Regular Sessions

## IN SENATE

March 9, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to certain contracts involving industrial painting and industrial coatings

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

1 Section 1. The state finance law is amended by adding a new section  
2 136-d to read as follows:

3 § 136-d. Contracts involving industrial painting and industrial coat-  
4 ings. 1. Any state agency contract for the application of industrial  
5 painting or industrial coating shall include provisions regarding  
6 contractor, subcontractor and worker certification as follows:

7 a. Contractors and subcontractors doing work involving industrial  
8 painting and industrial coating shall certify that all work completed  
9 meets the minimum standards established under this section by the office  
10 of general services regarding industrial painting and industrial coat-  
11 ing.

12 b. Contractors and subcontractors doing work involving industrial  
13 painting and industrial coating that require the disturbance of lead-  
14 based paint or other hazardous materials shall certify that all work  
15 conducted on the project meets the minimum standards established under  
16 this section by the office of general services.

17 2. Any certifications required by this section shall be kept current  
18 for the duration of the contract.

19 3. The office of general services shall establish guidelines concern-  
20 ing the procurement of industrial paints and industrial coatings as well  
21 as the qualifications required for the application of industrial paints  
22 and industrial coatings by contractors and subcontractors pursuant to  
23 section one hundred sixty-three of this chapter. Such guidelines shall

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

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1 implement a certification process with minimum standards for contractors  
2 and subcontractors to file with the contracting agency upon completion  
3 of a project. When establishing guidelines related to industrial paints  
4 and industrial coatings, the office shall consider industry standards  
5 set forth by the Association for Materials Protection and Performance  
6 (AMPP) or other similar associations that set industry standards for  
7 protective coatings and shall consult with affected contractors and  
8 subcontractors to consider environmental impact as well as the impact on  
9 public health and safety. The office of general services shall establish  
10 contractor and subcontractor requirements for employees working on  
11 industrial painting and industrial coating projects including, but not  
12 limited to, requiring specific trainings or certifications for individ-  
13 ual employees.

14 4. As used in this section, the term "state agency" shall mean the  
15 same as defined in section one hundred sixty of this chapter.

16 § 2. This act shall take effect on the one hundred eightieth day  
17 after it shall have become a law and shall apply to any state contract-  
18 ing opportunities advertised on or after such date and shall exclude  
19 contracts for which an invitation for bid, request for proposal, or  
20 similar solicitation has been issued prior to the effective date of this  
21 act.