STATE OF NEW YORK

6369

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring the state comptroller to prepare and release an annual report grading each state agency on its spending with minority and women-owned business enterprises; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The executive law is amended by adding a new section 163-b to read as follows:

§ 163-b. M/WBE compliance report. 1. By June first of each year, the office of the comptroller shall prepare and release on its website an annual report that issues letter grades to each state agency and to the comptroller's office based on the agency's or office's level of success in contract spending with minority and women-owned business enterprises pursuant to article fifteen-A of this chapter. The grades shall be based on M/WBE participation goals for state agencies across various industries as provided in section three hundred thirteen of this chapter. Such report shall assign letter grades to all state agencies and to the comptroller's office as follows:

A - great standing;

B - good standing;

C - average, but could use improvement;

D - below average; and

F - unacceptable.

2. The report shall measure the actual spending of each agency in the prior fiscal year, and not the registered value of contracts, which may or may not have resulted in actual spending or which could span multiple years. The report shall assign individual grades to each agency's spend-

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

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ing with Asian-American firms, Hispanic-American firms, black-owned firms and women-owned firms.

3. For each agency, the report shall state the following:

(a) the total dollar amount of the agency's M/WBE-eligible spending;

(b) the total amount of the agency's actual M/WBE spending;

(c) the nature of the majority of the spending, specifying whether the spending was for construction services, non-construction services, commodities or professional services; and

(d) a comparison of the agency's prior fiscal year actual spending amount with the amounts spent by the agency during the three previous fiscal years, noting the increase or decrease from year to year.

§ 2. This act shall take effect on the first of April next succeeding the date upon which it shall have become a law and shall expire on the same date as article 15-A of the executive law expires as provided in section 121 of chapter 261 of the laws of 1988, as amended, when upon such date the provisions of this act shall be deemed repealed.