

# STATE OF NEW YORK

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7471

2021-2022 Regular Sessions

## IN ASSEMBLY

May 10, 2021

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Introduced by M. of A. BICHOTTE HERMELYN, HYNDMAN, SOLAGES, SEAWRIGHT, GOTTFRIED, JEAN-PIERRE, ROZIC, WALKER -- read once and referred to the Committee on Governmental Operations

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 96 of the laws of 2019, 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 and a listing of annual participation rates for each agency,  
10 the total number of certified minority and women-owned businesses for  
11 that reporting year, and the total dollar value of state expenditures on  
12 certified minority and women-owned business contracts and subcontracts  
13 for that reporting year, to evaluate the effectiveness of the activities  
14 undertaken by each such contracting agency to promote increased partic-  
15 ipation by certified minority or women-owned businesses with respect to  
16 state contracts and subcontracts; (c) contains a summary of all waivers  
17 of the requirements of subdivisions six and seven of section three  
18 hundred thirteen of this article allowed by each contracting agency  
19 during the period covered by the report, including a description of the  
20 basis of the waiver request and the contracting agency's rationale for  
21 granting any such waiver; (d) describes any efforts to create a database  
22 or other information storage and retrieval system containing information  
23 relevant to contracting with minority and women-owned business enter-

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

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prises; ~~and~~ (e) contains a summary of (i) all determinations of violations of this article by a contractor or a contracting agency made during the period covered by the annual report pursuant to section three hundred sixteen-a of this article and (ii) the penalties or sanctions, if any, assessed in connection with such determinations and the rationale for such penalties or sanctions; (f) contains information on each contract identifying the following: (i) whether it is a contract for goods or services; (ii) whether the contract was awarded to a certified minority-owned business enterprise or a certified women-owned business enterprise and identify which minority group member the minority-owned business enterprise relies on for certification pursuant to this article; (iii) the name and business address of prime contractors and subcontractors providing services under such contract; and (iv) the dollar value of such contract; and (g) contains a summary of all certified minority and women-owned business enterprises, categorized by the minority group member that such minority-owned business enterprise relies on for certification pursuant to this article and by gender.

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

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