STATE OF NEW YORK

3391

2021-2022 Regular Sessions

IN SENATE

January 29, 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, in relation to directing contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts

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

Section 1. Paragraph (d-1) of subdivision 3 of section 311 of the executive law, as added by chapter 96 of the laws of 2019, is amended to read as follows:

(d-1) to require all contracting state agencies to develop a [~~four-year~~] three-year growth plan to determine a means of promoting and increasing participation by minority-owned and women-owned business enterprises with respect to state contracts and subcontracts. Every [~~four~~] three years, beginning September fifteenth, two thousand twenty, each contracting state agency shall submit a [~~four-year~~] three-year growth plan as part of its annual report to the governor and legislature pursuant to section one hundred sixty-four of this chapter.

§ 2. Subdivision 5 of section 315 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

5. Each agency shall include in its annual report to the governor and legislature pursuant to section one hundred sixty-four of this chapter: (a) its annual goals for contracts with minority-owned and women-owned business enterprises; (b) the number of actual contracts issued to minority-owned and women-owned business enterprises; (c) a summary of all waivers of the requirements of subdivisions six and seven of section three hundred thirteen of this article allowed by the reporting agency during the preceding year, including a description of the basis of the waiver request and the rationale for granting such waiver; (d) whether or not it has been required to prepare a remedial plan, and, if so, the plan and the extent to which the agency has complied with each element

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

LBD07098-01-1

of the plan; (e) which expenditures are exempt from participation goals and the rationale for such exemption; and (f) every [~~four~~] three years, beginning September fifteenth, two thousand twenty, each agency shall include in such annual report its [~~four-year~~] three-year growth plan pursuant to section three hundred eleven of this article.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the amendments to sections 311 and 315 of the executive law made by sections one and two of this act respectively, shall not affect the repeal of such sections and shall be deemed repealed therewith.