

# STATE OF NEW YORK

3760--A

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive 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 348 of the laws of 2021, is amended to  
2 read as follows:

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

13 § 2. Paragraphs (j) and (k) of subdivision 3 of section 311 of the  
14 executive law, paragraph (j) as amended and paragraph (k) as added by  
15 chapter 825 of the laws of 2021, are amended and a new paragraph (l) is  
16 added to read as follows:  
17

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

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1 (j) to make publicly available records of all waivers of compliance  
2 reported pursuant to paragraph (b) of subdivision six of section three  
3 hundred thirteen of this article on the division's website; ~~and~~

4 (k) to work in conjunction with the industrial commissioner pursuant  
5 to paragraph (j) of subdivision one of section eight hundred eleven of  
6 the labor law to assist contractors in identifying minority group  
7 members and women who are participating in apprenticeship agreements  
8 under article twenty-three of the labor law~~[-]~~; ~~and~~

9 (l) to keep a record of partial and total waivers of compliance  
10 reported pursuant to paragraph (b) of subdivision six of section three  
11 hundred thirteen of this article and to make such record publicly avail-  
12 able on the division's website. The record shall provide, at a mini-  
13 mum: (i) information identifying the contract, including the value  
14 of the contract; (ii) information identifying the contracting agency;  
15 (iii) the name of the contractor receiving the waiver; and (iv) the  
16 date of the waiver.

17 § 3. This act shall take effect on the sixtieth day after it shall  
18 have become a law; provided, however, that the amendments to article  
19 15-A of the executive law made by sections one and two of this act shall  
20 not affect the repeal of such article and shall be deemed repealed ther-  
21 ewith. Effective immediately the addition, amendment and/or repeal of  
22 any rule or regulation necessary for the implementation of this act on  
23 its effective date are authorized to be made on or before such date.