

# STATE OF NEW YORK

694--A

Cal. No. 247

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommended to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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  
2 amended by chapter 96 of the laws of 2019, is amended to read as  
3 follows:

4 4. The division of minority and women's business development shall  
5 issue an annual report which: (a) summarizes the report submitted by  
6 each contracting agency pursuant to subdivision three of this section;  
7 (b) contains such comparative or other information as the director deems  
8 appropriate, including but not limited to goals compared to actual  
9 participation of minority and women-owned business enterprises in state  
10 contracting and a listing of annual participation rates for each agency,  
11 the total number of certified minority and women-owned businesses for  
12 that reporting year categorized by the minority group that such business  
13 relies on for certification pursuant to this article and by gender, and  
14 the total dollar value of state expenditures on certified minority and  
15 women-owned business contracts and subcontracts for that reporting year,  
16 to evaluate the effectiveness of the activities undertaken by each such  
17 contracting agency to promote increased participation by certified

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

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1 minority or women-owned businesses with respect to state contracts and  
2 subcontracts; (c) contains a summary of all waivers of the requirements  
3 of subdivisions six and seven of section three hundred thirteen of this  
4 article allowed by each contracting agency during the period covered by  
5 the report, including a description of the basis of the waiver request  
6 and the contracting agency's rationale for granting any such waiver; (d)  
7 describes any efforts to create a database or other information storage  
8 and retrieval system containing information relevant to contracting with  
9 minority and women-owned business enterprises; [~~and~~] (e) contains a  
10 summary of (i) all determinations of violations of this article by a  
11 contractor or a contracting agency made during the period covered by the  
12 annual report pursuant to section three hundred sixteen-a of this arti-  
13 cle and (ii) the penalties or sanctions, if any, assessed in connection  
14 with such determinations and the rationale for such penalties or sanc-  
15 tions; and (f) contains information on each contract identifying the  
16 following: (i) whether it is a contract for goods or services; (ii)  
17 whether the contract was awarded to a certified minority-owned business  
18 enterprise or a certified women-owned business enterprise and identify  
19 which minority group member the minority-owned business enterprise  
20 relies on for certification pursuant to this article; (iii) the name and  
21 business address of prime contractors and subcontractors providing  
22 services under such contract; and (iv) the dollar value of such  
23 contract. Copies of the annual report shall be provided to the commis-  
24 sioner, the governor, the comptroller, the temporary president of the  
25 senate, the speaker of the assembly, the minority leader of the senate,  
26 the minority leader of the assembly and shall also be made widely avail-  
27 able to the public via, among other things, publication on a website  
28 maintained by the division of minority and women's business development.  
29 § 2. This act shall take effect immediately; provided, however, that  
30 the amendments to section 315 of the executive law, made by section one  
31 of this act, shall not affect the expiration of such section and shall  
32 be deemed to expire therewith.