STATE OF NEW YORK

3961

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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 authorizing the empire state development corporation to retain one or more independent MWBE consultant firms for the purpose of helping reduce contractor violations of the provisions of article 15-A of the executive law and requiring contractors in violation of the provisions of article 15-A of the executive law to retain independent monitors to oversee compliance

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

Section 1. Section 315 of the executive law is amended by adding a new subdivision 8 to read as follows:

8. The empire state development corporation shall retain one or more independent MWBE consultant firms for the purpose of helping reduce contractor violations of the provisions of this article. Any contractor found by the director to be in violation of the provisions of this article shall be required by the director to retain an independent monitor who shall examine the circumstances under which a contractor's violation or violations occurred, assist the contractor in rectifying its violations, implement any remedial action plan as described in subdivisions six and seven of this section, and, until such time as the contractor is no longer in violation of the provisions of this article, operate as an independent monitor to oversee the contractor's compliance with its obligations under this article. The contractor's monitor shall provide regular reports concerning the contractor's compliance and progress to the MWBE contractor assigned to review the contractor.

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of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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