

# STATE OF NEW YORK

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7007--A

2023-2024 Regular Sessions

## IN ASSEMBLY

May 10, 2023

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Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the public authorities law, in relation to modernizing the metropolitan transportation authority's small business mentoring program

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

1 Section 1. Paragraph (c) of subdivision 1 of section 1265-b of the  
2 public authorities law, as added by chapter 206 of the laws of 2010, is  
3 amended to read as follows:

4 (c) "small business" means a business in the construction trades which  
5 (i) is independently owned and operated; (ii) has annual revenues not  
6 exceeding a fiscal limitation of [~~five~~] ten million dollars or such  
7 lesser amount as established by the authority pursuant to these  
8 provisions; and (iii) meets additional criteria as otherwise established  
9 by the chairman in consultation with the members of the MTA small busi-  
10 ness mentoring program advisory committee. The chair of the committee  
11 shall be the chief diversity officer of the MTA. The authority shall  
12 establish a detailed definition in general and specific to different  
13 segments of the construction industry to the extent necessary to reflect  
14 differing characteristics of such segments based on the criteria used by  
15 the United States small business administration for loans to small busi-  
16 nesses as set forth in Sections 121.301 through 121.305, or for awarding  
17 government procurements as set forth in Sections 121.401 through  
18 121.413, of Subpart A of Part 121 of Chapter I of Title 13 of the Code  
19 of Federal Regulations as amended, and such other criteria as determined  
20 by the authority;

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

LBD11101-04-3

§ 2. Paragraph (d) of subdivision 1 of section 1265-b of the public authorities law, as added by chapter 206 of the laws of 2010, is amended to read as follows:

(d) "small business mentoring program" is a program established by the authority pursuant to these provisions to provide small businesses accepted into the program with the opportunity:

(i) for up to [~~four~~] five years, to compete for and, where awarded, to perform certain authority public work contracts to be designated by the authority for inclusion in this program under this subparagraph, with the assistance of an authority-provided mentor, which shall be a firm competitively selected by the authority that has extensive construction management and mentoring experience, with the mentor to provide the small business with advice and assistance in competing for and managing authority public work contracts; and

(ii) for a small business mentoring program participant which the authority has determined has successfully completed the program under subparagraph (i) of this paragraph, for up to [~~four~~] five additional years, (A) additional opportunities to compete with other designated small businesses in the program for certain public work contracts to be designated for inclusion under this subparagraph and, where awarded, to perform such authority public work contracts, with the further assistance of an authority-provided mentor, which shall be a firm competitively selected by the authority that has extensive construction management and mentoring experience, with the mentor to provide the small business with advice and technical assistance in competing for and managing authority public work contracts, and (B) authority-provided assistance, as determined by the authority, for such a small business to obtain bonding for public work contracts that are competitively awarded pursuant to provisions of law other than this section.

§ 3. Paragraph (e) of subdivision 1 of section 1265-b of the public authorities law, as added by chapter 206 of the laws of 2010, is amended to read as follows:

(e) "small business mentoring program contract" means a non-federally funded, unless authorized by the applicable federal funding agency, authority public work contract designated by the authority, in an estimated amount of not more than one million five hundred thousand dollars for contracts under subparagraph (i) of paragraph (d) of this subdivision and [~~three~~] five million dollars for contracts under subparagraph (ii) of paragraph (d) of this subdivision, for which bids or proposals are to be invited and accepted only from businesses that are enrolled in the small business mentoring program and have been selected by the authority to compete for the contract.

§ 4. Section 1265-b of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. The authority shall submit a report, no later than September thirtieth, two thousand twenty-five, and annually thereafter, to the governor, the temporary president of the senate, and the speaker of the assembly regarding procurements made pursuant to this section. Such report shall include a description of each procurement made pursuant to this subdivision and the rationale for why the public work contract was selected as a small business mentoring program contract, information regarding the procurement process for each such mentoring program contract and the name or names of the small businesses that fulfilled the contract, the project identification number and a description for each such project performed pursuant to the contract, the contractual completion date for each contract, the status of each such project, the

1 contract price, including executed modifications, whether a project  
2 received surety bond or insurance contract assistance pursuant to  
3 subparagraph (vi) of paragraph (b) of subdivision two of this section,  
4 the total dollar value of monies paid to minority-owned and women-owned  
5 business enterprises and disadvantaged business enterprises pursuant to  
6 this section itemized by year and including the total dollar values for  
7 the five years preceding the respective annual report's release date.  
8 Such report shall additionally identify the authority-provided  
9 construction manager mentors and describe their competitive selection  
10 process, describe the technical assistance and advice provided by the  
11 authority and the mentors to program participants, and describe the  
12 business training provided by such mentor. For annual reports, any new  
13 procurements and changes during the period covered by the report shall  
14 be identified separately.

15 § 5. This act shall take effect immediately; provided, however, that  
16 the amendments to section 1265-b of the public authorities law made by  
17 sections one, two, three and four of this act shall not affect the  
18 repeal of such section and shall be deemed repealed therewith.