

# STATE OF NEW YORK

1428

2023-2024 Regular Sessions

## IN SENATE

January 11, 2023

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 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, and the total dollar value of state expenditures on  
13 certified minority and women-owned business contracts and subcontracts  
14 for that reporting year, to evaluate the effectiveness of the activities  
15 undertaken by each such contracting agency to promote increased partic-  
16 ipation by certified minority or women-owned businesses with respect to  
17 state contracts and subcontracts; (c) contains a summary of all waivers  
18 of the requirements of subdivisions six and seven of section three  
19 hundred thirteen of this article allowed by each contracting agency  
20 during the period covered by the report, including a description of the  
21 basis of the waiver request and the contracting agency's rationale for  
22 granting any such waiver; (d) describes any efforts to create a database  
23 or other information storage and retrieval system containing information  
24 relevant to contracting with minority and women-owned business enter-

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

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1 prises; ~~and~~ (e) contains a summary of (i) all determinations of  
2 violations of this article by a contractor or a contracting agency made  
3 during the period covered by the annual report pursuant to section three  
4 hundred sixteen-a of this article and (ii) the penalties or sanctions,  
5 if any, assessed in connection with such determinations and the ration-  
6 ale for such penalties or sanctions; (f) contains reports on contracts  
7 by ethnicity, gender, industry, prime contractor or subcontractor,  
8 contract type, such as construction, goods and purchase, professional or  
9 standard services, and value of contract; and (g) contains a summary of  
10 all certified minority and women-owned business enterprises, categorized  
11 by ethnicity and gender. For purposes of this subdivision "ethnicity"  
12 shall mean the same as minority group member as defined by subdivision  
13 eight of section three hundred ten of this article, and shall include  
14 caucasian women. Copies of the annual report shall be provided to the  
15 commissioner, the governor, the comptroller, the temporary president of  
16 the senate, the speaker of the assembly, the minority leader of the  
17 senate, the minority leader of the assembly and shall also be made wide-  
18 ly available to the public via, among other things, publication on a  
19 website maintained by the division of minority and women's business  
20 development.

21 § 2. This act shall take effect immediately; provided, however, that  
22 the amendments to section 315 of the executive law, made by section one  
23 of this act, shall not affect the repeal of such section and shall be  
24 deemed repealed therewith.