STATE OF NEW YORK

5077

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sen. CLEARE -- 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 third party oversight for state contracts involving minority and women-owned businesses

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

Section 1. The executive law is amended by adding a new section 316-b to read as follows:

§ 316-b. Third party oversight. 1. A third party entity not employed, engaged in business with or holding office in New York state shall be selected by the legislature and confirmed by the chief diversity officer, as defined in section four-a of this chapter, through a request for proposal process to oversee each contracting agency's procurement procedure for contracts made directly or indirectly to minority and women-owned businesses.

2. Each contracting agency shall submit the following information to such third party entity on a quarterly basis:

(a) total agency procurement including from which industry under subdivision one of section three hundred thirteen of this article each contract is categorized;

(b) upcoming confirmed and proposed procurement opportunities including estimated overall cost and steps taken or to be taken in order to ensure maximum feasible participation of minority and women-owned business;

(c) a list of all bids for each contract including a list of all contractors, known subcontractors, and whether any or all qualify as a minority or women-owned business; and

(d) a list of all contractor's awarded waivers with supporting documentation illustrating such contractor's good faith effort to comply with the criteria outlined in subdivision seven of section three hundred thirteen of this article.

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

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3. Such third party entity shall develop an evaluation system that clearly delineates and compares each agency's utilization of minority and women-owned businesses and the established procurement goals outlined in subdivision one of section three hundred thirteen of this article.

4. Such third party entity shall report annually on the fifteenth day of May directly to the governor, temporary president of the senate and speaker of the assembly the collective findings from the past year's quarterly submissions. Additionally, such report shall be made available on the empire state development division of minority and women's business development website for public review.

§ 2. This act shall take effect immediately and shall expire on the same date and in the same manner as article 15-A of the executive law pursuant to subdivision (h) of section 121 of chapter 261 of the laws of 1988, as amended.