

# STATE OF NEW YORK

9864

## IN SENATE

June 6, 2024

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, the state finance law and the public authorities law, in relation to establishing expanded construction mentorship opportunities for small and minority and women-owned business enterprises

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

1 Section 1. Paragraph (e) of subdivision 4 of section 311 of the execu-  
2 tive law, as added by chapter 96 of the laws of 2019, is amended to read  
3 as follows:

4 (e) identify and establish mentorship opportunities and other business  
5 development programs to increase capacity and better prepare MWBEs for  
6 bidding on contracts with state agencies upon successful completion of  
7 the mentorship opportunity. Such mentorship opportunities shall be  
8 intended to ensure that mentor and mentee are connected based on a  
9 commercially useful function. Mentorship opportunities shall also be  
10 identified and established in instances where there is privity of  
11 contract between a minority and women-owned business enterprise and a  
12 subcontractor or contractor working on a state contract.

13 § 2. Paragraph (j) of subdivision 2-a of section 313 of the executive  
14 law, as amended by chapter 96 of the laws of 2019, is amended and a new  
15 paragraph (k) is added to read as follows:

16 (j) require each agency to consult the most current disparity study  
17 when calculating agency-wide and contract specific participation goals  
18 pursuant to this article; [~~and~~]

19 (k) encourage mentor-protége relationships as defined in section one  
20 hundred forty-seven of the state finance law, between a minority and  
21 women-owned business enterprise and a state agency where there is privi-  
22 ty of contract between a minority and women-owned business enterprise  
23 and a subcontractor or contractor working on a state contract.

24 § 3. Subdivision 1 of section 147 of the state finance law, as added  
25 by chapter 360 of the laws of 2009, is amended to read as follows:

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

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1 1. In every state agency, department and authority which has let more  
2 than ten million dollars in service and construction contracts in the  
3 prior fiscal year, the chief executive officer of that agency, depart-  
4 ment or authority shall develop a mentor-protege program to foster long-  
5 term relationships between state agencies, approved mentor firms, and  
6 small business concerns and minority and women-owned businesses certi-  
7 fied pursuant to article fifteen-A of the executive law, in order to  
8 enhance the capabilities of small and minority and women-owned business  
9 concerns, improve their success in contracting with the state or receiv-  
10 ing subcontracts under a state contract, and to create sources of reli-  
11 able contractors and subcontractors ready to perform larger jobs and  
12 responsibilities. Participation in the program shall be voluntary for  
13 both the mentor firm and the protege firm. Such mentor-protege programs  
14 shall be established in instances where there is privity of contract  
15 between a minority and women-owned business enterprise and a subcontrac-  
16 tor or contractor working on a state contract.

17 § 4. Subparagraphs (vi) and (vii) of paragraph b of subdivision 2 of  
18 section 1265-b of the public authorities law, as added by chapter 206 of  
19 the laws of 2010, are amended and a new subparagraph (viii) is added to  
20 read as follows:

21 (vi) to assist only small business mentoring program participants that  
22 have been awarded small business mentoring program contracts to obtain  
23 any surety bond or contract of insurance required of them in connection  
24 with such contract only notwithstanding any provision of section two  
25 thousand five hundred four of the insurance law to the contrary; ~~and~~

26 (vii) for small businesses that have been accepted into the small  
27 business mentoring program under subparagraph (ii) of paragraph (d) of  
28 subdivision one of this section, in addition to the benefits of such  
29 program and notwithstanding any other provision of law, to provide tech-  
30 nical assistance in obtaining bid, payment and performance bonding for  
31 authority public work contracts that are not small business mentoring  
32 program contracts, for which the small business is otherwise quali-  
33 fied~~[-]~~; and

34 (viii) to further establish small business mentoring programs between  
35 the agency and a minority and women-owned business enterprise in  
36 instances where there is privity of contract between a minority and  
37 women-owned business enterprise and a subcontractor or contractor work-  
38 ing on an authority public works contract.

39 § 5. This act shall take effect immediately; provided, however, that;

40 (a) the amendments to article 15-A of the executive law, made by  
41 sections one and two of this act, shall not affect the expiration of  
42 such article and shall expire and be deemed expired therewith; and

43 (b) the amendments to section 1265-b of the public authorities law  
44 made by section four of this act shall not affect the repeal of such  
45 section and shall be deemed repealed therewith.