

STATE OF NEW YORK

7007

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Corporations, Authorities and Commissions

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;

21 § 2. Paragraph (d) of subdivision 1 of section 1265-b of the public
22 authorities law, as added by chapter 206 of the laws of 2010, is amended
23 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 (d) "small business mentoring program" is a program established by the
2 authority pursuant to these provisions to provide small businesses
3 accepted into the program with the opportunity:

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

12 (ii) for a small business mentoring program participant which the
13 authority has determined has successfully completed the program under
14 subparagraph (i) of this paragraph, for up to [~~four~~ five] additional
15 years, (A) additional opportunities to compete with other designated
16 small businesses in the program for certain public work contracts to be
17 designated for inclusion under this subparagraph and, where awarded, to
18 perform such authority public work contracts, with the further assist-
19 ance of an authority-provided mentor, which shall be a firm competitive-
20 ly selected by the authority that has extensive construction management
21 and mentoring experience, with the mentor to provide the small business
22 with advice and technical assistance in competing for and managing
23 authority public work contracts, and (B) authority-provided assistance,
24 as determined by the authority, for such a small business to obtain
25 bonding for public work contracts that are competitively awarded pursu-
26 ant to provisions of law other than this section.

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

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

40 § 4. Subparagraph (ii) of paragraph (b) of subdivision 2 of section
41 1265-b of the public authorities law, as added by chapter 206 of the
42 laws of 2010, is amended to read as follows:

43 (ii) to establish standards for qualifying small business mentoring
44 program participants to compete for a small business mentoring program
45 contract, provided that no less than [~~three~~ five] qualified small busi-
46 nesses in the program must be solicited to submit offers and no less
47 than two responsive offers to perform the contract are received;

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