

STATE OF NEW YORK

7387

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sen. PARKER -- (at request of the NYC Office of the Mayor)
-- read twice and ordered printed, and when printed to be committed to
the Committee on Cities 1

AN ACT to amend the New York city charter, the education law, the general municipal law, the labor law, the public authorities law, the New York city health and hospitals corporation act, and the New York city public works investment act, in relation to providing for employment opportunities for economically disadvantaged candidates and economically disadvantaged region candidates and apprenticeship utilization on public transactions; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative findings. The legislature finds that both with-
2 in the city of New York and across the United States, over the past
3 several decades, income inequality has expanded and that poverty is
4 frequently concentrated in economically disadvantaged regions. The
5 legislature also finds that economic disparities among individuals and
6 across communities have further expanded due to the economic and health
7 effects of the virus known as COVID-19. The purpose of this legislation
8 is to remediate these economic disparities by authorizing the city of
9 New York, the city school district of the city of New York, the New York
10 city school construction authority, the New York city health and hospitals
11 corporation, the New York city industrial development agency, and
12 other city-affiliated not-for-profit corporations to use the economic
13 power of their transactions to implement programs by administrative rule
14 requiring contractors and subcontractors benefitting from such trans-
15 actions to make best efforts to employ qualified economically disadvan-
16 taged candidates and qualified candidates from economically disadvan-
17 taged regions.

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

LBD11271-01-3

§ 2. The New York city charter is amended by adding a new chapter 79 to read as follows:

CHAPTER 79

COMMUNITY HIRING AND WORKFORCE DEVELOPMENT

§ 3501. Definitions. As used in this chapter, the following terms shall have the following meanings:

Absorption hire. The term "absorption hire" means an individual who fills a building service opportunity and who:

(1) was employed to perform building service work within the preceding six months at the same facility to which such individual is assigned; or

(2) fills such building service opportunity as a result of a reassignment by a contractor or subcontractor, as applicable, due to a displacement caused by the closure of another facility, a staffing reduction at another facility, or any other similar event.

Apprentice. The term "apprentice" means an individual who is receiving training and performing labor pursuant to an apprenticeship agreement.

Apprenticeship agreement. The term "apprenticeship agreement" means an agreement, as such term is defined by section eight hundred sixteen of the labor law, that has been registered with, and approved by, the commissioner of labor of the state of New York pursuant to article twenty-three of the labor law.

Building service opportunity. The term "building service opportunity" means an employment opportunity to perform building service work.

Building service opportunity labor hour. The term "building service opportunity labor hour" means a labor hour performed by an individual employed to fill a building service opportunity.

Building service work. The term "building service work" means the classifications of labor that the applicable fiscal officer has identified as consistent with section two hundred thirty of the labor law, regardless of whether such labor constitutes building service work for which workers are entitled to prevailing wage pursuant to article nine of the labor law.

City-affiliated not-for-profit corporation. The term "city-affiliated not-for-profit corporation" means a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor.

Construction. The term "construction" means:

(1) any labor of a type that the applicable fiscal officer, as defined in paragraph e of subdivision five of section two hundred twenty of the labor law, has identified in a published schedule as a classification of work performed by laborers, workmen or mechanics, regardless of whether such labor constitutes public work pursuant to such section; and

(2) any additional types of labor identified by the director by rule, provided that such labor shall not include building service work.

Contractor. The term "contractor" means an individual, company, corporation, partnership, or other entity that has entered into a transaction with the city, including but not limited to vendors providing human services, standard services, professional services, construction-related services, and construction, as such terms are defined by rules of the procurement policy board, to the city, except that the term "contractor" does not include:

(1) any governmental entity; or

(2) any labor organization.

Director. The term "director" means the director of the office of community hiring and workforce development or his or her designee.

1 Economically disadvantaged candidate. The term "economically disadvan-
2 tagged candidate" means an individual:

3 (1) whose income or household income falls below an applicable quanti-
4 tative threshold determined by the director, provided that such income
5 shall not include any types of public benefits provided by the federal
6 government or a state or local government and identified by the direc-
7 tor; and

8 (2) who is certified as meeting all applicable requirements.

9 Economically disadvantaged region. The term "economically disadvan-
10 tagged region" means an area, represented by its ZIP code, in which at
11 least fifteen percent of residents have household incomes below the
12 federal poverty threshold.

13 Economically disadvantaged region candidate. The term "economically
14 disadvantaged region candidate" means an individual who is certified as
15 meeting all applicable requirements and who is a:

16 (1) resident of an address within an economically disadvantaged
17 region;

18 (2) resident of a building that is:

19 (i) owned or operated by the New York city housing authority; and

20 (ii) subject to section nine of the United States Housing Act of nine-
21 teen hundred thirty-seven, as amended; or

22 (3) resident of a dwelling unit that is:

23 (i) subject to a regulatory agreement with a federal, state or local
24 government agency requiring that occupancy of such unit be restricted
25 based on the income of the occupants; and

26 (ii) located in a building that was previously operated by the New
27 York city housing authority, was previously subject to section nine of
28 the United States Housing Act of nineteen hundred thirty-seven, as
29 amended, and is subject to section eight of such act.

30 Employment opportunity. The term "employment opportunity" means a
31 vacancy in a position to perform services under a transaction.

32 Exempt transaction. The term "exempt transaction" includes any:

33 (1) contract procured pursuant to section one hundred sixty-two of the
34 state finance law;

35 (2) contract for the performance of services by a city-affiliated
36 not-for-profit corporation;

37 (3) contract the principal purpose of which is the supply of goods,
38 except that the term "exempt transaction" shall not include any trans-
39 action the principal purpose of which is delivery services;

40 (4) contract in an amount below the small purchase threshold set
41 pursuant to the authority and procedure set forth in subdivision a of
42 section three hundred fourteen of this charter;

43 (5) contract for confidential or investigative services or any other
44 type of contract excluded by a rule adopted by the director based on a
45 determination that the application of goals under this program would
46 substantially undermine the primary objective of that type of contract;

47 (6) contract subject to federal or state funding requirements that
48 preclude or substantially conflict with the application of goals under
49 this program;

50 (7) contract for emergency demolition services procured by the depart-
51 ment of housing preservation and development pursuant to the procedure
52 set forth in section three hundred fifteen of this charter; or

53 (8) contract for which contractor selection is made by an elected
54 official other than the mayor or an agency other than a mayoral agency,
55 except as otherwise provided by rule by the director.

Labor organization. The term "labor organization" has the meaning provided in section one hundred fifty-two of title twenty-nine of the United States code, or any successor provision.

Mayoral agency. The term "mayoral agency" includes:

(1) any agency the head of which is appointed by the mayor;

(2) any agency headed by a board, commission, or other multi-member body, the majority of the membership of which is appointed by the mayor; and

(3) the office of the mayor.

Project labor agreement. The term "project labor agreement" means a pre-hire collective bargaining agreement entered into between the city and a bona fide building and construction trade labor organization establishing the labor organization or its affiliates as the collective bargaining representative for all persons who will perform construction work on a transaction, provided such agreement:

(1) provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform such work on such transaction; and

(2) includes goals for the employment of qualified economically disadvantaged region candidates to perform such work.

Referral source. The term "referral source" means an individual, company, corporation, partnership, agency, union referral system, or other entity selected pursuant to paragraph three of subdivision a of section thirty-five hundred two of this chapter to make referrals of candidates to contractors, prospective contractors, subcontractors, and prospective subcontractors for the purposes of meeting the applicable employment goals set forth in such section; provided that any union referral system shall be deemed an approved referral source for the purposes of paragraph three of subdivision a of section thirty-five hundred two of this chapter.

Subcontractor. The term "subcontractor" means an individual, company, corporation, partnership or other entity that has entered into an agreement with a contractor or another subcontractor in order to perform services or any other obligation under a transaction, provided that such agreement involves the performance of construction work of any value, or the total dollar value of such agreement exceeds twenty thousand dollars, and further provided that the term "subcontractor" does not include:

(1) employees;

(2) governmental entities;

(3) microbusinesses, other than microbusinesses performing construction work under a transaction; or

(4) labor organizations.

Transaction. The term "transaction" means a procurement contract, except that the term "transaction" shall not include any exempt transaction.

Union referral system. The term "union referral system" means a labor organization that has an affiliated registered apprentice program with direct entry access from one or more pre-apprentice programs that are compliant with United States department of labor and New York state department of labor regulations, as well as any labor organization with an affiliated community recruitment program.

§ 3502. Office of community hiring and workforce development. a. Office established. The mayor shall establish an office of community hiring and workforce development. Such office may be established as a separate office or within any department the head of which is appointed

1 by the mayor. The office of community hiring and workforce development
2 shall be headed by a director who shall be appointed by the mayor or
3 head of such department. The director shall, as the director deems
4 appropriate, adopt rules consistent with the purpose of this chapter
5 relating to employment goals on transactions, including rules:

6 (1) requiring contractors and subcontractors to agree to publicly
7 disclose employment opportunities;

8 (2) establishing a procedure for the certification of individuals as
9 economically disadvantaged candidates, economically disadvantaged region
10 candidates, or both, provided that such certification procedure shall,
11 to the extent the director deems feasible, use data sources and adminis-
12 trative processes established or maintained by the city for other
13 programs or operations in order to minimize administrative burdens on
14 contractors, subcontractors, and individuals;

15 (3) establishing a procedure by which the director shall identify and
16 deem union referral systems as referral sources and may approve other
17 referral sources for the purposes of this section, whereby the director
18 shall:

19 (i) publicly release a referral source solicitation that includes a
20 description of functions of a referral source, the manner in which
21 responses must be submitted, and the criteria by which responding enti-
22 ties will be approved, and authorize one or more entities, as appropri-
23 ate, to function as referral sources, based on the criteria included in
24 the solicitation;

25 (ii) authorize an agency in writing to function as a referral source;
26 or

27 (iii) authorize, in writing, an entity engaged pursuant to an agree-
28 ment with an agency for employment recruitment services or other work-
29 force development services to function as a referral source;

30 (4) establishing a procedure through which the director may provide
31 information regarding referral sources to contractors, subcontractors,
32 prospective contractors, and prospective subcontractors;

33 (5) establishing a procedure by which the director shall monitor and
34 criteria by which the director shall evaluate the performance of each
35 referral source on an annual basis, and where the director determines
36 that a referral source has performed inadequately, terminate or suspend
37 the referral source;

38 (6) requiring contractors to agree to make best efforts to employ
39 qualified economically disadvantaged region candidates in order to meet
40 employment goals relating to building service work based on:

41 (i) the percentage of building service opportunities filled by econom-
42 ically disadvantaged region candidates, provided that in calculating
43 such goals, absorption hires shall not be considered; or

44 (ii) the percentage of building service opportunity labor hours
45 performed by economically disadvantaged region candidates, provided that
46 in calculating such goals, building service opportunity labor hours
47 performed by absorption hires shall not be considered;

48 (7) requiring contractors and subcontractors to agree to make best
49 efforts to employ qualified economically disadvantaged region candidates
50 to perform no less than thirty percent of the cumulative hours of
51 construction labor on transactions involving construction work, and
52 additionally requiring, to the extent feasible consistent with the maxi-
53 mum ratios of apprentices to journey-level workers established by the
54 New York state department of labor, that such contractors and subcon-
55 tractors agree to make best efforts to employ apprentices who are quali-
56 fied economically disadvantaged region candidates to perform no less

1 than nine percent of such cumulative hours of construction labor,
2 provided that labor performed by apprentices who are qualified econom-
3 ically disadvantaged region candidates shall be credited towards the
4 achievement of both employment goals set forth in this paragraph, and
5 further provided that prior to releasing a solicitation for a trans-
6 action or otherwise initiating a process for entering into a trans-
7 action, as applicable, the director may waive such requirements where
8 the director determines in writing that such waiver is in the best
9 interest of the city;

10 (8) requiring contractors to agree to make best efforts to employ
11 qualified economically disadvantaged candidates in order to meet employ-
12 ment goals relating to work on transactions that neither involves
13 construction work nor building service work, and establishing such goals
14 based on:

15 (i) the percentage of the cumulative hours of labor performed by such
16 candidates;

17 (ii) the percentage of employment opportunities filled by such candi-
18 dates; or

19 (iii) the total value of the transaction;

20 (9) requiring subcontractors to agree to make best efforts to extend
21 offers of employment to qualified candidates in order to meet any
22 employment goals described in paragraph six or eight of this subdivision
23 and established pursuant to rules adopted by the director;

24 (10) establishing a schedule of civil penalties, based on factors
25 including but not limited to a contractor's industry or any relevant
26 occupations employed by a contractor or subcontractor, that the director
27 or an applicable agency may impose on a contractor due to the contrac-
28 tor's or subcontractor's non-compliance with an obligation created
29 pursuant to this section and a procedure for the imposition of such
30 penalties, which will not exclude other remedies established in this
31 charter or any other law, provided that any civil penalties imposed
32 pursuant to this paragraph shall not exceed two thousand five hundred
33 dollars for each non-compliance with such an obligation or each failure
34 to correct such non-compliance;

35 (11) designating paper or electronic formats for the submission of
36 documents related to the selection and operation of referral sources and
37 contractors and subcontractors subject to goals pursuant to paragraphs
38 six through nine of this subdivision, as applicable, including but not
39 limited to, documents containing information required pursuant to para-
40 graphs one and three of this subdivision, subdivision c and subpara-
41 graphs (v) and (vi) of paragraph one of subdivision d of this section;
42 solicitation documents and responses, including bids and proposals; and
43 data related to labor performed pursuant to transactions, including
44 payroll reports, as applicable; and

45 (12) (i) authorizing the director to establish factors by which goals
46 described in paragraphs six, eight, and nine of this subdivision will be
47 established for individual transactions, including:

48 (A) the scope of the transaction;

49 (B) the availability of qualified economically disadvantaged candi-
50 dates and economically disadvantaged region candidates;

51 (C) the nature of any employment opportunities that the director
52 expects will result from the transaction; and

53 (D) any other similar factors.

54 (ii) prior to setting a goal pursuant to this subdivision for an indi-
55 vidual transaction, the agency entering into the transaction shall

1 consider the goals set for previous, similar transactions and whether
2 such goals were appropriate for such transactions.

3 b. Lists of economically disadvantaged regions. No later than ninety
4 days after the effective date of this section, and at least once during
5 each twelve-month period thereafter, the director shall publish a report
6 including an updated list of all economically disadvantaged regions
7 within a radius of one hundred miles of the city or all such econom-
8 ically disadvantaged regions within the metropolitan area. Nothing shall
9 preclude an individual whose residence is within an economically disad-
10 vantaged region that is not included in such list from qualifying as an
11 economically disadvantaged region candidate for the purposes of goals
12 set forth under this section.

13 c. Reporting. No later than one hundred eighty days after the effec-
14 tive date of this section and each quarter thereafter, the office of
15 community hiring and workforce development shall publish a report on a
16 website maintained or controlled by the city, pursuant to rules adopted
17 by the director, that shall include, for each transaction subject to a
18 goal established pursuant to paragraph six, seven, or eight of subdivi-
19 sion a of this section, information demonstrating the corresponding
20 contractor's progress towards meeting such goal and, if applicable, any
21 subcontractor's progress towards meeting any goal established pursuant
22 to paragraph seven or nine of subdivision a of this section, and aggre-
23 gate information regarding the demographics and compensation of econom-
24 ically disadvantaged region candidates, economically disadvantaged
25 candidates, and apprentices who are economically disadvantaged region
26 candidates, as applicable, relative to all individuals employed by such
27 contractor and, if applicable, subcontractors on such transaction. In
28 compiling this report, the director shall, to the extent he or she deems
29 feasible, use data sources established or maintained by the city for
30 other programs or operations in order to minimize administrative burdens
31 on contractors and subcontractors, provided that where the director
32 determines that such data sources cannot be used to complete such
33 report, the director may adopt rules requiring contractors and subcon-
34 tractors to provide such additional data necessary to complete this
35 report, and to certify the accuracy of such additional information.
36 Nothing in this subdivision shall be interpreted to authorize the direc-
37 tor to promulgate rules requiring labor organizations to provide infor-
38 mation on a regular basis to complete such reports.

39 d. Best efforts. (1) In determining whether a contractor or subcon-
40 tractor has exercised best efforts to meet the employment goals estab-
41 lished pursuant to subdivision a of this section, the director shall
42 consider the degree to which the contractor or subcontractor has endeav-
43 ored:

44 (i) to review economically disadvantaged region candidates' and
45 economically disadvantaged candidates' qualifications, as applicable, in
46 good faith;

47 (ii) to advertise employment opportunities, as applicable, in a manner
48 reasonably intended to attract qualified economically disadvantaged
49 candidates or economically disadvantaged region candidates, except that
50 contractors and subcontractors performing construction work pursuant to
51 a project labor agreement shall not be required to advertise employment
52 opportunities for construction work;

53 (iii) to coordinate with referral sources or apprenticeship programs,
54 as applicable, in order to employ such candidates identified by such
55 referral sources or apprenticeship programs, provided that for contrac-
56 tors and subcontractors performing construction work pursuant to a

1 project labor agreement, the director shall only consider the degree to
2 which the contractor or subcontractor has endeavored to meet such goals
3 by complying with the referral provisions of such project labor agree-
4 ment;

5 (iv) to review and organize the work under the transaction in order to
6 eliminate obstacles to meeting such employment goals;

7 (v) to monitor and to document the contractor's or subcontractor's
8 efforts to meet the employment goals;

9 (vi) to contact the office of community hiring and workforce develop-
10 ment at routine intervals, or as otherwise required by rule, to inform
11 the director of the contractor's or subcontractor's efforts to meet the
12 employment goals; and

13 (vii) to take all other commercially reasonable actions to meet the
14 employment goals.

15 (2) In order to exercise best efforts, neither contractors nor subcon-
16 tractors are required:

17 (i) to undertake an undue financial burden;

18 (ii) to terminate or substantially reduce the work levels of any of a
19 contractor's or subcontractor's existing employees;

20 (iii) to extend an offer of employment to an individual whose labor
21 would not be commercially useful; or

22 (iv) to forgo filling building service opportunities with absorption
23 hires.

24 e. Discretionary application of goals. Notwithstanding any other
25 provision of this section, employment goals authorized under paragraphs
26 six, seven, eight and nine of subdivision a of this section may, but are
27 not required to be, established for transactions that are emergency
28 procurement contracts procured pursuant to the procedure set forth in
29 section three hundred fifteen of this charter.

30 f. Adjustment of construction goals. (1) On a biannual basis, the
31 director shall review and thereafter may promulgate rules increasing or
32 decreasing the value of the employment goals established under paragraph
33 seven of subdivision a of this section. Such amended goals shall apply
34 to transactions solicited or entered into after the promulgation of such
35 rules, provided that such amended goals shall not apply to transactions
36 subject to a project labor agreement.

37 (2) If the city enters into a project labor agreement and such project
38 labor agreement includes numerical goals that are greater or lesser in
39 value than the goals set forth in paragraph seven of subdivision a of
40 this section, such numerical goals set forth in such project labor
41 agreement shall apply to transactions subject to such project labor
42 agreement and shall supersede the numerical goals set forth in such
43 paragraph.

44 g. Wage payment assurances. The director may promulgate rules setting
45 forth standards and a procedure by which contractors and subcontractors
46 that the director has determined have a record of failing to pay wages,
47 including but not limited to prevailing wages and benefits required
48 pursuant to article eight of the labor law, to individuals performing
49 construction labor under a transaction shall be required to provide
50 additional assurances acceptable to the director in order to receive
51 credit towards the achievement of employment goals set forth in para-
52 graph seven of subdivision a of this section.

53 § 3. Paragraph 1 of subdivision b of section 311 of the New York city
54 charter, as amended by local law number 20 of the city of New York for
55 the year 2004, is amended to read as follows:

1 1. the methods for soliciting bids or proposals and awarding
2 contracts, consistent with the provisions of this chapter, provided that
3 the director of the office of community hiring and workforce development
4 may promulgate rules authorizing agencies to incorporate into the award
5 methodology for any contract a quantitative factor based on a bidder or
6 proposer's capacity to meet or exceed goals established pursuant to
7 subdivision a of section thirty-five hundred two of this charter;

8 § 4. Subparagraphs (x) and (xi) of paragraph a of subdivision 36 of
9 section 2590-h of the education law, as amended by chapter 98 of the
10 laws of 2019, are amended and two new subparagraphs (xii) and (xiii) are
11 added to read as follows:

12 (x) a process for emergency procurement in the case of an unforeseen
13 danger to life, safety, property or a necessary service provided that
14 such procurement shall be made with such competition as is practicable
15 under the circumstances and that a written determination of the basis
16 for the emergency procurement shall be required and filed with the comp-
17 troller of the city of New York when such emergency contract is filed
18 with such comptroller; ~~and~~

19 (xi) procedures for the fair and equitable resolution of contract
20 disputes~~[-]~~ ;

21 (xii) employment goals established in accordance with the program
22 established pursuant to section thirty-five hundred two of the New York
23 city charter, including but not limited to employment goals established
24 pursuant to paragraph seven of subdivision a and the corresponding best
25 efforts provisions set forth in subdivision d of such section; provided,
26 however, that where a provision of such section requires action by the
27 director of the office of community hiring and workforce development,
28 such action shall not be taken by the director of the office of communi-
29 ty hiring and workforce development but shall be taken by the chancellor
30 or his or her designee; and

31 (xiii) a quantitative factor to be used in the evaluation of bids,
32 proposals or other offers for the purposes of awarding of contracts
33 based on a bidder, proposer or other offerer's capacity to meet or
34 exceed goals established pursuant to subparagraph (xii) of this para-
35 graph.

36 § 5. Subdivision (c) of section 917 of the general municipal law, as
37 separately amended by chapter 1082 of the laws of 1974 and chapter 239
38 of the laws of 2001, is amended to read as follows:

39 (c) For the benefit of the city and the inhabitants thereof an indus-
40 trial development agency, to be known as the New York City Industrial
41 Development Agency, is hereby established for the accomplishment of any
42 or all of the purposes specified in title one of article eighteen-A of
43 this chapter, except that it shall not have the power to construct or
44 rehabilitate any residential facility or housing of any nature and kind
45 whatsoever, nor shall it use any of its funds to further the
46 construction or rehabilitation of any residential facility or housing of
47 any nature and kind whatsoever. It shall constitute a body corporate and
48 politic, and be perpetual in duration. It shall only have the powers and
49 duties conferred by title one of article eighteen-A of this chapter upon
50 industrial development agencies as of January 1, 1973 except that it
51 shall have the power to finance a rail freight facility and the power to
52 establish employment goals in accordance with the program established
53 pursuant to section thirty-five hundred two of the New York city char-
54 ter, including but not limited to employment goals established pursuant
55 to paragraph seven of subdivision a and the corresponding best efforts
56 provisions set forth in subdivision d of such section; provided, howev-

er, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chief executive officer of the agency or his or her designee, and it shall not have the power of condemnation. In the exercise of the powers conferred upon such agency with respect to the acquisition of real property by article eighteen-A of this chapter such agency shall be limited to the geographical jurisdictional limits of the city.

§ 6. Section 816-b of the labor law, as added by chapter 571 of the laws of 2001, is amended to read as follows:

§ 816-b. Apprenticeship participation on [~~construction~~] certain governmental contracts. 1. For purposes of this section:

(a) "governmental entity" shall mean the state, any state agency, as that term is defined in section two-a of the state finance law, municipal corporation, commission appointed pursuant to law, school district, district corporation, board of education, board of cooperative educational services, soil conservation district, and public benefit corporation; [~~and~~]

(b) "construction contract" shall mean any contract to which a governmental entity may be a direct or indirect party which involves the design, construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for any building, facility or physical structure of any kind; and

(c) "city governmental entity" shall mean a governmental entity that is (i) a city with a population of one million or more inhabitants; or (ii) a city school district or public benefit corporation operating primarily within a city with a population of one million or more inhabitants.

2. Notwithstanding any other provision of this article, of section one hundred three of the general municipal law, of section one hundred thirty-five of the state finance law, of section one hundred fifty-one of the public housing law, or of any other general, special or local law or administrative code, in entering into any construction contract, a governmental entity [~~which~~] that is to be a direct or indirect party to such contract may require that any contractors and subcontractors have, prior to entering into such contract, apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the commissioner pursuant to the requirements found in this article. A city governmental entity that is a direct or indirect party to a contract, including but not limited to a construction contract, may establish in its specifications a requirement that, in performing the work, the contractor and its subcontractors utilize a minimum ratio of apprentices to journey-level workers, as established by the governmental entity but subject to any maximum ratio established by the department, for any classification appropriate for the type and scope of work to be performed, provided that no such minimum ratio shall be established for labor performed pursuant to a construction contract subject to a goal for the employment of apprentices who reside in economically disadvantaged regions. Whenever utilizing [~~this requirement~~] these requirements, the governmental entity may, in addition to whatever considerations are required by law, consider the degree to which career opportunities in apprenticeship training programs approved by the commissioner may be provided.

§ 7. Notwithstanding any provision of law to the contrary, any city-affiliated not-for-profit corporation, as such term is defined in

1 section 3501 of the New York city charter, is authorized to establish
2 employment goals in accordance with the program established pursuant to
3 section 3502 of such charter, including but not limited to employment
4 goals established pursuant to paragraph 7 of subdivision a of such
5 section and the corresponding best efforts provisions set forth in
6 subdivision d of such section; provided, however, that where a provision
7 of such section requires action by the director of the office of commu-
8 nity hiring and workforce development of the city of New York, such
9 action shall not be taken by the director of the office of community
10 hiring and workforce development but shall be taken by the chief execu-
11 tive officer of such corporation, or a duly appointed designee.

12 § 8. Section 1728 of the public authorities law is amended by adding a
13 new subdivision 15-a to read as follows:

14 15-a. To establish employment goals in accordance with the program
15 established pursuant to section thirty-five hundred two of the New York
16 city charter, including but not limited to employment goals established
17 pursuant to paragraph seven of subdivision a and the corresponding best
18 efforts provisions set forth in subdivision d of such section; provided,
19 however, that where a provision of such section requires action by the
20 director of the office of community hiring and workforce development,
21 such action shall not be taken by the director of the office of communi-
22 ty hiring and workforce development but shall be taken by the president
23 of the authority or his or her designee;

24 § 9. The opening paragraph of paragraph d of subdivision 5 of section
25 1734 of the public authorities law, as added by chapter 738 of the laws
26 of 1988, is amended to read as follows:

27 the authority determines that it is in the public interest to award
28 contracts pursuant to a process for competitive requests for proposals
29 as hereinafter set forth. For purposes of this section, a process for
30 competitive requests for proposals shall mean a method of soliciting
31 proposals and awarding a contract on the basis of a formal evaluation of
32 the characteristics, such as quality, cost, delivery schedule, the
33 capacity to meet or exceed the goals set forth in subdivision fifteen-a
34 of section seventeen hundred twenty-eight of this title and financing of
35 such proposals against stated selection criteria. Public notice of the
36 requests for proposals shall be given in the same manner as provided in
37 subdivision three of this section and shall include the selection crite-
38 ria. In the event the authority makes a material change in the selection
39 criteria from those previously stated in the notice, it will inform all
40 proposers of such change and permit proposers to modify their proposals.

41 § 10. Section 5 of section 1 of chapter 1016 of the laws of 1969,
42 constituting the New York city health and hospitals corporation act, is
43 amended by adding a new subdivision 20-a to read as follows:

44 20-a. To establish employment goals in accordance with the program
45 established pursuant to section 3502 of the New York city charter,
46 including but not limited to employment goals established pursuant to
47 paragraph 7 of subdivision a and the corresponding best efforts
48 provisions set forth in subdivision d of such section; provided, howev-
49 er, that where a provision of such section requires action by the direc-
50 tor of the office of community hiring and workforce development, such
51 action shall not be taken by the director of the office of community
52 hiring and workforce development but shall be taken by a duly appointed
53 designee of the corporation; and

54 § 11. Section 8 of section 1 of chapter 1016 of the laws of 1969,
55 constituting the New York city health and hospitals corporation act, is
56 amended by adding a new subdivision 1-a to read as follows:

1 1-a. Notwithstanding any other provision in this act, the corporation
2 may establish a quantitative factor to be used in the evaluation of bids
3 for the purposes of awarding of contracts based on a bidder's capacity
4 to meet or exceed goals established pursuant to subdivision 20-a of
5 section five of this act;

6 § 12. Subdivision b of section 2 of chapter 749 of the laws of 2019,
7 constituting the New York city public works investment act, is amended
8 by adding a new paragraph 12-a to read as follows:

9 (12-a) A quantitative factor to be used in the evaluation of bids or
10 offers for awarding of contracts based on a bidder or offerer's capacity
11 to meet or exceed goals established pursuant to subdivision a of section
12 3502 of the New York city charter;

13 § 13. No provision of this act shall be construed to invalidate any
14 provision of a project labor agreement, as such term is defined in
15 section 3501 of the New York city charter, as added by section two of
16 this act, or otherwise affect the contractual rights of any party to
17 such an agreement.

18 § 14. Severability. If any clause, sentence, paragraph, or section of
19 this act is declared invalid or unconstitutional by any court of compe-
20 tent jurisdiction, after exhaustion of all further judicial review, such
21 portion shall be deemed severable, and the court's judgment shall not
22 affect, impair, or invalidate the remainder of this act, but shall be
23 confined in its operation to the clause, sentence, paragraph, or section
24 of this act directly involved in the controversy in which the judgment
25 was rendered.

26 § 15. This act shall take effect on the one hundred eightieth day
27 after it shall have become a law; provided that:

28 (a) sections one, two, three, five, six, seven, eight, nine, ten,
29 eleven, thirteen and fourteen of this act shall expire and be deemed
30 repealed seven years after the effective date of this act, provided that
31 such expiration and repeal shall not affect any transaction, as such
32 term is defined by section 3501 of the New York city charter, as added
33 by section two of this act, entered into or for which a solicitation was
34 released prior to such expiration and repeal, or to any renewals, exten-
35 sions, modifications, or amendments to such transaction;

36 (b) the amendments to paragraph a of subdivision 36 of section 2590-h
37 of the education law made by section four of this act shall not affect
38 the expiration of such subdivision and section pursuant to section 34 of
39 chapter 91 of the laws of 2002 and subdivision 12 of section 17 of chap-
40 ter 345 of the laws of 2009, as amended, and shall expire and be deemed
41 repealed therewith, or seven years after this act takes effect, whichev-
42 er occurs earlier, provided that such expiration and repeal shall not
43 affect any transaction entered into or for which a solicitation was
44 released prior to such expiration and repeal, or to any renewals, exten-
45 sions, modifications, or amendments to such transaction; and

46 (c) the amendments to section 2 of the New York city public works
47 investment act made by section twelve of this act shall not affect the
48 expiration and repeal of such chapter pursuant to section 14 of such
49 chapter, as amended, and shall expire and be deemed repealed therewith,
50 or seven years after this act takes effect, whichever occurs earlier.

51 Effective immediately, the addition, amendment and/or repeal of any
52 rule or regulation necessary for the implementation of this act on its
53 effective date are authorized to be made and completed on or before such
54 effective date by the director of the office of community hiring and
55 workforce development of the city of New York, the chancellor and the
56 city board of the city school district of the city of New York, the

1 president of the New York city school construction authority, the duly
2 appointed designee of the New York city health and hospital corporation,
3 the chief executive officer of the New York city industrial development
4 agency, and the chief executive officer of any city-affiliated not-for-
5 profit corporation, as such term is defined by section 3501 of the New
6 York city charter, as added by section two of this act.