

STATE OF NEW YORK

6239

2025-2026 Regular Sessions

IN SENATE

March 7, 2025

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to allowing the power authority to create the New York State small business development program; 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. The public authorities law is amended by adding a new
2 section 1009-b to read as follows:

3 § 1009-b. Power authority of the state of New York small business
4 development program. 1. For the purposes of this section, the following
5 terms shall have the following meanings:

6 (a) "Authority" means the power authority of the state of New York and
7 the canal corporation.

8 (b) "Chairperson" means the chairperson of the authority.

9 (c) "Small business" means a business in the construction trades
10 which:

11 (i) is independently owned and operated;

12 (ii) has annual revenues not exceeding a fiscal limitation of ten
13 million dollars or such lesser amount as established by the authority
14 pursuant to this section; and

15 (iii) meets additional criteria as otherwise established by the chair-
16 person and the head of supplier diversity. The authority shall establish
17 both general and specific definitions for different industries to the
18 extent necessary to reflect differing characteristics of such segments
19 based on the criteria used by the United States small business adminis-
20 tration for loans to small businesses as set forth in sections 121.301
21 through 121.305, or for awarding government procurements as set forth in
22 sections 121.401 through 121.413, of subpart A of part 121 of chapter I

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

LBD08391-01-5

1 of title 13 of the Code of Federal Regulations, as amended, and such
2 other criteria as determined by the authority.

3 (d) "Small business development program" is the program established by
4 the authority pursuant to this section to provide small businesses
5 accepted into the program with the opportunity:

6 (i) for up to five years, to compete for and, where awarded, to
7 perform certain authority contracts to be designated by the authority
8 for inclusion in the program under this subparagraph; and

9 (ii) to be a participant in a small business development program and
10 if such participant successfully completed contracts under subparagraph
11 (i) of this paragraph, for up to five additional years, such small busi-
12 ness shall have access to the following:

13 (1) additional opportunities to compete with other designated small
14 businesses in the program for certain contracts to be designated for
15 inclusion under this subparagraph and, where awarded, to perform such
16 authority contracts, and

17 (2) authority-provided assistance, as determined by the authority, for
18 a small business to obtain bonding for contracts that are competitively
19 awarded pursuant to any other provision of law.

20 (e) "Small business development program contract" means a non-federal-
21 ly funded, unless authorized by the applicable federal funding agency,
22 contract designated by the authority, in an estimated amount of not more
23 than one million five hundred thousand dollars for contracts under
24 subparagraph (i) of paragraph (d) of this subdivision and five million
25 dollars for contracts under subparagraph (ii) of paragraph (d) of this
26 subdivision, for which bids or proposals are to be invited and accepted
27 only from businesses that are enrolled in the small business development
28 program and have been selected by the authority to compete for the
29 contract.

30 2. (a) Pursuant to this section, the authority may establish a small
31 business development program. In connection therewith, the authority may
32 determine the criteria pursuant to which a small business shall be
33 eligible for and selected to participate in the program under subpara-
34 graphs (i) and (ii) of paragraph (d) of subdivision one of this section,
35 the number of participants to participate in each of such components of
36 the program, and the criteria for the competitive selection of the firms
37 that will provide small businesses with capacity building development
38 services.

39 (b) Under the small business development program, the chairperson or
40 such chairperson's designee is authorized, notwithstanding any other
41 provision of law:

42 (i) to designate which eligible contracts shall be small business
43 development program contracts under subparagraphs (i) and (ii) of para-
44 graph (d) of subdivision one of this section;

45 (ii) to establish standards for qualifying small business development
46 program participants to compete for a small business development program
47 contract, provided that no less than three qualified small businesses in
48 the program must be solicited to perform the contract;

49 (iii) to determine when bids or proposals for a small business devel-
50 opment program contract should be restricted to small business develop-
51 ment program participants which, prior to the receipt of bids or
52 proposals, have been qualified by the authority for such competition;

53 (iv) to waive requirements for the solicitation and award for small
54 business development program contracts, except as set forth in this
55 section, pursuant to sections twelve hundred nine, twelve hundred

1 sixty-five-a and twenty-eight hundred seventy-nine of this chapter and
2 any other provision of law;

3 (v) to assist small business development program participants that
4 have been awarded small business development program contracts to obtain
5 any surety bond or contract of insurance required of them in connection
6 with such contract notwithstanding any provision of section two thousand
7 five hundred four of the insurance law to the contrary; and

8 (vi) for small businesses that have been accepted into the small busi-
9 ness development program under subparagraph (ii) of paragraph (d) of
10 subdivision one of this section, to provide technical assistance in
11 obtaining bid, payment, and performance bonding for authority contracts
12 that are not small business development program contracts, where the
13 small business is otherwise qualified for such contract, and notwith-
14 standing any other provision of law.

15 3. (a) If the total number of qualified small business development
16 program participants that respond to a competition and are considered
17 capable of meeting the specifications and terms of the invitation to
18 compete is less than three, or if the chairperson or the chairperson's
19 designee determines that acceptance of the best offer will result in the
20 payment of an unreasonable price, the authority may reject all offers
21 and withdraw the designation of such contract as a small business devel-
22 opment program contract.

23 (b) If the authority withdraws the designation of a contract as a
24 small business development program contract, the firms, if any, that
25 made offers shall be notified. Invitations to compete containing the
26 same or rewritten specifications and terms shall then be reissued as a
27 small business development program contract for one or more additional
28 contract periods.

29 4. A program provider shall provide services and assistance to a small
30 business as designated by the authority, which may include the follow-
31 ing:

32 (a) business training in the skills necessary to operate a successful
33 business and to compete for and perform a contract;

34 (b) technical assistance to such small business to assess such outcome
35 if the small business competes for but is not awarded a contract;

36 (c) if the small business development program contract is awarded to
37 such small business, guidance, advice, and technical assistance to such
38 small business in the performance of the contract; and

39 (d) other technical assistance to such small business to facilitate
40 learning, training and other issues which may arise.

41 5. The authority may delegate to the chairperson or such chairperson's
42 designee, the authority's responsibilities set forth in this section.

43 6. The small business development program contracts authorized by this
44 section shall, for the initial year of the program, be in an aggregate
45 amount of not less than ten million dollars, and shall not exceed one
46 hundred million dollars, with the maximum amount in future years to be
47 set by the chairperson.

48 7. The authority shall submit a report, no later than September thir-
49 tieth, two thousand twenty-six, and annually thereafter, to the gover-
50 nor, the temporary president of the senate, and the speaker of the
51 assembly regarding procurements made pursuant to this section. Such
52 report shall include a description of each procurement made pursuant to
53 this section and the rationale for why the contract was selected as a
54 small business development program contract, information regarding the
55 procurement process for each such small business development program
56 contract and the name or names of the small businesses that fulfilled

1 such contract, the project identification number and a description for
2 each such project performed pursuant to the contract, the contractual
3 completion date for each contract, the status of each such project, the
4 contract price, including executed modifications, whether a project
5 received surety bond or insurance contract assistance pursuant to
6 subparagraph (vi) of paragraph (b) of subdivision two of this section,
7 the total dollar value of monies paid to minority-owned and women-owned
8 business enterprises and service-disabled veteran-owned business enter-
9 prises pursuant to this section itemized by year and including the total
10 dollar values for the five years preceding the respective annual
11 report's release date. Such report shall additionally identify the
12 authority-provided program providers and describe their competitive
13 selection process, describe the technical assistance and advice provided
14 by the authority and the mentors to program participants, and describe
15 the business training provided by such providers. For annual reports,
16 any new procurements and changes during the period covered by the report
17 shall be identified separately.

18 § 2. This act shall take effect immediately and shall expire December
19 31, 2030, when upon such date the provisions of this act shall be deemed
20 repealed.