



Legislation Text

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Int. No. 2428

By Council Members Vallone and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to agency outreach to businesses in minority- and women-owned business enterprise categories for which agencies fail to achieve utilization goals, and technical amendments in relation thereto

Be it enacted by the Council as follows:

Section 1. The section heading of section 6-125 of the administrative code of the city of New York, as added by local law number 26 for the year 2003, is amended to read as follows:

§ 6-125 City contracts with hospitals; emergency contraception.

§ 2. Paragraph (3) of subdivision 1 of section 6-129 of the administrative code of the city of New York, as amended by local law number 118 for the year 2016, is amended to read as follows:

(3) If an agency that has submitted an agency utilization plan pursuant to subdivision g of this section fails to achieve its utilization goal, the agency head shall prepare and submit to the director, the commissioner, the city chief procurement officer, and the speaker of the council, by January 31, a performance improvement plan, which shall describe in detail the efforts such agency intends to undertake to increase M/WBE participation. Such efforts shall include, but not be limited to, agency outreach and education that are tailored to the businesses in the M/WBE categories for which an agency fails to achieve its utilization goals. An agency shall utilize community-based organizations and the office of ethnic and community media to conduct the outreach and education, which shall inform such businesses about issues related to agency procurement, including, but not limited to, how non-certified firms certify as M/WBEs and how WBEs and MBEs apply for agency contracts. The agency M/WBE officer shall monitor the agency's progress across any such M/WBE

categories and coordinate such outreach and education with the community-based organizations and the office of ethnic and community media.

§ 3. Paragraph (1) of subdivision m of section 6-129 of the administrative code of the city of New York, as added by local law number 129 for the year 2005, is amended to read as follows:

(1) Each agency shall submit to the commissioner and the city chief procurement officer such information as is necessary for the city chief procurement officer to complete his or her reports as required in subdivision l of this section. The director, the commissioner, and the city chief procurement officer shall review each agency's submissions. The director shall convene the agency M/WBE officers for those agencies that have submitted utilization plans pursuant to subdivision g of this section as often as the director deems necessary, but no less frequently than once per quarter, in order to have agency M/WBE officers (i) discuss the results of the reports required in subdivision l of this section; (ii) offer detailed information concerning their effectuation of their performance improvement plans, including, but not limited to, the outreach and education efforts pursuant to paragraph (3) of subdivision l of this section and any additional efforts undertaken to meet goals established in agency utilization plans; (iii) share the practices that have yielded successes in increasing M/WBE participation; and (iv) devise strategic plans to improve the performance of those failing to meet goals established in agency utilization plans. No less frequently than twice per year, agency heads for those agencies that have submitted utilization plans pursuant to subdivision g of this section shall join such quarterly meetings. Whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the director, the commissioner, and the city chief procurement officer shall act to improve such agency's performance, and may take any of the following actions:

(a) require the agency to submit more frequent reports about its procurement activity;

(b) require the agency to notify the director, the commissioner, and the city chief procurement officer, prior to solicitation of bids or proposals for, [and/or] or prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;

(c) reduce or rescind contract processing authority delegated by the mayor pursuant to sections 317 and 318 of the charter; and

(d) any other action the director, the commissioner, and the city chief procurement officer deem appropriate.

§ 4. Section 6-130 of the administrative code of the city of New York, as amended by local law number 212 for the year 2019, is renumbered section 6-130.1.

§ 5. The commissioner of small business services shall promulgate any rules necessary and appropriate to the administration of sections two and three of this local law.

§ 6. This local law takes effect 90 days after it becomes law, except that the commissioner of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.

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