

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 12

Introduced by Council Members Rosenthal, Chin, Kallos, Constantinides, Menchaca, Miller, Koslowitz and Richards.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the participation of minority-and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program

Be it enacted by the Council as follows:

Section 1. Subdivisions d and e of section 11-278 of the administrative code of the city of New York, as added by local law 67 of 2008, are amended to read as follows:

d. For construction projects [between seven hundred fifty thousand dollars and one million five hundred thousand dollars] *under \$750,000* in cost, the applicant shall certify that it accessed the directory. The applicant shall file such certification with the department *and the division* in conjunction with the final application for benefits along with a report of whether or not efforts were made by the applicant to include minority- and women-owned business enterprises in the construction work on property for which benefits are sought in accordance with this part, and if so, what such efforts were.

e. For construction projects [one million five hundred thousand dollars] *\$750,000* in cost and over, the applicant must comply with the following requirements in order to obtain benefits under this part:

1. Subsequent to filing a preliminary application for benefits, the applicant shall inform the division of contracting and subcontracting opportunities at construction sites where the applicant will be performing construction work subject to benefits pursuant to this part. The division shall make information on such contracting and subcontracting opportunities available to the general public by posting such opportunities on its website.

2. The applicant shall review the directory to identify minority-or women-owned business enterprises that may be qualified to perform contracting or subcontracting work on construction projects subject to benefits pursuant to this part.

3. For each subcontract on the project, the applicant shall solicit or arrange for the solicitation of bids from at least three of such minority- or women-owned enterprises to perform such subcontracting work.

4. The applicant shall maintain records demonstrating its compliance with the provisions of this subdivision.

5. When filing a final application for benefits with the department, the applicant shall certify that it has complied with and will continue to comply with the provisions of this subdivision. The certification shall also include: (i) the name and contact information of every minority- or women-owned business enterprise that the applicant solicited bids from pursuant to the provisions of paragraph three of this subdivision and (ii) whether any such minority- or women-owned firm was awarded a subcontract. *The applicant shall also file such certification with the division at the time of filing the final application for benefits.*

6. *An applicant awarded benefits pursuant to this part shall timely inform the division of contracting and subcontracting opportunities that may become available after the date such*

benefits are awarded at construction sites where the applicant will be performing construction work subject to such benefits. The division shall make information about such opportunities available to the public on its website.

§2. This local law takes effect 120 days after enactment and shall apply only to applicants that file preliminary applications for benefits with the department of finance after the effective date of this local law, except that the department of small business services and the department of finance shall take such actions as may be necessary to implement this local law, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 30, 2017 and returned unsigned by the Mayor on January 5, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 12 of 2018, Council Int. No. 1400 of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.