



Legislation Details (With Text)

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**Title:** 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.

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**Indexes:**

**Attachments:** 1. Committee Report 12/2/08, 2. Hearing Transcript 12/2/08, 3. Hearing Testimony 12/2/08, 4. Committee Report 12/9/08, 5. Hearing Transcript 12/9/09, 6. Fiscal Impact Statement, 7. Mayor's Letter, 8. Local Law, 9. Hearing Transcript - Stated Meeting 12/9/08

Date	Ver.	Action By	Action	Result
12/2/2008	*	Committee on Economic Development	Hearing on P-C Item by Comm	
12/2/2008	*	Committee on Economic Development	P-C Item Laid Over by Comm	
12/2/2008	*	Committee on Contracts	Hearing on P-C Item by Comm	
12/2/2008	*	Committee on Contracts	P-C Item Laid Over by Comm	
12/9/2008	*	Committee on Economic Development	Hearing on P-C Item by Comm	
12/9/2008	*	Committee on Economic Development	P-C Item Approved by Comm	Pass
12/9/2008	*	City Council	Introduced by Council	
12/9/2008	*	City Council	Referred to Comm by Council	
12/9/2008	*	City Council	Approved by Council	Pass
12/9/2008	*	City Council	Sent to Mayor by Council	
12/29/2008	*	Mayor	Hearing Held by Mayor	
12/29/2008	*	Mayor	Signed Into Law by Mayor	
12/29/2008	*	City Council	Recved from Mayor by Council	

Int. No. 888

By Council Members White, Jr., James, Reyna, Dickens, Vann, Palma, Fidler, Koppell, Mark-Viverito, Seabrook, Weprin, Liu, Comrie and Jackson

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. Subdivision e of section 11-270 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

(4) Minority-and women-owned business enterprises. No benefits pursuant to this part shall be granted for any construction work unless the applicant participates in the program established in section 11-278 of this part to ensure meaningful participation of minority-and women-owned business enterprises in construction work for which the applicant receives benefits.

§ 2. Paragraph 3 of subdivision a of section 11-271 of the administrative code of the city of New York is amended to read as follows:

(3) Compliance. The application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department to secure compliance with all applicable city, state and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity. [If required by local law or rule, such] Such application shall also state that the applicant agrees to comply with the program established [thereby] by section 11-278 to ensure meaningful participation of minority and women-owned business enterprises in construction work for which the applicant receives benefits.

§ 3. Part 5 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-278 to read as follows:

§11-278. Participation by minority-and women-owned business enterprises. a. Policy and program established. It is the policy of the city to encourage meaningful participation of minority- and women-owned business enterprises in construction work for which an applicant receives benefits under this part. A program is hereby established to further the stated policy that will be administered by the division of economic and financial opportunity within the department of small business services, or any successor thereto, in accordance

with the provisions of this section.

b. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. “Directory” shall have the same meaning as provided in paragraph thirteen of subdivision c of section 6-129 of this code.

2. “Division” shall mean the division of economic and financial opportunity within the department of small business services.

3. “Minority-owned business enterprise” shall mean a minority-owned business enterprise certified in accordance with section 1304 of the charter.

4. “Women-owned business enterprise” shall mean a women-owned business enterprise certified in accordance with section 1304 of the charter.

c. Information to be provided with the application for benefits. The department shall provide with the application for benefits information concerning how an applicant can access the directory from the division. Making such information available may include, but need not be limited to, providing information to applicants on how to access and search the directory in electronic format. The application shall also include information concerning an applicant’s obligations under this part.

d. For construction projects between seven hundred fifty thousand dollars and one million five hundred thousand dollars in cost, the applicant shall certify that it accessed the directory. The applicant shall file such certification with the department 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 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.

f. The division shall have authority to audit the records maintained by each applicant pursuant to paragraph four of subdivision e of this section to ensure compliance with the requirements of such subdivision.

§ 4. This local law shall take effect sixty 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.

ICAP/MWBE  
12/1/08 1:35p.m.