



Legislation Text

File #: Res 0869-2003, **Version:** *

Res. No. 869

Resolution calling for the extension of Article 15-A of the New York State Executive Law by the New York State Legislature and the passage by the Legislature of New York State Assembly Bills A.805, establishing state agency goal submission procedures, A.6749, establishing an Article 15-A implementation fund, and A.6750, requiring a report on the effectiveness of the provisions of Article 15-A by the appropriate state agency, as it relates to the participation of minority group members and women in respect to state and city contracts.

By Council Members Clarke, Sanders, Monserrate, Reyna, Barron, Quinn, Lopez, Yassky, Gonzalez, Fidler, Foster, Gerson, Jackson, Perkins, Recchia, Seabrook, Vann and Espada

WHEREAS, For many years, a disparity has existed between minority and women owned business enterprises (M/WBEs) and white-owned male dominated firms, largely due to discrimination in the contracting process, where minority and/or female business owners described difficulty gaining access to necessary information and capital, limited job training opportunities, unfair labor practices such as non-payment for work and job interference, and problems associated with the completion of municipal contracts; and
WHEREAS, Majority contractors and vendors held prejudicial views as to M/WBEs' ability to complete jobs, regarding M/WBEs as unsophisticated, lacking necessary equipment and resources, and not having needed experience in or knowledge of contracting procedures, forcing M/WBEs to make extra efforts to prove their ability and worthiness to prime contractors in order to receive a contract; and
WHEREAS, Because of these practices, M/WBEs find it difficult to enter the marketplace, limiting the opportunity for their economic growth; and
WHEREAS, In July 1988, Article 15-A of the New York State Executive Law created the Governor's Office of Minority and Women's Business Enterprise Development, which was created to facilitate the ability of M/WBEs to secure state contracts and increase general employment and business opportunities for M/WBEs; and

WHEREAS, In 1992, Article 4-A of the Economic Development Law merged this Office with the Department of Economic Development, since renamed the Empire State Development Corporation (ESDC), to create the Division of Minority and Women's Business Development; and

WHEREAS, Since the implementation of Article 15-A, there has been significant improvement in the ability of M/WBEs to obtain government contracts, and

WHEREAS, While there have been some advances made in ensuring meaningful participation by minority-owned and women-owned businesses in state contracts as a result of the implementation of Article 15-A, the procedure by which the Division has reviewed, approved and verified goal compliance appears to be haphazard and arbitrary and needs to be improved; and

WHEREAS, New York State Assembly bill A.805, introduced by Assembly Member Richard Brodsky, establishes a procedure requiring state agencies and authorities subject to Article 15-A of the Executive Law to submit a goal plan and to establish compliance reporting of such goals in order to facilitate the participation of minority-owned and women-owned businesses in state contracts; and

WHEREAS, There is presently no established fund dedicated to implementation of Article 15-A of the Executive Law; and

WHEREAS, Assembly Member Joan Millman has introduced New York State Assembly bills A.6749 which would establish an Article 15-A implementation fund and A.6750 which would require a report on Article 15-A of the Executive Law and its implementation by the appropriate state agency in order to assess how well state agencies and public authorities are complying with the statute and to identify problems and deficiencies for correction; and

WHEREAS, Article 15-A is due to expire in December of this year; now, therefore, be it,

RESOLVED, That the Council of the City of New York urges the New York State Legislature to extend Article 15-A of the New York State Executive Law and to pass New York State Assembly Bills A.805, establishing state agency goal submission procedures, A.6749, establishing an Article 15-A implementation fund, and A.6750, requiring a report by the appropriate state agency on the implementation and effectiveness of the provisions of Article 15-A, as it relates to the participation of minority group members and women with respect to state and city contracts.

B.R.

L.S. # 2284