



## Legislation Text

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Int. No. 475

By Council Members Won, Restler, Ung and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to the voluntary submission of data on leadership diversity by companies bidding on city contracts

Be it enacted by the Council as follows:

Section 1. Subparagraph (23) of paragraph (i) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law number 49 for the year 1992, is amended and new subparagraphs (24), (25) and (26) are added, to read as follows:

(23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) the directors of the contractor, if any;

(25) the gender of each director and principal officer of the contractor, if provided by the contractor; and

(26) the race or ethnicity of each director and principal officer of the contractor, if provided by the contractor.

§ 2. Paragraph (ii) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 13 for the year 1991, and paragraph (vi) of such subdivision, as amended by local law number 64 for the year 1993, are amended and a new paragraph (viii) is added, to read as follows:

(ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) of this subdivision may not be truthful, the appropriate law enforcement official shall be immediately informed of such

fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official.

(vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph [i] (i) of this subdivision and on or after June 30, 1994, subcontractors shall be subject to paragraph [i] (i) of this subdivision in its entirety.

(viii) Notwithstanding any other provision of this section, subparagraphs twenty-four, twenty-five and twenty-six of paragraph (i) of this subdivision shall not apply to any contract entered into prior to January 1, 2020.

§ 3. Subdivision h of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 22 for the year 2004, is amended to read as follows:

h. Except for submissions to elected officials or to the council, contractors or subcontractors may only be required to submit information required under subdivision b of this section to a single agency, and any such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. Any contractor or subcontractor that has submitted to any agency, elected official or the council, the information required to be provided in accordance with subdivision b of this section shall be required to update that information only at three-year intervals, and except as provided in paragraph [iv] (iv) or [v] (v) of subdivision b, no contract or subcontract shall be awarded unless the contractor or subcontractor has certified that information previously submitted as to those requirements is correct as of the time of the award of the contract or subcontract. The contractor or subcontractor may only be required to submit such updated information to a single agency and such submission shall be applicable to all contracts or subcontracts or bids for contracts or subcontracts of that contractor or subcontractor with any agency. The procurement policy board may, by rule, provide for exceptions to this subdivision.

§ 4. Paragraph (3) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 72 for the year 2017, is amended to read as follows:

(3) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which (a) is for the provision of goods, services or construction and has a value that when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period is valued at \$250,000 or more; or (b) is for the provision of goods, services or construction, is awarded to a sole source and is valued at \$10,000 or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts held by the same concessionaire is valued at \$100,000 or more; or (d) is a franchise. However, the amount provided for in clause a herein may be varied by rule of the procurement policy board, where applicable, or rule of the council relating to procurement, or, for franchises and concessions, rule of the franchise and concession review committee, as that amount applies to the information required by [paragraphs 7, 8, 9 and 12] subparagraphs seven, eight, nine and twelve of paragraph (i) of subdivision b of this section, and the procurement policy board, where applicable, or the council, or, for franchises and concessions, the franchise and concession review committee, may by rule define specifically identified and limited circumstances in which contractors may be exempt from the requirement to submit information otherwise required by subdivision b of this section, but the rulemaking procedure required by chapter forty-five of the charter may not be initiated for such rule of the procurement policy board or franchise and concession review committee less than forty-five days after the submission by the procurement policy board or, for franchises and concessions, the franchise and concession review [committe] committee, to the council of a report stating the intention to promulgate such rule, the proposed text of such rule and the reasons therefor;

§ 5. Paragraphs (5), (6), (7), (8), (9) and (10) of subdivision i of section 6-116.2 of the administrative code of the city of New York, as amended by local law number 44 for the year 1992, are redesignated paragraphs (6), (7), (8), (9), (10) and (11), respectively, and a new paragraph (5) is added to read as follows:

(5) “director” shall mean any member of the governing board of a corporation, whether designated as director, trustee, manager, governor, or by any other title;

§ 6. This local law takes effect 120 days after it becomes law.

Session 13

LS #8697

1/17/2024

Session 12

JTB

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4/8/2022