



Wednesday, September 10, 2003

Bill Text - A05088

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Bill Summary](#)

S T A T E O F N E W Y O R K

5088

2003-2004 Regular Sessions

I N A S S E M B L Y

February 25, 2003

Introduced by M. of A. McENENY, NOLAN, CANESTRARI, ORTIZ, COLTON, GRODENCHIK, O`DONNELL -- Multi-Sponsored by -- M. of A. CLARK, GLICK, GORDON, GOTTFRIED, GREEN, KOON, MILLMAN, PHEFFER, P. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, the state finance law, the general municipal law and the education law, in relation to including certain sports equipment under the special provisions applicable for the purchasing of apparel by the state university of New York and the city university of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 213-a of the labor law, as added by chapter 350 of
2 the laws of 2002, is amended to read as follows:

3 S 213-a. Special provisions regarding the purchasing of apparel OR
4 SPORTS EQUIPMENT by the state university of New York and the city
5 university of New York.

6 1. Notwithstanding any other provision of law, the various units of
7 the state university of New York, the city university of New York and
8 community colleges shall have the authority to:

9 a. Determine that a bidder on a contract for the purchase of apparel
10 OR SPORTS EQUIPMENT is not a responsible bidder as defined in section
11 one hundred sixty-three of the state finance law based upon either of
12 the following considerations:

13 (i) the labor standards applicable to the manufacture of the apparel
14 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
15 working conditions, employee rights to form unions, and the use of child
16 labor, or

17 (ii) the bidder`s failure to provide information sufficient for the
18 state agency or corporation to determine the labor conditions applicable
19 to the manufacture of the apparel OR SPORTS EQUIPMENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.

LBD08551-01-3

A. 5088

2

1 b. Include in the internal policies and procedures governing procure-
2 ment of apparel OR SPORTS EQUIPMENT, where such procurement is not
3 further required to be made pursuant to the competitive bidding require-
4 ments of section one hundred sixty-three of the state finance law, a
5 prohibition against the purchase of apparel OR SPORTS EQUIPMENT from any
6 vendor based upon either or both of the following considerations:

7 (i) the labor standards applicable to the manufacture of the apparel
8 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
9 working conditions, employee rights to form unions, and the use of child
10 labor, or

11 (ii) the bidder`s failure to provide sufficient information for said
12 state agencies to determine the labor standards applicable to the manu-
13 facture of the apparel OR SPORTS EQUIPMENT.

14 2. For the purposes of this section{,} THE TERM:

15 A. "apparel" shall mean goods, such as, but not limited to, sports
16 uniforms, including gym uniforms, required school uniforms, shoes,
17 including, but not limited to, athletic shoes or sneakers, sweatshirts,
18 caps, hats, and other clothing, whether or not imprinted with a school`s
19 name or logo, academic regalia, lab coats and staff uniforms; AND

20 B. "SPORTS EQUIPMENT" SHALL MEAN EQUIPMENT, SUCH AS, BUT NOT LIMITED
21 TO, BALLS, BATS AND OTHER GOODS INTENDED FOR USE BY THOSE PARTICIPATING
22 IN SPORTS AND GAMES.

23 S 2. Subdivision 7 of section 165 of the state finance law, as added
24 by chapter 350 of the laws of 2002, is amended to read as follows:

25 7. Special provisions regarding the purchasing of apparel OR SPORTS
26 EQUIPMENT by the state university of New York and the city university of
27 New York.

28 a. Notwithstanding any other provision of law, the various units of
29 the state university of New York, the city university of New York and
30 community colleges shall have authority to:

31 (i) Determine that a bidder on a contract for the purchase of apparel
32 OR SPORTS EQUIPMENT is not a responsible bidder as defined in section
33 one hundred sixty-three of this article based upon either of the follow-
34 ing considerations:

35 (A) the labor standards applicable to the manufacture of the apparel
36 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
37 working conditions, employee rights to form unions, and the use of child
38 labor, or

39 (B) the bidder`s failure to provide information sufficient for the
40 state agency or corporation to determine the labor conditions applicable
41 to the manufacture of the apparel OR SPORTS EQUIPMENT.

42 (ii) Include in the internal policies and procedures governing
43 procurement of apparel OR SPORTS EQUIPMENT, where such procurement is
44 not further required to be made pursuant to the competitive bidding
45 requirements of section one hundred sixty-three of this article, a
46 prohibition against the purchase of apparel OR SPORTS EQUIPMENT from any
47 vendor based upon either or both of the following considerations:

48 (A) the labor standards applicable to the manufacture of the apparel
49 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
50 working conditions, employee rights to form unions, and the use of child
51 labor, or

52 (B) the bidder`s failure to provide sufficient information for said

53 state agencies to determine the labor standards applicable to the manu-
54 facture of the apparel OR SPORTS EQUIPMENT.

55 b. For the purposes of this subdivision{,} THE TERM:

A. 5088

3

1 (I) "apparel" shall mean goods, such as, but not limited to, sports
2 uniforms, including gym uniforms, required school uniforms, shoes,
3 including, but not limited to, athletic shoes or sneakers, sweatshirts,
4 caps, hats, and other clothing, whether or not imprinted with a school`s
5 name or logo, academic regalia, lab coats and staff uniforms; AND

6 (II) "SPORTS EQUIPMENT" SHALL MEAN EQUIPMENT, SUCH AS, BUT NOT LIMITED
7 TO, BALLS, BATS AND OTHER GOODS INTENDED FOR USE BY THOSE PARTICIPATING
8 IN SPORTS AND GAMES.

9 S 3. Subdivision 12 of section 103 of the general municipal law, as
10 added by chapter 227 of the laws 2001, is amended to read as follows:

11 12. Notwithstanding any other provision of this section or any other
12 provision of law, boards of education shall have the authority to deter-
13 mine that a bidder on a contract for the purchase of apparel OR SPORTS
14 EQUIPMENT is not a responsible bidder for purposes of subdivision one of
15 this section, based upon either or both of the following considerations:

16 (a) the labor standards applicable to the manufacture of the apparel OR
17 SPORTS EQUIPMENT, including but not limited to employee compensation,
18 working conditions, employee rights to form unions, and the use of child
19 labor; or (b) the bidder`s failure to provide information sufficient for
20 boards of education to determine the labor standards applicable to the
21 manufacture of the apparel OR SPORTS EQUIPMENT.

22 S 4. Subdivision 6 of section 104-b of the general municipal law, as
23 added by chapter 227 of the laws of 2001, is amended to read as follows:

24 6. Notwithstanding any other provisions of this section or any
25 provision of law, boards of education shall have the authority to
26 include in the internal policies and procedures governing procurement of
27 apparel OR SPORTS EQUIPMENT, where such procurement is not required to
28 be made pursuant to the competitive bidding requirements of section one
29 hundred three of this article, a prohibition against the purchase of
30 apparel OR SPORTS EQUIPMENT from any vendor based upon either or both of
31 the following considerations: (a) the labor standards applicable to the
32 manufacture of the apparel OR SPORTS EQUIPMENT, including but not limit-
33 ed to employee compensation, working conditions, employee rights to form
34 unions, and the use of child labor; or (b) the bidder`s failure to
35 provide information sufficient for boards of education to determine the
36 labor standards applicable to the manufacture of the apparel OR SPORTS
37 EQUIPMENT.

38 S 5. Subdivision 6 of section 6302 of the education law, as added by
39 chapter 350 of the laws of 2002, is amended to read as follows:

40 6. a. Notwithstanding any other provision of law, community colleges
41 established under this article shall have the authority to:

42 (i) Determine that the bidder on a contract for the purchase of
43 apparel OR SPORTS EQUIPMENT is not an acceptable bidder based on either
44 of the following considerations:

45 (A) the labor standards applicable to the manufacture of the apparel
46 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
47 working conditions, employee rights to form unions, and the use of child
48 labor, or

49 (B) the bidder`s failure to provide information sufficient for the
50 state agency or corporation to determine the labor conditions applicable
51 to the manufacture of the apparel OR SPORTS EQUIPMENT.

52 (ii) Include in the internal policies and procedures governing
53 procurement of apparel a prohibition against the purchase of apparel OR

54 SPORTS EQUIPMENT from any vendor based upon either or both of the
55 following considerations:

A. 5088

4

1 (A) the labor standards applicable to the manufacture of the apparel
2 OR SPORTS EQUIPMENT, including but not limited to employee compensation,
3 working conditions, employee rights to form unions, and the use of child
4 labor; or

5 (B) the bidder's failure to provide sufficient information for said
6 state agencies to determine the labor standards applicable to the manu-
7 facture of the apparel OR SPORTS EQUIPMENT.

8 b. For the purposes of this subdivision{,} THE TERM:

9 (I) "apparel" shall mean goods, such as, but not limited to, sports
10 uniforms, including gym uniforms, required school uniforms, shoes,
11 including, but not limited to, athletic shoes or sneakers, sweatshirts,
12 caps, hats, and other clothing, whether or not imprinted with a school's
13 name or logo, academic regalia, lab coats and staff uniforms; AND

14 (II) "SPORTS EQUIPMENT" SHALL MEAN EQUIPMENT, SUCH AS, BUT NOT LIMITED
15 TO, BALLS, BATS AND OTHER GOODS INTENDED FOR USE BY THOSE PARTICIPATING
16 IN SPORTS AND GAMES.

17 S 6. This act shall take effect September 1, 2003 and shall respec-
18 tively apply to bids issued after such date; provided, however, that
19 effective immediately, the addition, amendment and/or repeal of any rule
20 or regulation necessary for the implementation of this act on its effec-
21 tive date are authorized and directed to be made and completed on or
22 before such effective date.

.SO DOC A 5088

END

BTXT

2003

Contact Webmaster