



NEW YORK STATE SENATOR

Nathalia Fernandez

## Senator Fernandez and the Majority To Pass Legislation to Boost Small Businesses and MWBEs

NATHALIA FERNANDEZ February 7, 2023

| ISSUE: **MWBE**

**Albany, NY— Senator Nathalia Fernandez** and the Senate Majority today passed legislation to boost investment in small business and help grow minority- and women-owned business enterprises (MWBEs). The legislation advanced includes the creation of the New York State Innovation Voucher Program; the establishment of a matching grant program for recipients of the federal Small Business Innovation Research and Technology Transfer grants; exempting independent arts contractors from a qualification to access the Small Business Seed Funding Grant program; expanding eligibility to grants and flexible financing of the Urban Development Corporation Act to dry cleaning and cosmetic small businesses; requiring state agencies provide unsuccessful bidders that are certified MWBEs with a detailed statement detailing the reason for rejection; amending the Executive Law to clarify language concerning the maximum number of employees in a MWBEs company during a declared state emergency, and directing all contracting state agencies to develop a three-year growth plan to increase MWBEs' participation in contract bidding.

“This is a big win for BOTH small businesses and communities of color in the 34th Senate District and across New York State,” said **Senator Nathalia Fernandez**. “In last year’s budget I was able to allocate \$2 million for the Minority and Women Owned Business Enterprise

(MWBE) Development and Lending Program, so to see the stewardship continue in the Senate is inspiring. Throughout my career I have pushed to increase allocation of MWBE businesses as a % of total NYS contracts while focusing on trades that have not been traditionally owned by women. Additionally, I have supported improving the Certification Process so that minority and women-owned businesses are able to receive certification in a timely manner.”

The small business and MWBE assistance package passed by the Senate Democratic Majority that I proudly voted for includes:

- **Growth Plan for MWBEs Participation in State Contracts:** This bill, [S.1424](#), sponsored by Senator Jamaal Bailey, directs contracting state agencies to develop a three-year growth plan to increase participation of MWBEs with respect to state contracts and subcontracts.
- **Expand Eligibility of Grant Programs of the Urban Development Corporation Act:** This bill, [S.702](#), sponsored by Senator Leroy Comrie expands eligibility of the Urban Development Corporation Act to allow dry cleaning businesses, nail salons and other small businesses to access grants and flexible financing programs to make capital improvements to comply with new environmental protection and workplace safety regulations.
- **Written Statement of Rejection for MWBEs Bids:** This bill, [S.1419](#), sponsored by Senator Leroy Comrie would require state agencies to provide certified MWBEs that unsuccessfully bid for a state contract a written statement outlining the reasons for rejection and provide guidance for improving future bids.
- **Exception to Qualification for the Small Business Seed Funding Grant Program:** This bill, [S.579](#), sponsored by Senator Brad Hoylman-Sigal amends the NYS Urban Development Corporation Act to provide an exception that eases the path for independent arts contractors to qualify for the small business seed grant funding program.

- **Establishes Matching Grant Program for Recipients of Certain Federal Small Business Grants:** This bill, [S.1824](#), sponsored by Senator Sean Ryan establishes a matching grant program for small businesses receiving funding under the federal Small Business Innovation Research Program or the Small Business Technology Transfer Program to promote commercialization and job growth. This bill also requires businesses receiving these matching grants to remain headquartered in New York for at least five years.
- **Creates the New York State Innovation Voucher Program:** This bill, [S.1862](#), sponsored by Senator Sean Ryan establishes the New York Innovation Voucher Program to provide small businesses with access to vouchers to assist with research and development by colleges and universities, government laboratories, and public research institutes in order to assist such businesses in the creation of innovative products or services.
- **Maximum Number of MWBEs Employees During a Declared State of Emergency:** This bill, [S.1873](#), sponsored by Senator Lea Webb amends the Executive Law to clarify that an MWBE may have a maximum of 300 employees who work 30 hours or more per week during a declared state disaster emergency. This clarification would allow MWBEs to address unanticipated emergency staffing needs during a declared state of emergency without losing their certification.

---

#### RELATED LEGISLATION

---

### **2023-S1424**

---

- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Directs contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts

January 11, 2023

In Assembly Committee

Sponsored by [Jamaal T. Bailey](#)

Do you support this bill?

---

## 2023-S702

---

- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
- 

Relates to assistance for certain small businesses

January 06, 2023

Vetoed

Sponsored by [Leroy Comrie](#)

Do you support this bill?

---

## 2023-S1419

---

- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
- 

Relates to requiring agencies to provide unsuccessful bidders that are certified minority and women-owned business enterprises with a written statement articulating the reasons for rejection

January 11, 2023

Vetoed

Sponsored by [Leroy Comrie](#)

Do you support this bill?

---

**2023-S579**

---

- Introduced
  - ◦ In Committee Assembly
    - In Committee Senate
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  - ◦ Passed Assembly
    - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Provides an exception to qualification for the small business seed funding grant program for independent arts contractors

January 05, 2023

In Senate Committee [Corporations, Authorities and Commissions](#)

Sponsored by [Brad Hoylman-Sigal](#)

Do you support this bill?

---

**2023-S1824**

---

- Introduced
  - ◦ In Committee Assembly
    - In Committee Senate
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  - ◦ Passed Assembly
    - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Establishes a matching grant program for certain small businesses receiving funding under the federal small business innovation research program or the small business technology transfer program

January 17, 2023

In Senate Committee [Commerce, Economic Development and Small Business](#)

Sponsored by [Sean M. Ryan](#)

Do you support this bill?

---

**2023-S1862**



- 
- Introduced
  - - In Committee Assembly
    - In Committee Senate
  - - On Floor Calendar Assembly
    - On Floor Calendar Senate
  - - Passed Assembly
    - Passed Senate
  - Delivered to Governor
  - Signed By Governor
  -

Relates to establishing the New York state innovation voucher program

January 17, 2023

In Senate Committee [Finance](#)

Sponsored by [Sean M. Ryan](#)

Do you support this bill?

---

**2023-S1873**

---

- Introduced
  - ◦ In Committee Assembly
    - In Committee Senate
  - ◦ On Floor Calendar Assembly
    - On Floor Calendar Senate
  - ◦ Passed Assembly
    - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need

January 17, 2023

Signed by Governor

Sponsored by **Lea Webb**

Do you support this bill?