

5659--A

2011-2012 Regular Sessions

I N   S E N A T E

June 9, 2011

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law and the general municipal law, in relation to reciprocity of debarments imposed under the federal Davis-Bacon Act

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

- 1     Section 1. Paragraph b of subdivision 3 of section 220-b of the labor  
2     law is amended by adding a new subparagraph 3 to read as follows:  
3     (3) WHEN ANY PERSON OR ENTITY IS DEBARRED FOR HAVING DISREGARDED OBLI-  
4     GATIONS TO EMPLOYEES UNDER THE DAVIS-BACON ACT PURSUANT TO 40 U.S.C.  
5     3144 AND 29 C.F.R. 5.12, SUCH PERSON OR ENTITY, AND ANY FIRM, CORPO-  
6     RATION, PARTNERSHIP OR ASSOCIATION IN WHICH THE PERSON OR ENTITY OWNS OR  
7     CONTROLS AT LEAST TEN PER CENTUM, SHALL BE INELIGIBLE TO SUBMIT A BID ON  
8     OR BE AWARDED ANY PUBLIC WORKS CONTRACT WITH THE STATE, ANY MUNICIPAL  
9     CORPORATION, PUBLIC BENEFIT CORPORATION OR PUBLIC BODY FOR A PERIOD OF  
10    THREE YEARS FROM THE DATE ON WHICH THE NAME OF THE PERSON OR ENTITY IS  
11    PUBLISHED IN THE LIST OF DEBARRED CONTRACTORS PURSUANT TO 40 U.S.C.  
12    3144. THE DEPARTMENT WILL NOTIFY THE PERSON OR ENTITY IMMEDIATELY OF  
13    SUCH INELIGIBILITY AND SUCH PERSON OR ENTITY MUST BE AFFORDED THE OPPOR-  
14    TUNITY TO APPEAL TO THE DEPARTMENT.  
15    S 2. Section 103 of the general municipal law is amended by adding a  
16    new subdivision 1-c to read as follows:  
17    1-C. IN DETERMINING THE LOWEST RESPONSIBLE BIDDER, THE OFFICER, BOARD  
18    OR AGENCY OF ANY POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN  
19    CHARGED WITH AWARDED OF CONTRACTS, SHALL CONSIDER WHETHER OR NOT THE  
20    BIDDER, OR A PERSON OR ENTITY WITH AN INTEREST OF AT LEAST TEN PER  
21    CENTUM IN THE BIDDER, IS DEBARRED FOR HAVING DISREGARDED OBLIGATIONS TO  
22    EMPLOYEES UNDER THE DAVIS-BACON ACT PURSUANT TO 40 U.S.C. 3144 AND 29  
23    C.F.R. 5.12, IN MAKING SUCH DETERMINATION OF AWARD.  
24    S 3. This act shall take effect immediately.

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

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