

STATE OF NEW YORK

5951

2021-2022 Regular Sessions

IN ASSEMBLY

March 2, 2021

Introduced by M. of A. LALOR -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring that certain bids for state contracts contain a statement certifying that the bidder has not hired persons in this country illegally

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section
2 148 to read as follows:

3 § 148. Statement of not hiring of persons in this country illegally.
4 1. Every bid hereafter made to the state or any public department, agen-
5 cy or official thereof, where competitive bidding is required by stat-
6 ute, rule or regulation, for work or services performed or to be
7 performed or goods sold or to be sold, shall contain the following
8 statement subscribed by the bidder and affirmed by such bidder as true
9 under the penalties of perjury:

10 (a) "Certification of not hiring of persons in this country illegally.
11 By submission of this bid, each bidder and each person signing on behalf
12 of any bidder certifies, and in the case of a joint bid each party ther-
13 eto certifies as to its own organization, under penalty of perjury, that
14 to the best of his or her knowledge and belief the persons hired by the
15 bidder are persons allowed to remain and work within this country legal-
16 ly."

17 (b) Notwithstanding the foregoing, the statement of not hiring of
18 persons in this country illegally may be submitted electronically in
19 accordance with the provisions of subdivision seven of section one
20 hundred sixty-three of the state finance law.

21 2. A bid shall not be considered for award nor shall any award be made
22 where subdivision one of this section has not been complied with.

23 3. Any bid hereafter made to the state or any public department, agen-
24 cy or official thereof by a corporate bidder for work or services

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

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1 performed or to be performed or goods sold or to be sold, where compet-
2 itive bidding is required by statute, rule or regulation, and where such
3 bid contains the certification referred to in subdivision one of this
4 section, shall be deemed to have been authorized by the board of direc-
5 tors of the bidder, and such authorization shall be deemed to include
6 the signing and submission of the bid and the inclusion therein of the
7 certificate as to not hiring of persons in this country illegally as the
8 act and deed of the corporation.

9 § 2. This act shall take effect immediately.