

8813

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. JOHN -- read once and referred to the Committee
on Labor

AN ACT to amend the labor law, in relation to ineligibility to bid on
public works contracts for violations in other jurisdictions

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

1 Section 1. Subparagraph 1 of paragraph b of subdivision 3 of section
2 220-b of the labor law, as amended by chapter 241 of the laws of 2002,
3 is amended to read as follows:
4 (1) When two final determinations have been rendered against a
5 contractor, subcontractor, successor, or any substantially-owned affil-
6 iated entity of the contractor or subcontractor, any of the partners if
7 the contractor or subcontractor is a partnership, any officer of the
8 contractor or subcontractor who knowingly participated in the violation
9 of this article OR ANY PROVISION OF LAW OF ANY OTHER JURISDICTION WHICH
10 INCLUDES ALL THE ESSENTIAL ELEMENTS OF A VIOLATION OF THIS ARTICLE, any
11 of the shareholders who own or control at least ten per centum of the
12 outstanding stock of the contractor or subcontractor or any successor
13 within any consecutive six-year period determining that such contractor,
14 subcontractor, successor, or any substantially-owned affiliated entity
15 of the contractor or subcontractor, any of the partners or any of the
16 shareholders who own or control at least ten per centum of the outstand-
17 ing stock of the contractor or subcontractor, any officer of the
18 contractor or subcontractor who knowingly participated in the violation
19 of this article has wilfully failed to pay the prevailing rate of wages
20 or to provide supplements in accordance with this article OR IN ACCORD-
21 ANCE WITH THE PROVISIONS OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDE
22 ALL THE ESSENTIAL ELEMENTS OF SUCH FAILURE TO PAY WAGES OR SUPPLEMENTS,
23 whether such failures were concurrent or consecutive and whether or not
24 such final determinations concerning separate public work projects are
25 rendered simultaneously, such contractor, subcontractor, successor, or

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

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1 any substantially-owned affiliated entity of the contractor or subcon-
2 tractor, any of the partners if the contractor or subcontractor is a
3 partnership or any of the shareholders who own or control at least ten
4 per centum of the outstanding stock of the contractor or subcontractor,
5 any officer of the contractor or subcontractor who knowingly partic-
6 ipated in the violation of this article OR ANY PROVISION OF LAW OF ANY
7 OTHER JURISDICTION WHICH INCLUDES ALL THE ESSENTIAL ELEMENTS OF SUCH A
8 VIOLATION shall be ineligible to submit a bid on or be awarded any
9 public work contract or subcontract with the state, any municipal corpo-
10 ration or public body for a period of five years from the second final
11 determination, provided, however, that where any such final determi-
12 nation involves the falsification of payroll records or the kickback of
13 wages or supplements, the contractor, subcontractor, successor, or any
14 substantially-owned affiliated entity of the contractor or subcontrac-
15 tor, any partner if the contractor or subcontractor is a partnership or
16 any of the shareholders who own or control at least ten per centum of
17 the outstanding stock of the contractor or subcontractor, any officer of
18 the contractor or subcontractor who knowingly participated in the
19 violation of this article OR ANY PROVISION OF LAW OF ANY OTHER JURISDIC-
20 TION WHICH INCLUDES ALL THE ESSENTIAL ELEMENTS OF SUCH A VIOLATION shall
21 be ineligible to submit a bid on or be awarded any public work contract
22 with the state, any municipal corporation or public body for a period of
23 five years from the first final determination.

24 S 2. Subparagraph 2 of paragraph b of subdivision 3 of section 220-b
25 of the labor law is amended by adding a new clause (vi) to read as
26 follows:

27 (VI) ANY PROVISION OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDES ALL
28 OF THE ESSENTIAL ELEMENTS OF ANY VIOLATION OR FELONY ENUMERATED IN
29 CLAUSE (I), (II), (III), (IV) OR (V) OF THIS SUBPARAGRAPH;

30 S 3. This act shall take effect immediately.