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

2127

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. JOHN, NOLAN, PERALTA -- Multi-Sponsored by -- M. of A. GALEF, GOTTFRIED, LIFTON, O'DONNELL, PHEFFER, WEISENBERG -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring proof of payment of the prevailing wage for certain state contracts

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

Section 1. Section 220 of the labor law is amended by adding a new subdivision 10 to read as follows:

10. IN ANY INSTANCE IN WHICH THE VARIATION BETWEEN THE LOW BID ON ANY PUBLIC WORK CONTRACT OR SUBCONTRACT WITH THE STATE, ANY MUNICIPAL CORPORATION, OR PUBLIC BODY AND THE NEXT LOWEST BID IS TEN PERCENT OR MORE, OR IS TEN PERCENT LOWER THAN THE CONTRACTING ENTITY'S ESTIMATE OF THE PROJECT'S COST, THE LOW BIDDER SHALL PROVIDE PROOF TO THE SATISFACTION OF THE CONTRACTING ENTITY THAT THE PREVAILING WAGE WILL BE PAID, FAILING WHICH, SUCH BID SHALL BE REJECTED.

S 2. Section 231 of the labor law is amended by adding a new subdivision 8 to read as follows:

8. IN ANY INSTANCE IN WHICH THE VARIATION BETWEEN THE LOW BID ON ANY PUBLIC WORK CONTRACT OR SUBCONTRACT WITH THE STATE, ANY MUNICIPAL CORPORATION, OR PUBLIC BODY AND THE NEXT LOWEST BID IS TEN PERCENT OR MORE, OR IS TEN PERCENT LOWER THAN THE CONTRACTING ENTITY'S ESTIMATE OF THE PROJECT'S COST, THE LOW BIDDER SHALL PROVIDE PROOF TO THE SATISFACTION OF THE CONTRACTING ENTITY THAT THE PREVAILING WAGE WILL BE PAID, FAILING WHICH, SUCH BID SHALL BE REJECTED.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.

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

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