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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph 1 of paragraph b of subdivision 3 of section 220-b of the labor law, as amended by chapter 241 of the laws of 2002, is amended to read as follows:

(1) When two final determinations have been rendered against a contractor, subcontractor, successor, or any substantially-owned affiliated entity of the contractor or subcontractor, any of the partners if the contractor or subcontractor is a partnership, any officer of the contractor or subcontractor who knowingly participated in the violation of this article OR ANY PROVISION OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDES ALL THE ESSENTIAL ELEMENTS OF A VIOLATION OF THIS ARTICLE, any of the shareholders who own or control at least ten per centum of the outstanding stock of the contractor or subcontractor or any successor within any consecutive six-year period determining that such contractor, subcontractor, successor, or any substantially-owned affiliated entity of the contractor or subcontractor, any of the partners or any of the shareholders who own or control at least ten per centum of the outstanding stock of the contractor or subcontractor, any officer of the contractor or subcontractor who knowingly participated in the violation of this article has wilfully failed to pay the prevailing rate of wages or to provide supplements in accordance with this article OR IN ACCORDANCE WITH THE PROVISIONS OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDE ALL THE ESSENTIAL ELEMENTS OF SUCH FAILURE TO PAY WAGES OR SUPPLEMENTS, whether such failures were concurrent or consecutive and whether or not such final determinations concerning separate public work projects are 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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any substantially-owned affiliated entity of the contractor or subcontractor, any of the partners if the contractor or subcontractor is a partnership or any of the shareholders who own or control at least ten per centum of the outstanding stock of the contractor or subcontractor, any officer of the contractor or subcontractor who knowingly participated in the violation of this article OR ANY PROVISION OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDES ALL THE ESSENTIAL ELEMENTS OF SUCH A VIOLATION shall be ineligible to submit a bid on or be awarded any public work contract or subcontract with the state, any municipal corporation or public body for a period of five years from the second final determination, provided, however, that where any such final determination involves the falsification of payroll records or the kickback of wages or supplements, the contractor, subcontractor, successor, or any substantially-owned affiliated entity of the contractor or subcontractor, any partner if the contractor or subcontractor is a partnership or any of the shareholders who own or control at least ten per centum of the outstanding stock of the contractor or subcontractor, any officer of the contractor or subcontractor who knowingly participated in the violation of this article OR ANY PROVISION OF LAW OF ANY OTHER JURISDICTION WHICH INCLUDES ALL THE ESSENTIAL ELEMENTS OF SUCH A VIOLATION shall be ineligible to submit a bid on or be awarded any public work contract with the state, any municipal corporation or public body for a period of five years from the first final determination.

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

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

S 3. This act shall take effect immediately.