

5659--C

Cal. No. 1075

2011-2012 Regular Sessions

I N   S E N A T E

June 9, 2011

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Introduced by Sens. SAVINO, ADDABBO, AVELLA, PARKER -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- 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 WHILE THE NAME OF  
10    THE PERSON OR ENTITY IS PUBLISHED IN THE LIST OF DEBARRED CONTRACTORS  
11    PURSUANT TO 40 U.S.C. 3144. THE DEPARTMENT WILL NOTIFY THE PERSON OR  
12    ENTITY IMMEDIATELY OF SUCH INELIGIBILITY AND SUCH PERSON OR ENTITY MUST  
13    BE AFFORDED THE OPPORTUNITY TO APPEAL TO THE DEPARTMENT.

14    S 2. Section 103 of the general municipal law is amended by adding a  
15    new subdivision 1-c to read as follows:

16    1-C. IN DETERMINING THE LOWEST RESPONSIBLE BIDDER, THE OFFICER, BOARD  
17    OR AGENCY OF ANY POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN  
18    CHARGED WITH AWARDED OF CONTRACTS, SHALL CONSIDER WHETHER OR NOT THE

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

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1 BIDDER, OR A PERSON OR ENTITY WITH AN INTEREST OF AT LEAST TEN PER  
2 CENTUM IN THE BIDDER, IS DEBARRED FOR HAVING DISREGARDED OBLIGATIONS TO  
3 EMPLOYEES UNDER THE DAVIS-BACON ACT PURSUANT TO 40 U.S.C. 3144 AND 29  
4 C.F.R. 5.12, IN MAKING SUCH DETERMINATION OF AWARD.

5 S 3. This act shall take effect immediately and shall apply prospec-  
6 tively to all public work bids and contracts. It shall not apply  
7 retroactively to previously issued or existing public work contracts  
8 with the state, any municipal corporation, public benefit company or  
9 public body.