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2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015
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Introduced by M. of A. MILLER -- read once and referred to the Committee
  on Labor

AN  ACT to amend the labor law, in relation to making contractors ineli-
  gible to bid for a public work contract if prevailing rate  wages  and
  supplements due from a prior public work contract remain unpaid

  THE  PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 1-a to read as follows:
 3    (1-A)  WHEN A FINAL DETERMINATION HAS BEEN RENDERED AGAINST A CONTRAC-
 4  TOR, SUBCONTRACTOR, SUCCESSOR,  OR  ANY  SUBSTANTIALLY-OWNED  AFFILIATED
 5  ENTITY  OF  THE  CONTRACTOR OR SUBCONTRACTOR, ANY OF THE PARTNERS IF THE
 6  CONTRACTOR OR  SUBCONTRACTOR  IS  A  PARTNERSHIP,  ANY  OFFICER  OF  THE
 7  CONTRACTOR  OR SUBCONTRACTOR WHO KNOWINGLY PARTICIPATED IN THE VIOLATION
 8  OF THIS ARTICLE, ANY OF THE SHAREHOLDERS WHO OWN OR CONTROL AT LEAST TEN
 9  PER CENTUM OF THE OUTSTANDING STOCK OF THE CONTRACTOR  OR  SUBCONTRACTOR
10  OR ANY SUCCESSOR HAS WILFULLY FAILED TO PAY THE PREVAILING RATE OF WAGES
11  OR  TO PROVIDE SUPPLEMENTS IN ACCORDANCE WITH THIS ARTICLE, WHETHER SUCH
12  FAILURES WERE CONCURRENT OR CONSECUTIVE, SUCH CONTRACTOR, SUBCONTRACTOR,
13  SUCCESSOR, OR ANY SUBSTANTIALLY-OWNED AFFILIATED ENTITY OF THE  CONTRAC-
14  TOR  OR  SUBCONTRACTOR, ANY OF THE PARTNERS IF THE CONTRACTOR OR SUBCON-
15  TRACTOR IS A PARTNERSHIP OR ANY OF THE SHAREHOLDERS WHO OWN  OR  CONTROL
16  AT  LEAST  TEN  PER CENTUM OF THE OUTSTANDING STOCK OF THE CONTRACTOR OR
17  SUBCONTRACTOR, ANY OFFICER OF THE CONTRACTOR OR SUBCONTRACTOR WHO  KNOW-
18  INGLY  PARTICIPATED IN THE VIOLATION OF THIS ARTICLE SHALL BE INELIGIBLE
19  TO SUBMIT A BID ON OR BE AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT
20  WITH THE STATE, ANY MUNICIPAL CORPORATION  OR  PUBLIC  BODY  UNLESS  AND
21  UNTIL  ALL  PREVAILING RATES OF WAGES AND SUPPLEMENTS DUE FROM ALL PRIOR
22  PUBLIC WORK CONTRACTS HAVE BEEN PAID.
23    S 2. This act shall take effect immediately.

         EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                            LBD00372-01-5