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

3995

2015-2016 Regular Sessions

I N S E N A T E

February 25, 2015

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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:

Section 1. Paragraph b of subdivision 3 of section 220-b of the labor law is amended by adding a new subparagraph 3 to read as follows:

(3) WHEN ANY PERSON OR ENTITY IS DEBARRED FOR HAVING DISREGARDED OBLIGATIONS TO EMPLOYEES UNDER THE DAVIS-BACON ACT PURSUANT TO 40 U.S.C. 3144 AND 29 C.F.R. 5.12, SUCH PERSON OR ENTITY, AND ANY "SUBSTANTIALLY OWNED-AFFILIATED ENTITY" AS DEFINED BY PARAGRAPH G OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY OF THIS ARTICLE, SHALL BE INELIGIBLE TO SUBMIT A BID ON OR BE AWARDED ANY PUBLIC WORKS CONTRACT WITH THE STATE, ANY MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR PUBLIC BODY WHILE THE NAME OF THE PERSON OR ENTITY IS PUBLISHED IN THE LIST OF DEBARRED CONTRACTORS PURSUANT TO 40 U.S.C. 3144. WHERE A PERSON OR ENTITY IS DETERMINED TO BE INELIGIBLE PURSUANT TO THIS SUBPARAGRAPH BECAUSE IT IS CONSIDERED A "SUBSTANTIALLY OWNED-AFFILIATED ENTITY," SUCH PERSON OR ENTITY SHALL BE PROVIDED WITH WRITTEN NOTICE FROM THE DEPARTMENT AND SHALL BE AFFORDED THE OPPORTUNITY TO APPEAL THE INELIGIBILITY DETERMINATION TO THE DEPARTMENT.

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

1-C. IN DETERMINING THE LOWEST RESPONSIBLE BIDDER, THE OFFICER, BOARD OR AGENCY OF ANY POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN CHARGED WITH AWARDING OF CONTRACTS, SHALL CONSIDER WHETHER OR NOT THE BIDDER, OR ANY "SUBSTANTIALLY OWNED-AFFILIATED ENTITY" AS DEFINED BY PARAGRAPH G OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY OF THE LABOR LAW, HAS BEEN FOUND TO BE IN VIOLATION OF THE DAVIS-BACON ACT PURSUANT TO 40 U.S.C. 3144, THE COPELAND ACT PURSUANT TO 18 U.S.C. 874

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

LBD08876-01-5

AND 40 U.S.C. 3145 OR THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT PURSUANT TO 40 U.S.C. 332.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to all public work bids and contracts solicited on or after such effective date; provided, however, this act shall not apply retroactively to previously issued or existing public work contracts, with the state, any municipal corporation, public benefit corporation or public body.