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

5479

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

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

AN ACT to amend the state finance law, in relation to contracts entered into by a state agency for the procurement of equipment, materials or supplies

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

Section 1. The state finance law is amended by adding a new section 148 to read as follows:

S 148. PROHIBITION AGAINST FORCED LABOR. 1. EVERY CONTRACT ENTERED INTO BY ANY STATE AGENCY FOR THE PROCUREMENT OF EQUIPMENT, MATERIALS, OR SUPPLIES SHALL CONTAIN A STATEMENT IN WHICH THE CONTRACTOR ATTESTS THAT NO FOREIGN-MADE EQUIPMENT, MATERIALS, OR SUPPLIES FURNISHED TO THE STATE PURSUANT TO THE CONTRACT HAVE BEEN PRODUCED IN WHOLE OR IN PART BY FORCED LABOR, CONVICT LABOR, OR INDENTURED LABOR UNDER PENAL SANCTION.

2. ANY CONTRACTOR CONTRACTING WITH THE STATE WHO FURNISHES FOREIGN-MADE EQUIPMENT, MATERIALS, OR SUPPLIES PRODUCED IN WHOLE OR IN PART BY FORCED LABOR, CONVICT LABOR, OR INDENTURED LABOR UNDER PENAL SANCTION, AFTER PROVIDING A STATEMENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL HAVE THE CONTRACT VOIDED, SHALL BE ASSESSED A PENALTY OF ONE THOUSAND DOLLARS OR AN AMOUNT EQUALING TWENTY PERCENT OF THE VALUE OF THE EQUIPMENT, MATERIALS, OR SUPPLIES, WHICHEVER IS GREATER, AND SHALL BE PROHIBITED FROM BIDDING FOR A PERIOD NOT TO EXCEED THREE HUNDRED SIXTY DAYS.

3. WHEN IMPOSING THE SANCTIONS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE CONTRACTING AGENCY SHALL PROVIDE FOR A FAIR HEARING AND NOTICE. THE AGENCY SHALL TAKE INTO CONSIDERATION ANY MEASURES THE CONTRACTOR HAS TAKEN TO ENSURE COMPLIANCE WITH THIS SECTION, AND MAY WAIVE ANY OR ALL OF THE SANCTIONS IF IT DETERMINES THAT THE CONTRACTOR HAS ACTED IN GOOD FAITH.

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

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4. FOR PURPOSES OF THIS SECTION, THE TERM "FORCED LABOR" SHALL HAVE THE SAME MEANING AS IN SECTION 1307 OF TITLE 19 OF THE UNITED STATES CODE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.