

5414

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 20, 2015

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Introduced by M. of A. BRONSON -- Multi-Sponsored by -- M. of A. ABBATE  
-- read once and referred 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:

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 "SUBSTANTIALLY  
6     OWNED-AFFILIATED ENTITY" AS DEFINED BY PARAGRAPH G OF SUBDIVISION FIVE  
7     OF SECTION TWO HUNDRED TWENTY OF THIS ARTICLE, SHALL BE INELIGIBLE TO  
8     SUBMIT A BID ON OR BE AWARDED ANY PUBLIC WORKS CONTRACT WITH THE STATE,  
9     ANY MUNICIPAL CORPORATION, PUBLIC BENEFIT CORPORATION OR PUBLIC BODY  
10    WHILE THE NAME OF THE PERSON OR ENTITY IS PUBLISHED IN THE LIST OF  
11    DEBARRED CONTRACTORS PURSUANT TO 40 U.S.C. 3144. WHERE A PERSON OR ENTI-  
12    TY IS DETERMINED TO BE INELIGIBLE PURSUANT TO THIS SUBPARAGRAPH BECAUSE  
13    IT IS CONSIDERED A "SUBSTANTIALLY OWNED-AFFILIATED ENTITY," SUCH PERSON  
14    OR ENTITY SHALL BE PROVIDED WITH WRITTEN NOTICE FROM THE DEPARTMENT AND  
15    SHALL BE AFFORDED THE OPPORTUNITY TO APPEAL THE INELIGIBILITY DETERMI-  
16    NATION TO THE DEPARTMENT.  
17    S 2. Section 103 of the general municipal law is amended by adding a  
18    new subdivision 1-c to read as follows:  
19    1-C. IN DETERMINING THE LOWEST RESPONSIBLE BIDDER, THE OFFICER, BOARD  
20    OR AGENCY OF ANY POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN  
21    CHARGED WITH AWARDED OF CONTRACTS, SHALL CONSIDER WHETHER OR NOT THE  
22    BIDDER, OR ANY "SUBSTANTIALLY OWNED-AFFILIATED ENTITY" AS DEFINED BY  
23    PARAGRAPH G OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY OF THE  
24    LABOR LAW, HAS BEEN FOUND TO BE IN VIOLATION OF THE DAVIS-BACON ACT  
25    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.

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1 AND 40 U.S.C. 3145 OR THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT  
2 PURSUANT TO 40 U.S.C. 332.  
3 S 3. This act shall take effect on the one hundred twentieth day after  
4 it shall have become a law and shall apply to all public work bids and  
5 contracts solicited on or after such effective date; provided, however,  
6 this act shall not apply retroactively to previously issued or existing  
7 public work contracts, with the state, any municipal corporation, public  
8 benefit corporation or public body.