

# STATE OF NEW YORK

7726

2023-2024 Regular Sessions

## IN ASSEMBLY

June 6, 2023

Introduced by M. of A. SLATER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the general municipal law, in relation to requiring certain entities to disclose if they have been debarred from being awarded public contracts

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 4 to read as follows:

3 (4) (i) When any contractor, subcontractor, or person is debarred by  
4 the federal or any state or territorial government, for having disre-  
5 garded obligations to employees under the Davis-Bacon act pursuant to 40  
6 U.S.C. 3144, such contractor, subcontractor, or person shall be ineli-  
7 gible to submit a bid on or be awarded any public work contract with the  
8 state or any municipal corporation, public benefit corporation, or  
9 public body during such period of debarment.

10 (ii) When the fiscal officer determines that a contractor, subcontrac-  
11 tor or person is a "substantially owned-affiliated entity", as defined  
12 by paragraph g of subdivision five of section two hundred twenty of this  
13 article, in relation to a contractor, subcontractor, or person debarred  
14 under clause (i) of this subparagraph, such substantially owned-affili-  
15 ated entity shall be ineligible to submit a bid or be awarded any public  
16 work contract with the state or any municipal corporation, public bene-  
17 fit corporation, or public body for the duration of the remaining period  
18 of debarment of such contractor, subcontractor, or person debarred under  
19 clause (i) of this subparagraph. In order for a substantially owned-af-  
20 filiated entity to be debarred pursuant to this clause, such substan-  
21 tially owned-affiliated entity must have had substantial involvement in  
22 the day to day management of the contractor, subcontractor, or person  
23 debarred under clause (i) of this subparagraph.

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

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1 (iii) Any contractor, subcontractor, or person debarred under clause  
2 (i) of this subparagraph or substantially owned-affiliated entity  
3 debarred under clause (ii) of this subparagraph shall be added to New  
4 York state's list of debarred entities pursuant to executive order  
5 number one hundred ninety-two of two thousand nineteen.

6 (iv) Any determinations made pursuant to this subparagraph shall be  
7 subject to review pursuant to article seventy-eight of the civil prac-  
8 tice law and rules.

9 § 2. Section 103 of the general municipal law is amended by adding a  
10 new subdivision 1-d to read as follows:

11 1-d. In determining the lowest responsible bidder, the officer, board,  
12 or agency of any political subdivision or of any district therein  
13 charged with awarding of contracts, shall consider whether or not the  
14 bidder, or any "substantially owned-affiliated entity", as defined by  
15 paragraph g of subdivision five of section two hundred twenty of the  
16 labor law, has been debarred by the federal or any state or territorial  
17 government.

18 § 3. This act shall take effect one year after it shall have become a  
19 law and shall apply to all public works bids and contracts solicited on  
20 or after such effective date; provided, however, this act shall not  
21 apply retroactively to previously issued or existing public works  
22 contracts, with the state or any municipal corporation, public benefit  
23 corporation, or public body.