

STATE OF NEW YORK

9398

IN SENATE

May 15, 2024

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

AN ACT to amend the workers' compensation law, the labor law, and the executive law, in relation to requiring the workers' compensation board and the department of labor to publish lists of debarred entities as open data

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 141-b of the workers' compensation law, as added by
2 chapter 6 of the laws of 2007, is amended to read as follows:

3 § 141-b. Suspension and debarment. 1. Any person subject to a final
4 assessment of civil fines or penalties or a stop-work order, or that has
5 been convicted of a misdemeanor for a violation of sections twenty-six,
6 fifty-two or one hundred thirty-one of this chapter, and any substan-
7 tially-owned affiliated entity of such person, shall be ineligible to
8 submit a bid on or be awarded any public work contract or subcontract
9 with the state, any municipal corporation or public body for a period of
10 one year from the final determination or conviction. Any person
11 convicted of a felony under this article, or a misdemeanor under
12 sections one hundred twenty-five and one hundred twenty-five-a of this
13 chapter shall be ineligible to submit a bid on or be awarded any public
14 work contract or subcontract with the state, any municipal corporation
15 or public body for a period of five years from such conviction.

16 2. The board shall maintain and publish a list of persons, contrac-
17 tors, vendors, or grantees that have been determined to be non-responsi-
18 ble or ineligible to bid on future contracts or grants pursuant to this
19 chapter. Such list shall be published in machine readable tabular
20 format on the board's website. This list shall include the name, vendor
21 identification number, federal employer identification number, and busi-
22 ness address of such contractor, vendor, or grantee, the date and the
23 basis of the determination, and debarment end date, and shall be
24 provided in a manner and for the length of time determined by the office
25 of general services pursuant to executive order 192 of 2019 or such
26 successor agency or order. The board shall also transmit such list to

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

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1 the office of general services, which shall publish such list on its
2 website and maintain an archive of current and prior non-responsible or
3 ineligible persons, contractors, vendors, and grantees on data.ny.gov or
4 such other successor website maintained by, or on behalf of, the state,
5 as deemed appropriate by the New York state office of information tech-
6 nology services under executive order 95 of 2013, or any successor agen-
7 cy or order.

8 § 2. Subdivision 3 of section 220-b of the labor law is amended by
9 adding a new paragraph d to read as follows:

10 d. The department shall maintain and publish a list of persons,
11 contractors, vendors, or grantees that have been determined to be non-
12 responsible or ineligible to bid on future contracts or grants pursuant
13 to this chapter. Such list shall be published in machine readable tabu-
14 lar format on its website. This list shall include the name, vendor
15 identification number, federal employer identification number, and busi-
16 ness address of such contractor, vendor, or grantee, the date and the
17 basis of the determination, and debarment end date, and shall be
18 provided in a manner and for the length of time determined by the office
19 of general services pursuant to executive order 192 of 2019 or such
20 successor agency or order. The department shall also transmit such list
21 to the office of general services, which shall publish such list on its
22 website and maintain an archive of current and prior non-responsible or
23 ineligible persons, contractors, vendors, and grantees on data.ny.gov or
24 such other successor website maintained by, or on behalf of, the state,
25 as deemed appropriate by the New York state office of information tech-
26 nology services under executive order 95 of 2013, or any successor agen-
27 cy or order.

28 § 3. Section 239-a of the labor law, as amended by chapter 88 of the
29 laws of 2021, is amended to read as follows:

30 § 239-a. Enforcement of article. 1. If the fiscal officer, as defined
31 herein, finds that any contractor on service work fails to comply with
32 or evades the provisions of this article, [~~he~~] such officer shall pres-
33 ent evidence of such noncompliance or evasion to the public agency
34 having charge of such work for enforcement. Where such evidence indi-
35 cates a noncompliance or evasion on the part of a subcontractor, the
36 contractor shall be responsible for such noncompliance or evasion. It
37 shall be the duty of the public agency in charge of such service work to
38 enforce the provisions of this article.

39 2. The department shall maintain and publish a list of persons,
40 contractors, vendors, or grantees that have been determined to be non-
41 responsible or ineligible to bid on future contracts or grants pursuant
42 to this chapter. Such list shall be published in machine readable tabu-
43 lar format on its website. This list shall include the name, vendor
44 identification number, federal employer identification number, and busi-
45 ness address of such contractor, vendor, or grantee, the date and the
46 basis of the determination, and debarment end date, and shall be
47 provided in a manner and for the length of time determined by the office
48 of general services pursuant to executive order 192 of 2019 or such
49 successor agency or order. The department shall also transmit such list
50 to the office of general services, which shall publish such list on its
51 website and maintain an archive of current and prior non-responsible or
52 ineligible persons, contractors, vendors, and grantees on data.ny.gov or
53 such other successor website maintained by, or on behalf of, the state,
54 as deemed appropriate by the New York state office of information tech-
55 nology services under executive order 95 of 2013, or any successor agen-
56 cy or order.

§ 4. Subdivision 7 of section 861-e of the labor law, as added by chapter 418 of the laws of 2010, is amended to read as follows:

7. (a) Any contractor or any officer or shareholder who owns or controls at least ten percent of the outstanding stock of such corporation that has been convicted of a misdemeanor shall be subject to debarment and be ineligible to submit a bid on or be awarded any public works contract with the state, any municipal corporation, public benefit corporation, public authority or public body for a period of up to one year from the date of such conviction or final determination, or up to five years in the event of any subsequent violation.

(b) The department shall maintain and publish a list of persons, contractors, vendors, or grantees that have been determined to be non-responsible or ineligible to bid on future contracts or grants pursuant to this chapter. Such list shall be published in machine readable tabular format on its website. This list shall include the name, vendor identification number, federal employer identification number, and business address of such contractor, vendor, or grantee, the date and the basis of the determination, and debarment end date, and shall be provided in a manner and for the length of time determined by the office of general services pursuant to executive order 192 of 2019 or such successor agency or order. The department shall also transmit such list to the office of general services, which shall publish such list on its website and maintain an archive of current and prior non-responsible or ineligible persons, contractors, vendors, and grantees on data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order 95 of 2013, or any successor agency or order.

§ 5. Subdivision 7 of section 862-d of the labor law, as added by chapter 558 of the laws of 2013, is amended to read as follows:

7. (a) Any commercial goods transportation contractor or any officer or shareholder who owns or controls at least ten percent of the outstanding stock of such corporation that has been convicted of a misdemeanor shall be subject to debarment and be ineligible to submit a bid on or be awarded any public works contract with the state, any municipal corporation, public benefit corporation, public authority or public body for a period of up to one year from the date of such conviction or final determination, or up to five years in the event of any subsequent violation.

(b) The department shall maintain and publish a list of persons, contractors, vendors, or grantees, that have been determined to be non-responsible or ineligible to bid on future contracts or grants pursuant to this chapter. Such list shall be published in machine readable tabular format on its website. This list shall include the name, vendor identification number, federal employer identification number, and business address of such contractor, vendor, or grantee, the date and the basis of the determination, and debarment end date, and shall be provided in a manner and for the length of time determined by the office of general services pursuant to executive order 192 of 2019 or such successor agency or order. The department shall also transmit such list to the office of general services who shall publish such list on its website and maintain an archive of current and prior non-responsible or ineligible persons, contractors, vendors, and grantees on data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information tech-

1 nology services under executive order 95 of 2013, or any successor agen-
2 cy or order.

3 § 6. The executive law is amended by adding a new section 203-c to
4 read as follows:

5 § 203-c. Additional duties of the commissioner regarding reporting of
6 debarred and non-responsible entities. 1. The commissioner shall main-
7 tain and publish within five days of receipt a list of persons, contrac-
8 tors, vendors, or grantees that have been determined to be non-responsi-
9 ble or ineligible to bid on future contracts or grants. Such list shall
10 be published in machine readable tabular format on the office's website,
11 as transmitted by state entities pursuant to article eight, nine, twen-
12 ty-five-b or twenty-five-c of the labor law, executive order 192 of 2019
13 or such successor agency or order, or any other such state law, order or
14 regulation that provides for debarment or a determination of non-respon-
15 sibility.

16 a. Such list of ineligible or non-responsible entities shall include
17 the name, vendor identification number, federal employer identification
18 number, and business address of such contractor, vendor, or grantee, the
19 date and the basis of the determination, debarment end date, and the
20 name of the state agency transmitting such information to the commis-
21 sioner.

22 b. Such names of debarred contractors, vendors, or grantees shall
23 remain posted on the office's website for the period designated in the
24 relevant statutory provision allowing for such debarment. In all other
25 cases, determinations shall remain on the list until the office receives
26 notice of a finding by a court of competent jurisdiction that the non-
27 responsibility or debarment determination was in error or until such
28 time as a waiver has been approved by the counsel to the governor, in a
29 manner to be determined by the office of general services.

30 2. The commissioner shall additionally publish such lists and maintain
31 an archive of current and prior non-responsible or ineligible persons,
32 contractors, vendors, and grantees on data.ny.gov or such other succes-
33 sor website maintained by, or on behalf of, the state, as deemed appro-
34 priate by the New York state office of information technology services
35 under executive order 95 of 2013, or any successor agency or order.

36 § 7. This act shall take effect immediately.