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:

Section 1. Paragraph b of subdivision 3 of section 220-b of the labor law is amended by adding a new subparagraph 4 to read as follows:

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

(ii) When the fiscal officer determines that a contractor, subcontractor or person is a "substantially owned-affiliated entity", as defined by paragraph g of subdivision five of section two hundred twenty of this article, in relation to a contractor, subcontractor, or person debarred under clause (i) of this subparagraph, such substantially owned-affiliated entity shall be ineligible to submit a bid or be awarded any public work contract with the state or any municipal corporation, public benefit corporation, or public body for the duration of the remaining period of debarment of such contractor, subcontractor, or person debarred under clause (i) of this subparagraph. In order for a substantially owned-affiliated entity to be debarred pursuant to this clause, such substantially owned-affiliated entity must have had substantial involvement in the day to day management of the contractor, subcontractor, or person 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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(iii) Any contractor, subcontractor, or person debarred under clause (i) of this subparagraph or substantially owned-affiliated entity debarred under clause (ii) of this subparagraph shall be added to New York state's list of debarred entities pursuant to executive order number one hundred ninety-two of two thousand nineteen.

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

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

1-d. 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 debarred by the federal or any state or territorial government.

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