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:

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

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

2. The board 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 the board's 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 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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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.

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

d. 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.

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

§ 239-a. Enforcement of article. 1. If the fiscal officer, as defined herein, finds that any contractor on service work fails to comply with or evades the provisions of this article, [~~he~~] such officer shall present evidence of such noncompliance or evasion to the public agency having charge of such work for enforcement. Where such evidence indicates a noncompliance or evasion on the part of a subcontractor, the contractor shall be responsible for such noncompliance or evasion. It shall be the duty of the public agency in charge of such service work to enforce the provisions of this article.

2. 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.

§ 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-

nology services under executive order 95 of 2013, or any successor agency or order.

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

§ 203-c. Additional duties of the commissioner regarding reporting of debarred and non-responsible entities. 1. The commissioner shall maintain and publish within five days of receipt 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. Such list shall be published in machine readable tabular format on the office's website, as transmitted by state entities pursuant to article eight, nine, twenty-five-b or twenty-five-c of the labor law, executive order 192 of 2019 or such successor agency or order, or any other such state law, order or regulation that provides for debarment or a determination of non-responsibility.

a. Such list of ineligible or non-responsible entities 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, debarment end date, and the name of the state agency transmitting such information to the commissioner.

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

2. The commissioner shall additionally publish such lists 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.

§ 7. This act shall take effect immediately.