

STATE OF NEW YORK

4479

2025-2026 Regular Sessions

IN SENATE

February 5, 2025

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

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

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1 provided in a manner and for the length of time determined by the office
2 of general services pursuant to executive order 192 of 2019 or such
3 successor agency or order. The board shall also transmit such list to
4 the office of general services, which shall publish such list on its
5 website and maintain an archive of current and prior non-responsible or
6 ineligible persons, contractors, vendors, and grantees on data.ny.gov or
7 such other successor website maintained by, or on behalf of, the state,
8 as deemed appropriate by the New York state office of information tech-
9 nology services under executive order 95 of 2013, or any successor agen-
10 cy or order.

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

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

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

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

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

1 as deemed appropriate by the New York state office of information tech-
2 nology services under executive order 95 of 2013, or any successor agen-
3 cy or order.

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

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

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

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

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

43 (b) The department shall maintain and publish a list of persons,
44 contractors, vendors, or grantees, that have been determined to be non-
45 responsible or ineligible to bid on future contracts or grants pursuant
46 to this chapter. Such list shall be published in machine readable tabu-
47 lar format on its website. This list shall include the name, vendor
48 identification number, federal employer identification number, and busi-
49 ness address of such contractor, vendor, or grantee, the date and the
50 basis of the determination, and debarment end date, and shall be
51 provided in a manner and for the length of time determined by the office
52 of general services pursuant to executive order 192 of 2019 or such
53 successor agency or order. The department shall also transmit such list
54 to the office of general services who shall publish such list on its
55 website and maintain an archive of current and prior non-responsible or
56 ineligible persons, contractors, vendors, and grantees on data.ny.gov or

1 such other successor website maintained by, or on behalf of, the state,
2 as deemed appropriate by the New York state office of information tech-
3 nology services under executive order 95 of 2013, or any successor agen-
4 cy or order.

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

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

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

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

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

38 § 7. This act shall take effect immediately.