

SENATE, No. 2414

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Oroho and Pou

SYNOPSIS

Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning certain contracts for public work and amending
2 and supplementing P.L.1963, c.150.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) If a person makes the lowest bid for a contract
8 with a public body for public work subject to the provisions of the
9 “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-56.25
10 et seq.) and that bid is ten percent or more lower than the next lowest
11 bid for the contract, the person making the lowest bid shall provide
12 proof to the satisfaction of the public body that the prevailing wage
13 rates required by that act shall be paid. If the bidder does not provide
14 the proof, the bid shall be rejected.

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16 2. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to
17 read as follows:

18 3. a. Every contract in excess of the prevailing wage contract
19 threshold amount for any public work to which any public body is a
20 party or for public work to be done on property or premises owned
21 by a public body or leased or to be leased by a public body shall
22 contain a **[provision]** certification stating the prevailing wage rate
23 which can be paid (as shall be designated by the commissioner) to
24 the workers employed in the performance of the contract and **[the**
25 **contract shall contain a stipulation that]** such workers shall be paid
26 not less than such prevailing wage rate. Such **[contract]** certification
27 shall also contain a provision that in the event it is found that any
28 worker, employed by the contractor or any subcontractor covered by
29 said contract, has been paid a rate of wages less than the prevailing
30 wage required to be paid by such contract, the public body, the lessee
31 to whom the public body is leasing a property or premises or the
32 lessor from whom the public body is leasing or will be leasing a
33 property or premises may terminate the contractor's or
34 subcontractor's right to proceed with the work, or such part of the
35 work as to which there has been a failure to pay required wages and
36 to prosecute the work to completion or otherwise. The contractor and
37 his sureties shall be liable for any excess costs occasioned thereby to
38 the public body, any lessee to whom the public body is leasing a
39 property or premises or any lessor from whom the public body is
40 leasing or will be leasing a property or premises.

41 b. The Commissioner of Labor and Workforce Development, in
42 consultation with the Division of Local Government Services, shall
43 promulgate rules and regulations concerning the standardization of
44 the certification necessary to effectuate the provisions of P.L. _____,
45 c. (C. _____) (pending before the Legislature as this bill).
46 (cf: P.L.2007, c.68, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill provides that if a person makes the lowest bid for a
7 contract with a public body for public work subject to the provisions
8 of the “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-
9 56.25 et seq.) and that bid is ten percent or more lower than the next
10 lowest bid for the contract, the person making the lowest bid shall
11 provide proof to the satisfaction of the public body that the prevailing
12 wage rates required by that act shall be paid. The bill requires the bid
13 to be rejected if the bidder does not provide that proof.

14 The bill requires the Commissioner of Labor and Workforce
15 Development, in consultation with the Division of Local Government
16 Services, to adopt and promulgate rules and regulations concerning a
17 prevailing wage certification to be included in certain contracts for
18 public work.