

[First Reprint]

**SENATE, No. 2414**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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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 amended by the Senate on June 3, 2021.



**(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) <sup>1</sup>a. If a person makes the lowest bid for a  
8 contract with a public body for public work subject to the  
9 provisions of the “New Jersey Prevailing Wage Act,” P.L.1963,  
10 c.150 (C.34:11-56.25 et seq.) and that bid is ten percent or more  
11 lower than the next lowest bid for the contract, the person making  
12 the lowest bid shall <sup>1</sup>**[provide proof to the satisfaction of]** certify  
13 to<sup>1</sup> the public body that the prevailing wage rates required by that  
14 act shall be paid. If the bidder does not provide the <sup>1</sup>**[proof]**  
15 certification prior to award of the contract<sup>1</sup>, the <sup>1</sup>**[bid shall be**  
16 **rejected]** public body shall award the contract to the next lowest  
17 responsible and responsive bidder. This certification shall be  
18 required only when a public body is engaging in competitive  
19 bidding for public work.

20 b. The Commissioner of Labor and Workforce Development, in  
21 consultation with the Division of Local Government Services in the  
22 Department of Community Affairs, shall promulgate rules and  
23 regulations concerning the standardization of the certification  
24 necessary to effectuate the provisions of this section<sup>1</sup>.

25  
26 2. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to  
27 read as follows:

28 3. a. Every contract in excess of the prevailing wage contract  
29 threshold amount for any public work to which any public body is a  
30 party or for public work to be done on property or premises owned  
31 by a public body or leased or to be leased by a public body shall  
32 contain a **[provision]** <sup>1</sup>**[certification]** provision<sup>1</sup> stating the  
33 prevailing wage rate which can be paid (as shall be designated by  
34 the commissioner) to the workers employed in the performance of  
35 the contract and **[the contract shall contain a stipulation that]** <sup>1</sup>the  
36 contract shall contain a stipulation that<sup>1</sup> such workers shall be paid  
37 not less than such prevailing wage rate. Such **[contract]**  
38 <sup>1</sup>**[certification]** contract<sup>1</sup> shall also contain a provision that in the  
39 event it is found that any worker, employed by the contractor or any  
40 subcontractor covered by said contract, has been paid a rate of  
41 wages less than the prevailing wage required to be paid by such  
42 contract, the public body, the lessee to whom the public body is  
43 leasing a property or premises or the lessor from whom the public

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted June 3, 2021.

1 body is leasing or will be leasing a property or premises may  
2 terminate the contractor's or subcontractor's right to proceed with  
3 the work, or such part of the work as to which there has been a  
4 failure to pay required wages and to prosecute the work to  
5 completion or otherwise. The contractor and his sureties shall be  
6 liable for any excess costs occasioned thereby to the public body,  
7 any lessee to whom the public body is leasing a property or  
8 premises or any lessor from whom the public body is leasing or will  
9 be leasing a property or premises.

10 b. The Commissioner of Labor and Workforce Development, in  
11 consultation with the Division of Local Government Services in the  
12 Department of Community Affairs, shall promulgate rules and  
13 regulations concerning the standardization of the <sup>1</sup>【certification】  
14 contractual language<sup>1</sup> necessary to effectuate the provisions of  
15 <sup>1</sup>【P.L. , c. (C. ) (pending before the Legislature as this  
16 bill)】 this section<sup>1</sup>.

17 (cf: P.L.2007, c.68, s.2)

18  
19 3. This act shall take effect <sup>1</sup>【immediately】 180 days from the  
20 date of enactment, except that the Commissioner of Labor and  
21 Workforce Development make take any anticipatory action in  
22 advance thereof as may be necessary for the implementation of this  
23 act<sup>1</sup>.