

ASSEMBLY, No. 4869

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

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District 15 (Hunterdon and Mercer)

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District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Houghtaling

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: 12/14/2020)

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
11 lowest bid for the contract, the person making the lowest bid shall
12 provide proof to the satisfaction of the public body that the
13 prevailing wage rates required by that act shall be paid. If the bidder
14 does not provide 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]**
27 certification shall also contain a provision that in the event it is
28 found that any worker, employed by the contractor or any
29 subcontractor covered by said contract, has been paid a rate of
30 wages less than the prevailing wage required to be paid by such
31 contract, the public body, the lessee to whom the public body is
32 leasing a property or premises or the lessor from whom the public
33 body is leasing or will be leasing a property or premises may
34 terminate the contractor's or subcontractor's right to proceed with
35 the work, or such part of the work as to which there has been a
36 failure to pay required wages and to prosecute the work to
37 completion or otherwise. The contractor and his sureties shall be
38 liable for any excess costs occasioned thereby to the public body,
39 any lessee to whom the public body is leasing a property or
40 premises or any lessor from whom the public body is leasing or will
41 be leasing a property or premises.

42 b. The Commissioner of Labor and Workforce Development, in
43 consultation with the Division of Local Government Services, shall
44 promulgate rules and regulations concerning the standardization of

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 the certification necessary to effectuate the provisions of
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 (cf: P.L.2007, c.68, s.2)

4

5 3. This act shall take effect immediately.

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STATEMENT

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

19 The bill requires the Commissioner of Labor and Workforce
20 Development, in consultation with the Division of Local
21 Government Services, to adopt and promulgate rules and
22 regulations concerning a prevailing wage certification to be
23 included in certain contracts for public work.