

[First Reprint]

ASSEMBLY, No. 4869

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

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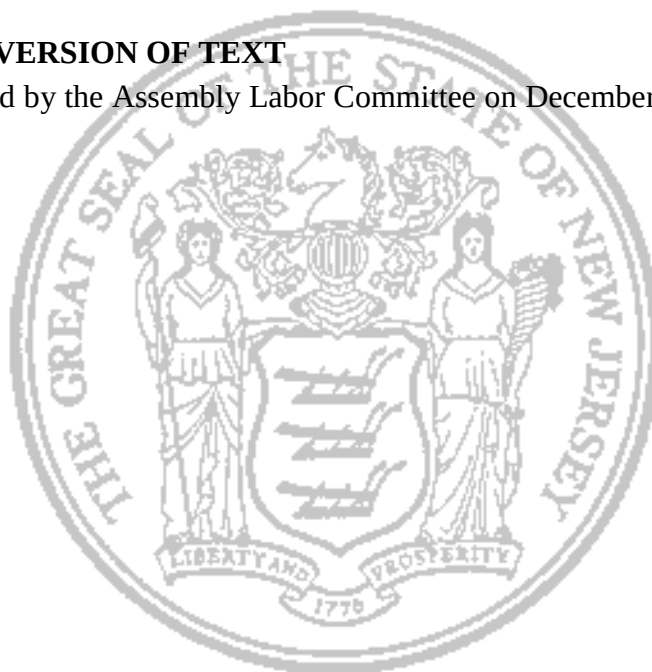
Assemblymen Houghtaling, Freiman and Egan

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on December 14, 2020, with amendments.



(Sponsorship Updated As Of: 6/21/2021)

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) ¹a.¹ If a person makes the lowest bid for a
8 contract with a public body for public work subject to the provisions of
9 the “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-
10 56.25 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 prevailing
13 wage rates required by that act shall be paid. If the bidder does not
14 provide the proof, the bid shall be rejected.

15 ¹b. Proof in accordance with subsection a. of this section may
16 include, but shall not be limited to, employment contracts or
17 agreements with workers stating the rate of wages that the person
18 contracts or agrees to pay the employees or workers for the contract,
19 documentation of the costs of supplies required to complete the
20 contract, documentation as to the number of employees or workers
21 whose services will be engaged for the contract, the estimated number
22 of hours or days to complete the project, and any additional
23 documentation as may be permitted by the Commissioner of Labor and
24 Workforce Development.¹

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】** certification stating the prevailing wage rate
33 which can be paid (as shall be designated by the commissioner) to
34 the workers employed in the performance of the contract and **【the**
35 **contract shall contain a stipulation that】** such workers shall be paid
36 not less than such prevailing wage rate. Such **【contract】**
37 certification shall also contain a provision that in the event it is
38 found that any worker, employed by the contractor or any
39 subcontractor covered by said contract, has been paid a rate of
40 wages less than the prevailing wage required to be paid by such
41 contract, the public body, the lessee to whom the public body is
42 leasing a property or premises or the lessor from whom the public
43 body is leasing or will be leasing a property or premises may
44 terminate the contractor's or subcontractor's right to proceed with

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:

¹Assembly ALA committee amendments adopted December 14, 2020.

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

8 b. The Commissioner of Labor and Workforce Development, in
9 consultation with the Division of Local Government Services, shall
10 promulgate rules and regulations concerning the standardization of
11 the certification necessary to effectuate the provisions of
12 P.L. , c. (C.) (pending before the Legislature as this bill).
13 (cf: P.L.2007, c.68, s.2)

14

15 3. This act shall take effect immediately.