SB 78 VERSION ADOPTED BY BOTH BODIES

04/08/09 1207s

04/08/09 1258s

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2009 SESSION

09-0361

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SENATE BILL ***78***

AN ACT relative to contractor accountability and disclosure in the public works construction procurement process.

SPONSORS: Sen. Hassan, Dist 23; Sen. DeVries, Dist 18; Sen. Lasky, Dist 13; Rep. Goley, Hills 8; Rep. Benn, Graf 9; Rep. Tahir, Hills 9; Rep. R. Holden, Hills 7

COMMITTEE: Commerce, Labor and Consumer Protection

ANALYSIS

This bill establishes contractor accountability and disclosure requirements in the public works construction procurement process.

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In the Year of Our Lord Two Thousand Nine

AN ACT relative to contractor accountability and disclosure in the public works construction procurement process.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Sections; Public Works Design and Construction; Subcontractor Bids; Worksite Accountability. Amend RSA 21-I by inserting after section 81 the following new sections:

21-I:81-a Requirement for Listing Subcontractor Bids for State Construction Contracts. The following requirements apply to the construction, reconstruction, installation, demolition, maintenance, or repair of any building by a state agency, including the community college system and university system of New Hampshire, that is required to be awarded through competitive bidding.

I. A general contractor shall provide to the awarding state agency, community college, or university system a list of the names, addresses, CEO, CFO, other LLC principals, and each subcontractor to be used in the performance of the contract as soon as is practicable after the contract award, but in any event prior to the date on which the subcontractor begins work on the project. This provision applies to all subcontractors engaged to work on the project, regardless of the date of their engagement.

II. This section provides minimum disclosure standards regarding subcontractors and shall not preclude an awarding state agency or the community college or university system from setting more rigorous standards for construction work under their jurisdiction.

21-I:81-b Worksite Accountability. At the onset of work on any state construction project, including any construction project undertaken by the community college system and the university system of New Hampshire, the general contractor or designated project construction manager, if any, shall provide to the awarding state agency a current list of all subcontractors and independent contractors that the general contractor has agreed to use on the job site, with a record of the entity to whom that subcontractor or independent contractor is directly contracted and by whom that contractor or subcontractor is insured for worker□s compensation purposes. This list shall be posted on the jobsite and updated as needed to reflect any new subcontractors or independent contractors and also posted on the state agency website, to be updated every 30 days. If it is determined that a subcontractor or independent contractor is present on a state construction site without the contractor□s name and direct contracting relationship being posted in a visible location at the worksite, the general contractor or designated project manager shall require the subcontractor or independent contractor to provide the information within 36 hours and to post the information in a visible location at the worksite. If the information is not provided within 36 hours of its request, the general contractor shall suspend the contractor until the information is provided and posted.

2 Effective Date. This act shall take effect 60 days after its passage.