



**SENATE STANDING COMMITTEE ON LABOR
ASSEMBLY STANDING COMMITTEE ON LABOR**

NOTICE OF PUBLIC HEARING

SUBJECT: Lowest Responsible Bidder

PURPOSE: To solicit input on how to define the lowest responsible bidder on public work contracts

April 22, 2009

10:00 a.m.

**Hamilton Hearing Room B, 2nd Floor
Legislative Office Building, Albany NY 12247**

Although public work contracts in New York are required to be awarded to the lowest responsible bidder, state law does not define the term “responsible.” As a result, the determination of who is a responsible bidder varies throughout the state among owners of public work projects. Contractors that submit the lowest bid and win, but who fail to pay unemployment taxes, provide worker’s compensation, or have a record of poor performance or violations of law, place contractors that comply with the law at an unfair bidding advantage. Workers can be directly impacted if they are injured on the job or misclassified by employers as independent contractors to avoid unemployment taxes. It is important that the large amount of public funds spent on public work contracts is awarded fairly and in compliance with state labor laws.

The Committees will receive testimony on how to define a responsible bidder on public work contracts. Public input is requested concerning:

- (1) The standards currently used in New York and other states to determine who is a responsible bidder;
- (2) The effectiveness of these standards in awarding contracts to responsible bidders;
- (3) How the low bid and responsible bidder requirements should be applied in awarding a public work contract; and
- (4) Recommendations on how to define a responsible bidder.

Persons wishing to present testimony at the hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of postponement or cancellation of the hearing.

Witnesses are asked to keep oral testimony to no more than ten minutes in length. Written testimony will also be accepted and may be sent to the contact person listed on the reply form. In preparing the order of witnesses, the Committees will attempt to accommodate individual requests to speak at particular times in view of special circumstances. If you are testifying, please submit ten copies of any prepared testimony at the hearing registration desk. In order to further publicize the hearing, please inform interested parties of the Committees’ interest in receiving written testimony from all sources.

In order to meet the needs of those who may have a disability, the New York State Senate and Assembly have made their facilities and services available to all individuals with disabilities. Accommodation will be provided for individuals with disabilities, upon reasonable request, to afford such individuals access and admission to Senate and Assembly facilities and activities.

**George Onorato, Chair
New York Senate Standing Committee on
Labor**

**Susan John, Chair
New York Assembly Standing Committee on
Labor**

PUBLIC HEARING REPLY FORM

Persons wishing to present testimony at the public hearing on Lowest Responsible Bidder on April 22, 2009 are requested to complete this reply form as soon as possible and mail, e-mail or fax it to:

Sarah Coligan
Legislative Office Building, Room 310, Albany, NY 12247
(518) 426-6929 (fax)
coligan@senate.state.ny.us
(518) 455-3486 (phone)

I would like to testify at the hearing on April 22, 2009.

I plan to attend, but do not wish to testify at the hearing on April 22, 2009.

I will require assistance and/or handicapped accessibility information. Please specify the type of assistance required:

NAME: _____

TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE: _____

FAX: _____