

FILED FEB 09 2006

STATE GOVERNMENT

SENATE FILE 2198
BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing safety standards for contractors wishing to
2 bid on state contracts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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STATE GOVERNMENT
SF 2198

TLSB 6018XS 81

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1 Section 1. Section 8A.311, Code Supplement 2005, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 20. Any person who wishes to bid on a
4 state contract for or otherwise provide construction or other
5 labor services must certify compliance with the safety
6 standards required under this subsection. The department, in
7 consultation with the labor commissioner, shall adopt rules
8 establishing safety standards for all persons providing
9 construction or other labor services to the state. These
10 standards may include but are not limited to specific safety
11 requirements, periodic safety training for all employees, and
12 drug or impairment testing requirements.

13 If the director determines that a contractor is not in
14 compliance with the safety standards, the director may
15 terminate the contract with the contractor, or the director
16 may provide the contractor with a reasonable period to come
17 into compliance. A contract is automatically terminated if
18 the failure to comply with the safety standards poses a threat
19 of serious injury or death, unless the director determines
20 that the failure can be immediately remedied.

21 Sec. 2. Section 216B.8, Code 2005, is amended to read as
22 follows:

23 216B.8 CONTRACT BIDS.

24 A bidder awarded a contract with the department shall
25 disclose the names of all subcontractors, who will work on the
26 project being bid, within forty-eight hours after the award of
27 the contract. If a subcontractor named by a bidder awarded a
28 contract is replaced, or if the cost of work to be done by a
29 subcontractor is reduced, the bidder shall disclose the name
30 of the new subcontractor or the amount of the reduced cost.
31 Any contract for construction or other labor services shall
32 comply with the safety standards set out in section 8A.311,
33 subsection 20. If the director determines that a contractor
34 is not in compliance with the safety standards, the director
35 may terminate the contract with the contractor, or the

1 director may provide the contractor with a reasonable period
2 to come into compliance. A contract is automatically
3 terminated if the failure to comply with the safety standards
4 poses a threat of serious injury or death, unless the director
5 determines that the failure can be immediately remedied.

6 Sec. 3. Section 262.34, subsection 2, Code Supplement
7 2005, is amended to read as follows:

8 2. A bidder awarded a contract shall disclose the names of
9 all subcontractors, who will work on the project being bid,
10 within forty-eight hours after the award of the contract. If
11 a subcontractor named by a bidder awarded a contract is
12 replaced, or if the cost of work to be done by a subcontractor
13 is reduced, the bidder shall disclose the name of the new
14 subcontractor or the amount of the reduced cost.

15 Any contract for construction or other labor services shall
16 comply with the safety standards set out in section 8A.311,
17 subsection 20. If the board determines that a contractor is
18 not in compliance with the safety standards, the board may
19 terminate the contract with the contractor, or the executive
20 secretary may provide the contractor with a reasonable period
21 to come into compliance. A contract is automatically
22 terminated if the failure to comply with the safety standards
23 poses a threat of serious injury or death, unless the
24 executive secretary determines that the failure can
25 immediately be remedied.

26 Sec. 4. Section 307.21, subsection 4, paragraph a, Code
27 2005, is amended to read as follows:

28 a. Provide centralized purchasing services for the
29 department, in cooperation with the department of
30 administrative services. Any contract for construction or
31 other labor services shall comply with the safety standards
32 set out in section 8A.311, subsection 20. If the director
33 determines, in consultation with the administrator that a
34 contractor is not in compliance with the safety standards, the
35 director may terminate the contract with the contractor, or

1 the director may provide the contractor with a reasonable
2 period to come into compliance. A contract is automatically
3 terminated if the failure to comply with the safety standards
4 poses a threat of serious injury or death, unless the director
5 determines that the failure can be immediately remedied.

6 PARAGRAPH DIVIDED. The administrator shall, when the price
7 is reasonably competitive and the quality as intended,
8 purchase soybean-based inks and plastic products with recycled
9 content, including but not limited to plastic garbage can
10 liners, and shall purchase these items in accordance with the
11 schedule established in section 8A.315. However, the
12 administrator need not purchase garbage can liners in
13 accordance with the schedule if the liners are utilized by a
14 facility approved by the environmental protection commission
15 created under section 455A.6, for purposes of recycling. For
16 purposes of this subsection, "recycled content" means that the
17 content of the product contains a minimum of thirty percent
18 postconsumer material.

19 EXPLANATION

20 This bill requires that any person who wishes to provide
21 construction or other labor services to any executive branch
22 state agency must certify compliance with safety standards
23 established in rule by the department of administrative
24 services. Failure to comply with the safety standards may
25 result in the termination of the contract; however, a contract
26 is automatically terminated if the failure to comply with the
27 safety standards poses a threat of serious injury or death,
28 unless the agency head determines that the failure can be
29 immediately remedied.

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