

SENATE BILL 2381

By Berke

AN ACT to amend Tennessee Code Annotated, Title 12,
Chapter 4, relative to public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

(a)

(1) The state or other state entities shall not contract to acquire goods or services from any person who violates the Fair Labor Standards Act, compiled in 29 U.S.C. § 201 et seq.

(2) No person may contract to supply goods or services to the state or other state entities if that person violates the Fair Labor Standards Act.

(3) After July 1, 2012, no person may enter into a contract to supply goods or services to the state or other state entities without first attesting in writing that the person will not violate the Fair Labor Standards Act and will not knowingly utilize the services of any subcontractor who will has violated the Fair Labor Standards Act.

(b) If any person who contracts to supply goods or services to the state or other state entities, or who submits a bid to contract to supply goods or services to the state or other state entities, is discovered to have violated the Fair Labor Standards Act:

(1) The chief procurement officer shall declare that person to be prohibited from contracting for or submitting a bid for any contract to supply goods or services to the state or other state entities for a period of one (1) year from the date of discovery of the violation of the Fair Labor Standards Act; and

(2) Any existing contract between the state and that person shall be declared null and void.

(c) Any person who is prevented from contracting for or submitting a bid for a contract to supply goods or services to the state or other state entities for one (1) year pursuant to subsection (b) may appeal the imposition of the one-year prohibition by utilizing an appeals process to be established by the procurement commission.

(d) The procurement commission is authorized to promulgate rules and regulations to effectuate the purposes of this section. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.