UNOFFICIAL COPY 21 RS BR 474

1		AN	ACT relating to construction contracts.	
2	Be it enacted by the General Assembly of the Commonwealth of Kentucky:			
3	→ Section 1. KRS 45A.480 is amended to read as follows:			
4	(1)	(a)	No state contract for building, construction, reconstruction, renovation,	
5			demolition, or maintenance, or for any activity related to building,	
6			construction, reconstruction, renovation, demolition, or maintenance shall be	
7			awarded by any agency, department, or office of the Commonwealth of	
8			Kentucky or any political subdivision of the Commonwealth of Kentucky to	
9			any person until that person assures, by affidavit, that all contractors and	
10			subcontractors employed, or that will be employed, under the provisions of the	
11			contract shall be in compliance with Kentucky requirements for workers'	
12			compensation insurance according to KRS Chapter 342 and unemployment	
13			insurance according to KRS Chapter 341. <i>Each affidavit shall also include a</i>	
14			list of all subcontractors that are supplying workers for the project,	
15			including a primary contact for each subcontractor, and an assurance that	
16			required taxes are being paid for or on behalf of each worker.	
17		(b)	A contracting body that released the invitation for bids, request for	
18			proposals, or other solicitation related to a construction project:	
19			1. May take steps necessary to require the contractor to comply with this	
20			section if it is determined that the contractor is not complying with the	
21			terms of the contract or of this section;	
22			2. Shall have the right to inspect the contractor's job site to ensure	
23			compliance with this section; and	
24			3. Shall have the right to request from the contractor any requested	

construction shall make this section part of the solicitation or advertisement

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documentation necessary to confirm compliance with this section.

(c) Any public agency soliciting or advertising for bids for contracts for

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(d) An agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity unless that foreign entity, on the records of the Secretary of State, holds a certificate of authority or a statement of foreign qualification.

- 6 (2) Any person who fails to comply with the requirements of subsection (1) of this
 7 section during the term of the state contract, upon such finding by a court of
 8 competent jurisdiction, shall be fined an amount not to exceed four thousand dollars
 9 (\$4,000), or an amount equal to the sum of uninsured and unsatisfied claims
 10 brought under the provisions of KRS Chapter 342 and unemployment insurance
 11 claims for which no wages were reported as required by KRS Chapter 341,
 12 whichever is greater.
- 13 (3) The penalty imposed in subsection (2) of this section shall be enforced by the 14 county attorney for the county in which the violation occurred.

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