

S T A T E O F N E W Y O R K

S. 3414--A
Cal. No. 852

A. 5412--A

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 18, 2011

IN SENATE -- Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. CUSICK, ROBINSON -- Multi-Sponsored by -- M. of A. P. RIVERA -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law and the general municipal law, in relation to contract change orders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 139-f of the state finance law is amended by adding
2 a new subdivision 5 to read as follows:
3 5. IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF
4 ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS
5 EXCEED TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRAC-
6 TOR IN THE CASE OF THE ORIGINAL CONTRACT OR SUBCONTRACT, OR SUBCONTRAC-
7 TOR IN THE CASE OF THE SUBCONTRACT, SHALL NOT BE REQUIRED TO COMMENCE OR
8 CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS HAVE BEEN
9 APPROVED BY THE PUBLIC OWNER.
- 10 S 2. Section 106-b of the general municipal law is amended by adding a
11 new subdivision 4 to read as follows:
12 4. IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF
13 ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS
14 EXCEED TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRAC-
15 TOR IN THE CASE OF THE ORIGINAL CONTRACT OR SUBCONTRACT, OR SUBCONTRAC-
16 TOR IN THE CASE OF THE SUBCONTRACT, SHALL NOT BE REQUIRED TO COMMENCE OR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS HAVE BEEN
2 APPROVED BY THE PUBLIC OWNER.
3 S 3. This act shall take effect immediately and shall apply to all
4 contracts executed on and after such date.