

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

3435--A

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sens. DeFRANCISCO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to the powers and duties of the joint schools construction board of the city of Syracuse and the city school district

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

1 Section 1. Subdivisions (f), (h) and (j) of section 4 of part A-4 of
2 chapter 58 of the laws of 2006 enacting the "city of Syracuse and the
3 board of education of the city school district of the city of Syracuse
4 cooperative school reconstruction act" are amended to read as follows:
5 (f) ["JSC board" shall mean the joint schools construction board of
6 the city and the city school district as set forth in an agreement,
7 dated as of April 1, 2004, between the city school district and the city
8 as such agreement may be from time to time amended or supplemented,
9 acting as agent for the city, school district, or both] "JSC BOARD"
10 SHALL MEAN THE JOINT SCHOOLS CONSTRUCTION BOARD OF THE CITY AND THE CITY
11 SCHOOL DISTRICT ESTABLISHED TO ADMINISTER, MANAGE, DESIGN, RENOVATE AND
12 EFFECT THE FINANCING OF EXISTING PUBLIC SCHOOLS WITHIN THE SYRACUSE CITY
13 SCHOOL DISTRICT. SUCH BOARD SHALL CONSIST OF THE MAYOR OF THE CITY OF
14 SYRACUSE AND TWO ADDITIONAL MEMBERS DESIGNATED BY THE MAYOR WHO SHALL
15 SERVE AT THE PLEASURE OF THE MAYOR FOR A TERM NOT EXCEEDING ONE YEAR,
16 THE SUPERINTENDENT OF THE SYRACUSE CITY SCHOOL DISTRICT AND TWO ADDI-
17 TIONAL MEMBERS DESIGNATED BY THE SUPERINTENDENT WHO SHALL SERVE AT THE
18 PLEASURE OF THE SUPERINTENDENT FOR A TERM NOT EXCEEDING ONE YEAR, AND A
19 SEVENTH MEMBER, NOT EMPLOYED BY THE CITY OR THE SCHOOL DISTRICT, JOINTLY
20 DESIGNATED BY THE MAYOR AND THE SUPERINTENDENT WHO SHALL SERVE AT THE

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

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1 PLEASURE OF THE MAYOR AND THE SUPERINTENDENT FOR A TERM NOT EXCEEDING
2 ONE YEAR. TO ENSURE FLEXIBILITY AND CONTINUITY, THE MAYOR AND/OR THE
3 SUPERINTENDENT MAY FROM TIME TO TIME DESIGNATE AND AUTHORIZE THEIR CHIEF
4 OF STAFF, CHIEF FINANCIAL OFFICER, OR OTHER DESIGNEE, TO ATTEND AND VOTE
5 IN THEIR STEAD.

6 (h) "Project" shall mean work at an existing school building site that
7 involves the design, reconstruction, or rehabilitation of an existing
8 school building for its continued use as a school of the city school
9 district, which may include an addition to an existing school building
10 for such continued use at a cost, for such addition, of, FOR PROJECTS
11 IDENTIFIED IN SUBDIVISION (A) OF SECTION FIVE OF THIS ACT, no more than
12 nine million dollars, AND, FOR PROJECTS IDENTIFIED IN SUBDIVISION (B) OF
13 SECTION FIVE OF THIS ACT, NO MORE THAN TWENTY MILLION DOLLARS, and which
14 also may include (1) the construction or reconstruction of athletic
15 fields, playgrounds, and other recreational facilities for such existing
16 school building, and/or (2) the acquisition and installation of all
17 equipment necessary and attendant to and for the use of such existing
18 school building AND/OR THE ACQUISITION OF ADDITIONAL REAL PROPERTY TO
19 FACILITATE THE PROJECT.

20 (j) "Program manager" shall mean an independent program management
21 firm hired by the JSC board to assist it in: (1) developing and imple-
22 menting procedures for the projects undertaken and contracted for by the
23 JSC board; (2) reviewing plans and specifications for projects; (3)
24 developing and implementing policies and procedures to utilize employ-
25 ment resources to provide sufficient skilled employees for such
26 projects, including developing and implementing training programs, if
27 required; [and] (4) managing such projects IF REQUIRED BY THE JSC BOARD;
28 (5) DEVELOPING AND MANAGING A FINANCIAL PLAN TO MAXIMIZE THE EFFICIENT
29 USE OF STATE BUILDING AID; AND (6) MANAGING THE PROJECT BUDGET.
30 PROVIDED, HOWEVER THAT THE CITY AND THE CITY SCHOOL DISTRICT ACTING
31 THROUGH THE JSC BOARD MAY HIRE OR RETAIN ONE OR MORE EMPLOYEES TO
32 PERFORM SOME OR ALL OF THE AFOREMENTIONED PROGRAM MANAGEMENT FUNCTIONS.

33 S 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting
34 the "city of Syracuse and the board of education of the city school
35 district of the city of Syracuse cooperative school reconstruction act"
36 is amended to read as follows:

37 S 5. (A) No more than seven projects, one each at the Central High
38 School, the Blodgett School, the Shea Middle School, the H.W. Smith
39 Elementary School, the Clary Middle School, the Dr. Weeks Elementary
40 School and the Fowler High School, up to a total cost of two hundred
41 twenty-five million dollars; AND (B) NO MORE THAN TWENTY PROJECTS AT
42 LOCATIONS TO BE DETERMINED BY THE CITY SCHOOL DISTRICT AND APPROVED BY
43 THE JSC BOARD, UP TO A TOTAL COST OF THREE HUNDRED MILLION DOLLARS,
44 shall be authorized and undertaken pursuant to this act, unless other-
45 wise authorized by law.

46 S 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006
47 enacting the "city of Syracuse and the board of education of the city
48 school district of the city of Syracuse cooperative school recon-
49 struction act" are amended to read as follows:

50 S 6. (1) Before formal selection of the projects IDENTIFIED IN SUBDI-
51 VISION (A) OF SECTION FIVE OF THIS ACT occurs, the JSC board shall
52 develop a comprehensive plan recommending and outlining the projects it
53 proposes to be potentially undertaken pursuant to this act. Such plan
54 shall include: (a) an estimate of total costs to be financed, proposed
55 financing plan, proposed method of financing, terms and conditions of
56 the financing, estimated financing costs, and, if city general obli-

1 gation bonds or notes are not proposed as the method of financing, a
2 comparison of financing costs between such bonds or notes and the
3 proposed method of financing. The plan should also address what specific
4 options would be used to ensure that sufficient resources exist to cover
5 the local share of any such project cost on an annual basis; (b) infor-
6 mation concerning the potential persons to be involved in the financing
7 and such person's role and responsibilities; (c) estimates on the
8 design, reconstruction and rehabilitation costs by project, any adminis-
9 trative costs for potential projects, and an outline of the time-frame
10 expected for completion of each potential project; (d) a detailed
11 description of the request for proposals process and an outline of the
12 criteria to be used for selection of the program manager and all
13 contractors; (e) any proposed amendments to the city school district's
14 five year capital facilities plan submitted in accordance with subdivi-
15 sion 6 of section 3602 of the education law and the regulations of the
16 commissioner; and (f) a diversity plan, in compliance with subdivision
17 [(e)] (B) of section eight of this act, to develop diversity goals,
18 including appropriate community input and public discussion, and develop
19 strategies that would create and coordinate any efforts to ensure a more
20 diverse workforce for the projects. The diversity plan should address
21 accountability for attainment of the diversity goals, what forms of
22 monitoring would be used, and how such information would be publicly
23 communicated.

24 Prior to the development of the comprehensive plan, the JSC board
25 shall hold as many public hearings as may be necessary to ensure suffi-
26 cient public input and allow for significant public discussion on the
27 school building needs in such city, with at least one hearing to be held
28 in each neighborhood potentially impacted by a proposed project.

29 The JSC board shall submit the components of such comprehensive plan
30 outlined in subdivision (a) of this section to the comptroller, along
31 with any other information requested by the comptroller, for his or her
32 review and approval.

33 (2) BEFORE FORMAL SELECTION OF THE PROJECTS PURSUANT TO SUBDIVISION
34 (B) OF SECTION FIVE OF THIS ACT OCCURS, THE CITY SCHOOL DISTRICT SHALL
35 PROVIDE TO THE JSC BOARD A COMPREHENSIVE DRAFT PLAN RECOMMENDING AND
36 OUTLINING THE PROJECTS IT PROPOSES TO BE POTENTIALLY UNDERTAKEN PURSUANT
37 TO THIS ACT. SUCH PLAN WILL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE
38 JSC BOARD AND SHALL INCLUDE: (A) AN ESTIMATE OF TOTAL COSTS TO BE
39 FINANCED, PROPOSED FINANCING PLAN, PROPOSED METHOD OF FINANCING, TERMS
40 AND CONDITIONS OF THE FINANCING, ESTIMATED FINANCING COSTS, AND, IF CITY
41 GENERAL OBLIGATION BONDS OR NOTES ARE NOT PROPOSED AS THE METHOD OF
42 FINANCING, A COMPARISON OF FINANCING COSTS BETWEEN SUCH BONDS OR NOTES
43 AND THE PROPOSED METHOD OF FINANCING. THE PLAN SHOULD ALSO ADDRESS WHAT
44 SPECIFIC OPTIONS WOULD BE USED TO ENSURE THAT SUFFICIENT RESOURCES EXIST
45 TO COVER THE LOCAL SHARE OF ANY SUCH PROJECT COST ON AN ANNUAL BASIS;
46 (B) INFORMATION CONCERNING THE POTENTIAL PERSONS TO BE INVOLVED IN THE
47 FINANCING AND SUCH PERSON'S ROLE AND RESPONSIBILITIES; (C) ESTIMATES ON
48 THE DESIGN, RECONSTRUCTION AND REHABILITATION COSTS BY PROJECT, ANY
49 ADMINISTRATIVE COSTS FOR POTENTIAL PROJECTS, AND AN OUTLINE OF THE
50 TIME-FRAME EXPECTED FOR COMPLETION OF EACH POTENTIAL PROJECT; (D) A
51 DETAILED DESCRIPTION OF THE REQUEST FOR PROPOSALS PROCESS AND AN OUTLINE
52 OF THE CRITERIA TO BE USED FOR SELECTION OF THE PROGRAM MANAGER AND ALL
53 CONTRACTORS; (E) ANY PROPOSED AMENDMENTS TO THE CITY SCHOOL DISTRICT'S
54 FIVE YEAR CAPITAL FACILITIES PLAN SUBMITTED IN ACCORDANCE WITH SUBDIVI-
55 SION 6 OF SECTION 3602 OF THE EDUCATION LAW AND THE REGULATIONS OF THE
56 COMMISSIONER; AND (F) A DIVERSITY PLAN, IN COMPLIANCE WITH SUBDIVISION

1 (B) OF SECTION EIGHT OF THIS ACT, TO DEVELOP DIVERSITY GOALS, INCLUDING
2 APPROPRIATE COMMUNITY INPUT AND PUBLIC DISCUSSION, AND DEVELOP STRATE-
3 GIES THAT WOULD CREATE AND COORDINATE ANY EFFORTS TO ENSURE A MORE
4 DIVERSE WORKFORCE FOR THE PROJECTS. THE DIVERSITY PLAN SHOULD ADDRESS
5 ACCOUNTABILITY FOR ATTAINMENT OF THE DIVERSITY GOALS, WHAT FORMS OF
6 MONITORING WOULD BE USED, AND HOW SUCH INFORMATION WOULD BE PUBLICLY
7 COMMUNICATED.

8 AS PART OF THE DEVELOPMENT OF THE COMPREHENSIVE PLAN, THE SCHOOL
9 DISTRICT SHALL HOLD AS MANY PUBLIC HEARINGS AS MAY BE NECESSARY TO
10 ENSURE SUFFICIENT PUBLIC INPUT AND ALLOW FOR SIGNIFICANT PUBLIC
11 DISCUSSION ON THE SCHOOL BUILDING NEEDS IN SUCH CITY, WITH AT LEAST ONE
12 HEARING TO BE HELD IN EACH NEIGHBORHOOD POTENTIALLY IMPACTED BY A
13 PROPOSED PROJECT.

14 THE JSC BOARD SHALL SUBMIT THE COMPONENTS OF SUCH COMPREHENSIVE PLAN
15 OUTLINED IN SUBDIVISION (A) OF THIS SECTION TO THE COMPTROLLER, ALONG
16 WITH ANY OTHER INFORMATION REQUESTED BY THE COMPTROLLER, FOR HIS OR HER
17 REVIEW AND APPROVAL.

18 S 7. (A) Notwithstanding any general, special or local law to the
19 contrary and upon approval by the comptroller pursuant to section [four]
20 SIX of this act, the city school district may select projects, PURSUANT
21 TO SUBDIVISION (A) OF SECTION FIVE OF THIS ACT to be undertaken pursuant
22 to this act, as provided for in such approved comprehensive plan. After
23 the city school district has selected a new project and plans and spec-
24 ifications for such project have been prepared and approved by the city
25 school district, which are consistent with the approved comprehensive
26 plan, the city school district shall deliver such plans and specifica-
27 tions to the city, for approval by such city, acting through the common
28 council, and after the common council has approved such plans and spec-
29 ifications, the city shall deliver them to the commissioner for his or
30 her approval. After approval by the commissioner, the plans and spec-
31 ifications shall be returned to the city school district and such
32 district shall then deliver them to the JSC board. All such specifica-
33 tions shall detail the number of students the completed project is
34 intended to serve, the site description, the types of subjects to be
35 taught, the types of activities for school, recreational, social, safe-
36 ty, or other purposes intended to be incorporated in the school building
37 or on its site and such other information as the city school district,
38 the city, the common council, and the commissioner shall deem necessary
39 or advisable.

40 (B) NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY
41 AND UPON APPROVAL BY THE COMPTROLLER PURSUANT TO SECTION SIX OF THIS
42 ACT, THE CITY SCHOOL DISTRICT MAY SELECT PROJECTS, PURSUANT TO SUBDIVI-
43 SION (B) OF SECTION FIVE OF THIS ACT TO BE UNDERTAKEN PURSUANT TO THIS
44 ACT, AS PROVIDED FOR IN SUCH APPROVED COMPREHENSIVE PLAN. AFTER THE CITY
45 SCHOOL DISTRICT HAS SELECTED A NEW PROJECT AND PLANS AND SPECIFICATIONS
46 FOR SUCH PROJECT HAVE BEEN PREPARED AND APPROVED BY THE CITY SCHOOL
47 DISTRICT IN CONSULTATION WITH THE CITY ENGINEER, WHICH ARE CONSISTENT
48 WITH THE APPROVED COMPREHENSIVE PLAN, THE CITY SCHOOL DISTRICT SHALL
49 DELIVER SUCH PLANS AND SPECIFICATIONS TO THE COMMISSIONER FOR HIS OR HER
50 APPROVAL. AFTER APPROVAL BY THE COMMISSIONER, THE PLANS AND SPECIFICA-
51 TIONS SHALL BE DELIVERED TO THE JSC BOARD. ALL SUCH SPECIFICATIONS SHALL
52 DETAIL THE NUMBER OF STUDENTS THE COMPLETED PROJECT IS INTENDED TO
53 SERVE, THE SITE DESCRIPTION, THE TYPES OF SUBJECTS TO BE TAUGHT, THE
54 TYPES OF ACTIVITIES FOR SCHOOL, RECREATIONAL, SOCIAL, SAFETY, OR OTHER
55 PURPOSES INTENDED TO BE INCORPORATED IN THE SCHOOL BUILDING OR ON ITS

1 SITE AND SUCH OTHER INFORMATION AS THE CITY SCHOOL DISTRICT, THE CITY
2 ENGINEER, AND THE COMMISSIONER SHALL DEEM NECESSARY OR ADVISABLE.

3 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE
4 TOTAL PROJECT COST ASSOCIATED WITH THE PROJECTS AUTHORIZED PURSUANT TO
5 SUBDIVISION (B) OF SECTION FIVE OF THIS ACT EXCEEDS THE ESTIMATED TOTAL
6 PROJECT COST OF 300 MILLION DOLLARS, THEN THE JSC BOARD SHALL REPORT
7 SUCH INFORMATION, ALONG WITH EXPLANATORY DOCUMENTATION REGARDING THE
8 INCREASE IN COST, TO THE GOVERNOR, THE NEW YORK STATE COMPTROLLER, THE
9 COMMISSIONER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
10 THE ASSEMBLY.

11 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
12 JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHOR-
13 IZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE
14 COMPLETION OF SCHEMATIC PLANS AND SPECIFICATIONS FOR REVIEW BY THE
15 COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH SUCH PROJECTS
16 EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST ALLOWANCE OF
17 EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION DOLLARS OR
18 TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL DISTRICT HAS NOT
19 OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW YORK STATE EDUCA-
20 TION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL SHARES FOR SUCH
21 EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH THE PREPARATION
22 OF FINAL PLANS AND SPECIFICATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS
23 HAVE BEEN REDESIGNED OR VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT
24 COSTS SO AS NOT TO EXCEED THE ABOVE COST LIMITS.

25 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
26 JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHOR-
27 IZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE
28 COMPLETION OF FIFTY PERCENT OF THE FINAL PLANS AND SPECIFICATIONS FOR
29 REVIEW BY THE COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH
30 SUCH PROJECTS EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST
31 ALLOWANCE OF EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION
32 DOLLARS OR TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL
33 DISTRICT HAS NOT OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW
34 YORK STATE EDUCATION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL
35 SHARE FOR SUCH EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH
36 THE COMPLETION OF THE REMAINING FIFTY PERCENT OF THE PLANS AND SPECIFI-
37 CATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS HAVE BEEN REDESIGNED OR
38 VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT COSTS SO AS NOT TO EXCEED
39 THE ABOVE COST LIMITS.

40 S 4. Paragraph (a) of section 8 of part A-4 of chapter 58 of the laws
41 of 2006 enacting the "city of Syracuse and the board of education of the
42 city school district of the city of Syracuse cooperative school recon-
43 struction act" is amended to read as follows:

44 (a) [Pursuant to the authority granted to it by an agreement and any
45 amendment or supplemental agreement thereto, between the city and the
46 city school district creating the JSC board with reference to the JSC
47 board and any amendments to those sections, the] THE JSC board, upon
48 receipt of such plans and specifications for a project from the [city]
49 COMMISSIONER, may enter into contracts ACTING THROUGH THE CITY'S DIVI-
50 SION OF PURCHASE AND SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND
51 CORPORATION COUNSEL on behalf of the city or the city school district,
52 or both, for such project.

53 S 5. Subdivisions (a) and (c) of section 9 of part A-4 of chapter 58
54 of the laws of 2006 enacting the "city of Syracuse and the board of
55 education of the city school district of the city of Syracuse cooper-
56 ative school reconstruction act" are amended to read as follows:

1 (a) Notwithstanding the provisions of any general, special, or local
2 law to the contrary, a contract entered into between the JSC board and
3 any person pursuant to this act may be awarded either pursuant to public
4 bidding in compliance with section 103 of the general municipal law or,
5 in order to foster major investment in existing school buildings and to
6 deliver quality products and services that are beneficial to the city
7 and the city school district and the public they serve, pursuant to the
8 following provisions of this act for the award of a contract based on
9 evaluation of proposals submitted in response to a request for proposals
10 prepared by or for the JSC board. PROVIDED, HOWEVER, THAT THE JSC BOARD
11 SHALL HAVE THE OPTION OF OBTAINING PROFESSIONAL SERVICES INCLUDING BUT
12 NOT LIMITED TO AN INDEPENDENT PROGRAM MANAGER, CONSTRUCTION MANAGERS,
13 ARCHITECTS, ENGINEERS, FINANCIAL EXPERTS, AND DIVERSITY COMPLIANCE
14 SERVICES THROUGH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
15 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
16 COUNCIL FOR SUCH CONTRACT AWARDS.

17 (c) Prior to the issuance of a request for proposals pursuant to this
18 act, EXCEPT THOSE ISSUED PURSUANT TO THE CITY'S STANDARD REQUEST FOR
19 PROPOSALS, the JSC board shall publish notice of such issuance in the
20 official newspaper of the city, if any, and in at least one newspaper of
21 general circulation. Concurrent with the publication of such notice, a
22 draft request for proposals shall be filed with the JSC board. After
23 allowing a thirty day comment period and an additional ten days to
24 review such comments, the JSC board may publish the final request for
25 proposals and concurrent with such publication shall publish notice of
26 such issuance in the manner specified in this subdivision. Concurrent
27 with the publication of the final request for proposals, a set of
28 comments filed in relation to the draft request for proposals and find-
29 ings related to the substantive elements of such comments shall be filed
30 along with the request for proposals with the JSC board and in the
31 public library or libraries in proximity to the proposed project.

32 S 6. Subdivisions (a) and (d) of section 10 of part A-4 of chapter 58
33 of the laws of 2006 enacting the "city of Syracuse and the board of
34 education of the city school district of the city of Syracuse cooper-
35 ative school reconstruction act" are amended to read as follows:

36 (a) The JSC board may require a contractor awarded a PUBLIC contract,
37 subcontract[, lease, grant, bond, covenant] or other agreement for a
38 project to enter into a project labor agreement during and for the work
39 involved with such project when such requirement is part of the JSC
40 board's [request for proposals] SPECIFICATIONS for the project and when
41 the JSC board determines that the record supporting the decision to
42 enter into such an agreement establishes that it is justified by the
43 interests underlying the competitive bidding laws. IN ADDITION, THE JSC
44 BOARD MAY CHOOSE TO EXTEND THE PROJECT LABOR AGREEMENT ENTERED INTO FOR
45 THE FIRST PHASE OF THE JSC CONSTRUCTION PROJECTS TO THE PROJECTS AUTHOR-
46 IZED HEREIN.

47 (d) Every contract entered into by the JSC board for a project shall
48 contain a provision that the design of such project shall be subject to
49 the review and approval of the city school district AND THE CITY ENGI-
50 NEER and that the design and construction standards of such project
51 shall be subject to the review and approval of the commissioner. In
52 addition, every such contract shall contain a provision that the
53 contractor shall furnish a labor and material bond guaranteeing prompt
54 payment of moneys that are due to all persons furnishing labor and mate-
55 rials pursuant to the requirements of any contracts for a project under-
56 taken pursuant to this act and a performance bond for the faithful

1 performance of the project, which shall conform to the provisions of
2 section 103-f of the general municipal law, and that a copy of such
3 performance and payment bonds shall be kept by the city and shall be
4 open to public inspection.

5 S 7. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
6 the "city of Syracuse and the board of education of the city school
7 district of the city of Syracuse cooperative school reconstruction act"
8 is amended to read as follows:

9 S 11. (a) All contracts entered into by the JSC board for projects
10 [undertaken pursuant to this act] PURSUANT TO SUBDIVISION (A) OF SECTION
11 FIVE OF THIS ACT shall be managed by an independent program manager.
12 Selection of the program manager shall be pursuant to the competitive
13 process established in section seven of this act. The program manager
14 shall have experience in planning, designing, and constructing new
15 and/or reconstructing existing school buildings, public facilities,
16 commercial facilities, and/or infrastructure facilities, and in the
17 negotiation and management of labor contracts and agreements, training
18 programs, educational programs, and physical technological requirements
19 for educational programs. The program manager shall manage all projects
20 undertaken pursuant to this act, review project schedules, review
21 payment schedules, prepare cost estimates and assess the safety programs
22 of contractors and all training programs, if required. The program
23 manager shall implement procedures for verification by it that all work
24 for which payment has been requested has been satisfactorily completed.

25 (b) ALL CONSTRUCTION AND DESIGN CONTRACTS ENTERED INTO BY THE JSC
26 BOARD FOR PROJECTS PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS
27 ACT SHALL BE MANAGED BY THE CITY ENGINEER IN AGREEMENT WITH THE SCHOOL
28 DISTRICT OR, AT THE DISCRETION OF THE JSC BOARD, AN INDEPENDENT PROGRAM
29 MANAGER OR CONSTRUCTION MANAGERS SELECTED FOR ONE OR MORE PROJECTS.
30 SELECTION OF THE PROGRAM MANAGER AND/OR THE CONSTRUCTION MANAGER OR
31 MANAGERS SHALL BE PURSUANT TO A COMPETITIVE PROCESS ESTABLISHED IN
32 ACCORDANCE WITH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
33 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
34 COUNCIL FOR SUCH CONTRACT AWARDS. THE PROGRAM MANAGER SHALL HAVE EXPERI-
35 ENCE IN PLANNING, DESIGNING, AND CONSTRUCTING NEW AND/OR RECONSTRUCTING
36 EXISTING SCHOOL BUILDINGS IN NEW YORK STATE, PUBLIC FACILITIES, COMMER-
37 CIAL FACILITIES, AND/OR INFRASTRUCTURE FACILITIES, AND IN THE NEGOTI-
38 ATION AND MANAGEMENT OF LABOR CONTRACTS AND AGREEMENTS, TRAINING
39 PROGRAMS, EDUCATIONAL PROGRAMS, AND PHYSICAL TECHNOLOGICAL REQUIREMENTS
40 FOR EDUCATIONAL PROGRAMS. THE PROGRAM MANAGER SHALL MANAGE ALL PROJECTS
41 ASSIGNED BY THE JSC BOARD TO THE PROGRAM MANAGER AND UNDERTAKEN PURSUANT
42 TO THIS ACT, REVIEW PROJECT SCHEDULES, REVIEW PAYMENT SCHEDULES, PREPARE
43 COST ESTIMATES AND ASSESS THE SAFETY PROGRAMS OF CONTRACTORS AND ALL
44 TRAINING PROGRAMS, IF REQUIRED. THE PROGRAM MANAGER SHALL IMPLEMENT
45 PROCEDURES FOR VERIFICATION BY IT THAT ALL WORK FOR WHICH PAYMENT HAS
46 BEEN REQUESTED HAS BEEN SATISFACTORILY COMPLETED. PROVIDED, HOWEVER,
47 THAT THE JSC BOARD MAY CHOOSE TO UTILIZE THE SERVICES OF AN INDEPENDENT
48 CONSTRUCTION MANAGER AT ONE OR MORE OF THE PROJECTS TO BE AUTHORIZED
49 HEREIN WITH SAID CONSTRUCTION MANAGER MANAGING THE PROJECT WITHIN THE
50 MANAGEMENT PLAN SET FORTH BY THE INDEPENDENT PROGRAM MANAGER AND THE JSC
51 BOARD.

52 (C) The program manager, and its affiliates or subsidiaries, if any,
53 shall be prohibited from awarding contracts or being awarded contracts
54 for or performing any work on projects undertaken pursuant to this act.

55 S 8. Section 12 of part A-4 of chapter 58 of the laws of 2006 enacting
56 the "city of Syracuse and the board of education of the city school

1 district of the city of Syracuse cooperative school reconstruction act"
2 is amended to read as follows:

3 S 12. Notwithstanding any other provision of law, building aid that
4 would otherwise be payable for the school district portion of expendi-
5 tures for capital outlays and debt service for [each] INSTALLMENT
6 PURCHASE CONTRACTS; SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 109-B
7 OF THE GENERAL MUNICIPAL LAW, EXCEPT FOR PARAGRAPH (A) OF SUBDIVISION 3
8 OF SUCH SECTION, SUBDIVISION 5 OF SUCH SECTION, AND PARAGRAPH (C) OF
9 SUBDIVISION 6 OF SUCH SECTION, AND EXCEPT TO THE EXTENT SECTION 109-B OF
10 THE GENERAL MUNICIPAL LAW IS INCONSISTENT WITH THE PROVISIONS OF THIS
11 ACT. ALL PROVISIONS WITH REFERENCE TO INSTALLMENT PURCHASE CONTRACTS OR
12 CERTIFICATES OF PARTICIPATION CONTAINED IN SECTION 109-B OF THE GENERAL
13 MUNICIPAL LAW, EXCEPT ANY PROHIBITION AGAINST USING SUCH INSTALLMENT
14 PURCHASE CONTRACTS OR CERTIFICATES OF PARTICIPATION FOR THE PURPOSES SET
15 FORTH IN THIS ACT, SHALL APPLY TO INSTALLMENT PURCHASE CONTRACTS OR
16 CERTIFICATES OF PARTICIPATION ENTERED INTO OR ISSUED PURSUANT TO THE
17 AUTHORITY OF THIS SECTION.

18 EACH project undertaken pursuant to the provisions of this act in
19 accordance with subdivision 6 of section 3602 of the education law,
20 shall be paid to the city.

21 S 9. Section 13 of part A-4 of chapter 58 of the laws of 2006 enacting
22 the "city of Syracuse and the board of education of the city school
23 district of the city of Syracuse cooperative school reconstruction act"
24 is amended to read as follows:

25 S 13. Notwithstanding any general, special, or local law or ordinance
26 to the contrary, contracts entered into by the JSC board for projects
27 undertaken pursuant to this act: (A) MAY BE INITIALLY FUNDED BY THE CITY
28 FROM ANY AVAILABLE MONIES OR FROM THE PROCEEDS OF CITY OBLIGATIONS
29 ISSUED IN ANTICIPATION OF PERMANENT FINANCING FROM ANY SOURCE PROVIDED
30 UNDER THE ACT AND THE REIMBURSEMENT TO THE CITY OF ANY AVAILABLE MONIES
31 SO ADVANCED OR THE PAYMENT OF OBLIGATIONS OF THE CITY ISSUED IN ANTIC-
32 IPATION OF PERMANENT FINANCING (INCLUDING PERMANENT FINANCING ISSUED
33 THROUGH THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY FOR SUCH
34 PURPOSE) IS HEREBY SPECIFICALLY AUTHORIZED, AND (B) (1) may be funded by
35 certificates of participation issued by the city pursuant to this act;
36 (2) may be installment purchased contracts; and (3) shall be subject to
37 the provisions of section 109-b of the general municipal law, except for
38 paragraph (a) of subdivision 3 of such section, subdivision 5 of such
39 section, and paragraph (c) of subdivision 6 of such section, and except
40 to the extent section 109-b of the general municipal law is inconsistent
41 with the provisions of this act. All provisions with reference to
42 installment purchase contracts or certificates of participation
43 contained in section 109-b of the general municipal law, except any
44 prohibition against using such installment purchase contracts or certif-
45 icates of participation for the purposes set forth in this act, shall
46 apply to installment purchase contracts or certificates of participation
47 entered into or issued pursuant to the authority of this section of this
48 act.

49 S 10. Section 14 of part A-4 of chapter 58 of the laws of 2006 enact-
50 ing the "city of Syracuse and the board of education of the city school
51 district of the city of Syracuse cooperative school reconstruction act"
52 is amended by adding a new subdivision (c) to read as follows:

53 (C) PAYMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER OBLIGATIONS
54 ISSUED TO SECURE FINANCING FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT
55 SHALL NOT BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED
56 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF

1 SECTION 2576 OF THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS
2 PROVISION SHALL NOT OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY
3 AMOUNT" WITH RESPECT TO FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSU-
4 ANT TO THIS ACT.

5 S 11. Subdivision (a) of section 16 of part A-4 of chapter 58 of the
6 laws of 2006 enacting the "city of Syracuse and the board of education
7 of the city school district of the city of Syracuse cooperative school
8 reconstruction act" is amended to read as follows:

9 (a) Notwithstanding any limitations contained in article 18-A of the
10 general municipal law, including subdivisions 4[,] AND 12 [and 13] of
11 section 854 and section 926 of the general municipal law, a project
12 undertaken pursuant to this act shall be a "project" within the defi-
13 nition and for the purposes of subdivision 4 of section 854 of the
14 general municipal law, which may be financed by the city of Syracuse
15 industrial development agency or any successor agency thereto AND THE
16 CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY IS EXPRESSLY AUTHORIZED
17 TO REFINANCE OBLIGATIONS ISSUED BY THE CITY IN ANTICIPATION OF FINANCING
18 AUTHORIZED BY THIS ACT AND/OR REIMBURSE THE CITY FOR MONIES ADVANCED BY
19 THE CITY FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT. In connection
20 with the city of Syracuse industrial development agency financing the
21 costs of any project undertaken pursuant to this act, the city and the
22 city school district may grant a leasehold or license interest in the
23 project and school building site constituting such project to the city
24 of Syracuse industrial development agency. All contracts involving any
25 such projects shall be awarded by the JSC board pursuant to the compet-
26 itive [process] PROCESSES outlined in [section] SECTIONS seven, EIGHT
27 AND NINE of this act [and shall comply with the provisions of section
28 eight of this act]. A project undertaken pursuant to this act may be
29 financed through a special program agreement with the state of New York
30 municipal bond bank agency pursuant to the provisions of section 2435-a
31 of the public authorities law. It shall be the duty of the JSC board,
32 the city school district and the city to compare the financing available
33 for such projects through the city of Syracuse industrial development
34 agency with financing available through the state of New York municipal
35 bond bank agency, and to employ the financing mechanism that will result
36 in the lowest cost to the taxpayers of the city and the state. It shall
37 be the duty of the JSC board, the city school district, the city and the
38 city of Syracuse industrial development agency to share with the state
39 of New York municipal bond bank agency any information in their
40 possession that is required by the state of New York municipal bond bank
41 agency to determine the cost of financing such projects and to compute
42 the interest rate that would have been applicable to a bond issuance by
43 the state of New York municipal bond bank agency in the event that
44 financing is obtained through the city of Syracuse industrial develop-
45 ment agency. Any failure to provide such information within thirty days
46 of receipt of a request from the state of New York municipal bond bank
47 agency shall be deemed to be a failure of the city school district to
48 submit the data needed to compute the apportionment of state building
49 aid, and the commissioner shall withhold such apportionment until such
50 information is fully submitted. Upon request of the city school
51 district, the director of the state of New York municipal bond bank
52 agency shall submit such reports as the commissioner may require on the
53 financing of such projects and/or the interest rate that would have been
54 applicable to such projects if they had been financed through such agen-
55 cy.

1 S 12. Section 19 of part A-4 of chapter 58 of the laws of 2006 enact-
2 ing the "city of Syracuse and the board of education of the city school
3 district of the city of Syracuse cooperative school reconstruction act"
4 is amended to read as follows:

5 S 19. (A) On January 15, 2007 and annually thereafter, until
6 completion of the [seven] projects authorized pursuant to this act, the
7 JSC board shall issue a report to the governor, the comptroller, the
8 commissioner, the temporary president of the senate, the speaker of the
9 assembly, the city, the common council and the city school district on
10 the progress and status of the projects undertaken by the JSC board.
11 Provided further, that if any such entities request information on the
12 progress and status of the projects prior to such report, it shall be
13 provided to such entities by the JSC board.

14 [In addition, on] (B) ON or before June 30, 2014 or upon the
15 completion of the [seven] projects authorized pursuant to SUBDIVISION
16 (A) OF SECTION FIVE OF this act, whichever shall first occur, the JSC
17 board shall issue a report to the city, the city school district, the
18 governor, the commissioner, the comptroller, the temporary president of
19 the senate, the minority leader of the senate, the speaker of the assem-
20 bly, the minority leader of the assembly, the state board of regents,
21 and the chairs and ranking minority members of the New York state senate
22 and assembly committees on education, the finance committee of the New
23 York state senate, and the ways and means committee of the New York
24 state assembly. Such report shall identify the fiscal and pedagogical
25 results of the projects undertaken pursuant to this act, along with
26 recommendations for its continuance, amendments, or discontinuance.

27 (C) ON OR BEFORE JUNE 30, 2020 OR UPON THE COMPLETION OF THE PROJECTS
28 AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT,
29 WHICHEVER SHALL FIRST OCCUR, THE JSC BOARD SHALL ISSUE A REPORT TO THE
30 CITY, THE CITY SCHOOL DISTRICT, THE GOVERNOR, THE COMMISSIONER, THE
31 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER
32 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
33 ASSEMBLY, THE STATE BOARD OF REGENTS, AND THE CHAIRS AND RANKING MINORI-
34 TY MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY COMMITTEES ON
35 EDUCATION, THE FINANCE COMMITTEE OF THE NEW YORK STATE SENATE, AND THE
36 WAYS AND MEANS COMMITTEE OF THE NEW YORK STATE ASSEMBLY. SUCH REPORT
37 SHALL IDENTIFY THE FISCAL AND PEDAGOGICAL RESULTS OF THE PROJECTS UNDER-
38 TAKEN PURSUANT TO THIS ACT, ALONG WITH RECOMMENDATIONS FOR ITS CONTIN-
39 UANCE, AMENDMENTS, OR DISCONTINUANCE.

40 S 13. This act shall take effect immediately; provided, however, that
41 all resolutions, actions, obligations and approvals of the JSC board, as
42 defined in subdivision (f) of section 4 of part A-4 of chapter 58 of the
43 laws of 2006, as amended in section one of this act, taken prior to the
44 effective date of this act shall remain in full force and effect and be
45 treated as resolutions, actions, obligations and approvals of such
46 board.