

3484

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

Introduced by Sens. RANZENHOFER, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the state finance law and the labor law, in relation to project labor agreements for public work projects; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. This act shall be known and may be cited as the "public
2 construction savings pilot act".
3 S 2. The public authorities law is amended by adding a new section
4 2880-b to read as follows:
5 S 2880-B. PROJECT LABOR AGREEMENTS BY PUBLIC AUTHORITIES. A CONTRACTOR
6 BIDDING ON A REQUEST FOR PROPOSAL ISSUED BY ANY PUBLIC AUTHORITY FOR THE
7 ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS, WITH A PROJECT LABOR
8 AGREEMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO
9 HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY SUBMIT A BID THAT DOES NOT
10 INCLUDE A PROJECT LABOR AGREEMENT AND SUCH CONTRACT FOR PUBLIC WORK
11 SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW BID REGARDLESS OF WHETH-
12 ER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A CONTRACTOR'S BID
13 PROPOSAL.
14 S 3. The state finance law is amended by adding a new section 148 to
15 read as follows:
16 S 148. PROJECT LABOR AGREEMENTS. A CONTRACTOR BIDDING ON A REQUEST FOR
17 PROPOSAL ISSUED BY AN OFFICER, BOARD, DEPARTMENT, COMMISSION OR COMMIS-
18 SIONS FOR THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS FOR THE
19 STATE, WITH A PROJECT LABOR AGREEMENT PURSUANT TO PARAGRAPH (A) OF
20 SUBDIVISION TWO OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY
21 SUBMIT A BID THAT DOES NOT INCLUDE A PROJECT LABOR AGREEMENT AND SUCH
22 CONTRACT FOR PUBLIC WORK SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW

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

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1 BID REGARDLESS OF WHETHER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A
2 CONTRACTOR'S BID PROPOSAL.

3 S 4. Paragraph (a) of subdivision 2 of section 222 of the labor law,
4 as added by section 18 of part MM of chapter 57 of the laws of 2008, is
5 amended to read as follows:

6 (a) Any agency, board, department, commission or officer of the state
7 of New York, or of any political subdivision thereof as defined in
8 section one hundred of the general municipal law, municipal corporation
9 as defined in section sixty-six of the general construction law, public
10 benefit corporation, or local or state authority as defined in section
11 two of the public authorities law having jurisdiction over the public
12 work [may] SHALL NOT require [a contractor awarded a contract, subcon-
13 tract, lease, grant, bond, covenant or other agreement for a project to
14 enter into], BUT MAY OFFER AS AN OPTION, PARTICIPATION IN a project
15 labor agreement [during and for the work involved with such project when
16 such requirement is], AND SHALL NOTIFY EACH BIDDER OF THE OPTION TO
17 INCLUDE OR NOT INCLUDE PARTICIPATION IN A PROJECT LABOR AGREEMENT WITH
18 ITS BID, AS part of the agency, board, department, commission or officer
19 of the state of New York, political subdivision, municipal corporation,
20 public benefit corporation or local or state authority having jurisdic-
21 tion over the public work request for proposals for the project and when
22 the agency, board, department, commission or officer of the state of New
23 York, political subdivision, municipal corporation, public benefit
24 corporation or local or state authority having jurisdiction over the
25 public work determines that its interest in obtaining the best work at
26 the lowest possible price, preventing favoritism, fraud and corruption,
27 and other considerations such as the impact of delay, the possibility of
28 cost savings advantages, and any local history of labor unrest, are best
29 met by requiring a project labor agreement, BUT SHALL IN ANY EVENT AWARD
30 THE SUBCONTRACT, LEASE, CONTRACT, GRANT, BOND, COVENANT OR OTHER AGREE-
31 MENT FOR A PROJECT TO THE BIDDER WITH THE LOW BID REGARDLESS OF WHETHER
32 A PROJECT LABOR AGREEMENT WAS INCLUDED IN THE BIDDER'S BID PROPOSAL AND
33 SHALL NOT REQUIRE THE BIDDER TO EXECUTE A PROJECT LABOR AGREEMENT.

34 S 5. This act shall take effect on the sixtieth day after it shall
35 have become a law and shall expire 5 years after such effective date
36 when upon such date the provisions of this act shall be deemed repealed.
37 This act shall control all contracts advertised or solicited for bid on
38 or after the effective date of this act under the provisions of any law
39 requiring contracts to be let pursuant to provisions of law amended by
40 this act.