

STATE OF NEW YORK

5603

2021-2022 Regular Sessions

IN SENATE

March 12, 2021

Introduced by Sens. MAY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend part A-4 of 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 construction and design contracts entered into by the JSC Board; and to amend the education law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the city of Syracuse cooperative school reconstruction act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (h) of section 4 of part A-4 of chapter 58 of
2 the laws of 2006 enacting the "city of Syracuse and the board of
3 education of the city school district of the city of Syracuse cooper-
4 ative school reconstruction act", as amended by chapter 459 of the laws
5 of 2013, is amended to read as follows:
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)
13 and (c) of section five of this act, no more than twenty million
14 dollars, and which also may include (1) the construction or recon-
15 struction of athletic fields, playgrounds, and other recreational facil-
16 ities for such existing school building, and/or (2) the acquisition and
17 installation of all equipment necessary and attendant to and for the use
18 of such existing school building and/or the acquisition of additional
19 real property necessary for the project.

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

LBD10437-01-1

§ 2. Section 5 of part A-4 of 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", as amended by chapter 9 of the laws of 2014, is amended to read as follows:

§ 5. (a) No more than seven projects, one each at the Central High School, the Blodgett School, the Shea Middle School, the H.W. Smith Elementary School, the Clary Middle School, the Dr. Weeks Elementary School and the Fowler High School, up to a total cost of two hundred twenty-five million dollars; and (b) no more than twenty projects which shall be located at the Bellevue Elementary School, the Clary Middle School, the Corcoran High School, the Danforth Middle School, the Edward Smith K-8 School, the Expeditionary Learning Middle School, the Fowler High School, the Frazer K-8 School, the Grant Middle School, the Grey-stone Building, the Henninger High School, the Huntington K-8 School, the Nottingham High School, the Shea Middle School and the Westside Academy at Blodgett, up to a total cost of three hundred million dollars; and (c) no more than 10 projects, which shall be located at the STEM at Blodgett Middle School, the Corcoran High School, the Delaware Primary School, the Henninger High School, the Syracuse Latin School, the Lincoln Middle School, the Nottingham High School, the Roberts PreK-8 School, the Seymour Dual Language Academy and the Webster Elementary School, up to a total cost of three hundred million dollars, shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

§ 3. Sections 6 and 7 of part A-4 of 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", as amended by chapter 459 of the laws of 2013, are amended to read as follows:

§ 6. (1) Before formal selection of the projects identified in subdivision (a) of section five of this act occurs, the JSC board shall develop a comprehensive plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the time-frame expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager and all contractors; (e) any proposed amendments to the city school district's five year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan, in compliance with subdivision (b) of section eight of this act, to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more

1 diverse workforce for the projects. The diversity plan should address
2 accountability for attainment of the diversity goals, what forms of
3 monitoring would be used, and how such information would be publicly
4 communicated.

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

10 The JSC board shall submit the components of such comprehensive plan
11 outlined in paragraph (a) of subdivision one of this section to the
12 comptroller, along with any other information requested by the comp-
13 troller, for his or her review and approval.

14 (2) Before formal selection of the projects pursuant to subdivision
15 (b) and (c) of section five of this act occurs, the city school district
16 shall provide to the JSC board a comprehensive draft plan recommending
17 and outlining the projects it proposes to be potentially undertaken
18 pursuant to this act. Such plan will be subject to the review and
19 approval of the JSC board and shall include: (a) an estimate of total
20 costs to be financed, proposed financing plan, proposed method of
21 financing, terms and conditions of the financing, estimated financing
22 costs, and, if city general obligation bonds or notes are not proposed
23 as the method of financing, a comparison of financing costs between such
24 bonds or notes and the proposed method of financing. The plan should
25 also address what specific options would be used to ensure that suffi-
26 cient resources exist to cover the local share of any such project cost
27 on an annual basis; (b) information concerning the potential persons to
28 be involved in the financing and such person's role and responsibil-
29 ities; (c) estimates on the design, reconstruction and rehabilitation
30 costs by project, any administrative costs for potential projects, and
31 an outline of the time-frame expected for completion of each potential
32 project; (d) a detailed description of the request for proposals process
33 and an outline of the criteria to be used for selection of the program
34 manager and all contractors; (e) any proposed amendments to the city
35 school district's five year capital facilities plan submitted in accord-
36 ance with subdivision 6 of section 3602 of the education law and the
37 regulations of the commissioner; and (f) a diversity plan, in compliance
38 with subdivision (b) of section eight of this act, to develop diversity
39 goals, including appropriate community input and public discussion, and
40 develop strategies that would create and coordinate any efforts to
41 ensure a more diverse workforce for the projects. The diversity plan
42 should address accountability for attainment of the diversity goals,
43 what forms of monitoring would be used, and how such information would
44 be publicly communicated.

45 As part of the development of the comprehensive plan, the school
46 district shall hold as many public hearings as may be necessary to
47 ensure sufficient public input and allow for significant public
48 discussion on the school building needs in such city, with at least one
49 hearing to be held in each neighborhood potentially impacted by a
50 proposed project.

51 The JSC board shall submit the components of such comprehensive plan
52 outlined in paragraph (a) of subdivision two of this section to the
53 comptroller, along with any other information requested by the comp-
54 troller, for his or her review and approval.

55 § 7. (a) Notwithstanding any general, special or local law to the
56 contrary and upon approval by the comptroller pursuant to section six of

1 this act, the city school district may select projects, pursuant to
2 subdivision (a) of section five of this act to be undertaken pursuant to
3 this act, as provided for in such approved comprehensive plan. After the
4 city school district has selected a new project and plans and specifica-
5 tions for such project have been prepared and approved by the city
6 school district, which are consistent with the approved comprehensive
7 plan, the city school district shall deliver such plans and specifica-
8 tions to the city, for approval by such city, acting through the common
9 council, and after the common council has approved such plans and spec-
10 ifications, the city shall deliver them to the commissioner for his or
11 her approval. After approval by the commissioner, the plans and spec-
12 ifications shall be returned to the city school district and such
13 district shall then deliver them to the JSC board. All such specifica-
14 tions shall detail the number of students the completed project is
15 intended to serve, the site description, the types of subjects to be
16 taught, the types of activities for school, recreational, social, safe-
17 ty, or other purposes intended to be incorporated in the school building
18 or on its site and such other information as the city school district,
19 the city, the common council, and the commissioner shall deem necessary
20 or advisable.

21 (b) Notwithstanding any general, special or local law to the contrary
22 and upon approval by the comptroller pursuant to section six of this
23 act, the city school district may select projects, pursuant to subdivi-
24 sion (b) and (c) of section five of this act to be undertaken pursuant
25 to this act, as provided for in such approved comprehensive plan. After
26 the city school district has selected a new project and plans and spec-
27 ifications for such project have been prepared and approved by the city
28 school district in consultation with the city engineer, which are
29 consistent with the approved comprehensive plan, the city school
30 district shall deliver such plans and specifications to the commissioner
31 for his or her approval. After approval by the commissioner, the plans
32 and specifications shall be delivered to the JSC board. All such spec-
33 ifications 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 engineer, and the commissioner shall deem necessary or advis-
39 able.

40 (c) Notwithstanding any other provision of law to the contrary, if the
41 total project cost associated with the projects authorized pursuant to
42 subdivision (b) and (c) of section five of this act exceeds the esti-
43 mated total project cost of 300 million dollars, then the JSC board
44 shall report such information, along with explanatory documentation
45 regarding the increase in cost, to the governor, the New York state
46 comptroller, the commissioner, the temporary president of the senate and
47 the speaker of the assembly.

48 (d) Notwithstanding any other provision of law to the contrary, the
49 JSC board shall submit estimated project costs for the projects author-
50 ized pursuant to subdivision (b) and (c) of section five of this act
51 after the completion of schematic plans and specifications for review by
52 the commissioner. If the total project costs associated with such
53 projects exceed the sum of the estimated individual approved cost allow-
54 ance of each building project by more than the lesser of 30 million
55 dollars or ten percent of the approved costs, and the city school
56 district has not otherwise demonstrated to the satisfaction of the New

1 York state education department the availability of additional local
2 shares for such excess costs, then the JSC board shall not proceed with
3 the preparation of final plans and specifications for such projects
4 until the projects have been redesigned or value-engineered to reduce
5 estimated project costs so as not to exceed the above cost limits.

6 (e) Notwithstanding any other provision of law to the contrary, the
7 JSC board shall submit estimated project costs for the projects author-
8 ized pursuant to subdivision (b) and (c) of section five of this act
9 after the completion of fifty percent of the final plans and specifica-
10 tions for review by the commissioner. If the total project costs associ-
11 ated with such projects exceed the sum of the estimated individual
12 approved cost allowance of each building project by more than the lesser
13 of 30 million dollars or ten percent of the approved costs, and the city
14 school district has not otherwise demonstrated to the satisfaction of
15 the New York state education department the availability of additional
16 local share for such excess costs, then the JSC board shall not proceed
17 with the completion of the remaining fifty percent of the plans and
18 specifications for such projects until the projects have been redesigned
19 or value-engineered to reduce estimated project costs so as not to
20 exceed the above cost limits.

21 § 4. Subdivision (a) of section 10 of part A-4 of chapter 58 of the
22 laws of 2006 enacting the "city of Syracuse and the board of education
23 of the city school district of the city of Syracuse cooperative school
24 reconstruction act", as amended by chapter 459 of the laws of 2013, are
25 amended to read as follows:

26 (a) The JSC board may require a contractor awarded a public contract,
27 subcontract or other agreement for a project to enter into a project
28 labor agreement during and for the work involved with such project when
29 such requirement is part of the JSC board's specifications for the
30 project and when the JSC board determines that the record supporting the
31 decision to enter into such an agreement establishes that it is justi-
32 fied by the interests underlying the competitive bidding laws. In addi-
33 tion, the JSC board may choose to extend the project labor agreement
34 entered into for the first or second phase of the JSC construction
35 projects to the projects authorized herein, contingent upon the
36 completion of a supplemental project labor agreement benefits analysis.

37 § 5. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
38 the "city of Syracuse and the board of education of the city school
39 district of the city of Syracuse cooperative school reconstruction
40 act", as amended by chapter 459 of the laws of 2013, is amended to read
41 as follows:

42 § 11. (a) All contracts entered into by the JSC board for projects
43 pursuant to subdivision (a) of section five of this act shall be managed
44 by an independent program manager. Selection of the program manager
45 shall be pursuant to the competitive process established in section
46 seven of this act. The program manager shall have experience in plan-
47 ning, designing, and constructing new and/or reconstructing existing
48 school buildings, public facilities, commercial facilities, and/or
49 infrastructure facilities, and in the negotiation and management of
50 labor contracts and agreements, training programs, educational programs,
51 and physical technological requirements for educational programs. The
52 program manager shall manage all projects undertaken pursuant to subdivi-
53 sion (a) of section five of this act, review project schedules, review
54 payment schedules, prepare cost estimates and assess the safety programs
55 of contractors and all training programs, if required. The program

1 manager shall implement procedures for verification by it that all work
2 for which payment has been requested has been satisfactorily completed.

3 (b) All construction and design contracts entered into by the JSC
4 board for projects pursuant to subdivision (b) of section five of this
5 act shall be managed by the city engineer in agreement with the school
6 district or, at the discretion of the JSC board, an independent program
7 manager or construction managers selected for one or more projects.
8 Selection of the program manager and/or the construction manager or
9 managers shall be pursuant to a competitive process established in
10 accordance with the city's standard request for proposals process using
11 the JSC board as the approving governing body instead of the common
12 council for such contract awards. The program manager shall have experi-
13 ence in planning, designing, and constructing new and/or reconstructing
14 existing school buildings in New York state, public facilities, commer-
15 cial facilities, and/or infrastructure facilities, and in the negoti-
16 ation and management of labor contracts and agreements, training
17 programs, educational programs, and physical technological requirements
18 for educational programs. The program manager shall manage all projects
19 assigned by the JSC board to the program manager and undertaken pursuant
20 to subdivision (b) of section five of this act, review project sched-
21 ules, review payment schedules, prepare cost estimates and assess the
22 safety programs of contractors and all training programs, if required.
23 The program manager shall implement procedures for verification by it
24 that all work for which payment has been requested has been satisfac-
25 torily completed. Provided, however, that the JSC board may choose to
26 utilize the services of an independent construction manager at one or
27 more of the projects to be authorized herein with said construction
28 manager managing the project within the management plan set forth by the
29 independent program manager and the JSC board.

30 (c) All construction and design contracts entered into by the JSC
31 board for projects pursuant to subdivision (c) of section five of this
32 act shall be managed by the city engineer in agreement with the school
33 district or, at the discretion of the JSC board, an independent program
34 manager or construction managers selected for one or more projects.
35 Selection of the program manager and/or the construction manager or
36 managers shall be pursuant to a competitive process established in
37 accordance with the city's standard request for proposals process using
38 the JSC board as the approving governing body instead of the common
39 council for such contract awards. The program manager shall have experi-
40 ence in planning, designing, and constructing new and/or reconstructing
41 existing school buildings in New York state, public facilities, commer-
42 cial facilities, and/or infrastructure facilities, and in the negoti-
43 ation and management of labor contracts and agreements, training
44 programs, educational programs, physical technological requirements for
45 educational programs and knowledge of state education department facili-
46 ties planning and building aid requirements. The program manager shall
47 manage all projects assigned by the JSC board to the program manager and
48 undertaken pursuant to subdivision (b) of section five of this act,
49 review project schedules, review payment schedules, prepare cost
50 estimates and assess the safety programs of contractors and all training
51 programs, if required. The program manager shall implement procedures
52 for verification by it that all work for which payment has been
53 requested has been satisfactorily completed. Provided, however, that
54 the JSC board may choose to utilize the services of an independent
55 construction manager at one or more of the projects to be authorized
56 herein with said construction manager managing the project within the

1 management plan set forth by the independent program manager and the JSC
2 board.

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

6 § 6. Section 19 of part A-4 of chapter 58 of the laws of 2006 enacting
7 the "city of Syracuse and the board of education of the city school
8 district of the city of Syracuse cooperative school reconstruction act",
9 as amended by chapter 459 of the laws of 2013, is amended to read as
10 follows:

11 § 19. (a) On January 15, 2007 and annually thereafter, until
12 completion of the projects authorized pursuant to this act, the JSC
13 board shall issue a report to the governor, the comptroller, the commis-
14 sioner, the temporary president of the senate, the speaker of the assem-
15 bly, the city, the common council and the city school district on the
16 progress and status of the projects undertaken by the JSC board.
17 Provided further, that if any such entities request information on the
18 progress and status of the projects prior to such report, it shall be
19 provided to such entities by the JSC board.

20 (b) On or before June 30, 2014 or upon the completion of the projects
21 authorized pursuant to subdivision (a) of section five of this act,
22 whichever shall first occur, the JSC board shall issue a report to the
23 city, the city school district, the governor, the commissioner, the
24 comptroller, the temporary president of the senate, the minority leader
25 of the senate, the speaker of the assembly, the minority leader of the
26 assembly, the state board of regents, and the chairs and ranking minori-
27 ty members of the New York state senate and assembly committees on
28 education, the finance committee of the New York state senate, and the
29 ways and means committee of the New York state assembly. Such report
30 shall identify the fiscal and pedagogical results of the projects under-
31 taken pursuant to this act, along with recommendations for its contin-
32 uance, amendments, or discontinuance.

33 (c) On or before June 30, 2020 or upon the completion of the projects
34 authorized pursuant to subdivision (b) of section five of this act,
35 whichever shall first occur, the JSC board shall issue a report to the
36 city, the city school district, the governor, the commissioner, the
37 comptroller, the temporary president of the senate, the minority leader
38 of the senate, the speaker of the assembly, the minority leader of the
39 assembly, the state board of regents, and the chairs and ranking minori-
40 ty members of the New York state senate and assembly committees on
41 education, the finance committee of the New York state senate, and the
42 ways and means committee of the New York state assembly. Such report
43 shall identify the fiscal and pedagogical results of the projects under-
44 taken pursuant to this act, along with recommendations for its contin-
45 uance, amendments, or discontinuance.

46 (d) On or before June 30, 2027 or upon the completion of the projects
47 authorized pursuant to subdivision (c) of section five of this act,
48 whichever shall first occur, the JSC board shall issue a report to the
49 city, the city school district, the governor, the commissioner, the
50 comptroller, the temporary president of the senate, the minority leader
51 of the senate, the speaker of the assembly, the minority leader of the
52 assembly, the state board of regents, and the chairs and ranking minori-
53 ty members of the New York state senate and assembly committees on
54 education, the finance committee of the New York state senate, and the
55 ways and means committee of the New York state assembly. Such report
56 shall identify the fiscal and pedagogical results of the projects under-

1 taken pursuant to this act, along with recommendations for its contin-
2 uance, amendments, or discontinuance.

3 § 7. Paragraph a of subdivision 6 of section 3602 of the education law
4 is amended by adding a new subparagraph 9 to read as follows:

5 (9) Notwithstanding any other provision of law to the contrary, for
6 the purpose of computation of building aid for reconstruction or modern-
7 izing of no more than three projects pursuant to a chapter of the laws
8 of two thousand twenty-one enacting the third phase of the city of Syra-
9 cuse cooperative school reconstruction act, multi-year cost allowances
10 for each project shall be established and utilized two times in the
11 first five-year period. Subsequent multi-year cost allowances shall be
12 established no sooner than ten years after establishment of the first
13 maximum cost allowance authorized pursuant to this subparagraph.

14 § 8. This act shall take effect immediately.