

STATE OF NEW YORK

5603--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 of such existing school building and/or the acquisition of additional
2 real property necessary for the project.

3 § 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting
4 the "city of Syracuse and the board of education of the city school
5 district of the city of Syracuse cooperative school reconstruction act",
6 as amended by chapter 9 of the laws of 2014, is amended to read as
7 follows:

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

28 § 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006
29 enacting the "city of Syracuse and the board of education of the city
30 school district of the city of Syracuse cooperative school recon-
31 struction act", as amended by chapter 459 of the laws of 2013, are
32 amended to read as follows:

33 § 6. (1) Before formal selection of the projects identified in subdivi-
34 sion (a) of section five of this act occurs, the JSC board shall
35 develop a comprehensive plan recommending and outlining the projects it
36 proposes to be potentially undertaken pursuant to this act. Such plan
37 shall include: (a) an estimate of total costs to be financed, proposed
38 financing plan, proposed method of financing, terms and conditions of
39 the financing, estimated financing costs, and, if city general obli-
40 gation bonds or notes are not proposed as the method of financing, a
41 comparison of financing costs between such bonds or notes and the
42 proposed method of financing. The plan should also address what specific
43 options would be used to ensure that sufficient resources exist to cover
44 the local share of any such project cost on an annual basis; (b) infor-
45 mation concerning the potential persons to be involved in the financing
46 and such person's role and responsibilities; (c) estimates on the
47 design, reconstruction and rehabilitation costs by project, any adminis-
48 trative costs for potential projects, and an outline of the time-frame
49 expected for completion of each potential project; (d) a detailed
50 description of the request for proposals process and an outline of the
51 criteria to be used for selection of the program manager and all
52 contractors; (e) any proposed amendments to the city school district's
53 five year capital facilities plan submitted in accordance with subdivi-
54 sion 6 of section 3602 of the education law and the regulations of the
55 commissioner; and (f) a diversity plan, in compliance with subdivision
56 (b) of section eight of this act, to develop diversity goals, including

1 appropriate community input and public discussion, and develop strate-
2 gies that would create and coordinate any efforts to ensure a more
3 diverse workforce for the projects. The diversity plan should address
4 accountability for attainment of the diversity goals, what forms of
5 monitoring would be used, and how such information would be publicly
6 communicated.

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

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

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

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

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

§ 7. (a) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (a) of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the city, for approval by such city, acting through the common council, and after the common council has approved such plans and specifications, the city shall deliver them to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be returned to the city school district and such district shall then deliver them to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city, the common council, and the commissioner shall deem necessary or advisable.

(b) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (b) and (c) of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district in consultation with the city engineer, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be delivered to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city engineer, and the commissioner shall deem necessary or advisable.

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

(d) Notwithstanding any other provision of law to the contrary, the JSC board shall submit estimated project costs for the projects authorized pursuant to subdivision (b) and (c) of section five of this act after the completion of schematic plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 30 million

1 dollars or ten percent of the approved costs, and the city school
2 district has not otherwise demonstrated to the satisfaction of the New
3 York state education department the availability of additional local
4 shares for such excess costs, then the JSC board shall not proceed with
5 the preparation of final plans and specifications for such projects
6 until the projects have been redesigned or value-engineered to reduce
7 estimated project costs so as not to exceed the above cost limits.

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

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

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

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

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

1 of contractors and all training programs, if required. The program
2 manager shall implement procedures for verification by it that all work
3 for which payment has been requested has been satisfactorily completed.

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

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

1 herein with said construction manager managing the project within the
2 management plan set forth by the independent program manager and the JSC
3 board.

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

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

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

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

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

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

1 shall identify the fiscal and pedagogical results of the projects under-
2 taken pursuant to this act, along with recommendations for its contin-
3 uance, amendments, or discontinuance.

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

6 (9) Notwithstanding any other provision of law to the contrary, for
7 the purpose of computation of building aid for reconstruction or modern-
8 izing of the STEM at Blodgett middle school, the Delaware Primary
9 school, the Syracuse Latin school, the Lincoln middle school, the
10 Roberts Pre-k-8 school, the Seymour Dual Language Academy and the
11 Webster elementary school pursuant to a chapter of the laws of two thou-
12 sand twenty-one enacting the third phase of the city of Syracuse cooper-
13 ative school reconstruction act, multi-year cost allowances for each
14 project shall be established and utilized two times in the first five-
15 year period. Subsequent multi-year cost allowances shall be established
16 no sooner than ten years after establishment of the first maximum cost
17 allowance authorized pursuant to this subparagraph.

18 § 8. This act shall take effect immediately.