

8821

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to contracts for a public work project and accommodation of private facilities or structures within a specified area of New York county; 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. Section 103 of the general municipal law is amended by
2 adding a new subdivision 13 to read as follows:
3 13. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, TO FACILI-
4 TATE THE TIMELY AND COST EFFECTIVE COMPLETION OF UTILITY WORK WITHIN THE
5 AREA OF NEW YORK COUNTY SOUTH OF A LINE BEGINNING AT A POINT WHERE THE
6 UNITED STATES PIERHEAD LINE IN THE HUDSON RIVER AS IT EXISTS NOW OR MAY
7 BE EXTENDED WOULD INTERSECT WITH THE NORTHERLY LINE OF WEST 72ND STREET
8 EXTENDED, THENCE EASTERLY ALONG THE NORTHERLY SIDE OF WEST 72ND STREET
9 TO CENTRAL PARK, THENCE EASTERLY THROUGH CENTRAL PARK ALONG A LINE
10 EXTENDING FROM THE NORTHERLY SIDE OF WEST 72ND STREET TO THE NORTHERLY
11 SIDE OF EAST 72ND STREET, THENCE EASTERLY ALONG THE NORTHERLY SIDE OF
12 EAST 72ND STREET TO THE POINT WHERE IT WOULD INTERSECT WITH THE UNITED
13 STATES PIERHEAD LINE IN THE EAST RIVER AS IT EXISTS NOW OR MAY BE
14 EXTENDED, INCLUDING TAX LOTS WITHIN OR IMMEDIATELY ADJACENT THERETO, ALL
15 CONTRACTS FOR A PUBLIC WORK PROJECT WITHIN SUCH AREA MAY INCLUDE WORK
16 THAT THE CONTRACTING AGENCY OF THE CITY OF NEW YORK DEEMS NECESSARY OR
17 DESIRABLE FOR THE COMPLETION OF SUCH PROJECT THAT REQUIRES THE MAINTE-
18 NANCE, SUPPORT, PROTECTION OR OTHER ACCOMMODATION OF ENERGY, TELECOMMU-
19 NICATIONS OR OTHER PRIVATE FACILITIES OR STRUCTURES NOT PUBLICLY OWNED
20 WHICH ARE LOCATED WITHIN, TRAVERSING OR ADJACENT TO THE CONSTRUCTION
21 AREA OF SUCH PROJECT, WHETHER ABOVE, BELOW OR AT GROUND LEVEL, INCLUDING
22 THE REMOVAL, RELOCATION, ALTERATION, REPLACEMENT, RECONSTRUCTION OR
23 IMPROVEMENT OF SUCH FACILITIES OR STRUCTURES, PROVIDED THAT: (I) THE

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

LBD14239-01-9

1 COSTS OF WORK PERFORMED PURSUANT TO THIS SUBDIVISION, INCLUDING ANY
2 INCREMENTAL OR ADMINISTRATIVE COSTS ATTRIBUTABLE TO SUCH WORK, SHALL NOT
3 BE BORNE BY SUCH AGENCY EXCEPT AS OTHERWISE PROVIDED BY CHAPTER THREE
4 HUNDRED FIFTY-SEVEN OF THE LAWS OF NINETEEN HUNDRED EIGHTY-EIGHT; AND
5 (II) ANY LOWER MANHATTAN REDEVELOPMENT PROJECT, AS DEFINED IN SECTION
6 THREE OF CHAPTER TWO HUNDRED FIFTY-NINE OF THE LAWS OF TWO THOUSAND
7 FOUR, KNOWN AS THE COORDINATED CONSTRUCTION ACT FOR LOWER MANHATTAN, AS
8 AMENDED, SHALL BE GOVERNED BY SUCH ACT WHILE SUCH ACT REMAINS IN EFFECT.
9 IF SUCH AGENCY INCLUDES SUCH WORK IN A CONTRACT PURSUANT TO THIS SUBDI-
10 VISION, SUCH AGENCY SHALL AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE
11 BIDDER BASED UPON THE COMBINED COST OF THE PUBLIC WORK AND THE UTILITY
12 WORK AND SUCH AGENCY SHALL BE REIMBURSED BY THE ENTITY RESPONSIBLE FOR
13 THE UTILITY WORK FOR ANY INCREMENTAL OR ADMINISTRATIVE COST INCREASE IN
14 AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE COST OF THE AGENCY WORK OF
15 THE OVERALL LOW BIDDER AND THE COST OF THE AGENCY WORK OF THE LOWEST
16 BIDDER FOR THE AGENCY WORK ALONE. HOWEVER, IF THE COST OF THE AGENCY
17 WORK OF THE LOWEST BIDDER FOR THE AGENCY WORK ALONE IS MORE THAN TWENTY
18 PERCENT BELOW THE AVERAGE OF THE NEXT TWO LOWEST BIDS FOR THE AGENCY
19 WORK, THEN THE AGENCY SHALL AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE
20 BIDDER FOR THE AGENCY WORK ALONE. IN THE EVENT THAT THE UTILITY WORK IS
21 NOT INCLUDED IN SUCH AGENCY'S CONTRACT, NOTHING IN THIS SUBDIVISION
22 SHALL PREVENT SUCH AGENCY FROM INCLUDING PROVISIONS IN ITS CONTRACTS
23 REQUIRING CONTRACTORS TO ENGAGE IN ALTERNATE METHODS OF DISPUTE RESOL-
24 UTION REGARDING UTILITY WORK.

25 S 2. This act shall take effect immediately, and shall apply to
26 contracts entered into or otherwise formally solicited on or after such
27 effective date; provided that this act shall expire and be deemed
28 repealed December 31, 2014.