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

S. 6787 A. 9873

S E N A T E - A S S E M B L Y

February 5, 2010

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. CUSICK -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law and the general municipal law, in relation to contract change orders

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

Section 1. Section 139-f of the state finance law is amended by adding a new subdivision 5 to read as follows:

5. (A) IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF ALL CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS SHALL EXCEED THE ORIGINAL CONTRACT OR SUBCONTRACT PRICE, SUCH EXCESS PROJECT WORK SHALL BE CONSIDERED A NEW AND SEPARATE PROJECT SUBJECT TO THIS ARTICLE.

(B) IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS EXCEEDS TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRACTOR OR SUBCONTRACTOR, AS THE CASE MAY BE, SHALL NOT BE REQUIRED TO COMMENCE OR CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS HAVE BEEN APPROVED BY THE PUBLIC OWNER.

S 2. Section 106-b of the general municipal law is amended by adding a new subdivision 4 to read as follows:

4. (A) IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF ALL CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS SHALL EXCEED THE ORIGINAL CONTRACT OR SUBCONTRACT PRICE, SUCH EXCESS PROJECT WORK SHALL BE CONSIDERED A NEW AND SEPARATE PROJECT SUBJECT TO THIS ARTICLE.

(B) IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS EXCEED TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRACTOR OR SUBCONTRACTOR, AS THE CASE MAY BE, SHALL NOT BE REQUIRED TO

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

LBD15251-02-0

COMMENCE OR CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS HAVE BEEN APPROVED BY THE PUBLIC OWNER.

S 3. This act shall take effect immediately and shall apply to all contracts executed on and after the effective date of this act.