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

4390

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. SCHIMMINGER, FIELDS -- Multi-Sponsored by -- M. of A. AMEDORE -- read once and referred to the Committee on Labor

AN ACT to amend the general municipal law, the state finance law, the public housing law, the education law, the public authorities law, chapter 560 of the laws of 1980 authorizing the city of New York to adopt a solid waste management law and chapter 892 of the laws of 1971 amending the public authorities law and other laws relating to enabling the dormitory authority to construct and finance dormitories, buildings and health facilities, in relation to project labor agreements for public works projects; and to repeal section 222 of the labor law relating thereto

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

Section 1. Subdivisions 1 and 5 of section 101 of the general municipal law, subdivision 1 as amended and subdivision 5 as added by section 1 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

1. [Except as otherwise provided in section two hundred twenty-two of the labor law, every] EVERY officer, board or agency of a political subdivision or of any district therein, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction, reconstruction or alteration of buildings, when the entire cost of such public work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, shall prepare separate specifications for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

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

LBD07400-01-9

c. Electric wiring and standard illuminating fixtures.

5. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 2. Paragraphs (b) and (b-1) of subdivision 7 of section 120-w of the general municipal law, paragraph (b) as amended and paragraph (b-1) as added by section 2 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

(b) [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing such building shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(b-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law],

or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 3. Section 135 of the state finance law, as amended by section 3 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

S 135. Separate specifications for contract work for the state. [Except as otherwise provided in section two hundred twenty-two of the labor law, every] EVERY officer, board, department, commission or commissions, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction or alteration of buildings, for the state, when the entire cost of such work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, must have prepared separate specifications for each of the following three subdivisions of the work to be performed:

1. Plumbing and gas fitting.

2. Steam heating, hot water heating, ventilating and air conditioning apparatus.

3. Electric wiring and standard illuminating fixtures.

Such specifications must be so drawn as to permit separate and independent bidding upon each of the above three subdivisions of work. All contracts hereafter awarded by the state or a department, board, commissioner or officer thereof, for the erection, construction or alteration of buildings, or any part thereof, shall award the three subdivisions of the above specified work separately to responsible and reliable persons, firms or corporations engaged in these classes of work. A contract for one or more buildings in any project shall be awarded to the lowest responsible bidder for all the buildings included in the specifications.

Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

Nothing in this section shall be construed to prevent the authorities in charge of any state building, from performing any such branches of

work by or through their regular employees, or in the case of public institutions, by the inmates thereof.

S 4. Subdivisions 1 and 2-a of section 151-a of the public housing law, subdivision 1 as amended and subdivision 2-a as added by section 4 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

1. Notwithstanding any inconsistent provision of this chapter or any other general, special or local law, [except as otherwise provided in section two hundred twenty-two of the labor law,] any authority or municipality, or any officer, board, department, commission or other agency thereof charged with the duty of preparing specifications or awarding or entering into contracts involving the erection, construction, reconstruction or alteration of any building or other appurtenance as a part of or in connection with a project or any part thereof in any part of the state under or pursuant to the authority of this chapter, when the entire cost of such work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, must have prepared separate specifications for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

2-a. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: a. plumbing and gas fitting, b. steam heating, hot water heating, ventilating and air conditioning apparatus and c. electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 5. Subdivisions 2 and 2-a of section 458 of the education law, subdivision 2 as amended and subdivision 2-a as added by section 5 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. [Except as otherwise provided in section two hundred twenty-two of the labor law, every] EVERY contract, lease or other agreement entered into by or on behalf of the fund for the acquisition, lease, construction, reconstruction, rehabilitation or improvement of the school portion of the work in any combined occupancy structure shall contain a provision that, when the entire cost of any such contemplated

construction, reconstruction, rehabilitation or improvement for the school portion of the work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, separate specifications shall be prepared for the following three subdivisions of the work on the school portion to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

Such specifications shall be drawn so as to permit the letting of separate and independent contracts for each of the above three subdivisions of work. Within the above three subdivisions of work, any equipment, apparatus and/or installations which shall be designed to service the entire combined occupancy structure shall be included within the school portion of the work or let as separate and independent contracts even if physically located within the non-school portion of the work. Except as otherwise provided by the public housing law, the provisions of which shall apply when the developer is the New York city housing authority, every developer or general contractor undertaking the construction, reconstruction, rehabilitation or improvement of any such combined occupancy structure pursuant to or in furtherance of the provisions of this article shall let separate contracts to the lowest responsible bidder for the three subdivisions of the above specified work to persons, firms or corporations approved by the chairman of the fund as being qualified, responsible and reliable bidders engaged in these classes of work. All such qualified bidders engaged in the above specified work shall be entitled to bid and to receive, upon request, a copy of the plans and specifications. All such bids shall be submitted to the fund and shall be opened publicly at a stated time and place.

2-a. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: a. plumbing and gas fitting, b. steam heating, hot water heating, ventilating and air conditioning apparatus and c. electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 6. Subdivisions 2 and 2-a of section 482 of the education law, subdivision 2 as amended and subdivision 2-a as added by section 6 of

part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. [Except as otherwise provided in section two hundred twenty-two of the labor law, every] EVERY contract, lease or other agreement entered into by or on behalf of the fund for the acquisition, lease, construction, reconstruction, rehabilitation or improvement of any combined occupancy structure shall contain a provision that, when the entire cost of any such contemplated construction, reconstruction, rehabilitation or improvement shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, separate specifications shall be prepared for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

Such specifications shall be drawn so as to permit the letting of separate and independent contracts for each of the above three subdivisions of work. Except as otherwise provided by the public housing law, the provisions of which shall apply when the developer is the Yonkers city housing authority, every developer or general contractor undertaking the construction, reconstruction, rehabilitation or improvement of any such combined occupancy structure pursuant to or in furtherance of the provisions of this article shall let separate contracts to the lowest responsible bidder for the three subdivisions of the above specified work to persons, firms or corporations approved by the chairman of the fund as being qualified, responsible and reliable bidders engaged in these classes of work. All such qualified bidders engaged in the above specified work shall be entitled to bid and to receive, upon request, a copy of the plans and specifications. All such bids shall be submitted to the fund and shall be opened publicly at a stated time and place.

2-a. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: a. plumbing and gas fitting, b. steam heating, hot water heating, ventilating and air conditioning apparatus and c. electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 7. Subdivisions 2 and 2-a of section 1045-i of the public authorities law, subdivision 2 as amended and subdivision 2-a as added by

section 7 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. Any such agreements (i) shall describe in sufficient detail for reasonable identification the particular water project to be financed in whole or in part by the authority, (ii) shall describe the plan for the financing of the cost of the construction of such water project, including the amount, if any, to be provided by the water board and the source or sources thereof, (iii) shall set forth the method by which and by whom and the terms and conditions upon which moneys provided by the authority shall be disbursed, (iv) may require, in the discretion of the authority, the payment to the authority of the proceeds of any state and federal grants available to the water board, (v) shall provide for the establishment of user fees, rates, rents and other charges and the charging and collection thereof by the water board for the use of, or services furnished, rendered or made available by such system such as to provide that such board receive revenues at least sufficient, together with other revenues of the board, if any, to meet the requirements of subdivision one of section one thousand forty-five-j of this title, provided that revenues received by such board shall be deposited in a special fund established pursuant to this title and disbursed to, and upon certification of, the authority, (vi) may provide for the transfer by the city to the water board pursuant to section one thousand forty-five-h of this title of ownership of the sewerage system or water system, or both, as the case may be, of which such project will form a part by the city, (vii) shall provide for the construction and completion of such water project by the city and for the operation, maintenance and repair thereof as an integrated part of the system of which such water project forms a part, subject to such terms and conditions, not inconsistent with this title, which may be in the public interest and necessary or desirable properly and adequately to secure the holders of bonds of the authority, provided, however, all contracts for public work and all purchase contracts shall be awarded by the city as provided by law for the award of such contracts by the city and that all contracts for construction shall be let in accordance with the provisions of state law pertaining to prevailing wages, labor standards and working hours. [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing a building as part of any water project shall exceed three million dollars, the city shall prepare separate specifications for the following three subdivisions of the work to be performed: (a) plumbing and gas fitting; (b) steam heating, hot water heating, ventilating and air conditioning apparatus; and (c) electric wiring and standard illuminating fixtures, (viii) shall provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law, and (ix) in the discretion of the authority, require reports concerning the project from the water board to the authority and the city.

2-a. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a

separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 8. Subdivisions 2 and 2-a of section 1048-i of the public authorities law, subdivision 2 as amended and subdivision 2-a as added by section 8 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

2. Any such agreements (i) shall describe in sufficient detail for reasonable identification the particular water project to be financed in whole or in part by the authority, (ii) shall describe the plan for the financing of the cost of the construction of such water project, including the amount, if any, to be provided by the water board and the source or sources thereof, (iii) shall set forth the method by which and by whom and the terms and conditions upon which moneys provided by the authority shall be disbursed, (iv) may require, in the discretion of the authority, the payment to the authority of the proceeds of any state and federal grants available to the water board, (v) shall provide for the establishment of user fees, rates, rents and other charges and the charging and collection thereof by the water board for the use of, or services furnished, rendered or made available by such system such as to provide that such board receive revenues at least sufficient, together with other revenues of the board, if any, to meet the requirements of subdivision one of section one thousand forty-eight-j of this title, provided that revenues received by such board shall be deposited in a special fund established pursuant to this title and disbursed to, and upon certification of, the authority, (vi) may provide for the transfer by the city to the water board pursuant to section one thousand forty-eight-h of this title of ownership of the water system of which such project will form a part, (vii) shall provide for the construction and completion of such water project by the city and for the operation, maintenance and repair thereof as an integrated part of the system of which such water project forms a part, subject to such terms and conditions, not inconsistent with this title, which may be in the public interest and necessary or desirable properly and adequately to secure the holders of bonds of the authority, provided, however, all contracts for public work and all purchase contracts shall be awarded by the city as provided by law for the award of such contracts by the city and that all contracts for construction shall be let in accordance with the provisions of state law pertaining to prevailing wages, labor standards and working hours. [Except as otherwise provided in section two hundred

twenty-two of the labor law, when] WHEN the entire cost of constructing a building as part of any water project shall exceed five hundred thousand dollars, the city shall prepare separate specifications for the following three subdivisions of the work to be performed: (a) plumbing and gas fitting; (b) steam heating, hot water heating, ventilating and air conditioning apparatus; and (c) electric wiring and standard illuminating fixtures, (viii) shall provide for the discontinuance or disconnection of the supply of water for non-payment of fees, rates, rents or other charges therefor imposed by the water board, provided such discontinuance or disconnection of any supply of water shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law, and (ix) in the discretion of the authority, require reports concerning the project from the water board to the authority and the city.

2-a. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 9. Paragraphs (b) and (c-1) of subdivision 10 of section 3303 of the public authorities law, paragraph (b) as amended and paragraph (c-1) as added by section 9 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

(b) [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing such building, exclusive of any medical equipment, apparatus or devices, shall exceed one million five hundred thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be

paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 10. Paragraphs (b) and (c-1) of subdivision 9 of section 3402 of the public authorities law, paragraph (b) as amended and paragraph (c-1) as added by section 10 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

(b) [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing such building, exclusive of any medical equipment, apparatus or devices, shall exceed one million five hundred thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 11. Paragraphs (b) and (c-1) of subdivision 9 of section 3603 of the public authorities law, paragraph (b) as amended and paragraph (c-1) as

added by section 11 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

(b) [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing such building, exclusive of any medical equipment, apparatus or devices, shall exceed five hundred thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 12. Paragraphs (b) and (c-1) of subdivision 11 of section 3628 of the public authorities law, paragraph (b) as amended and paragraph (c-1) as added by section 12 of part MM of chapter 57 of the laws of 2008, are amended to read as follows:

(b) [Except as otherwise provided in section two hundred twenty-two of the labor law, when] WHEN the entire cost of constructing such building, exclusive of any medical equipment, apparatus, or devices, exceeds five hundred thousand dollars, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating, and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(c-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced,

and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

S 13. Subdivision (c) of section 4 of chapter 560 of the laws of 1980, authorizing the city of New York to adopt a solid waste management law, as amended by section 13 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

(c) [Except as otherwise provided in section 222 of the labor law, every] EVERY contract, lease or other agreement entered into, pursuant to this section, by the city of New York for construction, reconstruction, rehabilitation or improvement of buildings for a solid waste recovery and management facility shall contain a provision that, when the entire cost of such work shall exceed three million dollars, separate specifications shall be prepared for the following three subdivisions of work:

(1) Plumbing and gas fitting;

(2) Steam heating, hot water heating, ventilating and air conditioning apparatus; and

(3) Electric wiring and standard illuminating fixtures.

Such specifications shall be drawn to permit the letting of separate and independent contracts by the developer for each of these three subdivisions of work. The city of New York may, at its discretion, direct that such specifications include minimum qualifications for bidders with regard to licensing, bonding capacity, minority participation, and past performance on prior contracts. Every developer undertaking the construction, reconstruction, rehabilitation, or improvement of the buildings of a solid waste recovery and management facility pursuant to the provisions of its contract with the city of New York shall let separate contracts to the lowest responsible bidder for the three subdivisions of the above specified work, to any persons who are responsible and reliable bidders engaged in these classes of work. Any such contracts shall be contracts of the developer and not of the city of New York. The city of New York shall have no obligations or liabilities, whatsoever, thereunder. The developer shall have the responsibility for supervision and coordination of work under such separate contracts.

Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a

showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision 2 of section 222 of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

The city of New York shall also have the right to reject any bidder not meeting the reasonable and justifiable qualifications that it has established for bidders. All qualified bidders engaged in the above specified work shall be entitled to bid and to receive, upon request, a copy of the plans and specifications. All such bids shall be delivered to such city and be opened publicly at a stated time and place, by a designated municipal employee.

Notwithstanding any law or agreement that requires a bond or bonds, the city of New York shall in addition require, prior to the approval of any contract, lease, or agreement providing for the construction, reconstruction, rehabilitation, or improvement of any building for a solid waste recovery and management facility, that the developer, if other than the city of New York, furnish a bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor or materials in the conduct of work provided for in such contract, lease, or other agreement. A copy of such payment bond shall be kept by the city and shall be open to public inspection.

The requirements to subcontract, contained herein, shall not apply to the system to be used for receiving, processing, handling or storing waste, or the products and by-products derived therefrom, or materials used in such processing or handling of the system and any equipment or property involving proprietary or trade secrets.

S 14. Section 9 of chapter 892 of the laws of 1971 amending the public authorities law and other laws relating to enabling the dormitory authority to construct and finance dormitories, buildings and health facilities, as amended by section 14 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

S 9. [Except as otherwise provided in section 222 of the labor law, the] THE dormitory authority in awarding or entering into contracts for the erection, construction, reconstruction or alteration of buildings, pursuant to the provisions added by this act, when the entire cost of such work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, shall prepare separate specifications for the following three subdivisions of the work to be performed:

(a) Plumbing and gas fitting;

(b) Steam heating, hot water heating, ventilating and air conditioning apparatus; and

(c) Electric wiring and standard illuminating fixtures.

Such specifications must be so drawn as to permit separate and independent bidding on each day of the above three subdivisions of work. All contracts awarded by the dormitory authority for the erection, construction, reconstruction or alteration of buildings, or any part thereof, pursuant to the provisions added by this act shall award the three subdivisions of the above specified work separately to responsible

and reliable persons, firms or corporations engaged in these classes of work. A contract for one or more buildings in any project shall be awarded to the lowest responsible bidder for all the buildings included in the specifications.

Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting; (b) steam heating, hot water heating, ventilating and air conditioning apparatus; and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs[, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision 2 of section 222 of the labor law], or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

Nothing in this section shall be construed to prevent the dormitory authority from performing any such branches of work by or through its regular employees.

S 15. Section 222 of the labor law is REPEALED.

S 16. This act shall take effect immediately.