

S. 3414

A. 5412

2011-2012 Regular Sessions

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

February 18, 2011

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IN SENATE -- Introduced by Sen. KLEIN -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 139-f of the state finance law is amended by adding  
2     a new subdivision 5 to read as follows:  
3     5. IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF  
4     ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS  
5     EXCEED TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRAC-  
6     TOR OR SUBCONTRACTOR, AS THE CASE MAY BE, SHALL NOT BE REQUIRED TO  
7     COMMENCE OR CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS  
8     HAVE BEEN APPROVED BY THE PUBLIC OWNER.  
9     S 2. Section 106-b of the general municipal law is amended by adding a  
10    new subdivision 4 to read as follows:  
11    4. IF AT ANY TIME DURING THE CONSTRUCTION PERIOD, THE TOTAL COST OF  
12    ALL UNAPPROVED CHANGE ORDERS, CHANGE DIRECTIVES AND CONTRACT AMENDMENTS  
13    EXCEED TEN PERCENT OF THE ORIGINAL CONTRACT OR SUBCONTRACT, THE CONTRAC-  
14    TOR OR SUBCONTRACTOR, AS THE CASE MAY BE, SHALL NOT BE REQUIRED TO  
15    COMMENCE OR CONTINUE SUCH WORK UNTIL THE PROPOSED CHANGES OR AMENDMENTS  
16    HAVE BEEN APPROVED BY THE PUBLIC OWNER.  
17    S 3. This act shall take effect immediately and shall apply to all  
18    contracts executed on and after such date.

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

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