

5217

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the state finance law, the public housing law, the education law, the public authorities law, the labor 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, in relation to separate specifications for public works contracts

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

1 Section 1. Subdivisions 1 and 5 of section 101 of the general municipal
2 law, subdivision 1 as amended and subdivision 5 as added by section
3 1 of part MM of chapter 57 of the laws of 2008, are amended to read as
4 follows:
5 1. Except as otherwise provided in section two hundred twenty-two of
6 the labor law, every officer, board or agency of a political subdivision
7 or of any district therein, charged with the duty of preparing specifications
8 or awarding or entering into contracts for the erection,
9 construction, reconstruction or alteration of buildings[, when the
10 entire cost of such public work shall exceed three million dollars in
11 the counties of the Bronx, Kings, New York, Queens, and Richmond; one
12 million five hundred thousand dollars in the counties of Nassau, Suffolk
13 and Westchester; and five hundred thousand dollars in all other counties
14 within the state,] shall prepare separate specifications for the following
15 three subdivisions of the work to be performed UNLESS A BIDDER
16 SATISFIES THE REQUIREMENTS OF SUBDIVISION FIVE OF THIS SECTION:
17 a. Plumbing and gas fitting;
18 b. Steam heating, hot water heating, ventilating and air conditioning
19 apparatus; and
20 c. Electric wiring and standard illuminating fixtures.

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

LBD11342-01-1

1 5. Each bidder on a public work contract, where [the preparation of]
2 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
3 SUBDIVISION ONE OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
4 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
5 submit with its bid a separate sealed list that names each subcontractor
6 that the bidder will use to perform work on the contract, and the
7 agreed-upon amount to be paid to each, for: (a) plumbing and gas
8 fitting, (b) steam heating, hot water heating, ventilating and air
9 conditioning apparatus and (c) electric wiring and standard illuminating
10 fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR
11 AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE
12 TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR
13 NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPREN-
14 TICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE
15 CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the
16 low bid is announced, the sealed list of subcontractors submitted with
17 such low bid shall be opened and the names of such subcontractors shall
18 be announced, and thereafter any change of subcontractor or agreed-upon
19 amount to be paid to each shall require the approval of the public
20 owner, upon a showing presented to the public owner of legitimate
21 construction need for such change, which shall be open to public
22 inspection. Legitimate construction need shall include, but not be
23 limited to, a change in project specifications, a change in construction
24 material costs, a change to subcontractor status as determined pursuant
25 to paragraph (e) of subdivision two of section two hundred twenty-two of
26 the labor law, or the subcontractor has become otherwise unwilling,
27 unable or unavailable to perform the subcontract. The sealed lists of
28 subcontractors submitted by all other bidders shall be returned to them
29 unopened after the contract award.

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

34 (b) Except as otherwise provided in section two hundred twenty-two of
35 the labor law[, when the entire cost of constructing such building shall
36 exceed three million dollars in the counties of the Bronx, Kings, New
37 York, Queens, and Richmond; one million five hundred thousand dollars in
38 the counties of Nassau, Suffolk and Westchester; and five hundred thou-
39 sand dollars in all other counties within the state,] the project devel-
40 oper shall prepare separate specifications for the following subdivi-
41 sions of such work, so as to permit separate and independent bidding
42 upon each subdivision UNLESS A BIDDER SATISFIES THE REQUIREMENTS OF
43 PARAGRAPH (B-1) OF THIS SUBDIVISION:

44 (i) plumbing and gas fittings;

45 (ii) steam heating, hot water heating, ventilating and air condition-
46 ing apparatus; and

47 (iii) electric wiring and standard illuminating fixtures.

48 (b-1) Each bidder on a public work contract, where [the preparation
49 of] separate specifications [is not required] ARE NOT PREPARED PURSUANT
50 TO PARAGRAPH (B) OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE PREPARED
51 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
52 submit with its bid a separate sealed list that names each subcontractor
53 that the bidder will use to perform work on the contract, and the
54 agreed-upon amount to be paid to each, for: (i) plumbing and gas
55 fitting, (ii) steam heating, hot water heating, ventilating and air
56 conditioning apparatus and (iii) electric wiring and standard illuminat-

1 ing fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRAC-
2 TOR AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN
3 THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT
4 FOR NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE
5 APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPREN-
6 TICE CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After
7 the low bid is announced, the sealed list of subcontractors submitted
8 with such low bid shall be opened and the names of such subcontractors
9 shall be announced, and thereafter any change of subcontractor or
10 agreed-upon amount to be paid to each shall require the approval of the
11 public owner, upon a showing presented to the public owner of legitimate
12 construction need for such change, which shall be open to public
13 inspection. Legitimate construction need shall include, but not be
14 limited to, a change in project specifications, a change in construction
15 material costs, a change to subcontractor status as determined pursuant
16 to paragraph (e) of subdivision two of section two hundred twenty-two of
17 the labor law, or the subcontractor has become otherwise unwilling,
18 unable or unavailable to perform the subcontract. The sealed lists of
19 subcontractors submitted by all other bidders shall be returned to them
20 unopened after the contract award.

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

24 S 135. Separate specifications for contract work for the state. 1.
25 Except as otherwise provided in section two hundred twenty-two of the
26 labor law, every officer, board, department, commission or commissions,
27 charged with the duty of preparing specifications or awarding or enter-
28 ing into contracts for the erection, construction or alteration of
29 buildings, for the state[, when the entire cost of such work shall
30 exceed three million dollars in the counties of the Bronx, Kings, New
31 York, Queens, and Richmond; one million five hundred thousand dollars in
32 the counties of Nassau, Suffolk and Westchester; and five hundred thou-
33 sand dollars in all other counties within the state,] must have prepared
34 separate specifications for each of the following three subdivisions of
35 the work to be performed UNLESS A BIDDER SATISFIES THE REQUIREMENTS OF
36 SUBDIVISION THREE OF THIS SECTION:

37 [1.] A. Plumbing and gas fitting.

38 [2.] B. Steam heating, hot water heating, ventilating and air condi-
39 tioning apparatus.

40 [3.] C. Electric wiring and standard illuminating fixtures.

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

51 3. Each bidder on a public work contract, where [the preparation of]
52 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
53 SUBDIVISION ONE OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
54 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
55 submit with its bid a separate sealed list that names each subcontractor
56 that the bidder will use to perform work on the contract, and the

1 agreed-upon amount to be paid to each, for: (a) plumbing and gas
2 fitting, (b) steam heating, hot water heating, ventilating and air
3 conditioning apparatus and (c) electric wiring and standard illuminating
4 fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR
5 AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE
6 TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR
7 NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPREN-
8 TICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE
9 CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the
10 low bid is announced, the sealed list of subcontractors submitted with
11 such low bid shall be opened and the names of such subcontractors shall
12 be announced, and thereafter any change of subcontractor or agreed-upon
13 amount to be paid to each shall require the approval of the public
14 owner, upon a showing presented to the public owner of legitimate
15 construction need for such change, which shall be open to public
16 inspection. Legitimate construction need shall include, but not be
17 limited to, a change in project specifications, a change in construction
18 material costs, a change to subcontractor status as determined pursuant
19 to paragraph (e) of subdivision two of section two hundred twenty-two of
20 the labor law, or the subcontractor has become otherwise unwilling,
21 unable or unavailable to perform the subcontract. The sealed lists of
22 subcontractors submitted by all other bidders shall be returned to them
23 unopened after the contract award.

24 4. Nothing in this section shall be construed to prevent the authori-
25 ties in charge of any state building, from performing any such branches
26 of work by or through their regular employees, or in the case of public
27 institutions, by the inmates thereof.

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

32 1. Notwithstanding any inconsistent provision of this chapter or any
33 other general, special or local law, except as otherwise provided in
34 section two hundred twenty-two of the labor law, any authority or muni-
35 cipality, or any officer, board, department, commission or other agency
36 thereof charged with the duty of preparing specifications or awarding or
37 entering into contracts involving the erection, construction, recon-
38 struction or alteration of any building or other appurtenance as a part
39 of or in connection with a project or any part thereof in any part of
40 the state under or pursuant to the authority of this chapter[, when the
41 entire cost of such work shall exceed three million dollars in the coun-
42 ties of the Bronx, Kings, New York, Queens, and Richmond; one million
43 five hundred thousand dollars in the counties of Nassau, Suffolk and
44 Westchester; and five hundred thousand dollars in all other counties
45 within the state,] must have prepared separate specifications for the
46 following three subdivisions of the work to be performed UNLESS A BIDDER
47 SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO-A OF THIS SECTION:

48 a. Plumbing and gas fitting;

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

51 c. Electric wiring and standard illuminating fixtures.

52 2-a. Each bidder on a public work contract, where [the preparation of]
53 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
54 SUBDIVISION ONE OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
55 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
56 submit with its bid a separate sealed list that names each subcontractor

1 that the bidder will use to perform work on the contract, and the
2 agreed-upon amount to be paid to each, for: a. plumbing and gas fitting,
3 b. steam heating, hot water heating, ventilating and air conditioning
4 apparatus and c. electric wiring and standard illuminating fixtures;
5 AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR AND SUBCON-
6 TRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE TRADES OF
7 WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR NOT LESS
8 THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPRENTICE IN THE
9 LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE CURRENTLY
10 ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the low bid is
11 announced, the sealed list of subcontractors submitted with such low bid
12 shall be opened and the names of such subcontractors shall be announced,
13 and thereafter any change of subcontractor or agreed-upon amount to be
14 paid to each shall require the approval of the public owner, upon a
15 showing presented to the public owner of legitimate construction need
16 for such change, which shall be open to public inspection. Legitimate
17 construction need shall include, but not be limited to, a change in
18 project specifications, a change in construction material costs, a
19 change to subcontractor status as determined pursuant to paragraph (e)
20 of subdivision two of section two hundred twenty-two of the labor law,
21 or the subcontractor has become otherwise unwilling, unable or unavail-
22 able to perform the subcontract. The sealed lists of subcontractors
23 submitted by all other bidders shall be returned to them unopened after
24 the contract award.

25 S 5. The opening paragraph of subdivision 2 and subdivision 2-a of
26 section 458 of the education law, the opening paragraph of subdivision 2
27 as amended and subdivision 2-a as added by section 5 of part MM of chap-
28 ter 57 of the laws of 2008, are amended to read as follows:

29 Except as otherwise provided in section two hundred twenty-two of the
30 labor law, every contract, lease or other agreement entered into by or
31 on behalf of the fund for the acquisition, lease, construction, recon-
32 struction, rehabilitation or improvement of the school portion of the
33 work in any combined occupancy structure shall contain a provision
34 that[, when the entire cost of any such contemplated construction,
35 reconstruction, rehabilitation or improvement for the school portion of
36 the work shall exceed three million dollars in the counties of the
37 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
38 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
39 five hundred thousand dollars in all other counties within the state,]
40 separate specifications shall be prepared for the following three subdivi-
41 sions of the work on the school portion to be performed UNLESS A
42 BIDDER SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO-A OF THIS SECTION:

43 2-a. Each bidder on a public work contract, where [the preparation of]
44 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
45 SUBDIVISION TWO OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
46 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
47 submit with its bid a separate sealed list that names each subcontractor
48 that the bidder will use to perform work on the contract, and the
49 agreed-upon amount to be paid to each, for: a. plumbing and gas fitting,
50 b. steam heating, hot water heating, ventilating and air conditioning
51 apparatus and c. electric wiring and standard illuminating fixtures;
52 AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR AND SUBCON-
53 TRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE TRADES OF
54 WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR NOT LESS
55 THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPRENTICE IN THE
56 LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE CURRENTLY

1 ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the low bid is
2 announced, the sealed list of subcontractors submitted with such low bid
3 shall be opened and the names of such subcontractors shall be announced,
4 and thereafter any change of subcontractor or agreed-upon amount to be
5 paid to each shall require the approval of the public owner, upon a
6 showing presented to the public owner of legitimate construction need
7 for such change, which shall be open to public inspection. Legitimate
8 construction need shall include, but not be limited to, a change in
9 project specifications, a change in construction material costs, a
10 change to subcontractor status as determined pursuant to paragraph (e)
11 of subdivision two of section two hundred twenty-two of the labor law,
12 or the subcontractor has become otherwise unwilling, unable or unavail-
13 able to perform the subcontract. The sealed lists of subcontractors
14 submitted by all other bidders shall be returned to them unopened after
15 the contract award.

16 S 6. The opening paragraph of subdivision 2 and subdivision 2-a of
17 section 482 of the education law, the opening paragraph of subdivision 2
18 as amended and subdivision 2-a as added by section 6 of part MM of chap-
19 ter 57 of the laws of 2008, are amended to read as follows:

20 Except as otherwise provided in section two hundred twenty-two of the
21 labor law, every contract, lease or other agreement entered into by or
22 on behalf of the fund for the acquisition, lease, construction, recon-
23 struction, rehabilitation or improvement of any combined occupancy
24 structure shall contain a provision that[, when the entire cost of any
25 such contemplated construction, reconstruction, rehabilitation or
26 improvement shall exceed three million dollars in the counties of the
27 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
28 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
29 five hundred thousand dollars in all other counties within the state,]
30 separate specifications shall be prepared for the following three subdivi-
31 sions of the work to be performed UNLESS A BIDDER SATISFIES THE
32 REQUIREMENTS OF SUBDIVISION TWO-A OF THIS SECTION:

33 2-a. Each bidder on a public work contract, where [the preparation of]
34 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
35 SUBDIVISION TWO OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
36 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
37 submit with its bid a separate sealed list that names each subcontractor
38 that the bidder will use to perform work on the contract, and the
39 agreed-upon amount to be paid to each, for: a. plumbing and gas fitting,
40 b. steam heating, hot water heating, ventilating and air conditioning
41 apparatus and c. electric wiring and standard illuminating fixtures;
42 AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR AND SUBCON-
43 TRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE TRADES OF
44 WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR NOT LESS
45 THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPRENTICE IN THE
46 LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE CURRENTLY
47 ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the low bid is
48 announced, the sealed list of subcontractors submitted with such low bid
49 shall be opened and the names of such subcontractors shall be announced,
50 and thereafter any change of subcontractor or agreed-upon amount to be
51 paid to each shall require the approval of the public owner, upon a
52 showing presented to the public owner of legitimate construction need
53 for such change, which shall be open to public inspection. Legitimate
54 construction need shall include, but not be limited to, a change in
55 project specifications, a change in construction material costs, a
56 change to subcontractor status as determined pursuant to paragraph (e)

1 of subdivision two of section two hundred twenty-two of the labor law,
2 or the subcontractor has become otherwise unwilling, unable or unavail-
3 able to perform the subcontract. The sealed lists of subcontractors
4 submitted by all other bidders shall be returned to them unopened after
5 the contract award.

6 S 7. Subdivisions 2 and 2-a of section 1045-i of the public authori-
7 ties law, subdivision 2 as amended and subdivision 2-a as added by
8 section 7 of part MM of chapter 57 of the laws of 2008, are amended to
9 read as follows:

10 2. Any such agreements (i) shall describe in sufficient detail for
11 reasonable identification the particular water project to be financed in
12 whole or in part by the authority, (ii) shall describe the plan for the
13 financing of the cost of the construction of such water project, includ-
14 ing the amount, if any, to be provided by the water board and the source
15 or sources thereof, (iii) shall set forth the method by which and by
16 whom and the terms and conditions upon which moneys provided by the
17 authority shall be disbursed, (iv) may require, in the discretion of the
18 authority, the payment to the authority of the proceeds of any state and
19 federal grants available to the water board, (v) shall provide for the
20 establishment of user fees, rates, rents and other charges and the
21 charging and collection thereof by the water board for the use of, or
22 services furnished, rendered or made available by such system such as to
23 provide that such board receive revenues at least sufficient, together
24 with other revenues of the board, if any, to meet the requirements of
25 subdivision one of section one thousand forty-five-j of this title,
26 provided that revenues received by such board shall be deposited in a
27 special fund established pursuant to this title and disbursed to, and
28 upon certification of, the authority, (vi) may provide for the transfer
29 by the city to the water board pursuant to section one thousand forty-
30 five-h of this title of ownership of the sewerage system or water
31 system, or both, as the case may be, of which such project will form a
32 part by the city, (vii) shall provide for the construction and
33 completion of such water project by the city and for the operation,
34 maintenance and repair thereof as an integrated part of the system of
35 which such water project forms a part, subject to such terms and condi-
36 tions, not inconsistent with this title, which may be in the public
37 interest and necessary or desirable properly and adequately to secure
38 the holders of bonds of the authority, provided, however, all contracts
39 for public work and all purchase contracts shall be awarded by the city
40 as provided by law for the award of such contracts by the city and that
41 all contracts for construction shall be let in accordance with the
42 provisions of state law pertaining to prevailing wages, labor standards
43 and working hours. Except as otherwise provided in section two hundred
44 twenty-two of the labor law, [when the entire cost of constructing a
45 building as part of any water project shall exceed three million
46 dollars,] the city shall prepare separate specifications for the follow-
47 ing three subdivisions of the work to be performed UNLESS A BIDDER
48 SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO-A OF THIS SECTION: (a)
49 plumbing and gas fitting; (b) steam heating, hot water heating, venti-
50 lating and air conditioning apparatus; and (c) electric wiring and stan-
51 dard illuminating fixtures, (viii) shall provide for the discontinuance
52 or disconnection of the supply of water or the provision of sewerage
53 service, or both, as the case may be, for non-payment of fees, rates,
54 rents or other charges therefor imposed by the water board, provided
55 such discontinuance or disconnection of any supply of water or the
56 provision of sewerage service, or both, as the case may be, shall not be

1 carried out except in the manner and upon the notice as is required of a
2 waterworks corporation pursuant to subdivisions three-a, three-b and
3 three-c of section eighty-nine-b and section one hundred sixteen of the
4 public service law, and (ix) in the discretion of the authority, require
5 reports concerning the project from the water board to the authority and
6 the city.

7 2-a. Each bidder on a public work contract, where [the preparation of]
8 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
9 SUBDIVISION TWO OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
10 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
11 submit with its bid a separate sealed list that names each subcontractor
12 that the bidder will use to perform work on the contract, and the
13 agreed-upon amount to be paid to each, for: (a) plumbing and gas
14 fitting, (b) steam heating, hot water heating, ventilating and air
15 conditioning apparatus and (c) electric wiring and standard illuminating
16 fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR
17 AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE
18 TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR
19 NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPREN-
20 TICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE
21 CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the
22 low bid is announced, the sealed list of subcontractors submitted with
23 such low bid shall be opened and the names of such subcontractors shall
24 be announced, and thereafter any change of subcontractor or agreed-upon
25 amount to be paid to each shall require the approval of the public
26 owner, upon a showing presented to the public owner of legitimate
27 construction need for such change, which shall be open to public
28 inspection. Legitimate construction need shall include, but not be
29 limited to, a change in project specifications, a change in construction
30 material costs, a change to subcontractor status as determined pursuant
31 to paragraph (e) of subdivision two of section two hundred twenty-two of
32 the labor law, or the subcontractor has become otherwise unwilling,
33 unable or unavailable to perform the subcontract. The sealed lists of
34 subcontractors submitted by all other bidders shall be returned to them
35 unopened after the contract award.

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

40 2. Any such agreements (i) shall describe in sufficient detail for
41 reasonable identification the particular water project to be financed in
42 whole or in part by the authority, (ii) shall describe the plan for the
43 financing of the cost of the construction of such water project, includ-
44 ing the amount, if any, to be provided by the water board and the source
45 or sources thereof, (iii) shall set forth the method by which and by
46 whom and the terms and conditions upon which moneys provided by the
47 authority shall be disbursed, (iv) may require, in the discretion of the
48 authority, the payment to the authority of the proceeds of any state and
49 federal grants available to the water board, (v) shall provide for the
50 establishment of user fees, rates, rents and other charges and the
51 charging and collection thereof by the water board for the use of, or
52 services furnished, rendered or made available by such system such as to
53 provide that such board receive revenues at least sufficient, together
54 with other revenues of the board, if any, to meet the requirements of
55 subdivision one of section one thousand forty-eight-j of this title,
56 provided that revenues received by such board shall be deposited in a

1 special fund established pursuant to this title and disbursed to, and
2 upon certification of, the authority, (vi) may provide for the transfer
3 by the city to the water board pursuant to section one thousand forty-
4 eight-h of this title of ownership of the water system of which such
5 project will form a part, (vii) shall provide for the construction and
6 completion of such water project by the city and for the operation,
7 maintenance and repair thereof as an integrated part of the system of
8 which such water project forms a part, subject to such terms and condi-
9 tions, not inconsistent with this title, which may be in the public
10 interest and necessary or desirable properly and adequately to secure
11 the holders of bonds of the authority, provided, however, all contracts
12 for public work and all purchase contracts shall be awarded by the city
13 as provided by law for the award of such contracts by the city and that
14 all contracts for construction shall be let in accordance with the
15 provisions of state law pertaining to prevailing wages, labor standards
16 and working hours. Except as otherwise provided in section two hundred
17 twenty-two of the labor law, [when the entire cost of constructing a
18 building as part of any water project shall exceed five hundred thousand
19 dollars,] the city shall prepare separate specifications for the follow-
20 ing three subdivisions of the work to be performed UNLESS A BIDDER
21 SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO-A OF THIS SECTION: (a)
22 plumbing and gas fitting; (b) steam heating, hot water heating, venti-
23 lating and air conditioning apparatus; and (c) electric wiring and stan-
24 dard illuminating fixtures, (viii) shall provide for the discontinuance
25 or disconnection of the supply of water for non-payment of fees, rates,
26 rents or other charges therefor imposed by the water board, provided
27 such discontinuance or disconnection of any supply of water shall not be
28 carried out except in the manner and upon the notice as is required of a
29 waterworks corporation pursuant to subdivisions three-a, three-b and
30 three-c of section eighty-nine-b and section one hundred sixteen of the
31 public service law, and (ix) in the discretion of the authority, require
32 reports concerning the project from the water board to the authority and
33 the city.

34 2-a. Each bidder on a public work contract, where [the preparation of]
35 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
36 SUBDIVISION TWO OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
37 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
38 submit with its bid a separate sealed list that names each subcontractor
39 that the bidder will use to perform work on the contract, and the
40 agreed-upon amount to be paid to each, for: (a) plumbing and gas
41 fitting, (b) steam heating, hot water heating, ventilating and air
42 conditioning apparatus and (c) electric wiring and standard illuminating
43 fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRACTOR
44 AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN THE
45 TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT FOR
46 NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE APPREN-
47 TICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPRENTICE
48 CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After the
49 low bid is announced, the sealed list of subcontractors submitted with
50 such low bid shall be opened and the names of such subcontractors shall
51 be announced, and thereafter any change of subcontractor or agreed-upon
52 amount to be paid to each shall require the approval of the public
53 owner, upon a showing presented to the public owner of legitimate
54 construction need for such change, which shall be open to public
55 inspection. Legitimate construction need shall include, but not be
56 limited to, a change in project specifications, a change in construction

1 material costs, a change to subcontractor status as determined pursuant
2 to paragraph (e) of subdivision two of section two hundred twenty-two of
3 the labor law, or the subcontractor has become otherwise unwilling,
4 unable or unavailable to perform the subcontract. The sealed lists of
5 subcontractors submitted by all other bidders shall be returned to them
6 unopened after the contract award.

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

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

18 (i) plumbing and gas fittings;

19 (ii) steam heating, hot water heating, ventilating and air condition-
20 ing apparatus; and

21 (iii) electric wiring and standard illuminating fixtures.

22 (c-1) Each bidder on a public work contract, where [the preparation
23 of] separate specifications [is not required] ARE NOT PREPARED PURSUANT
24 TO PARAGRAPH (B) OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE PREPARED
25 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
26 submit with its bid a separate sealed list that names each subcontractor
27 that the bidder will use to perform work on the contract, and the
28 agreed-upon amount to be paid to each, for: (i) plumbing and gas
29 fitting, (ii) steam heating, hot water heating, ventilating and air
30 conditioning apparatus and (iii) electric wiring and standard illuminat-
31 ing fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRAC-
32 TOR AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN
33 THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT
34 FOR NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE
35 APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPREN-
36 TICE CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After
37 the low bid is announced, the sealed list of subcontractors submitted
38 with such low bid shall be opened and the names of such subcontractors
39 shall be announced, and thereafter any change of subcontractor or
40 agreed-upon amount to be paid to each shall require the approval of the
41 public owner, upon a showing presented to the public owner of legitimate
42 construction need for such change, which shall be open to public
43 inspection. Legitimate construction need shall include, but not be
44 limited to, a change in project specifications, a change in construction
45 material costs, a change to subcontractor status as determined pursuant
46 to paragraph (e) of subdivision two of section two hundred twenty-two of
47 the labor law, or the subcontractor has become otherwise unwilling,
48 unable or unavailable to perform the subcontract. The sealed lists of
49 subcontractors submitted by all other bidders shall be returned to them
50 unopened after the contract award.

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

55 (b) Except as otherwise provided in section two hundred twenty-two of
56 the labor law, [when the entire cost of constructing such building,

1 exclusive of any medical equipment, apparatus or devices, shall exceed
2 one million five hundred thousand dollars,] the project developer shall
3 prepare separate specifications for the following subdivisions of such
4 work, so as to permit separate and independent bidding upon each subdivi-
5 sion:

6 (i) plumbing and gas fittings;

7 (ii) steam heating, hot water heating, ventilating and air condition-
8 ing apparatus; and

9 (iii) electric wiring and standard illuminating fixtures.

10 (c-1) Each bidder on a public work contract, where [the preparation
11 of] separate specifications [is not required] ARE NOT PREPARED PURSUANT
12 TO PARAGRAPH (B) OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE PREPARED
13 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
14 submit with its bid a separate sealed list that names each subcontractor
15 that the bidder will use to perform work on the contract, and the
16 agreed-upon amount to be paid to each, for: (i) plumbing and gas
17 fitting, (ii) steam heating, hot water heating, ventilating and air
18 conditioning apparatus and (iii) electric wiring and standard illuminat-
19 ing fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRAC-
20 TOR AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN
21 THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT
22 FOR NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE
23 APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPREN-
24 TICE CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After
25 the low bid is announced, the sealed list of subcontractors submitted
26 with such low bid shall be opened and the names of such subcontractors
27 shall be announced, and thereafter any change of subcontractor or
28 agreed-upon amount to be paid to each shall require the approval of the
29 public owner, upon a showing presented to the public owner of legitimate
30 construction need for such change, which shall be open to public
31 inspection. Legitimate construction need shall include, but not be
32 limited to, a change in project specifications, a change in construction
33 material costs, a change to subcontractor status as determined pursuant
34 to paragraph (e) of subdivision two of section two hundred twenty-two of
35 the labor law, or the subcontractor has become otherwise unwilling,
36 unable or unavailable to perform the subcontract. The sealed lists of
37 subcontractors submitted by all other bidders shall be returned to them
38 unopened after the contract award.

39 S 11. Paragraphs (b) and (c-1) of subdivision 9 of section 3603 of the
40 public authorities law, paragraph (b) as amended and paragraph (c-1) as
41 added by section 11 of part MM of chapter 57 of the laws of 2008, are
42 amended to read as follows:

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

49 (i) plumbing and gas fittings;

50 (ii) steam heating, hot water heating, ventilating and air condition-
51 ing apparatus; and

52 (iii) electric wiring and standard illuminating fixtures.

53 (c-1) Each bidder on a public work contract, where [the preparation
54 of] separate specifications [is not required] ARE NOT PREPARED PURSUANT
55 TO PARAGRAPH (B) OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE PREPARED
56 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall

1 submit with its bid a separate sealed list that names each subcontractor
2 that the bidder will use to perform work on the contract, and the
3 agreed-upon amount to be paid to each, for: (i) plumbing and gas
4 fitting, (ii) steam heating, hot water heating, ventilating and air
5 conditioning apparatus and (iii) electric wiring and standard illuminat-
6 ing fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRAC-
7 TOR AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN
8 THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT
9 FOR NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE
10 APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPREN-
11 TICE CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After
12 the low bid is announced, the sealed list of subcontractors submitted
13 with such low bid shall be opened and the names of such subcontractors
14 shall be announced, and thereafter any change of subcontractor or
15 agreed-upon amount to be paid to each shall require the approval of the
16 public owner, upon a showing presented to the public owner of legitimate
17 construction need for such change, which shall be open to public
18 inspection. Legitimate construction need shall include, but not be
19 limited to, a change in project specifications, a change in construction
20 material costs, a change to subcontractor status as determined pursuant
21 to paragraph (e) of subdivision two of section two hundred twenty-two of
22 the labor law, or the subcontractor has become otherwise unwilling,
23 unable or unavailable to perform the subcontract. The sealed lists of
24 subcontractors submitted by all other bidders shall be returned to them
25 unopened after the contract award.

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

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

36 (i) plumbing and gas fittings;

37 (ii) steam heating, hot water heating, ventilating, and air condition-
38 ing apparatus; and

39 (iii) electric wiring and standard illuminating fixtures.

40 (c-1) Each bidder on a public work contract, where [the preparation
41 of] separate specifications [is not required] ARE NOT PREPARED PURSUANT
42 TO PARAGRAPH (B) OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE PREPARED
43 PURSUANT TO SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, shall
44 submit with its bid a separate sealed list that names each subcontractor
45 that the bidder will use to perform work on the contract, and the
46 agreed-upon amount to be paid to each, for: (i) plumbing and gas
47 fitting, (ii) steam heating, hot water heating, ventilating and air
48 conditioning apparatus and (iii) electric wiring and standard illuminat-
49 ing fixtures; AND SUCH PUBLIC WORK CONTRACT SHALL REQUIRE EACH CONTRAC-
50 TOR AND SUBCONTRACTOR TO PARTICIPATE IN APPRENTICE TRAINING PROGRAMS IN
51 THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE DEPARTMENT
52 FOR NOT LESS THAN THREE YEARS AND SHALL HAVE GRADUATED AT LEAST ONE
53 APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE AT LEAST ONE APPREN-
54 TICE CURRENTLY ENROLLED IN SUCH APPRENTICESHIP TRAINING PROGRAM. After
55 the low bid is announced, the sealed list of subcontractors submitted
56 with such low bid shall be opened and the names of such subcontractors

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

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

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

24 (1) Plumbing and gas fitting;

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

27 (3) Electric wiring and standard illuminating fixtures.

28 Such specifications shall be drawn to permit the letting of separate
29 and independent contracts by the developer for each of these three
30 subdivisions of work. The city of New York may, at its discretion,
31 direct that such specifications include minimum qualifications for
32 bidders with regard to licensing, bonding capacity, minority partic-
33 ipation, and past performance on prior contracts. Every developer under-
34 taking the construction, reconstruction, rehabilitation, or improvement
35 of the buildings of a solid waste recovery and management facility
36 pursuant to the provisions of its contract with the city of New York
37 shall let separate contracts to the lowest responsible bidder for the
38 three subdivisions of the above specified work, to any persons who are
39 responsible and reliable bidders engaged in these classes of work. Any
40 such contracts shall be contracts of the developer and not of the city
41 of New York. The city of New York shall have no obligations or liabil-
42 ities, whatsoever, thereunder. The developer shall have the responsibil-
43 ity for supervision and coordination of work under such separate
44 contracts.

45 Each bidder on a public work contract, where [the preparation of]
46 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
47 THE OPENING PARAGRAPH OF THIS SUBDIVISION OR ARE NOT REQUIRED TO BE
48 PREPARED PURSUANT TO SECTION 222 OF THE LABOR LAW, shall submit with its
49 bid a separate sealed list that names each subcontractor that the bidder
50 will use to perform work on the contract, and the agreed-upon amount to
51 be paid to each, for: (a) plumbing and gas fitting, (b) steam heating,
52 hot water heating, ventilating and air conditioning apparatus and (c)
53 electric wiring and standard illuminating fixtures; AND SUCH PUBLIC WORK
54 CONTRACT SHALL REQUIRE EACH CONTRACTOR AND SUBCONTRACTOR TO PARTICIPATE
55 IN APPRENTICE TRAINING PROGRAMS IN THE TRADES OF WORK IT EMPLOYS THAT
56 HAVE BEEN APPROVED BY THE DEPARTMENT FOR NOT LESS THAN THREE YEARS AND

1 SHALL HAVE GRADUATED AT LEAST ONE APPRENTICE IN THE LAST THREE YEARS AND
2 SHALL HAVE AT LEAST ONE APPRENTICE CURRENTLY ENROLLED IN SUCH APPREN-
3 TICESHIP TRAINING PROGRAM. After the low bid is announced, the sealed
4 list of subcontractors submitted with such low bid shall be opened and
5 the names of such subcontractors shall be announced, and thereafter any
6 change of subcontractor or agreed-upon amount to be paid to each shall
7 require the approval of the public owner, upon a showing presented to
8 the public owner of legitimate construction need for such change, which
9 shall be open to public inspection. Legitimate construction need shall
10 include, but not be limited to, a change in project specifications, a
11 change in construction material costs, a change to subcontractor status
12 as determined pursuant to paragraph (e) of subdivision 2 of section 222
13 of the labor law, or the subcontractor has become otherwise unwilling,
14 unable or unavailable to perform the subcontract. The sealed lists of
15 subcontractors submitted by all other bidders shall be returned to them
16 unopened after the contract award.

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

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

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

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

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

54 (a) Plumbing and gas fitting;

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

1 (c) Electric wiring and standard illuminating fixtures.

2 Such specifications must be so drawn as to permit separate and inde-
3 pendent bidding on each day of the above three subdivisions of work. All
4 contracts awarded by the dormitory authority for the erection,
5 construction, reconstruction or alteration of buildings, or any part
6 thereof, pursuant to the provisions added by this act shall award the
7 three subdivisions of the above specified work separately to responsible
8 and reliable persons, firms or corporations engaged in these classes of
9 work. A contract for one or more buildings in any project shall be
10 awarded to the lowest responsible bidder for all the buildings included
11 in the specifications.

12 Each bidder on a public work contract, where [the preparation of]
13 separate specifications [is not required] ARE NOT PREPARED PURSUANT TO
14 THE OPENING PARAGRAPH OF THIS SECTION OR ARE NOT REQUIRED TO BE PREPARED
15 PURSUANT TO SECTION 222 OF THE LABOR LAW, shall submit with its bid a
16 separate sealed list that names each subcontractor that the bidder will
17 use to perform work on the contract, and the agreed-upon amount to be
18 paid to each, for: (a) plumbing and gas fitting; (b) steam heating, hot
19 water heating, ventilating and air conditioning apparatus; and (c) elec-
20 tric wiring and standard illuminating fixtures; AND SUCH PUBLIC WORK
21 CONTRACT SHALL REQUIRE EACH CONTRACTOR AND SUBCONTRACTOR TO PARTICIPATE
22 IN APPRENTICE TRAINING PROGRAMS IN THE TRADES OF WORK IT EMPLOYS THAT
23 HAVE BEEN APPROVED BY THE DEPARTMENT FOR NOT LESS THAN THREE YEARS AND
24 SHALL HAVE GRADUATED AT LEAST ONE APPRENTICE IN THE LAST THREE YEARS AND
25 SHALL HAVE AT LEAST ONE APPRENTICE CURRENTLY ENROLLED IN SUCH APPREN-
26 TICESHIP TRAINING PROGRAM. After the low bid is announced, the sealed
27 list of subcontractors submitted with such low bid shall be opened and
28 the names of such subcontractors shall be announced, and thereafter any
29 change of subcontractor or agreed-upon amount to be paid to each shall
30 require the approval of the public owner, upon a showing presented to
31 the public owner of legitimate construction need for such change, which
32 shall be open to public inspection. Legitimate construction need shall
33 include, but not be limited to, a change in project specifications, a
34 change in construction material costs, a change to subcontractor status
35 as determined pursuant to paragraph (e) of subdivision 2 of section 222
36 of the labor law, or the subcontractor has become otherwise unwilling,
37 unable or unavailable to perform the subcontract. The sealed lists of
38 subcontractors submitted by all other bidders shall be returned to them
39 unopened after the contract award.

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

43 S 15. Paragraph (e) of subdivision 2 of section 222 of the labor law,
44 as added by section 18 of part MM of chapter 57 of the laws of 2008, is
45 amended to read as follows:

46 (e) Any contract, subcontract, lease, grant, bond, covenant, or other
47 agreement for construction, reconstruction, demolition, excavation,
48 rehabilitation, repair, renovation, alteration, or improvement with
49 respect to each project undertaken pursuant to this section, the entity
50 shall consider the financial and organizational capacity of contractors
51 and subcontractors in relation to the magnitude of work they may
52 perform, the record of performance of contractors and subcontractors on
53 previous work, the record of contractors and subcontractors in complying
54 with existing labor standards and maintaining harmonious labor
55 relations, and the commitment of contractors to work with minority and
56 women-owned business enterprises pursuant to article fifteen-A of the

1 executive law through joint ventures of subcontractor relationships.
2 With respect to any contract for construction, reconstruction, demoli-
3 tion, excavation, rehabilitation, repair, renovation, alteration, or
4 improvement [in excess of three million dollars in the counties of the
5 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
6 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
7 five hundred thousand dollars in all other counties within the state;]
8 WITH RESPECT TO EACH PROJECT UNDERTAKEN PURSUANT TO THIS SECTION, the
9 entity shall further require that each contractor and subcontractor
10 shall participate in apprentice training programs in the trades of work
11 it employs that have been approved by the department for not less than
12 three years and shall have graduated at least one apprentice in the last
13 three years and shall have at least one apprentice currently enrolled in
14 such apprenticeship training program. In addition, it must be demon-
15 strated that the program has made significant efforts to attract and
16 retain minority apprentices, as determined by affirmative action goals
17 established for such program by the department.
18 S 16. This act shall take effect immediately.