

4772--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. MAGNARELLI, ROBERTS -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to the powers and duties of the joint schools construction board of the city of Syracuse and the city school district

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

1 Section 1. Subdivisions (f), (h) and (j) of section 4 of part A-4 of
2 chapter 58 of the laws of 2006 enacting the "city of Syracuse and the
3 board of education of the city school district of the city of Syracuse
4 cooperative school reconstruction act" are amended to read as follows:
5 (f) ["JSC board" shall mean the joint schools construction board of
6 the city and the city school district as set forth in an agreement,
7 dated as of April 1, 2004, between the city school district and the city
8 as such agreement may be from time to time amended or supplemented,
9 acting as agent for the city, school district, or both] "JSC BOARD"
10 SHALL MEAN THE JOINT SCHOOLS CONSTRUCTION BOARD OF THE CITY AND THE CITY
11 SCHOOL DISTRICT ESTABLISHED TO ADMINISTER, MANAGE, DESIGN, RENOVATE AND
12 EFFECT THE FINANCING OF EXISTING PUBLIC SCHOOLS WITHIN THE SYRACUSE CITY
13 SCHOOL DISTRICT. SUCH BOARD SHALL CONSIST OF THE MAYOR OF THE CITY OF
14 SYRACUSE AND TWO ADDITIONAL MEMBERS DESIGNATED BY THE MAYOR WHO SHALL
15 SERVE AT THE PLEASURE OF THE MAYOR FOR A TERM NOT EXCEEDING ONE YEAR,
16 THE SUPERINTENDENT OF THE SYRACUSE CITY SCHOOL DISTRICT AND TWO ADDI-
17 TIONAL MEMBERS DESIGNATED BY THE SUPERINTENDENT WHO SHALL SERVE AT THE
18 PLEASURE OF THE SUPERINTENDENT FOR A TERM NOT EXCEEDING ONE YEAR, AND A
19 SEVENTH MEMBER, NOT EMPLOYED BY THE CITY OR THE SCHOOL DISTRICT, JOINTLY
20 DESIGNATED BY THE MAYOR AND THE SUPERINTENDENT WHO SHALL SERVE AT THE
21 PLEASURE OF THE MAYOR AND THE SUPERINTENDENT FOR A TERM NOT EXCEEDING

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

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1 ONE YEAR. TO ENSURE FLEXIBILITY AND CONTINUITY, THE MAYOR AND/OR THE
2 SUPERINTENDENT MAY FROM TIME TO TIME DESIGNATE AND AUTHORIZE THEIR CHIEF
3 OF STAFF, CHIEF FINANCIAL OFFICER, OR OTHER DESIGNEE, TO ATTEND AND VOTE
4 IN THEIR STEAD.

5 (h) "Project" shall mean work at an existing school building site that
6 involves the design, reconstruction, or rehabilitation of an existing
7 school building for its continued use as a school of the city school
8 district, which may include an addition to an existing school building
9 for such continued use at a cost, for such addition, of, FOR PROJECTS
10 IDENTIFIED IN SUBDIVISION (A) OF SECTION FIVE OF THIS ACT, no more than
11 nine million dollars, AND, FOR PROJECTS IDENTIFIED IN SUBDIVISION (B) OF
12 SECTION FIVE OF THIS ACT, NO MORE THAN TWENTY MILLION DOLLARS, and which
13 also may include (1) the construction or reconstruction of athletic
14 fields, playgrounds, and other recreational facilities for such existing
15 school building, and/or (2) the acquisition and installation of all
16 equipment necessary and attendant to and for the use of such existing
17 school building AND/OR THE ACQUISITION OF ADDITIONAL REAL PROPERTY TO
18 FACILITATE THE PROJECT.

19 (j) "Program manager" shall mean an independent program management
20 firm hired by the JSC board to assist it in: (1) developing and imple-
21 menting procedures for the projects undertaken and contracted for by the
22 JSC board; (2) reviewing plans and specifications for projects; (3)
23 developing and implementing policies and procedures to utilize employ-
24 ment resources to provide sufficient skilled employees for such
25 projects, including developing and implementing training programs, if
26 required; [and] (4) managing such projects IF REQUIRED BY THE JSC BOARD;
27 (5) DEVELOPING AND MANAGING A FINANCIAL PLAN TO MAXIMIZE THE EFFICIENT
28 USE OF STATE BUILDING AID; AND (6) MANAGING THE PROJECT BUDGET.
29 PROVIDED, HOWEVER THAT THE CITY AND THE CITY SCHOOL DISTRICT ACTING
30 THROUGH THE JSC BOARD MAY HIRE OR RETAIN ONE OR MORE EMPLOYEES TO
31 PERFORM SOME OR ALL OF THE AFOREMENTIONED PROGRAM MANAGEMENT FUNCTIONS.

32 S 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting
33 the "city of Syracuse and the board of education of the city school
34 district of the city of Syracuse cooperative school reconstruction act"
35 is amended to read as follows:

36 S 5. (A) No more than seven projects, one each at the Central High
37 School, the Blodgett School, the Shea Middle School, the H.W. Smith
38 Elementary School, the Clary Middle School, the Dr. Weeks Elementary
39 School and the Fowler High School, up to a total cost of two hundred
40 twenty-five million dollars; AND (B) NO MORE THAN TWENTY PROJECTS AT
41 LOCATIONS TO BE DETERMINED BY THE CITY SCHOOL DISTRICT AND APPROVED BY
42 THE JSC BOARD, UP TO A TOTAL COST OF THREE HUNDRED MILLION DOLLARS,
43 shall be authorized and undertaken pursuant to this act, unless other-
44 wise authorized by law.

45 S 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006
46 enacting the "city of Syracuse and the board of education of the city
47 school district of the city of Syracuse cooperative school recon-
48 struction act" are amended to read as follows:

49 S 6. (1) Before formal selection of the projects IDENTIFIED IN SUBDI-
50 VISION (A) OF SECTION FIVE OF THIS ACT occurs, the JSC board shall
51 develop a comprehensive plan recommending and outlining the projects it
52 proposes to be potentially undertaken pursuant to this act. Such plan
53 shall include: (a) an estimate of total costs to be financed, proposed
54 financing plan, proposed method of financing, terms and conditions of
55 the financing, estimated financing costs, and, if city general obli-
56 gation bonds or notes are not proposed as the method of financing, a

1 comparison of financing costs between such bonds or notes and the
2 proposed method of financing. The plan should also address what specific
3 options would be used to ensure that sufficient resources exist to cover
4 the local share of any such project cost on an annual basis; (b) infor-
5 mation concerning the potential persons to be involved in the financing
6 and such person's role and responsibilities; (c) estimates on the
7 design, reconstruction and rehabilitation costs by project, any adminis-
8 trative costs for potential projects, and an outline of the time-frame
9 expected for completion of each potential project; (d) a detailed
10 description of the request for proposals process and an outline of the
11 criteria to be used for selection of the program manager and all
12 contractors; (e) any proposed amendments to the city school district's
13 five year capital facilities plan submitted in accordance with subdivi-
14 sion 6 of section 3602 of the education law and the regulations of the
15 commissioner; and (f) a diversity plan, in compliance with subdivision
16 [(e)] (B) of section eight of this act, to develop diversity goals,
17 including appropriate community input and public discussion, and develop
18 strategies that would create and coordinate any efforts to ensure a more
19 diverse workforce for the projects. The diversity plan should address
20 accountability for attainment of the diversity goals, what forms of
21 monitoring would be used, and how such information would be publicly
22 communicated.

23 Prior to the development of the comprehensive plan, the JSC board
24 shall hold as many public hearings as may be necessary to ensure suffi-
25 cient public input and allow for significant public discussion on the
26 school building needs in such city, with at least one hearing to be held
27 in each neighborhood potentially impacted by a proposed project.

28 The JSC board shall submit the components of such comprehensive plan
29 outlined in subdivision (a) of this section to the comptroller, along
30 with any other information requested by the comptroller, for his or her
31 review and approval.

32 (2) BEFORE FORMAL SELECTION OF THE PROJECTS PURSUANT TO SUBDIVISION
33 (B) OF SECTION FIVE OF THIS ACT OCCURS, THE CITY SCHOOL DISTRICT SHALL
34 PROVIDE TO THE JSC BOARD A COMPREHENSIVE DRAFT PLAN RECOMMENDING AND
35 OUTLINING THE PROJECTS IT PROPOSES TO BE POTENTIALLY UNDERTAKEN PURSUANT
36 TO THIS ACT. SUCH PLAN WILL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE
37 JSC BOARD AND SHALL INCLUDE: (A) AN ESTIMATE OF TOTAL COSTS TO BE
38 FINANCED, PROPOSED FINANCING PLAN, PROPOSED METHOD OF FINANCING, TERMS
39 AND CONDITIONS OF THE FINANCING, ESTIMATED FINANCING COSTS, AND, IF CITY
40 GENERAL OBLIGATION BONDS OR NOTES ARE NOT PROPOSED AS THE METHOD OF
41 FINANCING, A COMPARISON OF FINANCING COSTS BETWEEN SUCH BONDS OR NOTES
42 AND THE PROPOSED METHOD OF FINANCING. THE PLAN SHOULD ALSO ADDRESS WHAT
43 SPECIFIC OPTIONS WOULD BE USED TO ENSURE THAT SUFFICIENT RESOURCES EXIST
44 TO COVER THE LOCAL SHARE OF ANY SUCH PROJECT COST ON AN ANNUAL BASIS;
45 (B) INFORMATION CONCERNING THE POTENTIAL PERSONS TO BE INVOLVED IN THE
46 FINANCING AND SUCH PERSON'S ROLE AND RESPONSIBILITIES; (C) ESTIMATES ON
47 THE DESIGN, RECONSTRUCTION AND REHABILITATION COSTS BY PROJECT, ANY
48 ADMINISTRATIVE COSTS FOR POTENTIAL PROJECTS, AND AN OUTLINE OF THE
49 TIME-FRAME EXPECTED FOR COMPLETION OF EACH POTENTIAL PROJECT; (D) A
50 DETAILED DESCRIPTION OF THE REQUEST FOR PROPOSALS PROCESS AND AN OUTLINE
51 OF THE CRITERIA TO BE USED FOR SELECTION OF THE PROGRAM MANAGER AND ALL
52 CONTRACTORS; (E) ANY PROPOSED AMENDMENTS TO THE CITY SCHOOL DISTRICT'S
53 FIVE YEAR CAPITAL FACILITIES PLAN SUBMITTED IN ACCORDANCE WITH SUBDIVI-
54 SION 6 OF SECTION 3602 OF THE EDUCATION LAW AND THE REGULATIONS OF THE
55 COMMISSIONER; AND (F) A DIVERSITY PLAN, IN COMPLIANCE WITH SUBDIVISION
56 (B) OF SECTION EIGHT OF THIS ACT, TO DEVELOP DIVERSITY GOALS, INCLUDING

1 APPROPRIATE COMMUNITY INPUT AND PUBLIC DISCUSSION, AND DEVELOP STRATE-
2 GIES THAT WOULD CREATE AND COORDINATE ANY EFFORTS TO ENSURE A MORE
3 DIVERSE WORKFORCE FOR THE PROJECTS. THE DIVERSITY PLAN SHOULD ADDRESS
4 ACCOUNTABILITY FOR ATTAINMENT OF THE DIVERSITY GOALS, WHAT FORMS OF
5 MONITORING WOULD BE USED, AND HOW SUCH INFORMATION WOULD BE PUBLICLY
6 COMMUNICATED.

7 AS PART OF THE DEVELOPMENT OF THE COMPREHENSIVE PLAN, THE SCHOOL
8 DISTRICT SHALL HOLD AS MANY PUBLIC HEARINGS AS MAY BE NECESSARY TO
9 ENSURE SUFFICIENT PUBLIC INPUT AND ALLOW FOR SIGNIFICANT PUBLIC
10 DISCUSSION ON THE SCHOOL BUILDING NEEDS IN SUCH CITY, WITH AT LEAST ONE
11 HEARING TO BE HELD IN EACH NEIGHBORHOOD POTENTIALLY IMPACTED BY A
12 PROPOSED PROJECT.

13 THE JSC BOARD SHALL SUBMIT THE COMPONENTS OF SUCH COMPREHENSIVE PLAN
14 OUTLINED IN SUBDIVISION (A) OF THIS SECTION TO THE COMPTROLLER, ALONG
15 WITH ANY OTHER INFORMATION REQUESTED BY THE COMPTROLLER, FOR HIS OR HER
16 REVIEW AND APPROVAL.

17 S 7. (A) Notwithstanding any general, special or local law to the
18 contrary and upon approval by the comptroller pursuant to section [four]
19 SIX of this act, the city school district may select projects, PURSUANT
20 TO SUBDIVISION (A) OF SECTION FIVE OF THIS ACT to be undertaken pursuant
21 to this act, as provided for in such approved comprehensive plan. After
22 the city school district has selected a new project and plans and spec-
23 ifications for such project have been prepared and approved by the city
24 school district, which are consistent with the approved comprehensive
25 plan, the city school district shall deliver such plans and specifica-
26 tions to the city, for approval by such city, acting through the common
27 council, and after the common council has approved such plans and spec-
28 ifications, the city shall deliver them to the commissioner for his or
29 her approval. After approval by the commissioner, the plans and spec-
30 ifications shall be returned to the city school district and such
31 district shall then deliver them to the JSC board. All such specifica-
32 tions shall detail the number of students the completed project is
33 intended to serve, the site description, the types of subjects to be
34 taught, the types of activities for school, recreational, social, safe-
35 ty, or other purposes intended to be incorporated in the school building
36 or on its site and such other information as the city school district,
37 the city, the common council, and the commissioner shall deem necessary
38 or advisable.

39 (B) NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY
40 AND UPON APPROVAL BY THE COMPTROLLER PURSUANT TO SECTION SIX OF THIS
41 ACT, THE CITY SCHOOL DISTRICT MAY SELECT PROJECTS, PURSUANT TO SUBDIVI-
42 SION (B) OF SECTION FIVE OF THIS ACT TO BE UNDERTAKEN PURSUANT TO THIS
43 ACT, AS PROVIDED FOR IN SUCH APPROVED COMPREHENSIVE PLAN. AFTER THE CITY
44 SCHOOL DISTRICT HAS SELECTED A NEW PROJECT AND PLANS AND SPECIFICATIONS
45 FOR SUCH PROJECT HAVE BEEN PREPARED AND APPROVED BY THE CITY SCHOOL
46 DISTRICT IN CONSULTATION WITH THE CITY ENGINEER, WHICH ARE CONSISTENT
47 WITH THE APPROVED COMPREHENSIVE PLAN, THE CITY SCHOOL DISTRICT SHALL
48 DELIVER SUCH PLANS AND SPECIFICATIONS TO THE COMMISSIONER FOR HIS OR HER
49 APPROVAL. AFTER APPROVAL BY THE COMMISSIONER, THE PLANS AND SPECIFICA-
50 TIONS SHALL BE DELIVERED TO THE JSC BOARD. ALL SUCH SPECIFICATIONS SHALL
51 DETAIL THE NUMBER OF STUDENTS THE COMPLETED PROJECT IS INTENDED TO
52 SERVE, THE SITE DESCRIPTION, THE TYPES OF SUBJECTS TO BE TAUGHT, THE
53 TYPES OF ACTIVITIES FOR SCHOOL, RECREATIONAL, SOCIAL, SAFETY, OR OTHER
54 PURPOSES INTENDED TO BE INCORPORATED IN THE SCHOOL BUILDING OR ON ITS
55 SITE AND SUCH OTHER INFORMATION AS THE CITY SCHOOL DISTRICT, THE CITY
56 ENGINEER, AND THE COMMISSIONER SHALL DEEM NECESSARY OR ADVISABLE.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE TOTAL PROJECT COST ASSOCIATED WITH THE PROJECTS AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT EXCEEDS THE ESTIMATED TOTAL PROJECT COST OF 300 MILLION DOLLARS, THEN THE JSC BOARD SHALL REPORT SUCH INFORMATION, ALONG WITH EXPLANATORY DOCUMENTATION REGARDING THE INCREASE IN COST, TO THE GOVERNOR, THE NEW YORK STATE COMPTROLLER, THE COMMISSIONER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE COMPLETION OF SCHEMATIC PLANS AND SPECIFICATIONS FOR REVIEW BY THE COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH SUCH PROJECTS EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST ALLOWANCE OF EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION DOLLARS OR TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL DISTRICT HAS NOT OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW YORK STATE EDUCATION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL SHARES FOR SUCH EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH THE PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS HAVE BEEN REDESIGNED OR VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT COSTS SO AS NOT TO EXCEED THE ABOVE COST LIMITS.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE COMPLETION OF FIFTY PERCENT OF THE FINAL PLANS AND SPECIFICATIONS FOR REVIEW BY THE COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH SUCH PROJECTS EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST ALLOWANCE OF EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION DOLLARS OR TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL DISTRICT HAS NOT OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW YORK STATE EDUCATION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL SHARE FOR SUCH EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH THE COMPLETION OF THE REMAINING FIFTY PERCENT OF THE PLANS AND SPECIFICATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS HAVE BEEN REDESIGNED OR VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT COSTS SO AS NOT TO EXCEED THE ABOVE COST LIMITS.

S 4. Paragraph (a) of section 8 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act" is amended to read as follows:

(a) [Pursuant to the authority granted to it by an agreement and any amendment or supplemental agreement thereto, between the city and the city school district creating the JSC board with reference to the JSC board and any amendments to those sections, the] THE JSC board, upon receipt of such plans and specifications for a project from the [city] COMMISSIONER, may enter into contracts ACTING THROUGH THE CITY'S DIVISION OF PURCHASE AND SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND CORPORATION COUNSEL on behalf of the city or the city school district, or both, for such project.

S 5. Subdivisions (a) and (c) of section 9 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act" are amended to read as follows:

(a) Notwithstanding the provisions of any general, special, or local law to the contrary, a contract entered into between the JSC board and

1 any person pursuant to this act may be awarded either pursuant to public
2 bidding in compliance with section 103 of the general municipal law or,
3 in order to foster major investment in existing school buildings and to
4 deliver quality products and services that are beneficial to the city
5 and the city school district and the public they serve, pursuant to the
6 following provisions of this act for the award of a contract based on
7 evaluation of proposals submitted in response to a request for proposals
8 prepared by or for the JSC board. PROVIDED, HOWEVER, THAT THE JSC BOARD
9 SHALL HAVE THE OPTION OF OBTAINING PROFESSIONAL SERVICES INCLUDING BUT
10 NOT LIMITED TO AN INDEPENDENT PROGRAM MANAGER, CONSTRUCTION MANAGERS,
11 ARCHITECTS, ENGINEERS, FINANCIAL EXPERTS, AND DIVERSITY COMPLIANCE
12 SERVICES THROUGH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
13 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
14 COUNCIL FOR SUCH CONTRACT AWARDS.

15 (c) Prior to the issuance of a request for proposals pursuant to this
16 act, EXCEPT THOSE ISSUED PURSUANT TO THE CITY'S STANDARD REQUEST FOR
17 PROPOSALS, the JSC board shall publish notice of such issuance in the
18 official newspaper of the city, if any, and in at least one newspaper of
19 general circulation. Concurrent with the publication of such notice, a
20 draft request for proposals shall be filed with the JSC board. After
21 allowing a thirty day comment period and an additional ten days to
22 review such comments, the JSC board may publish the final request for
23 proposals and concurrent with such publication shall publish notice of
24 such issuance in the manner specified in this subdivision. Concurrent
25 with the publication of the final request for proposals, a set of
26 comments filed in relation to the draft request for proposals and find-
27 ings related to the substantive elements of such comments shall be filed
28 along with the request for proposals with the JSC board and in the
29 public library or libraries in proximity to the proposed project.

30 S 6. Subdivisions (a) and (d) of section 10 of part A-4 of chapter 58
31 of the laws of 2006 enacting the "city of Syracuse and the board of
32 education of the city school district of the city of Syracuse cooper-
33 ative school reconstruction act" are amended to read as follows:

34 (a) The JSC board may require a contractor awarded a PUBLIC contract,
35 subcontract[, lease, grant, bond, covenant] or other agreement for a
36 project to enter into a project labor agreement during and for the work
37 involved with such project when such requirement is part of the JSC
38 board's [request for proposals] SPECIFICATIONS for the project and when
39 the JSC board determines that the record supporting the decision to
40 enter into such an agreement establishes that it is justified by the
41 interests underlying the competitive bidding laws. IN ADDITION, THE JSC
42 BOARD MAY CHOOSE TO EXTEND THE PROJECT LABOR AGREEMENT ENTERED INTO FOR
43 THE FIRST PHASE OF THE JSC CONSTRUCTION PROJECTS TO THE PROJECTS AUTHOR-
44 IZED HEREIN.

45 (d) Every contract entered into by the JSC board for a project shall
46 contain a provision that the design of such project shall be subject to
47 the review and approval of the city school district AND THE CITY ENGI-
48 NEER and that the design and construction standards of such project
49 shall be subject to the review and approval of the commissioner. In
50 addition, every such contract shall contain a provision that the
51 contractor shall furnish a labor and material bond guaranteeing prompt
52 payment of moneys that are due to all persons furnishing labor and mate-
53 rials pursuant to the requirements of any contracts for a project under-
54 taken pursuant to this act and a performance bond for the faithful
55 performance of the project, which shall conform to the provisions of
56 section 103-f of the general municipal law, and that a copy of such

1 performance and payment bonds shall be kept by the city and shall be
2 open to public inspection.

3 S 7. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
4 the "city of Syracuse and the board of education of the city school
5 district of the city of Syracuse cooperative school reconstruction act"
6 is amended to read as follows:

7 S 11. (a) All contracts entered into by the JSC board for projects
8 [undertaken pursuant to this act] PURSUANT TO SUBDIVISION (A) OF SECTION
9 FIVE OF THIS ACT shall be managed by an independent program manager.
10 Selection of the program manager shall be pursuant to the competitive
11 process established in section seven of this act. The program manager
12 shall have experience in planning, designing, and constructing new
13 and/or reconstructing existing school buildings, public facilities,
14 commercial facilities, and/or infrastructure facilities, and in the
15 negotiation and management of labor contracts and agreements, training
16 programs, educational programs, and physical technological requirements
17 for educational programs. The program manager shall manage all projects
18 undertaken pursuant to this act, review project schedules, review
19 payment schedules, prepare cost estimates and assess the safety programs
20 of contractors and all training programs, if required. The program
21 manager shall implement procedures for verification by it that all work
22 for which payment has been requested has been satisfactorily completed.

23 (b) ALL CONSTRUCTION AND DESIGN CONTRACTS ENTERED INTO BY THE JSC
24 BOARD FOR PROJECTS PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS
25 ACT SHALL BE MANAGED BY THE CITY ENGINEER IN AGREEMENT WITH THE SCHOOL
26 DISTRICT OR, AT THE DISCRETION OF THE JSC BOARD, AN INDEPENDENT PROGRAM
27 MANAGER OR CONSTRUCTION MANAGERS SELECTED FOR ONE OR MORE PROJECTS.
28 SELECTION OF THE PROGRAM MANAGER AND/OR THE CONSTRUCTION MANAGER OR
29 MANAGERS SHALL BE PURSUANT TO A COMPETITIVE PROCESS ESTABLISHED IN
30 ACCORDANCE WITH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
31 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
32 COUNCIL FOR SUCH CONTRACT AWARDS. THE PROGRAM MANAGER SHALL HAVE EXPERI-
33 ENCE IN PLANNING, DESIGNING, AND CONSTRUCTING NEW AND/OR RECONSTRUCTING
34 EXISTING SCHOOL BUILDINGS IN NEW YORK STATE, PUBLIC FACILITIES, COMMER-
35 CIAL FACILITIES, AND/OR INFRASTRUCTURE FACILITIES, AND IN THE NEGOTI-
36 ATION AND MANAGEMENT OF LABOR CONTRACTS AND AGREEMENTS, TRAINING
37 PROGRAMS, EDUCATIONAL PROGRAMS, AND PHYSICAL TECHNOLOGICAL REQUIREMENTS
38 FOR EDUCATIONAL PROGRAMS. THE PROGRAM MANAGER SHALL MANAGE ALL PROJECTS
39 ASSIGNED BY THE JSC BOARD TO THE PROGRAM MANAGER AND UNDERTAKEN PURSUANT
40 TO THIS ACT, REVIEW PROJECT SCHEDULES, REVIEW PAYMENT SCHEDULES, PREPARE
41 COST ESTIMATES AND ASSESS THE SAFETY PROGRAMS OF CONTRACTORS AND ALL
42 TRAINING PROGRAMS, IF REQUIRED. THE PROGRAM MANAGER SHALL IMPLEMENT
43 PROCEDURES FOR VERIFICATION BY IT THAT ALL WORK FOR WHICH PAYMENT HAS
44 BEEN REQUESTED HAS BEEN SATISFACTORILY COMPLETED. PROVIDED, HOWEVER,
45 THAT THE JSC BOARD MAY CHOOSE TO UTILIZE THE SERVICES OF AN INDEPENDENT
46 CONSTRUCTION MANAGER AT ONE OR MORE OF THE PROJECTS TO BE AUTHORIZED
47 HEREIN WITH SAID CONSTRUCTION MANAGER MANAGING THE PROJECT WITHIN THE
48 MANAGEMENT PLAN SET FORTH BY THE INDEPENDENT PROGRAM MANAGER AND THE JSC
49 BOARD.

50 (C) The program manager, and its affiliates or subsidiaries, if any,
51 shall be prohibited from awarding contracts or being awarded contracts
52 for or performing any work on projects undertaken pursuant to this act.

53 S 8. Section 12 of part A-4 of chapter 58 of the laws of 2006 enacting
54 the "city of Syracuse and the board of education of the city school
55 district of the city of Syracuse cooperative school reconstruction act"
56 is amended to read as follows:

1 S 12. Notwithstanding any other provision of law, building aid that
2 would otherwise be payable for the school district portion of expendi-
3 tures for capital outlays and debt service for [each] INSTALLMENT
4 PURCHASE CONTRACTS; SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 109-B
5 OF THE GENERAL MUNICIPAL LAW, EXCEPT FOR PARAGRAPH (A) OF SUBDIVISION 3
6 OF SUCH SECTION, SUBDIVISION 5 OF SUCH SECTION, AND PARAGRAPH (C) OF
7 SUBDIVISION 6 OF SUCH SECTION, AND EXCEPT TO THE EXTENT SECTION 109-B OF
8 THE GENERAL MUNICIPAL LAW IS INCONSISTENT WITH THE PROVISIONS OF THIS
9 ACT. ALL PROVISIONS WITH REFERENCE TO INSTALLMENT PURCHASE CONTRACTS OR
10 CERTIFICATES OF PARTICIPATION CONTAINED IN SECTION 109-B OF THE GENERAL
11 MUNICIPAL LAW, EXCEPT ANY PROHIBITION AGAINST USING SUCH INSTALLMENT
12 PURCHASE CONTRACTS OR CERTIFICATES OF PARTICIPATION FOR THE PURPOSES SET
13 FORTH IN THIS ACT, SHALL APPLY TO INSTALLMENT PURCHASE CONTRACTS OR
14 CERTIFICATES OF PARTICIPATION ENTERED INTO OR ISSUED PURSUANT TO THE
15 AUTHORITY OF THIS SECTION.

16 EACH project undertaken pursuant to the provisions of this act in
17 accordance with subdivision 6 of section 3602 of the education law,
18 shall be paid to the city.

19 S 9. Section 13 of part A-4 of chapter 58 of the laws of 2006 enacting
20 the "city of Syracuse and the board of education of the city school
21 district of the city of Syracuse cooperative school reconstruction act"
22 is amended to read as follows:

23 S 13. Notwithstanding any general, special, or local law or ordinance
24 to the contrary, contracts entered into by the JSC board for projects
25 undertaken pursuant to this act: (A) MAY BE INITIALLY FUNDED BY THE CITY
26 FROM ANY AVAILABLE MONIES OR FROM THE PROCEEDS OF CITY OBLIGATIONS
27 ISSUED IN ANTICIPATION OF PERMANENT FINANCING FROM ANY SOURCE PROVIDED
28 UNDER THE ACT AND THE REIMBURSEMENT TO THE CITY OF ANY AVAILABLE MONIES
29 SO ADVANCED OR THE PAYMENT OF OBLIGATIONS OF THE CITY ISSUED IN ANTIC-
30 IPATION OF PERMANENT FINANCING (INCLUDING PERMANENT FINANCING ISSUED
31 THROUGH THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY FOR SUCH
32 PURPOSE) IS HEREBY SPECIFICALLY AUTHORIZED, AND (B) (1) may be funded by
33 certificates of participation issued by the city pursuant to this act;
34 (2) may be installment purchased contracts; and (3) shall be subject to
35 the provisions of section 109-b of the general municipal law, except for
36 paragraph (a) of subdivision 3 of such section, subdivision 5 of such
37 section, and paragraph (c) of subdivision 6 of such section, and except
38 to the extent section 109-b of the general municipal law is inconsistent
39 with the provisions of this act. All provisions with reference to
40 installment purchase contracts or certificates of participation
41 contained in section 109-b of the general municipal law, except any
42 prohibition against using such installment purchase contracts or certif-
43 icates of participation for the purposes set forth in this act, shall
44 apply to installment purchase contracts or certificates of participation
45 entered into or issued pursuant to the authority of this section of this
46 act.

47 S 10. Section 14 of part A-4 of chapter 58 of the laws of 2006 enact-
48 ing the "city of Syracuse and the board of education of the city school
49 district of the city of Syracuse cooperative school reconstruction act"
50 is amended by adding a new subdivision (c) to read as follows:

51 (C) PAYMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER OBLIGATIONS
52 ISSUED TO SECURE FINANCING FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT
53 SHALL NOT BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED
54 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF
55 SECTION 2576 OF THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS
56 PROVISION SHALL NOT OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY

1 AMOUNT" WITH RESPECT TO FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSU-
2 ANT TO THIS ACT.

3 S 11. Subdivision (a) of section 16 of part A-4 of chapter 58 of the
4 laws of 2006 enacting the "city of Syracuse and the board of education
5 of the city school district of the city of Syracuse cooperative school
6 reconstruction act" is amended to read as follows:

7 (a) Notwithstanding any limitations contained in article 18-A of the
8 general municipal law, including subdivisions 4[,] AND 12 [and 13] of
9 section 854 and section 926 of the general municipal law, a project
10 undertaken pursuant to this act shall be a "project" within the defi-
11 nition and for the purposes of subdivision 4 of section 854 of the
12 general municipal law, which may be financed by the city of Syracuse
13 industrial development agency or any successor agency thereto AND THE
14 CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY IS EXPRESSLY AUTHORIZED
15 TO REFINANCE OBLIGATIONS ISSUED BY THE CITY IN ANTICIPATION OF FINANCING
16 AUTHORIZED BY THIS ACT AND/OR REIMBURSE THE CITY FOR MONIES ADVANCED BY
17 THE CITY FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT. In connection
18 with the city of Syracuse industrial development agency financing the
19 costs of any project undertaken pursuant to this act, the city and the
20 city school district may grant a leasehold or license interest in the
21 project and school building site constituting such project to the city
22 of Syracuse industrial development agency. All contracts involving any
23 such projects shall be awarded by the JSC board pursuant to the compet-
24 itive [process] PROCESSES outlined in [section] SECTIONS seven, EIGHT
25 AND NINE of this act [and shall comply with the provisions of section
26 eight of this act]. A project undertaken pursuant to this act may be
27 financed through a special program agreement with the state of New York
28 municipal bond bank agency pursuant to the provisions of section 2435-a
29 of the public authorities law. It shall be the duty of the JSC board,
30 the city school district and the city to compare the financing available
31 for such projects through the city of Syracuse industrial development
32 agency with financing available through the state of New York municipal
33 bond bank agency, and to employ the financing mechanism that will result
34 in the lowest cost to the taxpayers of the city and the state. It shall
35 be the duty of the JSC board, the city school district, the city and the
36 city of Syracuse industrial development agency to share with the state
37 of New York municipal bond bank agency any information in their
38 possession that is required by the state of New York municipal bond bank
39 agency to determine the cost of financing such projects and to compute
40 the interest rate that would have been applicable to a bond issuance by
41 the state of New York municipal bond bank agency in the event that
42 financing is obtained through the city of Syracuse industrial develop-
43 ment agency. Any failure to provide such information within thirty days
44 of receipt of a request from the state of New York municipal bond bank
45 agency shall be deemed to be a failure of the city school district to
46 submit the data needed to compute the apportionment of state building
47 aid, and the commissioner shall withhold such apportionment until such
48 information is fully submitted. Upon request of the city school
49 district, the director of the state of New York municipal bond bank
50 agency shall submit such reports as the commissioner may require on the
51 financing of such projects and/or the interest rate that would have been
52 applicable to such projects if they had been financed through such agen-
53 cy.

54 S 12. Section 19 of part A-4 of chapter 58 of the laws of 2006 enact-
55 ing the "city of Syracuse and the board of education of the city school

1 district of the city of Syracuse cooperative school reconstruction act"
2 is amended to read as follows:

3 S 19. (A) On January 15, 2007 and annually thereafter, until
4 completion of the [seven] projects authorized pursuant to this act, the
5 JSC board shall issue a report to the governor, the comptroller, the
6 commissioner, the temporary president of the senate, the speaker of the
7 assembly, the city, the common council and the city school district on
8 the progress and status of the projects undertaken by the JSC board.
9 Provided further, that if any such entities request information on the
10 progress and status of the projects prior to such report, it shall be
11 provided to such entities by the JSC board.

12 [In addition, on] (B) ON or before June 30, 2014 or upon the
13 completion of the [seven] projects authorized pursuant to SUBDIVISION
14 (A) OF SECTION FIVE OF this act, whichever shall first occur, the JSC
15 board shall issue a report to the city, the city school district, the
16 governor, the commissioner, the comptroller, the temporary president of
17 the senate, the minority leader of the senate, the speaker of the assem-
18 bly, the minority leader of the assembly, the state board of regents,
19 and the chairs and ranking minority members of the New York state senate
20 and assembly committees on education, the finance committee of the New
21 York state senate, and the ways and means committee of the New York
22 state assembly. Such report shall identify the fiscal and pedagogical
23 results of the projects undertaken pursuant to this act, along with
24 recommendations for its continuance, amendments, or discontinuance.

25 (C) ON OR BEFORE JUNE 30, 2020 OR UPON THE COMPLETION OF THE PROJECTS
26 AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT,
27 WHICHEVER SHALL FIRST OCCUR, THE JSC BOARD SHALL ISSUE A REPORT TO THE
28 CITY, THE CITY SCHOOL DISTRICT, THE GOVERNOR, THE COMMISSIONER, THE
29 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER
30 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
31 ASSEMBLY, THE STATE BOARD OF REGENTS, AND THE CHAIRS AND RANKING MINORI-
32 TY MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY COMMITTEES ON
33 EDUCATION, THE FINANCE COMMITTEE OF THE NEW YORK STATE SENATE, AND THE
34 WAYS AND MEANS COMMITTEE OF THE NEW YORK STATE ASSEMBLY. SUCH REPORT
35 SHALL IDENTIFY THE FISCAL AND PEDAGOGICAL RESULTS OF THE PROJECTS UNDER-
36 TAKEN PURSUANT TO THIS ACT, ALONG WITH RECOMMENDATIONS FOR ITS CONTIN-
37 UANCE, AMENDMENTS, OR DISCONTINUANCE.

38 S 13. This act shall take effect immediately; provided, however, that
39 all resolutions, actions, obligations and approvals of the JSC board, as
40 defined in subdivision (f) of section 4 of part A-4 of chapter 58 of the
41 laws of 2006, as amended in section one of this act, taken prior to the
42 effective date of this act shall remain in full force and effect and be
43 treated as resolutions, actions, obligations and approvals of such
44 board.