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

6523

2013-2014 Regular Sessions

I N A S S E M B L Y

April 4, 2013

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, the state finance law and the labor law, in relation to project labor agreements for public work projects; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. This act shall be known and may be cited as the "public construction savings pilot act".

S 2. The public authorities law is amended by adding a new section 2880-b to read as follows:

S 2880-B. PROJECT LABOR AGREEMENTS BY PUBLIC AUTHORITIES. A CONTRACTOR BIDDING ON A REQUEST FOR PROPOSAL ISSUED BY ANY PUBLIC AUTHORITY FOR (I) THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS, OR (II) THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR IMPROVEMENT TO ROADS, TOLLROADS, HIGHWAYS, RAILWAYS, BRIDGES, TERMINALS, OR OTHER TRANSPORTATION FACILITIES, WITH A PROJECT LABOR AGREEMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY SUBMIT A BID THAT DOES NOT INCLUDE A PROJECT LABOR AGREEMENT AND SUCH CONTRACT FOR PUBLIC WORK SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW BID REGARDLESS OF WHETHER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A CONTRACTOR'S BID PROPOSAL.

S 3. The state finance law is amended by adding a new section 148 to read as follows:

S 148. PROJECT LABOR AGREEMENTS. A CONTRACTOR BIDDING ON A REQUEST FOR PROPOSAL ISSUED BY AN OFFICER, BOARD, DEPARTMENT, COMMISSION OR COMMISSIONS FOR (I) THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS FOR THE STATE, OR (II) THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR IMPROVEMENT TO ROADS, TOLLROADS, HIGHWAYS, RAILWAYS, BRIDGES, TERMINALS, OR OTHER TRANSPORTATION FACILITIES FOR THE STATE, WITH A PROJECT LABOR

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

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AGREEMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY SUBMIT A BID THAT DOES NOT INCLUDE A PROJECT LABOR AGREEMENT AND SUCH CONTRACT FOR PUBLIC WORK SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW BID REGARDLESS OF WHETHER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A CONTRACTOR'S BID PROPOSAL.

S 4. Paragraph (a) of subdivision 2 of section 222 of the labor law, as added by section 18 of part MM of chapter 57 of the laws of 2008, is amended to read as follows:

(a) [Any] EXCEPT AS PROVIDED IN SECTION TWENTY-EIGHT HUNDRED EIGHTY-B OF THE PUBLIC AUTHORITIES LAW OR SECTION ONE HUNDRED FORTY-EIGHT OF THE STATE FINANCE LAW, ANY agency, board, department, commission or officer of the state of New York, or of any political subdivision thereof as defined in section one hundred of the general municipal law, municipal corporation as defined in section sixty-six of the general construction law, public benefit corporation, or local or state authority as defined in section two of the public authorities law having jurisdiction over the public work may require a contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the agency, board, department, commission or officer of the state of New York, political subdivision, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work request for proposals for the project and when the agency, board, department, commission or officer of the state of New York, political subdivision, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work determines that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages, and any local history of labor unrest, are best met by requiring a project labor agreement.

S 5. This act shall take effect on the sixtieth day after it shall have become a law and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed. This act shall control all contracts advertised or solicited for bid on or after the effective date of this act under the provisions of any law requiring contracts to be let pursuant to provisions of law amended by this act.