

3484--A

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

Introduced by Sens. RANZENHOFER, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. This act shall be known and may be cited as the "public
2 construction savings pilot act".
3 S 2. The public authorities law is amended by adding a new section
4 2880-b to read as follows:
5 S 2880-B. PROJECT LABOR AGREEMENTS BY PUBLIC AUTHORITIES. A CONTRACTOR
6 BIDDING ON A REQUEST FOR PROPOSAL ISSUED BY ANY PUBLIC AUTHORITY FOR (I)
7 THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS, OR (II) THE
8 CONSTRUCTION, RECONSTRUCTION, REPAIR OR IMPROVEMENT TO ROADS, TOLLROADS,
9 HIGHWAYS, RAILWAYS, BRIDGES, TERMINALS, OR OTHER TRANSPORTATION FACILI-
10 TIES, WITH A PROJECT LABOR AGREEMENT PURSUANT TO PARAGRAPH (A) OF SUBDI-
11 VISION TWO OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY
12 SUBMIT A BID THAT DOES NOT INCLUDE A PROJECT LABOR AGREEMENT AND SUCH
13 CONTRACT FOR PUBLIC WORK SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW
14 BID REGARDLESS OF WHETHER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A
15 CONTRACTOR'S BID PROPOSAL.
16 S 3. The state finance law is amended by adding a new section 148 to
17 read as follows:
18 S 148. PROJECT LABOR AGREEMENTS. A CONTRACTOR BIDDING ON A REQUEST FOR
19 PROPOSAL ISSUED BY AN OFFICER, BOARD, DEPARTMENT, COMMISSION OR COMMIS-
20 SIONS FOR (I) THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS FOR

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

LBD04947-03-3

1 THE STATE, OR (II) THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR IMPROVE-
2 MENT TO ROADS, TOLLROADS, HIGHWAYS, RAILWAYS, BRIDGES, TERMINALS, OR
3 OTHER TRANSPORTATION FACILITIES FOR THE STATE, WITH A PROJECT LABOR
4 AGREEMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO
5 HUNDRED TWENTY-TWO OF THE LABOR LAW, MAY SUBMIT A BID THAT DOES NOT
6 INCLUDE A PROJECT LABOR AGREEMENT AND SUCH CONTRACT FOR PUBLIC WORK
7 SHALL BE AWARDED TO THE CONTRACTOR WITH THE LOW BID REGARDLESS OF WHETH-
8 ER A PROJECT LABOR AGREEMENT WAS INCLUDED IN A CONTRACTOR'S BID
9 PROPOSAL.

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

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

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