

10021--A

I N A S S E M B L Y

June 9, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver, Brennan, Rodriguez) -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to joint bidding on contracts 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 only apply to a city with a population of  
2 one million or more.  
3 S 2. a. "Utility interference work" shall mean any work that is  
4 deemed necessary or desirable for the completion of a public work  
5 project that requires the maintenance, support, protection or other  
6 accommodation of energy, telecommunications or other private facilities  
7 or structures not publicly owned which are located within, traversing or  
8 adjacent to the construction area of such project, whether above, below  
9 or at ground level, including the removal, relocation, alteration,  
10 replacement, reconstruction or improvement of such facilities or struc-  
11 tures.  
12 b. "New York city utility interference work project" shall mean any  
13 public work project within the city of New York for which the city  
14 awards a contract which includes utility interference work in such  
15 contract.  
16 S 3. a. Notwithstanding any general, special or local law or rule or  
17 regulation to the contrary, the city of New York may include utility  
18 interference work in any contract for a public work project, provided  
19 however that chapter 357 of the laws of 1988, known as the "gas facility  
20 cost allocation act", shall continue to apply as set forth therein. If  
21 the city of New York undertakes a New York city utility interference  
22 work project, the city shall award the contract to the lowest responsi-  
23 ble bidder. In the event that the utility interference work is not  
24 included in the city's contract, nothing in this subdivision shall  
25 prevent the city from including provisions in its contracts requiring

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

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1 contractors to engage in alternate methods of dispute resolution regard-  
2 ing utility interference work. Further, nothing in this section is to be  
3 deemed to alter, modify, amend, or revoke any of the rules presently  
4 existing that govern the responsibility between the metropolitan trans-  
5 portation authority and the public utilities for the payment of any of  
6 the costs required for the maintenance, support, protection, or other  
7 accommodation of any energy, telecommunication, or other private facili-  
8 ties or structures.

9 b. Notwithstanding any general, special or local law or rule or regu-  
10 lation to the contrary, when the city awards a contract for a New York  
11 city utility interference work project the city shall require contrac-  
12 tors and subcontractors to have, prior to entering into such contracts,  
13 a record of maintaining harmonious labor relations, a commitment to  
14 working with minority- and women-owned businesses through joint ventures  
15 or subcontractor relationships, and a record of protecting the health  
16 and safety of workers on construction projects and job sites demon-  
17 strated by their experience modification rates for each of the last  
18 three years. In addition, when the city awards a contract for a New York  
19 city utility interference work project that exceeds one million dollars,  
20 the city shall require contractors and subcontractors to have, prior to  
21 entering into such contracts, apprenticeship agreements appropriate for  
22 the type and scope of work to be performed, that have been registered  
23 with and approved by the commissioner of the department of labor, and  
24 that have been in successful operation for a period of not less than  
25 three years.

26 c. Contracts awarded pursuant to this act are contracts subject to the  
27 requirements of local law number 1 of the city of New York for the year  
28 2013.

29 d. A New York city utility interference work project shall not be  
30 subject to the provisions of this act where compliance with the  
31 provisions of this act would violate the terms or conditions of any  
32 applicable federal law or regulation.

33 S 4. Notwithstanding any provisions to the contrary in this act, any  
34 Lower Manhattan redevelopment project, as defined in section 3 of chap-  
35 ter 259 of the laws of 2004, known as the Coordinated Construction Act  
36 for Lower Manhattan, as amended, shall be governed by such act while  
37 such act remains in effect.

38 S 5. Severability. If any clause, sentence, paragraph, section or part  
39 of this act shall be adjudged by any court of competent jurisdiction to  
40 be invalid such judgment shall not affect, impair or invalidate the  
41 remainder thereof, but shall be confined in its operation to the clause,  
42 sentence, paragraph, section or part thereof directly involved in the  
43 controversy in which such judgment shall have been rendered. It is here-  
44 by declared to be the intent of the legislature that this act would have  
45 been enacted even if such invalid provisions had not been included here-  
46 in.

47 S 6. This act shall take effect immediately and shall expire and be  
48 deemed repealed December 31, 2024.