

4772

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

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 SCHOOL 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
22 ONE YEAR. TO ENSURE FLEXIBILITY AND CONTINUITY, THE MAYOR AND/OR THE

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

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1 SUPERINTENDENT MAY FROM TIME TO TIME DESIGNATE AND AUTHORIZE THEIR CHIEF
2 OF STAFF, CHIEF FINANCIAL OFFICER, OR OTHER DESIGNEE, TO ATTEND AND VOTE
3 IN THEIR STEAD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (a) Notwithstanding the provisions of any general, special, or local
19 law to the contrary, a contract entered into between the JSC board and
20 any person pursuant to this act may be awarded either pursuant to public
21 bidding in compliance with section 103 of the general municipal law or,
22 in order to foster major investment in existing school buildings and to
23 deliver quality products and services that are beneficial to the city
24 and the city school district and the public they serve, pursuant to the
25 following provisions of this act for the award of a contract based on
26 evaluation of proposals submitted in response to a request for proposals
27 prepared by or for the JSC board. PROVIDED, HOWEVER, THAT THE JSC BOARD
28 SHALL HAVE THE OPTION OF OBTAINING PROFESSIONAL SERVICES INCLUDING BUT
29 NOT LIMITED TO AN INDEPENDENT PROGRAM MANAGER, CONSTRUCTION MANAGERS,
30 ARCHITECTS, ENGINEERS, FINANCIAL EXPERTS, AND DIVERSITY COMPLIANCE
31 SERVICES THROUGH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
32 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
33 COUNCIL FOR SUCH CONTRACT AWARDS.

34 (c) Prior to the issuance of a request for proposals pursuant to this
35 act, EXCEPT THOSE ISSUED PURSUANT TO THE CITY'S STANDARD REQUEST FOR
36 PROPOSALS, the JSC board shall publish notice of such issuance in the
37 official newspaper of the city, if any, and in at least one newspaper of
38 general circulation. Concurrent with the publication of such notice, a
39 draft request for proposals shall be filed with the JSC board. After
40 allowing a thirty day comment period and an additional ten days to
41 review such comments, the JSC board may publish the final request for
42 proposals and concurrent with such publication shall publish notice of
43 such issuance in the manner specified in this subdivision. Concurrent
44 with the publication of the final request for proposals, a set of
45 comments filed in relation to the draft request for proposals and find-
46 ings related to the substantive elements of such comments shall be filed
47 along with the request for proposals with the JSC board and in the
48 public library or libraries in proximity to the proposed project.

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

53 (a) The JSC board may require a contractor awarded a PUBLIC contract,
54 subcontract[, lease, grant, bond, covenant] or other agreement for a
55 project to enter into a project labor agreement during and for the work
56 involved with such project when such requirement is part of the JSC

board's [request for proposals] SPECIFICATIONS for the project and when the JSC board determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws. IN ADDITION, THE JSC BOARD MAY CHOOSE TO EXTEND THE PROJECT LABOR AGREEMENT ENTERED INTO FOR THE FIRST PHASE OF THE JSC CONSTRUCTION PROJECTS TO THE PROJECTS AUTHORIZED HEREIN.

(d) Every contract entered into by the JSC board for a project shall contain a provision that the design of such project shall be subject to the review and approval of the city school district AND THE CITY ENGINEER and that the design and construction standards of such project shall be subject to the review and approval of the commissioner. In addition, every such contract shall contain a provision that the contractor shall furnish a labor and material bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of any contracts for a project undertaken pursuant to this act and a performance bond for the faithful performance of the project, which shall conform to the provisions of section 103-f of the general municipal law, and that a copy of such performance and payment bonds shall be kept by the city and shall be open to public inspection.

S 7. Section 11 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:

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

(b) ALL CONSTRUCTION AND DESIGN CONTRACTS ENTERED INTO BY THE JSC BOARD FOR PROJECTS PURSUANT TO PARAGRAPH (B) OF SECTION FIVE OF THIS ACT SHALL BE MANAGED BY THE CITY ENGINEER IN AGREEMENT WITH THE SCHOOL DISTRICT OR, AT THE DISCRETION OF THE JSC BOARD, AN INDEPENDENT PROGRAM MANAGER OR CONSTRUCTION MANAGERS SELECTED FOR ONE OR MORE PROJECTS. SELECTION OF THE PROGRAM MANAGER AND/OR THE CONSTRUCTION MANAGER OR MANAGERS SHALL BE PURSUANT TO A COMPETITIVE PROCESS ESTABLISHED IN ACCORDANCE WITH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON COUNCIL FOR SUCH CONTRACT AWARDS. THE PROGRAM MANAGER SHALL HAVE EXPERIENCE IN PLANNING, DESIGNING, AND CONSTRUCTING NEW AND/OR RECONSTRUCTING EXISTING SCHOOL BUILDINGS IN NEW YORK STATE, PUBLIC FACILITIES, COMMERCIAL FACILITIES, AND/OR INFRASTRUCTURE FACILITIES, AND IN THE NEGOTIATION AND MANAGEMENT OF LABOR CONTRACTS AND AGREEMENTS, TRAINING PROGRAMS, EDUCATIONAL PROGRAMS, AND PHYSICAL TECHNOLOGICAL REQUIREMENTS

1 FOR EDUCATIONAL PROGRAMS. THE PROGRAM MANAGER SHALL MANAGE ALL PROJECTS
2 ASSIGNED BY THE JSC BOARD TO THE PROGRAM MANAGER AND UNDERTAKEN PURSUANT
3 TO THIS ACT, REVIEW PROJECT SCHEDULES, REVIEW PAYMENT SCHEDULES, PREPARE
4 COST ESTIMATES AND ASSESS THE SAFETY PROGRAMS OF CONTRACTORS AND ALL
5 TRAINING PROGRAMS, IF REQUIRED. THE PROGRAM MANAGER SHALL IMPLEMENT
6 PROCEDURES FOR VERIFICATION BY IT THAT ALL WORK FOR WHICH PAYMENT HAS
7 BEEN REQUESTED HAS BEEN SATISFACTORILY COMPLETED. PROVIDED, HOWEVER,
8 THAT THE JSC BOARD MAY CHOOSE TO UTILIZE THE SERVICES OF AN INDEPENDENT
9 CONSTRUCTION MANAGER AT ONE OR MORE OF THE PROJECTS TO BE AUTHORIZED
10 HEREIN WITH SAID CONSTRUCTION MANAGER MANAGING THE PROJECT WITHIN THE
11 MANAGEMENT PLAN SET FORTH BY THE INDEPENDENT PROGRAM MANAGER AND THE JSC
12 BOARD.

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

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

20 S 12. Notwithstanding any other provision of law, building aid that
21 would otherwise be payable for the school district portion of expendi-
22 tures for capital outlays and debt service for [each] INSTALLMENT
23 PURCHASE CONTRACTS; SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 109-B
24 OF THE GENERAL MUNICIPAL LAW, EXCEPT FOR PARAGRAPH (A) OF SUBDIVISION 3
25 OF SUCH SECTION, SUBDIVISION 5 OF SUCH SECTION, AND PARAGRAPH (C) OF
26 SUBDIVISION 6 OF SUCH SECTION, AND EXCEPT TO THE EXTENT SECTION 109-B OF
27 THE GENERAL MUNICIPAL LAW IS INCONSISTENT WITH THE PROVISIONS OF THIS
28 ACT. ALL PROVISIONS WITH REFERENCE TO INSTALLMENT PURCHASE CONTRACTS OR
29 CERTIFICATES OF PARTICIPATION CONTAINED IN SECTION 109-B OF THE GENERAL
30 MUNICIPAL LAW, EXCEPT ANY PROHIBITION AGAINST USING SUCH INSTALLMENT
31 PURCHASE CONTRACTS OR CERTIFICATES OF PARTICIPATION FOR THE PURPOSES SET
32 FORTH IN THIS ACT, SHALL APPLY TO INSTALLMENT PURCHASE CONTRACTS OR
33 CERTIFICATES OF PARTICIPATION ENTERED INTO OR ISSUED PURSUANT TO THE
34 AUTHORITY OF THIS SECTION.

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

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

42 S 13. Notwithstanding any general, special, or local law or ordinance
43 to the contrary, contracts entered into by the JSC board for projects
44 undertaken pursuant to this act: (A) MAY BE INITIALLY FUNDED BY THE CITY
45 FROM ANY AVAILABLE MONIES OR FROM THE PROCEEDS OF CITY OBLIGATIONS
46 ISSUED IN ANTICIPATION OF PERMANENT FINANCING FROM ANY SOURCE PROVIDED
47 UNDER THE ACT AND THE REIMBURSEMENT TO THE CITY OF ANY AVAILABLE MONIES
48 SO ADVANCED OR THE PAYMENT OF OBLIGATIONS OF THE CITY ISSUED IN ANTIC-
49 IPATION OF PERMANENT FINANCING (INCLUDING PERMANENT FINANCING ISSUED
50 THROUGH THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY FOR SUCH
51 PURPOSE) IS HEREBY SPECIFICALLY AUTHORIZED, AND (B) (1) may be funded by
52 certificates of participation issued by the city pursuant to this act;
53 (2) may be installment purchased contracts; and (3) shall be subject to
54 the provisions of section 109-b of the general municipal law, except for
55 paragraph (a) of subdivision 3 of such section, subdivision 5 of such
56 section, and paragraph (c) of subdivision 6 of such section, and except

1 to the extent section 109-b of the general municipal law is inconsistent
2 with the provisions of this act. All provisions with reference to
3 installment purchase contracts or certificates of participation
4 contained in section 109-b of the general municipal law, except any
5 prohibition against using such installment purchase contracts or certif-
6 icates of participation for the purposes set forth in this act, shall
7 apply to installment purchase contracts or certificates of participation
8 entered into or issued pursuant to the authority of this section of this
9 act.

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

14 (C) PAYMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER OBLIGATIONS
15 ISSUED TO SECURE FINANCING FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT
16 SHALL NOT BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED
17 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF
18 SECTION 2576 OF THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS
19 PROVISION SHALL NOT OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY
20 AMOUNT" WITH RESPECT TO FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSU-
21 ANT TO THIS ACT.

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

26 (a) Notwithstanding any limitations contained in article 18-A of the
27 general municipal law, including subdivisions 4[,] AND 12 [and 13] of
28 section 854 and section 926 of the general municipal law, a project
29 undertaken pursuant to this act shall be a "project" within the defi-
30 nition and for the purposes of subdivision 4 of section 854 of the
31 general municipal law, which may be financed OR REFINANCED by the city
32 of Syracuse industrial development agency or any successor agency there-
33 to AND THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY IS EXPRESSLY
34 AUTHORIZED TO REFINANCE OBLIGATIONS ISSUED BY THE CITY IN ANTICIPATION
35 OF FINANCING AUTHORIZED BY THIS ACT AND/OR REIMBURSE THE CITY FOR MONIES
36 ADVANCED BY THE CITY FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT. In
37 connection with the city of Syracuse industrial development agency
38 financing the costs of any project undertaken pursuant to this act, the
39 city and the city school district may grant a leasehold or license
40 interest in the project and school building site constituting such
41 project to the city of Syracuse industrial development agency. All
42 contracts involving any such projects shall be awarded by the JSC board
43 pursuant to the competitive [process] PROCESSES outlined in [section]
44 SECTIONS seven, EIGHT AND NINE of this act [and shall comply with the
45 provisions of section eight of this act]. A project undertaken pursuant
46 to this act may be financed through a special program agreement with the
47 state of New York municipal bond bank agency pursuant to the provisions
48 of section 2435-a of the public authorities law. It shall be the duty
49 of the JSC board, the city school district and the city to compare the
50 financing available for such projects through the city of Syracuse
51 industrial development agency with financing available through the state
52 of New York municipal bond bank agency, and to employ the financing
53 mechanism that will result in the lowest cost to the taxpayers of the
54 city and the state. It shall be the duty of the JSC board, the city
55 school district, the city and the city of Syracuse industrial develop-
56 ment agency to share with the state of New York municipal bond bank

1 agency any information in their possession that is required by the state
2 of New York municipal bond bank agency to determine the cost of financ-
3 ing such projects and to compute the interest rate that would have been
4 applicable to a bond issuance by the state of New York municipal bond
5 bank agency in the event that financing is obtained through the city of
6 Syracuse industrial development agency. Any failure to provide such
7 information within thirty days of receipt of a request from the state of
8 New York municipal bond bank agency shall be deemed to be a failure of
9 the city school district to submit the data needed to compute the appor-
10 tionment of state building aid, and the commissioner shall withhold such
11 apportionment until such information is fully submitted. Upon request of
12 the city school district, the director of the state of New York municip-
13 al bond bank agency shall submit such reports as the commissioner may
14 require on the financing of such projects and/or the interest rate that
15 would have been applicable to such projects if they had been financed
16 through such agency.

17 S 12. Section 19 of part A-4 of chapter 58 of the laws of 2006 enact-
18 ing the "city of Syracuse and the board of education of the city school
19 district of the city of Syracuse cooperative school reconstruction act"
20 is amended to read as follows:

21 S 19. (A) On January 15, 2007 and annually thereafter, until
22 completion of the [seven] projects authorized pursuant to this act, the
23 JSC board shall issue a report to the governor, the comptroller, the
24 commissioner, the temporary president of the senate, the speaker of the
25 assembly, the city, the common council and the city school district on
26 the progress and status of the projects undertaken by the JSC board.
27 Provided further, that if any such entities request information on the
28 progress and status of the projects prior to such report, it shall be
29 provided to such entities by the JSC board.

30 [In addition, on] (B) ON or before June 30, 2014 or upon the
31 completion of the [seven] projects authorized pursuant to PARAGRAPH (A)
32 OF SECTION FIVE OF this act, whichever shall first occur, the JSC board
33 shall issue a report to the city, the city school district, the gover-
34 nor, the commissioner, the comptroller, the temporary president of the
35 senate, the minority leader of the senate, the speaker of the assembly,
36 the minority leader of the assembly, the state board of regents, and the
37 chairs and ranking minority members of the New York state senate and
38 assembly committees on education, the finance committee of the New York
39 state senate, and the ways and means committee of the New York state
40 assembly. Such report shall identify the fiscal and pedagogical results
41 of the projects undertaken pursuant to this act, along with recommenda-
42 tions for its continuance, amendments, or discontinuance.

43 (C) ON OR BEFORE JUNE 30, 2020 OR UPON THE COMPLETION OF THE PROJECTS
44 AUTHORIZED PURSUANT TO PARAGRAPH (B) OF SECTION FIVE OF THIS ACT, WHICH-
45 EVER SHALL FIRST OCCUR, THE JSC BOARD SHALL ISSUE A REPORT TO THE CITY,
46 THE CITY SCHOOL DISTRICT, THE GOVERNOR, THE COMMISSIONER, THE COMP-
47 TROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF
48 THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
49 ASSEMBLY, THE STATE BOARD OF REGENTS, AND THE CHAIRS AND RANKING MINORI-
50 TY MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY COMMITTEES ON
51 EDUCATION, THE FINANCE COMMITTEE OF THE NEW YORK STATE SENATE, AND THE
52 WAYS AND MEANS COMMITTEE OF THE NEW YORK STATE ASSEMBLY. SUCH REPORT
53 SHALL IDENTIFY THE FISCAL AND PEDAGOGICAL RESULTS OF THE PROJECTS UNDER-
54 TAKEN PURSUANT TO THIS ACT, ALONG WITH RECOMMENDATIONS FOR ITS CONTIN-
55 UANCE, AMENDMENTS, OR DISCONTINUANCE.

56 S 13. This act shall take effect immediately.