

4772--C

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I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. MAGNARELLI, ROBERTS -- Multi-Sponsored by -- M. of A. STECK -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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-

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

LBD05782-13-3

1 TIONAL MEMBERS DESIGNATED BY THE SUPERINTENDENT WHO SHALL SERVE AT THE
2 PLEASURE OF THE SUPERINTENDENT FOR A TERM NOT EXCEEDING ONE YEAR, AND A
3 SEVENTH MEMBER, NOT EMPLOYED BY THE CITY OR THE SCHOOL DISTRICT, JOINTLY
4 DESIGNATED BY THE MAYOR AND THE SUPERINTENDENT WHO SHALL SERVE AT THE
5 PLEASURE OF THE MAYOR AND THE SUPERINTENDENT FOR A TERM NOT EXCEEDING
6 ONE YEAR. TO ENSURE FLEXIBILITY AND CONTINUITY, THE MAYOR AND/OR THE
7 SUPERINTENDENT MAY FROM TIME TO TIME DESIGNATE AND AUTHORIZE THEIR CHIEF
8 OF STAFF, CHIEF FINANCIAL OFFICER, OR OTHER DESIGNEE, TO ATTEND AND VOTE
9 IN THEIR STEAD.

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

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

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

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

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

54 S 6. (1) Before formal selection of the projects IDENTIFIED IN SUBDI-
55 VISION (A) OF SECTION FIVE OF THIS ACT occurs, the JSC board shall
56 develop a comprehensive plan recommending and outlining the projects it

1 proposes to be potentially undertaken pursuant to this act. Such plan
2 shall include: (a) an estimate of total costs to be financed, proposed
3 financing plan, proposed method of financing, terms and conditions of
4 the financing, estimated financing costs, and, if city general obli-
5 gation bonds or notes are not proposed as the method of financing, a
6 comparison of financing costs between such bonds or notes and the
7 proposed method of financing. The plan should also address what specific
8 options would be used to ensure that sufficient resources exist to cover
9 the local share of any such project cost on an annual basis; (b) infor-
10 mation concerning the potential persons to be involved in the financing
11 and such person's role and responsibilities; (c) estimates on the
12 design, reconstruction and rehabilitation costs by project, any adminis-
13 trative costs for potential projects, and an outline of the time-frame
14 expected for completion of each potential project; (d) a detailed
15 description of the request for proposals process and an outline of the
16 criteria to be used for selection of the program manager and all
17 contractors; (e) any proposed amendments to the city school district's
18 five year capital facilities plan submitted in accordance with subdivi-
19 sion 6 of section 3602 of the education law and the regulations of the
20 commissioner; and (f) a diversity plan, in compliance with subdivision
21 [(e)] (B) of section eight of this act, to develop diversity goals,
22 including appropriate community input and public discussion, and develop
23 strategies that would create and coordinate any efforts to ensure a more
24 diverse workforce for the projects. The diversity plan should address
25 accountability for attainment of the diversity goals, what forms of
26 monitoring would be used, and how such information would be publicly
27 communicated.

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

33 The JSC board shall submit the components of such comprehensive plan
34 outlined in [subdivision] PARAGRAPH (a) of SUBDIVISION ONE OF this
35 section to the comptroller, along with any other information requested
36 by the comptroller, for his or her review and approval.

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

1 CONTRACTORS; (E) ANY PROPOSED AMENDMENTS TO THE CITY SCHOOL DISTRICT'S
2 FIVE YEAR CAPITAL FACILITIES PLAN SUBMITTED IN ACCORDANCE WITH SUBDIVI-
3 SION 6 OF SECTION 3602 OF THE EDUCATION LAW AND THE REGULATIONS OF THE
4 COMMISSIONER; AND (F) A DIVERSITY PLAN, IN COMPLIANCE WITH SUBDIVISION
5 (B) OF SECTION EIGHT OF THIS ACT, TO DEVELOP DIVERSITY GOALS, INCLUDING
6 APPROPRIATE COMMUNITY INPUT AND PUBLIC DISCUSSION, AND DEVELOP STRATE-
7 GIES THAT WOULD CREATE AND COORDINATE ANY EFFORTS TO ENSURE A MORE
8 DIVERSE WORKFORCE FOR THE PROJECTS. THE DIVERSITY PLAN SHOULD ADDRESS
9 ACCOUNTABILITY FOR ATTAINMENT OF THE DIVERSITY GOALS, WHAT FORMS OF
10 MONITORING WOULD BE USED, AND HOW SUCH INFORMATION WOULD BE PUBLICLY
11 COMMUNICATED.

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

18 THE JSC BOARD SHALL SUBMIT THE COMPONENTS OF SUCH COMPREHENSIVE PLAN
19 OUTLINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION TO THE
20 COMPTROLLER, ALONG WITH ANY OTHER INFORMATION REQUESTED BY THE COMP-
21 TROLLER, FOR HIS OR HER REVIEW AND APPROVAL.

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

44 (B) NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY
45 AND UPON APPROVAL BY THE COMPTROLLER PURSUANT TO SECTION SIX OF THIS
46 ACT, THE CITY SCHOOL DISTRICT MAY SELECT PROJECTS, PURSUANT TO SUBDIVI-
47 SION (B) OF SECTION FIVE OF THIS ACT TO BE UNDERTAKEN PURSUANT TO THIS
48 ACT, AS PROVIDED FOR IN SUCH APPROVED COMPREHENSIVE PLAN. AFTER THE CITY
49 SCHOOL DISTRICT HAS SELECTED A NEW PROJECT AND PLANS AND SPECIFICATIONS
50 FOR SUCH PROJECT HAVE BEEN PREPARED AND APPROVED BY THE CITY SCHOOL
51 DISTRICT IN CONSULTATION WITH THE CITY ENGINEER, WHICH ARE CONSISTENT
52 WITH THE APPROVED COMPREHENSIVE PLAN, THE CITY SCHOOL DISTRICT SHALL
53 DELIVER SUCH PLANS AND SPECIFICATIONS TO THE COMMISSIONER FOR HIS OR HER
54 APPROVAL. AFTER APPROVAL BY THE COMMISSIONER, THE PLANS AND SPECIFICA-
55 TIONS SHALL BE DELIVERED TO THE JSC BOARD. ALL SUCH SPECIFICATIONS SHALL
56 DETAIL THE NUMBER OF STUDENTS THE COMPLETED PROJECT IS INTENDED TO

1 SERVE, THE SITE DESCRIPTION, THE TYPES OF SUBJECTS TO BE TAUGHT, THE
2 TYPES OF ACTIVITIES FOR SCHOOL, RECREATIONAL, SOCIAL, SAFETY, OR OTHER
3 PURPOSES INTENDED TO BE INCORPORATED IN THE SCHOOL BUILDING OR ON ITS
4 SITE AND SUCH OTHER INFORMATION AS THE CITY SCHOOL DISTRICT, THE CITY
5 ENGINEER, AND THE COMMISSIONER SHALL DEEM NECESSARY OR ADVISABLE.

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

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

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

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

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

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

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

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

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

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

52 (d) Every contract entered into by the JSC board for a project shall
53 contain a provision that the design of such project shall be subject to
54 the review and approval of the city school district AND THE CITY ENGI-
55 NEER and that the design and construction standards of such project
56 shall be subject to the review and approval of the commissioner. In

1 addition, every such contract shall contain a provision that the
2 contractor shall furnish a labor and material bond guaranteeing prompt
3 payment of moneys that are due to all persons furnishing labor and mate-
4 rials pursuant to the requirements of any contracts for a project under-
5 taken pursuant to this act and a performance bond for the faithful
6 performance of the project, which shall conform to the provisions of
7 section 103-f of the general municipal law, and that a copy of such
8 performance and payment bonds shall be kept by the city and shall be
9 open to public inspection.

10 S 7. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
11 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 to read as follows:

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

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

1 MANAGER MANAGING THE PROJECT WITHIN THE MANAGEMENT PLAN SET FORTH BY THE
2 INDEPENDENT PROGRAM MANAGER AND THE JSC BOARD.

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

6 S 8. Intentionally omitted.

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

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

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

39 (C) PAYMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER OBLIGATIONS
40 ISSUED TO SECURE FINANCING FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT
41 SHALL NOT BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED
42 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF
43 SECTION 2576 OF THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS
44 PROVISION SHALL NOT OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY
45 AMOUNT" WITH RESPECT TO FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSU-
46 ANT TO THIS ACT.

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

51 (a) Notwithstanding any limitations contained in article 18-A of the
52 general municipal law, including subdivisions 4[,] AND 12 [and 13] of
53 section 854 and section 926 of the general municipal law, a project
54 undertaken pursuant to this act shall be a "project" within the defi-
55 nition and for the purposes of subdivision 4 of section 854 of the
56 general municipal law, which may be financed by the city of Syracuse

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

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

46 S 19. (A) On January 15, 2007 and annually thereafter, until
47 completion of the [seven] projects authorized pursuant to this act, the
48 JSC board shall issue a report to the governor, the comptroller, the
49 commissioner, the temporary president of the senate, the speaker of the
50 assembly, the city, the common council and the city school district on
51 the progress and status of the projects undertaken by the JSC board.
52 Provided further, that if any such entities request information on the
53 progress and status of the projects prior to such report, it shall be
54 provided to such entities by the JSC board.

55 [In addition, on] (B) ON or before June 30, 2014 or upon the
56 completion of the [seven] projects authorized pursuant to SUBDIVISION

1 (A) OF SECTION FIVE OF this act, whichever shall first occur, the JSC
2 board shall issue a report to the city, the city school district, the
3 governor, the commissioner, the comptroller, the temporary president of
4 the senate, the minority leader of the senate, the speaker of the assem-
5 bly, the minority leader of the assembly, the state board of regents,
6 and the chairs and ranking minority members of the New York state senate
7 and assembly committees on education, the finance committee of the New
8 York state senate, and the ways and means committee of the New York
9 state assembly. Such report shall identify the fiscal and pedagogical
10 results of the projects undertaken pursuant to this act, along with
11 recommendations for its continuance, amendments, or discontinuance.

12 (C) ON OR BEFORE JUNE 30, 2020 OR UPON THE COMPLETION OF THE PROJECTS
13 AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT,
14 WHICHEVER SHALL FIRST OCCUR, THE JSC BOARD SHALL ISSUE A REPORT TO THE
15 CITY, THE CITY SCHOOL DISTRICT, THE GOVERNOR, THE COMMISSIONER, THE
16 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER
17 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
18 ASSEMBLY, THE STATE BOARD OF REGENTS, AND THE CHAIRS AND RANKING MINORI-
19 TY MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY COMMITTEES ON
20 EDUCATION, THE FINANCE COMMITTEE OF THE NEW YORK STATE SENATE, AND THE
21 WAYS AND MEANS COMMITTEE OF THE NEW YORK STATE ASSEMBLY. SUCH REPORT
22 SHALL IDENTIFY THE FISCAL AND PEDAGOGICAL RESULTS OF THE PROJECTS UNDER-
23 TAKEN PURSUANT TO THIS ACT, ALONG WITH RECOMMENDATIONS FOR ITS CONTIN-
24 UANCE, AMENDMENTS, OR DISCONTINUANCE.

25 S 13. This act shall take effect immediately; provided, however, that
26 all resolutions, actions, obligations and approvals of the JSC board, as
27 defined in subdivision (f) of section 4 of part A-4 of chapter 58 of the
28 laws of 2006, as amended in section one of this act, taken prior to the
29 effective date of this act shall remain in full force and effect and be
30 treated as resolutions, actions, obligations and approvals of such
31 board.