

3435--B

2013-2014 Regular Sessions

I N   S E N A T E

February 1, 2013

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Introduced by Sens. DeFRANCISCO, AVELLA, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-  
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

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

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

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

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

S 2. Section 5 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 5. (A) No more than seven projects, one each at the Central High School, the Blodgett School, the Shea Middle School, the H.W. Smith Elementary School, the Clary Middle School, the Dr. Weeks Elementary School and the Fowler High School, up to a total cost of two hundred twenty-five million dollars; AND (B) NO MORE THAN TWENTY PROJECTS AT LOCATIONS TO BE DETERMINED BY THE CITY SCHOOL DISTRICT AND APPROVED BY THE JSC BOARD, UP TO A TOTAL COST OF THREE HUNDRED MILLION DOLLARS, shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

S 3. Sections 6 and 7 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" are amended to read as follows:

S 6. (1) Before formal selection of the projects IDENTIFIED IN SUBDIVISION (A) OF SECTION FIVE OF THIS ACT occurs, the JSC board shall develop a comprehensive plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed

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

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

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

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

SION 6 OF SECTION 3602 OF THE EDUCATION LAW AND THE REGULATIONS OF THE COMMISSIONER; AND (F) A DIVERSITY PLAN, IN COMPLIANCE WITH SUBDIVISION (B) OF SECTION EIGHT OF THIS ACT, TO DEVELOP DIVERSITY GOALS, INCLUDING APPROPRIATE COMMUNITY INPUT AND PUBLIC DISCUSSION, AND DEVELOP STRATEGIES THAT WOULD CREATE AND COORDINATE ANY EFFORTS TO ENSURE A MORE DIVERSE WORKFORCE FOR THE PROJECTS. THE DIVERSITY PLAN SHOULD ADDRESS ACCOUNTABILITY FOR ATTAINMENT OF THE DIVERSITY GOALS, WHAT FORMS OF MONITORING WOULD BE USED, AND HOW SUCH INFORMATION WOULD BE PUBLICLY COMMUNICATED.

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

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

S 7. (A) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section [four] SIX of this act, the city school district may select projects, PURSUANT TO SUBDIVISION (A) OF SECTION FIVE OF THIS ACT to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the city, for approval by such city, acting through the common council, and after the common council has approved such plans and specifications, the city shall deliver them to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be returned to the city school district and such district shall then deliver them to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city, the common council, and the commissioner shall deem necessary or advisable.

(B) NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY AND UPON APPROVAL BY THE COMPTROLLER PURSUANT TO SECTION SIX OF THIS ACT, THE CITY SCHOOL DISTRICT MAY SELECT PROJECTS, PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT TO BE UNDERTAKEN PURSUANT TO THIS ACT, AS PROVIDED FOR IN SUCH APPROVED COMPREHENSIVE PLAN. AFTER THE CITY SCHOOL DISTRICT HAS SELECTED A NEW PROJECT AND PLANS AND SPECIFICATIONS FOR SUCH PROJECT HAVE BEEN PREPARED AND APPROVED BY THE CITY SCHOOL DISTRICT IN CONSULTATION WITH THE CITY ENGINEER, WHICH ARE CONSISTENT WITH THE APPROVED COMPREHENSIVE PLAN, THE CITY SCHOOL DISTRICT SHALL DELIVER SUCH PLANS AND SPECIFICATIONS TO THE COMMISSIONER FOR HIS OR HER APPROVAL. AFTER APPROVAL BY THE COMMISSIONER, THE PLANS AND SPECIFICATIONS SHALL BE DELIVERED TO THE JSC BOARD. ALL SUCH SPECIFICATIONS SHALL DETAIL THE NUMBER OF STUDENTS THE COMPLETED PROJECT IS INTENDED TO SERVE, THE SITE DESCRIPTION, THE TYPES OF SUBJECTS TO BE TAUGHT, THE TYPES OF ACTIVITIES FOR SCHOOL, RECREATIONAL, SOCIAL, SAFETY, OR OTHER

PURPOSES INTENDED TO BE INCORPORATED IN THE SCHOOL BUILDING OR ON ITS SITE AND SUCH OTHER INFORMATION AS THE CITY SCHOOL DISTRICT, THE CITY ENGINEER, AND THE COMMISSIONER SHALL DEEM NECESSARY OR ADVISABLE.

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

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

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

S 4. Paragraph (a) of section 8 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:

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

S 5. Subdivisions (a) and (c) of section 9 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of

1 education of the city school district of the city of Syracuse cooper-  
2 ative school reconstruction act" are amended to read as follows:

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

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

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

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

49 (d) Every contract entered into by the JSC board for a project shall  
50 contain a provision that the design of such project shall be subject to  
51 the review and approval of the city school district AND THE CITY ENGI-  
52 NEER and that the design and construction standards of such project  
53 shall be subject to the review and approval of the commissioner. In  
54 addition, every such contract shall contain a provision that the  
55 contractor shall furnish a labor and material bond guaranteeing prompt  
56 payment of moneys that are due to all persons furnishing labor and mate-

rials 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 SUBDIVISION (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 SUBDIVISION (A) OF SECTION FIVE OF 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 SUBDIVISION (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 FOR EDUCATIONAL PROGRAMS. THE PROGRAM MANAGER SHALL MANAGE ALL PROJECTS ASSIGNED BY THE JSC BOARD TO THE PROGRAM MANAGER AND UNDERTAKEN PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF 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. PROVIDED, HOWEVER, THAT THE JSC BOARD MAY CHOOSE TO UTILIZE THE SERVICES OF AN INDEPENDENT CONSTRUCTION MANAGER AT ONE OR MORE OF THE PROJECTS TO BE AUTHORIZED HEREIN WITH SAID CONSTRUCTION MANAGER MANAGING THE PROJECT WITHIN THE MANAGEMENT PLAN SET FORTH BY THE INDEPENDENT PROGRAM MANAGER AND THE JSC BOARD.

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

S 8. Intentionally omitted.

S 9. Section 13 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 13. Notwithstanding any general, special, or local law or ordinance to the contrary, contracts entered into by the JSC board for projects undertaken pursuant to this act: (A) MAY BE INITIALLY FUNDED BY THE CITY FROM ANY AVAILABLE MONIES OR FROM THE PROCEEDS OF CITY OBLIGATIONS ISSUED IN ANTICIPATION OF PERMANENT FINANCING FROM ANY SOURCE PROVIDED UNDER THE ACT AND THE REIMBURSEMENT TO THE CITY OF ANY AVAILABLE MONIES SO ADVANCED OR THE PAYMENT OF OBLIGATIONS OF THE CITY ISSUED IN ANTICIPATION OF PERMANENT FINANCING (INCLUDING PERMANENT FINANCING ISSUED THROUGH THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY FOR SUCH PURPOSE) IS HEREBY SPECIFICALLY AUTHORIZED, AND (B) (1) may be funded by certificates of participation issued by the city pursuant to this act; (2) may be installment purchased contracts; and (3) shall be subject to the provisions of section 109-b of the general municipal law, except for paragraph (a) of subdivision 3 of such section, subdivision 5 of such section, and paragraph (c) of subdivision 6 of such section, and except to the extent section 109-b of the general municipal law is inconsistent with the provisions of this act. All provisions with reference to installment purchase contracts or certificates of participation contained in section 109-b of the general municipal law, except any prohibition against using such installment purchase contracts or certificates of participation for the purposes set forth in this act, shall apply to installment purchase contracts or certificates of participation entered into or issued pursuant to the authority of this section of this act.

S 10. Section 14 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 by adding a new subdivision (c) to read as follows:

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

S 11. Subdivision (a) of section 16 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:

(a) Notwithstanding any limitations contained in article 18-A of the general municipal law, including subdivisions 4[,] AND 12 [and 13] of section 854 and section 926 of the general municipal law, a project undertaken pursuant to this act shall be a "project" within the definition and for the purposes of subdivision 4 of section 854 of the general municipal law, which may be financed by the city of Syracuse industrial development agency or any successor agency thereto AND THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY IS EXPRESSLY AUTHORIZED



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

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

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

53 [In addition, on] (B) ON or before June 30, 2014 or upon the  
54 completion of the [seven] projects authorized pursuant to SUBDIVISION  
55 (A) OF SECTION FIVE OF this act, whichever shall first occur, the JSC  
56 board shall issue a report to the city, the city school district, the

1 governor, the commissioner, the comptroller, the temporary president of  
2 the senate, the minority leader of the senate, the speaker of the assem-  
3 bly, the minority leader of the assembly, the state board of regents,  
4 and the chairs and ranking minority members of the New York state senate  
5 and assembly committees on education, the finance committee of the New  
6 York state senate, and the ways and means committee of the New York  
7 state assembly. Such report shall identify the fiscal and pedagogical  
8 results of the projects undertaken pursuant to this act, along with  
9 recommendations for its continuance, amendments, or discontinuance.

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

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