

3435--C

2013-2014 Regular Sessions

I N   S E N A T E

February 1, 2013

---

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 -- reported favorably from said committee and committed to the Committee on Finance -- 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-

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

LBD05782-14-3

TIONAL MEMBERS DESIGNATED BY THE SUPERINTENDENT WHO SHALL SERVE AT THE PLEASURE OF THE SUPERINTENDENT FOR A TERM NOT EXCEEDING ONE YEAR, AND A 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

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

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



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.