STATE OF NEW YORK

2871

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to Nassau county educational construction projects; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph pp to read as follows:

pp. (1) Notwithstanding any other provision of law, the Nassau county board of cooperative educational services shall establish an office for review and approval of all school maintenance and construction projects within the county of Nassau. Such office shall be accountable for administration and enforcement of the uniform code with respect to buildings, premises and equipment in the custody of, or activities related thereto undertaken by, school districts within the county of Nassau. Nothing in this section shall prevent the Nassau county board of cooperative educational services from charging a fee for services provided by such office.

(2) On or before January first, two thousand twenty-four the district superintendent shall prepare a report to be submitted to the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly indicating: (i) the amount of projects reviewed by such office, (ii) the average length of time that approval or disapproval was granted within, (iii) the cost of establishing and operating such office, (iv) the estimated cost savings of having construction and maintenance projects approved by such office, and (v) a recommendation of whether such office should continue to exist.

§ 2. Paragraph (d) of subdivision 2 of section 409-d of the education law, as added by section 1 of part B of chapter 56 of the laws of 1998, is amended to read as follows:

(d) require each school district to develop a five year capital facilities plan **to be submitted to the department, except that school**

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

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districts in the county of Nassau shall also provide a five year capital plan to the Nassau county board of cooperative educational services;

§ 3. The third undesignated paragraph of subdivision 1 and subdivision 5 of section 408 of the education law, the third undesignated paragraph of subdivision 1 as amended by chapter 414 of the laws of 1972, are amended to read as follows:

In the case of a school district in a city having a million inhabitants or more or school districts in the county of Nassau, all of the provisions previously set forth in this subdivision shall apply, except that such school district shall only be required to submit an outline of the plans and specifications to the commissioner of education for his information where a schoolhouse is to be erected in conjunction with the development of a project to be developed under the provisions of article two or five of the private housing finance law and where both the school and the project are to have rights or interests in the same land, regardless of the similarity or equality thereof, including fee interests, easements, space rights or other rights or interests.

5. a. In a city having a population of one million or more, all designing, draughting and inspecting necessary in connection with the construction, additions to, alterations and maintenance of schoolhouses shall be performed by a bureau established and maintained for this purpose under the board of education. The work of this bureau shall be performed by civil service employees in the classified civil service under the direction of the superintendent of school buildings, design and construction, except that repairs, betterment and maintenance of heating and ventilating plants and equipment, elevators and mechanical equipment shall remain under the direction of the superintendent of plant operation and maintenance. In a special case upon approval of the board of estimate, such designing, draughting or inspecting may be otherwise performed.

b. For school districts in the county of Nassau, all designing, draughting and inspecting necessary in connection with the construction, additions to, alterations and maintenance of schoolhouses shall be performed by an office established and maintained for this purpose under the Nassau county board of cooperative education services. The work of this bureau shall be performed by civil service employees in the classified civil service under the direction of the superintendent of school buildings, design and construction, except that repairs, betterment and maintenance of heating and ventilating plants and equipment, elevators and mechanical equipment shall remain under the direction of the district superintendent. In a special case upon approval of the board of estimate, such designing, draughting or inspecting may be otherwise performed.

§ 4. The education law is amended by adding a new article 10-E to read as follows:

ARTICLE 10-E

NASSAU COUNTY EDUCATIONAL CONSTRUCTION

Section 500-a. Capital construction projects.

§ 500-a. Capital construction projects. Notwithstanding the provisions of any general, special, or local law to the contrary, a capital construction contract entered into between a component school district of the Nassau county board of cooperative educational services and any person pursuant to this article may be awarded either pursuant to public bidding in compliance with section one hundred three of the general municipal law or, in order to foster major investment in existing school buildings and to deliver quality products and services that are benefi-

cial to the school district and the public they serve, pursuant to the following provisions of this article for the award of a contract based on evaluation of proposals submitted in response to a request for proposals prepared by or for a component school district of the Nassau county board of cooperative educational services. Provided, however, that the component school district of such board shall have the option of obtaining professional services including but not limited to an independent program manager, construction managers, architects, engineers, financial experts, and delivery compliance services through such board's standard request for proposals process using the board as the approving governing body instead of the component school district board of education for such contract awards.

1. Prior to the issuance of a request for proposals pursuant to this article, the Nassau county board of cooperative educational services shall publish notice of such issuance in the official newspaper of the county or region, if any, and in at least one newspaper of general circulation. Concurrent with the publication of such notice, a draft request for proposals shall be filed with the board. After allowing a thirty day comment period and an additional ten days to review such comments, the board may publish the final request for proposals and concurrent with such publication shall publish notice of such issuance in the manner specified in this subdivision. Concurrent with the publication of the final request for proposals, a set of comments filed in relation to the draft request for proposals and findings related to the substantive elements of such comments shall be filed along with the request for proposals with the board and in the public library or libraries in proximity to the proposed project.

2. The board may require a contractor awarded a public contract, subcontract or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the board's specifications for the project and when the board determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws.

3. Every contract entered into by the board for a project shall contain a provision that the design of such project shall be subject to the review and approval of the school district and the Nassau county board of cooperative educational services engineer and that the design and construction standards of such project shall be filed with the commissioner. In addition, every such contract shall contain a provision that the contractor shall furnish a labor and material bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of any contracts for a project undertaken pursuant to this article and a performance bond for the faithful performance of the project, which shall conform to the provisions of section one hundred three-f of the general municipal law, and that a copy of such performance and payment bonds shall be kept by Nassau county board of cooperative educational services and shall be open to public inspection.

§ 5. This act shall take effect immediately and shall expire July 1, 2024 when upon such date the provisions of this act shall be deemed repealed.