

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:

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

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

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

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

26 (d) require each school district to develop a five year capital facil-
27 ities 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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1 districts in the county of Nassau shall also provide a five year capital
2 plan to the Nassau county board of cooperative educational services;

3 § 3. The third undesignated paragraph of subdivision 1 and subdivision
4 5 of section 408 of the education law, the third undesignated paragraph
5 of subdivision 1 as amended by chapter 414 of the laws of 1972, are
6 amended to read as follows:

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

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

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

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

46 ARTICLE 10-E

47 NASSAU COUNTY EDUCATIONAL CONSTRUCTION

48 Section 500-a. Capital construction projects.

49 § 500-a. Capital construction projects. Notwithstanding the provisions
50 of any general, special, or local law to the contrary, a capital
51 construction contract entered into between a component school district
52 of the Nassau county board of cooperative educational services and any
53 person pursuant to this article may be awarded either pursuant to public
54 bidding in compliance with section one hundred three of the general
55 municipal law or, in order to foster major investment in existing school
56 buildings and to deliver quality products and services that are benefi-

1 cial to the school district and the public they serve, pursuant to the
2 following provisions of this article for the award of a contract based
3 on evaluation of proposals submitted in response to a request for
4 proposals prepared by or for a component school district of the Nassau
5 county board of cooperative educational services. Provided, however,
6 that the component school district of such board shall have the option
7 of obtaining professional services including but not limited to an inde-
8 pendent program manager, construction managers, architects, engineers,
9 financial experts, and delivery compliance services through such board's
10 standard request for proposals process using the board as the approving
11 governing body instead of the component school district board of educa-
12 tion for such contract awards.

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

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

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

50 § 5. This act shall take effect immediately and shall expire July 1,
51 2024 when upon such date the provisions of this act shall be deemed
52 repealed.