

STATE OF NEW YORK

2591--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. CARROLL, DICKENS, RODRIGUEZ, GOTTFRIED, ABINANTI, STIRPE, FAHY, BARRON, DAVILA, NIOU, L. ROSENTHAL, EPSTEIN, ANDERSON, PAULIN, DINOWITZ, REYES, COLTON, DE LA ROSA, GALEF, OTIS, JACKSON, STECK, GALLAGHER, PERRY, THIELE, GONZALEZ-ROJAS -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, ENGLEBRIGHT, SIMON -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to provisions in state procurement contracts involving the use of low embodied carbon concrete

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

1 Section 1. The state finance law is amended by adding a new section
2 136-d to read as follows:

3 § 136-d. Contracts involving low embodied carbon concrete. 1. Any
4 state agency contract for low embodied carbon concrete shall include
5 provisions regarding contractor, subcontractor and worker product
6 certification as follows:

7 (a) Contractors and subcontractors doing work involving low embodied
8 carbon concrete shall certify that all work completed meets the minimum
9 standards established under this section by the office of general
10 services.

11 (b) Contractors and subcontractors doing work involving low embodied
12 concrete shall certify that all procured low embodied carbon concrete
13 utilized on projects meets the minimum standards established under this
14 section by the office of general services.

15 2. Any certifications required by this section shall be kept current
16 for the duration of all contracts.

17 3. (a) The office of general services shall establish guidelines
18 requiring the procurement of low embodied carbon concrete on projects

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

LBD01244-18-1

1 deemed appropriate by such office. Such guidelines shall implement a
2 process with minimum standards for contractors and subcontractors to
3 file with the contracting agency upon completion of a project. When
4 establishing guidelines related to low embodied carbon concrete, the
5 office of general services shall consider industry standards and shall
6 consult with a stakeholder advisory group selected by the commissioner
7 of general services consisting of:

8 (i) two licensed professional engineers;

9 (ii) two licensed registered architects;

10 (iii) two representatives of the construction industry;

11 (iv) two representatives of the concrete testing and validation indus-
12 try;

13 (v) two representatives of an accredited school of civil engineering;

14 (vi) one representative from the New York State Energy Research and
15 Development Authority; and

16 (vii) one representative each from the department of transportation,
17 the department of state, and the department of environmental conserva-
18 tion.

19 (b) The office of general services shall consult with any relevant
20 associations that set industry standards for the procurement of low
21 embodied carbon concrete and shall consult with affected contractors
22 and subcontractors to consider environmental impact as well as the
23 impact on public health and safety.

24 4. The office of general services shall also examine the use of incen-
25 tives, including bid credits, related to bids within five percent of the
26 lowest price, to encourage the usage and innovation of low embodied
27 carbon concrete on state agency projects.

28 5. In addition, the office of general services shall also examine the
29 use of implementing standards for performance based specification,
30 including but not limited to requirements that a structural material
31 achieve specified performance based outcomes from the use of the struc-
32 tural material, including but not limited to, outcomes related to the
33 strength, durability, permeability or other attributes related to the
34 function of the building material for applied uses, as opposed to
35 requiring that a structural material be produced using a specified
36 manufacturer process, design features, technologies, or proportion of
37 materials. The office of general services shall examine the use of
38 methods of compliance, including, but not limited to, maximum cement
39 content specifications and specifications based on maximum potential for
40 global warming.

41 6. The commissioner of general services, in consultation with the
42 department of transportation and the stakeholder advisory group estab-
43 lished in subdivision three of this section, shall examine the use of an
44 expedited product evaluation protocol for low embodied carbon concrete
45 products.

46 7. As used in this section, the term "state agency" shall mean the
47 same as defined in section one hundred sixty of this chapter.

48 8. The guidelines established pursuant to this section as well as any
49 recommendations for subsequent legislative action resulting from examin-
50 ing the use of incentives related to bid credits shall be submitted to
51 the governor, the temporary president of the senate and the speaker of
52 the assembly within thirty days of the issuance of such guidelines or
53 within one year from the effective date of this section, whichever may
54 come sooner.

55 § 2. This act shall take effect on the one hundred eightieth day after
56 it shall have become a law and shall apply to any state contracting

1 opportunities advertised on or after such date and shall exclude
2 contracts for which an invitation for bid, request for proposal, or
3 similar solicitation has been issued prior to the effective date of this
4 act.