STATE OF NEW YORK

7244

2021-2022 Regular Sessions

IN SENATE

June 8, 2021

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

AN ACT to amend the infrastructure investment act, in relation to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors

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

Section 1. Sections 15-a and 15-b of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as added by section 5 of part DD of chapter 58 of the laws of 2020, are amended to read as follows:

§ 15-a. Any contract awarded pursuant to this act shall be deemed to be awarded pursuant to a competitive procurement for purposes of section 2879 of the public authorities law**, provided that all contracts awarded shall require a public employee or public employees, as defined by paragraph (a) of subdivision 7 of section 201 of the civil service law and who are employed by authorized entities as defined by paragraph (i) of subdivision (a) of section two of this act and who are licensed under articles 145, 147 and 148 of the education law to be on the site of the project for the duration of such project to the extent deemed appropriate by such public employee or employees. Such requirement shall not limit contractors' obligations under design-build contracts to issue their own initial certifications of substantial completion and final completion or any other obligations under the design-build contracts**.

§ 15-b. Public employees as defined by paragraph (a) of subdivision 7 of section 201 of the civil service law and who are employed by authorized entities as defined in paragraph (i) of subdivision (a) of section two of this act shall examine [~~and~~]**,** review [~~certifications provided by contractors for conformance with~~]**, and determine whether the work performed by contractors is acceptable and has been performed in accordance with the applicable design-build contracts. Such examination,**

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

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review, and determination shall include, but not be limited to material source testing, certifications testing, surveying, monitoring of environmental compliance, independent quality control testing and inspection and quality assurance audits. **Such public employees may accept contractors' substantial or final completion of the public works as applicable.** Performance by authorized entities of any review described in this subdivision shall not be construed to modify or limit contractors' obligations to perform work in strict accordance with the applicable design-build contracts or the contractors' or any subcontractors' obligations or liabilities under any law.

§ 2. This act shall take effect immediately; provided, however, that the amendments to part F of chapter 60 of the laws of 2015 made by section one of this act shall not affect the repeal of such part and shall be deemed repealed therewith.