

# STATE OF NEW YORK

993--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, CLARK, MEEKS, LUNSFORD -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester; and to amend the education law, in relation to the computation of building aid

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

1 Section 1. Subdivisions (g) and (j) of section 2 of chapter 416 of the  
2 laws of 2007, establishing the city of Rochester and the board of educa-  
3 tion of the city school district of the city of Rochester school facili-  
4 ties modernization program act, as amended by chapter 533 of the laws of  
5 2014, are amended to read as follows:  
6 (g) "Project" shall mean work at an existing school building site that  
7 involves the design, reconstruction, or rehabilitation of an existing  
8 school building for its continued use as a school of the city school  
9 district, which may include an addition to existing school buildings for  
10 such continued use and which also may include (1) the construction or  
11 reconstruction of athletic fields, playgrounds, and other recreational  
12 facilities for such existing school buildings; and/or (2) the acquisi-  
13 tion and installation of all equipment necessary and attendant to and  
14 for the use of such existing school [~~building~~] buildings, including but  
15 not limited to items located at sites not within a project that will  
16 allow the RJSCB to conduct district-wide technology improvements to  
17 benefit existing school buildings; and/or (3) the acquisition of addi-  
18 tional real property by the city to facilitate the project.

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

LBD05197-12-1

1 (j) "Independent compliance officer" shall mean an independent firm  
2 hired by the RJSCB with an in-depth knowledge base and breadth of expe-  
3 rience conducting minority and women-owned business enterprise (MWBE)  
4 and disadvantaged business enterprise (DBE) utilization compliance moni-  
5 toring for public contracts within New York state, including school  
6 districts and auditing contractors and subcontractors in construction  
7 and reconstruction projects like those to be undertaken and contracted  
8 for by the RJSCB pursuant to this act. Such firm shall develop and  
9 implement an MWBE/DBE outreach and utilization plan for the governance  
10 of all contracts to ensure compliance with all federal, state, and local  
11 laws, rules, and regulations.

12 § 2. Sections 4, 5, 6, 9, 10, 11 and 21 of chapter 416 of the laws of  
13 2007, establishing the city of Rochester and the board of education of  
14 the city school district of the city of Rochester school facilities  
15 modernization program act, as amended by chapter 533 of the laws of  
16 2014, are amended to read as follows:

17 § 4. Project authorization. No more than: (a) 13 projects, up to a  
18 total cost of three hundred twenty-five million dollars in phase one,  
19 and (b) 26 projects, up to a total cost of four hundred thirty-five  
20 million dollars in phase two, and (c) 12 projects, up to a total cost of  
21 four hundred seventy-five million dollars in phase three shall be  
22 authorized and undertaken pursuant to this act, unless otherwise author-  
23 ized by law.

24 § 5. Comprehensive school facilities modernization plan. The super-  
25 intendent shall submit to the RJSCB a comprehensive draft plan recom-  
26 mending and outlining the projects for phase two and phase three it  
27 proposes to be undertaken pursuant to this act. The RJSCB shall consider  
28 the plan in developing a comprehensive school facilities modernization  
29 plan recommending and outlining the projects it proposes to be poten-  
30 tially undertaken pursuant to this act. Such plan shall include: (a) an  
31 estimate of total costs to be financed, proposed financing plan,  
32 proposed method of financing, terms and conditions of the financing,  
33 estimated financing costs, and, if city general obligation bonds or  
34 notes are not proposed as the method of financing, a comparison of  
35 financing costs between such bonds or notes and the proposed method of  
36 financing. Payment of debt service on bonds, notes or other obligations  
37 issued to secure financing of not more than \$325,000,000 in phase one  
38 [and], \$435,000,000 in phase two, and \$475,000,000 in phase three for  
39 projects undertaken pursuant to this act shall not be considered when  
40 determining the "city amount" required pursuant to subparagraph (ii) of  
41 paragraph a of subdivision 5-b of section 2576 of the education law;  
42 provided, however, that this provision shall not otherwise affect the  
43 determination of said "city amount" with respect to funding unrelated to  
44 projects undertaken pursuant to this act. The plan should also address  
45 what specific options would be used to ensure that sufficient resources  
46 exist to cover the local share of any such project cost on an annual  
47 basis; (b) information concerning the potential persons to be involved  
48 in the financing and such person's role and responsibilities; (c) esti-  
49 mates on the design, reconstruction and rehabilitation costs by project,  
50 any administrative costs for potential projects, and an outline of the  
51 timeframe expected for completion of each potential project; (d) a  
52 detailed description of the request for proposals process and an outline  
53 of the criteria to be used for selection of the program manager, the  
54 independent compliance officer and all contractors; provided that the  
55 RJSCB may extend the contracts of the providers of professional services  
56 for phase one or two upon the adoption of findings that doing so would

1 be in the public interest; the contracts of the program manager and the  
2 independent compliance officer for phase two will be rebid and the  
3 contracts of the program manager and the independent compliance officer  
4 for phase three will be rebid, and provided further that the program  
5 manager and the independent compliance officer and any new or different  
6 providers of professional services shall be engaged in compliance with  
7 the provisions of section eight of this act; (e) any proposed amendments  
8 to the city school district's five-year capital facilities plan submit-  
9 ted in accordance with subdivision 6 of section 3602 of the education  
10 law and the regulations of the commissioner; and (f) a [~~preliminary~~]  
11 diversity plan to develop diversity goals, including appropriate commu-  
12 nity input and public discussion, and develop strategies that would  
13 create and coordinate any efforts to ensure a more diverse workforce for  
14 the projects. The [~~preliminary~~] diversity plan should address account-  
15 ability for attainment of the diversity goals, what forms of monitoring  
16 would be used, and how such information would be publicly communicated.

17 Prior to the development of the comprehensive school facilities  
18 modernization plan, the RJSCB and district shall hold as many public  
19 hearings as may be necessary to ensure sufficient public input and allow  
20 for significant public discussion on school building needs in such city,  
21 with at least one hearing to be held in each neighborhood potentially  
22 impacted by a proposed project.

23 All projects proposed in the comprehensive school facilities modern-  
24 ization plan shall be included by the city school district as a special  
25 section of the district's five-year capital facilities plan that is  
26 required pursuant to subdivision 6 of section 3602 of the education law  
27 and the regulations of the commissioner.

28 The RJSCB shall submit the components of such comprehensive plan  
29 outlined in subdivision (a) of this section to the comptroller, along  
30 with any other information requested by the comptroller, for his or her  
31 review and approval.

32 § 6. Project selection. Notwithstanding any general, special or local  
33 law to the contrary and upon approval by the comptroller pursuant to  
34 section five of this act, the RJSCB may select projects to be undertaken  
35 pursuant to this act, as provided for in such approved comprehensive  
36 plan. After the RJSCB has selected a new project and plans and specifi-  
37 cations for such project have been prepared and approved by the RJSCB,  
38 which are consistent with the approved comprehensive plan, the RJSCB  
39 shall deliver such plans and specifications to the superintendent of the  
40 city school district and the mayor of the city of Rochester for review  
41 to ensure that sufficient resources exist to pay the local share of any  
42 such project cost on an annual basis and that the plans meet program  
43 needs, and upon the approval of the superintendent, to the commissioner  
44 for his or her approval. After approval by the superintendent and  
45 commissioner, the plans and specifications shall be returned to the  
46 RJSCB. All such specifications shall detail the number of students the  
47 completed project is intended to serve, the site description, the types  
48 of subjects to be taught, the types of activities for school, recre-  
49 ational, social, safety, or other purposes intended to be incorporated  
50 in the school building or on its site and such other information as the  
51 RJSCB and the commissioner shall deem necessary or advisable. The  
52 district program manager shall establish reasonable guidelines or limits  
53 on incidental costs to assure that to the greatest extent possible such  
54 costs for each project do not exceed the state's maximum incidental cost  
55 allowance, in order to maximize efficient use of state building aid.

1 Notwithstanding any other provision of law to the contrary, the RJSCB  
2 shall submit estimated project costs for the projects authorized pursu-  
3 ant to [~~subdivision~~] subdivisions (b) and (c) of section four of this  
4 act on a form provided by the commissioner after the completion of sche-  
5 matic plans and specifications for review by the commissioner. [~~if~~] For  
6 projects authorized pursuant to subdivision (b) of section four of this  
7 act, if the total project costs associated with such projects exceed the  
8 sum of the estimated individual approved cost allowance of each building  
9 project by more than the lesser of 43 million dollars or ten percent of  
10 the approved costs authorized pursuant to subdivision (b) of section  
11 four of this act, and the city school district has not otherwise demon-  
12 strated to the satisfaction of the state education department the avail-  
13 ability of additional local shares for such excess costs, then the RJSCB  
14 shall not proceed with the preparation of final plans and specifications  
15 for such projects until the projects have been redesigned or value-engi-  
16 neered to reduce estimated project costs so as not to exceed the above  
17 cost limits. For projects authorized pursuant to subdivision (c) of  
18 section four of this act, if the total estimated building aid payable  
19 for projects authorized pursuant to subdivision (c) of section four of  
20 this act, based upon the sum of the estimated individual approved cost  
21 allowance of each building, is less than ninety-five percent of the  
22 total project costs, the RJSCB shall not proceed with preparation of  
23 final plans and specifications for such projects until the projects have  
24 been redesigned or value engineered to reduce estimated costs so as not  
25 to exceed this cost limit.

26 Notwithstanding any other provision of law to the contrary, the RJSCB  
27 shall submit estimated project costs for the projects authorized pursu-  
28 ant to subdivision (c) of section four of this act on a form provided  
29 by the commissioner after the completion of twenty-five percent of the  
30 final plans and specifications for review by the commissioner. If the  
31 total estimated building aid payable for projects authorized pursuant to  
32 subdivision (c) of section four of this act, based upon the sum of the  
33 estimated individual approved cost allowance of each building, is less  
34 than ninety-five percent of the total project costs, the RJSCB shall not  
35 proceed with the completion of the remaining seventy-five percent of the  
36 plans and specifications for such projects until the projects have been  
37 redesigned or value-engineered to reduce estimated costs so as not to  
38 exceed this cost limit.

39 Notwithstanding any other provision of law to the contrary, the RJSCB  
40 shall submit estimated project costs for the projects authorized pursu-  
41 ant to [~~subdivision~~] subdivisions (b) and (c) of section four of this  
42 act on a form provided by the commissioner after the completion of fifty  
43 percent of the final plans and specifications for review by the commis-  
44 sioner. [~~if~~] For projects authorized pursuant to subdivision (b) of  
45 section four of this act, if the total project costs associated with  
46 such projects exceed the sum of the estimated individual approved cost  
47 allowance of each building project by more than the lesser of 43 million  
48 dollars or ten percent of the approved costs authorized pursuant to  
49 subdivision (b) of section four of this act, and the city school  
50 district has not otherwise demonstrated to the satisfaction of the state  
51 education department the availability of additional local share for such  
52 excess costs, then the RJSCB shall not proceed with the completion of  
53 the remaining fifty percent of the plans and specifications for such  
54 projects until the projects have been redesigned or value-engineered to  
55 reduce estimated project costs so as not to exceed the above cost  
56 limits. For projects authorized pursuant to subdivision (c) of section

1 four of this act, if the total estimated building aid payable for  
2 projects authorized pursuant to subdivision (c) of section four of this  
3 act, based upon the sum of the estimated individual approved cost allow-  
4 ance of each building, is less than ninety-five percent of the total  
5 project costs, the RJSCB shall not proceed with the completion of the  
6 remaining fifty percent of the plans and specifications for such  
7 projects until the projects have been redesigned or value-engineered to  
8 reduce estimated project costs so as not to exceed this cost limit.

9 Notwithstanding any other provision of law to the contrary, the RJSCB  
10 shall submit estimated project costs for the projects authorized pursu-  
11 ant to subdivision (c) of section four of this act on a form provided  
12 by the commissioner after the completion of seventy-five percent of the  
13 final plans and specifications for review by the commissioner. If the  
14 total estimated building aid payable for projects authorized pursuant to  
15 subdivision (c) of section four of this act, based upon the sum of the  
16 estimated individual approved cost allowance of each building, is less  
17 than ninety-five percent of the total project costs, the RJSCB shall not  
18 proceed with the completion of the remaining twenty-five percent of the  
19 plans and specifications for such projects until the projects have been  
20 redesigned or value-engineered to reduce estimated project costs so as  
21 not to exceed this cost limit.

22 § 9. Contracts generally. Notwithstanding the provisions of any  
23 general, special, or local law or judicial decision to the contrary:

24 (a) The RJSCB may require a contractor, as a condition to being  
25 awarded a contract, subcontract, lease, grant, bond, covenant or other  
26 agreement for a project to enter into a project labor agreement for the  
27 work involved with such project when such requirement is made part of  
28 the bid specifications for the project and when the RJSCB determines  
29 that the record supporting the decision to enter into such an agreement  
30 establishes that it is justified by the interests underlying the compet-  
31 itive bidding laws. In addition, the RJSCB may revise and extend the  
32 requirements of the project labor agreement entered into for phase one  
33 projects to the projects authorized in phase two and three, contingent  
34 upon the completion of a supplemental project labor agreement benefit  
35 analysis.

36 (b) Any contract, subcontract, lease, grant, bond, covenant or other  
37 agreement for projects undertaken pursuant to this act shall not be  
38 subject to section 101 of the general municipal law when the RJSCB has  
39 chosen to require a project labor agreement, pursuant to subdivision (a)  
40 of this section. This exemption shall only apply to the projects under-  
41 taken pursuant to this act and shall not apply to projects undertaken by  
42 any other school district or municipality unless otherwise specifically  
43 authorized.

44 (c) Whenever the RJSCB enters in a contract, subcontract, lease,  
45 grant, bond, covenant or other agreement for the construction, recon-  
46 struction, demolition, excavation, rehabilitation, repair, renovation,  
47 alteration, or improvement for a project undertaken pursuant to this  
48 act, it shall be deemed to be a public works project for the purposes of  
49 article 8 of the labor law, and all the provisions of article 8 of the  
50 labor law shall be applicable to all the work involved with such project  
51 including the enforcement of prevailing wage requirements by the state  
52 department of labor.

53 (d) Every contract entered into by resolution of the RJSCB for  
54 construction or reconstruction of a project pursuant to this act shall  
55 contain a provision that the design of such project shall be subject to  
56 the review and approval of the city school district and that the design

1 and construction standards of such project shall be subject to the  
2 review and approval of the commissioner. In addition, every such  
3 contract for construction or reconstruction shall contain a provision  
4 that the contractor shall furnish a labor and material bond guaranteeing  
5 prompt payment of moneys that are due to all persons furnishing labor  
6 and materials pursuant to the requirements of any contracts for a  
7 project undertaken pursuant to this section and a performance bond for  
8 the faithful performance of the project, which shall conform to the  
9 provisions of section 103-f of the general municipal law, and that a  
10 copy of such performance and payment bonds shall be kept by the RJSCB  
11 and shall be open to public inspection.

12 (d-1) Every contract entered into by resolution of the RJSCB pursuant  
13 to this act shall contain a provision providing that: (i) payment due on  
14 such contract shall be withheld where the contractor has not provided  
15 necessary information for the RJSCB to comply with the reporting  
16 requirements of this act, as determined by the state education depart-  
17 ment; and shall continue to be withheld until such information is  
18 provided satisfactory to the state education department; and (ii) such  
19 withholding shall not constitute a breach of contract entitling the  
20 contractor to terminate such contract or to be awarded damages.

21 (e) For the purposes of article 15-A of the executive law, any person  
22 entering into a contract for a project authorized pursuant to this act  
23 shall be deemed a state agency as that term is defined in such article  
24 and such contracts shall be deemed state contracts within the meaning of  
25 that term as set forth in such article.

26 (f) Notwithstanding the provisions of this act or of any general or  
27 special law to the contrary, for any contract, subcontract, lease,  
28 grant, bond, covenant or other agreement for construction, recon-  
29 struction, demolition, excavation, rehabilitation, repair, renovation,  
30 alteration, or improvement with respect to each project undertaken  
31 pursuant to this act, the RJSCB shall consider the financial and organ-  
32 izational capacity of contractors and subcontractors in relation to the  
33 magnitude of work they may perform, the record of performance of  
34 contractors and subcontractors on previous work, the record of contrac-  
35 tors and subcontractors in complying with existing labor standards and  
36 maintaining harmonious labor relations, and the commitment of contrac-  
37 tors to work with minority and women-owned business enterprises pursuant  
38 to article 15-A of the executive law through joint ventures or subcon-  
39 tractor relationships. The RJSCB shall further require, on any contract  
40 in excess of one million dollars for construction, reconstruction, demo-  
41 lition, excavation, rehabilitation, repair, renovation, alteration, or  
42 improvement that each contractor and subcontractor shall participate in  
43 apprentice training programs in the trades of work it employs that: have  
44 been approved for not less than three years by the state department of  
45 labor; have graduated at least one apprentice in the last 3 years; have  
46 at least one apprentice currently enrolled in such apprentice training  
47 program; and have demonstrated that the program has made significant  
48 efforts to attract and retain minority apprentices.

49 § 10. Program managers. (a) All contracts entered into by resolution  
50 of the RJSCB for projects for phase two and phase three undertaken  
51 pursuant to this act shall be managed by an independent program manager.  
52 The selection of the program manager shall be pursuant to the compet-  
53 itive process established in section eight of this act. Prior to issu-  
54 ance of the contract, the program manager selected shall be approved by  
55 the superintendent, mayor, city council and the Rochester city school  
56 district. The program manager shall have experience in planning, design-

1 ing, and constructing new and/or reconstructing existing school build-  
2 ings, public facilities, commercial facilities, and/or infrastructure  
3 facilities, and in the negotiation and management of labor contracts and  
4 agreements, training programs, educational programs, and physical tech-  
5 nological requirements for educational programs. The program manager  
6 shall manage all projects undertaken pursuant to this act, review  
7 project schedules, review payment schedules, prepare cost estimates and  
8 assess the safety programs of contractors and all training programs, if  
9 required. The program manager shall implement procedures for verifica-  
10 tion by it that all work for which payment has been requested has been  
11 satisfactorily completed.

12 (b) The program manager, and its affiliates or subsidiaries, if any,  
13 shall be prohibited from awarding contracts or being awarded contracts  
14 for, or performing any work on, projects undertaken pursuant to this  
15 act. Contracts awarded by the RJSCB for construction work required for  
16 the reconstruction, rehabilitation or renovation of a project pursuant  
17 to this act shall be awarded pursuant to public bidding in compliance  
18 with section 103 of the general municipal law.

19 (c) Every contract entered into by resolution of the RJSCB to hire a  
20 program manager pursuant to this act shall contain a provision providing  
21 that: (i) payment due on such contract shall be withheld where the  
22 program manager has not provided necessary information for the RJSCB to  
23 comply with the reporting requirements of this act, as determined by the  
24 state education department, and shall continue to be withheld until such  
25 information is provided satisfactory to the state education department;  
26 and (ii) such withholding shall not constitute a breach of contract  
27 entitling the program manager to terminate such contract or to be  
28 awarded damages.

29 (d) All records of the program manager related to the RJSCB shall be  
30 subject to the city school district's annual external audit as set forth  
31 in subdivision 3 of section 2116-a of the education law and shall be  
32 subject to audits of the state conducted by the comptroller as set forth  
33 in section 33 of the general municipal law.

34 (e) All contracts entered into by resolution of the RJSCB for projects  
35 for phase three shall be subject to the public bidding requirements of  
36 section 103 of the general municipal law.

37 § 11. Independent compliance officers. All contracts entered into by  
38 resolution of the RJSCB for projects for phase two and phase three  
39 undertaken by this act shall be monitored by an independent compliance  
40 officer. The independent compliance officer shall: develop, implement,  
41 advertise, promote and monitor policies and procedures to utilize and  
42 provide sufficient MWBE, DBE and skilled minority employment resources  
43 participation opportunities to be followed by prime contractors and  
44 subcontractors for such projects; review, modify if necessary, and  
45 approve the preliminary diversity plan established pursuant to section  
46 five of this act; provide technical assistance to potential MWBE and DBE  
47 contractors and subcontractors interested in bidding on any such  
48 projects; obtain and maintain records and documentation to confirm  
49 compliance with any requirements contained in the approved diversity  
50 plan, for any such project; identify contractors in non-compliance with  
51 any such requirements contained in the approved diversity plan or in  
52 violation of any federal, state and local laws, rules or regulations;  
53 monitor and report the upward/downward price adjustment and payment  
54 amounts to MWBEs and DBEs listed on contractors utilization plan for any  
55 such project; develop and work with the RJSCB to enforce agreed finan-  
56 cial or monetary sanctions for any contractor's non-compliance with the

1 MWBE/DBE utilization master plan. In addition, the independent compli-  
2 ance officer shall: develop, implement, advertise, promote and monitor  
3 MWBE/DBE policies and procedures for each project to be followed by  
4 prime contractors and subcontractors for such projects; obtain and main-  
5 tain records and documentation to confirm compliance with any applicable  
6 requirements for each project; identify contractors in non-compliance  
7 with any such requirements pursuant to this section or in violation of  
8 any federal, state and local laws, rules or regulations. The independent  
9 compliance officer shall report to the [~~RJCSB~~] RJSCB on a monthly basis.

10 § 21. Reporting requirements. (a) On June 30, 2008 and annually there-  
11 after, until completion of the [~~39~~] 51 projects authorized pursuant to  
12 this act, the RJSCB shall issue a report to the governor, the comp-  
13 troller, the commissioner, the temporary president of the senate, the  
14 speaker of the assembly, the city, the city council and the city school  
15 district on the progress and status of the projects undertaken by the  
16 RJSCB. Provided further, that if any such entities request information  
17 on the progress and status of the projects prior to such report, it  
18 shall be provided to such entities by the RJSCB.

19 [~~In addition, on~~] (b) On or before June 30, 2021, or upon completion  
20 of the 26 projects authorized in phase two pursuant to this act, which-  
21 ever shall first occur, the RJSCB shall issue a report to the city, the  
22 city school district, the governor, the commissioner, the comptroller,  
23 the temporary president of the senate, the speaker of the assembly, the  
24 minority leader of the senate, the minority leader of the assembly, the  
25 state board of regents, and the chairs and ranking minority members of  
26 the New York state senate and assembly committees on education, the  
27 finance committee of the New York state senate, and the ways and means  
28 committee of the New York state assembly. Such report shall identify the  
29 fiscal and pedagogical results of the projects undertaken pursuant to  
30 this act, along with recommendations for its continuance, amendments, or  
31 discontinuance.

32 (c) On or before June 30, 2031, or upon completion of the 12 projects  
33 authorized in phase three pursuant to this act, whichever shall first  
34 occur, the RJSCB shall issue a report to the city, the city school  
35 district, the governor, the commissioner, the comptroller, the temporary  
36 president of the senate, the speaker of the assembly, the minority lead-  
37 er of the senate, the minority leader of the assembly, the state board  
38 of regents, and the chairs and ranking minority members of the New York  
39 state senate and assembly committees on education, the finance committee  
40 of the New York state senate, and the ways and means committee of the  
41 New York state assembly. Such report shall identify the fiscal and peda-  
42 gogical results of the projects undertaken pursuant to this act, along  
43 with recommendations for its continuance, amendments, or discontinuance.

44 (d) Reporting requirements and state aid. Where the commissioner has  
45 determined that the RJSCB has not complied with any reporting require-  
46 ment prescribed in section 21 of this act, the commissioner may tempo-  
47 rarily withhold the allotment, apportionment and payment of state aid  
48 and assistance pursuant to the education law from the city school  
49 district until such time that the RJSCB has complied with such require-  
50 ments. Provided further that in the event state aid is temporarily with-  
51 held from the city school district due to reporting deficiencies as  
52 provided in this section, state aid payments shall continue to be  
53 subject to withholding pursuant to section 99-b of the state finance law  
54 should the city school district default in the payment of the principal  
55 of its bonds or notes issued for purposes of this act or the payment of



1 interest on such bonds or notes or in the payment of both principal of  
2 and interest on such bonds or notes.

3 § 3. Paragraph a of subdivision 6 of section 3602 of the education law  
4 is amended by adding a new subparagraph 9 to read as follows:

5 (9) Notwithstanding any other provision of law to the contrary, for  
6 the purpose of computation of building aid for reconstruction or modern-  
7 izing of no more than six projects pursuant to chapter four hundred  
8 sixteen of the laws of two thousand seven, as amended, enacting the  
9 third phase of the city of Rochester school facilities modernization  
10 program act, multi-year cost allowances for each project shall be estab-  
11 lished and utilized two times in the first five-year period. Subsequent  
12 multi-year cost allowances shall be established no sooner than ten years  
13 after establishment of the first maximum cost allowance authorized  
14 pursuant to this subparagraph.

15 § 4. This act shall take effect immediately and shall apply to all  
16 contracts entered into, renewed, modified or amended on or after such  
17 effective date.