

# STATE OF NEW YORK

710

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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-six 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:

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

LBD00622-01-1

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

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

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

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

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

52 § 5. This act shall take effect immediately and shall expire July 1,  
53 2026 when upon such date the provisions of this act shall be deemed  
54 repealed.