

STATE OF NEW YORK

5664

2023-2024 Regular Sessions

IN SENATE

March 13, 2023

Introduced by Sens. KENNEDY, MANNION -- read twice and ordered printed,
and when printed to be committed to the Committee on Procurement and
Contracts

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 Assem-
bly, do enact as follows:

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

5 § 15-a. Any contract awarded pursuant to this act shall be deemed to
6 be awarded pursuant to a competitive procurement for purposes of section
7 2879 of the public authorities law, provided that all contracts awarded
8 shall require a public employee or public employees, as defined by para-
9 graph (a) of subdivision 7 of section 201 of the civil service law and
10 who are employed by authorized entities as defined by paragraph (i) of
11 subdivision (a) of section two of this act and who are licensed under
12 articles 145, 147 and 148 of the education law to be on the site of the
13 project for the duration of such project to the extent deemed appropri-
14 ate by such public employee or employees. Such requirement shall not
15 limit contractors' obligations under design-build contracts to issue
16 their own initial certifications of substantial completion and final
17 completion or any other obligations under the design-build contracts.

18 § 15-b. Public employees as defined by paragraph (a) of subdivision 7
19 of section 201 of the civil service law and who are employed by author-
20 ized entities as defined in paragraph (i) of subdivision (a) of section
21 two of this act shall examine [~~and~~], review [~~certifications provided by~~
22 ~~contractors for conformance with~~], and determine whether the work
23 performed by contractors is acceptable and has been performed in accord-

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

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1 ance with the applicable design-build contracts. Such examination,
2 review, and determination shall include, but not be limited to material
3 source testing, certifications testing, surveying, monitoring of envi-
4 ronmental compliance, independent quality control testing and inspection
5 and quality assurance audits. Such public employees may accept contrac-
6 tors' substantial or final completion of the public works as applicable.
7 Performance by authorized entities of any review described in this
8 subdivision shall not be construed to modify or limit contractors' obli-
9 gations to perform work in strict accordance with the applicable
10 design-build contracts or the contractors' or any subcontractors' obli-
11 gations or liabilities under any law.
12 § 2. This act shall take effect immediately; provided, however, that
13 the amendments to part F of chapter 60 of the laws of 2015 made by
14 section one of this act shall not affect the repeal of such part and
15 shall be deemed repealed therewith.