



**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

89 Washington Avenue, Albany, NY 12234
Remote NYSED Offices: Buffalo, Rochester & Hauppauge

Thursday March 13, 2025 – 9:30a

OPEN SESSION AGENDA

1. CALL TO ORDER
2. INTRODUCTIONS
3. GUEST PRESENTATION – ASSOCIATION OF STATE BOARDS OF GEOLOGY
 - a. Presented by Randy Kath, PhD – Former ASBOG President
4. GUEST REMARKS – FORMER REGENT JAMES C. DAWSON, P.G., PhD.
5. GEOLOGY BOARD MEMBER ACKNOWLEDGEMENTS
6. DISCUSSION: NYS GEOLOGY REGULATION AND LICENSURE QUALIFYING PROGRAMS
7. MEETING MINUTES – Approval of 12/5/2024 Minutes (*packet pages 3-8*)
8. CHAIR / VICE-CHAIR REPORTS
9. EXECUTIVE SECRETARY REPORT
 - a. Board Office Report (*packet pages 9-10*)
 - b. Board Member Administrative Reminders
 - c. Public Member Vacancy
10. COMMITTEE CHAIR REPORTS & ASSOCIATED BUSINESS
(*Note: Committee rosters are on packet pages 15-17*)
 - a. Professional Engineering:
 - i. 6/5 to 6/7/25 – NYSSPE Annual Meeting — Buffalo, NY
 - ii. 4/10-4/12-25 – NCEES Zone Interim Meeting – Cambridge, MA
 - iii. 8/19-8/22/25 – NCEES Annual Meeting – New Orleans, LA
 - iv. Practice Guidelines Review
 - v. UK Standard for Prof. Eng’g Competence and Commitment
 - b. Land Surveying
 - i. Rosaleen Nogle, PE – New Committee Member
 - ii. Past Committee Meetings:
 - 12/12/24 – Fall NYS LS Exam Challenges Review & Spring Item Selection

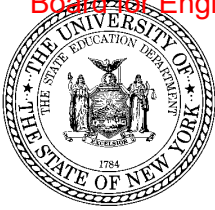
- 1/17/25 – NYSAPLS Presentation Preparation
 - 1/30/25 – Practice Guidelines Committee Meeting
 - 3/6/25 – Practice Guidelines Committee Meeting
 - iii. Upcoming Committee Meetings:
 - 3/27/25 – Spring NYS Specific LS Exam Results
 - TBD – Exam Item Workshop
 - TBD – Practice Guidelines Committee Meeting
 - iv. NYS Specific Exam 9/12/25 – Applications due by 6/1/25
 - v. NYSAPLS 2025 Conference – 1/22-1/24/25
 - Ethics Presentation
 - Application Preparation Presentation
 - New Licensee Ceremony
 - vi. 2025 NYS Specific Exam Prep Workshops:
 - 2/28-3/1/25 – Saratoga, NY
 - 9/5-9/6/25 – Saratoga, NY
 - vii. 2026 NYSAPLS Conference
 - 1/26-1/28/26 – Saratoga, NY
- c. Geology
 - i. Gary Marcus, PE – New Committee Member
 - ii. 2/13/25 – ‘E-Week’ Presentation – Regulated Practice of Geology
 - iii. 2/26/25 – Queens College – Student and Faculty Licensure Outreach
 - iv. 3/27-3/30/25 – NEGSA – Student Outreach
 - v. 5/7/25 (12p) – NYSCPG/NYSSPE – Regulated Practice of Geology
 - vi. 5/14/25 (12p) – NYSCPG/NYSSPE – PG Application Preparation
 - vii. 2/11-2/13/25 - Geology Days – Saratoga Springs, NY
 - viii. 10/28 to 10/29/25 - ASBOG Annual Meeting, Salt Lake City, UT
- d. Access & Outreach to the Professions
 - i. Updates to Consumer Information Pages
 - ii. Application Prep Presentations to State Agencies, Authorities & Municipalities
- e. Education
 - i. Committee Meeting - Education Program Reviews – 12/9/24
- f. Legislation
 - i. Legislative Tracker (*packet pages 18-20*)
 - ii. S5392 – Board Technical Comment Request (*packet pages 21-23*)
- g. Project Delivery Methods
 - i. Chapter 534 of the Laws of 2024 (*packet pages 24-28*)
 - ii. 2026 Budget - Design Build Legislation (*packet pages 29-52*)
 - iii. 4/2013 Joint Design Board Design-Build Position Paper (*packet page 53-54*)

9. CONTINUING BUSINESS

10. NEW BUSINESS

11. RESOLUTION FOR ADJOURNMENT

*Remaining 2025 Tentative Board Meetings: 6/5/25 (Buffalo), 9/4/25 (Albany), 12/12/25 (Albany).
A short recess, duration to be determined, will follow Open Session. Executive Session will follow the recess.*



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

89 Washington Avenue, Albany, NY 12234

Remote Locations:

295 Main St Suite 562 Buffalo, NY 14203

250 Veterans Memorial Highway, Room 3A-15, Hauppauge NY 11788

85 Allen Street, Suite 120 Rochester, NY 14608

December 5, 2024 - 9:30 A.M.

OPEN SESSION MINUTES

Primary Board Members Present:

- M. Noviello, P.E., L.S. (Chair)
- J. Martin, P.E. (Vice Chair)
- J. Patota, P.G.
- R. Nogle, P.E. (remote in Buffalo, NY)
- S. Porter, L.S.
- M. Rygel, P.G.
- R. Watt, P.G. (remote in Buffalo, NY)
- J. Janora, P.G.
- F. Flanagan, L.S.,
- S. Alampalli, P.E.
- R. Frandina, P.E., L.S. (remote in Buffalo, NY)
- D. Franzi, P.G.
- B. Holbritter, L.S.
- G. Marcus, P.E.
- T. Mitchell, P.E. (remote in Rochester, NY)
- P. VanHaverbeke, L.S.

Extended Board Members Present:

- E. Haas, P.E. (remote in Hauppauge, NY), arrived at 9:58 A.M.

Primary Board Members Absent:

- D. D'Angelo, P.E.
- W. Kelly, P.G.
- L. Woods, P.E.

Department Personnel:

- E. Greppo, P.E. – Executive Secretary (ES)
- K. Fitzgerald – Associate in Professional Education

Visitors:

- Mark Kriss – NYSSPE
- Emily Whalen – NYSAPLS, left at 12:06 P.M.
- Kate Knight – Catalyst Government Relations, representing Rochester Institute of Technology
- Campbell Wallace – NYSCPG
- Dr. Sam Wilson – NCEES
- Mike Burrige– ACEC NY
- James Vianna – NYSAPLS, left at 11:54 A.M.
- Jeremy Thompson – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Amber Carpenter – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Roy Garfinkel – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Scott Allen – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Jason Larson – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Joseph Rappa – NYSAPLS (remote via Webex), left at 10:11 A.M.
- Daniel Weaver – NYSAPLS (remote via Webex), left at 10:11 A.M.

1. Call to Order – Open Session

Chair Noviello called the Open Session to order at 9:34 A.M.

2. Introductions

Board members, department staff, and visitors provided brief introductions.

3. NYSAPLS Presentation – Draft Minimum Technical Standard (MTS)

ES invited NYSAPLS to present on the history and state of their draft MTS, in order to brief new and current Board Members; NYSAPLS stated that one of the MTS goals is accountability and establishing LS professional standards. The NYSAPLS committee is composed of LS representation from across the state. NYSED guidelines were considered as part of the initial MTS draft development, along with studying the standards of other states. It was noted that MTS has been discussed within NYSAPLS since the 1980s.

NYSAPLS reported that 26 meetings were held on MTS from February 2018 to November 2019. Various parts of the state have different opinions on MTS. NYSAPLS also presented to the Board on this topic in September 2019. A draft revision occurred in May 2020. In October 2020, NYSAPLS held a member vote where the majority voted to move forward with sharing the document with NYSED and the legislature. Currently, there is no formal lobbying or legislative involvement. The NYSAPLS MTS committee and the Board's LS committee may meet as appropriate to inform future discussions on MTS. ES will ensure that the full Board has access to the current MTS draft document.

Note: NYSAPLS Presenters participating at non-SED remote locations were asked to disconnect from Webex following the presentation.

4. NCEES Overview

Dr. Sam Wilson, P.E., Northeast Zone Vice President, presented a brief overview of NCEES. Topics covered during the PowerPoint presentation included vision, mission, organizational structure, committees, task forces, meetings, getting involved, threats to public protection and engineering

examinations (all exams are now computerized). Dr. Wilson also serves on the NCEES National Board of Directors. At the conclusion, a short Q&A session was held with the Board.

5. Break

A brief break was taken from 10:39 A.M. to 10:44 A.M.

Note: Member Flanagan returned at 10:47 A.M.

6. Meeting Minutes

The revised Open Session meeting minutes from the June 13, 2024 Board meeting were reviewed, which now contain additional details in the Engineering Technology (ET) Bill Technical Review section.

Motion – Patota/Alampalli: Approve June 13, 2024 meeting minutes with two (2) minor amendments.

PASSED, with two (2) abstentions (Rygel & Flanagan).

The Open Session meeting minutes from the September 12, 2024 Board meeting were also reviewed.

Motion – Martin/Patota: Approve September 12, 2024 meeting minutes.

PASSED, with one (1) abstention (Marcus).

7. Chair and Vice Chair Reports

Chair Noviello noted that it is his last meeting as a primary Board Member and Chair, as his 2nd term will end on January 12, 2025. His parting remarks included the importance of ethics, along with involvement with Office of Professional Discipline (OPD), as solicited.

Vice Chair Martin mentioned his appreciation for Chair Noviello's service in the role and deferred further commentary to committee reports.

8. Executive Secretary Report

- A certificate of appreciation was awarded to Chair Noviello for his 10-year Board Member tenure. ES noted that, especially considering the voluntary nature of the service, he appreciated the leadership role that Chair Noviello undertook. Several Board Members also shared their gratitude.
- Susan King, P.E., L.S. was re-appointed as an Extended Member (term dates: December 1, 2024, to November 30, 2029).
- The PE application queue contained 102 applications as of November 22, 2024.
- Pages 17-18 of the Open Session packet contains the full Board Office Report, including NYSED/OP/Staff Activities and Office of Professional Discipline information for six (6) Professional Engineers.
- ES continues to request nominations for the Board's vacant Public Member position, along with a Professional Engineer Member to fill M. Noviello's upcoming vacancy.
- ES noted that the June 2024 Board Meeting OPD discussion was being reviewed internally with other NYSED design professions and OPD; outcomes will be shared with the Board as appropriate.

9. Professional Engineering (PE) Committee Report

Chair Martin thanked the Board's Professional Engineers for continuing to work on engineering applications. E-Week will be virtually held from February 13-14, 2025; a PE & PG Regulated Practice Ethics presentation will be held. ES will circulate the draft presentation for board comment and will request volunteers to present. The 2026 event may be held in person, and if so, NYSED may arrange for a licensure exhibit table.

ES will establish a committee meeting for January (date and time TBD). Topics may include engineering tech and MRA agreement discussion.

10. Land Surveying (LS) Committee Report

Chair Holbritten shared that he attended NYSAPLS' exam review workshop in September and addressed some questions which were raised during the workshop. The committee met on October 31st to review the Fall NYS Specific Exam results. The committee's next meeting is scheduled for December 12th to review the six (6) Fall Exam challenges and select the exam items for the Spring 2025 exam administration.

The 2025 NYSAPLS Conference will be held from January 22-24, 2025 in Verona, NY. Chair Holbritten will attend the New Licensee ceremony. A request for volunteers will be forthcoming from the ES for both the Ethics and Application Preparation presentations. NYSAPLS' 2025 exam review workshops will be held in Saratoga, NY, on February 28–March 1, 2025, and September 5-6, 2025. ES will partially attend in February and requested volunteers to attend part of either session.

ES will be setting up a committee meeting for January (date and time TBD). Topics will include practice guidelines and FAQs. ES communicated that the NYS Specific Exam will be held on March 7, 2025 (NYSED licensure application filing deadline has passed) and September 12, 2025 (NYSED licensure application filing deadline is June 1, 2025).

11. Professional Geology (PG) Committee Report

Chair Patota mentioned that there were several 2024 committee meetings pertaining to Geology Days presentation development (September 26th, October 17th, and October 29th) and virtual presentation outreach planning with NYSCPG (October 9th and December 3rd). ASBOG held their annual meeting in Colorado on October 22 -23, 2024. Chair Patota also noted that last month's Geology Days was successful and hosted approximately 300 attendees.

There will be outreach at Queens College on February 26th, 2025; this outreach may include other colleges (TBD). The committee would also like to conduct academic outreach to licensure qualifying and non-licensure qualifying programs on New York State licensure and ASBOG. Other upcoming outreach include virtual presentations through NYSCPG related to the regulated practice of geology and application preparation (both to be scheduled for Spring 2025). The regulated practice of geology will also be included within outreach through NYSAPLS, E-Week & NYSSPE events.

ES shared that select committee members plan to attend the Geological Society of America's 2025 joint Northeastern and North-Central Section Meeting in Erie, PA (March 27th-30th). Member Rygel is spearheading the student outreach effort. Member Rygel also has a small cohort of students that he is holding a review class with once a week in preparation for the FG exam; this process also involves

fact-finding and roadblocks for trying to implement a review program. Although ASBOG has its own review program, it may be cost-prohibitive for some students.

12. Access & Outreach to the Professions Committee Report

In Chair Woods's absence, ES shared that a STEM presentation review session was held on September 18, 2024, and mentioned that the STEM PowerPoint is being finalized and generic to all of the Board's professions. An internal meeting is scheduled for mid-December to discuss the presentation and other outreach planning.

A virtual outreach presentation is under development specific to state agencies, authorities, and municipalities. Member Patota requested that PG members be included.

13. Education Committee Report

Chair Mitchell reported that four (4) new committee members attended training on September 17, 2024. Two days later, the committee held a program review meeting; details will be shared in Executive Session. The next committee meeting to discuss education program reviews will be held on December 9, 2024.

14. Legislation Committee Report

Chair Martin provided the dates for the new Legislative session, which will run from January 8-June 13, 2025. He commented that although we have the Legislative Tracker that contains legislation of interest, all bills need to be reintroduced and will be assigned new numbers with reintroduction. He also mentioned that the Open Session packet contains information from two colleges and one university on the jobs that Engineering Technology (ET) graduates are obtaining (pages 26-35); ES noted this will be discussed further in January's committee meeting (date and time TBD). Bill A10543/S9849 related to authorizing the use of certain alternative project delivery methods was signed by the Governor on November 22, 2024.

15. Project Delivery Methods Committee Report

In Chair D'Angelo's absence, ES shared that the Draft April 2013 Joint Design Board Position paper will be discussed further in a committee meeting next month (date and time TBD). The results of that discussion will be shared at the March 2025 Board Meeting.

16. Continuing Business

Discussion was held for the 2025 Board Chair and Vice-Chair Board Member positions, effective January 1 – December 31, 2025.

Motion – Noviello/Mitchell: Move to nominate Vice-Chair Martin for Chair in 2025.

PASSED, with one (1) abstention (Martin).

Motion – Noviello/Martin: Move to nominate Member Holbritter for Vice-Chair in 2025.

PASSED, with one (1) abstention (Holbritter).

The 2025 proposed Board Meeting dates are March 13, June 5, September 5 and December 11.; the locations for those four (4) meetings are TBD. Each meeting will be scheduled to begin at 9:30 A.M.

ES will circulate the revised 2025 Board Committee Membership and Chairs document.

17. New Business

The 2025 NCEES Zone Interim Meeting will be held in Cambridge, MA, on April 10-12, 2025. Joining the ES will be Members Nogle, D'Angelo, and Holbritter. Member Nogle is seeking nominations for the NCEES Northeast Zone Assistant VP seat, which requires home board nomination.

Motion – Holbritter/Martin: Nominate Member Nogle for NCEES Northeast Zone Assistant VP seat.
PASSED, with one (1) abstention (Nogle).

The 2025 NCEES Annual Meeting will be held in New Orleans, LA, on August 19-22, 2025. Provided internal approvals, joining the ES will be Members Porter and Flanagan as first-time attendees, along with Member Nogle as a NCEES Committee Chair. Other potential Member attendees will be discussed after NCEES announces the number of delegates they will fund.

18. NCEES President Nomination

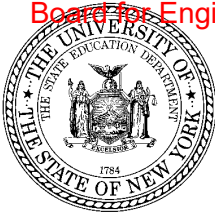
Motion – Noviello/Marcus: Nominate ES to complete any needed paperwork for Dr. Sam Wilson's NCEES President nomination.
PASSED UNANIMOUSLY.

19. Resolution for Executive Session and Adjournment

Motion – Alampalli/Patota: Move to break for ten (10) minutes at 12:33 P.M. and reconvene thereafter for Executive Session.
PASSED UNANIMOUSLY.

Respectfully Submitted,

Eric Greppo, PE
Executive Secretary



STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY OFFICE OF THE PROFESSIONS

Board Office Report – March 2025

1. BOARD OF REGENTS BOARD MEMBER REAPPOINTMENTS:

- a. Matthew Noviello, PE, LS – Extended Member – 1/13/25 – 1/12/30
- b. Alfred Klein, PE – Extended Member – 3/7/25-3/6/30

2. LICENSES:

- a. PE Application Queue
 - 114 as of 2/20/25
- b. New Licensees (Year-to-Date thru 2/20/2025)
 - PE: 236
 - LS: 6
 - PG: 0
- c. Active Licensees (as of 1/1/2025)
 - PE: 34,693
 - LS: 1,387
 - PG: 1,101

3. EDUCATION PROGRAM APPROVALS:

- a. NYC College of Technology – BS Software Engineering Technology (*packet pages 11-12*)
- b. Pace University – NYC Campus – BS Computer Engineering (*packet pages 13-14*)

4. NYSED/OP/STAFF OUTSIDE ACTIVITIES:

- a. NCEES – Member Board Administrator Workshop – 1/14/25 – Greppo, PE
- b. NYPA – PE Licensure Application Prep – 1/21/25 – Greppo, PE
- c. E-Week – Regulated Practice of Geology – 2/13/24 – Patota, PG & Greppo, PE
- d. Stoney Brook U. – Licensure & Application Preparation – 2/19/25 – Greppo, PE
- e. Queens College – Geology Student & Faculty Outreach – 2/26/25 Patota, PG & Greppo, PE
- f. NYSAPLS – 2025 Conference – 1/22-1/24/25
 - Ethics Presentation – Holbritter, LS, Berger, PE, LS & Greppo, PE
 - Application Preparation Presentation –
 - Holbritter, LS, Porter, LS, Flanagan, LS, VanHaverbeke, LS, Berger, PE (SME), Greppo, PE & Devin Larson, LS (NYSAPLS)
 - New Licensee Ceremony – Porter, LS & VanHaverbeke, LS

5. OFFICE OF PROFESSIONAL DISCIPLINE:

- a. Angelo John Fiorenza; Forest Hills NY
 - Profession: Land Surveyor; Lic. No. 049468; Cal. No. 34314
 - Regents Action Date: November 5, 2024
 - Action: Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.
 - Summary: Licensee did not contest the charge of submitting to the New York City Department of Buildings updated property survey maps which did not contain adequate confirmation of relevant boundary lines.

OFFICE OF PROFESSIONAL DISCIPLINE (CONTINUED)

b. Malcolm I Barkan; Nesconset NY

- **Profession:** Professional Engineer; Lic. No. 044277; Cal. No. 34357
- **Regents Action Date:** December 10, 2024
- **Action:** Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$2,500 fine.
- **Summary:** Licensee did not contest the charge of filing 31 TR-1 forms, with the New York City Department of Buildings, which contained materially erroneous statements.

c. Jay Amarsingh Kavi; Monroe Township NJ

- **Profession:** Professional Engineer; Lic. No. 092809; Cal. No. 34354
- **Regents Action Date:** December 10, 2024
- **Action:** Application for consent order granted; Penalty agreed upon: 5 years stayed suspension, 5 years probation, \$7,500 fine.
- **Summary:** Licensee did not contest the charge of submitting six professionally certified applications with the New York City Department of Buildings each of which failed an audit.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

Division of Professional Education
Professional Education Program Review
Education Building
89 Washington Avenue, 2nd Floor, West Wing
Albany, NY 12234
Tel. (518) 474-3817, ext. 360

January 14, 2025

Russell K. Hotzler
President
New York City College of Technology
300 Jay Street
Brooklyn NY 11201

Dear President Hotzler:

This letter is in response to the request to register the *Software Engineering Technology* Program leading to the Bachelor of Science degree to be offered at New York City College of Technology.

I am pleased to inform you that on the basis of our review the program detailed on the attached listing from the Inventory of Registered Programs is registered for general purposes under Subchapter A of the Regulations of the Commissioner of Education (Chapter II of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York) until September 1, 2026. Registration beyond this date is contingent upon the University seeking to obtain ETAC/ABET accreditation as soon as feasible. Please keep this Office informed of the accreditation progress.

New registration is required for any existing curriculum in which major changes are made that affect its title, focus, design, requirements for completion, or mode of delivery. Therefore, prior to initiating significant changes in these programs, please contact this office.

I wish you and your colleagues success with the programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Mei Zhou".

Mei Zhou, Ph.D.
Director

Attachment

cc: P. Brown, J. Brown, M. Casazza, W. Hensel, University Registrar

NEW YORK STATE EDUCATION DEPARTMENT
INVENTORY OF REGISTERED PROGRAMS
REGISTRATION CHANGE REPORT

01/14/2025

333800 NYC COLLEGE OF TECHNOLOGY

PROG CODE	PROGRAM TITLE	HEGIS	AWARD
-----	-----	-----	-----
44146	SOFTWARE ENGINEERING TECHNOLOGY	0925.00	BS
FORMAT ADDED - STD			
TAP ELIGIBLE -			
APTS ELIGIBLE -			
VTA ELIGIBLE -			
PROGRAM ADDED - REG DATE = 01/2025			



Division of Professional Education
Professional Education Program Review
Education Building
89 Washington Avenue, 2nd Floor, West Wing
Albany, NY 12234
Tel. (518) 474-3817, ext. 360
Fax (518) 473-0114
E-Mail: OPPROGS@nysed.gov

February 4, 2025

Marvin Krislov
President
Pace University
One Pace Plaza
NY NY 10038

Dear President Krislov:

This letter is in response to recent correspondence requesting registration of a Bachelor of Science program in *Computer Engineering* to be offered at Pace University – New York City campus.

I am pleased to inform you that on the basis of our review the program detailed on the attached listing from the Inventory of Registered Programs is registered for professional purposes under Subchapter A of the Regulations of the Commissioner of Education (Chapter II of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York) until September 1, 2026. Registration beyond this date is contingent upon the University seeking to obtain ABET/EAC accreditation as soon as feasible. A copy of the final accreditation report for the program must be submitted to this office.

New registration is required for any existing curriculum in which any changes are made that affect its title, focus, design, requirements for completion, or mode of delivery. Therefore, prior to initiating any changes in this program, please contact this office.

I wish you and your colleagues success with this program.

Sincerely,

Mei Zhou, Ph.D.
Director

Attachment

cc: Dr. Hill, O. Dituro

NEW YORK STATE EDUCATION DEPARTMENT
INVENTORY OF REGISTERED PROGRAMS
REGISTRATION CHANGE REPORT

02/04/2025

455510 PACE UNIVERSITY-NEW YORK

PROG

CODE PROGRAM TITLE

HEGIS

AWARD

44231 COMPUTER ENGINEERING

0999.00

BS

FORMAT ADDED - DAY

FORMAT ADDED - STD

TAP ELIGIBLE -

APTS ELIGIBLE -

VTA ELIGIBLE -

CERT/LICENSE ADDED - PROF ENGINEER TYPE = LIC QUAL 02/2025

PROGRAM ADDED - REG DATE = 02/2025



STATE BOARD FOR ENGINEERING, LAND SURVEYING & GEOLOGY OFFICE OF THE PROFESSIONS

Board Committee Overview

The Executive Secretary to the Board for Engineering, Land Surveying and Geology shall be informed of new and continuing business matters revealed by one or more board members and will record such communications. When the Executive Secretary determines a committee review is appropriate, he will send an email to the Board Chairman and appropriate committee Chairperson(s) describing the nature and context of the review request. The committee Chair(s) will arrange the appropriate collaborative means to work with committee members. They shall also keep the Executive Secretary informed of the date and times of scheduled collaboration to afford the option to participate. Depending on the matter and the expertise necessary for each review, additional board members may be assigned to a committee. Ad-hoc committees may also be formed at the discretion of the Executive Secretary and Board Chairman.

When a resolution, determination, or finding on a committee assigned matter is achieved, the Committee Chairman shall develop a summary report to the Executive Secretary with copy to the Board Chairman. The Executive Secretary will utilize the report to develop a formal memo for delivery to the full board during open or executive session, as appropriate.

2025 Committee Rosters – Effective 3/17/25							
Member	Access & Outreach	Project Delivery Methods	Edu	PG	LS	PE	Leg
Sreenivas Alampalli, PE		M	M			M	
Dan D'Angelo, PE	M	C				M	
Brian Holbritter, LS					C		
Rosanne Frandina, PE, LS	M				M	M	
Frank Flanagan, LS			M		M		M
Jim Janora, PG	M			M			C
Gary Marcus, PE			M	M		M	
John Martin, PE	M	M	M	M	M	M	M
Tom Mitchell, PE		M	C			M	
Shaine Porter, LS		M			M		
Len Woods, PE	C	M				M	
Rosaleen Nogle, PE	M				M	C	M
Pat VanHaverbeke, LS	M				M		
Mike Rygel, PG	M		M	M			
Rick Watt, PG				C			

C = Chair, M = Member

(Extended Members are discussed on the following page)

Statute limits Extended board membership to matters of discipline. However, Extended Members have historically been key consultants on primary board matters and may be utilized to inform board committee work. Current extended membership are listed below:

Extended Members – Effective 3/17/25	
Joanne Darcy-Crum, LS	Al Lopez, PE
Jose Femenia, PE	Matthew Noviello, PE, LS
Roman Figler, LS	Joseph Pasaturo, PE
Keith Giles, PE, LS	Jean Patota, PG
Ed Haas, PE	Om Popli, PE
Susan King, PE, LS	Bill Shover, LS
Al Klein, PE	Paul Wegman, PE

Board Committee Descriptions

Access & Outreach to the Professions

This Committee handles matters of outreach and access related to professional practice scope, education, experience leading to professional practice, preparation for exams, application for licensure, licensure maintenance, continuing education, ethics, and discipline. This committee focuses on diversity and inclusion as important factor while conducting its functions. The committee may occasionally interface with other NYSED boards in matters of common interest. Note: Education program reviews will be handled by the education committee and associated professional (PE, LS or PG) committees.

Education

This committee develops program content comments related to Professional Education and Program Review (PEPR) reviews and partners with the PE, LS, and PG board committees and subject matter experts, as appropriate, to inform such reviews.

Geology

This committee is responsible for oversight of matters primarily affecting the practice of geology including professional practice, regulations, experience review guidelines, educational reviews and requirements, examination, licensure, and practice guidelines. All board Professional Geologists are assigned to this committee.

Land Surveying

This committee is responsible for oversight of matters primarily affecting the practice of land surveying including professional practice, regulations, experience review guidelines, educational reviews and requirements, examination, licensure, and practice guidelines. All board land surveyors are assigned to this committee.

Legislation

This committee is responsible for monitoring and identifying State and Federal legislation that may impact engineering, land surveying, or geology and partners with the PE, LS, and PG board committees and subject matter experts, as appropriate, to inform such reviews.

Professional Engineering

This committee is responsible for oversight of matters primarily affecting the practice of engineering including professional practice, regulations, experience review guidelines, educational reviews and requirements, examination, licensure, and practice guidelines. All board engineers are assigned to this committee.

Project Delivery Methods

This committee is responsible for monitoring and identifying project delivery related matters and alternative project delivery methods affecting the board professions and considering the impact on the health, safety, and welfare of the public. This includes reviewing of proposed changes to State legislation in this area and monitoring federal legislation. This committee identifies and monitors matters related to construction activities including the supervision of construction affecting design profession practice and considering the impact on the health, safety, and welfare of the public.

Bill Number (25-26 Session)			
Assembly Link (where applicable)	Senate Link (where applicable)	Status	Summary Text
A01453	No Senate Bill	Referred to Energy	Creates a citizen advisory panel consisting of six permanent and three rotating members to prepare a report on any application for certificate of any major electric generating facilities .
A00483	S5392	Referred to Higher Ed Committee (A) / Referred to Higher Ed. (S)	Business Entities - Not-for-Profits - Permits certain not-for-profit corporations engaged in engineering for certain conservation efforts to do business or provide professional engineering, land surveying or professional geology services in the state
2025 State of the State	2025 State of the State	FY2026 Budget	Expand Alternative Project Delivery Methods - To improve efficiency of project delivery, the governor will work to amend the Infrastructure Investment Act and other relevant statutes to allow more flexibility in project delivery methods. This may include alternatives to design-bid-build such as progressive design build, construction manager build, and construction manager as constructor.
A02571	S620	Referred to Higher Education	Relates to the practice of professional geology. Adds practice of geology to grandfathered corporations.
A04907	S2146	Referred to Judiciary	Provides statute of limitations (repose) for design professions. Repeals and reenacts statute of limitation provisions on wrongful death, personal injury and property damage actions against professional engineers, architects, landscape architects, land surveyors and construction contractors to provide for a limitations period of ten years after completion of improvement to real property; "completion", which constitutes the accrual date for the limitations period, is defined; provides for a one year extension for injuries to person or property or wrongful death which occur during the tenth year after completion.
No Assembly Bill	S1533	Referred to Environmental Conservation	Inspections - Requires the commissioner of environmental conservation to establish standards for and a program of inspection and certification of green roofs.
A04840	S1141	Referred to Higher Education	Certified Interior Designer Standards - Relates to the educational and examination requirements for certification as a certified interior designer; provides an exemption from the education requirements for architects licensed under article one hundred forty-seven of the education law.
No Assembly Bill	S3268	Referred to Procurement and Contracts	Relates to comprehensive delivery of infrastructure delivered between a public entity and a development entity consolidating at least two or more of design, construction, finance, operations and/or maintenance work, including construction manager or construction manager at risk; authorizes a public entity to pursue certain authorized projects; provides for project funding and authorizes the public entity to accept from any source any grant, donation, gift or other form of conveyance of land, money; provides for labor and public interest protections; makes related provisions.
A4942	S3287	Referred to higher education (S) / Referred to higher education (A)	Engineering Technology Experience Requirements. Provides that an applicant with a bachelor's degree or higher in engineering technology and an applicant with a bachelor's degree or higher in engineering shall have the same number of education and experience credit requirements, shall have the same eligibility for an identification card as "an engineer in training", as well as examination and examination eligibility requirements.

Assembly Link (where applicable)	Senate Link (where applicable)	Status	Summary Text
No Assembly Bill	S3038	Referred to Environmental Conservation	Enacts the " private well testing act "; authorizes the department of health to promulgate rules and regulations to establish standards for the testing of drinking water from privately owned wells.
A902	S2588	Referred to Education	Authorizes the provision of site mapping for emergency response data with school safety plans; provides for the funding of such mapping data.
A4680	No Senate Bill	Referred to Governmental Operations	Enacts the New York emergency responder act limiting the liability of certain emergency responders.
A3810	No Senate Bill	Referred to Cities	Requires specific review procedures for approval of development projects in marshlands by the city planning commission including site plans, surveys, environmental review and community hearings and input.
A05520	S4577	Referred to corporations authorities and commissions (S/A)	Qualifications Based Selection (QBS) - Requires public authorities to negotiate with most qualified architectural and engineering professional firms before negotiating with other firms
A2646	S5190	Referred to Higher Education	Provides for the trustees of the state university of New York to establish a four-year college of engineering and applied sciences in the city of Yonkers within the state university system.
No Assembly Bill	S4591	Referred to Procurement and Contracts	Relates to the Liability of Design Professionals. Prohibits broad indemnification by a design professional of a state or local agency or political subdivision involving public work for contracts except to the extent that damages were caused by or are the proximate result of the negligence, recklessness, or willful misconduct of the design professional.

Assembly Link (where applicable)	Senate Link (where applicable)	Status	Summary Text
No Assembly Bill	S4877	Referred to Consumer Protection	Establishes the water-based fire protection licensure act, setting forth licensure requirements for contractors engaged in the business of the layout, installing, repairing, inspecting, testing, or maintaining of water-based fire protection systems and components.
A05622	No Senate Bill	Referred to Higher Education	12-Year Ladder Bill for Geology - Provides that the education requirements to be licensed as a professional geologist may be partially substituted by practical experience; relates to the issuance of an identification card as a geologist in training.
A5678	No Senate Bill	Referred to Higher Education	Increases to \$50,000 the cost of the construction of a building, structure or public work, above which a professional engineer, land surveyor or architect must be utilized to plan and supervise the construction thereof.
A5838	No Senate Bill	Referred to Governmental Operations	Requires municipalities which issue building permits to provide pre-approved construction documents at no cost for the types of residential buildings permitted to be constructed in such jurisdiction.

STATE OF NEW YORK

5392

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to permitting certain
not-for-profit corporations engaged in engineering for certain conser-
vation efforts to do business or provide professional engineering,
land surveying, or professional geology services in the state

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

Section 1. Section 7209 of the education law is amended by adding a
new subdivision 10 to read as follows:

10. Nothing in this article shall prohibit a foreign not-for-profit
corporation, as defined in section one hundred two of the not-for-profit
corporation law, engaged in engineering for conservation efforts associ-
ated with (a) tidal wetland, as defined in subdivision one of section
25-0103 of the environmental conservation law, restoration, (b) freshwa-
ter wetland, as defined in subdivision one of section 24-0107 of the
environmental conservation law, restoration, (c) habitat restoration,
(d) groundwater recharge, or (e) natural infrastructure from obtaining a
certificate of authority to do business in the state of New York,
provided that the business proposed to be done by such not-for-profit
corporation within this state relates to the stated conservation
resources and shall be conducted by a professional engineer pursuant to
this article.

§ 2. Subdivisions 1, 2, and 3 of section 7210 of the education law,
subdivision 1 as amended by chapter 475 of the laws of 2014 and subdivi-
sions 2 and 3 as amended by chapter 483 of the laws of 2001, are amended
to read as follows:

1. Domestic or foreign professional service corporations, design
professional service corporations, professional service limited liabil-
ity companies, foreign professional service limited liability companies,
registered limited liability partnerships, New York registered foreign

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

LBD02534-01-5

1 limited liability partnerships, foreign not-for-profit corporations, as
2 defined in section one hundred two of the not-for-profit corporation
3 law, engaged in engineering for conservation efforts associated with (a)
4 tidal wetland, as defined in subdivision one of section 25-0103 of the
5 environmental conservation law, restoration, (b) freshwater wetland, as
6 defined in subdivision one of section 24-0107 of the environmental
7 conservation law, restoration, (c) habitat restoration, (d) groundwater
8 recharge, or (e) natural infrastructure, partnerships and joint enter-
9 prises specified in subdivision four of section seventy-two hundred nine
10 of this article, provided each of the foregoing entities is authorized
11 to provide professional engineering, land surveying or professional
12 geology services and general business corporations authorized to provide
13 professional engineering or land surveying services pursuant to subdivi-
14 sion six of section seventy-two hundred nine of this article may offer
15 to provide or provide professional engineering, land surveying or
16 professional geology services only after obtaining a certificate of
17 authorization from the department. Except as otherwise authorized by
18 statute, rule or regulation, other business entities are not authorized
19 to offer or provide professional engineering, land surveying or profes-
20 sional geology services and may not obtain certificates of authorization
21 provided that nothing contained herein shall prohibit an individual who
22 is licensed to practice professional engineering, land surveying or
23 professional geology under this article from obtaining a certificate of
24 authorization upon application and payment of the appropriate fees
25 provided for under this section.

26 2. Upon application a certificate of authorization shall be issued by
27 the department to all individuals, corporations, not-for-profit corpo-
28 rations, limited liability companies, limited liability partnerships,
29 partnerships and joint enterprises specified in subdivision one of this
30 section and which are authorized to provide professional engineering or
31 land surveying services and pay the appropriate fee.

32 3. A "certificate of authorization" shall authorize such individual,
33 corporation, not-for-profit corporation, limited liability company,
34 limited liability partnership, partnership or joint enterprise to
35 provide professional engineering or land surveying services for three
36 years from the date of issuance subject to, as otherwise prescribed by
37 law, the supervision of the regents of the university of the state of
38 New York including the power to discipline and impose penalties in the
39 same manner and to the same extent as is provided with respect to indi-
40 viduals and their licenses and registration pursuant to this title.

41 § 3. This act shall take effect immediately.

Board for Engineering, Land Surveying & Geology**TITLE OF BILL:**

An act to amend the education law, in relation to permitting certain not-for-profit corporations engaged in engineering for certain conservation efforts to do business or provide professional engineering, land surveying, or professional geology services in the state

SUMMARY OF PROVISIONS:

Section 1. Allows for foreign not-for-profit corporations to obtain a certificate of authority to engage in engineering for conservation efforts associated with wetlands - both tidal and freshwater.

Section 2. Authorizes foreign not-for-profits to engage in engineering works around tidal and freshwater wetlands.

Section 3. This act shall take effect immediately.

JUSTIFICATION:

Wetlands are one of many vital ecosystems found in the State of New York. Providing a habitat to a wide range of unique flora and fauna, their significance has grown more well-recognized in recent years. Unfortunately, wetlands have had to come a long way to see this rebirth. For many years, they were perceived as undesirable or an alternative to sewers. Years of poor land-use, dumping, and other forms of pollution have made efforts to protect wetlands more essential than they ever have before.

This act would permit foreign firms to work on projects concerning the conservation of these green spaces. Works that a company may carry out in order to promote wetland conservation include restoring them to their natural state, recharging groundwater reserves, constructing natural infrastructure, and other efforts that, in any way, make wetlands a more desirable place for plants, animals, and people alike.

FISCAL IMPACT ON THE STATE:

No Impact

A10543 Rules (Braunstein) Same as [S 9849](#) COMRIE

New York City

TITLE....Relates to authorizing the use of certain alternative project delivery methods

06/03/24 referred to cities

06/04/24 reference changed to ways and means

06/06/24 reported referred to rules

06/06/24 reported

06/06/24 rules report cal.553

06/06/24 ordered to third reading rules cal.553

06/07/24 substituted by s9849

S09849 COMRIE

06/04/24 REFERRED TO RULES

06/06/24 ORDERED TO THIRD READING CAL.1906

06/07/24 PASSED SENATE

06/07/24 DELIVERED TO ASSEMBLY

06/07/24 referred to ways and means

06/07/24 substituted for a10543

06/07/24 ordered to third reading rules cal.553

06/07/24 passed assembly

06/07/24 returned to senate

11/15/24 DELIVERED TO GOVERNOR

11/22/24 SIGNED CHAP.534

STATE OF NEW YORK

10543

IN ASSEMBLY

June 3, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Braunstein)
-- read once and referred to the Committee on Cities

AN ACT to amend the New York city public works investment act, in
relation to authorizing the use of certain alternative project deliv-
ery methods

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

1 Section 1. Subdivision (a) of section 2 of chapter 749 of the laws of
2 2019, constituting the New York city public works investment act, as
3 amended by section 4 of part AA of chapter 58 of the laws of 2022, is
4 relettered subdivision (a-1) and a new subdivision (a) is added to read
5 as follows:

6 (a) "Alternative project delivery contract" shall mean any project
7 delivery method authorized by this act, including design-build and
8 construction manager build, pursuant to which one or more contracts for
9 the provision of design and construction services, or construction
10 management and construction services, are awarded through an open and
11 competitive method of procurement.

12 § 2. Section 3 and section 6 of chapter 749 of the laws of 2019,
13 constituting the New York city public works investment act, are amended
14 to read as follows:

15 § 3. Any contract for a public work undertaken pursuant to a project
16 labor agreement in accordance with section 222 of the labor law may be
17 ~~[a design-build]~~ an alternative project delivery contract in accordance
18 with this act.

19 § 6. Construction with respect to each contract entered into by an
20 authorized entity pursuant to this act shall be deemed a "public work"
21 to be performed in accordance with the provisions of article 8 of the
22 labor law, as well as subject to sections 200, 240, 241 and 242 of such
23 law and enforcement of prevailing wage requirements pursuant to applica-
24 ble law or, for projects or public works receiving federal aid, applica-
25 ble federal requirements for prevailing wage. Any contract entered into
26 pursuant to this act shall include a clause requiring the selected
27 design builder or construction manager builder to obligate every tier of

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

LBD15832-02-4

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contractor working on the public work to comply with the project labor agreement referenced in section three of this act, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with the applicable project labor agreement.

§ 3. Subdivisions (c) and (d) of section 9 of chapter 749 of the laws of 2019, constituting the New York city public works investment act, are amended to read as follows:

(c) Employees of authorized entities using [~~design-build~~] alternative project delivery contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

(d) Without limiting contractors' obligations under [~~design-build~~] alternative project delivery contracts to issue their own initial certifications of substantial completion and final completion, public employees of authorized entities shall review and determine whether the work performed by contractors is acceptable and has been performed in accordance with the applicable [~~design-build~~] alternative project delivery contracts, and if such public employees so determine, such public employees shall 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 the work in strict accordance with the applicable [~~design-build~~] alternative project delivery contracts or the contractors' or any subcontractors' obligations or liabilities under any law.

§ 4. Chapter 749 of the laws of 2019, constituting the New York city public works investment act, is amended by adding a new section 13-a to read as follows:

§ 13-a. (a) For purposes of this section:

(1) "Construction manager build" shall mean a project delivery method whereby a construction manager:

(i) serves as part of a team in conjunction with the owner in the design phase of the project;

(ii) under the oversight of the owner, acts as the single source of responsibility to bid, select and hold construction contracts on behalf of the owner during the construction phase; and

(iii) manages the construction project on behalf of the owner.

(2) "Department" shall mean the New York city department of design and construction.

(b) This section may only be applied to:

(1) Design-build contracts solicited by the department that have an estimated cost of not less than ten million dollars, are undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law and in connection with a project that is primarily related to:

(i) water or sewer infrastructure, and primarily consists of the replacement of existing, or installation of new, water mains or sewers or the installation of assets to manage stormwater flow, or a combination of the foregoing; or

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(ii) coastal resiliency, and primarily consists of flood walls, deployable gates, the relocation or protection of existing infrastructure from flooding, or a combination of the foregoing; or

(2) Construction manager build contracts solicited by the department that have an estimated cost of not less than five million dollars, are undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law and in connection with a project for the construction or renovation of a cultural institution located on publicly owned real property on behalf of the New York city department of cultural affairs or a public library in the city of New York.

(c) Notwithstanding any general, special, or local law, rule, or regulation to the contrary, a contractor selected by the department to enter into a construction manager build contract pursuant to this section shall be selected through the two-step method described in subdivision (a) of section four of this act. The department may use the types of contracts identified in subdivision (b) of section four of this act for contracts procured using the construction manager build delivery method.

(d) Where the department determines in writing that it is in the best interest of the public to solicit proposals using the design-build contract delivery method in connection with a project that meets the criteria set forth in paragraph one of subdivision (b) of this section, without generating a list pursuant to the process set forth in paragraph one of subdivision (a) of section four of this act, the department shall release, evaluate and score a request for proposals pursuant to the procedure set forth in subdivision (e) of this section. To the extent consistent with applicable federal law, the department shall consider, when soliciting proposals and awarding any contract pursuant to this section, the participation of (i) entities that are certified as minority- or women-owned business enterprises pursuant to article fifteen-A of the executive law, or certified pursuant to local law as minority- or women-owned business enterprises, and (ii) small business concerns identified pursuant to subdivision (b) of section one hundred thirty-nine-g of the state finance law. In addition, nothing in this section shall be deemed to supersede any pre-qualification guidelines or requirements otherwise authorized by law for the department.

(e) The request for proposals shall set forth the public work's scope of work, and other requirements, as determined by the department, which may include separate goals for work under the contract to be performed by businesses certified as minority- or women-owned business enterprises pursuant to article fifteen-A of the executive law or certified pursuant to local law as minority- or women-owned business enterprises. The request for proposals shall also specify the criteria to be used to evaluate the responses and the relative weight of each of such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the proposer, and other factors deemed pertinent by the department, which may include, but shall not be limited to, the proposal's manner and schedule of project implementation, the proposer's ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed public work, maintenance of traffic approach, and community impact. A contract awarded pursuant to this section shall be awarded to a responsive and responsible proposer, which, in consideration of these and other specified criteria deemed pertinent, offers the best value, as determined by the department. The department may engage in negotiations or other discussions with all qualified proposers that have expressed interest in response to the request for proposals released pursuant to

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subdivision (d) of this section, provided that such department maintains a written record of the conduct of negotiations or discussions and the basis for every determination to continue or suspend negotiations, and, provided, further, that if such department determines for a particular contract or for a particular type of contract that it is in the best interest of the public to negotiate or enter into discussions with fewer proposers, it shall make such a determination in writing. If such department enters into such negotiations, such department shall allow all proposers to revise their proposals upon conclusion of negotiations, and shall evaluate any such revised proposals using the criteria included in the request for proposals. The request for proposals shall include a statement that proposers shall designate in writing those portions of the proposal that contain trade secrets or other proprietary information that are to remain confidential; that the material designated as confidential shall be readily separable from the proposal. Nothing in this section shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost. All proposals submitted shall be scored according to the criteria listed in the request for proposals and such final scores shall be published on the authorized entity's website after registration of such contract or the date upon which such contract may be implemented, if registration requirements do not apply.

(f) The reporting requirement set forth in section thirteen of this act shall apply to contracts procured pursuant to this section, provided that the requirement that such report include a list of responding entities shall not apply to any contract where no such list was generated. Such report shall include a description of the scope of work for each project, whether the project used the design-build or construction manager build method as described in subdivision (b) of this section, the percentage of alternative project delivery contracts that used the methods described in subdivision (b) of this section, the type of contract described in subdivision (b) of section four of this act that was used to procure the project, information regarding the total contract price upon contract award, the total contract price upon final completion of the project, the department's initial projected estimate of the cost of the project and the participation rate of and total dollar value of monies paid to minority- and women-owned business enterprises and small business concerns under alternative project delivery contracts.

§ 5. Section 14 of chapter 749 of the laws of 2019, constituting the New York city public works investment act, as amended by section 4 of part AA of chapter 58 of the laws of 2022, is amended to read as follows:

§ 14. This act shall take effect immediately and shall expire and be deemed repealed eight years after such date, provided that, public works with requests for qualifications or requests for proposals issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

§ 6. This act shall take effect immediately; provided, however, that this act shall not apply to any public work for which a request for proposals was issued prior to the date on which this act takes effect; and provided further, however, that the amendments to chapter 749 of the laws of 2019 made by sections one through four of this act shall not affect the expiration and repeal of such chapter and shall be deemed repealed therewith.

FY 2026 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

FY 2026 NEW YORK STATE EXECUTIVE BUDGET**PUBLIC PROTECTION GENERAL GOVERNMENTS
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1 Section 1. The state technology law is amended by adding a new section
2 103-e to read as follows:

3 § 103-e. Cybersecurity awareness training. 1. (a) Employees of the
4 state who use technology as a part of their official job duties shall
5 take annual cybersecurity awareness training beginning January first,
6 two thousand twenty-six. Employees of the state shall be required to
7 complete the training provided by the office.

8 (b) For purposes of this section, "employees of the state" shall
9 include employees of all state agencies and all public benefit corpo-
10 rations, the heads of which are appointed by the governor.

11 2. Employees of a county, a city, a town, or a village who use tech-
12 nology as a part of their official job duties shall take annual cyberse-
13 curity awareness training beginning January first, two thousand twenty-
14 six. The office shall make a cybersecurity training available for use by
15 a county, a city, a town, or a village at no charge, but such training
16 shall not be the exclusive means for meeting the requirements of this
17 section.

18 § 2. This act shall take effect immediately.

19 PART Y

20 Section 1. Section 2 of part F of chapter 60 of the laws of 2015,
21 constituting the infrastructure investment act, subdivision (a) as
22 amended and subdivision (g) as added by section 1 of part AA of chapter
23 58 the laws of 2022, is amended to read as follows:

24 § 2. For the purposes of this act: (a) (i) "authorized state entity"
25 shall mean the New York state thruway authority, the department of
26 transportation, the office of parks, recreation and historic preserva-

tion, the department of environmental conservation, the New York state bridge authority, the office of general services, the dormitory authority, the urban development corporation, the state university construction fund, the state university of New York as defined in subdivision 3 of section 352 of the education law, the city university construction fund, the New York state Olympic regional development authority and the battery park city authority.

(ii) Notwithstanding the provisions of subdivision 26 of section 1678 of the public authorities law, section 8 of the public buildings law, sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as amended, section 103 of the general municipal law, and the provisions of any other law to the contrary, the term "authorized state entity" shall also refer to only those agencies or authorities identified below solely in connection with the following authorized projects, provided that such an authorized state entity may utilize the alternative delivery [method] methods referred to as design-build contracts or construction manager as constructor contracts solely in connection with the following authorized projects should the total cost of each such project not be less than five million dollars (\$5,000,000):

Authorized Projects

Authorized State Entity

1. Frontier Town

Urban Development Corporation

2. Life Sciences Laboratory

Dormitory Authority & Urban
Development Corporation

3. Whiteface Transformative Projects

New York State Olympic Regional

1		Development Authority
2	4. Gore Transformative Projects	New York State Olympic Regional
3		Development Authority
4	5. Belleayre Transformative Projects	New York State Olympic Regional
5		Development Authority
6	6. Mt. Van Hoevenberg Transformative	New York State Olympic Regional
7	Projects	Development Authority
8	7. Olympic Training Center	New York State Olympic Regional
9		Development Authority
10	8. Olympic Arena and Convention	New York State Olympic Regional
11	Center Complex	Development Authority
12	9. State Fair Revitalization	Office of General
13	Projects	Services
14	10. State Police Forensic	Office of General
15	Laboratory	Services

16 Notwithstanding any provision of law to the contrary, all rights or
17 benefits, including terms and conditions of employment, and protection
18 of civil service and collective bargaining status of all existing
19 employees of authorized state entities shall be preserved and protected.
20 Nothing in this section shall result in the: (1) displacement of any
21 currently employed worker or loss of position (including partial
22 displacement such as a reduction in the hours of non-overtime work,
23 wages, or employment benefits) or result in the impairment of existing
24 collective bargaining agreements; (2) transfer of existing duties and
25 functions related to maintenance and operations currently performed by
26 existing employees of authorized state entities to a contracting entity;

1 or (3) transfer of future duties and functions ordinarily performed by
2 employees of authorized state entities to the contracting entity. Noth-
3 ing contained herein shall be construed to affect (A) the existing
4 rights of employees pursuant to an existing collective bargaining agree-
5 ment, and (B) the existing representational relationships among employee
6 organizations or the bargaining relationships between the employer and
7 an employee organization.

8 If otherwise applicable, authorized projects undertaken by the author-
9 ized state entities listed above solely in connection with the
10 provisions of this act shall be subject to section 135 of the state
11 finance law, section 101 of the general municipal law, and section 222
12 of the labor law; provided, however, that an authorized state entity may
13 fulfill its obligations under section 135 of the state finance law or
14 section 101 of the general municipal law by requiring the contractor to
15 prepare separate specifications in accordance with section 135 of the
16 state finance law or section 101 of the general municipal law, as the
17 case may be. Provided further, that authorized projects with a total
18 construction cost of not less than twenty-five million dollars
19 (\$25,000,000) undertaken by the authorized state entities listed above
20 solely in connection with the provisions of this act shall only be
21 undertaken pursuant to a project labor agreement in accordance with
22 section 222 of the labor law. If a project labor agreement is not
23 performed on the authorized project, the authorized state entity shall
24 not utilize a design-build or construction manager as constructor
25 contract for such project. Prior to utilizing the alternative delivery
26 [method] methods referred to as design-build or construction manager as
27 constructor contracts for the authorized projects listed in this subpar-
28 agraph with a total construction cost of less than twenty-five million

1 dollars (\$25,000,000), the authorized state entities listed above shall
2 conduct a feasibility study in accordance with section 222 of the labor
3 law.

4 (b) "best value" shall mean the basis for awarding contracts for
5 services to the offerer that optimize quality, cost and efficiency,
6 price and performance criteria, which may include, but is not limited
7 to:

8 1. The quality of the contractor's performance on previous projects;

9 2. The timeliness of the contractor's performance on previous
10 projects;

11 3. The level of customer satisfaction with the contractor's perform-
12 ance on previous projects;

13 4. The contractor's record of performing previous projects on budget
14 and ability to minimize cost overruns;

15 5. The contractor's ability to limit change orders;

16 6. The contractor's ability to prepare appropriate project plans;

17 7. The contractor's technical capacities;

18 8. The individual qualifications of the contractor's key personnel;

19 9. The contractor's ability to assess and manage risk and minimize
20 risk impact; and

21 10. The contractor's past record of compliance with article 15-A of
22 the executive law.

23 Such basis shall reflect, wherever possible, objective and quantifi-
24 able analysis.

25 (c) "capital project" shall have the same meaning as such term is
26 defined by subdivision 2-a of section 2 of the state finance law.

27 (d) "construction manager as constructor contract" means a contract
28 implementing a project delivery method whereby a construction manager:

1 (i) is retained by the owner at the time of the design phase and is
2 responsible for working collaboratively as part of a team in conjunction
3 with the owner and owner's separately retained design firm;

4 (ii) is responsible for developing and providing the owner with a
5 proposed guaranteed maximum price to construct the project in accordance
6 with the design and pursuant to subdivision (a) of section thirteen of
7 this part;

8 (iii) during the construction phase, is responsible for the services
9 of the construction manager and general contractor for agreed upon
10 compensation as set forth in the construction manager as constructor
11 contract; and

12 (iv) assumes the responsibility for construction, the period of time
13 for performance, and the costs exceeding an amount specified in the
14 construction manager as constructor contract.

15 (e) "cost plus" shall mean compensating a contractor for the cost to
16 complete a contract by reimbursing actual costs for labor, equipment and
17 materials plus an additional amount for overhead and profit.

18 [(e)] (f) "design-build contract" shall mean a contract for the design
19 and construction of a capital project with a single entity, including
20 progressive design-build, which may be a team comprised of separate
21 entities.

22 [(f)] (g) "procurement record" means documentation of the decisions
23 made and the approach taken in the procurement process.

24 [(g)] (h) "project labor agreement" shall have the meaning set forth
25 in subdivision 1 of section 222 of the labor law. A project labor agree-
26 ment shall require participation in apprentice training programs.

§ 2. Section 3 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 2 of part AA of chapter 58 of the laws of 2022, is amended to read as follows:

§ 3. Notwithstanding the provisions of section 38 of the highway law, [section] sections 136-a and 163 of the state finance law, sections 359, 1678, 1680 and 1680-a of the public authorities law, sections 376, 407-a, 6281 and 7210 of the education law, sections 8 and 9 of the public buildings law, section 103 of the general municipal law, and the provisions of any other law to the contrary, and in conformity with the requirements of this act, an authorized state entity may utilize the alternative delivery [method] methods referred to as design-build or construction manager as constructor contracts, in consultation with relevant local labor organizations and construction industry, unless otherwise provided below, for capital projects located in the state related to physical infrastructure, including, but not limited to, highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks, including, but not limited to, to repair damage caused by natural disaster, to correct health and safety defects, to comply with federal and state laws, standards, and regulations, to extend the useful life of or replace highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks or to improve or add to highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks; provided that for the contracts executed by the department of transportation, the office of parks, recreation and historic preservation, or the department of environmental conservation, the total cost of each such project shall not be less than ten million dollars (\$10,000,000). Provided further that authorized state entities may only utilize the alternative delivery

1 [method] methods referred to as design-build or construction manager as
2 constructor contracts on projects with a total construction cost of not
3 less than twenty-five million dollars (\$25,000,000) if undertaken pursu-
4 ant to a project labor agreement in accordance with section 222 of the
5 labor law. If a project labor agreement is not performed on [the] such
6 project, the authorized state entity shall not utilize a design-build or
7 construction manager as constructor contract for such project. The use
8 of a project labor agreement on a federal aid project shall not be
9 required where the federal government prohibits or disapproves of the
10 use of a project labor agreement on such a federal aided project. Prior
11 to utilizing the alternative delivery [method] methods referred to as
12 design-build or construction manager as constructor contracts for
13 projects with a total construction cost of less than twenty-five million
14 dollars (\$25,000,000), authorized state entities shall conduct a feasi-
15 bility study in accordance with section 222 of the labor law.

16 § 3. Section 4 of part F of chapter 60 of the laws of 2015, constitut-
17 ing the infrastructure investment act, as amended by section 4 of part
18 RRR of chapter 59 of the laws of 2017, the opening paragraph and subdi-
19 vision (a) as amended by section 2 of part DD of chapter 58 of the laws
20 of 2020, is amended to read as follows:

21 § 4. An entity selected by an authorized state entity to enter into a
22 design-build or construction manager as constructor contract shall be
23 selected through a one or two-step method, as follows:

24 (a) Step one. Generation of a list of entities that have demonstrated
25 the general capability to perform the design-build or construction
26 manager as constructor contract. Such list shall consist of a specified
27 number of entities, as determined by an authorized state entity, and
28 shall be generated based upon the authorized state entity's review of

1 responses to a publicly advertised request for qualifications. The
2 authorized state entity's request for qualifications shall include a
3 general description of the project, the maximum number of entities to be
4 included on the list, the selection criteria to be used and the relative
5 weight of each criteria in generating the list. Such selection criteria
6 shall include the qualifications and experience, as applicable, of the
7 construction management, design [and] and/or construction [team] teams,
8 organization, demonstrated responsibility, ability of the team or of a
9 member or members of the team to comply with applicable requirements,
10 including the provisions of articles 145, 147 and 148 of the education
11 law, past record of compliance with the labor law, and such other quali-
12 fications the authorized state entity deems appropriate which may
13 include but are not limited to project understanding, financial capabil-
14 ity and record of past performance. The authorized state entity shall
15 evaluate and rate all entities responding to the request for qualifica-
16 tions. Based upon such ratings, the authorized state entity shall list
17 the entities that shall receive a request for proposals in accordance
18 with subdivision (b) of this section. To the extent consistent with
19 applicable federal law, the authorized state entity shall consider, when
20 awarding any contract pursuant to this section, the participation of:
21 (i) firms certified pursuant to article 15-A of the executive law as
22 minority or women-owned businesses and the ability of other businesses
23 under consideration to work with minority and women-owned businesses so
24 as to promote and assist participation by such businesses; [and] (ii)
25 small business concerns identified pursuant to subdivision (b) of
26 section 139-g of the state finance law and (iii) firms certified pursu-
27 ant to article 17-B of the executive law as service-disabled veteran-
28 owned businesses and the ability of other businesses under consideration

1 to work with service-disabled veteran-owned businesses so as to promote
2 and assist participation by such businesses.

3 (b) Step two. Selection of the proposal which is the best value to the
4 authorized state entity. The authorized state entity shall issue a
5 request for proposals to the entities listed pursuant to subdivision (a)
6 of this section. If such an entity consists of a team of separate enti-
7 ties, the entities that comprise such a team must remain unchanged from
8 the entity as listed pursuant to subdivision (a) of this section unless
9 otherwise approved by the authorized state entity. The request for
10 proposals shall set forth the project's scope of work, and other
11 requirements, as determined by the authorized state entity. The request
12 for proposals shall specify the criteria to be used to evaluate the
13 responses and the relative weight of each such criteria. Such criteria
14 shall include, as applicable, the proposal's cost, the quality of the
15 proposal's solution, the qualifications and experience of the design-
16 build or construction manager as constructor entity, and other factors
17 deemed pertinent by the authorized state entity, which may include, but
18 shall not be limited to, the proposal's project implementation, ability
19 to complete the work in a timely and satisfactory manner, maintenance
20 costs of the completed project, maintenance of traffic approach, and
21 community impact. Any contract awarded pursuant to this act shall be
22 awarded to a responsive and responsible entity that submits the
23 proposal, which, in consideration of these and other specified criteria
24 deemed pertinent to the project, offers the best value to the authorized
25 state entity, as determined by the authorized state entity. The request
26 for proposals shall include a statement that entities shall designate in
27 writing those portions of the proposal that contain trade secrets or
28 other proprietary information that are to remain confidential; that the

1 material designated as confidential shall be readily separable from the
2 entity's proposal. Nothing herein shall be construed to prohibit the
3 authorized entity from negotiating final contract terms and conditions
4 including cost. All proposals submitted shall be scored according to the
5 criteria listed in the request for proposals and such final scores shall
6 be published on the authorized state entity's website.

7 § 4. Section 11 of part F of chapter 60 of the laws of 2015, consti-
8 tuting the infrastructure investment act, is amended to read as follows:

9 § 11. The submission of a proposal or responses or the execution of a
10 design-build or construction manager as constructor contract pursuant to
11 this act shall not be construed to be a violation of section 6512 of the
12 education law.

13 § 5. Subdivision (a) of section 13 of part F of chapter 60 of the laws
14 of 2015, constituting the infrastructure investment act, as amended by
15 section 11 of part RRR of chapter 59 of the laws of 2017 and paragraph 3
16 as amended by section 4 of part DD of chapter 58 of the laws of 2020, is
17 amended to read as follows:

18 (a) Notwithstanding the provisions of any other law to the contrary,
19 the authorized state entity may award a [construction] contract[:]

20 1. To] to the design-build contractor or construction manager as
21 constructor contractor [offering]:

22 1. Offering the best value; or

23 2. Utilizing a cost-plus not to exceed guaranteed maximum price form
24 of contract in which the authorized state entity shall be entitled to
25 monitor and audit all project costs. In establishing the schedule and
26 process for determining a guaranteed maximum price, the contract between
27 the authorized state entity and the design-build contractor or
28 construction manager as constructor contractor shall:

1 (i) describe the scope of the work and the cost of performing such
2 work;

3 (ii) include a detailed line item cost breakdown;

4 (iii) include a list of all drawings, specifications and other infor-
5 mation on which the guaranteed maximum price is based;

6 (iv) include the dates for substantial and final completion on which
7 the guaranteed maximum price is based; and

8 (v) include a schedule of unit prices; or

9 3. [(i)] Utilizing a lump sum contract in which the design-build
10 contractor or construction manager as constructor contractor agrees to
11 accept a set dollar amount for a contract which comprises a single bid
12 without providing a cost breakdown for all costs such as for equipment,
13 labor, materials, as well as such contractor's profit for completing all
14 items of work comprising the project, which lump sum price may be nego-
15 tiated and established by the authorized state entity based on a
16 proposed guaranteed maximum price[.]; or

17 [(ii) The design-build contract may include] 4. utilizing a contract
18 that includes both lump sum elements and cost-plus not to exceed guaran-
19 teed maximum price elements [and], which contract may also provide for
20 professional services on a fee-for-service basis.

21 § 6. Section 14 of part F of chapter 60 of the laws of 2015, consti-
22 tuting the infrastructure investment act, is amended to read as follows:

23 § 14. Prequalified contractors. (a) Notwithstanding any other
24 provision of law, the authorized state entity [may maintain a list of
25 prequalified contractors who are eligible to submit a proposal pursuant
26 to this act and entry into such list shall be continuously available]
27 when awarding any contract for public work may establish guidelines
28 governing the qualifications of contractors seeking to bid, propose or

1 enter into such contract. Prospective contractors may be prequalified as
2 contractors to provide particular types of construction, in accordance
3 with general criteria established by the authorized state entity which
4 may include, but shall not be limited to, the experience, past perform-
5 ance, ability to undertake the type and complexity of work, financial
6 capability, responsibility, compliance with equal employment opportunity
7 requirements and anti-discrimination laws, and reliability. Such
8 prequalification may be by categories designed by size, value,
9 geography, and other factors. If the authorized state entity maintains
10 an appropriate list of qualified contractors, the contract shall be
11 awarded consistent with guidelines established by the authorized state
12 entity.

13 (b) The authorized state entity shall, not less than annually, publish
14 in a newspaper of general circulation or post in the New York State
15 Contract Reporter an advertisement requesting prospective contractors to
16 submit qualification statements. Lists of pre-qualified contractors may
17 be established on a project-specific basis. Pre-qualified lists shall
18 include all contractors that qualify; provided, however, that any such
19 list shall have no less than five bidders. A contractor who is denied
20 prequalification or whose prequalification is revoked or suspended by
21 the authorized state entity may appeal such decision to the authorized
22 state entity. If such a suspension extends for more than three months,
23 it shall be deemed a revocation of the prequalification. The authorized
24 state entity may proceed with the contract award during any appeal.

25 § 7. Section 15-b of part F of chapter 60 of the laws of 2015, consti-
26 tuting the infrastructure investment act, as added by section 5 of part
27 DD of chapter 58 of the laws of 2020, is amended to read as follows:

1 § 15-b. Public employees as defined by paragraph (a) of subdivision 7
2 of section 201 of the civil service law and who are employed by author-
3 ized entities as defined in paragraph (i) of subdivision (a) of section
4 two of this act shall examine and review certifications provided by
5 contractors for conformance with material source testing, certifications
6 testing, surveying, monitoring of environmental compliance, independent
7 quality control testing and inspection and quality assurance audits.
8 Performance by authorized entities of any review described in this
9 subdivision shall not be construed to modify or limit contractors' obli-
10 gations to perform work in strict accordance with the applicable
11 design-build or construction manager as constructor contracts or the
12 contractors' or any subcontractors' obligations or liabilities under any
13 law.

14 § 8. Section 16 of part F of chapter 60 of the laws of 2015, consti-
15 tuting the infrastructure investment act, as amended by section 6 of
16 part DD of chapter 58 of the laws of 2020, is amended to read as
17 follows:

18 § 16. A report shall be submitted on or no later than June 30, 2021
19 and annually thereafter, to the governor, the temporary president of the
20 senate and the speaker of the assembly by the New York state office of
21 general services on behalf of authorized entities defined in paragraph
22 (i) of subdivision (a) of section two of this act containing information
23 on each authorized state entity that has entered into a design-build or
24 construction manager as constructor contract pursuant to this act, which
25 shall include, but not be limited to, a description of each such
26 design-build or construction manager as constructor contract, informa-
27 tion regarding the procurement process for each such design-build or
28 construction manager as constructor project, including the list of qual-

1 ified bidders, the total cost of each design-build or construction
2 manager as constructor project, an explanation of the estimated cost and
3 schedule savings of each project, an explanation of how the savings were
4 determined, the participation rate and total dollar value of minority-
5 and women-owned business enterprises and service-disabled veteran-owned
6 businesses, and whether a project labor agreement was used, and if
7 applicable, the justification for using a project labor agreement. Such
8 report shall also be posted on the website of the New York state office
9 of general services for public review.

10 § 9. This act shall take effect immediately; provided, however, that
11 the amendments to part F of chapter 60 of the laws of 2015 made by
12 sections one, two, three, four, five, six, seven and eight of this act
13 shall not affect the repeal of such part and shall be deemed repealed
14 therewith.

15 PART Z

16 Section 1. Section 13-a of chapter 749 of the laws of 2019, constitut-
17 ing the New York city public works investment act, as added by chapter
18 534 of the laws of 2024, is amended to read as follows:

19 § 13-a. (a) For purposes of this section:

20 [(1)] "Construction manager build" shall mean a project delivery meth-
21 od whereby a construction manager:

22 (i) serves as part of a team in conjunction with the owner in the
23 design phase of the project;

24 (ii) under the oversight of the owner, acts as the single source of
25 responsibility to bid, select and hold construction contracts on behalf
26 of the owner during the construction phase; and

1 (iii) manages the construction project on behalf of the owner.

2 [(2) "Department" shall mean the New York city department of design
3 and construction.]

4 (b) This section may only be applied to:

5 (1) Design-build contracts solicited by [the department] an authorized
6 entity that have an estimated cost of not less than ten million
7 dollars[,], and are undertaken pursuant to a project labor agreement in
8 accordance with section 222 of the labor law [and in connection with a
9 project that is primarily related to:

10 (i) water or sewer infrastructure, and primarily consists of the
11 replacement of existing, or installation of new, water mains or sewers
12 or the installation of assets to manage stormwater flow, or a combina-
13 tion of the foregoing; or

14 (ii) coastal resiliency, and primarily consists of flood walls,
15 deployable gates, the relocation or protection of existing infrastruc-
16 ture from flooding, or a combination of the foregoing]; or

17 (2) Construction manager build contracts solicited by [the department]
18 an authorized entity that have an estimated cost of not less than five
19 million dollars[,], and are undertaken pursuant to a project labor agree-
20 ment in accordance with section 222 of the labor law [and in connection
21 with a project for the construction or renovation of a cultural institu-
22 tion located on publicly owned real property on behalf of the New York
23 city department of cultural affairs or a public library in the city of
24 New York].

25 (c) Notwithstanding any general, special, or local law, rule, or regu-
26 lation to the contrary, a contractor selected by [the department] an
27 authorized entity to enter into a construction manager build contract
28 pursuant to this section shall be selected through the two-step method

1 described in subdivision (a) of section four of this act. The [depart-
2 ment] authorized entity may use the types of contracts identified in
3 subdivision (b) of section four of this act for contracts procured using
4 the construction manager build delivery method.

5 (d) Where [the department] an authorized entity determines in writing
6 that it is in the best interest of the public to solicit proposals using
7 the design-build contract delivery method in connection with a project
8 that meets the criteria set forth in paragraph one of subdivision (b) of
9 this section, without generating a list pursuant to the process set
10 forth in paragraph one of subdivision (a) of section four of this act,
11 [the department] such authorized entity shall release, evaluate and
12 score a request for proposals pursuant to the procedure set forth in
13 subdivision (e) of this section. To the extent consistent with applica-
14 ble federal law, [the department] such authorized entity shall consider,
15 when soliciting proposals and awarding any contract pursuant to this
16 section, the participation of (i) entities that are certified as minori-
17 ty- or women-owned business enterprises pursuant to article fifteen-A of
18 the executive law, or certified pursuant to local law as minority- or
19 women-owned business enterprises, and (ii) small business concerns iden-
20 tified pursuant to subdivision (b) of section one hundred thirty-nine-g
21 of the state finance law. In addition, nothing in this section shall be
22 deemed to supersede any pre-qualification guidelines or requirements
23 otherwise authorized by law for [the department] such authorized entity.

24 (e) The request for proposals shall set forth the public work's scope
25 of work, and other requirements, as determined by the [department]
26 authorized entity, which may include separate goals for work under the
27 contract to be performed by businesses certified as minority- or women-
28 owned business enterprises pursuant to article fifteen-A of the execu-

1 tive law or certified pursuant to local law as minority- or women-owned
2 business enterprises. The request for proposals shall also specify the
3 criteria to be used to evaluate the responses and the relative weight of
4 each of such criteria. Such criteria shall include the proposal's cost,
5 the quality of the proposal's solution, the qualifications and experi-
6 ence of the proposer, and other factors deemed pertinent by the [depart-
7 ment] authorized entity, which may include, but shall not be limited to,
8 the proposal's manner and schedule of project implementation, the
9 proposer's ability to complete the work in a timely and satisfactory
10 manner, maintenance costs of the completed public work, maintenance of
11 traffic approach, and community impact. A contract awarded pursuant to
12 this section shall be awarded to a responsive and responsible proposer,
13 which, in consideration of these and other specified criteria deemed
14 pertinent, offers the best value, as determined by the [department]
15 authorized entity. The [department] authorized entity may engage in
16 negotiations or other discussions with all qualified proposers that have
17 expressed interest in response to the request for proposals released
18 pursuant to subdivision (d) of this section, provided that such [depart-
19 ment] authorized entity maintains a written record of the conduct of
20 negotiations or discussions and the basis for every determination to
21 continue or suspend negotiations, and, provided, further, that if such
22 [department] authorized entity determines for a particular contract or
23 for a particular type of contract that it is in the best interest of the
24 public to negotiate or enter into discussions with fewer proposers, it
25 shall make such a determination in writing. If such [department] author-
26 ized entity enters into such negotiations, such [department] authorized
27 entity shall allow all proposers to revise their proposals upon conclu-
28 sion of negotiations, and shall evaluate any such revised proposals

1 using the criteria included in the request for proposals. The request
2 for proposals shall include a statement that proposers shall designate
3 in writing those portions of the proposal that contain trade secrets or
4 other proprietary information that are to remain confidential; that the
5 material designated as confidential shall be readily separable from the
6 proposal. Nothing in this section shall be construed to prohibit the
7 authorized entity from negotiating final contract terms and conditions
8 including cost. All proposals submitted shall be scored according to
9 the criteria listed in the request for proposals and such final
10 scores shall be published on the authorized entity's website after
11 registration of such contract or the date upon which such contract may
12 be implemented, if registration requirements do not apply.

13 (f) The reporting requirement set forth in section thirteen of this
14 act shall apply to contracts procured pursuant to this section, provided
15 that the requirement that such report include a list of responding enti-
16 ties shall not apply to any contract where no such list was generated.
17 Such report shall include a description of the scope of work for each
18 project, whether the project used the design-build or construction
19 manager build method as described in subdivision (b) of this section,
20 the percentage of alternative project delivery contracts that used the
21 methods described in subdivision (b) of this section, the type of
22 contract described in subdivision (b) of section four of this act that
23 was used to procure the project, information regarding the total
24 contract price upon contract award, the total contract price upon final
25 completion of the project, the [department's] authorized entity's
26 initial projected estimate of the cost of the project and the partic-
27 ipation rate of and total dollar value of monies paid to minority- and

1 women-owned business enterprises and small business concerns under
2 alternative project delivery contracts.

3 § 2. This act shall take effect immediately; provided however, that
4 the amendments to chapter 749 of the laws of 2019 made by section one of
5 this act shall not affect the expiration and repeal of such chapter and
6 shall be deemed repealed therewith.

7 PART AA

8 Section 1. Subdivision 2 of section 13-b of the workers' compensation
9 law is amended by adding a new paragraph (b-2) to read as follows:

10 (b-2) Under the supervision of any authorized provider, any resident
11 or fellow who may practice medicine as an exempt person as provided for
12 in title eight of the education law, may render medical care under this
13 chapter so long as the supervisory requirements of the education law are
14 met and neither the supervising provider nor resident or fellow have
15 been prohibited from treating workers' compensation claimants pursuant
16 to section thirteen-d of this article.

17 § 2. This act shall take effect immediately.

18 PART BB

19 Section 1. Section 13-a of the workers' compensation law, as added by
20 chapter 258 of the laws of 1935, subdivision 1 as amended by chapter 363
21 of the laws of 1989, subdivision 2 as amended by chapter 113 of the laws
22 of 1946, subdivision 4 as amended by chapter 473 of the laws of 2000,
23 subdivisions 5 and 6 as amended by section 8 of part CC of chapter 55 of

The following draft document is a joint effort of the State Boards representing the design professions in New York. The State Boards' position is that design build, with the proper safeguards, can be a viable project delivery method for publicly funded projects; one that protects the public's health, safety and welfare while helping to control project costs, schedule, and quality. The requirements, roles, and responsibilities of the design professionals and contractors and the requirements of the RFP design build submission outlined below comprise the parameters around which the State Boards believe the design-build method of project delivery may be performed in the State of New York in a manner that will protect the public's health, safety, and welfare. Of important note to improve accountability to the public, the State Boards support a new licensure requirement for contractors, but only for those contractors who want to use the design-build method of project delivery.

Requirements, Roles and Responsibilities

Depending upon the complexity of the project, the Owner has the flexibility to hire or use multiple Design Professionals/firms for different scopes of professional services

DCP – Owner's Design Criteria Professional

- The DCP must be a New York licensed and registered design professional and/or firm authorized to provide design professional services in New York
- The DCP may be either Owner's qualified in-house staff or the Owner may hire a New York licensed and registered design professional and/or firm authorized to provide design professional services in New York
- A DCP must be retained/serve as Owner's representative for duration of the project
- The DCP assists in the preparation of the RFP package to allow the DB Team to submit a proposal that meets the requirements of the DB RFP submission identified below
- Sets the quality assurance/control requirements for the DB Team and monitors the DB Team during design and construction
- Identifies preliminary list of permits required for projects
- Assists Owner with selection of DB Team
- Provides review for the Owner while the DB Team advances the design, including the construction documents phase, construction phase, and the project closeout phase, to check compliance with RFP requirements and to ensure design intent is met

DB Team - (DP - Design Professional + Contractor)

Depending upon the complexity of the project, the Design Build Team may consist of multiple Design Professionals/firms to provide different scopes of professional services

- DP must be a New York licensed and registered design professional and/or firm authorized to provide design professional services in New York
- Contractor must be a licensed and registered contractor qualified to do design-build in New York (contractor only needs to be licensed for design-build projects)
- DB Team fixes final cost of project and final schedule
- DP develops the final design and stamps/signs final Construction Documents for regulatory approvals
- DP reviews submittals and does construction site visits during construction
- DB Team is responsible for Quality Assurance/Control, Inspection and Oversight requirements as defined in the RFP
- DP conducts final inspection and does punch list, verifies project has been constructed in accordance with New York codes/laws/regulations, and obtains certificate of occupancy and/or completion

Requirements of the DB RFP submission provided by the DCP

- Design performance criteria and design standards
- Quality Assurance/Control, Inspection and Oversight parameters
- Concept/schematic documents to establish design intent
- Scope of work and Performance specifications
- Proposed project schedule for design and construction (in milestones)

Key Additional Requirements

- Hiring of the DB Team should be a two step quality-based and best-value selection that includes, but is not limited to, the DB Team's experience, qualifications and financial capability.
- DP on the DB Team may not be an employee of contractor
- DCP and the DP on DB Team must be employed at an entity authorized to provide professional design services in New York, including a Certificate of Authorization from the State Board for Engineering/Land Surveying if required or a New York licensed and registered design professional acting as a sole practitioner
- DCP cannot be the DP
- DP must be named in the DB contract and cannot be terminated from the project without the Owner's consent
- The DP is the design professional of record for their defined scope of work.

Notes

- Nothing in this document is intended to limit grandfathered corporations from providing those professional services that they are authorized to perform