



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

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### **State Board for Landscape Architecture Meeting**

1411 Broadway (between 39<sup>th</sup> and 40<sup>th</sup> Streets) – 10<sup>th</sup> Floor – Regent's Room-Manhattan

**Wednesday, April 23, 2025**

10:00 am start time

*Members of the public may attend and observe the meeting outside of the Executive Session*

### **AGENDA**

#### **Public Session**

1. Approval of Minutes
2. Board Chair Report
3. Board Office Report
4. Old Business
  - Continuing Education Update
  - Public Member Search
  - Professional Member Search
  - LARE ESL Accommodation
  - Education/Experience Review - Architecture
5. New Business
  - Election of Chair and Vice Chair
  - CLARB Mid-Year Update Volunteer – Apr. 29, 2025
  - CLARB Annual Meeting – Sept. 18-20, 2025
  - CLARB Organizational Update
  - Future CLARB Visit
  - NCARB Statement on AI
  - ASLA Meeting CE Volunteers
6. Adjournment

#### **Next Meeting**

*August 14, 2025 – New York, NY*

**Minutes of the Meeting**  
**State Board for Landscape Architecture**  
1411 Broadway; Regents' Room  
New York, NY 10018

Present: Stacy Paetzel, Chair  
Valerie Aymer  
Daniel Biggs  
Nate Harris  
Andrew Lavallee  
Christopher Nolan

Absent: Adrienne Weremchuk, Vice Chair  
Kimberly Lorenz

Staff: Robert Lopez, Executive Secretary  
Gina Sacco, Assistant in Profession Education

**December 4, 2024**

**OPEN SESSION**

1. **Motion:** Lavallee/Biggs: That the Board enter Executive Session. PASSED UNANIMOUSLY.
2. **Motion:** Nolan/Lavallee: That the minutes of the August 14, 2024 meeting of the State Board for Landscape Architecture be approved as written. PASSED UNANIMOUSLY.
3. **Board Chair Report:** Chair Paetzel noted that this year's ASLA Annual Conference Learning Lab sessions were not recognized as acceptable continuing education (CE) in New York. Chair Paetzel recommended that the Board review these LL sessions to determine whether they should receive CE credit in New York. The Executive Secretary noted that the LL sessions were not included in last year's review of ASLA CE offerings, so no review was conducted. He will reach out to ASLA to ask that the LL sessions be sent to New York in the future.
4. **Board Office Report:** The Executive Secretary provided updated statistics that showed steady growth in the number of landscape architects licensed in New York. New York has licensed more landscape architects this year than any prior year except for the early 1960's, when landscape architecture first became a profession.

The Board discussed a new law that will allow all licensees to receive an email notification regarding registration renewal from the State Education Department in lieu of a paper document delivered by mail. Chair Paetzel recommended notifying ASLA chapters of this change, and the Executive Secretary will follow up with them.

5. **Old Business:**  
**Continuing Education (CE) Update:** NYSCLA is still seeking a bill sponsor for proposed updates to modernize the CE requirements for landscape architects.

**Board Member Search:** The Board is still in need of a Public Member and the Executive Secretary welcomes any suggestions from current Board members.

**2024 CLARB Annual Meeting:** Member Biggs and the Executive Secretary attended the CLARB Annual Meeting in September in Buffalo, New York. A summary of outcomes was included in the

Board package. For the first time in many years, a joint licensure summit with the ASLA was held immediately preceding the Annual Meeting.

Member Biggs reviewed the key sessions and outcomes of the CLARB Annual Meeting. Highlights of the meeting included a presentation on artificial intelligence (AI) and its impact on regulation and practice, a deep-dive into understanding how the LARE proves competency to practice, an update on ICOR and the regulation of overlapping practice in the design professions, input on the work of the CLARB Bylaws Workgroup, and further discussions surrounding the impact of the STEM designation for students, candidates, instructors and the profession of landscape architecture.

Member Biggs noted that the Annual Meeting was packed with many sessions that offered excellent information. The Board discussed whether students are familiar with CLARB, the numerous areas in which CLARB is involved, and the current disconnect between practice, becoming licensed, and education.

6. **New Business:**

NJASLA Annual Meeting CE Review: The Executive Secretary led the Board through a discussion of NJASLA Annual Conference courses for the Board's input. After discussion, the Board agreed with the findings as outlined in the Board package and provided further input on the following courses:

- Session 6A – OK for HSW
- Session 6B – OK for HSW
- Session 8A – OK no HSW
- Session 8B – no credit
- Session 10KN - no credit

Competency Standard - Architecture: The Executive Secretary shared NCARB's *Competency Standard for Architects* that was released in October. He went over the potential impacts the standard may have as NCARB begins its multiple pathways to licensure initiative. The Executive Secretary noted the ongoing conversations that the State Board for Architecture is having with respect to updating its education and experience requirements for licensure.

The Board engaged in discussion on the value of education and experience towards licensure. The Executive Secretary noted that he will keep the Board updated on the Architecture Board's recommendations on future changes to the licensure requirements for architects.

CLARB Annual Report: The Executive Secretary included this report in the Board package and noted that it provides a good overview for CLARB activities. Member Aymer asked if the report could be shared, and the Executive Secretary noted that the Annual Report is public and can be shared with students.

LAAB Annual Report: The Executive Secretary shared the report and a few highlights. Member Nolan asked if there is data in the report on the percentage of students who get licensed after going through LAAB programs. The Executive Secretary stated that this information was not included in this particular report.

Board Elections: The Board will vote on a new Chair and Vice Chair at their April 2025 meeting. Members who are interested in serving in either of these roles should reach out to Chair Paetzel if they are interested in either position.

7. **Motion:** Lavalle /Aymer moved to adjourn. PASSED UNANIMOUSLY.

**Next meeting Wednesday, April 23, 2025; in NYC**

Respectfully submitted,

Robert Lopez, RA  
Executive Secretary

DRAFT

**Minutes of the Meeting**  
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New York, NY 10018

Present: Stacy Paetzel, Chair  
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Absent: Adrienne Weremchuk, Vice Chair  
Kimberly Lorenz

Staff: Robert Lopez, Executive Secretary  
Gina Sacco, Assistant in Profession Education

**December 4, 2024**

**EXECUTIVE SESSION**

1. Motion: Nolan/Lavallee: That the minutes of the August 14, 2024 meeting of the State Board for Landscape Architecture be approved as written. PASSED UNANIMOUSLY.
2. Education Program Review: The Executive Secretary thanked Members Aymer, Lavallee and Ms. Sacco for reviewing a proposed change to a professional education program. Members Aymer and Lavallee reviewed the proposal and provided comments to the Board. Both were in support of the changes to the professional education program. Member Aymer recommended that an on-campus option be available for students who may find the off-campus requirement in the fourth-year cost prohibitive or may not be prepared to study off-campus. The Board supported the proposal with Member Aymer's recommendation included.
3. Disciplinary Case: The Executive Secretary reviewed a disciplinary case and showed the Board members the OP website and how the disciplinary case would appear to those individuals visiting the website.
4. Motion: Harris/Aymer: That the Board resume Open Session. PASSED UNANIMOUSLY.

Respectfully submitted,

Robert Lopez, RA  
Executive Secretary

**NEW YORK STATE BOARD  
FOR  
LANDSCAPE ARCHITECTURE**

**BOARD REPORT**

**Licensing Statistics**

Current Resident Registrants:	938
Current Non-Resident Registrants:	633
Total Number of Registrants as of <b>January 1, 2025</b>	<b>1,571</b>

**Licenses Issued**

**2025 – 10 (through Feb. 28); 2024 – 92; 2023 – 81; 2022 – 74; 2021 – 76; 2020 – 61; 2019 – 86**

**Licenses Issued between November 15, 2024 – March 25, 2025 - 21**

**OP/Staff Activities**

Approval for a new Education Credentials Specialist 1 position in the Board office was granted to replace the former Administrative Assistant 1. Recruitment and interviews will be conducted in April, with the goal of having an additional staff member in Board office in the Spring of 2025.

On February 11, 2025, the Executive Secretary attended an ARPL (Alliance for Responsible Professional Licensing) webinar featuring Zach Druga of CLARB and Maurice Brown of NCARB. The agenda included the review of emerging legislation affecting professional licensing, an examination of the growing vulnerability of licensing boards, and the exploration of ARPL's new advocacy toolkit.

Along with CLARB staff, the Executive Secretary gave a virtual licensure presentation on March 24, 2025 to approximately 21 students at SUNY ESF.

On March 25, 2025, the Executive Secretary gave a virtual presentation on the State Board's Practice Guidelines that was hosted by the ASLA Upstate Chapter. Approximately 70 people were in attendance.

**Legislative / Regulatory Activity**

The NYS Legislature is in a new two-year session that will run from January 2025 through December 2026. Although early in the session, legislation of interest follows:

**A10543 / S9849 – Relates to authorizing the use of certain alternative project delivery methods**

Authorizes the use of certain alternative project delivery methods for the New York city public works investment act.

***Bill was signed as Chapter 534 of the Laws of 2024; effective date 11/22/24. Chapter 534 is included in the Board package.***

**S1834 / No Same as – Relates to the licensing of landscape architects**

Relates to certain licensing exemptions for landscape architects.

***NEW BILL – Language is included in the Board package.***

*Bill is referred to Higher Education in the Senate and is referred to Higher Education in the Assembly.*

**S3268 / No Same as – Relates to comprehensive delivery of infrastructure delivered between a public entity and a development entity**

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.

***NEW BILL – Language is included in the Board package.***

*Bill is referred to Procurement and Contracts in the Senate.*

**S3287 / A4942 – Relates to an engineering technology degree**

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.

*Bill is referred to Higher Education in the Senate.*

**A483 / S5392 – 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**

Relates 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.

*Bill is referred to Higher Education in the Assembly and is passed in the Senate.*

**S1141 / A4840 – Relates to the requirements for certification for certified interior designers**

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 147 of the NYS Education Law.

*Bill is referred to Higher Education in the Senate and is in Higher Education in the Assembly.*

**A2571 / S620 – Relates to the practice of geology**

Adds the practice of geology to legacy corporations.

*Bill is referred to Higher Education in the Assembly and is passed in the Senate.*

**S2146 / A4907– Repeals and reenacts provisions on time limitations on certain actions against professional engineers, architects, other designers and construction contractors**

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.

*Bill is on its 1<sup>st</sup> report in the Senate and is referred to Higher Education in the Assembly.*

**A4680 / No Same As – New York Emergency Responder Act**

Enacts the New York emergency responder act limiting the liability of certain emergency responders.

*Bill is referred to Governmental Operations in the Assembly.*

**S4577 / A5520 - Requires public authorities to negotiate with most qualified architectural, engineering, geological, landscape architectural and/or surveying professional firms before negotiating with other firms**

Requires public authorities and public benefit corporations to negotiate with professional firms providing architectural, engineering, geological, landscape architectural or surveying services in order from the most qualified to the least qualified with regard to the provision of services to the authority or corporation

*Bill is referred to Corporations, Authorities and Commissions in the Senate and is referred to Corporations, Authorities and Commissions in the Assembly.*

**S6482 / A5622 – Relates to licensure requirements for professional geologists**

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.

*Bill is referred to Higher Education in the Senate and is referred to Higher Education in the Assembly.*

**A5678 / No Same As – Increases to \$50,000 for cost of construction**

Increases to \$50,000 the cost of the construction of a building, structure or public work, above which an engineer, land surveyor or architect must be utilized

*Bill is referred to Higher Education in the Assembly.*



## **Bills Not yet Introduced**

### **S / A – Relates to public employees’ supervision, examination, review, and determination of acceptability of public works projects performed by contractors**

Requires certain public employees to be on the site for the duration of public works projects completed by contractors; requires such certain public employees to review a contractor’s work on public works projects and determine whether the work performed is acceptable.

*Bill passed in the Senate and passed in the Assembly but was vetoed by the Executive in 2024.  
Bill is not yet introduced this session.*

### **S / A– Establishes a program where a municipal department of buildings may accept certain construction documents for code compliance**

Establishes a program where a municipal department of buildings may accept construction documents required to be filed in relation to code compliance prior to issuance of a certificate of occupancy with less than a full examination by such municipal department of buildings based on a professional certification of an applicant who is an architect or professional engineer; makes related provisions.

*Bill is not yet introduced*

### **S / A – Requires certain engineering plans that could pose a material risk to public safety to bear a stamp of approval of a professional engineer**

Requires certain engineering plans or specifications for engineering work or services that could pose a material risk to public safety to bear a stamp of approval of a professional engineer and authorizes the public service commission to promulgate rules and regulations relating to such requirement.

*Bill is not yet introduced*

### **A / No Same As - Licensing consequences for serious abuse of self-certification privileges**

Relates to licensing consequences for architects or engineers who seriously abuse their self-certification privileges

*Bill is not yet introduced*

## **Office of Professional Discipline**

N/A

**CH 534 OF THE  
LAWS OF 2024****ALTERNATIVE  
PROJECT  
DELIVERY FOR  
NYC PUBLIC  
WORKS  
INVESTMENT  
ACT**

**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

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RULES COM (Request of Braunstein, Rajkumar, Simone)

Amd §§2, 3, 6, 9 & 14, add §13-a, Chap 749 of 2019

Authorizes the use of certain alternative project delivery methods for the New York city public works investment act.

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# 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 delivery methods

The People of the State of New York, represented in Senate and Assembly, 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.

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A. 10543

2

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

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

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

17 (d) Without limiting contractors' obligations under [~~design-build~~]  
 18 alternative project delivery contracts to issue their own initial  
 19 certifications of substantial completion and final completion, public  
 20 employees of authorized entities shall review and determine whether the  
 21 work performed by contractors is acceptable and has been performed in  
 22 accordance with the applicable [~~design-build~~] alternative project deliv-  
 23 ery contracts, and if such public employees so determine, such public  
 24 employees shall accept contractors' substantial or final completion of  
 25 the public works as applicable. Performance by authorized entities of  
 26 any review described in this subdivision shall not be construed to modi-  
 27 fy or limit contractors' obligations to perform the work in strict  
 28 accordance with the applicable [~~design-build~~] alternative project deliv-  
 29 ery contracts or the contractors' or any subcontractors' obligations or  
 30 liabilities under any law.

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

34 § 13-a. (a) For purposes of this section:

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

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

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

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

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

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

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

51 (i) water or sewer infrastructure, and primarily consists of the  
 52 replacement of existing, or installation of new, water mains or sewers  
 53 or the installation of assets to manage stormwater flow, or a combina-  
 54 tion of the foregoing; or

A. 10543

3

1 (ii) coastal resiliency, and primarily consists of flood walls,  
2 deployable gates, the relocation or protection of existing infrastruc-  
3 ture from flooding, or a combination of the foregoing; or  
4 (2) Construction manager build contracts solicited by the department  
5 that have an estimated cost of not less than five million dollars, are  
6 undertaken pursuant to a project labor agreement in accordance with  
7 section 222 of the labor law and in connection with a project for the  
8 construction or renovation of a cultural institution located on publicly  
9 owned real property on behalf of the New York city department of  
10 cultural affairs or a public library in the city of New York.  
11 (c) Notwithstanding any general, special, or local law, rule, or regu-  
12 lation to the contrary, a contractor selected by the department to enter  
13 into a construction manager build contract pursuant to this section  
14 shall be selected through the two-step method described in subdivision  
15 (a) of section four of this act. The department may use the types of  
16 contracts identified in subdivision (b) of section four of this act for  
17 contracts procured using the construction manager build delivery method.  
18 (d) Where the department determines in writing that it is in the best  
19 interest of the public to solicit proposals using the design-build  
20 contract delivery method in connection with a project that meets the  
21 criteria set forth in paragraph one of subdivision (b) of this section,  
22 without generating a list pursuant to the process set forth in paragraph  
23 one of subdivision (a) of section four of this act, the department shall  
24 release, evaluate and score a request for proposals pursuant to the  
25 procedure set forth in subdivision (e) of this section. To the extent  
26 consistent with applicable federal law, the department shall consider,  
27 when soliciting proposals and awarding any contract pursuant to this  
28 section, the participation of (i) entities that are certified as minority-  
29 or women-owned business enterprises pursuant to article fifteen-A of  
30 the executive law, or certified pursuant to local law as minority- or  
31 women-owned business enterprises, and (ii) small business concerns iden-  
32 tified pursuant to subdivision (b) of section one hundred thirty-nine-g  
33 of the state finance law. In addition, nothing in this section shall be  
34 deemed to supersede any pre-qualification guidelines or requirements  
35 otherwise authorized by law for the department.  
36 (e) The request for proposals shall set forth the public work's scope  
37 of work, and other requirements, as determined by the department, which  
38 may include separate goals for work under the contract to be performed  
39 by businesses certified as minority- or women-owned business enterprises  
40 pursuant to article fifteen-A of the executive law or certified pursuant  
41 to local law as minority- or women-owned business enterprises. The  
42 request for proposals shall also specify the criteria to be used to  
43 evaluate the responses and the relative weight of each of such criteria.  
44 Such criteria shall include the proposal's cost, the quality of the  
45 proposal's solution, the qualifications and experience of the proposer,  
46 and other factors deemed pertinent by the department, which may include,  
47 but shall not be limited to, the proposal's manner and schedule of  
48 project implementation, the proposer's ability to complete the work in a  
49 timely and satisfactory manner, maintenance costs of the completed  
50 public work, maintenance of traffic approach, and community impact. A  
51 contract awarded pursuant to this section shall be awarded to a respon-  
52 sive and responsible proposer, which, in consideration of these and  
53 other specified criteria deemed pertinent, offers the best value, as  
54 determined by the department. The department may engage in negotiations  
55 or other discussions with all qualified proposers that have expressed  
56 interest in response to the request for proposals released pursuant to

A. 10543

4

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

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

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

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

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

Memo Text Not Found for Bill A10543

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

**NYS PROPOSED  
BUDGET BILL  
PARTS Y AND Z**

**To:** Landscape Architecture Board Members  
**From:** Robert Lopez  
**Subject:** Alternative Project Delivery in NYS Budget Bill

**Date:** March 26, 2025

**In reply to:**

Included within the FY '26 NYS Executive Budget Bill is language that expands upon the capability for certain State entities to use alternative project delivery methods (*Part Y – Infrastructure Investment Act Expansion*). The language also expands upon the capability for certain New York City entities to use construction manager build as a project delivery method and the types of projects able to use this method (*Part Z New York City Public Works Investment Act Expansion*). The budget bill language follows this memo.

Also included in the Board package is the 2013 design-build white paper created through the collaboration of the State Boards for Landscape Architecture, Architecture, and Engineering/Land Surveying. Geology was not yet a profession in New York State at the time of the creation of the white paper. The white paper notes "...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" and outlines the preferred approach.

A summary of the major provisions of *Part Y – Infrastructure Investment Act Expansion* in the budget bill follows below:

- Adds SUNY and the CUNY Construction Fund to the list of authorized state entities that may use alternative delivery methods for construction projects
- Maintains the Thruway Authority, DoT, OPRHP, DEC, Bridge Authority, OGS, DASNY, Urban Development Corporation, SUCF, ORDA, and Battery Park City Authority as "authorized state entities" able to use alternative delivery methods
- Adds an additional alternative delivery method known as construction manager as constructor to the design-build method capability
- The CM as constructor method calls for the "...owner's separately retained design firm..." indicating that the architect would not be hired by the CM but by the owner
- Expands design-build to include "progressive design-build" as an alternative delivery method under the design-build category
- Exempts the "...construction manager as constructor contract..." from being a violation of Section 6512 of the Education Law



- Requires the authorized state entity to publish at least annually an advertisement requesting prospective contractors to submit qualification statements.

A summary of the major provisions of *Part Z New York City Public Works Investment Act Expansion* in the budget bill follows below:

- Maintains the “authorized entities” able to use alternative project delivery as NYC DDC, NYC DEP, NYC DOT, NYC Parks and Recreation, NYC HHC, NYC SCA and NYCHA
- Removes the limitation on the types of projects that may use alternative project delivery methods from just water/sewer infrastructure, water mains, assets to manager stormwater flow
- Expands the projects called out in the legislation from only cultural institutions located on publicly owned real property, the NYC Department of Cultural Affairs and NYC public libraries

This information is being provided to allow for the State Board to give its technical assistance to the Department during the Board meeting.

**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  
ARTICLE VII LEGISLATION**

**CONTENTS**

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
A	Extend Various Criminal Justice and Public Safety Programs That Would Otherwise Sunset	10
B	Streamline and Clarify Discovery Requirements	21
C	Eliminate Outdated Barriers in Public Safety Recruitment	31
D	Dispossess Domestic Violence Abusers of Firearms	41
E	Reduce Reoffending Through Innovative Justice Initiatives	42
F	Eliminate the Statute of Limitations for Sex Trafficking Cases	43
G	Expand Victim Support Services	50
H	Expand Protections and Services to Victims of Sexual Assault	55
I	Improve Access to Public Assistance for Survivors of Gender-Based Violence	59
J	Create Safer Workplaces for Survivors of Gender-Based Violence	61
K	Mandate Reporting of Local Government Cyber Incidents	66
L	Outlaw Artificial Intelligence-Generated Child Sexual Abuse Material	71
M	Protecting Individuals with Intellectual Disabilities against Trafficking	73
N	Enhance the Transit Ban	75

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
O	Expand Definitions of Criminal Trespass and Burglary Statute to Add Transportation Facilities	77
P	Aggravated Transportation Offense	78
Q	Extend Authorization for Temporary Retail Permits	80
R	Increase the Bonding Limit for the New York City Transitional Finance Authority	81
S	Amend the New York City Industrial and Commercial Abatement Program	83
T	Market-Based Interest Rate on Court Judgments	90
U	Cease reimbursement of the Medicare Income Related Monthly Adjustment Amounts (IRMAA) to high-income retirees and their dependents and provide a premium refund to certain enrollees in the New York State Health Insurance Program (NYSHIP)	91
V	Extend the Waiver of Civil Service Examination Fees	94
W	Establish an Optional Payment for Newly Hired State Employees	96
X	Require Cybersecurity Awareness Training	98
Y	Infrastructure Investment Act Expansion	99
Z	New York City Public Works Investment Act Expansion	113
AA	Allow medical and surgical residents and fellows in academic training programs to treat workers' compensation patients	118
BB	Workers' Compensation - Universal Authorization	118
CC	Payment of Workers' Compensation Medical Bills Without Accepting Liability	143
DD	Codify the Department of Financial Services Workers' Compensation Treatment Opinion	144

PART	DESCRIPTION	STARTING PAGE NUMBER
EE	Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps	147

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

**S1834** MARTINEZ No Same as  
ON FILE: 01/14/25 Education Law  
TITLE....Relates to the licensing of landscape architects  
01/14/25 REFERRED TO HIGHER EDUCATION

**S1834 - RELATES  
TO THE  
LICENSING OF  
LANDSCAPE  
ARCHITECTS**

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MARTINEZ  
Amd §7326, Ed L  
Relates to certain licensing exemptions for landscape architects.

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## STATE OF NEW YORK

1834

2025-2026 Regular Sessions

### IN SENATE

January 14, 2025

Introduced by Sen. MARTINEZ -- 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 certain licensing exemptions for landscape architects

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

- 1 Section 1. Section 7326 of the education law, as added by chapter 987
- 2 of the laws of 1971, subdivisions e and f as added by chapter 994 of the
- 3 laws of 1971, is amended to read as follows:
- 4 § 7326. Exempt persons. This article shall not be construed to affect
- 5 or prevent:
- 6 a. The preparation of details and shop drawings by persons, other than
- 7 landscape architects, for use in connection with the execution of their
- 8 work;
- 9 b. Employees of those lawfully practicing as landscape architects
- 10 under the provisions of this article from acting under the instruction,
- 11 control or supervision of their employers;
- 12 c. Supervision by builders, or superintendents employed by such build-
- 13 ers, of the installation of landscape projects; ~~[or]~~
- 14 d. Business conducted in this state by any agriculturist, horticultu-
- 15 rist, tree expert, arborist, forester, ~~[nurseryman]~~ employee of a nurs-
- 16 ery or [landscape-nurseryman] employee of a nursery which grow trees and
- 17 shrubs for landscape purposes, gardener, landscape gardener, landscape
- 18 contractor, garden or lawn caretaker or grader or cultivator of land, as
- 19 these terms are generally used, except that no such person shall use the
- 20 designation landscape architect, landscape architectural or landscape
- 21 architecture unless licensed under this article~~[-]~~;
- 22 e. Employment of any person as a junior or assistant landscape archi-
- 23 tect by the City of New York in a position the title of which was
- 24 approved and in use as of July first, nineteen hundred seventy-one,

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

LBD05312-01-5

S. 1834

2

1 provided such person acts under the general supervision of a licensed  
2 landscape architect[~~+~~];

3 f. Employment of any person as a junior or assistant landscape archi-  
4 tect by the state of New York in a position the title of which was  
5 approved and in use on or before the effective date of the chapter of  
6 the laws of two thousand twenty-five that amended this subdivision,  
7 provided that such person acts under the general supervision of a  
8 licensed landscape architect; or

9 g. The practice of architecture by an architect licensed in this  
10 state, or the practice of engineering or land surveying by an engineer  
11 or land surveyor licensed in this state, provided that no such archi-  
12 tect, engineer or land surveyor shall use the designation "landscape  
13 architect," "landscape architectural" or "landscape architecture" unless  
14 licensed as a landscape architect in this state.

15 § 2. This act shall take effect immediately.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S1834

**SPONSOR:** MARTINEZ

**TITLE OF BILL:**

An act to amend the education law, in relation to certain licensing exemptions for landscape architects

**SUMMARY OF PROVISIONS:**

Section 1. Section 7326 of the education law, as added by chapter 987 of the laws of 1971, subdivisions e and f as added by chapter 994 of the laws of 1971 exempting junior or assistant landscape architects who act under the general supervision of a licensed senior landscape architect.

Section 2. Establishes the enacting clause.

**JUSTIFICATION:**

This legislation aims to address a discrepancy in licensing requirements for junior or assistant landscape architects between New York State and New York City. Currently, New York State law mandates licensing for these titles, whereas New York City does not. By aligning the requirements, this bill removes the technical inconsistency, recognizing that these roles perform similar duties across the state. The legislation would streamline titles and licensing expectations, ensuring uniform standards for landscape architecture positions statewide.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately.

**S3268 - RELATES TO COMPREHENSIVE  
DELIVERY OF INFRASTRUCTURE  
DELIVERED B/W A PUBLIC ENTITY AND A  
DEVELOPMENT ENTITY**

**S3268** COONEY No Same as

ON FILE: 01/24/25 State Finance Law

TITLE....Relates to comprehensive delivery of infrastructure delivered between a public entity and a development entity

01/24/25 REFERRED TO PROCUREMENT AND CONTRACTS

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**COONEY**

Add Art 9-A §§149 - 149-g, St Fin L; amd §§1676 & 1680, Pub Auth L; amd §10.00, Loc Fin L

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.

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# STATE OF NEW YORK

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3268

2025-2026 Regular Sessions

## IN SENATE

January 24, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to comprehensive delivery; to amend the public authorities law, in relation to any development entity for the purposes of development or operation of an approved project for the purposes of comprehensive delivery; and to amend the local finance law, in relation to a municipality, school district or district corporation having the power to contract indebtedness for the purposes of implementing the provisions of article nine-A of the state finance law

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

1 Section 1. Legislative intent. The legislature hereby finds and  
2 declares that there is a public need to accelerate delivery of energy  
3 and infrastructure improvements to address critical needs of the state  
4 and its political subdivisions, including: (i) achieving net zero emis-  
5 sions state-wide by 2050; (ii) rapid development of affordable homes,  
6 educational facilities and housing and access to high-speed broadband  
7 internet; (iii) replenishment and improvement of core transportation,  
8 aviation, transit and vertical infrastructure; (iv) clean water and  
9 efficient sewer systems and waste technologies; (v) climate change miti-  
10 gation and flood and grid resiliency; (vi) generating and enhancing  
11 pro-labor jobs and attracting new talent to New York; (vii) bolstering  
12 global investment and development in New York; (viii) increasing oppor-  
13 tunities for small, minority-owned, women-owned and serviced disabled  
14 veteran owned businesses; (ix) fully unlocking and enabling accelerated  
15 access to federal funding for energy and infrastructure projects; and  
16 (x) addressing the deferred maintenance crisis across New York's infras-  
17 tructure. Authorizing a consolidated delivery approach that allows for  
18 one or more of design, construction, finance, operations and/or mainte-  
19 nance under a single contract can, where appropriate, more rapidly and

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

LBD01970-01-5

S. 3268

2

1 cost effectively result in the achievement of each of the foregoing  
2 objectives and unlock access to federal capital requiring such statutory  
3 authorization.

4 § 2. The state finance law is amended by adding a new article 9-A to  
5 read as follows:

6 ARTICLE 9-A

7 COMPREHENSIVE DELIVERY

8 Section 149. Definitions.

9 149-a. Enabling authority.

10 149-b. Procurement.

11 149-c. Project funding.

12 149-d. Labor and public interest protections.

13 149-e. Comprehensive agreements.

14 149-f. Construction.

15 149-g. Severability.

16 § 149. Definitions. As used in this article, the following terms shall  
17 have the following meanings:

18 1. "Authorized project" means infrastructure delivered under an inter-  
19 im agreement and/or comprehensive agreement between a public entity and  
20 a development entity consolidating at least two or more of design,  
21 construction, finance, operations and/or maintenance work, including  
22 construction manager or construction manager at risk under this article;

23 2. "Comprehensive agreement" means an agreement between a development  
24 entity and a public entity for the delivery of an authorized project,  
25 including at least those required provisions under this article;

26 3. "Infrastructure" means physical structures, improvements, equipment  
27 and/or facilities, including any digital infrastructure, which support a  
28 public purpose or objective of a public entity;

29 4. "Interim agreement" means the interim agreement, including a pre-  
30 development agreement or memorandum of understanding or other binding  
31 preliminary agreement, that may be entered into between the development  
32 entity and the public entity pursuant to this article;

33 5. "Development entity" means any natural person, corporation, part-  
34 nership, limited liability company including a special purpose vehicle,  
35 joint venture, not-for-profit corporation or other business entity;

36 6. "Public entity" means the state and any agency, department or  
37 authority thereof, any county, city, town, village or school district  
38 and any other political subdivision, institution of higher education,  
39 agency, corporation, instrumentality or authority of, or established by,  
40 any of the foregoing; and

41 7. "Revenues" means all revenues, including, but not limited to,  
42 income, earnings, interest payments, user fees, lease payments, allo-  
43 cations, federal, state, regional and local appropriations or the appro-  
44 priations or other funds available to any public entity, bond proceeds,  
45 equity investments and/or service payments arising out of or in  
46 connection with supporting the development and/or operation of a author-  
47 ized project, including without limitation, money received as grants or  
48 otherwise from the United States of America, from any public entity, or  
49 from any agency or instrumentality of the foregoing in aid of such  
50 facility.

51 § 149-a. Enabling authority. Subject to subdivision four of this  
52 section, where it is determined by a public entity to be in the public  
53 interest to pursue an authorized project, notwithstanding any law, rule,  
54 or regulation to the contrary and in lieu of any other procurement or  
55 acquisition process that may apply to an authorized project, such public  
56 entity is authorized to:

S. 3268

3

1 1. establish necessary and appropriate procurement and delivery inter-  
2 nal control policies, procedures, or guidelines to efficiently deliver  
3 an authorized project. Such policies, procedures or guidelines must also  
4 ensure open, competitive, transparent and robust selection basis of any  
5 development entity for an authorized project;

6 2. enter into interim agreements, comprehensive agreements or any  
7 other document or instrument that may be necessary or convenient to  
8 deliver an authorized project pursuant to this article;

9 3. dedicate, make available, or convey any real, personal, tangible,  
10 intangible and property interest that it has to a development entity for  
11 an authorized project;

12 4. exercise governmental authorities or powers to support the delivery  
13 of an authorized project; and

14 5. enable a development entity to perform under the terms of a compre-  
15 hensive agreement, and subject to the limitations under this article,  
16 functions normally undertaken by the government.

17 § 149-b. Procurement. 1. The public entity may hold one-on-one colla-  
18 borative dialogue meetings with development entities during a procure-  
19 ment for an authorized project to negotiate individually with each  
20 development entity the terms of an interim and comprehensive agreement.

21 2. Any materials or data submitted to, made available to, or received  
22 by the public entity, may be held confidential and not public record  
23 until such time as a preferred proposer is awarded or the procurement is  
24 terminated.

25 3. The public entity may receive, consider, evaluate and accept an  
26 unsolicited proposal for an authorized project if the proposal addresses  
27 the needs of a public entity and such public entity has published a  
28 policy or procurement regulation for unsolicited proposals.

29 4. The public entity is authorized to pay, in exchange for receipt of  
30 intellectual property from a proposer, a stipend to an unsuccessful  
31 proposer or a proposer in a cancelled procurement for an authorized  
32 project, in an amount and the terms determined appropriate by the public  
33 entity.

34 5. The public entity may retain, by means of competitive negotiation  
35 consultants and experts inside and outside the public sector to assist  
36 in the procurement, evaluation, contracting, managing and negotiation of  
37 authorized projects under this article.

38 6. The public entity may select a preferred proposer to serve as the  
39 development entity for an approved project through a single or multi-  
40 step procurement process on a best value basis.

41 7. For all infrastructure projects in excess of two hundred million  
42 dollars (as adjusted by the consumer price index annually), all public  
43 entities must conduct an assessment, which may be a value for money  
44 assessment or equivalent, that quantitatively and qualitatively assesses  
45 the most appropriate delivery model for such infrastructure project  
46 comparing the cost, price, schedule, quality, long-term operations and  
47 maintenance costs, future revenue streams to fund such infrastructure,  
48 and relative benefits and challenges of design-bid-build procurement  
49 methods to those authorized by this section.

50 § 149-c. Project funding. 1. Any lawful source of funding, revenue and  
51 financing may be utilized by a public entity and development entity for  
52 the development, maintenance and operations of an authorized project and  
53 a public entity is authorized to pay a development entity a payment for  
54 the availability of an authorized project, where such availability  
55 payment is performance based and decreases where a development entity  
56 fails to perform in accordance with a comprehensive agreement. Any

S. 3268

4

public entity may authorize a development entity to perform any one or more of the following: setting rates, collecting revenues, enforcing collection, or retaining revenues from third parties and the general public for the use of an authorized project, all of which will be subject to limitations, constraints and parameters established by the public entity in a comprehensive agreement. The comprehensive agreement will prescribe the extent to which any such rates are subject to the public entity's oversight and approval. A public entity may compensate a development entity under an interim agreement for work performed and work product produced.

2. The public entity may accept from any source any grant, donation, gift, or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public entity for carrying out the purposes of this article and may transfer such property to a development entity under a comprehensive agreement.

3. Any comprehensive agreement may be for a term deemed reasonably appropriate by a public entity to achieve the purpose of this article.

§ 149-d. Labor and public interest protections. The intent of this article is to enhance opportunities and improve wages for New York state public and private sector labor participants.

1. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of existing state agencies and public authorities affected by the provisions of this article, shall be preserved and protected. Nothing in this article shall result in: the displacement of any currently employed public employee or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits, on an existing asset or result in the impairment of existing collective bargaining agreements with respect to existing assets; or the transfer of existing duties and functions currently performed by employees of existing state agencies or public authorities, in each case, on existing assets, affected by the provisions of this article to a development entity. Employees serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing in this article shall be construed to affect:

(a) the existing rights of employees pursuant to an existing collective bargaining agreement; or

(b) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

2. Every development entity which enters into an interim agreement or comprehensive agreement pursuant to this article shall be subject to the labor law requirements and minority and women owned business enterprise requirements for design and construction provided under the New York State Infrastructure Investment Act, as amended, for authorized projects outside of New York city and the New York City Public Works Investment Act, as amended, for authorized projects procured by the city of New York as well as the following:

(a) the provisions of article eight of the environmental conservation law;

(b) the provisions of all state and federal laws prohibiting discrimination and requiring the provision of equal employment opportunity;

(c) the provisions of article six of the public officers law post-award of an authorized project; and

S. 3268

5

(d) any other consistent local and state law and any applicable federal law, rules and regulations which are otherwise required by law in connection with the performance of public work and the work to which the authorized project relates.

§ 149-e. Comprehensive agreements. 1. A comprehensive agreement under this section may provide, including but not limited to:

(a) planning, acquisition, financing, development, design, construction, reconstruction, replacement, financing, improvement, maintenance, life-cycle work, management, repair, leasing and/or operation of qualifying public infrastructure;

(b) payment of long-term performance-based payments and/or construction milestone payments;

(c) requirements regarding setting, collecting, retaining, sharing and enforcing user fees or rents;

(d) terms and conditions of indemnification of the development entity by the public entity;

(e) a lease, license, or conveyance of a real, personal or intangible property interests;

(f) appropriately sizing any performance and payment bonds relative to the overall security package for the approved project;

(g) the provision of insurance policies either through the development entity and/or the public entity;

(h) a security interest by the lenders in the comprehensive agreement and the right of the development entity to pledge its interests and revenues under the comprehensive agreement for the benefit of its lenders;

(i) step-in rights for the public entity upon a default of the development entity;

(j) enforcement and other policing issues, including any reimbursement by the development entity for such services;

(k) provisions allowing the development entity or the public entity to act on each other's behalf in acquiring parcels, including through condemnation, required for the approved project; and

(l) any other provision deemed reasonably necessary to serve the public purpose under this article.

2. A comprehensive agreement under this section shall provide for:

(a) appropriate and balanced risk allocation to maximize best value for the approved project;

(b) a specific plan, where applicable, to ensure proper maintenance of the qualifying public infrastructure throughout the term of the comprehensive agreement and a return of the infrastructure to the responsible public entity, if applicable, in a specified condition in the comprehensive agreement;

(c) compliance with applicable law and this article;

(d) grounds for default and termination and authorization of payment of termination compensation;

(e) a date for completion of the applicable work required to deliver the authorized project; and

(f) review and approval by the public entity of the development entity's plans and performance of the development and maintenance of the authorized project.

3. The comprehensive agreement may provide for the development and/or operation of phases or segments or multiple bundled projects under a single comprehensive agreement.

4. Notwithstanding any other provision of law, the responsible public entity may agree to or require use of arbitration or other alternative

S. 3268

6

1 dispute resolution procedures to resolve disputes with the development  
2 entity.

3 5. Development entities shall not be subject to article one hundred  
4 forty-five of the education law, provided, however all professional  
5 services rendered by a development entity must be performed by licensed  
6 persons as required under article one hundred forty-five of the educa-  
7 tion law.

8 6. While public funding can be used to support payments under a  
9 comprehensive agreement, the full faith and credit of the public entity  
10 shall not be pledged to secure any financing of the development entity  
11 by the election to take over the qualifying public infrastructure and  
12 such availability or service payments shall not be treated as debt of  
13 any public entity and no financing of a development entity will be  
14 considered debt of any public entity and must be non-recourse to a  
15 public entity.

16 7. In the event of termination of a comprehensive or interim agree-  
17 ment, the authority and duties of the development entity shall cease,  
18 except for any duties and obligations that extend beyond the termination  
19 as provided in the comprehensive or interim agreement, and the qualify-  
20 ing public infrastructure reverts to the public entity and shall be  
21 dedicated to the public entity for public use.

22 § 149-f. Construction. The provisions of this article which are incon-  
23 sistent with any other provision of state law shall be deemed to super-  
24 sede such provision of law, and the provisions of this article shall be  
25 controlling.

26 § 149-g. Severability. If any clause, sentence, paragraph, section or  
27 part of this article shall be adjudged by any court of competent juris-  
28 isdiction to be invalid and after exhaustion of all further judicial  
29 review, the judgment shall not affect, impair or invalidate the remain-  
30 der thereof, but shall be confined in its operation to the clause,  
31 sentence, paragraph, section or part of this article directly involved  
32 in the controversy in which the judgment shall have been rendered.

33 § 3. Paragraph (b) of subdivision 2 of section 1676 of the public  
34 authorities law is amended by adding a new undesignated paragraph to  
35 read as follows:

36 Any development entity for the purposes of development or operation of  
37 an approved project pursuant to article nine-A of the state finance law.

38 § 4. Subdivision 1 of section 1680 of the public authorities law is  
39 amended by adding a new undesignated paragraph to read as follows:

40 Any development entity for the purposes of development or operation of  
41 an approved project pursuant to article nine-A of the state finance law.

42 § 5. The opening paragraph of section 10.00 of the local finance law  
43 is designated paragraph a and a new paragraph b is added to read as  
44 follows:

45 b. A municipality, school district or district corporation shall have  
46 the power to contract indebtedness for the purposes of implementing the  
47 provisions of article nine-A of the state finance law.

48 § 6. This act shall take effect immediately.



**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S3268

**SPONSOR:** COONEY

**TITLE OF BILL:**

An act to amend the state finance law, in relation to comprehensive delivery; to amend the public authorities law, in relation to any development entity for the purposes of development or operation of an approved project for the purposes of comprehensive delivery; and to amend the local finance law, in relation to a municipality, school district or district corporation having the power to contract indebtedness for the purposes of implementing the provisions of article nine-A of the state finance law

**PURPOSE:**

By authorizing a new comprehensive delivery model for certain public works projects, New York can meet and exceed its peer states by expanding authority beyond procurement methodology authorized in the 1920s, and afford the state, public authorities, and political subdivisions additional flexibility, which is not intended to replace traditional design-bid-build, but instead serve as an additional tool to efficiently deliver public works projects for New Yorkers. This will include the authorization of best value selection, enable comprehensive agreements; unlock access to federal funding/financing, allow for revenue risk transfer, and ensure labor protections.

**SUMMARY:**

Section 1. States the legislative intent.

Section 2. Adds a new Article 9-A to the State Finance Law to allow for comprehensive delivery. Provisions include definitions, enabling authority, project funding, labor & public interest protections, comprehensive agreements, construction, and severability.

Section 3. Amends section 1676 of the Public Authorities Law to incorporate Article 9-A.

Section 4. Amends section 1680 of the Public Authorities Law to incorporate Article 9-A.

Section 5. Amends section 10.00 of the Local Finance Law to incorporate Article 9-A.

Section 6. Establishes the effective date.

**JUSTIFICATION:**

There is a public need to accelerate delivery of energy and infrastructure improvements to address critical needs of the state and its poli-

tical subdivisions, including, but not limited to: achieving the goals of the CLCPA, creating modern housing, schools, and healthcare facilities, and the replenishment and improvement of core transportation, aviation, transit and vertical infrastructure. This modern approach to contracting for public works will generate and enhance pro-labor jobs and attract new talent to New York, increase opportunities for small, minority-owned, women-owned and service disabled veteran owned businesses, and bolster global investment and development in New York. There are variations of the design-bid-build (DBB) approach as well as many other project delivery methods such as design-build and construction management at risk, as well as comprehensive delivery, which incorporate a design-build-finance-operate-maintain (DBFOM) model. There is no one project delivery method that fits every project.

Traditionally, public entities have relied on the conventional DBB project delivery method to get an asset built. The DBB approach requires three sequential project phases: design, procurement and construction. The architect designs the asset and might also perform environmental investigations, obtain permits and host public hearings. Once completed, a bid package is presented to interested contractors, who Submit bids (schedule and cost) for the work. The owner usually selects the contractor based on low bid and technical merit. Once selected, the contractor constructs the asset in accordance with the contract documents.

A DBFOM is a procurement model that is rapidly gaining attention as governments across the U.S. are facing the challenge of doing more with less, as they recognize the need to invest massively to repair and expand our infrastructure systems. A DBFOM uses an integrated approach to deliver infrastructure incorporating, design, construction, financing, operations and maintenance functions into the contract. A key value of this model when delivering public infrastructure is the risk transfer opportunity from the public sector to the private sector, as well as the long-term maintenance and operations allowing for better taxpayer value.

#### LEGISLATIVE HISTORY:

2023-24: S.9287

#### FISCAL IMPLICATIONS:

To be determined.

#### EFFECTIVE DATE:

This act shall take effect immediately.





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## In This Section ▼

[Home](#) > [Take the Exam](#) > [Request Accommodations](#)

# Testing accommodations

Candidates may request accommodations when testing for the L.A.R.E.

Requests must be submitted by email to Rebecca Moden [RModen@clarb.org](mailto:RModen@clarb.org) **at least 30 days before** the exam administration period to facilitate the review and scheduling process.

**CLARB must approve all accommodations before a candidate can schedule their PSI appointment.**

## Disabilities

CLARB follows standards set by the Americans with Disabilities Act ([ADA](#)) to support candidates with disabilities.

- Many accommodations are available at both PSI test centers and via online proctoring, however, some accommodations are only available at a PSI test center. Please refer to your notice of approval from CLARB for details.

- Documentation requirements vary by individual circumstances, but the following are typically requested:
  - Doctor's note including:
    - Specific diagnosed disability
    - Daily symptom(s) of condition
    - Specific accommodations requested (for example, if requesting additional time, doctor's note should include how much time)
    - How the requested accommodations mitigate the symptom(s)

## Temporary medical conditions

Candidates with a temporary medical condition requiring accommodations may request accommodations.

- Documentation requirements vary by individual circumstances, but the following are typically requested:
  - Doctor's note including:
    - Specific condition
    - Symptom(s) of condition
    - Specific accommodations requested (for example, requesting an ergonomic chair due to injury)
    - How the requested accommodations mitigate the symptom(s)

## English as a second language (ESL)

Candidates may request an accommodation to use a word-to-word (bilingual) language dictionary during testing *at a PSI test center*.

- This accommodation is only available at PSI test centers. Online proctoring is not permitted with this accommodation.
- If approved, candidate must supply one printed bilingual word-to-word translation dictionary to use during testing. Only one dictionary is permitted. The dictionary must be free of any notes, writing or markings.
- Test center staff will inspect the dictionary before and after the examination to ensure no additional notes, writing or markings are present. If notes, writing or markings are detected before, during or after testing, the dictionary will be confiscated and test center staff will complete a security incident report.

**New York State** will not accept an examination given under non-standard conditions except per the provisions of the Americans with Disabilities Act. Part 59.3 of the Commissioner's Regulations requires that applicants for licensure demonstrate proficiency in English by passing a licensing examination given in English. Therefore, non-standard conditions including the use of a bilingual

dictionary for applicants who are English as a second language (ESL) readers are not permitted. If a candidate passed the examination under such non-standard conditions for another jurisdiction, that candidate will be required to retake the examination under standard conditions.

## Lactating parents

Lactating parents may request additional time on the L.A.R.E. based on need.

- Please provide a doctor's note.

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## Request now

**CLARB must approve all accommodations before a candidate can schedule their PSI appointment.**

**To request an accommodation, please contact Rebecca Moden at [RModen@clarb.org](mailto:RModen@clarb.org) at least 30 days before** the exam administration period to facilitate the review and scheduling process.

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## We're here to help

Our **support team** offers personalized guidance for your unique licensure journey. We're available to answer your questions Monday-Friday, 9 a.m.-5 p.m. ET at 571-432-0332 or [info@clarb.org](mailto:info@clarb.org).

### **Council of Landscape Architectural Registration Boards (CLARB)**

1900 Reston Metro Plaza, Suite 600, Reston, Virginia 20190

Phone: 571-432-0332

Email: [info@clarb.org](mailto:info@clarb.org)

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THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE EDUCATION DEPARTMENTEDUCATION/  
EXPERIENCE REVIEW  
ARCHITECTURE

**To:** Landscape Architecture Board Members  
**From:** Robert Lopez  
**Subject:** Education/Experience Review in Architecture  
**In reply to:**

**Date:** March 26, 2025

Included within the Board package is a proposal that the State Board for Architecture utilized in coming up with recommended changes to the education/experience requirements for those seeking licensure as an architect in New York. Over several months, the Architecture Board compared its existing education/experience requirements with a sampling of other US jurisdictions and with the NCARB requirements.

These recommended changes to modernize the licensure requirements may be of interest to the State Board for Landscape Architecture to see if the licensure requirements in landscape architecture should be reexamined.

In summary, the Architecture Board made the following recommendations related to education and experience to become an architect:

- Allowings a 50/50 split in Category I (diversified practice of architecture) and Category J (experience related to architecture) as noted in the proposal (except the “all-experience” pathway, as noted below) to offer licensure candidates increased flexibility and recognize the current and varied nature of design practice.
- Maintain professional degrees in architecture that are NAAB accredited (Category A) at the current maximum of 9 units of education award
- Maintain first professional degrees from a program that is not NAAB-accredited (Category B) at the current maximum of 8 units of education award. The determination of this award is made by New York’s Bureau of Comparative Education, as Category B is typically reserved for candidates with international education.
- Permit four-year pre-professional degrees in architecture (Category C) to be awarded 8 units of education credit, maximum, up from the current 7 units of credit
- Permit four-year architecturally related degrees (Category D) to be awarded 6 units of education credit, maximum, up from the current 5 units of credit
- Maintain degrees in subjects unrelated to architecture (Category G) at the current maximum of 2 units of education award
- Permit two-year degrees in architecturally related technical programs (Category H) to be awarded 4 units of education credit, maximum, up from the current 2 units of credit

- Reduce the amount of experience required for all-experience pathway candidates without any college education from 12 years to 10 years. This recommended reduction, however, may only be accomplished via a change in the NYS Education Law, which must be passed by the Legislature and signed by the Governor. For those pursuing the all-experience pathway, and if a statutory modification can be made, the State Board for Architecture recommended that such licensure candidates have 7 years of experience in Category I, minimum and 3 years of experience in Category J, maximum.

## Education/Experience Proposal - Architecture

12.06.24

### Experience Requirements for Licensure – NCARB and New York / Other NCARB Jurisdictions

Degree from NAAB accredited program (B.Arch/M.Arch/D.Arch)

- **NY Proposed – 3 years; 1.5 years minimum in Category I; 1.5 years maximum in Category J**
- NY Existing – 3 years; 2 years min. Category I; 1 years max. Category J
  
- NCARB - Experience – AXP (3,740 hours in 6 AXP categories)
- CA – 3 years, AXP completion; 1 year min. under RA; 2 years max. civil/structural PE or LA (discounted at 50%); 1 year max under a CA General Contractor (discounted at 50%).
- CT – AXP completion
- MD – AXP completion
- NJ – 3 years, AXP completion
- PA – 3 years, AXP completion
- TX – AXP completion
- VT – 3 years, AXP completion; all 3 years must be under RA who has been licensed more than 3 years
- WI – 2 years, AXP completion; 1 year min. under RA

Degree from an architecture pre-professional 4-year program (BS Arch/BA Arch)

- **NY Proposed – 4 years; 2 years minimum in Category I; 2 years maximum in Category J**
- NY Existing – 5 years; 4 years min Category I; 1 year max. Category J
  
- NCARB - Experience – 2x AXP (7,480 hours in 6 AXP categories)
- CA – 4 years, AXP completion; 1 years min. under RA; 2 years max. civil/structural PE or LA (discounted at 50%); 1 year max under a CA General Contractor (discounted at 50%).
- CT - unavailable pathway
- MD - 4 years of experience separate from experience used for AXP, AXP completion
- NJ – unavailable pathway
- PA – 9 years, AXP completion; 6 years min. under RA
- TX – unavailable pathway
- VT – 6 years, AXP completion; all 6 years must be in diversified practical architectural experience under RA licensed for more than 3 years
- WI – 3 years, AXP completion; 1 year min. under RA

Degree from a 4-year architecturally related program (B Eng/ BFA Int Design/BLA)

- **NY Proposed – 6 years; 3 years minimum in Category I; 3 years maximum in Category J**
- NY Existing – 7 years; 4 years min Category I; 3 year max. Category J

Degree from a 2-year program with significant architecture coursework (AAS AT)

- **NY Proposed – 8 years; 4 years minimum in Category I; 4 years maximum in Category J**
- NY Current – 10 years; 6 years min Category I; 4 years max. Category J
- NCARB - Experience – 3x AXP (11,220 hours in 6 AXP categories)
- CA – 6 years, AXP completion; 1 years min. under RA; 2 years max. civil/structural PE or LA (discounted at 50%); 1 year max under a CA General Contractor (discounted at 50%).
- CT - unavailable pathway
- MD – no credit awarded for AAS degree; 10 years of experience separate from experience used for AXP, AXP completion
- NJ – unavailable pathway
- PA – 9 years, AXP completion; 6 years min. under RA
- TX - TX – unavailable pathway
- VT – 7 years, AXP completion; all 7 years must be in diversified practical architectural experience under RA licensed for more than 3 years
- WI – 7 years, AXP completion; 1 year min. under RA

Degree from a program with no significant architecture coursework or no college degree at all

- **NY Proposed – 10 years; 5 years minimum in Category I; 5 years maximum in Category J – *note – should the Board want to reduce the experience requirement for this “all experience” pathway, it would require a statutory change – it cannot be done via a policy change.***
- NY – 12 years; 7 years min Category I; 5 years max. Category J
- NCARB - Experience – 4x AXP (14,960 hours in 6 AXP categories)
- CA – 8 years, AXP completion; 1 years min. under RA; 2 years max. civil/structural PE or LA (discounted at 50%); 1 year max under a CA General Contractor (discounted at 50%).
- CT - unavailable pathway
- MD - 10 years of experience separate from experience used for AXP, AXP completion
- NJ – unavailable pathway
- PA – 9 years, AXP completion; 6 years min. under RA
- TX – unavailable pathway
- VT – 9 years, AXP completion; all 9 years must be in diversified practical architectural experience under RA licensed for more than 3 years
- WI – 7 years, AXP completion; 1 year min. under RA

#### Current NY Types of Experience

- Category I – experience obtained at an architecture firm or a government agency in appropriate architectural work under the direct supervision of a lawfully practicing architect.
- Category J – experience obtained in appropriate work that is related to architecture and that is lawful in nature; i.e. PE, LA, ID, government agency related to practice (i.e. NYC DoB), Construction Manager's office, contractor, teaching in NAAB-accredited program, research on architectural problems.



**From:** Matt at CLARB <info@clarb.org>  
**Sent:** Friday, March 14, 2025 10:37 AM  
**To:** LARCHBD  
**Subject:** ▫ CLARB team structure announcements

## Important organizational update

**Dear CLARB community,**

With **Rebecca Moden's** departure to take on her new role as CEO at CIDQ, I have some exciting updates about the CLARB team that will empower us to continue to advancing our mission and strategy:

### Director of Programs

*New position*

After several months of planning for the transition to accommodate the departure of our COO, we have created a new position in CLARB: **Director of Programs**. This is a management and leadership role that will contribute to our success by ensuring that our programs (Member Services, Exams, Records and Meetings) are delivered seamlessly and identify opportunities to optimize and grow CLARB programs in alignment with our strategic objectives.



**Emily (Cronbaugh)  
Bogstie**

I am pleased to announce that **Emily (Cronbaugh) Bogstie** has accepted this position and will start working with CLARB on **April 14** reporting directly to me. Emily is a seasoned regulator with over 18 years of experience. Throughout her career, she has provided support to a diverse range of licensed professions and has served on various committees and task forces of national regulatory groups.



**Andrea Elkin**

## **Director of Business Systems**

*New position and promotion*

I am thrilled to announce that **Andrea Elkin** has accepted a promotion to the newly created role of **Director of Business Systems**. In this role, Andrea will provide strategic oversight and leadership for CLARB's Project Management Office, IT business systems and volunteer management ensuring that operational and technology solutions and project development align with the organization's strategic priorities.

This position will play a key role in optimizing business processes, managing enterprise software applications and supporting digital transformation initiatives that enhance operational efficiency and service delivery to stakeholders. Andrea will continue to report to Chief Strategy Officer **Veronica Meadows**.

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## **Member Relations and Advocacy Manager**

*New responsibilities*

**Zach Druga** has agreed to assume a role with added responsibilities as **Member Relations and Advocacy Manager**. In addition to Zach's current responsibilities in government affairs and advocacy, Zach will also serve as the primary point of contact for member boards, providing input into the programming of member events, managing member engagement activities and serving as staff liaison to the MBE Committee. Zach will continue to report to Chief Strategy Officer **Veronica Meadows**.



**Zach Druga**

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**Dot Ludwig**

## Finance and Office Manager

*New reporting structure*

Finance and Office Manager **Dot Ludwig** maintains and controls the accounting and business transactions of the organization, applying Generally Accepted Accounting Principles (GAAP), analytical work and thorough review of financial records. Additionally, Dot works closely with our investments manager effectively managing the organization's finances, upkeep of the employee handbook, collaboration of employee benefits and working directly with third party auditors annually.

During my tenure at CLARB, Dot has reported to the chief operating officer. Beginning May 1, Dot will report directly to me, and we will both serve as staff liaisons to the Finance and Audit Committee.

**Please join me in welcoming Emily and congratulating our staff on their new roles and responsibilities!**

Warm regards,

**Matt Miller**

Chief Executive Officer



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## Press

**NEW BUSINESS****NCARB  
STATEMENT ON  
AI**

# NCARB's Position on the Use of Artificial Intelligence in the Architectural Profession

10/17/2024

*The NCARB Board of Directors has adopted the [following statement](#) establishing NCARB's position on the use of AI in architectural practice and its impact on regulation.*

Advancements in artificial intelligence (AI) and computational design are providing architects with new labor-saving tools and transforming many of the tasks associated with project delivery. The proliferation of AI use in practice is raising legitimate questions about how the responsibility and accountability of the architect might be altered by this technological wave.

At NCARB's June 2024 Annual Business Meeting (ABM), 150 licensing board members from around the country took part in a workshop on artificial intelligence and regulation. Prior to this workshop, NCARB's regional leaders hosted an AI presentation at the March 2024 Regional Summit; a wide-ranging exploration of AI was also featured at NCARB's inaugural Futures Symposium in December 2023.

Although the ABM participants' opinions were divided on how regulators should engage with AI, NCARB and its regulatory community approached consensus on several points:

- Regulators should not limit the use of technological advances that support the profession's ability to

improve the health, safety, and welfare of the public.

- It falls outside of NCARB's mission and expertise to evaluate or provide opinion on specific AI tools and their application, nor is there precedence for enforcing limitations on a tool's use.
- Any proposed regulation that addresses AI usage in practice must ensure the licensed practitioner remains in responsible control and continues to be accountable for all technical submissions under their seal.
- AI is a tool—it is not a replacement for professional judgement. Regardless of AI tools used, it remains the architect's responsibility to provide services in conformance with the standard of care.
- NCARB is committed to staying apace with the profession and to ensuring that licensure requirements consider both current practice methods and the overarching responsibility that rests with the architect.

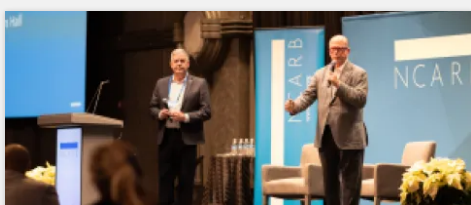
In evaluating perspectives from the regulatory community, NCARB plans to work with its licensing board members to further explore two areas regarding guidance and best practices for the architect's use of AI:

- Reassessment of responsible control parameters to determine whether they appropriately address the use of AI tools.

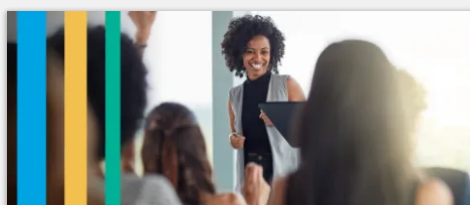
- Identification of best practices for ethical AI usage, including determining whether, when, and how the use of AI and its supporting datasets should be declared.

Going forward, NCARB will continue to monitor the expanding use of AI across practice and its potential interface with the regulatory mission of NCARB and its members. NCARB remains committed to collaborating with its licensing board members to ensure the best interests of the public are served through the effective and reasonable regulation of architectural practice.

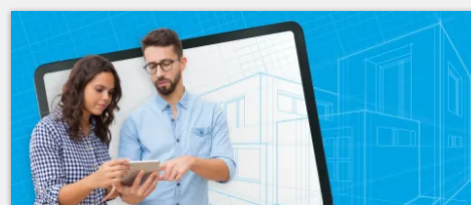
## Related Blogs



NCARB Volunteers and Leadership Explore the Future of Architectural Practice



Five Ways to Support Licensure Candidates at Your Architecture Firm



Artificial Intelligence in the Architectural Profession | Explore NCARB's Position

## Related Press



NCARB Hosts Inaugural Futures Symposium



President Baker Reflects on the Path to Licensure



NCARB Tackles the Great "Intern" Title Debate

# NCARB's Position on the Use of Artificial Intelligence in the Architectural Profession



## NCARB's Position on the Use of Artificial Intelligence in the Architectural Profession

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- Identification of best practices for ethical AI usage, including determining whether, when, and how the use of AI and its supporting datasets should be declared.

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