

S.6787(Comrie)/ A. 6791 (Bichotte Hermelyn)

STAFF CONTACT : Joseph Alston | Director of Government Affairs | 518.694.4464

BILL S.6787(Comrie)/ A. 6791 (Bichotte Hermelyn)
SUBJECT Establishing a Construction Industry Advisory Council on Public Contracting Reform
DATE May 23, 2023
OPPOSE

The Businesses Council opposes S.6787(Comrie)/ A. 6791 (Bichotte Hermelyn) which amends a chapter establishing a construction industry advisory council on public contracting reform, in relation to requiring a report to be submitted 365 days after the first meeting of the council and to the effectiveness thereof.

This bill builds on the ineffective legislation, S.4323-C/A.6232-C, requiring the establishment of a 21 member advisory council, charged with tasks addressing public

establishment of a 21-member advisory council, charged with tasks addressing public procurement issues, such as delay damages and timely notifications. Despite past legislative support on these issues, former Governor Cuomo vetoed the legislation at the request of would-be advisory council members.

Now the NY State Legislature wants to provide the de facto advisory council a full year to issue its findings and recommendations with extensions if necessary. New York State has a rich history of establishing advisory councils, task forces, and committees, empowering them with various authorities and charging them with producing reports to address various issues, effectuating little to no change. For example, former Governor Cuomo directed the Council of Contracting Agencies (CCA) to review the notice and forfeiture provisions for all State public works contracts to assess the feasibility of standardizing those provisions and to issue a report with their proposed recommendations no later than September 1, 2017. The CCA report included five recommendations that did nothing to standardize timely notice and forfeiture of claims provisions on local and state public works contracts.

Countless man-hours and taxpayer dollars will be wasted in these reporting efforts. On public procurements, the general contractor assumes the risk when state and local governments do such things as delay projects or fail to provide timely notice for claims. The Business Council believes the legislature need not waste its time requiring the advisory council to produce unnecessary reports in an extended time frame. Instead, address the problematic issue of procurement reform which would help support NYS contractors whose goal is to stabilize our infrastructure in the empire state.

[ABOUT](#) / [MEMBERSHIP](#) / [ADVOCACY](#) / [EVENTS](#) / [NEWS](#) / [INSURANCE](#)

Business Council Headquarters

111 Washington Avenue, Suite 400
Albany, New York 12210
518.465.7511 or 800.358.1202

Business Council Insurance Fund

12 Corporate Woods Blvd., Suite 17

Albany, New York 12211-2390
518.465.1571 or 800.692.5483

Council Finance & Membership

12 Corporate Woods Blvd., Suite 17
Albany, New York 12211-2390
518.465.7511 or 800.358.1202



© The Business Council of New York State, Inc.



BECOME A MEMBER