

A RESOLUTION AUTHORIZING THE DORMITORY AUTHORITY OF THE STATE OF
NEW YORK (DASNY) TO INCLUDE COMPLIANCE
WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN
PROJECT BIDDING DOCUMENTS FOR CERTAIN
CONSTRUCTION PROJECTS LOCATED IN THE CITY OF NEW YORK

WHEREAS, the Board, by resolution dated January 8, 2020, authorized the execution of a Memorandum of Understanding (MOU) between DASNY and the Building and Construction Trades Council of Greater New York and Vicinity (BCTC), pursuant to which DASNY was required to use one of two model Project Labor Agreements for any DASNY construction project for a New York State governmental entity or other governmental entity within the City of New York that meet certain established criteria; and

WHEREAS, the MOU had an expiration date of December 31, 2023, which was extended by the agreement of DASNY and the BCTC, until such time as a new MOU and model project labor agreement are finally approved and executed, or no later than March 15, 2024; and

WHEREAS, DASNY and BCTC have successfully negotiated the terms of a new MOU (New MOU), pursuant to which DASNY is required to use a single model project labor agreement (Model PLA) for new construction and rehabilitation projects for any DASNY construction project for a State or other governmental entity in the City of New York where: (1) the value of the project exceeds \$3,000,000; (2) the DASNY client has approved the use of the model PLA for the project; and (3) DASNY has obtained an analysis demonstrating that the inclusion in the bid specification of a requirement to adhere will result in the lowest reasonable cost for the project; and

WHEREAS, the New MOU carries forward the framework of the prior MOUs and includes key features that advance the State's objectives of reducing the cost of government by lowering the cost of construction and increasing opportunities for M/WBE and SDVOB firms in State contracting; and

WHEREAS, the New MOU and Model PLA have been approved and executed by the BCTC and each participating local union has executed the Model PLA; and

WHEREAS, DASNY engaged Liro Engineers, Inc. ("Liro") to prepare a report entitled "Feasibility Analysis, Implementation of a Project Labor Agreement for: Various Construction Projects in New York City (the "PLA Feasibility Analysis"); and

WHEREAS, the PLA Feasibility Analysis finds that the inclusion of a PLA would significantly enhance the construction of projects in New York City from a time, quality and cost benefit standpoint and will satisfy the requirements for use of a PLA contained in New York Labor Law Section 222 in that a PLA may, among other things: (i) allow utilization of prefabricated items; (ii) allow for flexible start times; (iii) make all labor positions productive and working; (iv) maximize utilizing of apprenticeship programs; (v) eliminate strikes, lockouts and other work stoppages; (vi) eliminate the requirements of the Wick's law; (vii) standardize overtime rates and (viii) allow for utilization of shift work; and

WHEREAS, consistent with DASNY's Policy Regarding Utilization and Negotiation of Project Labor Agreements, adopted on January 25, 2012 (the "Policy"), the Board finds that the New MOU and

Model PLA, in addition to achieving economic savings, makes adequate provision for the ability of M/WBE and SDVOB firms to participate in construction projects located in the City of New York; and

WHEREAS, the Members of the Board of DASNY have reviewed the PLA Feasibility Analysis and the recommendations of DASNY staff and find that the use of the New MOU and Model PLA are in furtherance of the Policy and New York Labor Law section 222;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Members of the DASNY Board hereby authorize the use of the new Memorandum of Understanding attached hereto as Attachment "A",
2. The Members of the DASNY Board hereby authorize the use of the new agreement by and between DASNY and the Building and Construction Trades Council of Greater New York and Vicinity, pursuant to which the local unions agree to be bound by the Model Project Labor Agreement incorporated into the Memorandum of Understanding attached hereto as Attachment "A" and,
3. This Resolution shall take effect immediately.

A RESOLUTION AUTHORIZING THE DORMITORY AUTHORITY
OF THE STATE OF NEW YORK (DASNY) TO INCLUDE COMPLIANCE
WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN THE
PROJECT BIDDING DOCUMENTS IN CONNECTION WITH
THE WESTERN NEW YORK CHILDREN'S PSYCHIATRIC CENTER

WHEREAS, the Office of Mental Health of the State of New York ("OMH") had requested that DASNY manage multiple improvement projects at the Western New York Children's Psychiatric Center in West Seneca, New York (the "Project"); and

WHEREAS, the proposed Project will consist of pool reconstruction, abatement and demolition of Building 80, construction of a new work control building, and roof reconstruction or replacement on the Western New York Children's Psychiatric Center campus under a scheduled construction period with an anticipated start date in January 2024 and an anticipated completion date in September 2025, with approximate construction costs of \$11 million; and

WHEREAS, OMH has requested that a project labor agreement ("PLA") be negotiated with the Building and Construction Trades Council of Buffalo New York and Vicinity, AFL-CIO and that DASNY include compliance with the PLA as a requirement in the Project bidding documents; and

WHEREAS, DASNY, in support of their request, engaged Liro Engineers, Inc. ("Liro") to prepare a report entitled "Feasibility Analysis, Development and Implementation of a Project Labor Agreement for DASNY Project Nos. 368340, 368520 & 371510, Multiple Improvement Projects at the Western New York Children's Psychiatric Center, West Seneca, New York" (the "PLA Feasibility Analysis"); and

WHEREAS, the PLA Feasibility Analysis finds that a PLA would result in the lowest reasonable cost because of the size, complexity and duration of the Project in that the PLA may, among other things: (i) allow utilization of prefabricated items; (ii) allow for flexible start times; (iii) make all labor positions productive and working; (iv) fully utilize an apprenticeship program; (v) eliminate strikes, lockouts and other work stoppages; (vi) eliminate the requirements of the Wick's law; (vii) standardize overtime rates and (viii) allow for utilization of shift work; and

WHEREAS, consistent with DASNY's Policy Regarding Utilization and Negotiation of Project Labor Agreements, adopted on January 25, 2012 (the "Policy"), it is the desire of the Board, that the PLA, in addition to achieving the economic savings, make adequate provision for the ability of M/WBE and SDVOB firms to participate in the Project; and

WHEREAS, the Members of the Board of DASNY have reviewed the PLA Feasibility Analysis and the recommendations of staff of DASNY and find that the use of a PLA in connection with the Project is in furtherance of the Policy and New York Labor Law section 222;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Members of the DASNY Board hereby authorize the execution of the Memorandum of Understanding attached hereto as Attachment "A";
2. The Members of the DASNY Board hereby authorize the execution of the agreement by and between DASNY and the Building and Construction Trades Council of Buffalo New York and Vicinity, AFL-CIO, pursuant to which the local unions agree to be bound by the Memorandum of Understanding and the Project Labor Agreement incorporated into the Memorandum of Understanding; and
3. This Resolution shall take effect immediately.