

A RESOLUTION OF THE DORMITORY AUTHORITY OF THE STATE OF
NEW YORK (DASNY) AUTHORIZING DASNY TO INCLUDE COMPLIANCE
WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN THE
PROJECT BIDDING DOCUMENTS IN CONNECTION WITH THE WESTCHESTER
RAISE THE AGE NEW SPECIALIZED YOUTH DETENTION FACILITY PROJECT

WHEREAS, Westchester County and the Office of Children and Family Services of the State of New York (“OCFS”) requested that DASNY manage the construction of the Westchester County Raise the Age (“RTA”) New Specialized Youth Detention Facility project involving the construction of a fifty-eight-bed specialized secure youth detention facility with infrastructure and shell space for an additional twenty-two future beds in Valhalla, New York (the “Project”); and

WHEREAS, the proposed Project will consist of the construction of a new all-electric fifty-eight-bed specialized secure youth detention facility with space to add twenty-two beds at a later time, including demolition of the Woodfield Cottage Youth Facility, an outdoor recreational yard, laundry, medical, kitchen, dining, and educational facilities, an administrative section, staff locker room, security, sprinkler, emergency generator, stormwater detention, and sanitary systems, and parking lots with photovoltaic canopies. The Project will be performed in three phases. The projected construction duration is forty-eight (48) months, with a preliminary construction cost estimate of \$277.74 million; and

WHEREAS, Westchester County and OCFS have requested that a project labor agreement (“PLA”) be negotiated with the Building and Construction Trades Council of Westchester and Putnam Counties, New York, 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 Epic Management to prepare a report entitled “Labor Cost Analysis and Report on the Feasibility of Implementing a Project Labor Agreement for the Westchester County, Raise the Age Facility New Specialized Secure Detention Facility Project” (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 precast and prefabricated items; (ii) allow for flexible start times; (iii) make all labor positions productive and working; (iv) eliminate strikes, lockouts and other work stoppages; (v) eliminate the requirements of the Wick’s law; (vi) standardize overtime rates (vii) allow for flexibility of coordinating and/or staggering meal periods, 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"; and
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 Westchester and Putnam Counties, New York, AFL-CIO pursuant to which the local unions agree to be bound by the Memorandum of Understanding and the PLA incorporated into the Memorandum of Understanding; and
3. This Resolution shall take effect immediately.