

KD Alert: Creation of NYS Construction Industry Advisory Council – Bill Passes Through Legislature. Awaits Governor’s Signature

On the last day of its 2020-2021 Session, the New York State Legislature passed a bill to create a construction industry advisory council on public contracting reform, which would study and report on current public contracting processes and adopt recommendations and best practices on four broad hot-topic issues: (1) damages for delay; (2) substantial completion; (3) MWBE-related issues; and (4) retainage.

If signed into law by the Governor, the Council will consist of various appointed legislative and public authority members, as well as multiple private entities; and will file its Report to the Governor within a year of enactment. The fully passed bill signals that the legislature is aware that equitable and consistently applied reform in the construction industry is necessary. It is undetermined whether the bill will become law, what recommendations will be made, and whether any such proposals/reforms will be adopted by the legislature. However, the bill’s passing is an important step toward the creation of an Advisory Council that is supported by many contractors and key contractor associations. Kaufman Dolowich & Voluck, LLP’s Construction Practice Group, co-chaired by Andrew Richards, Esq. and Erik Ortmann, Esq., is tracking the bill and versed in the subject matters that the Council may tackle.

The attorneys in KD’s Construction Law Practice Group continue to closely monitor developments on the law and update employers as the legal landscape continues to evolve. If you have questions about these developments, complying with the above regulations or are in need assistance in implementing the new policies, please contact one of the experienced Construction Law attorneys below or call Kaufman Dolowich & Voluck at (516) 681-1100. Contacts: Erik Ortmann, partner and Vice-Chair of Construction Practice Group - eortmann@kaufmandolowich.com, Andrew Richards, Co-Managing Partner of KD’s Long Island Office and Chair of Construction Practice Group - arichards@kaufmandolowich.com