

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 04 - 110

PROPOSE AMENDMENTS TO STATE LAW TO RELIEVE THE CITY OF BUFFALO FROM PROVISIONS OF LAW THAT INCREASE COSTS FOR THE CITY

WHEREAS, the Buffalo Fiscal Stability Authority (BFSA) has been reviewing and analyzing the financial plans submitted by the City of Buffalo and its covered organizations in search of ways to help alleviate the ongoing fiscal crisis; and

WHEREAS, as there are no new revenues available for the City of Buffalo and the BFSA is charged with assisting the City in a manner that does not require additional State aid, one way to help the City of Buffalo is to find ways to help it economize and reduce costs wherever possible; and

WHEREAS, one area where some savings could be achieved in the reduction of construction costs for the City of Buffalo and its covered organizations; and

WHEREAS, Section 101 of the General Municipal Law, more commonly known as the Wicks Law, requires separate specifications for plumbing and gas fitting; steam heating, hot water heating, ventilating and air conditioning apparatus; and electric wiring and standard illuminating fixtures in public contracts; and

WHEREAS, this requirement causes the cost of public construction projects to be inflated by 10% to 30% over the cost of the same job without the separate bid specifications because each prime contractor includes a mark up in his or her bid; and

WHEREAS, exemptions from the Wicks Law have been granted in the past under certain circumstances, such as when the New York City school district was given an exemption when New York City was in a fiscal crisis; and

WHEREAS, given the City of Buffalo's current circumstance of existing under a State imposed control period and a State-created fiscal stability authority, there can be no doubt that the City could use an exemption from the Wicks Law; and

WHEREAS, the City is planning a major construction effort with the reengineering and construction of new firehouses, which would benefit from a Wicks Law exemption,

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby call for the amendment of the General Municipal Law and the Public Authorities Law in order to provide the City of Buffalo and its covered organizations during the existence of the Buffalo Fiscal Stability Authority with the ability to select one general contractor who is the lowest responsible bidder to oversee a public construction project, with the approval of the Buffalo Fiscal Stability Authority.

This Resolution shall take effect immediately.

Approved November 17, 2004

/S/ Richard Tobe
Secretary