



American Council of Engineering Companies of New York

OPPOSE A.5459 (Bronson)/S.6048 (Breslin) Cost-Benefit Study

The American Council of Engineering Companies of New York (ACEC New York), an organization representing over 300 engineering and related firms totaling more than 20,000 employees in New York State, opposes bill number **A.5459(Bronson) and S.6048 (Breslin)** as it will significantly increase government costs and delay infrastructure project delivery, both of which will cause job losses in these related projects. The process outlined in the bill severely restrict the ability of State agencies to exercise their discretion and expertise in procurement and have the potential to outright cancel many projects.

This bill is essentially identical to A.2022 (Bronson) / S.383 (Robach) that was vetoed by Governor Cuomo in 2018 (Veto 272, 2018) and shares substantial similarities with a bill vetoed in 2012 (Veto 150, 2012).

As written, this legislation will delay countless projects for duplicative study and analysis. It will impose a significant delay on nearly every new infrastructure project in the State, negatively affecting not only the professionals entrusted to design and construct them, but also the citizens unable to use the affected roads, bridges, airports, schools and hospitals.

This section of legislation is duplicative of existing State law and regulation, which already provides for a comprehensive and detailed examination and reporting of outside procurement. As stated in Veto 272, "State Finance Law already requires that agencies establish and document the need for services, ensure that the cost is reasonable, and to analyze the existence of resources available at the agency."

Moreover, Chapter 10 of 2006 significantly expanded the reporting requirements associated with consulting services, and OGS' State Procurement Guidelines detail how agencies must document and justify the selection of vendors, the calculation of the price, the method used in determining the best value, and total life cycle costs. Because of the great number of contracts captured by this bill, State agencies will be required to divert resources from accomplishing their statutory mission to performing a task that adds cost and delay to every project without any corresponding benefit. Further, given that past studies to compare consultant costs with in-house costs took years to complete, it is unreasonable to contemplate that a fair and accurate comparison could be completed within the bill's allotted 30-day timeframe.

Troublingly, the legislation does not require that the study be provided by an objective outside entity – the very people who would conduct the analysis would have an interest in the outcome. Because of the conflict of interest built into the bill, it would be nearly impossible to get an unbiased review.

This twice-rejected measure remains ill-considered, has significant and deleterious unintended consequences, and runs counter to the State's articulated policy goals of responsively and nimbly providing services for the State's citizens. We urge the Assembly to decline to advance this misguided policy proposal.