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August 6, 2018

The Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber
New York State Capitol Building
Albany, NY 12224

RE: Please sign A.7945-A (Kim) / S.6686 (Ranzenhofer)

Dear Governor Cuomo:

The New York Building Congress is a membership coalition composed of more than 550 constituent organizations in the design, construction and real estate industry, employing over 250,000 tradespeople and professionals in the New York region. Our organization is committed to ensuring the growth and success of the building industry, one of the largest job-creating sectors in the region.

We urge you to sign A.7945-A (Kim)/S.6686 (Ranzenhofer), which requires public contracts to include a clause authorizing contractors to recover damages for delay. Such legislation is an important priority that will allow the building industry to build government projects affordably and efficiently. The absence of State standards vis a vis a contractor's right to recover damages resulting from government delay of a construction project, hinders job growth and economic prospectivity throughout our region.

Allowing for the recovery of damages related to expenses incurred by the contractor for a delay of which the state governmental unit is responsible will increase the efficiency by which projects are delivered as well as heighten the accountability of contracting parties to a given project. As a result, such measures will actually *encourage* more private firms to bid for contracts, thereby creating greater job opportunity and more competitive pricing for the State.

As of today, seventeen states have passed legislation similar to the proposed bill. In 2008, the City of New York began a five-year pilot study comparing construction projects with and without damages for delay contract clauses. The results of the study suggested better outcomes could be achieved through the implementation of delay contract clauses, leading the City to eliminate the standard no damages for delay clauses and permit claims for costs incurred by the contractor.

With the advantages of the proposed policy considered, to maintain its place at the forefront of progress and innovation in the nation's building industry, the State of New York must seek to enact A.7945-A/S.6686.

Very Truly Yours,



Carlo A. Scissura, Esq.
President and CEO
New York Building Congress

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