



Opposition to the Expansion of the Problematic Design-Build Program

Dear Legislator:

As a constituent and/or a state employee represented by the Public Employees Federation (PEF), I write to you asking for your assistance with stopping the design-build construction program. The Governor has proposed expanding the program to any state agency using any funding from the Environmental Bond Act of 2022, American Rescue Plan Act of 2021, Infrastructure Investment and Jobs Act of 2021 or the Inflation Reduction Act of 2022.

Design-build, also known as the Infrastructure Investment Act, allows authorities and agencies to hire one firm to design, build and inspect major taxpayer-funded projects. This power has been granted to certain agencies or for certain large-scale projects.

Several reports by State Comptrollers have concluded that design-build is more costly than using state employees. In addition to doing a better job for less money, state workers do not have a financial stake in these multimillion-dollar projects. PEF engineers are concerned only with the quality of the work being performed and with the safety of the general public, not with how quickly and cheaply a job can get done.

Many design-build projects have not produced the purported benefits. The poster child of design build, the Mario M. Cuomo Bridge, was fraught with problems when contractors questioned the failure of some bolts on the structure and others tried to cover up the issue. In addition, cost overruns and lawsuits have wiped out any potential savings that were supposed to be realized.

Instead of design-build, we suggest that you include a provision in the final budget which would allow public employee oversight on all taxpayer-fund capital projects (S.5664/A.4720).

As my elected representative, I kindly ask that you work with the leadership in your house to reject the expansion of design-build (S.8308/A.8808 Part U) and increase transparency and the use of state employees wherever possible. Thank you for your time, attention, and consideration of this very important issue.

Sincerely,
