



New York State Department of Labor
David A. Paterson, *Governor*
M. Patricia Smith, *Commissioner*

April 1, 2009

[REDACTED]

Re: Your letter of March 31, 2009
Our file RO-09-0007

Dear [REDACTED]:

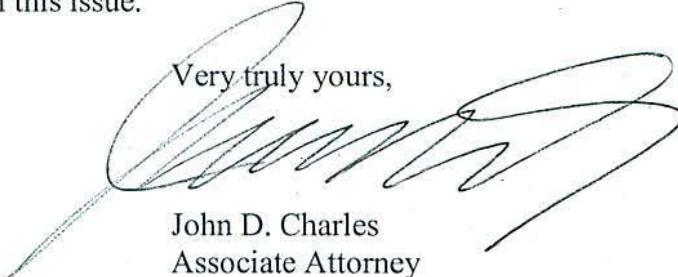
Your letter dated March 30, 2009 to [REDACTED] has been referred to Counsel's Office for a response. You ask, on behalf of the Saratoga Springs City Center, if the proposed City Center expansion and renovation project estimated at sixteen million dollars is a project that would be subject to Section 101 of the General Municipal Law, more commonly known as the Wicks Law. The Department of Labor, which has recently been charged with enforcing the Wicks Law under Section 224 of the Labor Law, believes that the renovation and expansion project, as it has been described in the minutes of various meetings of the Saratoga Springs City Council, is a project that would be subject to the separate bidding requirements of the Wicks Law.

The Saratoga City Center Authority is a public authority formed pursuant to Title 21 of the Public Authorities Law. Section 2490-g of said title provides that "the Authority shall let contracts for construction and materials in the manner provided by law for contracts of the City." (referring to the City of Saratoga Springs). The City of Saratoga Springs is subject to the provisions of General Municipal Law Sections 101 and 103, relating to separate specifications and competitive bidding respectively. This Department has taken the position that the City of Saratoga Springs is not exempt from the provisions of the General Municipal Law. As a result, the Saratoga City Center Authority must comply with Sections 101 and 103 of the General Municipal Law as they relate to any construction contract to which the Authority is a party. Therefore, the Commissioner of Labor is authorized under Section 224 of the Labor Law to, and will, issue a Stop Bid Order for any project sponsored by the Authority that does not comply with Section 101 of the General Municipal Law.

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This opinion is specific to the facts described in our possession and, were those facts to vary from those set forth in the documents, or if additional facts and circumstances exist of which we are not currently aware, this opinion could be changed accordingly. I trust that this is responsive to your inquiry. Please let us know if you need any further clarification on this issue.

Very truly yours,

A handwritten signature in black ink, appearing to read "John D. Charles", written over the typed name and title.

John D. Charles
Associate Attorney

cc: Commissioner Smith
Mario Musolino
Maria Colavito
Pico Ben-Amotz
Chris Alund
Dave Bouchard
Fred Kelley
Opinion file
Dayfile