

# New york wicks law

Law



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New York Wicks Law Introduction: The Wicks Law of New York goes back to 1912 and is the common for Section 101 of the General Municipal Law. Wicks law makes it a requirement for public construction projects within the State of New York, to make separate specifications for construction requirements and award separate prime construction contracts for electrical, plumbing, and HVAC (heating, ventilation and air conditioning), should the entire cost of the construction project amount to more than \$50. 000. Controversy over the utility of this law has been raging for some time now.

#### Underlying Rationale of Wicks Law:

The underlying rationale of Wicks Law was to prevent corruption in the public construction projects and thereby save money paid as taxes by the general public from being wasted and used in a better manner.

#### Analysis of the Utility of Wicks Law:

The rationale behind most of the laws is noble, but the practical utility of the laws are felt only with the passage of time and this is true with Wicks Law.

Wicks Law does act as detriment to corruption, but tends to bring about delays in construction works and causes increased cost burdens and as such has a negative impact on saving of the tax payer's and is in all probability an extra drain on public funds. These are the views of many a critic of the Wicks Law even though the electrical, plumbing and HVAC sub-contractors and the supporters of Wicks Law claim otherwise.

Studies have shown that the impact of Wicks Law has been to increase the cost of construction by an average of ten percent. Along with this come delays and hassles for coordinating the sub contracting work and all in all Wicks Law acts as a deterrent for school construction work besides the cost over runs. Again, estimates are that ten percent of the \$3. 7 billion spent on <https://assignbuster.com/new-york-wicks-law/>

public school construction was on account of the cost over runs due to Wicks Law and this wasted money could have been utilized for education programs. That there is truth in these assertions can be seen from the fact that the authorities from time to time have considered ways of doing away with Wicks Law and have provided exemptions to it. Opposition especially from the sub-contractors have made the authorities shy away from the abolition of Wicks Law and look for ways and means to amend the Law such that there is a reduction of its impact on construction. The sub contractors themselves are quietly accepting that Wicks Law is out dated and preparing themselves for the changes that can be expected in the near future, with even the possibility of the abolition of Wicks Law. (Phillips, Mathew. “ Wicks Law at last may be ripe for repeal this year”).

#### Reforms:

The abolition of Wicks Law in no way suggests that the rationale was wrong and it only needs to be changed in tune with the changing times. That there should be a separation of the sub-contracting work still remains a requirement, but it should not be mandated, that separate contracts be awarded for the work. What needs to be mandated is that clear expenditure account is maintained, so that the expenses under these heads are clear and in case of sub-contracting is utilized clear details as to who were the subcontractors and the work done, as well as the amount of payments that each sub contractor has received has to maintained. These records must be available for scrutiny of the authorities as well as any well-meaning citizen. This would lead to transparency in the construction work and do away with the corruption, the rationale of Wicks Law and yet be more cost effective and easier to coordinate, which is the problem with Wicks Law.

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### Works Cited

Phillips, Mathew. “ Wicks Law at last may be ripe for repeal this year”. The Business Review. 2003. 14 Nov. 2005.

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