Sluggish Start:

School Repairs Left Undone

How the New York City School Construction Authority Fails to Address Deteriorating Schools

by the Office of the Public Advocate

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Background

In January 2003, Public Advocate Betsy Gotbaum requested that the School Construction Authority (SCA) provide her office with a list of New York City public schools that have sidewalk bridges (SWBs), as part of the Office's ongoing efforts to monitor whether school repairs are conducted in a timely manner. Safety issues at schools, such as cracked masonry, deteriorated exterior brickwork, and cracked cornices, make it necessary to erect SWBs to protect schoolchildren, staff and the public. Bridges are also used during construction. The SCA is responsible for designing and building new schools, and for the repair and renovation of New York City's approximately 1,100 existing public school buildings. SCA does not supply its own sidewalk bridging and rents these structures from private contractors.

In response to our inquiry, the SCA reported that 46 schools were in need of construction and had side-walk bridging as of May 2003. [1] Many of these schools had more than one sidewalk bridge installed and in place for an average of 20 months at that time[2]. Repair work was estimated to begin at 13 out of the 46 schools in the summer of 2003. This leaves 33 schools with side-walk bridge structures and no plans for repair, creating both a safety hazard for students as the buildings further deteriorate and a financial sinkhole for the city.

Following our inquiry, the SCA acknowledged that the schools awaiting repair work needed attention and agreed to either include repair plans for these schools in the upcoming 2005-2009 Capital Plan or to complete work as funding became available.[3] Unfortunately, the Capital Plan is only 50% funded to date.[4] Under the city's first three capital plans, numerous projects were never finished, so including a project in the Plan by no means guarantees that the project will actually be completed.

As part of the Public Advocate's continuing campaign for safe conditions at New York City schools, representatives of the Office visited 44 schools on the SCA's construction list this summer. They determined if repairs had been completed and identified schools where repair work has not yet begun.[5] They also determined how long the SCA has rented SWBs at schools where repairs have been delayed for years and how much money has been spent as a result. This analysis focuses on long-term delays and does not include additional schools where SWBs were erected after May 2003. This report highlights the Public Advocate's concern about safety issues related to deteriorated school buildings, details the amount of time unsafe conditions have persisted at city public schools, and estimates the amount of money spent on SWB rentals due to delays in construction.

[1] Calculation based on data provided by the New York City School Construction Authority (SCA). Correspondence with the Public Advocate's Office, 5/6/03.
[2] Ibid.
[3] Ibid.
[4] New York City Department of Education, "Children First Ten-Year Needs Assessment & 2005-2009 Five Year Capital Plan," June 2004 Adopted Plan.
[5] We visited forty-four of the forty-six schools on the SCA's May 2003 construction list. Two schools (PS 93 and PS 151) are not currently occupied by students.

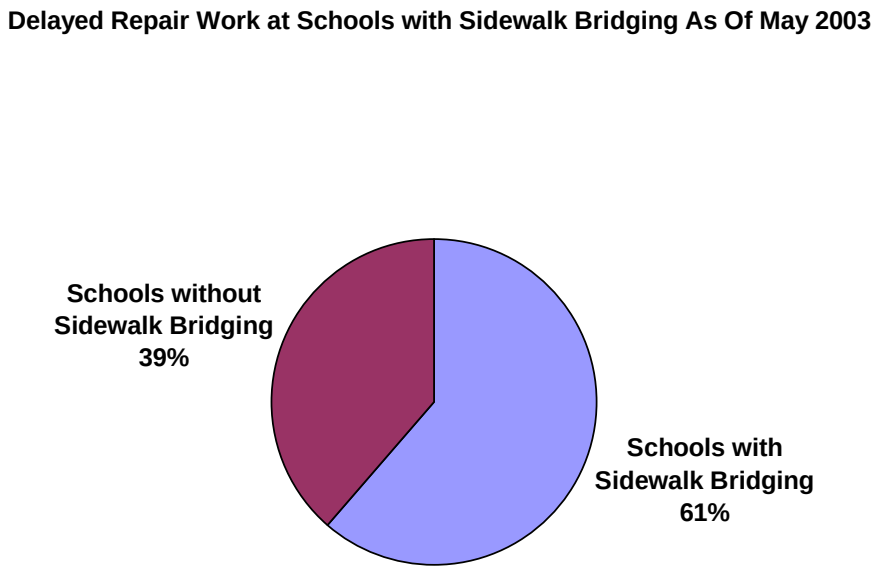
Methodology

Over a two-week period from June 29 to July 9, the Public Advocate's Office sent representatives to 44 schools that had sidewalk bridging as of May 2003 to determine how many still had sidewalk bridging and incomplete repairs. [6] (Two schools on the SCA's original list of 46 were vacated due to disrepair and have not yet re-opened.) Representatives visited the schools on weekdays between 8:00 am and 4:00 pm to track and photograph all existing sidewalk bridging. The Office relied on the quarterly schedule and budget report submitted by the SCA to the New York City Council to determine the length of time repair work has been delayed.

Findings

Majority of repair work at schools with sidewalk bridges is incomplete more than one year later.

- Of the 44 schools with SWBs in 2003, 27 or 61% still have sidewalk bridging more than one year later, indicating that repair work is not yet complete.
- Repairs were complete at 17 schools, 39% of the total.



[6] Ibid.

It takes the School Construction Authority an average of three years to begin construction on schools with sidewalk bridging.

- It takes the SCA an average of nearly three years (32.8 months) from the time a sidewalk bridge is erected to begin construction at these schools. This is an unacceptably long time for construction to begin. [Appendix I]
- Similarly, it takes an average of over a year and a half (19 months) for the SCA to even begin the scope phase, the initiation of the design process at these schools.[7] [Appendix II]
- The SCA did not initiate the scope phase at ten of the 24 schools (46 percent) in question until after the release of the list of schools with sidewalk bridging was requested by the Public Advocate.[8]
- Of the 27 schools that continue to have sidewalk bridging in 2004, the SCA reports that it is currently in the process of repairing conditions at 25 schools.[9] Despite these plans, there is no evidence that the rate of repair work is improving.

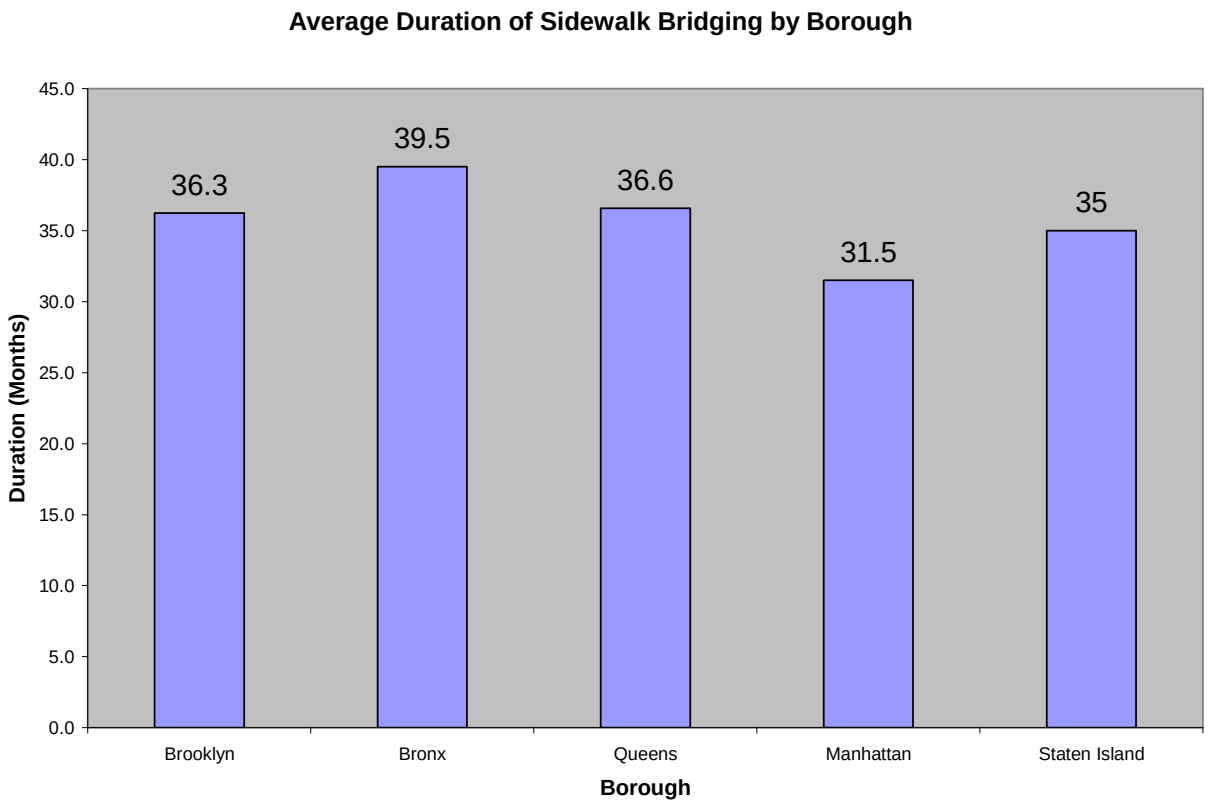
Sidewalk bridges have been up at city schools for an average of three years and, at some schools for as long as five years. Repairs in the Bronx have been delayed the longest.

- Sidewalk bridges have been up at some schools for nearly five years. For example, the sidewalk bridge at PS 163 in Queens has been up for 55 months. Similarly, sidewalk bridging has been up at PS 198 in the Bronx for 53 months and at PS 225 in Queens for 51 months [Appendix IV].
- In all, SWBs have been up at schools for an average length of 35.8 months, or nearly three years [Appendix III].
- Sidewalk bridges have been up the longest at nine Bronx schools, with an average of 39.5 months.

[7] Of the 27 schools with SWBs, there appear to be no plans plan for two-IS 119 and PS 721 Annex. A third school, PS 18/898 is a leased site, and because the landlord is responsible for site improvements, details were not listed in the Quarterly report. Of the remaining 24 schools, the scope phase was found to have begun prior to the installation of the SWB at three schools. Accordingly, there are 21 schools for which the lag time between the installation of the SWB and the initiation of the scope phase can be calculated.

[8] New York City Department of Education School Construction Authority Quarterly Schedule and Budget Report, Quarter Ending March 31st, 2004. May 18th, 2004 Revision.

[9] New York City Department of Education School Construction Authority Quarterly Schedule and Budget Report, Quarter Ending March 31st, 2004. May 18th, 2004 Revision. Given that PS 18/898 in Manhattan is a leased site and therefore the landlord's responsibility, no details are provided in the budget report for this school.



The SCA's quarterly reports to the City Council are missing information necessary to monitor the agency's progress, such as construction start and end dates.

- Upon our examination of the SCA's quarterly schedule and budget report to the New York City Council, we found that important information was missing.
- Information such as planned and actual scope, and design and construction start and end was missing. The lack of information in these reports makes it difficult to gauge how well the SCA carries out its projects.

Repair delays have cost the city over three and a half million dollars for the rental of SWBs since 1999, in addition to the costs associated with having to repair increasingly deteriorated buildings.

- It costs the City an estimated $3,086 per day to rent SWBs at schools where construction has been delayed.[10]
- Since the initial installation date, these bridges have cost the city $3.5 million in rental fees [Appendix III]. [11] Construction projects involving building exteriors often require SWBs during construction, and some of this cost may be recouped when the contractor is hired.

[10]The total cost per day was calculated by dividing the total monthly rental fees ($92,608) for all 26 schools by 30 days. Costs for PS 18/898 were excluded from this calculation because the site is a leased building where the landlord, not the DOE, is responsible for renting sidewalk bridges. The costs are accurate as of 7/31/04.

[11] The total cost of SWBs since their initial installation is the sum of the total estimated rental fees for each school. The costs are accurate as of 7/31/04.

- The SWB at PS 225 in Queens has been up since April 2000 at a cost to the city of $10,929 each month. According to news reports, the SCA was able to renegotiate the SWB rental fees down to $3,700 a month in June of 2003.[12] Nevertheless, the total cost of renting SWBs at this school has cost the city $459,702 over the past four years. Repair work at this school began on March 29, 2004 and is slated to end in November 2004, at which time total SWB rental fees for this school will total $474,502..[13]
- The SWB at Brooklyn elementary school PS 195 has been up since November 2001 and has cost the city $12,050 each month for a total cost of $385,600 to date. Repair work to replace the roof at this school is underway and is expected to be completed by September 2004. If completed in time, total estimated SWB rental fees for this school will amount to $409,700.

Conclusions and Recommendations

Over a year and a half after the Public Advocate called on the SCA to disclose how many city public schools had sidewalk bridging and are in need of repair, construction at the majority of these schools remains incomplete. Sidewalk bridges, meant as a temporary protective solution to deal with emergency conditions until repairs are made, have been used as a long-term fix at most schools. The average SWB is up for three years.

While the presence of sidewalk bridging at schools is alone not irresponsible in itself, it becomes a problem when sidewalk bridging becomes a long-term solution to a safety problem rather than an interim measure of short duration. The Public Advocate is concerned that once the SCA installs these structures, schools and students must wait for years until any construction begins and is completed. This is an unsafe and inadequate response to deteriorating conditions at public schools, such as deteriorated masonry.

These construction delays also waste scarce resources: sidewalk bridge rentals at the 46 schools we visited have cost the city $3.5 million in sidewalk bridge rental fees as of June 31, 2004, and the cost grows each day. In addition, because conditions at other schools have deteriorated since May of 2003, it is likely that sidewalk bridges have been erected at additional schools and that the total rental cost is now even higher.

To ensure the safety of the city's school children, staff, and the public, and to mitigate wasteful costs associated with the delay of construction, the Public Advocate recommends the following:

The School Construction Authority must immediately develop repair plans to ensure that dangerous conditions at schools are repaired in the shortest amount of time possible.

The installation of sidewalk bridging at a school signals there is a significant structural problem that requires immediate action. When the New York City School Construction Authority installs sidewalk bridging at schools, it must develop an immediate plan to ensure that repairs occur as soon as possible, instead of relying on sidewalk bridges as a long-term fix.

[12] New York Daily News, "School Funds Hung Up in Scaffolding," September 1, 2003.
[13] New York City School Construction Authority Quarterly Schedule and Budget Report, 5/18/04.

The School Construction Authority must carefully monitor construction projects to ensure timely completion.

After the SCA develops its plans to ensure needed repairs commence, the Authority must provide sufficient monitoring so that design and construction timeframes are met and SWBs are used for the shortest possible duration.

The School Construction Authority must comply with local law by providing all the required information in its quarterly reports to the City Council, especially the start and end dates for school construction projects, and should make this report available on its website.

Pursuant to the New York City Council's School Construction Authority Accountability Act, which was passed in April 2003, the SCA is mandated to compile quarterly reports that outline progress on all construction projects and activities. Although the SCA has submitted this report to the City Council as mandated, the vast majority of the information required by law is marked "Not Available." For example, the planned and actual start and end dates for most of the projects are not available. It is therefore difficult to discern which projects are delayed, compromising the ability of elected officials and the public to provide oversight.

In addition, the Act mandates that SCA "provide a clear explanation of reasons for any delay of sixty days or longer with respect to any phase of the project."[14] The SCA fails to identify any delays and therefore does not provide any accompanying explanations.

In order to fully comply with the intent of the law, the quarterly report must be complete, up-to-date, and as accurate as possible. Moreover, the SCA should provide important information that is not required, specifically, the report should identify which schools have sidewalk bridges and outline the respective construction schedule to better facilitate the city's ability to track repair time.

It should also be mentioned that the SCA's quarterly report to the City Council provides very little information on the progress of repairs at leased sites. The SCA must provide information on the progress that landlords are making on leased sites that have SWB's. It is unacceptable for the SCA to simply state that it is the landlord's responsibility to complete repair work on time.

The SCA should make the quarterly reports easily accessible to the public by posting them on the Agency's website.

[14] Local Law No. 24 for the year 2003.

APENDIX I: Construction Delays at New York City Public Schools

Borough	School	Lag Time Between Installation of SWB and Initiation of Construction Phase (Months)
K	PS 11	34
K	PS 45	34
K	PS 72	N/A
K	IS 96	41
K	PS 100	27
K	PS 194	N/A
K	PS 195	19
K	PS 205	30
K	PS 222	53
K	IS 223	30
K	PS 226	23
M	PS 18 /898	Lease Site: Landlord Responsibility
M	PS 33	N/A
M	PS 152	22
M	PS 208	N/A
M	Julia Richman Education Complex	4
Q	IS 59	34
Q	PS 64	N/A
Q	PS 71	N/A
Q	PS 163	42
Q	PS 225	47
Q	T. Edison HS	34
R	PS 2	N/A
X	PS 137/ PS 39	37
X	PS 198	48
	[15]	**Average Lag Time: 32.8**

Note: As a result of the incomplete data ("N/A") in the New York City School Construction Authority Quarterly Schedule and Budget Report of May 18, 2004, we were able to determine lag time between SWB installation and the beginning of construction for only 17 schools.

APPENDIX II: Delay in Initiating Construction Plans at New York City Public Schools

Borough	School	Lag Time Between Installation of SWB and Initiation of Scope Phase (Months)
K	PS 11	22
K	PS 72	33
K	IS 96	15
K	PS 100	11
K	PS 194	7
K	PS 205	21
K	PS 222	44
K	IS 223	22
K	PS 226	11
M	PS 33	3
M	PS 152	14
M	PS 208	21
Q	IS 59	21
Q	PS 64	6
Q	PS 71	5
Q	PS 163	32
Q	PS 225	29
Q	T. Edison HS	21
R	PS 2	14
X	PS 137/ PS 39	1
X	PS 198	41
		Average Lag Time: 19

Note: As a result of the incomplete data in the New York City School Construction Authority Quarterly Schedule and Budget Report of May 18, 2004, this chart averages the lag time between the installation of the SWB and the initiation of the scope phase for the 21 schools with sufficient information.

APPENDIX III: Sidewalk Bridging and Related Costs by Borough

Borough	Schools with Sidewalk Bridges	Number of Sidewalk Bridges Installed	Average Time Erected to Date (Months)	Estimated Total SWB Rental Cost
Brooklyn	11	16	36.3	$1,584,857
Bronx	3	4	39.5	$340,120
Queens	7	8	36.6	$938,940
Manhattan	5	8	31.5	$543,107
Staten Island	1	1	35	$96,250
Overall/Total	27	37	35.8	$3,503,274

APPENDIX IV: Sidewalk Bridging and Related Costs by Individual School

Borough	School	Date Sidewalk Bridge Installed	Length of Time SWB Erected to Date[16]	Monthly SWB Rental Fees[17]	Total Estimated Cost to Date[18]
K	PS 11*	Sep-00	46.0	$7,608.00	$349,968.00
K	PS 11*	Aug-01	35.0	$1,285.00	$44,975.00
K	PS 45	Apr-01	39.0	$240.00	$9,360.00
K	PS 72*	Sep-00	46.0	$1,300.00	$59,800.00
K	PS 72*	Oct-02	21.0	$561.00	$11,781.00

[16] As of July 31, 2004.
[17] With the exception of PS 225 in Queens, monthly rental fees for all schools are accurate as of May 5, 2003 as provided to the Public Advocate's Office by the School Construction Authority on May 6, 2003. Additional information on PS 225 is referenced in footnote no. 19.
[18] As of July 31, 2004.

K	IS 96*	Sep-00	46.0	$360.00	$16,560.00
K	IS 96*	Sep-01	34.0	$1,786.00	$60,724.00
K	PS 100*	Aug-01	35.0	$820.00	$28,700.00
K	PS 100*	Sep-02	22.0	$500.00	$11,000.00
K	PS 194	Oct-02	21.0	$6,184.00	$129,864.00
K	PS 195	Nov-01	32.0	$12,050.00	$385,600.00
K	PS 205	Aug-01	35.0	$1,708.00	$59,780.00
K	PS 222*	Sep-99	58.0	$1,580.00	$91,640.00
K	PS 222*	Mar-01	40.0	$4,800.00	$192,000.00
K	IS 223	Aug-01	35.0	$378.00	$13,230.00
K	PS 226	Aug-01	35.0	$3,425.00	$119,875.00
M	PS 18 /898*	Jan-01 & Mar-01	42.0	$1680.00 & $921.00	Leased Site & Private Landlord Responsibility
M	PS 33	Feb-03	17.0	$4,475.00	$76,075.00

M	PS 152*	Sep-04	34.0	$4,270.00	$145,180.00
M	PS 152*	Sep-01	34.0	$998.00	$33,932.00
M	PS 152*	Oct-01	33.0	$7,410.00	$244,530.00
M	PS 208	Aug-01	35.0	$380.00	$13,300.00
M	Julia Richman Education Complex	Feb-03	17.0	$1,770.00	$30,090.00
Q	IS 59	May-01	38.0	$850.00	$32,300.00
Q	PS 64	Jan-03	18.0	$1,015.00	$18,270.00
Q	PS 71	Oct-02	21.0	$3,475.00	$72,975.00
Q	IS 119	Apr-02	27.0	$2,435.00	$65,745.00
Q	PS 163	Dec-99	55.0	$2,606.00	$143,330.00
Q	PS 225	Apr-00	51.0	$3,700[19]	$459,702
Q	T. Edison HS*	Sep-00	46.0	$2,573.00	$118,358.00
Q	T. Edison HS*	Jul-01	36.0	$785.00	$28,260.00

[19] The monthly rental fee of $10,929 was reduced to $3,700 in June of 2003 for PS 225. New York Daily News, "School Funds Hung Up in Scaffolding," September 1, 2003.

R	PS 2	Aug-01	35.0	$2,750.00	$96,250.00
X	PS 137/ PS 39*	Jan-01	42.0	$3,902.00	$163,884.00
X	PS 137/ PS 39*	Jun-01	37.0	$3,902.00	$144,374.00
X	PS 198	Feb-00	53.0	$480.00	$25,440.00
X	PS 721 Annex	May-02	26.0	$247.00	$6,422.00
	Total		**35.8**		**$3,503,274**

Note: (*) Asterisk marks schools that have more than one SWB installed.