

## NOTICE OF ADOPTION OF FINAL RULE

The Procurement Policy Board has adopted amendments to **Chapter 2 Procurement Process** of its Rules pursuant to Section 311 of the New York City Charter. The amendments were published in *The City Record* on April 27, 2012, and the required public hearing was held on June 4, 2012. The amendments were adopted by the Procurement Policy Board on April 8, 2013. These rules will take effect 30 days after publication.

### STATEMENT OF BASIS AND PURPOSE

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the “Best Value Law”) give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

The amendment to this rule adds the requirement for a public hearing where contracts are to be awarded by competitive sealed bidding on the basis of best value to the City.

### **The Rule Amendments**

New material is underlined and deletions are [bracketed].

**Section 1. Subparagraph (i) of paragraph (1) of subdivision (b) of section 2-11 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:**

- (i) contracts to be awarded by competitive sealed bidding, except where the basis for award is best value to the City pursuant to 3-02 (o);