

NOTICE OF ADOPTION OF RULE

Pursuant to the authority vested in the Procurement Policy Board by Section 311 of the New York City Charter (“Charter”) and in accordance with the requirements of Section 1043 of said Charter, the Procurement Policy Board has adopted amendments to Chapter 2 and Chapter 3 of Title 9 of the Rules of the City of New York. The amendments were published in the City Record on August 14, 2015, and a public hearing was held on September 14, 2015. The amendments were adopted by the Procurement Policy Board on October 21, 2015. This rule takes effect on March 1, 2016.

STATEMENT OF BASIS AND PURPOSE OF RULE

The Procurement Policy Board (“PPB”) has amended Chapter 2 and Chapter 3 of Title 9 of the Rules of the City of New York to update the name and address for the Bureau of Contract Administration within the Office of the New York City Comptroller. These changes will ensure that submissions required to be made by its rules are sent to the correct address.

PPB’s authority for these rules is found in sections 311 and 1043 of the New York City Charter.

The Rule Amendments:

New material is underlined and deletions are [bracketed].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this board, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph (1) of subdivision (e) of section 2-07 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:

(e) Appeal. All non-responsive determinations may be appealed as set forth herein.

- (1) Time Limit. A vendor shall have five days from receipt of the determination of non-responsiveness to file an appeal with the Agency Head. Receipt of notice by the vendor shall be deemed to be no later than five days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the office of the Agency Head. The vendors shall also send a copy of its appeal, for informational purposes, to Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007.

§ 2. Subdivision (j) of section 2-08 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:

(j) Notice. After making a determination of non-responsibility, the ACCO shall notify the lowest bidder in writing of that determination. The notification shall state the reasons upon which the determination is based and shall inform the bidder of the right to appeal the determination of non-responsibility to the Agency Head and subsequently to the Mayor, and of the procedure for taking such appeals. The notification shall also contain the following statement:

The vendor shall also send a copy of its appeal to the New York City Comptroller, for informational purposes, at Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

§ 3. Subparagraph (xviii) of paragraph (2) of subdivision (b) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:

(xviii) the following statement: The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the bid process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669- 2323; and

§ 4. Paragraph (21) of subdivision (a) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(21) the following statement: The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007; telephone number (212) 669-2323; and

§ 5. Paragraph (2) of subdivision (l) of section 3-10 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(2) The ACCO shall notify the vendor in writing of a denial or revocation of prequalification, stating the reasons upon which the determination is based and informing the vendor of the right to appeal. The notification shall also include the following statement:

The vendor shall send a copy of its appeal to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

A copy of the ACCO's determination shall also be sent to the CCPO for inclusion in the VENDEX database and to the Comptroller's Office.

§ 6. Paragraph (2) of subdivision (f) of section 3-16 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(2) The HHS Accelerator Director must notify the vendor in writing of a denial or revocation of prequalification, stating the reasons for the determination and informing the vendor of the right to appeal. The notification must also include the following statement:

The vendor must also send a copy of its appeal to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

A copy of the HHS Accelerator Director's determination must also be sent to the CCPO for inclusion in the VENDEX database and to the Comptroller's Office.

§ 7. Paragraph (21) of subdivision (k) of section 3-16 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(21) the following statement:

The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007; telephone number (212) 669-2323; and