



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

MANHATTAN BOROUGH PRESIDENT

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE MANHATTAN BOROUGH BOARD MEETING is scheduled for **May 15, 2008 from 8:30 to 10:00 A.M.**, at the Office of the Manhattan Borough President, located at 1 Centre Street, 19th Floor South. (Large Conference Room)

The following two resolutions will be voted on:

Unity Funeral Home Expansion

Pursuant to New York City Charter 384(b) 4, Manhattan Borough Board will consider the sale by New York City Economic Development Corporation (EDC) of three City-owned properties (Block 1932, Lots 5, 7, and 107) to West 126th Realty LLC to be used by Unity Funeral Home. The three City-owned lots, consisting of approximately 8,500 square feet will enable Unity Funeral Home to enlarge its existing funeral establishment. The proposed development will include a three story, 6,337 square foot commercial building.

No. 1076 State Bill

Resolution in support of the State Senate and Assembly Bills Expanding Temporary Disability Insurance to cover family and medical leave.

PLEASE NOTE: Individuals requesting sign-language interpreters or other reasonable accommodations for disabilities should contact the Office of the Manhattan Borough President, located at 1 Centre Street, 19th Floor South, New York, NY 10007 at (212) 669-8300.
NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING/MEETING.

m6-14

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, New York, on Wednesday, May 21, 2008, commencing at 10:00 A.M.

**BOROUGH OF BROOKLYN
No. 1
MADISON/PUTNAM HOUSING**

CD 3 C 080278 HAK
IN THE MATTER OF an application submitted by the

Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 924 and 928 Madison Street (Block 1484, Lots 6 and 8); and 1023, 1013, 1007, 1052, and 1054 Putnam Avenue (Block 1484, Lots 35, 41, and 43; and Block 1486, Lots 15 and 16), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of seven residential buildings, tentatively known as Madison/Putnam, with approximately 48 units, to be developed under the Housing Preservation and Development's Cornerstone Program.

BOROUGH OF MANHATTAN No. 2 WEST END AVENUE PARKING GARAGE

CD 7 C 080153 ZSM
IN THE MATTER OF an application submitted by Extell Development Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 20 spaces on a portion of the ground floor, cellar and sub-cellar of a proposed residential building on property located at 531-539 West End Avenue (Block 1247, Lots 33, 34, 35, 36, 37 & 135), in an R10A District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 3 & 4 610 LEXINGTON AVENUE No. 3

CD 4-8 N 080177 ZRM
IN THE MATTER OF an application submitted by Park Avenue Hotel Acquisition, LLC, and 375 Park Avenue L.P., pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1, Special Midtown District, concerning Section 81-212 (Special provisions for transfer of development rights from landmark sites), Community District #5, Borough of Manhattan.

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is text to be deleted;
*** indicates where unchanged text appears in the zoning resolution

Article VIII: Special Purpose Districts
Chapter 1: Special Midtown District

81-212

Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights for Landmark Sites) shall apply in the #Special Midtown District# subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of development rights from landmark sites within the Special Fifth Avenue Subdistrict).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

For new #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a court, where:

the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the new #development# or #enlargement# and a wall or #lot line# on the #zoning lot# occupied by the landmark; and the required minimum distance is protected by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on streets on which curb cuts are restricted pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62 (Required Accessory Loading Berths). In granting such special permit, the Commission shall find that: (a) a loading berth permitted by City Planning Commission authorization pursuant to Section 81-44 would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit; (b) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and (c) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space pursuant to Section 81-45 (Pedestrian Circulation Space) and 37-50 (Requirements for Pedestrian Circulation Space). In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

No. 4

CD 5 C 080178 ZSM
IN THE MATTER OF an application submitted by Park Avenue Hotel Acquisition, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Sections 81-212* and 74-79 - to allow the transfer of 200,965 square feet of floor area from property

located at 375 Park Avenue (Block 1307, Lots 1 and 9001) that is occupied by a landmark building to property located at 610 Lexington Avenue (Block 1307, Lots 14 and 59), to modify the requirements of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-861 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines/General Provision), Section 36-62 (Required Accessory Off-Street Loading Berths), and Section 81-45 (Pedestrian Circulation Space) and Section 37-07 (Requirements for Pedestrian Circulation Space); and

- 2. Section 81-277 - to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation)

to facilitate the development of a 63-story mixed use building on property located at 610 Lexington Avenue (Block 1307, Lots 14 and 59), in a C6-6 District, within the Special Midtown District.

* Note: A zoning text change is proposed under a concurrent related application (N 080177 ZRM) for amendment to Sections 81-212 (Special provisions for transfer of development rights from landmark sites). Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, N.Y. 10007.

SPECIAL HUDSON YARDS, CLINTON & MIDTOWN TEXT AMENDMENTS No. 5

CD 4 N 080184 ZRM IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), concerning Article IX, Chapter 6 (Special Clinton District), and concerning Article VIII, Chapter 1 (Special Midtown District)

Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted; Matter within # # is defined in Section 12-10; * * * indicates where unchanged text appears in the Zoning Resolution

Article VIII - Special Purpose Districts

Chapter 1 Special Midtown District * * *

81-741 General provisions * * *

- (d) Additional floor area bonuses

All #developments# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section ~~96-21 (Floor Area Increase)~~ 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

Article IX - Special Purpose Districts

Chapter 3 Special Hudson Yards District * * *

93-05 Applicability of District Regulations * * *

93-054 Applicability of Chapter 4 of Article VII * * *

93-055 Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

93-14 Retail Continuity Along Designated Streets

Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's #street# frontage, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying zoning district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in

total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated retail #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, glazing shall not be required. However, the Hudson Boulevard #street wall# of such new #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this section to be met upon demolition of the #buildings# within the #street# bed or #public park#.

The provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

93-20 FLOOR AREA REGULATIONS * * *

93-223 Maximum floor area ratio in Hell's Kitchen Subdistrict D

- (a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:

- (1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-90, as modified by Section 93-23.
- (2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the community facility #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

93-30 SPECIAL FLOOR AREA REGULATIONS

93-31 District Improvement Fund Bonus

In the #Special Hudson Yards District# and Area P-2 of the #Special Garment Center District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded ensuring and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused floor area.

Such The contribution amount shall be \$100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually on July 1 of the following year and each year thereafter. Such adjustment shall occur on August 1 of each calendar year, based on the percentage

change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

- (a) Such rule shall be effective for not more than two years; and
- (b) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or adequate security therefore has been provided.

93-34 Distribution of Floor Area in the Large-Scale Plan Subdistrict A * * *

- (b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the #development# rights of the Eastern Rail Yards Subarea A1 and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site; and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yards Subarea A1.

Such ~~N~~ notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yards Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-50 SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights, and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

- (a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to building entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above the level of the second #story# and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of

such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines# except where corner articulation rules apply.

(b) Sidewalk Widening

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or ten feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widening) in Appendix A.

* * *
93-512
Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

(a) Hudson Boulevard

For the purposes of this paragraph, (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of the #development# or #enlargement# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A through E).

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
(2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and
(3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 28th and West 30th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 30th Street.

* * *
93-513
Four Corners Subarea A2

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet; and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 33rd and West 35th Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33rd Street.

* * *
93-54
Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

93-541
Height and setback in Subareas D1 and D2

(a) Tenth Avenue

(1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #residential buildings# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street

wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet, except that such minimum base height requirement shall not apply to any existing #residential buildings# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and no portion of any #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

- (i) the aggregate width of such #street wall# does not exceed 100 feet;
(ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and
(iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42, and
(iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located ten feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

The regulations set forth in paragraph (c) of Section 93-512 shall apply.

(d) Length of building wall

The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow street line# shall not exceed 100 feet.

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542
Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply to all #developments# or #enlargements#; and
(b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories#

or a height of 30 feet, whichever is less.
(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

* * *
93-55
Special Height and Setback Regulations in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, for any #development# or #enlargement# on a #zoning lot# fronting on Eighth Avenue, the #street wall# of such #development# or #enlargement# shall be located on the Eighth Avenue sidewalk widening line and extend along the entire #street# frontage of the #zoning lot#. Such #street wall# shall rise without setback to a minimum height of 90 feet or the height of the #building#, whichever is less, and a maximum height of 120 feet. Above a height of 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Streets, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance except as provided below:

(a) any portion of the #building# or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#.

(b) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

* * *
93-55 93-56
Special Permit for Modification of Height and Setback Regulations

* * *
93-65
Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

(a) The area bounded by Tenth Avenue, West 41st Street, a line 190 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue.

(b) The area bounded by the western boundary of the #public park# between West 34th and West 35th Streets, West 34th Street, a line 40 feet west of and parallel to the western boundary of the #public park# between West 34th and West 35th Streets, and a line 75 feet north of and parallel to West 34th Street. The entrance shall be accessed from the #public park# between West 34th and West 35th Streets.

(c) The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street.

(d) For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

* * *
Article IX - Special Purpose Districts

Chapter 6
Special Clinton District
* * *
96-20
PERIMETER AREA

#Developments# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area)...

* * *
96-21
Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply to #developments# or #enlargements# located in all #Commercial Districts# within the area bounded by the following:

- (b) Floor area regulations
(2) Floor area regulations in Subarea 2
In Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in

accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for a new legitimate theater to be used as a legitimate theater or non-profit performing arts space in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Legitimate Theater Use).

Where a transit easement volume is required on a #zoning lot# in Subarea 2, such easement volume may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Any such floor spaces occupied by such transit easement volume shall not count as #floor area#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# to vacate the tenants of such temporary #uses#.

* * *

96-25
Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space", which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or non-profit performing arts space. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions shall exist have been met:

- (a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;
- (b)(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, lounges, ticket offices, rest rooms, and circulation space. Any other bonused performance space shall not comprise more than 25% of the total #floor area# for which a bonus is received;
- (c)(b) the theater such performance space shall be designed, arranged and used exclusively for live performances and rehearsals of drama, music or dance and shall have at least 99 100 fixed seats and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats. Adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats;
- (c) a letter from the Department of Cultural Affairs shall be submitted certifying that:

- (d)(1) a signed lease shall be has been provided from a the prospective theater operator of the performance space, or a written commitment from the owner of the theater performance space if such owner is also the operator, for occupancy of the theater performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
- (2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;
- (3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems, necessary to ensure that such performance space will operate efficiently for its intended use, and
- (e)(4) a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are

financial resources available for the timely completion of the identified scope of work, and

- (5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment shall be has been provided for inspection and ongoing maintenance of the theater performance space to ensure its continued availability for theater #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment shall be has been provided for continuance of the #use# of all #floor area# for which a bonus has been received pursuant to this Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraph (c) of this Section have been met as to the proposed operator. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the theater performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of such a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs has certified that the theater performance space is substantially complete, which shall, for this purpose, mean that such theater performance space is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, the #development# or #enlargement# until the theater performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

* * *

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)
Map 1: Special Hudson Yards District, Subdistricts and Subareas



- Special Hudson Yards District
- Subdistricts
- Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- ▨ Phase 2 Hudson Boulevard and Park
- Large-Scale Plan Subdistrict A**
Eastern Rail Yard Subarea A1
Four Corners Subarea A2
Subareas A3 through A5
- Farley Corridor Subdistrict B**
Western Blocks Subarea B1
Central Blocks Subarea B2
Farley Post Office Subarea B3
Pennsylvania Station Subarea B4
- 34th Street Corridor Subdistrict C**
- Hell's Kitchen Subdistrict D**
Subareas D1 through D5
- South of Port Authority Subdistrict E**

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)
Map 2: Mandatory Ground Floor Retail

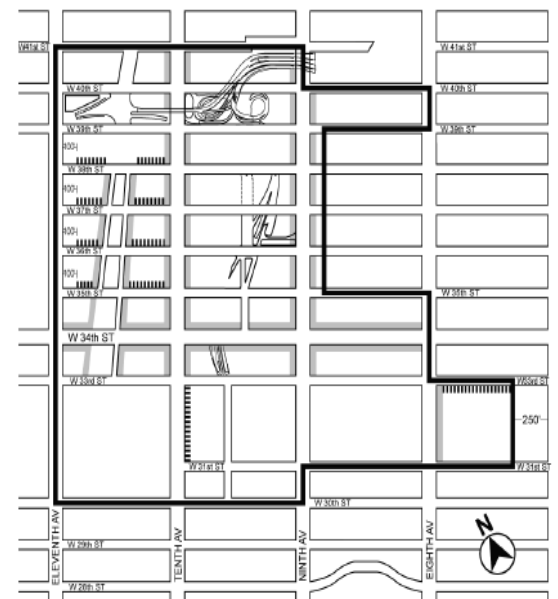


- Special Hudson Yards District
- 100% Retail Requirement
- ▨ 50% Retail Requirement

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)
Map 2: Mandatory Ground Floor Retail

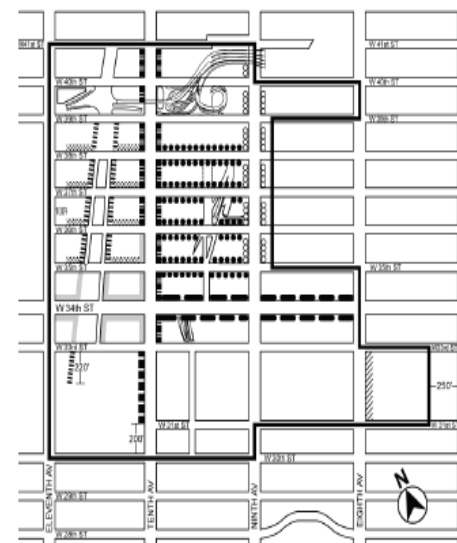


- Special Hudson Yards District
- 100% Retail Requirement
- ▨ 50% Retail Requirement

PROPOSED

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)
Map 3: Mandatory Street Wall Requirements

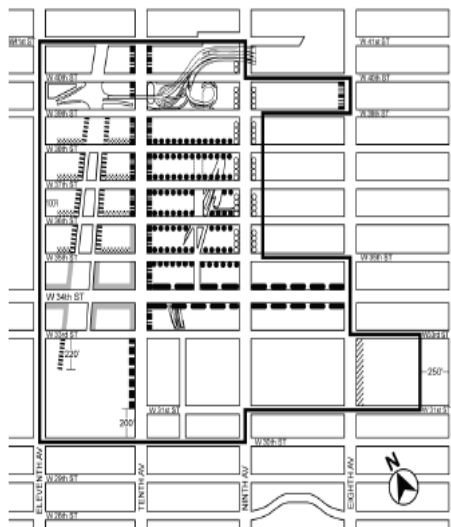


	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
○	60'	85'	100%
●	60'	85'	None
▨	60'	120'	50%
▩	90'	120'	70%
■	60'	150'	70%
▨	90'	150'	100%
▩	90'	150'	70%
▨	90'	150'	35%
■	120'	150'	100%

EXISTING

Special Hudson Yards District

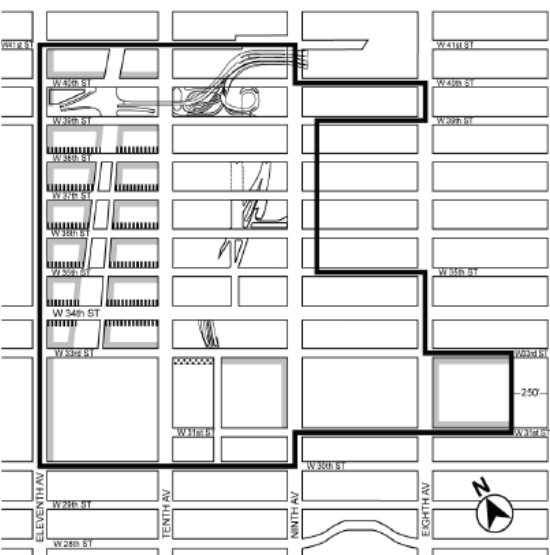
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905) Map 3: Mandatory Street Wall Requirements



	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
.....	60'	85'	100%
.....	60'	85'	None
.....	60'	120'	50%
.....	90'	120'	70%
.....	60'	150'	70%
.....	90'	120'	100%
.....	90'	150'	100%
.....	90'	150'	70%
.....	90'	150'	35%
.....	120'	150'	100%

Special Hudson Yards District

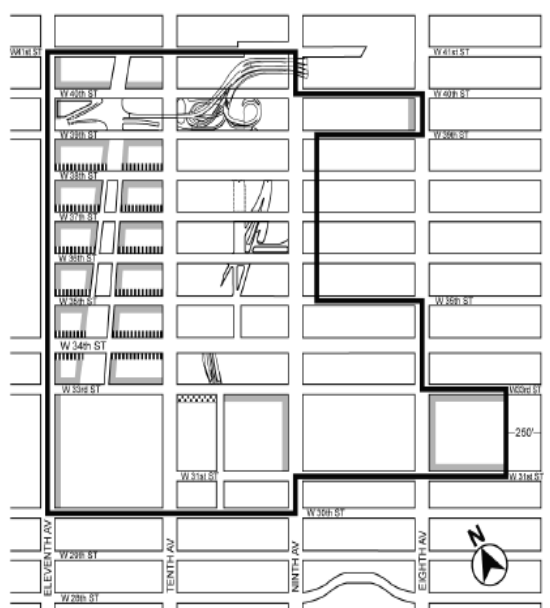
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905) Map 4: Mandatory Sidewalk Widening



- 10' Sidewalk widening EXISTING
- 5' Sidewalk widening
- 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

Special Hudson Yards District

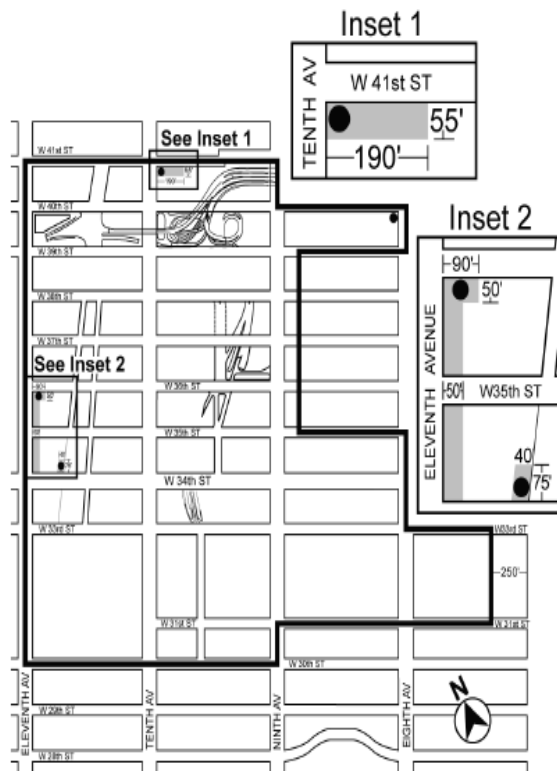
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905) Map 4: Mandatory Sidewalk Widening



- 10' Sidewalk widening PROPOSED
- 5' Sidewalk widening
- 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

Special Hudson Yards District

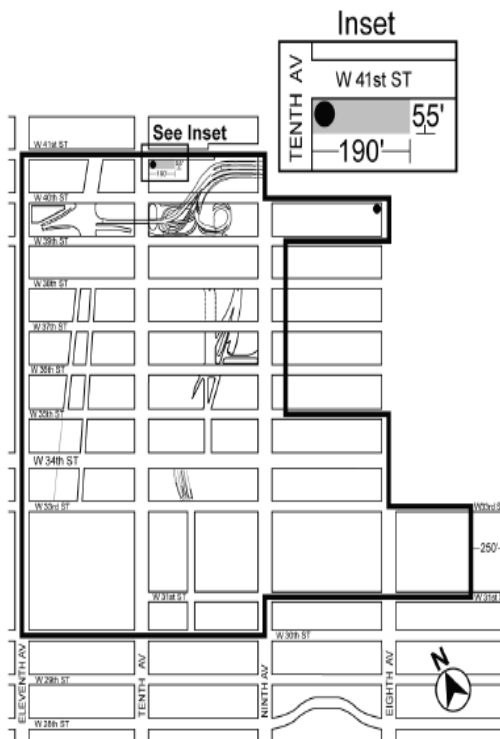
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905) Map 5: Transit Easements and Subway Entrances



- Special Hudson Yards District EXISTING
- Transit Easement
- Subway Entrance

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905) Map 5: Transit Easement and Subway Entrance



- Special Hudson Yards District PROPOSED
- Transit Easement
- Subway Entrance

York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' private equity and real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811402 ZL.

(3) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Morgan Lewis & Bockius LLP, 101 Park Avenue, New York, NY 10178 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' private equity and real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811403 ZL.

(4) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Nixon Peabody LLP, 437 Madison Avenue, New York, NY 10022 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' private equity and real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811404 ZL.

(5) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Pillsbury Winthrop Shaw Pittman LLP, 725 South Figueroa Street, Los Angeles, CA 90017 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' private equity and real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811405 ZL.

(6) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Reinhart Boerner Van Deuren s.c., 1000 North Water Street, Milwaukee, WI 53201 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' private equity and real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811406 ZL.

(7) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Seward & Kissel LLP, One Battery Park Plaza, New York, NY 10004 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811407 ZL.

The proposed contractors were selected pursuant to a competitive sealed proposal process in accordance with Section 3-03 of the PPB Rules.

A copy of the contracts, or excerpts thereof, can be seen at the Office of the Comptroller, One Centre Street, Room 650, New York, New York 10007, Monday through Friday excluding holidays commencing on May 13, 2008 through May 22, 2008 between 10:00 A.M. - Noon and 1:30 - 4:30 P.M.

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

COMPTROLLER

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Municipal Building, One Centre Street, Room 650 conference room, on Thursday, May 22, 2008 at 11:00 A.M. on the following items:

(1) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Cox Castle & Nicholson LLP, 2049 Century Park East, Los Angeles, CA 90067 for the provision of legal services in support of private market investments by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the contract will commence May 1, 2008 and remain in effect through April 30, 2010 with options to renew. The estimated contract amount for the review and negotiations of legal documentation associated with Systems' real estate transactions is \$600,000. The cost of services will be paid from the corpus of the city pension funds. PIN: 015-08811401 ZL.

(2) IN THE MATTER OF a proposed contract between the Office of the Comptroller and Foster Pepper PLLC, 1111 Third Avenue, Seattle, WA 98101 for the provision of legal services in support of private market investments by the New

m8-21

m13

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 10 - Monday, May 19, 2008 at 7:15 P.M., Norwegian Christian Home, 1250 67th Street, Brooklyn, NY

#60-08-BZ

Application is hereby made for a special permit to allow the operation of a physical culture establishment at 439 86th Street, Brooklyn, NY.

■ m13-19

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, June 2, 2008 commencing at 2:30 PM at 22 Reade Street, Borough of Manhattan, in the matters of: (i) a change of control of NEON Transcom, Inc. ("NEON"), and (ii) the proposed Amendment to NEON's Franchise Agreement and Appendix G, "Ownership and Control of franchisee as of the Effective Date and any approved mortgages, pledges and leases" ("proposed Amendment"). Said Franchise Agreement authorizes NEON to install, operate and maintain facilities on, over and under the City's inalienable property to provide Local High Capacity Telecommunications Services. Columbia Transmission Communications Corporation ("Columbia Transcom") was granted a franchise on April 12, 2000. On September 10, 2003, the FCRC approved a change of control of such franchise, by sale of all the stock in Columbia Transcom to NEON Communications, Inc., and the name of the franchisee was changed to NEON Transcom, Inc. On November 10, 2004 the FCRC approved a second change of control whereby NEON Communications, Inc. (parent corporation of the franchisee) became a subsidiary of Globix Corporation ("Globix") with NEON Transcom, Inc. remaining the franchisee. In 2007, Globix changed its name to NEON Communications Group, Inc.

A copy of the existing Franchise Agreement and the proposed Amendment may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing on May 12, 2008 through June 2, 2008, between the hours of 9:30 AM and 3:30 PM, excluding Saturdays, Sundays and holidays. Hard copies of the existing Franchise Agreement and proposed Amendment may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made out to the New York City Department of Finance. The proposed Amendment may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers by phone at 212-788-6610 or by email at RChambers@doitt.nyc.gov

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC TV-Channel 74.

m9-30

NOTICE OF A SPECIAL FRANCHISE AND CONCESSION REVIEW COMMITTEE (FCRC) PUBLIC HEARING to be held on Tuesday, May 20, 2008 commencing at 3:00 P.M. and continuing until at least 6:00 P.M. at the New York City College of Technology, 285 Jay Street, Borough of Brooklyn, in the matter of a proposed Franchise Agreement authorizing Verizon New York Inc. to provide Citywide cable television services. The proposed agreement also includes, but is not limited to, provisions regarding consumer protection, public, educational and government channels, and a schedule for deployment and service availability. The term of the agreement as proposed would be twelve (12) years and Verizon New York Inc. would pay 5% of cable service gross revenues to the City of New York.

All persons entitled to notice under Section 894.7 of Title 16 of the New York State Codes, Rules and Regulations shall be given full opportunity to participate in the hearing and to ask questions of the applicant or any other participant in the hearing in accordance with the requirements of said Section 894.7.

Copies of the proposed Franchise Agreement and application are available for public inspection during normal business hours at DoITT, 75 Park Place, 9th Floor, New York, New York 10007 commencing April 29, 2008 through May 20, 2008.

Hard copies of the proposed Franchise Agreement may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made out to the New York City Department of Finance. The proposed Franchise Agreement may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers by phone at (212) 788-6610 or by email at RChambers@doitt.nyc.gov NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

Recordings of the hearing may be cablecast on NYC TV-Channel 74.

a29-m20

LABOR RELATIONS

■ MEETING

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Tuesday, May 13, 2008 from 10:00 A.M. to 2:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

m9-13

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 20, 2008** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 08-6693 - Block 78, lot 23-21-47 45th Avenue - Hunters Point Historic District
An Italianate style rowhouse built by Root & Rust in c.1870. Application is to alter the rear facade and construct a rear yard addition. Zoned R6B.

BINDING REPORT
BOROUGH OF QUEENS 08-1461 - Block 4960, lot 1-137-35 Northern Boulevard - Flushing Municipal Courthouse, formerly Flushing Town Hall-Individual Landmark
A Romanesque Revival style courthouse and Town Hall built in 1862. Application is to alter the areaway, install fences, and install a barrier-free access lift.

ADVISORY REPORT
BOROUGH OF BROOKLYN 08-7854 - Block 7777, lot 7777-Ashland Place and Lafayette Avenue - Brooklyn Academy of Music Historic District
Residential thoroughfares developed in the 1850s. Application is to install light poles, tree pits, and alter the sidewalk paving.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-7847 - Block 2121, lot 46-67 Greene Avenue - Fort Greene Historic District
A vacant lot. Application is to legalize excavation work performed without Landmarks Preservation Commission permits and to construct a four-story building. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-6905 - Block 258, lot 17-20-34 Joralemon Street - Brooklyn Heights Historic District
A group of eclectic style brick apartment houses with a central courtyard designed by Alfred White and built in 1890. Application is to construct a garage and park space within the courtyard. Zoned LH1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-6594 - Block 1078, lot 65-523 3rd Street - Park Slope Historic District
A Queen Anne style rowhouse built c.1889. Application is to construct a rear yard addition. Zoned R6B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-7743 - Block 322, lot 35-430 Henry Street - Cobble Hill Historic District
A Greek Revival style rowhouse built c.1840 and altered in the 20th century. Application is to install dormer windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-7753 - Block 5238, lot 66-718 East 18th Street - Fiske Terrace-Midwood Park Historic District
A Colonial Revival style house designed by Benjamin Driesler and built in 1907. Application is to construct a bay window and rear addition. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-7047 - Block 5180, lot 1-1600 Dorchester Road - Ditmas Park Historic District
A Colonial Revival style house designed by Benjamin Driesler, built in 1904, and enlarged in 1908 by Frank Stanley. Application is to create a curb cut and install a parking pad.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5646 - Block 179, lot 13-74 Hudson Street - Tribeca West Historic District
A parking lot. Application is to construct a one-story building. Zoned C6-2A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7893 - Block 217, lot 1-250 West Street, aka 30 Hubert Street, aka 398 Washington Street - Tribeca North Historic District
A neo-Renaissance style warehouse designed by William H. Birkmire and built in 1903-1906. Application is to alter the facades, install a cornice windows and storefront infill, and construct a rooftop addition. Zoned C6-3A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6667 - Block 220, lot 36-38-44 Laight Street - Tribeca North Historic District
A Renaissance Revival style warehouse, designed by Clinton and Russell and built in 1896. An application to legalize the construction of a bulkhead and the installation of rooftop HVAC equipment in non-compliance with Certificate of Appropriateness 01-6868 and Miscellaneous/Amendments 03-5245 and the installation of rooftop railings without a Landmarks Preservation Commission permits; and to install new rooftop railing.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5981 - Block 474, lot 13-55 Mercer Street - SoHo-Cast Iron Historic District
An Italianate style store building designed by Griffith Thomas and built in 1871-72. Application is to modify entrances, to

demolish a portion of the rear wall, and to construct rooftop additions, and to legalize the removal of a fire escape without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6497 - Block 511, lot 16-600-602 Broadway, aka 134-136 Crosby Street - SoHo-Cast Iron Historic District
A store building designed by Samuel A. Warner and built in 1883-84. Application is to install rooftop HVAC equipment.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5063 - Block 519, lot 20-38 King Street - Charlton-King-Vandam Historic District
A Greek Revival style rowhouse built in 1840. Application is to install a new entry door and cornice and paint the front facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7129 - Block 615, lot 15-264 West 12th Street - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1841 and altered in the late 19th century. Application is to construct a rear yard addition. Zoned C-6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7305 - Block 566, lot 18-20 East 9th Street - Greenwich Village Historic District
An apartment house built in 1965. Application is to enlarge ground floor window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-4019 - Block 646, lot 57-421-425 West 13th Street - Gansevoort Market Historic District
A neo-Renaissance style warehouse building designed by Hans E. Meyen and built in 1901-1902. Application is to install a new metal canopy and replace existing light fixtures and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5803 - Block 820, lot 45-136 Fifth Avenue- Ladies' Mile Historic District
A commercial building built in 1850 and altered in 1982. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7278 - Block 819, lot 59-26-30 West 18th Street - Ladies' Mile Historic District
A through block building designed by Richard Cook and built in 2007. Application is to legalize the installation of a flagpole and banner without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7721 - Block 823, lot 23-29 West 21st Street - Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by James E. Ware & Sons and built in 1909. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6636 - Block 825, lot 12-30 West 24th Street - Ladies Mile Historic District
A neo-Gothic style store and loft building designed by Browne & Almiroty and built in 1911. Application is to legalize the installation of light fixtures without Landmarks Preservation Commission permits, and to install two flagpoles and a banner.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7636 - Block 894, lot 37-149 East 38th Street - George S. Bowdoin Stable-Individual Landmark
A Dutch Revival style stable designed by Ralph S. Townsend and built in 1902. Application is to install a bracket sign and plaques. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7772 - Block 1259, lot 29-5-13 West 43rd Street - Century Association Building - Individual Landmark
An Italian Renaissance style clubhouse designed by McKim, Mead and White and built in 1889-1891. Application is to alter an entrance.

ADVISORY REPORT
BOROUGH OF MANHATTAN 08-7104 - Block 1111, lot 1-Central Park, East 102nd Street entrance - Central Park - Scenic Landmark
A playground, originally constructed in 1936 and rebuilt circa 1972, within an English Romantic style public park designed in 1856 by Olmsted and Vaux. Application is to alter a vehicular entrance, pedestrian pathways and surrounding landscaping.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6028 - Block 1383, lot 43-42 East 69th Street - Upper East Side Historic District
A neo-French Renaissance style residence designed by C.P.H. Gilbert and built in 1919-21. Application is to install bollards and security cameras.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7890 - Block 1387, lot 48-40 East 73rd Street - Upper East Side Historic District
A neo-Grec style residence built in 1885-86. Application is to install an areaway fence. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6918 - Block 1392, lot 28-61 East 77th Street - Upper East Side Historic District
A neo-Federal style school building with Beaux-Arts features, designed by Harde and Hasselman, and built in 1916. Application is to create a new window opening.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6703 - Block 1387, lot 36-760 Park Avenue - Upper East Side Historic District
A neo-Renaissance style apartment building designed by W.L. Rouse and L.A. Goldstone and built in 1923-24. Application is

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists--free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at NYC.gov/selltonyc
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://NYC.GOV.Selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS..... Procurement from a Required Source/ST/FED
- NA..... Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.