



City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 20, 2008:

P.S. 163-BROOKLYN 20085211 SCK BROOKLYN CB - 11 Application pursuant to Section 1732 of the New York School Construction Authority Act...

BATTERY PARK CITY P/I SCHOOL MANHATTAN CB - 1 20085305 SCM Application pursuant to Section 1732 of the New York School Construction Authority Act...

P.S. 48-QUEENS 20085164 SCQ QUEENS CB - 12 Application pursuant to Section 1732 of the New York School Construction Authority Act...

30TH STREET PIER LEASE BROOKLYN CB - 7 20085592 PNK Application pursuant to §1301(2)(f) and (g) of the New York City Charter...

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, May 20, 2008:

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law...

- 1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality...
2. Waive the area designation requirement of Section 693 of the General Municipal Law...
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter...
4. Approve the projects as Urban Development Action Area Projects...
5. Approve an exemption of the projects from real property taxes...

Table with columns: NON-ULURP NO., ADDRESS, BLOCK/LOT, BORO, COMMUNITY PROGRAM BOARD. Lists various property and business information.

CITY UNIVERSITY

HEARINGS

The Annual Board of Trustees Bronx Borough Hearing will be held on Monday, June 16, 2008, 5:00 P.M. at The Bronx Overall Economic Development Corporation (BOEDC)...

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF REAL ESTATE SERVICES

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT a Voluntary Public Hearing will be held on Wednesday, June 25, 2008 at Spector Hall, 22 Reade Street, Borough of Manhattan...

The Department of Citywide Administrative Services, Division of Real Estate Services proposes to modify a deed restriction that limits use of the property to non-profit sponsors for the construction of Section 202 housing and/or long term residential health care facilities...

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services, Division of Real Estate Services shall be authorized to modify this deed.

The calendar document for the voluntary public hearing is available for inspection by the public at the Department of Citywide Administrative Services, Division of Real Estate Services office at 1 Centre Street, 20th Floor South, New York, New York 10007.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, Room 915, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

1 Parcel
BOROUGH OF THE BRONX
Block 5141, Part of Lot 270

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, June 4, 2008, commencing at 10:00 A.M.

BOROUGH OF BRONX No. 1 ST. ANN'S AVENUE DEVELOPMENT

CD 1 C 050018 ZMX IN THE MATTER OF an application submitted by Ebling Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

- 1. changing from an M1-1 District to an R7X District property bounded by East 159th Street, Eagle Avenue, East 156th Street and St. Ann's Avenue; and
2. establishing within the proposed R7X District a C2-3 District bounded by East 159 Street, a line 100 feet southeasterly of St. Ann's Avenue, East 156th Street, and St. Ann's Avenue,

as shown on a diagram (for illustrative purposes only) dated March 24, 2008.

BOROUGH OF BROOKLYN No. 2 CARROLL GARDENS ZONING TEXT AMENDMENT

CD 6 N 080345 ZRK 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 the modification of bulk regulations in Articles II and III, relating to certain narrow streets in Community District 6 in the Borough of Brooklyn.

Matter Underlined is new, to be added; Matter in Strikethrough is old, to be deleted; Matter within # # is defined in Section 12-10; \* \* \* indicate where unchanged text appears in the Zoning Resolution

23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

23-145 For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS (in percent) Maximum #Lot Coverage#

Table with columns: District, #Corner Lot#, #Interior Lot# or #Through Lot#, Maximum #Floor Area Ratio#. Lists zoning districts and their corresponding ratios.

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying #floor area# and open space regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

23-20 DENSITY REGULATIONS

23-22 Maximum Number of Dwelling Units or Rooming Units

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, the maximum number of #dwelling units# or #rooming units# shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Sections 23-142 or 23-143, notwithstanding the #height factor# of the #building#, the maximum #residential floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential floor area ratio# shall be as specified in Sections 23-142 or 23-143, or 2.2, whichever is greater.

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying density regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

Table with columns: District, Factor for #Dwelling Units#, Factor for #Rooming Units#. Lists zoning districts and their corresponding factors.

\* for #single-# and #two-family detached# and #semi-detached residences#
\*\* for #residences# in a #predominantly built-up area#
\*\*\* for #buildings# subject to the provisions of Section 25-633 (Prohibition of curb cuts in certain districts)

23-60 HEIGHT AND SETBACK REGULATIONS

23-67 Special Provisions Relating to Specified Streets

23-671 Special Provisions for Zoning Lots Directly Adjoining Public Parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, a #public park# with an area of

between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#.

23-672 Special provisions for certain streets in Community District 6 in the Borough of Brooklyn In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

24-57 Modifications of Height and Setback Regulations R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-51 to 24-55, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts

TABLE B HEIGHT AND SETBACK FOR BUILDINGS IN NON-CONTEXTUAL DISTRICTS

Table with 4 columns: District, Minimum Base Height, Maximum Base Height, Maximum Building Height. Rows include C1 or C2 mapped in R6\*\*, C4-2\*\* C4-3\*\*, C1 or C2 mapped in R6\* inside Core\*\*\*, C4-2\* inside Core\*\*\*, C4-3\* inside Core\*\*\*, C1 or C2 mapped in R6\* outside Core\*\*\*, C4-2\* outside Core\*\*\*, C4-3\* outside Core\*\*\*.

\* Refers to that portion of a district which is within 100 feet of a #wide street#
\*\* Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#
\*\*\* Core refers to #Manhattan Core#.

Note: In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

BOROUGH OF MANHATTAN No. 3 HERITAGE HOUSE

CD 11 C 080195 HAM 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 50, 52, 54, 56, 58, and 60 East 131st Street (Block 1755, Lots 45-49, and 146), 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 a six-story building, tentatively known as Heritage House, with approximately 40 residential units, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

BOROUGH OF QUEENS No. 4 NYPD MAINTENANCE FACILITY

CD 5 C 080013 PCQ IN THE MATTER OF an application submitted by the New York City Police Department and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 49-21 and 48-23 Metropolitan Avenue (Block 2611, lots 460, 470, and p/o lots 452, 454, 1001, and 1002) for use as a vehicle maintenance facility.

YVETTE V. GRUEL, Calendar Officer City Planning Commission, 22 Reade Street, Room 2E, New York, New York 10007, Telephone (212) 720-3370

m16-j4

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



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;
(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 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:
(1) a signed lease shall be has been provided from 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
(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#.

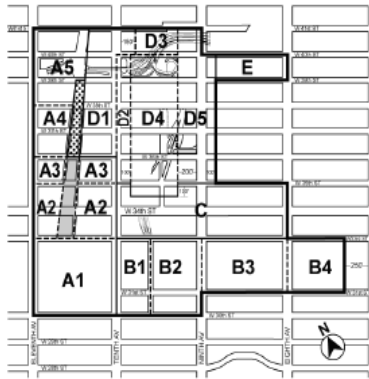
Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the theater performance space and their successors and assigns, a certified copy of which shall 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

Special Hudson Yards District

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

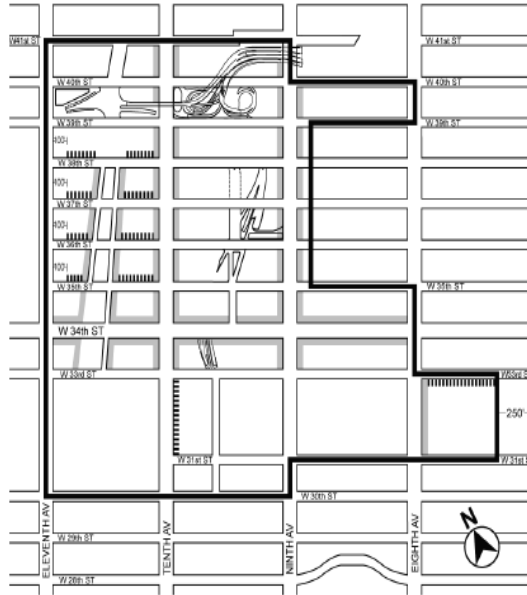


- Special Hudson Yards District
100% Retail Requirement
50% Retail Requirement

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

Special Hudson Yards District

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

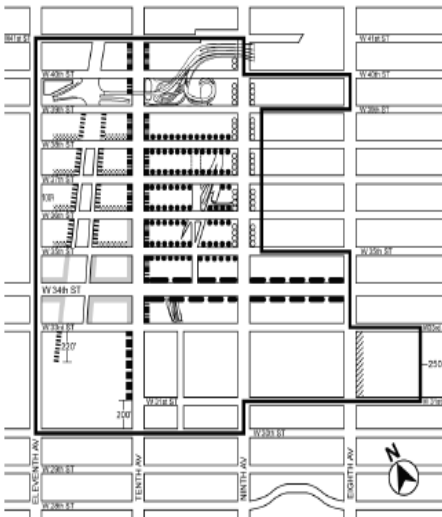


Table with 4 columns: Street Wall Requirement (represented by a pattern), Minimum Base Height, Maximum Base Height, and Percentage of zoning lot street frontage that must be occupied by a street wall. Rows include requirements for 60', 90', and 120' base heights with various percentages (100%, None, 50%, 70%, 35%).

Special Hudson Yards District

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

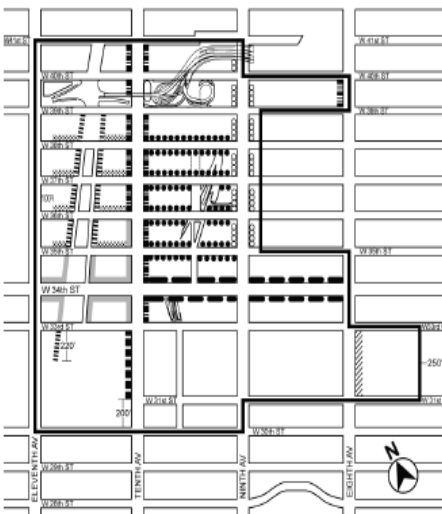
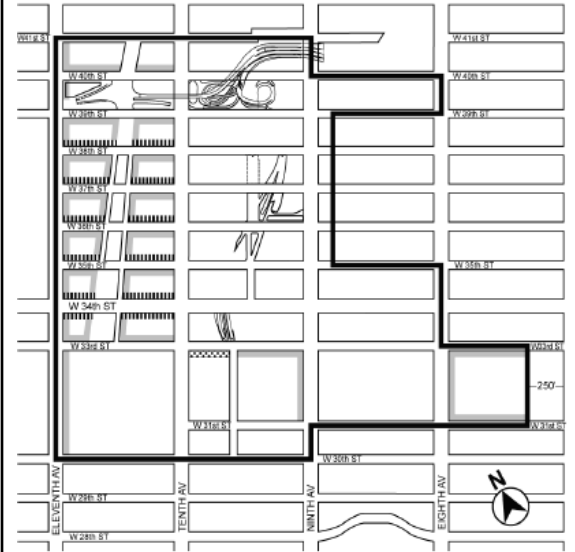


Table with 4 columns: Street Wall Requirement (represented by a pattern), Minimum Base Height, Maximum Base Height, and Percentage of zoning lot street frontage that must be occupied by a street wall. Rows include requirements for 60', 90', and 120' base heights with various percentages (100%, None, 50%, 70%, 35%).

PROPOSED

Special Hudson Yards District

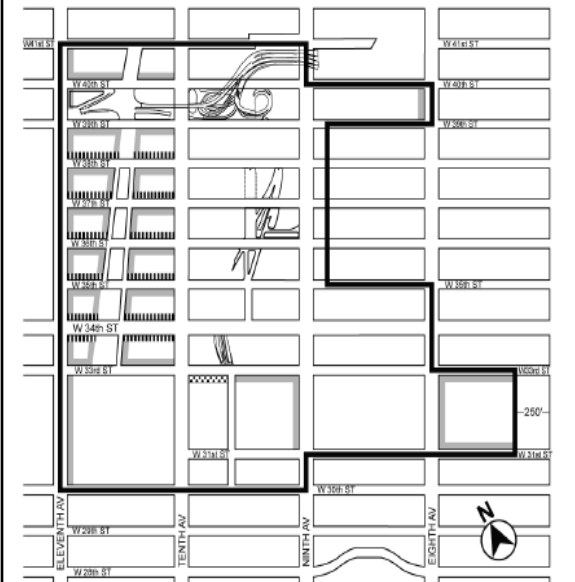
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 4: Mandatory Sidewalk Widening



- Special Hudson Yards District
10' Sidewalk widening
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

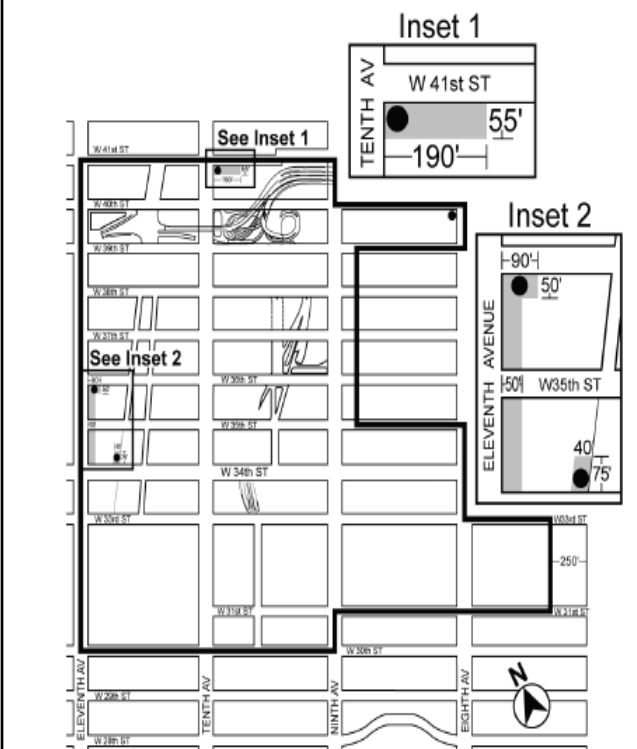
Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 4: Mandatory Sidewalk Widening



- Special Hudson Yards District
10' Sidewalk widening
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 (1/19/05) Map 5: Transit Easements and Subway Entrances



- Special Hudson Yards District
Transit Easement
Subway Entrance

EXISTING







of Eleventh Avenue, southerly along said curbline to a point formed by its intersection with a line extending easterly from the southern property line of 239-243 Eleventh Avenue (aka 600-626 West 26th Street), westerly along said property line to the western property line of 239-243 Eleventh Avenue (aka 600-626 West 26th Street), northerly along said property line to the southern curbline of West 26th Street, westerly along said curbline to the eastern curbline of the West Side Highway (aka Joe DiMaggio Highway, Twelfth Avenue), northerly across the roadbed and along said curbline to the point of the beginning.

m16-j3

## TRANSPORTATION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, May 28, 2008. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing 23rd Street Properties LLC to continue to maintain and use nine (9) lampposts, together with electrical conduits, on the south sidewalk of West 23rd Street between Fifth Avenue and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$1,350/per annum

the maintenance of a security deposit in the sum of \$350, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to construct, maintain and use geothermal wells, together with piping, in the south sidewalk of West 122nd Street, east of Claremont Avenue, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2008:

\$14,422/annum

For the period July 1, 2008 to June 30, 2009 - \$14,833  
For the period July 1, 2009 to June 30, 2010 - \$15,244  
For the period July 1, 2010 to June 30, 2011 - \$15,655  
For the period July 1, 2011 to June 30, 2012 - \$16,066  
For the period July 1, 2012 to June 30, 2013 - \$16,477  
For the period July 1, 2013 to June 30, 2014 - \$16,888  
For the period July 1, 2014 to June 30, 2015 - \$17,299  
For the period July 1, 2015 to June 30, 2016 - \$17,710  
For the period July 1, 2016 to June 30, 2017 - \$18,121  
For the period July 1, 2017 to June 30, 2018 - \$18,532

the maintenance of a security deposit in the sum of \$18,600, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Mount Sinai School of Medicine of New York University to continue to maintain and use light poles, together with electrical conduits, on and in the sidewalk area of the north side of East 98th Street and on the south side of East 99th Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$1,350/per annum

the maintenance of a security deposit in the sum of \$18,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing 203 East 72nd Street Corp. to maintain and use electrical conduits and six (6) lampposts on the north sidewalk of East 72nd Street east of Third Avenue, in front of 1251-1265 Third Avenue (a/k/a 201-207 East 72nd Street), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$900/per annum

the maintenance of a security deposit in the sum of \$1,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing Ten-Eighty Apartment Corporation to continue to maintain and use planted areas on the east sidewalk of Fifth Avenue, north of East 89th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$460/per annum

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$50,000.

m8-28

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ SALE BY SEALED BID

#### SALE OF: MISCELLANEOUS SCRAP METAL

S.P.#: 08019

DUE: June 2, 2008

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.  
*DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.*

m16-30

### POLICE

#### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed,



### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ AWARDS

##### *Goods*

**LIGHTING SYSTEM SUPPLIES FOR METROPOLITAN OPERA** – Competitive Sealed Bids – PIN# 857701507 – AMT: \$60,379.90 – TO: Shadowstone Inc., One Entin Road #2, Clifton, NJ 07014-1543.

m19

### FINANCIAL INFORMATION SERVICES AGENCY

##### ■ AWARDS

##### *Services (Other Than Human Services)*

**INFORMATION TECHNOLOGY AND OTHER CONSULTANT SERVICES** – Request for Proposals – PIN# 12707CA00053 – The Information Technology and Other Consultant Services contract has been awarded to the below listed thirty-five (35) vendors in five (5) separate classes, for a contract aggregate total of \$48,040,000.00. The term of the contract shall be three (3) years commencing June 1, 2007 and terminating on May 31, 2010 with a unilateral option to renew for an aggregate of up to an additional six (6) years.

- 1) Adil Business Systems, Inc. (Class E)  
167 Madison Avenue, Suite 305, New York, NY 10016
- 2) Algomod Technologies Corporation (Class A, B)  
116 John Street, 14th Floor, New York, NY 10038
- 3) At-Tech Staffing Services (Class E)  
990 Knox Street, Torrance, CA 90502
- 4) Business Instruments Corporation (Class D)  
350 5th Avenue, Suite 5107, New York, NY 10118
- 5) CMA, Inc. (Class A)  
800 Troy Schenectady Road, Fairfax, VA 22033
- 6) Computer Generated Solutions, Inc. (Class C)  
Three World Financial Center  
200 Vesey Street, New York, NY 10281
- 7) Computer Managers Inc. (Class A, B, C, D)  
307 Seventh Avenue, 19th Floor, New York, NY 10001
- 8) COMSYS Services, LLC (Class A, C)  
245 5th Avenue, 3rd Floor, New York, NY 10016

**intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.**

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

#### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

#### ■ AUCTION

#### PUBLIC AUCTION SALE NUMBER 1132

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is May 19, 2008 from 10:00 A.M. - 2:00 P.M. Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on May 20, 2008 at approximately 9:00 A.M. Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

m7-20

## New Today..

first time procurement ads appearing today!

*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. As part of this effort, the City is pleased to announce the following contracting opportunities for construction/construction services and construction-related services.*

- 9) CONTROL SOLUTIONS INTERNATIONAL (Class C)  
1120 Avenue of the Americas, Suite 1509, New York, NY 10036
- 10) E-Delta Consulting, Inc. (Class D)  
50 Bay Avenue, Ronkonkoma, NY 11779
- 11) Elaine P. Dine Temporary Attorneys and Paralegals (Class E), 115 East 57th Street, New York, NY 10022
- 12) Hudson Valley Systems, Incorporated (Class C)  
12 Riverview Trail, Croton-on-Hudson, NY 10520
- 13) IIT, Incorporated (Class B)  
109 Woodlawn, 2nd Floor, Huntington Station, NY 11746
- 14) iT Resource Solutions.net, Inc. (Class B, D)  
12 Technology Drive, Suite #2, East Setauket, NY 11733
- 15) Keane, Inc. (Class D)  
18 Corporate Woods Blvd., Albany, NY 12211
- 16) Lincoln Computer Services (Class B)  
25 Bloomingdale Road, Hicksville, NY 11801
- 17) MBH Solutions, Incorporated (Class A, B, C)  
400 Frank W. Burr Boulevard, 2nd Floor, Teaneck, NJ 07666
- 18) MISI Company, Ltd (Class A, B, C, D)  
830 Third Avenue, 3rd Floor, New York, NY 10022
- 19) Momentum Resource Solutions, LLC (Class D)  
1090 King Georges Post Road, Suite 804, Edison, NJ 08837
- 20) Premier Consulting Group (Class D)  
300 Harmon Meadow Boulevard, Secaucus, NJ 07094
- 21) Prutech Solutions, Incorporated (Class D)  
200 Middlesex Essex Tpk., Suite 303, Iselin, NJ 08830
- 22) RCG Information Technology, Inc. (RCG IT) (Class A, B, C, D), 110 Wall Street, 26th Floor, New York, NY 10005
- 23) Ricomm Systems (Class D, E)  
1300 Route 73, Suite 205, Mt. Laurel, NJ 08054
- 24) RK SOFTWARE INC. (Class E)  
36-30 37th Street, 2nd Floor, Long Island City, NY, 11101  
25) RMS Computer Corporation (Class A)  
1185 Avenue of the Americas, New York, NY 10036
- 26) Sharp Decisions, Inc. - Conditional (Class A, C)  
55 West 39th Street, New York, NY 10018
- 27) Spherion Atlantic Enterprises, LLC (Class A, B, C, D)  
40 Broad Street, 7th Floor, New York, NY 10004
- 28) Tailwind Associates (Class A)  
1462 Erie Boulevard, Schenectady, NY 12305









payable to New York City Department of Transportation is required to obtain Contract Bid/Proposal Documents. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after Bid Opening. Any persons delivering bid documents must enter the building through 220 Church Street, New York, NY. Due to increased building security bidders should ensure that proper identification is available upon request and allow extra time when dropping off bid documents. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact Michael Tomlinson (718) 433-3180. Vendor Source ID#: 52002.

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.  
Department of Transportation, Contract Unit, Office of the Agency Chief Contracting Officer, 40 Worth Street Room 824A, New York, NY 10013.  
Bid Window (212) 442-7565.

m19

## TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

### ■ SOLICITATIONS

#### Services

**FURNISH AND INSTALL A WHEEL ALIGNMENT SYSTEM WITH TRAINING** – Competitive Sealed Bids – PIN# 08MNT2817000 – DUE 06-20-08 AT 3:00 P.M. – A pre-bid conference is scheduled for 06/05/08 at 10:30 A.M. Reservations must be made with Janet Lebron at (646) 252-7322 no later than noon the preceding work day.

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.  
Triborough Bridge and Tunnel Authority, 2 Broadway Bid Suite, New York, NY 10004, Bid Reception Desk, (646) 252-6101, [vprocure@mtabt.org](mailto:vprocure@mtabt.org). Call for fee. All bids must be delivered to the 2 Broadway, Bid Suite, located at the 3 Stone Street entrance. Please allow extra time for delivery.

m19

## AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

**“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: [www.nyc.gov/tv](http://www.nyc.gov/tv)” NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

## DESIGN AND CONSTRUCTION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 29, 2008, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Design and Construction of the City of New York and Gardiner & Theobald, Inc., 317 Madison Avenue, New York, NY 10017, for RQ\_PO, Requirements Contract for Cost Management and Cost Estimating Services for Various Projects, Citywide. The contract amount shall be \$6,000,000.00. The contract term shall be 1,825 Consecutive Calendar Days from the date of the written notice to proceed with a renewal option of 1,025 Consecutive Calendar Days for up to \$2,000,000.00. PIN#: 8502008RQ0031P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from May 19, 2008 to May 29, 2008, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Carol Phoenix at (718) 391-1530.

**IN THE MATTER** of a proposed contract between the Department of Design and Construction of the City of New York and Simco Engineering, P.C/Haider Engineering, P.C./JV, 80 Maiden Lane, Suite 501, New York, NY 10038, for HW2CR08CW, Resident Engineering Inspection Services for Milling Projects Involving Grinding Existing Asphaltic Concrete Wearing Courses, Citywide. The contract amount shall be \$1,031,693. The contract term shall be 485 Consecutive Calendar Days from the date of the written notice to proceed. PIN#: 8502008HW0055P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from May 19, 2008 to May 29, 2008, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Steven Geisinger at (718) 391-1542.

m19

## AGENCY RULES

### BUILDINGS

#### ■ NOTICE

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING TO THE QUALIFICATION AND APPROVAL OF SPECIAL INSPECTION AGENCIES

Notice is hereby given pursuant to the authority vested in the Commissioner of Buildings by section 643 of the New York City Charter, and in accordance with section 1043 of the Charter and Section 28-115.1 of the NYC Administrative Code, that the Department of Buildings proposes to add a new Section §101-06 to Title 1 of the Official Compilation of the Rules of the City of New York.

A public hearing on the proposed rule will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 7th Floor Conference Room New York, New York on June 20, 2008 at 1:30 p.m. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Chief Code Counsel, New York City Department of Buildings, 280 Broadway, New York, New York 10007, on or before June 20, 2008.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at the Office of the Commissioner, Executive Offices, Department of Buildings.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Phyllis Arnold at the foregoing address by June 3, 2008.

This rule was not included in the agency’s regulatory agenda.

Section 1. Subchapter A of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 101-06 to read as follows:

§101-06 Special inspectors and special inspection agencies.

(a) Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

- (1) Accreditation. Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to ASTM E329-07 international standard, the requirements of this rule, and approved by the department.
- (2) Approved Construction Documents. For the purpose of this rule approved construction documents shall include any and all documents that set forth the location and entire nature and extent of the “work” proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents shall include but not be limited to shop drawings, specifications, manufacturer’s instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.
- (3) Certification. Documented acknowledgment by a nationally recognized organization of a technician’s competency to perform certain functions.
- (4) Commissioner. The commissioner of buildings or his or her designee.
- (5) Department. The department of buildings.
- (6) Initial acceptable qualifications. With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician shall be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.
- (7) Job. A construction project that is the subject of one (1) or more department-issued permits.
- (8) Materials. Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.
- (9) New York City Construction Codes. The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title

28, chapters 1 through 5 of the Administrative Code. Any reference to “this code” or “the code” shall be deemed a reference to the New York City Construction Codes as here defined.

(10) Registered Design Professional. A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

(11) Registered Design Professional Of Record. The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

(12) Relevant Experience. Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

(13) Special Inspection. Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with the code.

(14) Special Inspection Agency. An agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

(15) Special Inspector. An individual employed by a special inspection agency, who has the required qualifications, set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

(16) Supervise/Supervision. Oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision shall include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress.

(17) Work. The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

#### (b) Duties.

(1) Availability and Compliance. A special inspector and/or special inspection agency shall have responsibilities as set forth in chapter 17 of the New York City Building Code and elsewhere in the codes where special inspections are required. The responsibilities of the special inspector or special inspection agency at a special inspection shall include those tasks and standards set forth in chapter 17 of the code, the reference standards and elsewhere in the code, this rule or any rule of any agency in connection with the work that is the subject of such special inspection.

(2) Obligation to Avoid Conflict of Interest. A special inspector and/or a special inspection agency shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(3) Approved Construction Documents. The special inspector and/or special inspection agency shall:

- (i) Examine all approved construction documents that relate to the work that is the subject of the special inspections.
- (ii) Confirm that the documents are sufficient to enable the proper performance of the special inspection.
- (iii) Confirm that the documents are acceptable to the registered design professional of record or another design professional retained by the owner and who prepared the documents for the construction of the job. Acceptance shall be demonstrated in writing by the design professional on the documents.
- (iv) Confirm that the work that is the subject of the special inspection is in compliance with all relevant approved construction documents and with chapter

17 of the code or elsewhere in the construction codes or their referenced standards.

(4) Documentation. A special inspection agency shall maintain records of special inspections on a job-by-job basis for at least six (6) years or for such period as the commissioner shall determine, and shall make such records available to the department upon request. Such records shall include field logs, test results, laboratory reports, notes, noted deficiencies and dates of cures of such deficiencies, photographs and such other information as may be appropriate to establish the sufficiency of the special inspection.

(i) The supervisor shall review special inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of chapter 17 of the code or elsewhere in the construction codes or their referenced standards. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(ii) The principal of the special inspection agency shall file with the department within ten (10) days of satisfactory completion of any special inspection, notice of such completion on the forms and in the manner required by the department.

(5) Obligation to Cooperate with Inquiries. All special inspectors and/or special inspection agencies shall cooperate in any investigation by the department, or other city or law enforcement agency, into the activities at any job site or fabricating/manufacturing facility for which they have been designated a special inspector or special inspection agency and shall provide prompt, accurate and complete responses to reasonable inquiries by the department and other appropriate agencies about the conduct of such business.

(6) Limitation of Duties. Activities as a special inspection agency are specifically limited to those special inspections for which the special inspection agency has been registered and for which it has satisfied the requirements set forth in this rule and chapter 17 of the code. No special inspector or special inspection agency shall conduct any special inspection that such inspector or inspection agency is not qualified or registered to perform in accordance with the requirements of this rule and chapter 17.

(7) Obligation to Comply with an Order of the Commissioner. All special inspectors and/or special inspection agencies shall comply with an order of the commissioner.

(8) Equipment and Tools. The special inspection agency shall possess and maintain tools and equipment required to perform the specific special inspection. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards governing that equipment or tool.

(9) Reporting. The special inspection agency shall report any discrepancies noted during the inspection to the contractor and when applicable to the superintendent of construction, as well as to the site safety coordinator or site safety manager, for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the owner, and the registered design professional of record prior to the completion of that phase of the work. The special inspector/special inspection agency shall immediately report conditions noted as hazardous to life, safety or health, to the attention of the commissioner.

(c) Registration of Special Inspection Agencies.

(1) Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section. All such agencies performing special inspections must be registered with the department as special inspection agencies by January 1, 2009 unless otherwise extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) Form and Manner of Registration. An application for registration shall be submitted in a form and manner determined by the commissioner, including electronically, and shall provide such information as the commissioner may require. Such registration shall be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(3) Qualifications. Special inspection agencies shall be required to demonstrate accreditation by International Accreditation Service, Inc. or an equivalent accreditation agency accrediting to the standards set forth in this rule and ASTM E329-07 or a federal agency. Accrediting agencies, other than federal agencies must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement. Agencies must insure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special inspector is qualified.

(4) Insurance. A special inspection agency must have the following insurance coverage:

(i) Professional liability/errors and omissions insurance policy, for the minimum amount of five hundred thousand dollars (\$500,000.00), occurrence based, for the term of the registration.

(ii) General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) (naming the department as an additional insured), and

(iii) Insurance required by the provisions of the New York State disability benefits law and other applicable provisions of the workers' compensation law.

(5) Agency Structure. The special inspection agency shall have a full-time director who is a registered design professional in responsible charge and all special inspections shall be performed under his or her direct supervision. The director shall not be retained by any other agency that provides special inspection or testing services. The director shall possess relevant experience in the inspection and testing industry and hold a management position in the agency. The agency structure shall comply with all New York State laws including but not limited to Articles 145 and 147 of Title VIII of the New York State Education Law and Title 8 of the Codes, Rules and Regulations of the State of New York (8NYCRR) governing the practice of engineering and architecture. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections (BC1704.16), fire alarm tests, sprinkler systems (BC1704.21), standpipe systems (BC1704.22), emergency power systems or site storm drainage disposal and detention (BC1704.20) may have a director who satisfies the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

(6) Small Building Exception. Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.

(7) Audits. The operations of special inspectors and special inspection agencies shall be subject to audit by the department at any time. Audits may examine applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) Interim Status and Application Deadlines. An agency employing special inspector(s) with initial acceptable qualifications shall be entitled until July 1, 2010 to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule.

(ii) The agency must diligently pursue accreditation as a special inspection agency pursuant to the provisions of section (c)(3) of this rule.

(iii) Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required certification shall be deemed

a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.

(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule.

(9) Additional Powers of the Commissioner.

Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.

(10) Registration Term. An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance.

(11) Registration Fees. The department shall charge the following registration fees:

(i) A one (1) year initial fee of \$35;

(ii) A triennial renewal fee of \$35; and

(iii) A later renewal surcharge of \$35.

(12) Renewals. A renewal application shall be submitted between thirty (30) and sixty (60) days prior to the expiration date of the registration and shall be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

(i) Renewal shall be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.

(ii) No special inspector or special inspection agency shall perform an inspection or test with an expired or lapsed registration.

(d) Disciplinary Actions.

(1) Suspension or revocation of registration and refusal to accept filings. The commissioner may, in accordance with the rules of the department, suspend or revoke a special inspection agency registration, with or without the imposition of penalties, for violation of any provision of the code or the rules of the department, or any other applicable laws or rules. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of this rule or of chapter 17 of the code or any rule or regulation of any agency that bears the signature of any special inspector who has been

found, after an opportunity to be heard to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this chapter, the code or any rule or regulation of any agency.

(2) Stop work and Suspension of Permits. Upon any suspension or revocation of registration pursuant to paragraph (d)(1) of this rule, unless replaced by another registered special inspector and/or special inspection agency within five (5) business days of such suspension or revocation, all jobs on which the special inspector and/or special inspection agency whose registration was suspended or revoked is designated, shall be stopped and the permits shall be suspended until such time as a duly registered special inspector and/or special inspection agency is designated to re-inspect such tests or such inspections performed by the disciplined special inspection agency, or until such permits expire.

(e) Obligations of Others. Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law, including but not limited to the obligation of an owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, superintendent of construction or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

APPENDIX A

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
<b>1. General Building Construction</b>				
Wall Panels, Curtain Walls, and Veneers	BC 1704.10	• RA or PE - Civil or Structural Engineering; and • 1 Year relevant experience	• Bachelor's degree in Architecture or Civil Engineering or Structural Engineering; and • 2 years relevant experience	• Technician with 3 years relevant experience
Exterior Insulation Finish Systems (EIFS)	BC 1704.12	• PE or RA; and • 1 year relevant experience	N/A	• Technician with 2 years relevant experience
Chimneys	BC 1704.24	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in Architecture or Engineering; and • 2 years relevant experience	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
Flood Hazard Mitigation	BC G105	• PE or RA; and • 1 year relevant experience	N/A	N/A
Photoluminescent Exit Path Markings	1 RCNY 1026-01 (formerly RS 6-1)	• PE or RA; and • relevant experience	N/A	• Technician with relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
<b>2. Fire Protection Systems &amp; Fire-Resistant Construction</b>				
Sprayed Fire-resistant Materials	BC 1704.11	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in Architecture or Engineering; and (a or b) a. 1 year relevant experience; and b. ICC Certification as a Spray Applied Fireproofing Special Inspector; and • 3 years relevant experience	• Technician with ICC Certification as a Spray-applied Fireproofing Special Inspector; and • 3 years relevant experience
Smoke Control Systems	BC 1704.14	• PE or RA; and • 1 year relevant experience (mechanical and/or fire protection)	N/A	• Technician with NEBB Air Balancer Certification; and • 3 years relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Standpipe Systems and Sprinkler Systems	BC 1704.21 BC 1704.22	• PE - Mechanical Engineering; and • 1 year relevant experience	• Bachelor's degree in Mechanical Engineering; and • 3 years	• Technician with NICET Level II Certification in Fire Protection - Inspection and Testing of Water-

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Firestop, Draftstop, and Fireblock Systems	BC 1704.25	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in Architecture or Engineering; and • 2 years relevant experience	• Technician with 3 years relevant experience
Fire Alarm Test (When FDNY inspection not required)		• PE - Electrical or Fire Protection; and • 1 year relevant experience  OR • Licensed electrician independent of installer; and • 3 years relevant experience	N/A	• Technician with NICET Level II Certification in Fire Alarm Systems.

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
<b>3. Plumbing &amp; Mechanical Systems</b>				
Mechanical Systems	BC 1704.15	• PE or RA; and • 1 year relevant experience; or • ICC Certification as a Residential or Commercial Mechanical Inspector	• Bachelor's Degree in Engineering; and • 2 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 3 years relevant experience
Fuel-Oil Storage and Fuel-Oil Piping Systems	BC 1704.16	• PE or RA; and • 1 year relevant experience  OR • Licensed New York City Class A and B Oil Burner Equipment Installer; and • 1 year experience in the inspection of heating systems, Fuel burning-Fuel storage systems.	• Bachelor's degree in Mechanical, Marine or Civil Engineering; and • 3 years relevant experience	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
Site Storm Drainage Disposal and Detention Facilities	BC 1704.20	• PE or RA; and • 1 year relevant experience  OR • NYC Licensed Master Plumber; and • 3 years relevant experience	• Bachelor's Degree in Civil or Mechanical Engineering; and • 3 years relevant experience	N/A
Heating Systems	BC 1704.23	• PE - Civil or Mechanical Engineering; and • 1 year relevant experience	• Bachelor's Degree in Civil or Mechanical Engineering; and • 3 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
<b>4. Structural Materials &amp; Construction Operations</b>				
Welding: Steel Highpressure Steam Piping High pressure Gas Piping Aluminum (2 RNY 25 - BSA RULE)	BC 1704.3.1 BC 1704.17 BC 1704.18 BC 1704.26	• PE or RA; and • AWS Certified Welding Inspector (AWS-CWI);  OR • PE or RA; and • ICC Certification as a Structural Welding Inspector (ICC-SWI); and • 1 year relevant experience	• AWS Certified Welding Inspector (AWS-CWI)  OR • ICC Certification as a Structural Welding Inspector (ICC-SWI) • 3 years relevant experience	• AWS Certified Associate Welding Inspector (AWS-CAWI)  <b>Note:</b> AWS-CAWI only permitted to inspect when an AWS-CWI or ICC-SWI is on site supervising
Structural Steel - Erection & High-Strength Bolting	BC 1704.3.2 BC 1704.3.3	• PE - Civil/Structural; and • ICC Certification as a Structural Steel and Bolting Inspector; and • 1 year relevant experience	N/A	• Technician with ICC Certification as a Structural Steel and Bolting Inspector; and • 3 years relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Fuel-Oil Storage and Fuel-Oil Piping Systems	BC 1704.16	• PE or RA; and • 1 year relevant experience  OR • Licensed New York City Class A and B Oil Burner Equipment Installer; and • 1 year experience in the inspection of heating systems, Fuel burning-Fuel storage systems.	• Bachelor's degree in Mechanical, Marine or Civil Engineering; and • 3 years relevant experience	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
Soils - Site Preparation	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	N/A
Soils - Fill Placement, in-place Density	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	• Technician with NICET Level I Geotechnical Certification; and • 2 years relevant experience  OR • Technician with ICC Certification Soils Inspector • 1 year relevant experience
Soils Investigations	BC 1704.7.4	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience	• Technician with NICET Level II Geotechnical Certification; and • Must take and pass Soils classification sections of NICET certification

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Structural Steel - Erection & High-Strength Bolting	BC 1704.3.2 BC 1704.3.3	• PE - Civil/Structural; and • ICC Certification as a Structural Steel and Bolting Inspector; and • 1 year relevant experience	N/A	• Technician with ICC Certification as a Structural Steel and Bolting Inspector; and • 3 years relevant experience
Soils - Fill Placement, in-place Density	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	N/A
Soils Investigations	BC 1704.7.4	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience	• Technician with NICET Level II Geotechnical Certification; and • Must take and pass Soils classification sections of NICET certification

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Structural Cold-formed Steel	BC 1704.3.2.4	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in engineering or architecture; and • 2 years relevant experience	• Technician with ICC Certification as a Structural Steel and Bolting Special Inspector; and • 3 years relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Concrete - Cast-in-place & Precast	BC 1704.4	• PE or RA; and • 1 year relevant experience	• ACI Certification as Concrete Construction Special Inspector (ACI-CCSI)  OR • ICC Certification as Concrete Special Inspector (ICC-CSI)	• ACI Certification as an Associate Concrete Construction Special Inspector (ACI-ACCSI)  <b>Note:</b> ACI-ACCSI only permitted to perform inspection under on-site supervision by PE, RA, ACI-CCSI, or ICC-CSI
Prestressed Concrete	BC 1704.4	• PE - Civil/Structural; and • 1 year relevant experience	• Bachelor's degree in engineering; and • ICC Certification as Prestressed Concrete Special Inspector; and • 1 year relevant experience	• ICC Certification as Prestressed Concrete Special Inspector; and • 3 years relevant experience

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Masonry	BC 1704.5	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in engineering or architecture; and • ICC Certification as a Structural Masonry Special Inspector; and • 1 year relevant experience	• ICC Certification as a Structural Masonry Special Inspector; and • 2 years relevant experience
Wood construction - Prefabricated wood Joists and metal-plate-connected wood trusses	BC 1704.6	• PE or RA; and • 1 year relevant experience	N/A	• ICC Certification as a Commercial or Residential Building Inspector; and • 2 years relevant experience
Soils - Site Preparation	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	N/A

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Soils - Fill Placement, in-place Density	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	• Technician with NICET Level I Geotechnical Certification; and • 2 years relevant experience  OR • Technician with ICC Certification Soils Inspector • 1 year relevant experience
Soils Investigations	BC 1704.7.4	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience	• Technician with NICET Level II Geotechnical Certification; and • Must take and pass Soils classification sections of NICET certification

Special Inspection Category	2008 Code Section	Qualifications <sup>1,2</sup>		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Pier Foundations and Drilled Pier Installation	BC 1704.8 BC 1808.2.2	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 3 years relevant experience	• Technician with NICET Level III Geotechnical Certification  <b>Note:</b> Supplemental inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising
Pier Foundations	BC 1704.9	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural; and • 3 years relevant experience	N/A
Underpinning	BC 1704.9.1	• PE - Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or	N/A



Structural safety - Stability, and Mechanical Demolition	BC 1704.19	<ul style="list-style-type: none"> <li>1 year relevant experience</li> <li>PE - Civil/Structural, and 1 year relevant experience</li> </ul>	<ul style="list-style-type: none"> <li>Structural, and 3 years relevant experience</li> <li>Bachelor's Degree in Civil or Structural Engineering, and 3 years relevant experience</li> </ul>	N/A
<b>Qualifications<sup>1,2</sup></b>				
<b>Special Inspection Category</b>	<b>2008 Code Section</b>	<b>Primary Inspector or Supervisor</b>	<b>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</b>	<b>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</b>
Excavation - Sheeting, Shoring, and Bracing	BC 1704.19, 3304.4.1	<ul style="list-style-type: none"> <li>PE - Geotechnical, Civil, or Structural, and 1 year relevant experience</li> </ul>	<ul style="list-style-type: none"> <li>Bachelor's degree in Geotechnical, Civil, or Structural, and 3 years relevant experience</li> </ul>	<ul style="list-style-type: none"> <li>Technician with 5 years relevant experience</li> </ul>
Seismic Isolation Systems	BC 1707.8	<ul style="list-style-type: none"> <li>PE, and 2 years relevant experience</li> </ul>	<ul style="list-style-type: none"> <li>Bachelor's degree in Geotechnical, Civil, or Structural engineering, and 5 years relevant experience</li> </ul>	N/A

**Notes:**

- Abbreviations in the qualifications descriptions:  
 ACI - American Concrete Institute  
 AWS - American Welding Society  
 ICC - International Code Council  
 NEBB - National Environmental Balancing Bureau  
 NICET - National Institute for Certification in Engineering Technologies  
 PE - A New York State Licensed and Registered Professional Engineer  
 RA - A New York State Licensed and Registered Architect
- Bachelor's Degrees must be from an accredited institution or equivalent
- Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:
  - Soils Investigations
  - Pier and Pile installation
  - Underpinning of structures
  - Protection of the sides of excavations greater than 10 feet in depth

§2. This rule shall take effect July 1, 2008.

**STATEMENT OF BASIS AND PURPOSE**

The foregoing rule is promulgated pursuant to the authority of the commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter. The rule implements section 28-115.1 of the Administrative Code by specifying the qualifications of special inspectors and the processes through which the department will regulate their activities.

Under current law, registered design professionals are the only people authorized to conduct "controlled inspections," inspections performed during the progress of work at certain critical junctures and on certain critical components of a structure. In fact, many of such inspections are performed by technicians working under the supervision of a registered design professional and there are no required qualifications for such technicians. This void has enabled inspections and tests to be performed by those who may not necessarily have the appropriate knowledge to evaluate the installation or material in light of technical standards. The proposed rule addresses that problem. It will require that people with prescribed qualifications perform the required inspections and tests. And by prescribing qualifications beyond those possessed by registered design professionals, it will expand the supply of such trained personnel.

By setting consistent standards for the qualification of special inspectors, the rule will enhance the safety and integrity of construction inspections and tests.

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**ENVIRONMENTAL CONTROL BOARD**

**NOTICE**

Notice of Adoption of Rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB)

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED** in the Environmental Control Board by section 1404(c)(3) of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on March 12, 2008, and the Public Hearing was held on April 14, 2008.

Section 1. The Buildings Penalty Schedule found in Section 31-103 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following text directly below the heading at the beginning of that Penalty Schedule that reads "BUILDINGS PENALTY SCHEDULE,"

New matter is underlined. Deleted matter is in [brackets].

**Buildings Penalty Schedule I: Effective For Notices of Violation With a Date of Occurrence On or Before June 30, 2008:**

The Penalty Schedule set forth below, Buildings Penalty Schedule I, sets forth the penalties that will be imposed in connection with Notices of Violation with a date of occurrence on or before June 30, 2008.

Section 2. The Buildings Penalty Schedule found in Section 31-103 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following text at the end of that Penalty Schedule, below the entry in that penalty schedule for ZR 42-543, "Outdoor Ad Co sign in Manufacturing district exceeds height limit."

New matter is underlined.

**Buildings Penalty Schedule II: Effective For Notices of Violation With a Date of Occurrence On or After July 1, 2008:**

The Penalty Schedule set forth below, Buildings Penalty Schedule II, sets forth the penalties that will be imposed in connection with Notices of Violation with a date of occurrence on or after July 1, 2008.

1.) Legal References. The legal references referred to in this Penalty Schedule include the following:

- Title 28 of the New York City (NYC) Administrative Code. References to Title 28 of the NYC Administrative Code begin with "28-" (for example, "28-201.1"). The citation "28-Misc." refers to provisions of Title 28 that are not specifically designated elsewhere in the Penalty Schedule.
- Title 27 of the NYC Administrative Code (also known as the "1968 Building Code"). References to title 27 of the NYC Administrative Code begin with "27-" (for example, "27-371"). The citation "27-Misc." refers to provisions of Title 27 that are not specifically designated elsewhere in the Penalty Schedule.
- The "New York City Construction Codes," which consist of:
  - The New York City plumbing code (PC)
  - The New York City building code (BC)
  - The New York City mechanical code (MC)
  - The New York City fuel gas code (FGC)
 References to these New York City Construction Codes are designated by the various abbreviations set out above (for example, "BC3010.1"). The citations "BC-Misc.," "PC-Misc.," "MC-Misc.," and "FGC-Misc." refer to provisions of the New York City building, plumbing, mechanical or fuel gas code that are not specifically designated elsewhere in the Penalty Schedule.
- Appendices to the New York City Construction Codes (the New York City Construction Codes include all enacted appendices, as per §28-102.6 of the NYC Administrative Code). References to Appendices are cited by using the abbreviation for the particular Construction Code followed by the applicable Appendix letter (for example, "H") followed by the applicable section number (for example, "BC H103.1").
- The NYC Zoning Resolution (ZR) and the Rules of the City of New York (RCNY). References to the Zoning Resolution and to the Rules of the City of New York are designated by the abbreviations "ZR" and "RCNY" (for example, "ZR25-41"; "1 RCNY9-01"). The citations "1 RCNY-Misc." and "ZR-Misc." refer to provisions of 1 RCNY or the Zoning Resolution that are not specifically designated elsewhere in the Penalty Schedule.
- Reference Standards that pertain to Title 27 of the NYC Administrative Code (RS). References to the Reference Standards are designated by the abbreviation set out above (for example, "RS-16"). The citation "RS-Misc." refers to Reference Standards that are not specifically designated elsewhere in the Penalty Schedule.

2.) Citations to the New York City Construction Codes. Whenever a section or subdivision of the New York City Construction Codes is cited or referred to, subordinate consecutively numbered subdivisions or paragraphs of the cited provision are deemed to be included in such reference unless the context or subject matter requires otherwise.

3.) Classification of Violations. Pursuant to the Rules of the Department of Buildings set out in Title 1 of the Rules of the City of New York, for purposes of classifying violations pursuant to section 28-201.2 of the Administrative Code, the following terms shall have the following meanings:

- IMMEDIATELY HAZARDOUS VIOLATION.** Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those where the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are necessary as an economic disincentive to the continuation or the repetition of the violating

condition.) Immediately hazardous violations shall be denominated as Class 1 violations.

- MAJOR VIOLATION.** Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition. Major violations shall be denominated as Class 2 violations.

- LESSER VIOLATION.** Lesser violations are those where the violating condition has a lesser effect than an immediately hazardous (Class 1) or major violation (Class 2) on life, health, safety, property, or the public interest. Lesser violations shall be denominated as Class 3 violations.

In this Penalty Schedule, the classification of any particular charge is indicated in the column of the Penalty Schedule that is entitled "Classification." In some instances, where so indicated in this Penalty Schedule, a violation of a particular section of law may be charged by the Department of Buildings as either a "Class 1" violation, or as a "Class 2" violation, or as a "Class 3" violation, depending upon the assessment by the Department of Buildings as to the classification that is warranted for the particular violation in question.

4.) Aggravated Penalties: If a Notice of Violation charges a violation as an Aggravated I or as an Aggravated II violation and the respondent is found in violation, then aggravated penalties of the first order ("Aggravated I") or aggravated penalties of the second order ("Aggravated II") penalties will be imposed. This Penalty Schedule sets forth the Aggravated I or Aggravated II penalties that will apply. Pursuant to the Rules of the Department of Buildings set out in Title 1 of the Rules of the City of New York, the Department of Buildings will charge a violation as an Aggravated I or Aggravated II violation under the following circumstances:

(1) Aggravated penalties of the first order. Aggravated penalties of the first order ("Agg. I") shall be imposed in the following instances:

- (i) Aggravated penalties of the first order. Aggravated penalties of the first order ("Agg. I") shall be imposed when evidence establishes the same condition or the same charge under the New York City Construction Codes or the predecessor charge under the laws in effect prior to July 1, 2008, in a prior enforcement action against the same owner or responsible party during the previous three years.

(2) Aggravated penalties of the second order. Aggravated penalties of the second order ("Agg. II") shall be imposed in the following instances:

- (i) When the respondent is found in violation of any law or rule enforced by the Department of Buildings where the violation of law is accompanied by or results in a fatality or serious injury or where the violating condition affects a significant number of people; or
- (ii) Where the respondent refuses to give the Department of Buildings requested information necessary to determine the condition of a building or site; or
- (iii) Where the respondent has a history of non-compliance with laws or rules enforced by the Department of Buildings at one or more locations, including but not limited to a pattern of unreasonable delays in correcting violations, a pattern of failing to obey Stop Work Orders, filing false documents, or multiple defaults.

5.) Mitigation. A violation that is otherwise subject to a standard penalty or to an Aggravated I penalty is potentially eligible for a mitigated penalty if and only if this Penalty Schedule so indicates by a "Yes" in the "Mitigated Penalty" column. If a violation is potentially eligible for a mitigated penalty, a mitigated penalty will be imposed if the respondent proves at the hearing that the violating condition was corrected prior to the first scheduled hearing date at ECB. (A certificate of correction must thereafter be filed by the respondent with the Department of Buildings in accordance with its Rules.) If a mitigated penalty is imposed, that mitigated penalty will be half of the penalty amount rounded to the nearest dollar (i.e., either half of the standard penalty amount or half of the Aggravated I penalty amount, whichever is applicable) that would otherwise have been imposed at a hearing for that particular violation. A mitigated penalty is never available in connection with a violation that has been charged by the Department of Buildings as an Aggravated II charge. (This is the case even if there is a "Yes" in the "Mitigated Penalty" column in this Penalty Schedule.)

6.) Additional Daily and Monthly Penalties. Additional daily penalties may be imposed in connection with certain Class 1 violations. Additional monthly penalties may be imposed in connection with certain Class 2 violations. If such penalties are sought by the Department of Buildings in connection with a particular Class 1 or Class 2 charge, that will be indicated on the Notice of Violation.

Such daily or monthly penalties, if applicable, are in addition to the set penalty amount that also is indicated in this Penalty Schedule as applicable to the type of violation in question taking into account the classification level and Aggravated level of the particular violation. Imposition of such additional daily and monthly penalties is authorized pursuant to Section 28-202.1 of the New York City Administrative Code.

Accrual of Daily Penalties: Daily penalties, if applicable, will accrue at the rate set forth in this Penalty Schedule per day for a potential total of forty-five days running from the date of the Order to Correct of the Commissioner of the Department of Buildings that is set forth in the Notice of Violation unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of that forty-five day period, in which case the daily penalties will accrue for every day up to the date of that proved correction.

Accrual of Monthly Penalties: Monthly penalties, if applicable, accrue at the rate set forth in this Penalty Schedule per month for a potential total of one month running from the date of the Order to Correct of the Commissioner of the Department of Buildings that is set forth in the Notice of Violation unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of a month period.

7.) Cures. Certain violations are potentially eligible for a cure by correction within forty days running from the date of the Order to Correct of the Commissioner of the Department of Buildings that is set forth in the Notice of Violation. This Penalty Schedule indicates which violations are potentially subject to cure. A cure constitutes an admission of the charged violation; results in a finding of violation in connection with that charged violation; dispenses with the need for a hearing at ECB; may constitute a prior violation in relation to later-issued violations, for purposes of determining if those later-issued violations have an Aggravated I or Aggravated II status; and results in a zero penalty. As is indicated in this Penalty Schedule, and consistent with the provisions of Section 28-204.2 of the NYC Administrative Code, all violations that are designated as Class 3 violations are eligible for cure. Also some, but not all, violations that are designated as Class 2 violations are eligible for cure. (Note: A violation that has been charged as an Aggravated II violation is never eligible for a cure. This is the case even if there is a "Yes" in the "Cure" column in this Penalty Schedule.) In order to cure, the respondent must file a certificate of correction acceptable to the Department of Buildings with the Department of Buildings within the forty day period.

8.) Stipulations. Stipulations are agreements between the Department of Buildings and a respondent, subject to approval by the Environmental Control Board. If a violation is potentially eligible for a stipulation, that is indicated in this Penalty Schedule. Even where a violation is potentially eligible for a stipulation, a stipulation is only available if the Department of Buildings in fact makes an offer of such a stipulation in connection with the particular Notice of Violation. (Note: A violation that has been charged as an Aggravated II violation is never eligible for a stipulation. Also, a violation that is charged as Class 1 is never eligible for a stipulation. This is the case even if there is a "Yes" in the "Stipulation" column in this Penalty Schedule.) There are both pre-hearing stipulations, and hearing stipulations. Those terms are defined below.

If a respondent enters into a stipulation (whether a pre-hearing stipulation or a hearing stipulation), that stipulation constitutes an agreement whereby the Department of Buildings agrees not to issue another violation to the same respondent for the same violating condition for a period of seventy-five days running from the first scheduled hearing date; and whereby the respondent admits the violation, resulting in a finding of violation; and whereby the respondent agrees to correct the violation and to file an acceptable Certificate of Correction with the Department of Buildings within the seventy-five day period running from the first scheduled hearing date. Additionally, in connection with pre-hearing stipulations only (not hearing stipulations), a lesser penalty is imposed.

The Department of Buildings will in no event offer a stipulation if the violation has been charged as an Aggravated II violation, or has been deemed "Class 1" by the Issuing Officer on the NOV, or if the charge on the Notice of Violation is amended to indicate an "Class 1" or a "Class 2" violation that is not potentially eligible to receive a stipulation.

Pre-hearing stipulations: A "pre-hearing stipulation" is a stipulation that is offered and can be accepted only prior to the first scheduled hearing date, or else on the first scheduled hearing date but prior to any actual hearing on that date. A violation is eligible for a pre-hearing stipulation if this Penalty Schedule so indicates (indicated via a "Yes" in the "Stipulation" column of this Penalty Schedule) and if the Department of Buildings in fact offers a pre-hearing stipulation in connection with the particular Notice of Violation in question. Pre-hearing stipulation offers are made via a mailed notice. (If a respondent is uncertain whether a pre-hearing stipulation offer has been made in connection with a particular Notice of Violation, the respondent may call ECB to inquire.) No pre-hearing stipulation shall take effect unless it is offered by the Department of Buildings prior to the first scheduled hearing date, signed by respondent prior to or on the first scheduled hearing date, and approved by ECB in writing.

If a pre-hearing stipulation is offered in connection with a particular Notice of Violation and is timely accepted by the respondent, and if the respondent then files an acceptable Certificate of Correction within the seventy-five-day time

period, then the penalty imposed for that violation will be half of the penalty amount (rounded to the nearest dollar) of the penalty amount that would otherwise have been imposed at a hearing for that particular violation.

However, if a pre-hearing stipulation is offered in connection with a particular Notice of Violation and is timely accepted by the respondent, but the respondent in connection with a particular pre-hearing stipulation then fails to file an acceptable certificate of correction with the Department of Buildings within the seventy-five-day time period, then the penalty imposed for that violation will rise to the full penalty amount that would have been imposed at a hearing if a hearing had been held.

Hearing stipulations: A hearing stipulation is a stipulation that is offered and can be accepted at a hearing. A violation is eligible for a hearing stipulation if this Penalty Schedule so indicates (via a "yes" in the "Stipulation" column of this Penalty Schedule) and if the Department of Buildings in fact offers a hearing stipulation at the hearing in connection with the particular Notice of Violation.

If a hearing stipulation is offered in connection with a particular Notice of Violation and is accepted by the respondent, it constitutes an agreement as described above, whereby respondent agrees to correct the violation and file an acceptable certificate of correction within the seventy-five day period, and whereby the Department of Buildings agrees not to issue another violation to the same respondent for the same violating condition within that seventy-five day time period. No hearing stipulation shall take effect unless it is offered by the Department of Buildings at the hearing, accepted by the respondent at that hearing, and is approved in writing by ECB

Table with 15 columns: Section of Law, Classification, Violation Description, Cure, Stipulation, Standard Penalty, Mitigated Penalty, Default Penalty, Aggravated I Penalty, Aggravated II Penalty, Default - Maximum Penalty, Section of Law, Classification, Violation Description, Cure, Stipulation, Standard Penalty, Mitigated Penalty, Default Penalty, Aggravated I Penalty, Aggravated II Penalty, Default - Maximum Penalty.

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28-202.1	Class 2	Additional monthly penalties for continued violations.	No	No	\$250/month	No	\$10,000	NA	NA	NA	28-210.2	Class 2	Maintain or permit continued industrial/manufacturing w/out C of Occupancy compliance.	No	No	\$2,400	No	\$10,000	\$6,000	\$10,000	\$10,000	\$25,000	28-301.1	Class 1	Failure to maintain building in code-compliant manner. Use of prohibited door and/or hardware per BC 1008.1.8.27-37.10.	No	28-301.1	Class 1	Failure to maintain building in code-compliant manner. Use of prohibited door and/or hardware per BC 1008.1.8.27-37.10.	No
28-202.1	Class 2	Additional monthly penalty for violation of 28-210.2	No	No	\$350/month	No	\$10,000	NA	NA	NA	28-210.2	Class 2	Pumbing work contrary to approved and/plan that ASSISTS/Maintains converters in of industrial/occupancy for resid use.	No	Yes	\$1,500	Yes	\$2,500	\$3,750	\$10,000	\$7,500	\$10,000	28-301.1	Class 2	Failure to maintain building in code-compliant manner. illumination for exits, exit discharges and public corridors per BC 1006.1.27-38.1.	No	28-301.1	Class 1	Failure to maintain building in code-compliant manner. illumination for exits, exit discharges and public corridors per BC 1006.1.27-38.1.	No
28-204.4	Class 2	Failure to comply with the commissioner's order to the a certificate of correction with the Department of Buildings.	No	No	\$600	Yes	\$4,000	\$2,000	\$4,000	\$10,000	28-211.1	Class 1	Erect a certificate form, application, etc. supporting a residential false statement(s).	No	No	\$4,800	Yes	\$24,000	\$12,000	\$25,000	\$24,000	\$25,000	28-301.1	Class 1	Failure to maintain building in code-compliant manner.	No	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes
28-207.2.2	Class 1	Unlawfully continued work while on notice of a stop work order.	No	No	\$4,800	No	\$24,000	\$24,000	\$24,000	\$25,000	28-301.1	Class 1	Failure to maintain building in code-compliant manner.	No	No	\$1,000	No	\$5,000	\$2,500	\$10,000	\$5,000	\$25,000	28-301.1	Class 1	Failure to maintain building in code-compliant manner.	No	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes
28-210.1	Class 1	Residence allowed for occupancy as a dwelling from 1 or 2 families to greater than 4 families.	No	No	\$2,400	No	\$12,000	\$8,000	\$12,000	\$25,000	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes	Yes	\$500	Yes	\$2,500	\$1,250	\$5,000	\$2,500	\$10,000	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes
28-210.1	Class 2	Residence allowed for occupancy as a dwelling for more than the legally approved number of families.	No	No	\$1,200	No	\$6,000	\$3,000	\$6,000	\$10,000	28-301.1	Class 3	Failure to maintain building in code-compliant manner.	Yes	Yes	\$200	Yes	\$500	\$500	\$900	\$500	\$500	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes	28-301.1	Class 2	Failure to maintain building in code-compliant manner.	Yes

28-210.1	Class 2	Additional monthly penalties for continued violations.	No	No	\$250/month	No	\$10,000	NA	NA	NA	28-118.3.2	Class 1	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	No	No	\$2,400	No	\$12,000	\$6,000	\$24,000	\$12,000	\$25,000	28-118.3.2	Class 2	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes	28-118.3.2	Class 3	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes
28-210.1	Class 2	Additional monthly penalties for continued violations.	No	No	\$250/month	No	\$10,000	NA	NA	NA	28-118.3.2	Class 1	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	No	No	\$2,400	No	\$12,000	\$6,000	\$24,000	\$12,000	\$25,000	28-118.3.2	Class 2	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes	28-118.3.2	Class 3	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes
28-210.1	Class 2	Additional monthly penalties for continued violations.	No	No	\$250/month	No	\$10,000	NA	NA	NA	28-118.3.2	Class 1	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	No	No	\$2,400	No	\$12,000	\$6,000	\$24,000	\$12,000	\$25,000	28-118.3.2	Class 2	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes	28-118.3.2	Class 3	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.	Yes

28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments.	Yes	Yes	\$500	Yes	\$2,500	\$1,250	\$5,000	\$10,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	No	\$1,000	No	\$5,000	\$1,000	\$5,000	\$5,000	\$5,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No
28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments.	Yes	Yes	\$500	Yes	\$2,500	\$1,250	\$5,000	\$10,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	No	\$1,000	No	\$5,000	\$1,000	\$5,000	\$5,000	\$5,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No
28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments.	Yes	Yes	\$500	Yes	\$2,500	\$1,250	\$5,000	\$10,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	No	\$1,000	No	\$5,000	\$1,000	\$5,000	\$5,000	\$5,000	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No	28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.	No



\$9,000	\$4,000	\$10,000	BC 3307.3.1 & 27-1021(a)	Class 1	Failure to provide sidewalk shed where required.	No	\$24,000	\$12,000	\$25,000	BC 3314.4.3.1 & 27-1045	Class 1	Failure to perform safe/inspect of suspended scaffold.	No	\$10,000	\$25,000	\$25,000
\$12,000	\$6,000	\$25,000	BC 3307.6 & 27-1021	Class 2	Sidewalk shed does not meet code specifications.	No	\$10,000	\$6,000	\$10,000	BC 3314.4.3.1 & 27-1045(b)	Class 1	No record of daily inspection of Suspended Scaffold performed by authorized person at site.	No	\$2,400	\$24,000	\$25,000
\$10,000	\$6,000	\$10,000	BC 3307.7 & 27-1021(b)	Class 2	Job site fence not constructed pursuant to subsection.	Yes	\$800	\$2,000	\$8,000	BC 3314.4.5.4 & 26-204.1(a)	Class 1	Erected, dismantled, repaired, maintained, modified or renewed scaffold without a scaffold certificate of completion.	No	\$12,000	\$24,000	\$25,000
\$24,000	\$12,000	\$25,000	BC 3309.4 & 27-1031	Class 1	Failure to protect adjoining structures during excavation operations.	No	\$2,400	\$6,000	\$12,000	BC 3314.4.5.4 & 26-204.1(a)	Class 2	Erected, dismantled, repaired, maintained, modified or renewed scaffold without a scaffold certificate of completion.	No	\$6,000	\$24,000	\$25,000
\$10,000	\$5,000	\$25,000	BC 3310.5 & 27-1030(b)	Class 1	Failure to have Site Safety Manager or Coordinator present as required.	No	\$2,400	\$6,000	\$12,000	BC 3314.4.6.8 & 26-204.1(b)	Class 1	Use of suspended scaffold without a scaffold label certificate.	No	\$8,000	\$16,000	\$25,000
\$12,000	\$6,000	\$25,000	BC 3314.2 & 27-1042	Class 1	Erected or installed suspended scaffold 40 feet or higher without a permit.	No	\$6,000	\$3,000	\$12,000	BC 3314.4.6.8 & 26-204.1(b)	Class 2	Use of suspended scaffold without a scaffold label certificate.	No	\$4,000	\$8,000	\$25,000
\$10,000	\$5,000	\$25,000	BC 3314.1.1 & 27-1050.1	Class 2	Failed to notify Department prior to hoisting/dismantling beams in connection with Suspended Scaffold.	No	\$4,000	\$2,000	\$4,000	BC 3314.4.6.8 & 26-204.1(b)	Class 2	Use of suspended scaffold without a scaffold label certificate.	Yes	\$10,000	\$2,000	\$10,000
No	\$900	\$2,500								BC 3303.4 & 27-1018	Class 2	Failure to maintain adequate hoisting/steering per section requirements.	Yes	\$800	\$4,000	\$2,000
No	\$10,000	\$25,000								BC 3304.3 & 1 FCNRY 52-01(b)	Class 1	Failure to notify the Department prior to the commencement of earthwork.	No	\$1,200	\$6,000	\$3,000
No	\$500	\$2,500								BC 3304.3 & 1 FCNRY 52-01(b)	Class 2	Failure to notify the Department prior to the commencement of earthwork.	No	\$1,200	\$6,000	\$3,000
No	\$1,000	\$5,000								BC 3304.4 & 27-1032	Class 1	Failure to provide protection at sides of excavation.	No	\$2,400	\$12,000	\$6,000
No	\$2,400	\$12,000								BC 3306.5 & 27-1038	Class 1	Failure to carry out demolition operations as required by section.	No	\$2,400	\$12,000	\$6,000
No	\$1,000	\$5,000								BC 3306.2.1	Class 1	Failure to provide safety zone for demolition operations.	No	\$1,000	\$5,000	\$2,500
No	\$2,400	\$12,000								BC 3306.3 & 27-1039	Class 1	Failure to provide required notification prior to the commencement of demolition.	No	\$1,200	\$6,000	\$3,000
No	\$1,200	\$6,000								BC 3306.5	Class 1	Mechanical demolition without plans on file.	No	\$1,000	\$5,000	\$2,500
Class 3	Failure to maintain building walls or appendages.	Yes	Yes	\$200	Yes	\$500				28-401.9	Class 1	Failure to file evidence of compliance with Workers Comp. law and/or disability benefits law.	No	\$1,250	\$6,250	\$25,000
Class 2	Failure to submit a required report of exterior wall and appendages.	Yes	No	\$800	Yes	\$4,000				28-404.1	Class 1	Licensed Master/Special Rigger failed to place appropriate "Danger" sign while using rigging equipment.	Yes	\$800	\$4,000	\$10,000
Class 2	Failure to file an amended report recordable to this department indicating correction of unsafe conditions.	Yes	No	\$800	Yes	\$4,000				28-404.1	Class 2	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.	No	\$1,600	\$6,000	\$25,000
Class 2	Failure to file a complete boiler inspection report.	No	No	\$500	No	\$2,500				28-405.1	Class 1	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.	No	\$1,600	\$6,000	\$25,000
Class 1	Failure to file evidence of liability &/or property damage insurance.	No	No	\$2,400	No	\$12,000				28-405.1	Class 2	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.	No	\$800	\$4,000	\$10,000
Class 2	Headed self-out-as hoisting machine and repaired etc. to perform work requiring a DOB license who operating such license.	No	No	\$500	Yes	\$2,500				BC 3301.2 & 27-1039(a)	Class 1	Failure to safeguard all persons and property affected by construction operations.	No			



in order to allow for practical processing-time considerations. Additionally, the Buildings Penalty Schedule II allows for such cures, with a zero penalty, in connection with certain violations that are classified as Class 2, as well as in connection with violations that are classified as Class 3. The zero penalty is consistent with the statutory range set out for Major (Class 2) violations that is set forth in Section 28-202.1.

Buildings Penalty Schedule II also reflects the fact that in some cases, the Department of Buildings may offer a stipulation to a respondent in connection with certain types of charges. Stipulation offers are made by the Department of Buildings consistent with its Rules, found in Title 1 of the Rules of the City of New York. Buildings Penalty Schedule II indicates which violations are potentially eligible for such a stipulation offer.

Regarding charges that pertain to Certificates of Occupancy issued by the Department of Buildings, Section 28-201.2.1 provides that violations for "occupancy without a required certificate of occupancy" shall be classified as an "immediately hazardous" (Class 1) violation. The Department of Buildings interprets that provision to mean that a violation for occupancy without a required Certificate of Occupancy is an "immediately hazardous" (Class 1) violation *only* in cases involving a new building that has never had a Certificate of Occupancy. In all other cases, a violation for occupancy contrary to the Certificate of Occupancy may be written as an "immediately hazardous" (Class 1), "major" (Class 2), or "lesser" (Class 3) violation.

**LOFT BOARD**

■ NOTICE

NOTICE OF ADOPTION OF FINAL RULES

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD** by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 66, dated September 30, 1982, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend § 2-11(b)(1)(i)(D) of Title 29 of the Rules of the City of New York, relating to the filing fee for the registration of loft buildings. The text proposed to be added to the rules is underlined, and text proposed for deletion is bracketed.

A duly noticed public hearing was held on April 17, 2008, affording the public opportunity to comment on the proposed amendments, as required by section 1043 of the New York City Charter. Written Comments were accepted through April 17, 2008.

Clauses (A) and (C) of subparagraph (i) of paragraph (1) of subdivision (b) of section 2-11 of Title 29 of the Rules of the City of New York are amended, and a new clause (D) is added, to read as follows:

(b) *Schedule of reasonable fees.* (1) *Registration applications.*  
 (i) The filing fee for registration shall be \$200.00 per residentially occupied unit.

(A) Registration of a building or a part thereof as an interim multiple dwelling (IMD) by the owner, lessee of a whole building, and the agent is required annually. The annual period shall [end on June 30] begin on July 1 of each year and end on June 30 of the following year. If more than one registration application is filed for a building, the filing fee for the residentially occupied units therein shall be charged only once during any annual period.

(C) Registration as an IMD shall not be issued to or renewed for an owner of a building against whom a fine has been imposed for any violation of these rules or against whom any late-filing fee has been imposed pursuant to § 2-11(b)(1)(i)(D), unless or until such fine and late-filing fee has been paid, or such owner has entered into, and is in compliance with, an installment agreement, payment plan, or other similar arrangement for the payment of such fine. Registration as an IMD shall not be issued to or renewed for an owner of a building unless and until all prior unpaid registration fees and late-filing fees (if any) have been paid.

(D) If the annual renewal registration application and fee are not submitted by July 31 of each year in which they are required to be submitted, the Loft Board shall assess the owner a late filing fee of \$25.00 for the month of July for each residentially occupied unit. Thereafter the Loft Board shall assess the owner an additional late filing fee of \$5.00 per residentially occupied unit for each month or portion of a month until the date when the application is submitted and the fee is paid.

Statement of Basis and Purpose of Proposed Rule:

Pursuant to section 2-11 of the rules of the Loft Board, landlords whose buildings are registered as interim multiple dwellings ("IMDs") are required to renew their registration annually beginning on July 1 of each year. A filing fee specified in section 2-11 is charged for each residentially occupied unit in an IMD. The late submission of registration renewal applications and fees, that is, submission after the start of the filing period on July 1, has unfortunately reached such an extent that the Board has incurred significant enforcement costs in ensuring compliance with its requirements. The Board is therefore constrained to meet these expenses by imposing a late-filing fee for applications submitted after July 31.

Dated: April 17, 2008

Marc Rauch  
 Chairperson

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**SPECIAL MATERIALS**

**COMPTROLLER**

■ NOTICE

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on May 29, 2008, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	6897	35

acquired in the proceeding, entitled: Ulmer Park Branch Library subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
 Comptroller

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**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

■ NOTICE

**ACCESS NYC Terminals - Free Computer Giveaway\* Request an Application Today!**

We want to make ACCESS NYC even more available to the public, so we're **GIVING AWAY** over 500 ACCESS NYC terminals to qualified 501c3 organizations. The awarded terminals will be dedicated computer stations (computer and printer) for clients to screen themselves for benefits using the ACCESS NYC website ([www.nyc.gov/accessnyc](http://www.nyc.gov/accessnyc)).

Awards will be made on a first-come-first-serve basis to all qualified 501c3 organizations. All applications must be postmarked no later than May 31, 2008.

If your organization is interested in submitting an application for an ACCESS NYC terminal(s), please send an email request for application instructions to

Sabrina Smith-Sweeney  
 Director of Training & Outreach  
[accessnyc@hhsconnect.nyc.gov](mailto:accessnyc@hhsconnect.nyc.gov)

\*Funded by the Center for Economic Opportunity (CEO)

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**LATE NOTICE**

**HEALTH AND MENTAL HYGIENE**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, May 29, 2008, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to conduct an educational outreach program with a focus on raising awareness in the Haitian, Jamaican, and Dominican communities on the risks of lead poisoning in children and pregnant women. The contract term shall be from July 1, 2007 to June 30, 2008.

**Contractor/Address**

Friends of Lead Free Children  
 301 West 107th Street, New York, NY 10025

PIN #	Amount
08EA151701R0X00	\$115,625

The proposed contractor is being funded through Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, N.Y. 10013, from May 19, 2008 to May 29, 2008, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Shamecka Williams, Procurement Analyst at the Department of Health and Mental Hygiene, ACCO's Office, 93 Worth Street, Room 812, New York, NY 10013 or [swillia9@health.nyc.gov](mailto:swillia9@health.nyc.gov). If DOHMH receives no written request to speak within the prescribed time, DOHMH reserves the right not to conduct the public hearing.

**IN THE MATTER** of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to provide Physical Education throughout the City. These services will be provided at the address listed below. The contract term shall be from July 1, 2007 to June 30, 2008.

**Contractor/Address**

Sportime, LLC  
 d/b/a The SPARK Programs  
 3155 Northwoods Parkway, Norcross, Georgia 30071

PIN #	Amount
08CR175101R0X00	\$1,299,810

The proposed contractor is being funded through Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, N.Y. 10013, from May 19, 2008 to May 29, 2008, excluding Weekends and Holidays, from 10:00 A.M. to 4:00 P.M.

**IN THE MATTER** of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to provide its Public Health Laboratories (PHL) with a Laboratory Information Management System (LIMS) for the Bio-Threat (BT) and Environmental laboratories. The contract term shall be from September 1, 2008 to August 31, 2012 and will contain one four-year option to renew from September 1, 2012 to August 31, 2016.

**Contractor/Address**

STARLIMS Corporation  
 4000 Hollywood Blvd. Suite 515 South  
 Hollywood, FL. 33021

PIN #	Amount
09MI140601R0X00	\$762,390.00

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, N.Y. 10013, from May 19, 2008 to May 29, 2008, excluding Weekends and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Jasmine Salome, Contract Manager at the Department of Health and Mental Hygiene, ACCO's Office, 93 Worth Street, Room 812, New York, NY 10013 or [jsalome@health.nyc.gov](mailto:jsalome@health.nyc.gov). If DOHMH receives no written request to speak within the prescribed time, DOHMH reserves the right not to conduct the public hearing.

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**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](http://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](http://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 PIN # 056020000293 DUE 04-21-03 AT 11:00 am	Method of source selection Procurement identification number 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.