



# THE CITY RECORD

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## THE CITY RECORD MICHAEL R. BLOOMBERG, Mayor

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOARD MEETINGS

#### NOTICE OF MEETINGS

**City Planning Commission**  
Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

**City Council**  
Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

**Contract Awards Public Hearing**  
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

**Design Commission**  
Meets in City Hall, Third Floor, Manhattan, New York 10007 on the second Monday of the month, except August. For changes in the schedule, copies of monthly agendas, or additional information, please call (212) 788-3071 or visit our web site at [nyc.gov/artcommission](http://nyc.gov/artcommission)

**Department of Education**  
Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

**Board of Elections**  
32 Broadway, 7th floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner

**Environmental Control Board**  
Meets at 66 John Street, 10th floor, conference room, New York, NY 10038 at 9:15 A.M., once a month at the call of the Chairman.

**Board of Health**  
Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

**Health Insurance Board**  
Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

**Board of Higher Education**  
Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

**Citywide Administrative Services**  
Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

**Commission on Human Rights**  
Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

**In Rem Foreclosure Release Board**  
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

**Franchise And Concession Review Committee**  
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, Commencing 2:30 P.M., and other days, times and location as warranted.

**Real Property Acquisition And Disposition**  
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, Commencing 10:00 A.M., and other days, times and location as warranted.

**Landmarks Preservation Commission**  
Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise notified by the Commission. For current meeting dates, times and agendas, please visit our website at [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks).

**Employees' Retirement System**  
Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

**Housing Authority**  
Board Meetings will be held every other Wednesday at 10:00 A.M. (unless otherwise noted) in the Board Room on the 12th Floor of 250 Broadway. These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.

For Board Meeting dates and times, and/or additional information, please visit our website at [nyc.gov/nycha](http://nyc.gov/nycha) or contact us at (212) 306-6088. Copies of the agenda can be picked up at the Office of the Secretary at 250 Broadway, 12th floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting.

**Parole Commission**  
Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

**Board of Revision of Awards**  
Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

**Board of Standards and Appeals**  
Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

**Tax Commission**  
Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

### CITY COUNCIL

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, September 22, 2009:

**BRIARWOOD PLAZA REZONING**  
**QUEENS CB - 11 C 060551 ZMQ**  
Application submitted by Briarwood Organization, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a: by establishing within an existing R4 District a C2-2 District bounded by a line 250 feet northwesterly of 38th Avenue, a line 150 feet northeasterly of Bell Boulevard, a line 200 feet northwesterly of 38th Avenue, and Bell Boulevard, as shown in a diagram (for illustrative purposes only) dated June 1, 2009 and modified by the City Planning Commission on August 19, 2009.

**470 VANDERBILT AVENUE**  
**BROOKLYN CB - 2 C 090441 ZMK**  
Application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

- eliminating from an existing R6 District a C2-3 District bounded by Fulton Street, Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street, and Clermont Avenue;
- changing from an R6 District to a C6-3A District property bounded by Fulton Street, Vanderbilt Avenue, a line 100 feet southeasterly of Fulton Street, and Clermont Avenue; and
- changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**470 VANDERBILT AVENUE**  
**BROOKLYN CB - 2 N 090442 ZRK**  
Application submitted by the Atara Vanderbilt, LLC 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 II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), relating to the application of the Inclusionary Housing Program to R9A districts in Community District 2, Borough of Brooklyn.

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

23-144  
In designated areas where the Inclusionary Housing Program is applicable

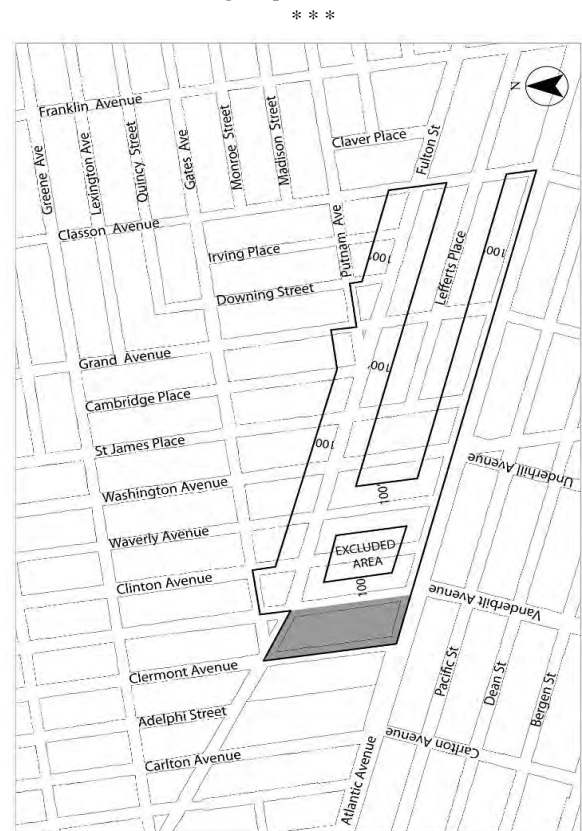
In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (In Inclusionary Housing designated areas). The locations of such districts are specified in Appendix A of this Chapter.

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A R9A
* * *	* * *

**APPENDIX F**  
**INCLUSIONARY HOUSING DESIGNATED AREAS**  
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

\* \* \*  
**Brooklyn, Community District 2**  
In the R7A, and R8A, and R9A Districts within the areas

shown on the following Maps 1, 2, 3 and 4:



Map 3  
Portion of Community District 2, Brooklyn  
(Revised Map - Applicable Inclusionary housing area  
expanded, expanded area shown in grey)

**470 VANDERBILT AVENUE**  
**BROOKLYN CB - 2 C 090443 ZSK**  
Application submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program), Section 23-852 (Inner court recess), and Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) to facilitate a mixed use development on property located at 470 Vanderbilt Avenue (Block 2009, Lots 1, 19, 20, 23, 26, 31-44), in a C6-3A District, within a General Large-Scale Development.

**NAVY GREEN**  
**BROOKLYN CB - 2 C 090444 ZMK**  
Application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- changing from an M1-2 District to an R8 District property bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue; and
- establishing within the proposed R8 District a C2-4 District bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue, and Clermont Avenue;

as shown in a diagram (for illustrative purposes only) dated June 1, 2009.

**NAVY GREEN**  
**BROOKLYN CB - 2 C 090445 ZSK**  
Application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front Setbacks in districts where front yards are not required) to facilitate the construction of a mixed-use development on property located at 136-50 Flushing Avenue (Block 2033, Lot 1), in an R8/C2-4 District, within a Large-Scale Residential Development.

**NAVY GREEN**  
**BROOKLYN CB - 2 C 090446 HAK**  
Application submitted by the New York City Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 136-50 Flushing Avenue (Block 2033, Lot 1), as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such an area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

**JASPER'S ITALIAN CUISINE**  
**BRONX CB - 8 20095528 TCX**  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of

Jaspers Pizza and More, LLC, d/b/a Jasper's Italian Cuisine, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café at 3535 Riverdale Avenue.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, September 22, 2009:**

**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, September 22, 2009:**

**SOCIAL SECURITY ADMINISTRATION PARKING BRONX CB - 6 C 090342 ZMX**

Application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d by:

- eliminating within an R7-1 District a C1-4 District bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176th Street, and a line 80 feet southeasterly of Trafalgar Place; and
- establishing within an existing R7-1 District a C1-4 District bounded by:
  - Trafalgar Place, East 176th Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176th Street; and
  - a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175th Street;

as shown on the diagram (for illustrative purposes only) dated April 20, 2009.

**SOCIAL SECURITY ADMINISTRATION PARKING BRONX CB - 6 N 090343 HAX**

Application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 906 and 916 East 176th Street (Block 2958, p/o Lots 106 and 109) and 907 East 175th Street (Block 2958, Lot 120) as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such an area;

to facilitate accessory parking, in Community District 6.

**640 BROADWAY**  
**BROOKLYN CB - 1 C 090379 HAK**

Application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 640 Broadway (Block 2270, Lot 10), Site 6 within the Broadway Triangle Urban Renewal Area, as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such to a developer selected by HPD;

to facilitate development of a five-story mixed-use building, tentatively known as 640 Broadway, with approximately 9 residential units and commercial space, to be developed under the Department of Housing Preservation and Development's Participation Loan Program.

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

- Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for No. 1 and pursuant to Section 577 of the Private Housing Finance Law for Nos. 2 and 3.

NO.	ADDRESS	BLOCK/ LOT	BORO	PROGRAM	COMMUNITY BOARD
1.	480-482 Warwick Street	4030/19, 20	Brooklyn	New Foundations	05
2.	46-48 E. 129th Street	1753/49	Manhattan	Tenant Interim Lease	11
3.	3603-3605 Broadway	2095/31, 32	Manhattan	Tenant Interim Lease	09

s16-22

**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, September 23, 2009, commencing at 10:00 A.M.**

**BOROUGH OF BROOKLYN**

**No. 1**

**131-7 BERRY STREET ZONING CHANGE**  
**CD 1 C 090096 ZMK**

**IN THE MATTER OF** an application submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by North 7th Street, a line 100 feet southeasterly of Berry Street, a line midway between North 6th Street and North 7th Street, and Berry Street, as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**No. 2**

**CYPRESS VILLAGE**

**CD 5 C 100014 HAK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 371 Van Siclen Avenue (Block 4026, Lot 2), as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a four-story building, tentatively known as Cypress Village, with approximately 8 residential units, to be developed under the Department of Housing Preservation and Development New Foundations Program.

**BOROUGH OF MANHATTAN**

**No. 3**

**WEST 129TH STREET ZONING CHANGE**  
**CD 9 C 080039 ZMM**

**IN THE MATTER OF** of an application submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a:

- changing from an R7-2 District to an R7A District property bounded by:
  - West 130th Street, a line 100 feet easterly of Amsterdam Avenue, West 129th Street, and Amsterdam Avenue, and;
  - West 130th Street, Convent Avenue, West 129th Street, a line 100 feet westerly of Convent Avenue; and;
- changing from an M1-1 District to an R7A District property bounded by West 130th Street, a line 100 feet westerly of Convent Avenue, West 129th Street; and a line 100 feet easterly of Amsterdam Avenue.

as shown on a diagram (for illustrative purposes only) dated June 1, 2009 and subject to the conditions of CEQR Declaration E-239.

**No. 4**

**48-50 WALKER STREET**

**CD 1 C 090439 ZSM**

**IN THE MATTER OF** an application submitted by Walker Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to modify the use regulations of Section 111-101 (Location of Permitted Uses in Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists) to allow two loft dwellings on the 2nd floor level of an existing 6-story building that was designed for non-residential use and erected prior to December 15, 1961, on property located at 48-50 Walker Street (Block 194, Lots 1001, 1002, 1003 & 1004), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1).

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.

**Nos. 5 & 6**

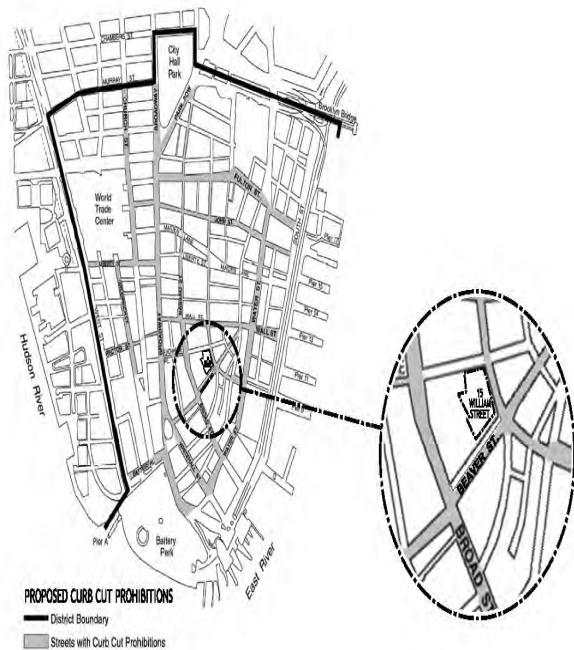
**15 WILLIAM STREET GARAGE**

**No. 5**

**CD 1 N 090293 ZRM**

**IN THE MATTER OF** an application submitted by SDS 15 William Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, concerning the Special

Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions in Community District 1, Borough of Manhattan.



**No. 6**  
**CD 1** **C 090294 ZSM**  
**IN THE MATTER OF** an application submitted by SDS 15 William Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-50, 13-562 and 74-52 of the Zoning Resolution to allow for a public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar 1, cellar 2 and cellar 3 levels of an existing mixed use building on property located at 15 William Street (Block 25, Lots 35 and 27), in a C5-5 District, within the Special Lower Manhattan 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. 7**  
**12-18 EAST 62ND STREET**  
**CD 8** **C 090440 ZSM**  
**IN THE MATTER OF** an application submitted by 14-62 Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-691 (Limited Height Districts), to facilitate the 1-story enlargement of two existing 5-story buildings at 12 and 14 East 62nd Street (Block 1376, Lots 63 and 62, respectively), on property located at 12-18 East 62nd Street (Block 1376, Lots 60, 61, 62 and 63), in R8B and C5-1 Districts, partially within the Special Limited Height District (LH-1A) and the Special Madison Avenue Preservation District (MP), within the Upper East Side Historic 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.

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

s10-23

**COMMUNITY BOARDS**

**PUBLIC HEARINGS**

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

**BOROUGH OF THE BRONX**

COMMUNITY BOARD NO. 12 - Thursday, September 24, 2009, 6:30 P.M., Town Hall, 4101 White Plains Road (corner of East 229th Street), Bronx, NY

**#C 090397ZMX**  
**IN THE MATTER OF** an application submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for amendment of the Zoning Map, changing from an R6 district to an R7X district property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line).

s18-24

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 16 - Tuesday, September 22, 2009 at 7:00 P.M., 444 Thomas S. Boyland Street, Brooklyn, NY

**#C 100067HAK**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, UDAAP designation, project approval and disposition of such property to a developer, to facilitate development of a residential building tentatively known as Hopkinson/Park Place, with approximately 25-units.

s16-22

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

**BOROUGH OF THE BRONX**

COMMUNITY BOARD NO. 11 - Thursday, September 24, 2009 at 7:00 P.M., Mazer Building - Lubin Hall, 1200 Van Nest Avenue, Bronx, NY

Public Hearing on Community Board 11 Budget Requests for FY2011. s18-24

**EMPLOYEES' RETIREMENT SYSTEM**

**MEETING**

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, September 22, 2009 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

s15-21

**EQUAL EMPLOYMENT PRACTICES COMMISSION**

**MEETING**

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 40 Rector Street, 14th Floor, on Thursday, September 24, 2009 at 9:30 A.M.

s17-24

**LANDMARKS PRESERVATION COMMISSION**

**PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **September 22, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF QUEENS 09-8955 - Block 77, lot 52 - 21-16 45th Avenue - Hunters Point Historic District**  
 An Italianate style townhouse designed by Root and Rust and built circa 1871-72. Application is to construct a rear yard addition. Zoned R6B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF THE BRONX 10-0946 - Block 2309, lot 1 - 112 Lincoln Avenue - Estey Piano Factory Building- Individual Landmark**  
 A factory building designed by A.B. Ogden & Son architects and built in 1885-86, with later additions. Application is to construct a rear yard addition, install a ramp, and alter windows. Zoned M1-2/R6A.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF THE BRONX 10-0052 - Block 5821, lot 2865 - 4919 Goodridge Avenue - Fieldston Historic District**  
 A Dutch Colonial Revival style house designed by Dwight James Baum, and built 1914. Application is to enclose an side porch and alter windows. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF STATEN ISLAND 09-8675 - Block 14, lot 21 - 272 Richmond Terrace - St. George- New Brighton Historic District**  
 A vernacular Greek Revival house built c. 1839-45, and altered c. 1910-17. Application is to legalize the installation of a fence.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 10-2317 - Block 1961, lot 23 - 405 Clinton Avenue - Clinton Hill Historic District**  
 A Romanesque Revival/Queen Anne style house designed by William Tubby and built in 1889. Application is to demolish a rear yard addition.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 09-9519 - Block 285, lot 10 - 122 Atlantic Avenue - Cobble Hill Historic District**  
 A building built in the mid-19th century and altered. Application is to install bracket sign.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF BROOKLYN 10-0509 - Block 1166, lot 29 - 390 Park Place - Prospect Heights Historic District**  
 A Romanesque Revival/Renaissance Revival style rowhouse built by William H. Reynolds in 1896. Application is to alter the rear facade and construct a two-story rear yard addition. Zoned R6B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1969 - Block 101, lot 2 - 41 Park Row - (Former) New York Times Building - Individual Landmark**  
 A Richardsonian Romanesque style office building designed by George B. Post, built in 1888-89, and altered by Robert Maynicke in 1903-05. Application is to install flagpoles and banners.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-5327 - Block 196, lot 9 - 416 Broadway - Tribeca East Historic District**  
 A Renaissance Revival style store and office building designed by Jordan & Giller, and built in 1898-99. Application is to legalize the installation of rooftop addition

without Landmarks Preservation Commission permits, and the installation of storefront infill in non-compliance with Certificate of Appropriateness 06-3975.

**BINDING REPORT**  
**BOROUGH OF MANHATTAN 09-8755 - Block 197, lot 1 - 87 Lafayette Street - Fire House Engine Company 31 - Individual Landmark**  
 A French Renaissance Eclectic style fire house built in 1895. Application is to install doors and a marquee.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-0301 - Block 530, lot 56 - 24 Bond Street - NoHo Historic District Extension**  
 A Renaissance Revival style store and loft building designed by Buchman & Deisler, and built in 1893. Application is to legalize the installation of sculpture and painting the storefront and facade without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1601 - Block 573, lot 23 - 38 West 10th Street - Greenwich Village Historic District**  
 An Anglo-Italianate style rowhouse, attributed to the architect James Renwick Jr., and built in 1856. Application is to install ironwork at the areaway.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1847 - Block 645, lot 44 - 21-27 9th Avenue - Gansevoort Market Historic District**  
 A row of four Greek Revival rowhouses, built circa 1844-1846 and altered in the 1880's and 1920's. Application is to construct a rooftop addition, alter a canopy, and install new storefront infill and signage. Zoned M1-5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-2175 - Block 474, lot 60 - 74 Grand Street - SoHo-Cast Iron Historic District**  
 A neo-Grec style loft building designed by George DaCunha, and built in 1886-86. Application is to demolish the building and dismantle and store the cast iron facade for future reinstallation. Zoned M1-5B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1595 - Block 717, lot 62 - 436 West 20th Street - Chelsea Historic District Extension**  
 A Greek revival style townhouse built in 1835. Application is to construct rooftop additions, remove a fire escape, and apply decorative finishes. Zoned R7-B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1612 - Block 1029, lot 27 - 205 West 57th Street - The Osborne Apartments- Individual Landmark**  
 A Romanesque Revival style apartment building designed by James Edward Ware and built in 1883-85, with additions constructed in 1889 and 1906. Application is to alter a penthouse. Zoned C6-6.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-2111 - Block 1028, lot 47 - 244 West 57th Street - A.T. Demarest & Co. and Peerless Motor Car Co Buildings-Individual Landmark**  
 A neo-Gothic and neo-Romanesque style office and showroom building designed by Francis H. Kimball, and built in 1909. Application is to enlarge window openings.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-6120 - Block 1121, lot 8 - 61 West 68th Street - Upper West Side/Central Park West Historic District**  
 A Renaissance Revival/Queen Anne style rowhouse designed by Francis A. Minuth, and built in 1891-1892. Application is to legalize the construction of a one-story rooftop addition without Landmarks Preservation Commission permits. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1143 - Block 1141, lot 36 - 104 West 70th Street - Upper West Side/Central Park West Historic District**  
 A Beaux-Arts style hotel building designed by Israels and Harder, and built in 1903-04. Application is to install lot line windows.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-2211 - Block 1124, lot 5 - 59 West 71st Street - Upper West Side/Central Park West Historic District**  
 A neo-Renaissance style apartment building designed by George F. Pelham, and built in 1924. Application is to enlarge a penthouse. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 08-8421 - Block 1126, lot 7502 - 54 West 74th Street aka 289-295 Columbus Avenue - Upper West Side/Central Park West Historic District**  
 A neo-Renaissance style dry-goods building designed by George H. Griebel, and built in 1902-03. Application is to construct a rooftop addition. Zoned C1-8A.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-8630 - Block 1146, lot 1002 - 102 West 75th Street - Upper West Side-Central Park West Historic District**  
 A Renaissance/Romanesque Revival style flats building designed by Gilbert A. Schellenger, and built in 1891-92. Application is to install aluminum windows.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 10-1312 - Block 1389, lot 1 - 930 Fifth Avenue - Upper East Side Historic District**  
 A Classicizing Modern style apartment building designed by Emery Roth & Sons, and built in 1940. Application is to amend a master plan governing the future replacement of windows (Certificate of Appropriateness 85-0080).

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-7932 - Block 1400, lot 115 - 872 Lexington Avenue - Upper East Side Historic District**  
 A multiple dwelling built in 1871-72 and later altered. Application is to install storefront infill.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN 09-8756 - Block 1383, lot 1 - 781 Fifth Avenue - The Sherry Netherland Hotel-Individual Landmark**  
 A hotel designed by Schultze & Weaver and built in 1926-27. Application is to amend (Certificate of Appropriateness 90-0014) for a master plan governing the future installation of windows.



**EDUCATION**

**DIVISION OF CONTRACTS AND PURCHASING**

■ SOLICITATIONS

*Goods*

**TICKET TO READ EDUCATIONAL SOFTWARE** – Competitive Sealed Bids – PIN# B1257040 – DUE 10-08-09 AT 5:00 P.M. – If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the bid number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to KRobbin@schools.nyc.gov with the bid number and title in the subject line of your e-mail.  
Bid opening: Friday, October 9th, 2009 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.*  
*Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Ida Rios (718) 935-2300 vendorhotline@schools.nyc.gov*

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**FINANCIAL INFORMATION SERVICES AGENCY**

■ INTENT TO AWARD

*Services (Other Than Human Services)*

**SOFTWARE/HARDWARE MAINTENANCE** – Negotiated Acquisition – Available only from a single source - PIN# 12710EX00008 – DUE 09-28-09 AT 10:00 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.*  
*Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603. Susan Chee (212) 857-1112, schee@fisa.nyc.gov*

☛ s21-25

**HEALTH AND HOSPITALS CORPORATION**

**The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.**

j1-d31

■ SOLICITATIONS

*Goods & Services*

**ANNUAL SERVICE CONTRACT FOR SERVICE AND REPAIR OF MEDICAL AND LABORATORY REFRIGERATOR** – Competitive Sealed Bids – PIN# 22210022 – DUE 10-05-09 AT 4:00 P.M. – There will be a mandatory site visit on 9/21/2009 and 9/28/2009 at 11:00 A.M. Please meet at Lincoln Hospital, 234 East 149th Street, 2nd Fl., 2A2, Purchasing Dept., Bronx, NY 10451.

*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.*  
*Lincoln Hospital Center, 234 East 149th Street, Bronx, New York 10451. Edwin Iyasere (718) 579-5106, edwin.iyasere@nychhc.org*

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**HOMELESS SERVICES**

**OFFICE OF CONTRACTS AND PROCUREMENT**

■ SOLICITATIONS

*Human/Client Service*

**TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

*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 Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmzmoira@dhs.nyc.gov*

j12-24

**HOUSING AUTHORITY**

■ SOLICITATIONS

*Construction/Construction Services*

**GROUNDS IMPROVEMENTS AT STAPLETON HOUSES** – Competitive Sealed Bids – PIN# GD9012079 – DUE 10-13-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

*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.*  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

☛ s21-25

**ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICE FOR FOURTEEN (14) ELEVATORS AT SEDGWICK HOUSES** – Competitive Sealed Bids – PIN# EV9007159 – DUE 10-07-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

*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.*  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

s17-23

**REQUIREMENTS CONTRACT FOR SPRAY FOAM ROOFING AT VARIOUS DEVELOPMENTS, BROOKLYN AND STATEN ISLAND** – Competitive Sealed Bids – PIN# RF9009018 – DUE 09-30-09 AT 11:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

*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.*  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

s17-23

**REQUIREMENTS CONTRACT FOR SPRAY FOAM ROOFING AT VARIOUS DEVELOPMENTS, BRONX AND QUEENS** – Competitive Sealed Bids – PIN# RF9009124 – DUE 09-28-09 AT 11:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

*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.*  
*Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov*

s15-21

**JUVENILE JUSTICE**

■ SOLICITATIONS

*Human/Client Service*

**PROVISION OF NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

*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 Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov*

jj1-d16

**PARKS AND RECREATION**

**REVENUE AND CONCESSIONS**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**DEVELOPMENT, MAINTENANCE, AND OPERATION OF AN INDOOR SPORTS FACILITY AND CLUBHOUSE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R30-IT – DUE 11-17-09 AT 3:00 P.M. – At Willowbrook Park in Staten Island.

*There will be a recommended on-site proposer meeting and site tour on Wednesday, October 14, 2009 at 1:00 P.M. We will be meeting at the proposed concession site, which is located on the south side of Eaton Place off of Richmond Avenue, Staten Island. We will be meeting in front of the tennis courts. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour.*

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

*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.*  
*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-3495, evan.george@parks.nyc.gov*

s8-21

**OPERATION OF A T-SHIRT CONCESSION** – Competitive Sealed Bids – PIN# M10-M53-TS – DUE 10-09-09 AT 11:00 A.M. – At locations in Central Park and Theodore Roosevelt Park, Manhattan. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

*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.*  
*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Glenn Kaalund (212) 360-1397, glenn.kaalund@parks.nyc.gov*

s14-25

**TRANSPORTATION**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**OPERATION OF THE FERRY HOUSE CAFE AT EAST RIVER PIER II** – Competitive Sealed Bids – PIN# 84110MNAD444 – DUE 10-14-09 AT 2:00 P.M. Pursuant to §1-12 of the Rules of the Franchise and Concession Review Committee, DOT's Office of Franchises, Concessions and Consents is soliciting bids for the operation of the Ferry House Cafe located at East River Pier 11, also known as the Wall Street Ferry Pier, in the Borough of Manhattan. The successful bidder will also have the option of (a) installing and operating a kiosk on the Pier and/or (b) placing a limited number of tables and chairs on the Pier (collectively referred to as the "Optional Facilities"). The Solicitation Number is 84110MNAD444 (please use in all correspondence regarding this concession). The initial term of the License will be three years, with two three-year renewal options to be exercised at the sole discretion of DOT.

There will be a pre-bid conference/site visit on September 30, 2009 at 11:00 A.M. at East River Pier 11, N.Y., N.Y.

Attendees are asked to RSVP. Attendance by bidders is optional but strongly recommended. The Authorized Department Contact is Owiso Makuku, (212) 839-6550, Fax: (212) 839-4834. Email: concessions@dot.nyc.gov All inquiries should be submitted in writing and will be answered in writing.

*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, ACCO Contract Management Unit, 55 Water Street, New York, NY 10041. Owiso Makuku (212) 839-6575, omakuku@dot.nyc.gov*

s14-25

**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” 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.**

**FINANCIAL INFORMATION SERVICES AGENCY**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**PUBLIC HEARING** in the matter of a proposed contract between the Financial Information Services Agency of the City of New York (“FISA”) and International Business Machines Corp., 590 Madison Ave., New York, NY 10022, for The City of New York’s Software/Hardware Maintenance Services. The estimated contract amount is \$5,586,057.18. The contract term shall be for one (1) year from October 1, 2009 to September 30, 2010. PIN#: 12710EX00008.

The proposed contractor has been selected by Negotiated Acquisition Extension Procurement, pursuant to Section 3-04 (2) (iii) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of FISA, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603 (between Ninth and Tenth Avenues), on business days, from September 21, 2009 to September 24, 2009, excluding Holidays, from 9:30 A.M. to 4:30 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 FISA within five (5) business days after publication of this notice. Written requests to speak should be sent to the attention of Susan Chee via email: [schee@fisa.nyc.gov](mailto:schee@fisa.nyc.gov), by fax: (212) 857-1004, Attn Susan Chee or by U.S. Mail: FISA, Attn: Susan Chee - 4L, 450 West 33rd Street, NY, NY 10001.

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## AGENCY RULES

### HOUSING PRESERVATION AND DEVELOPMENT

#### NOTICE

#### Notice of Proposed Rules

Notice of Opportunity to Comment on Proposed Rules Governing Tax Exemption under §420-c, 421-a, 421-b, 421-g and 489 of the Real Property Tax Law

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Housing Preservation and Development by §1802 (6)(c) and in accordance with the requirements of §1043 of the New York City Charter that the Department of Housing Preservation and Development intends to modify the rules governing tax exemption under §§420-c, 421-a, 421-b, 421-g and 489 of the Real Property Tax Law of the State of New York. Additions to the rules are underlined and proposed deletions are [bracketed].

Written comments regarding these rules may be sent to the Department of Housing Preservation and Development, Attention: Elaine R. Toribio, TIP Director, 100 Gold Street, Room 3-Z1, New York, New York 10038, on or before. A public hearing shall be held from 9:00 A.M. to 12:00 P.M. on October 26, 2009 at 100 Gold Street, 9th floor, Room 9-P10, New York, New York 10038. Persons seeking to testify are requested to notify the TIP Director at the foregoing address. Written comments and an audiotape 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 TIP Director.

The proposed rule amendments were included in HPD's 2009-10 Regulatory Agenda.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are requested to notify the TIP Director at the foregoing address by October 10, 2009.

Material to be added is underlined. Material to be deleted is [brackets].

Section one. Title 28 of the Rules of the City of New York is amended by adding a new chapter 37 to read as follows:

#### CHAPTER 37

##### Revocation of Tax Benefits

**§37-01 Definitions.** As used in this chapter, the following terms shall have the following meanings:

**Administrative Code.** "Administrative Code" shall mean the Administrative Code of the City of New York.

**Application.** "Application" shall mean, collectively, any application for Tax Benefits submitted to HPD and all documents submitted therewith.

**Assistant Commissioner.** "Assistant Commissioner" shall mean an Assistant Commissioner of HPD who has jurisdiction over Tax Benefit programs or such other person as may be designated in writing by the Commissioner of HPD.

**Cause.** "Cause" shall mean any Violation, Misrepresentation, Omission, Failure, or Discrimination, without regard to the date upon which HPD discovers such Violation, Misrepresentation, Omission, Failure, or Discrimination.

**Cause Date.** "Cause Date" shall mean the first date upon which any Cause occurred, without regard to the date upon which such Cause was discovered by HPD.

**Comments.** "Comments" shall mean any written comments and/or information that the Taxpayer submits to HPD during the Comment Period regarding the alleged Cause for Revocation of a Tax Benefit.

**Comment Period.** "Comment Period" shall mean a period specified in the Initial Notice during which the Taxpayer may submit Comments to HPD.

**Cure Agreement.** "Cure Agreement" shall mean an agreement with a Taxpayer (i) requiring such Taxpayer to cure a Cause for Revocation, and (ii) providing that the Tax Benefit will remain in place if the Taxpayer and any successors or assigns comply with all of their respective obligations thereunder; provided, however, that such agreement may provide for the partial or temporary Revocation of a Tax Benefit in the event of a partial cure or a cure that does not rectify a period of non-compliance.

**Determination Notice.** "Determination Notice" shall mean a written notice from HPD to the Taxpayer delivered after the Hearing or, if there is no Hearing, after the Comment Period stating the determination of the Assistant Commissioner regarding whether a Tax Benefit will be Revoked or will remain in effect. Any Determination Notice stating that a Tax Benefit will be Revoked shall specify the Revocation Date.

**DHCR.** "DHCR" shall mean the Division of Housing and Community Renewal of the State of New York or any successor agency.

**Discrimination.** "Discrimination" shall mean the direct or indirect denial to any person of any housing accommodations in the Property receiving the Tax Benefit, or any of the privileges or services incident to occupancy of such housing accommodations, in violation of any local, state or federal law prohibiting discrimination on the basis of race, color, creed, national origin, gender, sexual orientation, disability, marital status, age, religion, alienage or citizenship status, or the use of, participation in, or eligibility for a governmentally funded housing assistance program, including, but not limited to, the section 8 housing voucher program and the section 8 housing certificate program, 42 U.S.C. 1437 et. seq., or the senior citizen rent increase exemption program, pursuant to either chapter seven or section five hundred nine of title twenty-six of the Administrative Code; provided however, that "Discrimination" shall not include any act for which the applicable Law does not permit the Revocation of the Tax Benefit. The term "disability" as used in this subdivision shall have the meaning set forth in §8-102 of the Administrative Code.

**DOF.** "DOF" shall mean the Department of Finance of the City of New York or any successor agency.

**Expiration Date.** "Expiration Date" shall mean the date upon which a Tax Benefit would expire pursuant to applicable Law.

**Factual Issue.** "Factual Issue" shall mean one or more issues of fact which, if resolved in favor of the Taxpayer, would require the conclusion that Cause for Revocation does not exist.

**Failure.** "Failure" shall mean the failure to (i) keep, preserve or make available upon request by HPD any Records required to be kept and maintained pursuant to § 37-07 herein or pursuant to any other provision of this title or any Law, (ii) appear before HPD at any time or place named in a summons, or (iii) give testimony under oath as may be relevant or material to HPD's inquiry relating to a Tax Benefit.

**Hearing.** "Hearing" shall mean an administrative hearing regarding one or more Factual Issues to determine whether there is Cause to revoke a Tax Benefit, at which administrative hearing the Taxpayer may be represented by counsel and may present witnesses and other evidence.

**Hearing Notice.** "Hearing Notice" shall mean a written notice from HPD to the Taxpayer stating the date, time, and location of a Hearing, identifying one or more Factual Issues to be addressed at such Hearing, and informing the Taxpayer that he or she may be represented by counsel and may present witnesses and other evidence at such Hearing.

**Hearing Officer.** "Hearing Officer" shall mean a person designated by HPD.

**HPD.** "HPD" shall mean the Department of Housing Preservation and Development of the City of New York or any successor agency.

**Initial Notice.** "Initial Notice" shall mean a written notice from HPD to the Taxpayer stating the intention to Revoke a Tax Benefit for Cause and the proposed Revocation Date, identifying the Property and Tax Benefit affected, briefly describing the alleged Cause for Revocation of such Tax Benefit, stating the Comment Period, and providing an address for the submission of Comments during the Comment Period.

**Law.** "Law" shall mean, collectively, the Real Property Tax Law, any provision of the Administrative Code enacted pursuant thereto, and any rule of the City of New York promulgated pursuant thereto.

**Misrepresentation.** "Misrepresentation" shall mean the submission of an Application which contains incorrect, misleading or fraudulent information.

**Omission.** "Omission" shall mean the submission of an Application which omits material information.

**Pre-Hearing Notice.** "Pre-Hearing Notice" shall mean a written notice from HPD to the Taxpayer stating (i) that the Taxpayer may request a Hearing prior to Revocation regarding one or more Factual Issues identified in such notice, (ii) the date by which such written request must be received by HPD, and (iii) an address for the submission of such written request.

**Property.** "Property" shall mean the real property receiving a Tax Benefit, including the land and all improvements thereon.

**Records.** "Records" shall mean all books, papers, records or other data which may be relevant or material to any Application or Tax Benefit, including an annual schedule of rents for each dwelling unit in the Property where so required by the Law governing any Tax Benefit.

**Revocation or Revoke.** "Revocation" or "Revoke" shall mean any partial or total suspension, reduction, termination or revocation of any Tax Benefit which takes effect as of a date which precedes the Expiration Date of such Tax Benefit.

**Revocation Date.** "Revocation Date" shall mean the date as of which HPD proposes to Revoke, or does Revoke, a Tax Benefit. The Revocation Date may be upon such date as HPD may determine, but shall not precede the Cause Date.

**Tax Benefit.** "Tax Benefit" shall mean any exemption from or abatement of real property taxation pursuant to Law with respect to which HPD makes determinations of eligibility.

**Taxpayer.** "Taxpayer" shall mean (i) the individual or entity located at the address to which DOF sends tax bills for the

applicable Property, (ii) any current holder of fee title to such Property whose interest is clearly recorded in the office of the City Register in the applicable borough, and (iii) any current mortgagee of such Property whose mortgage interest in such Property is clearly recorded in the office of the City Register in the applicable borough.

**Violation.** "Violation" shall mean any non-compliance with applicable Law.

#### §37-02 Revocation of Tax Benefits for Cause.

(a) HPD may Revoke a Tax Benefit for Cause at any time through the procedure set forth in this section.

(b) HPD shall deliver an Initial Notice to the Taxpayer by the method provided herein for delivery of notices.

(c) The Taxpayer may submit Comments to HPD during the Comment Period. HPD may thereafter meet with such Taxpayer if such Comments contain either (i) credible evidence that a Factual Issue exists, or (ii) a proposed cure for the alleged Cause for Revocation which HPD determines may be reasonably practicable.

(e) If HPD determines that the alleged Cause for Revocation of the Tax Benefit is curable and that the Taxpayer has proposed a practicable cure, HPD may enter into a Cure Agreement with such Taxpayer. HPD may require the Taxpayer to record any such Cure Agreement against the Property receiving such Tax Benefit.

(f) If HPD does not enter into a Cure Agreement with the Taxpayer and either receives no Comments during the Comment Period or determines after reviewing such Comments that there is no Factual Issue concerning the Cause for Revocation, HPD shall deliver a Determination Notice to the Taxpayer by the method provided herein for delivery of notices stating that the Tax Benefit has been Revoked as of the Revocation Date set forth therein.

(g) If HPD determines that a Factual Issue exists, HPD shall deliver a Pre-Hearing Notice to the Taxpayer by the method provided herein for delivery of notices.

(h) If the Taxpayer requests a Hearing, HPD shall schedule a Hearing and shall deliver a Hearing Notice to the Taxpayer by the method provided herein for delivery of notices. Notwithstanding any provision of these rules to the contrary, a Taxpayer may waive its right to a Hearing.

(i) At the Hearing, the Taxpayer will have an opportunity to present witnesses and other evidence regarding any Factual Issue specified in the Hearing Notice.

(j) Upon conclusion of any Hearing, the Hearing Officer shall issue a written report containing findings regarding the Factual Issue(s) and a recommendation regarding whether or not the Tax Benefit should be Revoked.

(k) The Hearing Officer shall forward such report and recommendation, together with the record of the Hearing, to the Assistant Commissioner.

(l) The Assistant Commissioner shall review the report and recommendation of the Hearing Officer, shall determine whether or not the Tax Benefit should be Revoked and shall thereafter deliver a Determination Notice to the Taxpayer by the method provided herein for delivery of notices.

**§37-03 Requirements of Law Survive Revocation.** The Revocation of a Tax Benefit pursuant to this chapter shall not exempt any housing accommodations in the applicable Property from continued compliance with the requirements of the Law pursuant to which such Tax Benefit was granted, including, but not limited to, any provision of such Law regarding rent control or rent stabilization. Such housing accommodations shall be operated in compliance with such requirements of such Law until the Expiration Date or for such longer period as may be specified by Law.

**§37-04 Rent Stabilization.** At any Hearing, the information contained in DHCR's database shall be definitive evidence of whether any housing accommodations have been registered with DHCR.

**§37-05 Notices.** HPD shall deliver all Initial Notices, Pre-Hearing Notices, Hearing Notices, and Determination Notices to the Taxpayer by mail to (i) the address to which DOF delivers real property tax bills, and (ii) the last address indicated in documents recorded in the office of the City Register for any Taxpayer holding fee title to or a mortgage on the Property that is the subject of such notice. Any such notice shall be deemed to have been given upon the third day after such notice has been deposited in the United States mail.

**§37-06 Voluntary Withdrawal.** A Taxpayer shall not voluntarily surrender, terminate, or cause the Revocation of a Tax Benefit without the prior written consent of HPD. HPD shall not consent to any voluntary surrender, termination, or Revocation of Tax Benefits unless:

(a) no housing accommodations on such Property have been rented to residential tenants on or before the date of the granting of such consent and the owner repays, with all interest accrued thereon, all taxes which would have been owed in the absence of the Tax Benefit; or

(b) such Property is the subject of a regulatory agreement with or approved by HPD and begins receiving an exemption from or abatement of real property taxation pursuant to another statute not later than one week following such voluntary surrender, termination, or Revocation of the Tax Benefit.

**§ 37-07 Record Keeping, Subpoenas and Oaths.** For any Application granted on or after October 1, 2009, the Taxpayer shall keep and maintain all Records until the Expiration

Date and shall make such Records available for inspection by HPD upon written request therefor. For any Application granted before October 1, 2009, the Taxpayer shall keep and maintain all Records required by the Law pursuant to which the Tax Benefit was granted or by any other applicable law or rule. At any time subsequent to the filing of an Application and prior to the Expiration Date of any Tax Benefit, HPD may (i) examine any Records, and (ii) summon any person, including, but not limited to, the Taxpayer or an officer, director, member or employee of the Taxpayer, or any person having, or having had, possession, custody or control of Records requested or granted, or any person or firm that participated in the construction, conversion or rehabilitation of the Property that requested or was granted the Tax Benefit, to appear before HPD at the time or place designated in the summons or to produce such Records, and to give such testimony under oath as may be relevant or material to the Tax Benefit requested or granted.

§2. Subparagraph (ii) of paragraph (3) of subdivision (f) of Section 5-03 of Chapter 5 of Title 28 of the Rules of the City of New York is amended to read as follows:

(ii) As specified in Section 37-03, [R]rent regulation shall not be terminated by the waiver or revocation of tax benefits.

§3. Section 5-07 of Chapter 5 of Title 28 of the Rules of the City of New York is amended to read as follows:

§5-07 [Record Keeping:] Revocation of Tax Exemption/Tax Abatement for Failure to Substantiate Claimed Costs and Declaratory Rulings.

(a) [Subpoenas, oaths, books and records. For the purpose of determining the correctness of any application or certificate, the Commissioner may:

(1) Examine any books, papers, records or other data which may be relevant or material to such inquiry;

(2) Summon any person, including the owner or an officer or any employee of the owner, or any person having possession, custody or care of books, papers or records relating to the correctness of the application, to appear before the Commissioner or his designate at any time or place named in the summons or to produce such books, papers, records or other data and to give such testimony under oath, as may be relevant or material to such inquiry; and

(3) Take such testimony under oath as may be relevant to such inquiry.] Reserved.

(b) [Retention of books and records. All books, records and documents listed in §5-05, together with all other documents, which in accordance with generally accepted auditing standards, may be used to substantiate entries in the applicant's books and records shall be kept at all times available for inspection by the Office and shall be retained for a period of at least three years from the date on which an applicant collects a Certificate of Eligibility except that (1) where an audit has been initiated and a final determination has not been rendered, such records shall be retained until such determination has been made and (2) where an applicant has entered into an installment arrangement with respect to payment for work comprising all or a part of the project, such records shall be retained until the later of (i) three years from the date on which the applicant collects the Certificate of Eligibility and (ii) one year following payment in full for the work comprising the project.] Reserved

(c) [On-going program review. To ensure that the Office will have sufficient current data to properly evaluate the program of tax exemption and tax abatement and effectively administer the program, the Office may, during the period of tax exemption and abatement, require owners to submit rental data, construction data and such other information as the Office deems necessary to carry out the functions delegated to it pursuant to the Act.] Reserved.

(d) [Preservation and inspection of records. Records of each application shall be maintained by the Office. Records of approved applications are available for inspection and copying upon prior written request to the Office. Copies of records are available upon payment in advance of twenty-five cents (\$.25) per page.] Reserved.

(e) Revocation or reduction of tax exemption and tax abatement for failure to substantiate claimed costs. All applications are subject to post-audit by HPD.

(1) In addition to the bases for revocation of tax benefits provided in chapter thirty-seven of this title, the Commissioner may[, after notice pursuant to §5-07(g),] reduce or revoke past or future tax exemption or tax abatement if he or she finds that the application for tax exemption or tax abatement, including all affidavits submitted in connection with the application, contains a false statement or false information as to a material matter or omits a material matter relating to claimed costs. It is the responsibility of the recipient of the benefits, whether the original applicant or any subsequent owner, including any condominium or cooperative, to document all claimed costs in a manner acceptable to HPD and in accordance with generally accepted auditing standards so that original checks or such other proof of payment as the Office shall require can be properly matched against the items on the Itemized Cost Breakdown Schedule and so that the auditors may examine original documentation for the cost of all supplies and the cost of all subcontracts. If[, after notice of an opportunity to be heard and a request to produce documentation of claimed costs,] a recipient of tax benefits hereunder fails to substantiate claimed costs to the satisfaction of HPD, the CRC shall be reduced or revoked as applicable. In the event that HPD determines on the basis of the total available evidence that the application contains a false statement or false information as to a material matter, or omits a material matter, relating to claimed costs, all benefits hereunder shall be revoked.

(2) Tax benefits will not be revoked for failure to substantiate the amount of claimed costs after the expiration of three years from the date on which the applicant collects the Certificate of Eligibility from the Office, except that (1) where an audit has been initiated within the three-year period, but a final determination has not been rendered, or (2) where the applicant has not made payment in full for the work comprising the project within two years after the applicant has collected the Certificate of Eligibility, then such benefits may be revoked subsequent to such three year period.

(3) [Tax benefits may be revoked in whole or in part at any time during the tax benefit period if there has been fraud or misrepresentation or for any violation of the Act or this chapter.] All books, records and documents, which in accordance with generally accepted auditing standards, may be used to substantiate entries in the applicant's books and records relating to claimed costs, shall be kept at all times available for inspection by the Office and shall be retained for a period of at least three years from the date on which an applicant collects a Certificate of Eligibility except that (1) where an audit has been initiated and a final determination has not been rendered, such records shall be retained until such determination has been made and (2) where an applicant has entered into an installment arrangement with respect to payment for work comprising all or a part of the project, such records shall be retained until the later of (i) three years from the date on which the applicant collects the Certificate of Eligibility and (ii) one year following payment in full for the work comprising the project.

(4) If an institutional lender has become a successor in interest to the original owner of such building or structure, and, after diligent efforts to obtain original contracts, checks and other records normally reviewed by the Office to verify claimed costs, is unable to obtain part or all of such records, the Office shall permit the substitution, in whole or in part, of documentation certified by the institutional lender pursuant to the mortgage loan to finance such alterations or improvements along with such other documentation as the Office may require.

(5) The revocation of tax exemption and/or abatement for failure to substantiate claimed costs hereunder shall be conducted in accordance with the procedures established pursuant to chapter thirty-seven of this title. Notwithstanding the foregoing, if, after HPD delivers an Initial Notice in accordance with chapter thirty-seven of this title, the Taxpayer fails to submit documentation to substantiate claimed costs during the Comment Period as defined in such Initial Notice, HPD shall deliver a Determination Notice to the Taxpayer in accordance with such chapter.

(f) [Additional grounds for revocation. The Commissioner of the Department of Finance or the Commissioner of the Department of Housing Preservation and Development shall withdraw tax exemption and tax abatement granted to a building pursuant to the Act upon the happening of any of the following events:

(1) The building is operated for commercial or hotel or transient hotel use as indicated by, but not limited to, a lease or agreement for occupancy for periods of less than one year. Revocation shall be effective from the first tax period the prohibited use began.

(2) The real estate taxes and other charges having tax lien status with respect to the building (and land) total \$1,000 or more and remain unpaid for one year after the same are due and payable to the City and the applicant or his or her predecessor in title has not entered into an installment agreement with the City which provides for the payment of delinquent taxes, assessments or other legal charges pursuant to §11-401 et seq. of the Administrative Code or has entered into an installment agreement but all payments required by said installment agreement have not been paid when due.

(3) The building ceases to be subject to the rent regulatory provisions of law set forth in §5-03(f)(1), unless the building is exempt from such provisions pursuant to §5-03(f)(2).

(4) During the periods prescribed by §5-07(b), the owner of any building receiving tax exemption or tax abatement, or any employee or agent of such owner, fails to appear and produce books, papers, records or other data required by §5-07(a) after being duly summoned to appear.

(5) Benefits granted hereunder shall not be withdrawn if within thirty (30) days after notice of a breach or omission pursuant to §5-07(g), the purported breach or omission has been cured or the owner has established to the satisfaction of the Office or the Department of Finance that it did not occur.] Reserved.

(g) [Notice of revocation or reduction. Prior to revocation or reduction of tax exemption and tax abatement hereunder, notice of the breach or omission shall be given either by the Office or by the Department of Finance to the applicant by regular mail to the address to which the Department of Finance sends tax bills or to such other address for the applicant on record with the Department of Finance, and to the mortgagee if registered to receive tax bill from the Department of Finance. Benefits shall not be withdrawn if within thirty (30) days after notice of breach or omission the owner establishes that such breach or omission did not occur.] Reserved.

(h) [Non-discrimination. No owner of any dwelling which is receiving the benefits of the Act, nor any agent, employee, manager, or officer of such owner shall directly or indirectly deny dwelling accommodations in such property, or any of the privileges or services incident to occupancy in violation of §11-243(k) of the Administrative Code.] Reserved.

(i) Declaratory rulings. A declaratory ruling with respect to

an analysis of a specific or hypothetical site, project, fact pattern or document or an interpretation of the applicability of a specific provision of §489 of the Real Property Tax Law or §11-243 of the Administrative Code or these rules to an actual or hypothetical site, project, fact pattern or document or any other issue related to eligibility may be given in the discretion of the Office upon payment of a non-refundable fee in the amount of seven hundred fifty dollars (\$750) payable at the time such declaratory ruling is requested in writing. In no event shall a declaratory ruling bind the Office as to the overall eligibility of a project for J-51 benefits. At the discretion of the Commissioner, this fee may be waived for projects supervised or funded by HPD or any other New York City or New York State agency or instrumentality.

(j) [The Department of Finance shall use the following procedure to effect revocation and reinstatement of tax benefits for non-payment of real estate taxes:

(1) In January of each calendar year, the Department of Finance shall notify the owner of such outstanding real estate taxes (as defined in paragraph 2 of §5-07(f)) pursuant to §5-07(g) of these Rules. Following the date of this notification, the owner shall have sixty (60) days to pay such outstanding taxes. This shall constitute the first cure period.

(2) If the owner has paid such outstanding taxes during the first cure period (or entered into a valid installment agreement with the City), the tax exemption and/or abatement benefits shall continue on the property. If the owner has not paid such outstanding taxes before the expiration of the first cure period, the Department of Finance shall revoke all tax exemption and/or abatement benefits for the tax year commencing July 1 after the date of the beginning of the first cure period.

(3) Following the expiration of the first cure period, the Department of Finance shall again notify the owner of such outstanding real estate taxes (as defined in paragraph 2 of §5-07(f)) pursuant to §5-07(g) of these Rules. Following the date of this notification, the owner shall have ninety (90) days to pay such outstanding taxes. This shall constitute the second cure period.

(4) If the owner has paid such outstanding taxes during the second cure period (or entered into a valid installment agreement with the City), the Department of Finance shall, upon notification by the taxpayer, reinstate tax exemption and/or abatement benefits to the property for the tax year commencing July 1 after the date of the beginning of the first cure period. If the owner has not paid such outstanding taxes before the expiration of the second cure period, the property shall irrevocably lose all tax exemption and/or abatement benefits for such tax year, and the Department of Finance shall also revoke all tax exemption and/or abatement benefits for all tax years commencing on or after the second July 1 that follows the date of the beginning of the first cure period.

(5) Following the expiration of the second cure period, the Department of Finance shall again notify the owner of such outstanding real estate taxes (as defined in paragraph 2 of §5-07(f)) pursuant to §5-07(g) of these Rules. Following the date of this notification, the owner shall have one-hundred and eighty (180) days to pay such outstanding taxes. This shall constitute the third cure period.

(6) If the owner has paid such outstanding taxes during the third cure period (or entered into a valid installment agreement with the City), the Department of Finance shall reinstate the tax exemption and/or abatement benefits to the property for all tax years commencing on or after July 1 after the date of the beginning of the first cure period. If the owner has not paid such outstanding taxes before the expiration of the third cure period, the property owner shall irrevocably lose all J-51 tax exemption and/or abatement benefits awarded by HPD for such tax years.

(7) The Commissioner may exempt projects assisted with Substantial Governmental Assistance or projects supervised or monitored by HPD from the procedures in this subdivision by giving notice in writing to the Department of Finance, Attn: Director of Exemptions, provided, further, that projects exempted from these procedures shall continue to have tax exemption and/or abatement benefits revoked for the period of their tax delinquency for failure to pay real estate taxes pursuant to the provisions of §5-07(f)(2).

(8) All claims for reinstatement of J-51 tax exemption and/or abatement benefits resulting from revocations made prior to the effective date of these Rules must be made in writing to the Department of Finance, Property Exemption Unit, within one year of the effective date of these Rules.] Reserved.

(k) As specified in Section 37-03, [T]he revocation of benefits for noncompliance with the Act or this chapter shall not exempt any unit from continued compliance with the requirements of the Act or this chapter.

§4. Subparagraph (i) of paragraph (1) and paragraph (5) of subdivision (d) of Section 6-05 of Chapter 6 of Title 28 of the Rules of the City of New York are amended to read as follows:

(i) A sworn statement of the actual total project cost of the newly constructed building. Such actual project cost may be approved by the Department as the total project cost of such building provided all of the items comprising such actual total project cost are certified to by a certified public accountant licensed by the State of New York, and further provided that such actual total project cost does not exceed the specific costs determined by the Department pursuant to its promulgated Annual Schedule, plus any allowable abnormal, unique or special foundation costs which may be incurred. In the event that costs relating to commercial portions of the building are incomplete, an estimate of such costs may be accepted tentatively by the Office, provided a supplemental accountant's certification is provided after such costs have been determined. If additional fees are owed on

the basis of such supplemental certification, benefits are subject to revocation pursuant to chapter thirty-seven of this title if the fees are not paid. Where such costs differ from the original cost certification filed with the application for a Preliminary Certificate of Eligibility, such sworn statement shall include

(5) In the event that all the required documents are not timely filed, benefits of the Act may be revoked [pursuant to §6-07(e)(5) herein] in accordance with the procedures established pursuant to chapter thirty-seven of this title. An application shall be deemed complete when all items delineated in §6-05 have been submitted, as well as any other documents which the Office may request.

§5. Section 6-07 of Chapter 6 of Title 28 of the Rules of the City of New York is amended to read as follows:

§6-07 Reserved. [Record Keeping; Revocation of Tax Exemption; Discrimination Prohibited.

(a) *Collection of data; subpoenas; testimony.* At any time subsequent to the filing of an application and during the period of tax exemption, the Department may:

(1) Examine any books, papers, records or other data which may be relevant or material to the tax exemption requested or granted;

(2) Summon any person, including, but not limited to, the owner or an officer, director, member or employee of the owner, or any person having, or having had, possession, custody or control of books, papers or records relating to the tax exemption requested or granted, or any person or firm that participated in the construction of the building, to appear before the Commissioner or his or her designee at the time or place designated in the summons or to produce such books, papers or records or other data, and to give such testimony under oath as may be relevant or material to the tax exemption requested or granted.

(b) *Availability of books and records; revocation.* All books, records and documents required by §6-05 herein, or which relate to or support the application made pursuant to this chapter as well as an annual schedule of rents for each unit in the building, as required by §6-04(c) herein, shall be kept by the owner and made available for inspection by the Department until the expiration of the tax exemption requested or granted. Failure to make books, records or documents, including an annual schedule of rents for each unit in the building, available upon request may result in the prospective or retroactive revocation of tax exemption benefits.

(c) *Preservation of records.* The Department shall maintain a complete file of all records, documents, notices and correspondence relating to each application. Pursuant to the provisions of the Freedom of Information Law, these records shall be open to public inspection upon prior written request to the Department of Housing Preservation and Development, Freedom of Information Record Access Officer, 100 Gold Street, 9th Floor, New York, N.Y. 10038. Records are available for inspection by members of the general public and a copy of an application or any part thereof, shall be furnished to any person upon payment of the prevailing charge.

(d) *False or misleading applications; revocation.* If the applicant has furnished information which is incorrect or misleading in any substantial respect or which fails to comply with this chapter or requirements imposed by the New York State Division of Housing and Community Renewal and if the breach or omission has not been cured within the time prescribed in §6-07(h), below, the Department may revoke any Preliminary or Final Certificate of Eligibility, retroactively or prospectively.

(e) *Additional grounds for revocation.* The Commissioner of the Department of Finance or the Commissioner of the Department of Housing Preservation and Development may withdraw tax exemption granted to a building pursuant to the Act upon the happening of any of the following events:

(1) The multiple dwelling is operated primarily for commercial, hotel, or single room occupancy use. Revocation shall be effective from the first tax quarter in which the prohibited use began;

(2) The real estate taxes or water or sewer charges with respect to the building (and land) remain unpaid for one year after the same are due and payable to the City unless the applicant or his, her or its predecessor in title has entered into an installment agreement with the City which provides for the payment of delinquent taxes, assessments or other legal charges pursuant to §11-401 et seq. of the Administrative Code and all payments required by said installment agreement have been paid when due. Revocation shall be effective from the first tax quarter in which taxes were unpaid;

(3) The building ceases to be subject to the provisions of law set forth in §6-02(g)(2) unless the building is exempt from such provisions pursuant to §6-02(g)(3). Revocation shall be effective on the date of such cessation;

(4) Any person subject to be summoned by virtue of §6-07(a) fails to appear and produce books, papers, records or other data as required by said section, after being duly summoned to appear. Revocation shall be retroactive to start of construction;

(5) The applicant fails to satisfy any time requirement set forth herein. Revocation shall be retroactive to start of construction.

(6) The applicant fails to establish to the satisfaction of the Department that affordable units created to qualify a

building for the benefits of the Act which have not been transferred to a qualified not-for-profit organization are being maintained as affordable and in a habitable condition pursuant to the requirements of §6-08 herein.

(7) The multiple dwelling qualified for the benefits of the Act on the basis of Negotiable Certificates, and the Department finds that the units which were the basis for the issuance of the Negotiable Certificates which have not been transferred to a qualified not-for-profit organization are not being maintained as affordable and in a habitable condition pursuant to the requirements of §6-08 herein.

(8) The Department finds that a rental building located in the geographic exclusion area which qualified for the benefits of the Act pursuant to §6-08(b) herein has been converted to cooperative or condominium ownership prior to the expiration of the partial tax exemption.

(f) *Discrimination prohibited: revocation.* No owner of a multiple dwelling which is receiving the benefits of the Act, nor any agent, employee, manager or officer of such owner shall directly or indirectly deny to any person any of the dwelling accommodations in such property or any of the privileges or services incident to occupancy thereto in violation of the anti-discrimination provisions of §8-107 of the Administrative Code. The practice of any discrimination as described herein shall result in the revocation of benefits under the Act, retroactive to the date of such practice. Nothing contained in this subdivision (f) shall restrict such consideration in the development of housing accommodations for the lawful purpose of providing for the special needs of a particular group.

(g) *Initial occupancy of designated units not by persons of low and moderate income or not affordable; revocation.* No owner of a multiple dwelling located within the geographic exclusion area, which is receiving the benefits of the Act only because the requisite number of affordable units has been created, nor any employee, manager, or officer of such owner shall, at initial occupancy, or upon vacancy, directly or indirectly, rent such affordable unit to any person ineligible for such occupancy or, at any time during the tax benefit period, rent fewer than the number of units required by the Department pursuant to §6-08 herein at a cost affordable to persons of low and moderate income. Any such practice shall result in the revocation of benefits under the Act, retroactive to commencement of construction.

(h) *Notice and procedure upon revocation.* The Department shall serve, by ordinary mail, a Notice of Revocation or Reduction on the applicant and any subsequent owner or mortgagee, which has previously registered with the Department for the receipt of such notice, that said applicant, owner or mortgagee has furnished incorrect or misleading information of a substantial nature, or has omitted information of a material nature, or is in violation of one or more provisions of the Act or this chapter. The notice will provide a brief description of the violation alleged. The applicant, owner or mortgagee shall have ninety (90) days to cure the violation or, alternatively, may request an informal hearing within thirty (30) days from the date of the notice to rebut the allegations therein. Upon the applicant's, owner's or mortgagee's failure to cure or rebut within the time prescribed, the Department shall advise the Department of Finance that a Certificate of Eligibility has been revoked or that the amount of exemption is to be reduced. The Department of Finance shall retroactively or prospectively withdraw or reduce tax exemption granted to an eligible multiple dwelling. In the case of a retroactive revocation, the Department of Finance shall reinstate the amount of taxes which have been exempted and charge interest at the rate prescribed by the Administrative Code to be calculated from the day on which such taxes would have been payable but for the exemption.]

§6. Subparagraph (i) of paragraph (2) of subdivision (e) of Section 6-08 of Chapter 6 of Title 28 of the Rules of the City of New York is amended to read as follows:

(i) In the event ownership of the affordable units is retained by a for-profit owner, the owner of the building receiving the benefits of the Act as a result of satisfaction of the requirements of this section shall have the ongoing responsibility for insuring the continuing maintenance and operation of the affordable units in a habitable condition. Should an owner fail to maintain such units as affordable or in a habitable condition, [pursuant to §6-07(e)(6), (7) and (8) of this chapter,] benefits of the Act received by the multiple dwelling located in the geographic exclusion area shall be revoked retroactive to the start of construction. [Upon receipt of a Notice of Revocation pursuant to §6-07(h) of this chapter, the owner shall have a ninety day period to cure such violation.] Such revocation shall be conducted in accordance with the procedures established pursuant to chapter thirty-seven of this title.

§7. Paragraph (4) of subdivision (b) of Section 6-09 of Title 28 of the Rules of the City of New York is amended to read as follows:

(4) [In addition to the grounds for revocation provided pursuant to §6-07 of this chapter, the Commissioner of the Department of Finance or the Commissioner of the Department of Housing Preservation and Development may withdraw tax exemption granted to a building pursuant to the Act, retroactively or prospectively, upon its failure to comply with any of the provisions of this §6-09.] Reserved.

§8. Section 7-04 of Chapter 7 of Title 28 of the Rules of the City of New York is amended to read as follows:

§ 7-04 [Revocation of Tax Exemption.

(a) False or misleading application. If the applicant has furnished information which is incorrect or misleading in any substantial respect or which fails to comply with these regulations and if the breach or omission has not been cured

within ninety (90) days, or such lesser time as may be designated by the Office, after notice has been given to the applicant and any subsequent owner or mortgagee of the private dwelling registered with the Office, the Office shall revoke a Preliminary or Final Certificate of Eligibility.

(b) Failure to complete within required time. If the applicant fails to complete construction or reconstruction within the time provided in paragraph (2) of § 7-03(b), the Office shall revoke a Preliminary Certificate of Eligibility.

(c) Non-conforming use. If the Office determines that a private dwelling is not being used for residential purposes at any time after two years of tax exemption received pursuant to these regulations, the Office shall revoke a Preliminary or Final Certificate of Eligibility.

(d) Procedure upon revocation. The Office shall advise the Department of Finance that a Preliminary or Final Certificate of Eligibility has been revoked. The Department of Finance shall prospectively withdraw tax exemption granted to an eligible project unless revocation occurred pursuant to § 7-04(a) in which case the Department of Finance shall reinstate the amount of taxes which have been exempted, together with interest, at the rate of fifteen (15%) percent per annum to be calculated from the day on which such taxes would have been payable but for the exemption.

(e) Criminal penalties. In addition to revocation of tax exemption, applicants who submit applications which contain false statements or false information may be subject to criminal penalties as provided in Article 175 of the Penal Law] Reserved.

§9. Paragraph (3) of subdivision (d) of Section 31-04 of Chapter 31 of the Rules of the City of New York is amended to read as follows:

(3) Notwithstanding the issuance of a Certificate of Eligibility, the tax exemption may be revoked or revised pursuant to [§ 31-06 of these rules] chapter thirty-seven of this title.

§10. Section 31-06 of Chapter 31 of Title 28 of the Rules of the City of New York is amended to read as follows:

§ 31-06 [Record Keeping; Revocation of Tax Exemption]Fees and Declaratory Rulings.

(a) [Subpoenas, Oaths, Books and Records. For the purpose of ascertaining the correctness of any application, the Commissioner may: (1) examine any books, papers, records or other data which may be relevant or material to such inquiry; (2) summon any person, including the owner or an officer or any employee of the owner, or any person having possession, custody or care of books, papers or records relating to the correctness of the application, to appear before the Commissioner or his or her designee at the time or place named in the summons or to produce such books, paper, records or other data and to give such testimony under oath, as may be relevant or material to such inquiry; and (3) take such testimony under oath as may be relevant to such inquiry.] Reserved.

(b) [Retention of Books and Records. All books, records and documents listed in § 31-04, together with all other documents which may be used to substantiate entries in the applicant's books and records shall be kept by the applicant at all times available for inspection by the Office and shall be retained for the duration of the tax exemption.] Reserved.

(c) [Preservation and Inspection of Records. Records of each application shall be maintained by the Office. Records of approved applications are available for inspection and copying upon prior written request to the Office. Copies of records are available upon payment in advance of an amount to be determined by the Office.] Reserved.

(d) [Suspension or Revocation of Tax Exemption.

(1) The Commissioner may suspend future tax exemptions if she or he finds reasonable evidence indicating that the application for tax exemption, including any substantiating documentation submitted or considered in connection with the application, contains a false statement or false information as to a material matter or omits a material matter. In the event the Commissioner determines, on the basis of the total available evidence, that the application contains false statements or false information as to a material matter or omits a material matter, all past and future benefits hereunder may be revoked.

(2) The Commissioner may revoke the tax exemption retroactively in whole or in part during the tax exemption period if there has been fraud or misrepresentation or for a failure to provide notice under § 31-06(f) hereof.

(3) The Commissioner shall revoke or revise, as applicable, tax exemptions prospectively in the event the Real Property or any portion thereof is no longer Eligible Property. An Eligible Property shall not be deemed "no longer an Eligible Property" for the purposes of this paragraph solely because the term of the Loan has expired.] Reserved.

(e) [Additional Grounds for Suspension or Revocation.

(1) The Commissioner may suspend tax exemptions prospectively in the event that the owner of the Real Property is in default under the terms of the Loan and/or the Regulatory Agreement. The suspension of tax exemption shall commence upon the date of the issuance of a notice of default from the City. In the event the default is not cured, the Commissioner shall revoke all future tax exemptions.

(2) If the Allocation Document for the Real Property submitted with the application for Certificate of Eligibility was not a United States Treasury Form 8609 of which Part I of said form has been completed by the Housing Credit



Agency, the Commissioner may revoke past and future tax exemption if the Applicant has not submitted such form 8609 within thirty-six months of the Initial Filing Date of the application. The Commissioner may revoke past and future tax exemptions if the Applicant has not submitted to the Office a Permanent Certificate of Occupancy for the Eligible Property within thirty-six months after the Initial Filing Date.] Reserved.

(f) [Owner's Notification. Throughout the period of the exemption, if there is any material change in the information upon which the Office has relied in granting the Certificate of Eligibility, the owner of the Real Property benefiting from tax exemption shall notify the Office within one month of such changes. Such notification shall be by certified mail and in a form acceptable to the Office. Such material changes shall include, but not be limited to, changes in the use of any portion of the Eligible Property as Housing Accommodations and changes in any aspect of the ownership status or management of Applicant.] Reserved.

(g) [Notice of Suspension, Revocation or Reduction. Prior to suspension, revocation or reduction of tax exemption hereunder, notice of the breach or omission shall be given by the Office to the applicant by certified mail to the address of the owner or agent duly registered on the City Collector's Owner Registration File. Benefits shall not be suspended, revoked or reduced if, within thirty days after the date of the mailing of such notice, the owner establishes that such breach or omission did not occur.] Reserved.

(h) Fees and Declaratory Rulings. [For Applications received after the effective date of these Rules, the] The Office shall charge a filing fee of one hundred (\$100) dollars per Application. In addition, there shall be a charge of eighty (\$80) dollars per Class A dwelling unit and sixty (\$60) dollars per Class B dwelling unit, as applicable, due at the time of issuance of a Certificate of Eligibility. Such fee shall be non-refundable under any circumstances, including but not limited to the subsequent revocation or revision of a Certificate. A declaratory ruling with respect to an analysis of a specific fact pattern, document or organizational structure or an interpretation of the applicability of a specific provision of the 420-c statute or Rules to an actual or hypothetical site, project, fact pattern, document or organizational structure or any other issue related to eligibility may be given by the Office upon payment of a non-refundable fee of two hundred fifty (\$250) dollars payable at the time such declaratory ruling is requested in writing. In no event shall a prior ruling bind the Office as to the overall eligibility of a project for 420-c benefits.

§11. Section 32-06 of Chapter 32 of Title 28 of the Rules of the City of New York is amended to read as follows:

§ 32-06 [Certifying Continuing Use, Record Keeping; Revocation of Tax Exemption and Abatement; Discrimination Prohibited.

(a) Certifying continuing use.

(1) For the duration of the benefit period, the recipient shall file annually with the Department, on or before the taxable status date, a certificate of continuing use. Such certificate shall be on a form prescribed by the Department. The Department shall have the recipient authority to require such information as it deems necessary to determine whether the Recipient has established continuing eligibility for benefits.

(2) The Department shall have the authority to terminate benefits pursuant to the Act upon failure of the recipient to file such certificate by the taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the Department may require that statements made in such certificate shall be made under oath.

(3) The recipient shall, on the certificate of continuing use, state whether any charges alleging violation by the recipient or any person owning substantial interest (as herein defined as ownership and control of an interest of ten per cent (10%) or more in property or any person owning a property) in the property, or any officer, director, or general partner of the recipient or person owning a substantial interest in the property, or any person for whom the recipient or person owning a substantial interest in the property is an officer, director or general partner, of § 235 of the Real Property Law or any section of Article 150 of the Penal Law or any similar arson law of another jurisdiction, are pending.

(b) Collection of data; subpoenas; testimony. At any time subsequent to the filing of an application and during the benefit period, the Department may:

(1) Examine any books, papers, records, or other data which may be relevant or material to the tax exemption requested or granted;

(2) Administer oaths to and take the testimony of any person, including, but not limited to the owner of property which is the subject of an application for a certificate of eligibility or a certificate of eligibility pursuant to the Act and issue subpoenas requiring the attendance of persons and the production of such bills, books, papers, or other documents as it shall deem necessary.

(c) Availability of books and records, revocation. All books, records and documents required by § 32-03(a) herein, or which relate to or support the application made pursuant to the Act, shall be kept by the owner and made available for inspection by the Department until the expiration of the tax benefit requested or granted. Failure to make books, records, or documents, including an annual schedule of rents for each unit in the building available upon request for the benefit period may result in the termination or revocation of tax benefits.

(d) Preservation of records. The Department shall maintain a

complete file of all records, documents, notice and correspondence relating to each application. Pursuant to the provisions of the Freedom of Information Law, these records shall be open to public inspection upon prior written request to the Department of Housing Preservation and Development, Records Access Officer, 100 Gold Street, New York, NY 10038.

(e) False or misleading documents; revocation.

(1) The Department may deny, reduce, terminate or revoke any exemption from or abatement of tax payments pursuant to the Act whenever:

(i) a recipient fails to comply with the requirements of the Act or the rules; or

(ii) an application, certificate, report or other document submitted by an applicant or recipient pursuant to the Act or these rules contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statements therein not false or misleading. The Department may declare any applicant or recipient referred to in § 32-06(e)(1)(i) or § 32-06(e)(1)(ii) of these rules to be ineligible for future benefits pursuant to the Act for the same or other property.

(2) Notwithstanding any other law to the contrary, a recipient shall be personally liable for any taxes owed pursuant to the Act whenever such recipient fails to comply with the Act or these rules, or makes such false or misleading statement or omission, and the Department determines that such act was due to the recipient's willful neglect, or that under the circumstances such act constituted a fraud on the Department or a buyer or prospective buyer of the property. The remedy herein for an action in personam shall be in addition to any other remedy or procedure for the enforcement of collection of delinquent taxes provided by any general, special or local law. Any lease provision which obligates a tenant to pay taxes which become due because of willful neglect or fraud by the recipient, or otherwise relieves or indemnifies the recipient from any personal liability arising hereunder, shall be void as against public policy except where the imposition of such taxes or liability is occasioned by actions of the tenant in violation of the lease.

(f) Additional grounds for termination or revocation. The Commissioner of Finance or the Commissioner of Housing Preservation and Development may terminate or revoke tax exemption and tax abatement granted to a building pursuant to the Act upon the happening of any of the following events:

(1) Any eligible multiple dwelling in which aggregate floor area is converted from the use authorized pursuant to the Act:

(i) where such conversion results in less than seventy-five per cent (75%) of the aggregate floor area of such property being used or held out for use for dwelling purposes, or  
(ii) where such conversion results in more than twenty-five per cent (25%) of such aggregate floor area being used or held out for use for commercial, community facility or accessory use space, or

(iii) where such conversion in a building of 100,000 square feet or more of aggregate floor area that has a certificate of eligibility for partial exemption or partial abatement pursuant to § 32-04(b)(3) of these rules results in less than fifty per cent (50%) of such aggregate floor area being used or held out for use for dwelling purposes, shall cease to be eligible for benefits as of the last date upon which the eligible multiple dwelling met the requirements of the Act and the recipient proves by clear and convincing evidence that at least seventy-five per cent (75%) of the aggregate floor area of the property was used or held out for use for dwelling purposes, or twenty-five per cent (25%) or less of the aggregate floor area of such property was used or held out for use for commercial, community facility or accessory use space, or at least fifty per cent (50%) of the aggregate floor area of such property in a building of 100,000 square feet or more which is receiving partial exemption or abatement benefits was used or held out for use for dwelling purposes, respectively. Such recipient shall pay, with interest, any taxes for which benefits were claimed after such date, including the pro-rata share of tax for which any benefits were claimed during the tax year in which the property was converted to a use not eligible for benefits pursuant to the Act. Notwithstanding the foregoing, an eligible multiple dwelling shall not be subject to termination or revocation of benefits pursuant to this paragraph (1) by reason of the conversion of the use of space therein if such conversion results from the actions of a third party unaffiliated with the recipient, the lease or occupancy agreement with such third party contains a provision prohibiting such conversion, and the recipient is actively prosecuting enforcement of such provision.

(2) If, during the benefit period, any real property tax or water or sewer charge due and payable with respect to property receiving an exemption or abatement pursuant to the Act shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all exceptions and abatements granted pursuant to the Act with respect to such property shall be revoked, unless within thirty days from the mailing of a notice of revocation by the Department of Finance satisfactory proof is presented to the Department of Finance that any and all delinquent taxes and charges owing with respect to such property as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with the Department of Finance or other appropriate agency. Any revocation pursuant to this paragraph shall be effective with respect to real property tax which became due and payable following the date of such revocation.

(3) The eligible multiple dwelling ceases to be subject to the

provisions of law set forth in § 32-05 of these rules unless the eligible multiple dwelling is exempt from such provisions. Termination shall be effective on the date of such cessation;

(4) Any person subject to be summoned by virtue of § 32-06(b) of these rules fails to appear and produce books, papers, records, or other data as required by said section, after being duly summoned to appear. Revocation shall be retroactive to start of construction;

(5) The applicant fails to file the certificate of continuing use as described in § 32-06(a) of these rules by the taxable status date of a given year. Termination of benefits shall take effect July 1 of the tax year relating to such taxable status date.

(6) Any partial exemption from or partial abatement of real property taxes granted pursuant to the Act for a non-residential building of 100,000 square feet or more of aggregate floor area shall be revoked if completion of conversion of at least seventy-five per cent (75%) of the aggregate floor area of such non-residential building has not taken place within five years of commencement of conversion. Revocation shall be retroactive to the commencement of the benefit period.

(7) If any person described in the statement required by § 32-03(a)(8) or § 32-06(a)(3) of these rules is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the recipient shall cease to be eligible for benefits pursuant to the Act and shall pay, with interest, any taxes for which benefits were claimed pursuant to the Act.

(g) Discrimination prohibited; revocation. No owner of a multiple dwelling that is receiving the benefits of the Act, nor any agent, employee, manager or officer of such owner shall directly or indirectly deny to any person any of the dwelling accommodations in such property or any of the privileges or services incident to occupancy thereto in violation of the anti-discrimination provision of § 8-107 of the Administrative Code. The practice of any discrimination as described herein shall result in the revocation of benefits under the Act, retroactive to the date of such practice. Nothing contained in this subdivision (g) shall restrict such consideration in the development of housing accommodations for the lawful purpose of providing for the special needs of a particular group.

(h) Notice and procedure upon reduction, suspension, termination or revocation. Prior to any reduction, suspension, termination or revocation of benefits under the Act, the Department shall serve, by ordinary mail, a Notice of Reduction, Suspension, Termination, or Revocation on the Eligible Multiple Dwelling, Attn: Managing Agent (or on such other person as the recipient may request in writing), stating that said recipient is in violation of one or more provisions of the Act or these rules. The notice will provide a brief description of the violation alleged. The recipient shall have ninety (90) days to cure the violation or, alternatively, may request an informal hearing within (30) days from the date of the notice to rebut the allegations therein. Upon the recipient's failure to cure or rebut within the time prescribed, the Department shall advise the Department of Finance that the recipient's certificate of eligibility has been suspended, terminated, or revoked or that the recipient's exemption or abatement has been reduced. The Department of Finance shall take such action as is necessary to execute the penalty imposed by the Department. All taxes plus interest required to be paid retroactively pursuant to the Act or these rules shall constitute a tax lien as of the date that it is determined that such taxes would have been due but for the benefits claimed pursuant to the Act at three per cent (3%) above the applicable rate of interest imposed by such city generally for non-payment of real property tax with respect to such property for the period in question] Reserved.

Statement of Basis and Purpose. HPD is responsible for making eligibility determinations for exemptions from or abatements of real property taxation pursuant to Real Property Tax Law §§ 420-c, 421-a, 421-b, 421-g and 489, provisions of the City of New York Administrative Code enacted pursuant thereto, and rules of the City of New York promulgated pursuant thereto. The proposed rule amendments standardize HPD's procedures for any partial or total revocation, reduction, termination or cancellation of such tax benefits, and ensure that HPD meets the due process rights of beneficiaries of such tax exemptions and/or abatements in implementing such procedures. These rule amendments are not intended to make any substantive changes in the eligibility requirements for these tax benefit programs nor in the continuing obligations such programs impose on taxpayers upon the revocation or termination of their tax benefits.

Commissioner Rafael E. Cestero  
September 21, 2009

■ s21

## PARKS AND RECREATION

### ■ NOTICE

#### Notice of Opportunity to Comment on Proposed Rules Regarding the Regulation of Pedicabs Within the Property of the Department of Parks & Recreation

*Revision of §1-02 and §1-05(i) of Title 56 of the Rules of the City of New York*

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED** in the Commissioner of the Department of Parks & Recreation ("Parks") by Section 533 (a) (9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that Parks proposes to amend §1-02 and §1-05(i) of Title 56 of the Rules of the City of New York.

Written comments regarding the proposed rules may be sent to Alessandro G. Olivieri, General Counsel, Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, New York 10065, by October 21, 2009. A public hearing shall be held on October 21, 2009 at Chelsea Recreation Center at 430 West 25th Street, New York, New York at 11:00 A.M. Persons seeking to testify are requested to notify Laura LaVelle at the address stated above. Persons who request that a sign language interpreter be provided at the hearing are asked to notify Laura LaVelle at the foregoing address by October 14, 2009. Written comments and a tape recording 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 Arsenal, Room 313, telephone number (212) 360-1313.

These amendments were not included in the Parks regulatory agenda because the Department was not aware of the necessity for amendments at the time the regulatory agenda was prepared.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Section 1-02 of Title 56 of the Rules of the City of New York is amended to add three new definitions to read as follows:

Bicycle. "Bicycle" means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. Park path. "Park path" means any road, path or trail through or within a park that is not used for vehicular traffic, except for possible use by emergency motor vehicles or Department motor vehicles. Pedicab. "Pedicab" means a bicycle as defined in this section or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

§ 2. Subdivision (i) of section 1-05 of Title 56 of the Rules of the City of New York is amended to read as follows:

§ 1-05 (i) Bicycling and operating Pedicabs (1) Any person bringing a bicycle or a pedicab into any park shall obey all park signs pertaining to the use of such bicycles or pedicabs. Only pedicabs that carry a registration plate as required by Section 20-255 of the New York City Administrative Code and are operated by, or are authorized to be operated by, a pedicab business that possesses a valid pedicab business license, as defined by Section 20-249 of the New York City Administrative Code, may be operated within property under the jurisdiction of the Department. Only a pedicab driver as defined by Section 20-249 of the New York City Administrative Code who has a valid pedicab driver's license as defined by Section 20-249 of the New York City Administrative Code may operate a pedicab within property under the jurisdiction of the Department. (2) No bicycle or pedicab shall be ridden or otherwise operated in vegetated areas or on any bridle path, pedestrian way, Park path, sitting or play area, [or] playground, or in any other area so designated. Bicycles may be ridden and operated on park roads, bikepaths, and other areas specifically designated by the Commissioner. Pedicabs may only be operated on park roads designated by the Commissioner and may not be operated or stopped in (i) any recreation lane designated by the Commissioner for use by pedestrians or bicyclists or (ii) any bikepath designated by the Commissioner; or (iii) any greenway designated by the Commissioner. (3) No person shall operate a bicycle or a pedicab in a reckless manner. Any person operating a bicycle or pedicab shall ride in the direction of traffic and obey all traffic lights and road signs. Persons operating pedicabs may not ride adjacent to another pedicab, bicycle or vehicle, except when using the left lane to pass another pedicab, bicycle or motor vehicle. (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except children may be carried in seats securely attached to a bicycle. No person riding [upon] a bicycle shall attach himself or herself or his/her bicycle to the outside of any vehicle being operated upon a roadway. (5) [Bicyclists] Any person operating a bicycle shall yield the right of way to pedestrians, in-line skaters, and horse

drawn carriages. Any person operating a pedicab shall yield to pedestrians, bicyclists, in-line skaters, and horse drawn carriages. (6) On the park roads in Central Park, all pedicabs shall remain in the far right lane, except when passing another pedicab, bicycle, or vehicle in which case the pedicab may use the next lane to the left to pass. (7) No person shall operate a pedicab adorned with commercial advertising in any park, or at any other location under the jurisdiction of the Department, unless the pedicab is on a park road during a time when private motor vehicles are allowed to operate on such park road. (8) No person operating a pedicab in any park, or at any other location under the jurisdiction of the Department, shall solicit passengers except at areas specifically designated by the Commissioner subject to any limitation imposed by the Commissioner as to the number of pedicabs that may operate in such area at any given time. Signs shall be posted informing the public of the designation of such areas for solicitation of pedicab passengers. (9) No person operating a pedicab shall pick up or release passengers in any park or at any other location under the jurisdiction of the Department except in areas specifically designated by the Commissioner subject to any limitation imposed by the Commissioner as to the number of pedicabs that may pick up or release passengers in such designated areas at any given time. Signs shall be posted informing the public of the designation of such areas for pick up and release of passengers. (10) No person operating a pedicab shall occupy an area reserved solely for buses, taxicabs, horse drawn carriages or other vehicles or motor vehicles. (11) In addition to complying with the provisions of this subsection (i) of this section 1-05, pedicab drivers shall operate pedicabs in compliance with the provisions of Section 20-259 of the New York City Administrative Code. (12) If there are exceptional circumstances, the Commissioner, in consultation with the commissioners of police, transportation and consumer affairs, shall be authorized, upon notice, to restrict or prohibit any pedicab driver, as defined by Section 20-249 of the New York City Administrative Code, from operating his or her pedicab on any park road otherwise designated for pedicab use, for a consecutive period of time, not to exceed fourteen days, or on one or more particular days. For purposes of this subsection, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or bicycle traffic, existence of any obstructions on Department property, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Notwithstanding the preceding provisions of this paragraph, the Commissioner may restrict or prohibit the operation of pedicabs within property under the jurisdiction of the Department for periods of time in excess of fourteen days when such restrictions apply to bicycles or other types of vehicles.

STATEMENT OF BASIS AND PURPOSE

These rules are promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the "Commissioner") under sections 389(b), 533(a)(9) and 1043 of the New York City Charter and under section 20-265 of the New York City Administrative Code. The Commissioner is authorized to establish and enforce rules for the use, governance and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation ("Parks").

The proposed rules are designed to address the operation of pedicabs within City parks so as to promote safety, preserve aesthetic values and provide a balanced interaction with other Parks' users, while still permitting pedicab drivers to continue to ply their trade. At certain times, Parks and the Department of Transportation close park roads to motorized vehicles driven by the general public in order to improve safety and access, as well as to maintain the park's unique atmosphere as a tranquil haven and recreational destination. This atmosphere is preserved by limiting the display of commercial advertising during these periods. As a result, the proposed rules only allow pedicabs to display commercial advertising when the pedicabs are operating on park roads that are open to motorized vehicles driven by the general public. At such times, the impact of advertising displayed on pedicabs to park users is de minimis.

In addition, the proposed rules, by establishing clear guidelines for pedicab operators to follow and better instruction to the public should reduce confusion and counterproductive interactions between Department staff and the pedicab operators, as well as between the Parks patrons and visitors and the pedicab drivers.

SPECIAL MATERIALS

COMPROLLER

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 September 24, 2009 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 35,35A, 36,36A,36B,37,37A, 38,38A,39,39A.

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 4, 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

s10-24

HEALTH AND MENTAL HYGIENE

NOTICE

Notice of Concept Paper

In advance of the release of a Request for Proposals for innovative approaches to comprehensive health and mental hygiene services for those in the custody of the New York City Department of Correction (DOC), the Department of Health and Mental Hygiene (DOHMH or the Department) is issuing a concept paper presenting DOHMH's vision for a new approach to the provision of health and mental health services for our patients in City jails. The concept paper will be posted on the Department's website on September 28, 2009 at http://www.nyc.gov/health/contracting and public comment is invited.

s21-25

HOMELESS SERVICES

NOTICE

NOTICE OF CONCEPT PAPER

The Department of Homeless Services ("DHS") intends in the near future to issue a Request for Proposals seeking a qualified vendor to provide Targeted Rapid Rehousing Services for the City's homeless families. The primary goal of this program is to place homeless families from shelter into the community and deliver stabilization services to ensure they remain in the community and are linked to community resources as needed. These objectives are to provide the following:

- Quick and intensive housing placement services for clients with barriers to permanency.
- Stabilization services delivered to maintain clients in the community.

The number of clients to be served is within a range of 100-200 families, Citywide.

As these services are a key initiative provided through Workforce Investment Act funding included in the American Recovery and Reinvestment Act ("ARRA"), the Agency will negotiate with a qualified vendor in the interest of quickly implementing a Targeted Rapid Rehousing Program for homeless families.

In advance of the issuance of the RFP, DHS is releasing a "Concept Paper" presenting the agency's proposed approach and requesting comments and feedback on this new program. The concept paper will be posted on the agency's website www.nyc.gov/dhs, beginning 9/25/09 and public comment is invited. Please go to the DHS website for additional information.

s18-24

CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 08/21/09

Table with columns: NAME, TITLE NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

Table with columns: NAME, TITLE NUM, SALARY, ACTION, PROV, EFF DATE. Continuation of personnel changes for the Police Department.

Table with columns: NAME, ACTION, PROV, EFF DATE, SALARY. Lists various city employees and their employment details.

FIRE DEPARTMENT FOR PERIOD ENDING 08/21/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists fire department employees.

Table with columns: NAME, ACTION, PROV, EFF DATE, SALARY. Continuation of city employee list.

LATE NOTICE

BOARD OF STANDARDS AND APPEALS

PUBLIC HEARING

OCTOBER 6, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 6, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

684-64-BZ

APPLICANT - George E. Berger, for 360 East 72nd Street Owners Corporation owner. SUBJECT - Application July 30, 2009 - Extension of Term permitting the use of no more than 45 unused and surplus tenant parking spaces...

16-95-BZ

APPLICANT - Akerman Senterfitt, LLP, for STA Parking Group, owner. SUBJECT - Application July 24, 2009 - Extension of Term and Waiver of the Rules of a previously granted Variance...

172-96-BZ

APPLICANT - Law Office of Mitchell Ross, Esquire, for Don Mitchell owner. SUBJECT - Application April 17, 2009 - Extension of Term for a variance (\$72-21) which expired on May 11, 2009...

193-97-BZ

APPLICANT - Fredrick A. Becker, for 29 Great Jones Corporation owner. SUBJECT - Application 7/22/2009 - Extension of Term for a special permit (\$73-36) which expired on April 1, 2008...

APPEALS CALENDAR

228-09-A & 229-09-A

APPLICANT - Jordan Most of Sheldon Lobel, P.C., for Selvakumar Rajaratnam, owner. SUBJECT - Application July 16, 2009 - An Appeal seeking a common law vested right to complete construction commenced under the prior R6B zoning district...

233-09-BZY

APPLICANT - Sheldon Lobel, P.C., for 175th Street Associates, LLC, owner. SUBJECT - Application July 24, 2009 - Application to complete construction of a minor development (11-332) commenced under the prior R6 Zoning District...

OCTOBER 6, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 6, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

171-08-BZ

APPLICANT - Law Offices of Howard Goldman, LLC, for York Prep Realty, LLC, owner. SUBJECT - Application June 26, 2008 - Variance (\$72-21) to allow the enlargement of an existing school (York Prep) contrary to ZR Section 74-95 (City Planning Commission Housing Quality Special Permit)...

225-09-BZ

APPLICANT - Antonio S. Valenziano, AIA, for Beacon Luigi, LLC, owner. SUBJECT - Application July 14, 2009 - Variance (\$72-21) for the construction of a single family residence on a vacant undersized lot, contrary to front yard (\$23-45) regulations...

Jeff Mulligan, Executive Director

# 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 <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.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

## 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.