



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

AGING

■ PUBLIC HEARINGS

CANCELLATION OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 27, 2010, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 11:00 A.M. on the following:

IN THE MATTER of the one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below, for the provision of Caregiver Services. The contract term shall be from July 1, 2010 to June 30, 2011, with renewal options from July 1, 2011 to June 30, 2013 and from July 1, 2013 to June 30, 2016. The contract amount and the Community Districts in which the program is located are identified below.

Contractor/Address

Jewish Community Center of Staten Island
1466 Manor Road, SI, NY 10314

E-PIN# 12510P0005 **Amount** \$390,000
Boro/CD SI, CDs 1-3

The proposed contractor has been selected by means of the Competitive Sealed Proposal process pursuant to Section 3-03 of the PPB Rules.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Betty Lee, Agency Chief Contracting Officer at the Department for the Aging (DFTA), 2 Lafayette St, NY, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the public hearing.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th floor, New York, New York 10007, on business days, from May 12, 2010 to May 27, 2010, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

m24-27

BANKING COMMISSION

■ MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Meeting of the Banking Commission on Wednesday, June 2, 2010 at 11:00 A.M. in Conference Room A, 66 John Street, 12th Floor, Manhattan.

m24-28

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, May 27, 2010 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD11 - BSA# 887-54BZ - IN THE MATTER of an application submitted by Eric Palatnik, Esq. on behalf of 218 Bayside Operating LLC, pursuant to Section 11-411 of the NYC Zoning Resolution, to reopen and amend an existing variance for an additional term of ten (10) years, for an existing automotive service station (U.G. 16) with an accessory convenience store in an C2-2/R6B district located at **218-01 Northern Boulevard**, Block 6321, Lot 21, Zoning Map 11a, Bayside, Borough of Queens.

CD07 - BSA# 11-93 BZ - IN THE MATTER of an application submitted by the Sheldon Lobel P.C. on behalf of Joykiss Management, LLC pursuant to Section 11-411 of the Zoning Resolution of the City of New York, to request an extension of the term of the variance previously granted by the Board of Standards and Appeals, to legalize certain alterations, and a waiver of the Rules of Practice and Procedure for continued operation of an existing eating and drinking establishment in an R3-2 district, located at **46-45 Kissena Boulevard**, zoning map 10d, Flushing, Borough of Queens.

CD04 - BSA# 189-96BZ - IN THE MATTER of an application submitted by John C. Chen on behalf of Ping Yee pursuant to Sections 73-244 of the New York City Zoning Resolution to reopen and extend the term of the previously granted special permit which will expire on June 7, 2010 for an additional term of three (3) years for continued use of first floor of a two-story building as an eating and drinking establishment with dancing (use group 12A) in an R6/C2-3 district, located at **85-10, 85-12 Roosevelt Avenue**, Block 1502, Lot 3, zoning map 9d, Jackson Heights, Borough of Queens.

CD01 - BSA# 32-10BZ - IN THE MATTER of an application submitted by Kramer Levin Naftalis & Frankel LLP on behalf of North 30 Associates LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a variance to allow a dormitory use (Use Group 3) in an M1-5 district located at **30-30 Northern Boulevard**, Block 239, Lot 60, Zoning Map 9b, Long Island City, Borough of Queens.

m21-27

STATEN ISLAND BOROUGH PRESIDENT

■ PUBLIC MEETING

The Staten Island Borough Board, Wednesday, June 2, 2010, Conference Room 122 at 5:30 P.M. Staten Island Borough Hall, Stuyvesant Place, Staten Island, New York 10301.

m27-j2

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 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, June 1, 2010:

MESA COYOACAN

BROOKLYN CB - 1 20105445 TCK
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Tres De Mexico, LLC, d/b/a Mesa Coyoacan, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 372 Graham Avenue, Borough of Brooklyn.

300 WEST 46TH STREET

MANHATTAN CB - 4 20105458 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 300 West 46th St. Corp. d/b/a Brasserie Athenee, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 300 West 46th Street, Borough of Manhattan.

CROTONA REZONING

BRONX CB - 3 C 080157 ZMX
Application submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

- changing from a C8-3 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
- establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010 and subject to the conditions of CEQR Declaration E- 243.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, June 1, 2010:

THE REFORMED CHURCH ON STATEN ISLAND STATEN ISLAND CB - 1 20105516 HKR (N 100278 HKR)
Designation (List No. 427/LP-2384) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Reformed Church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue (Block 1073, Lot 75), as an historic landmark.

JOSEPH B. AND JOSEPHINE H. BISSELL HOUSE MANHATTAN CB - 5 20105517 HKM (N 100281 HKM)
Designation (List No. 427 /LP-2340) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Joseph B. and Josephine H. Bissell House, located at 46 West 55th Street (Block 1270, Lot 60), as an historic landmark.

THE BRILL BUILDING

MANHATTAN CB - 5 20105518 HKM (N 100280 HKM)
Designation (List No. 427/LP-2387) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Brill Building, located at 1619 Broadway (Block 1021, Lot 19), as an historic landmark.

THE UPPER EAST SIDE HISTORIC DISTRICT EXTENSION MANHATTAN CB - 8 20105558 HKM (N 100282 HKM)
Designation (List No. 427/LP-2373) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Upper East Side Historic District Extension, as an historic district.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007,

commencing at 1:00 P.M. on Tuesday, June 1, 2010:

PROVIDENCE HOUSE II
BROOKLYN CB - 3 C 100155 HAK
 Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 277, 275 and 273 Kosciuszko Street (Block 1781, Lots 60-62) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a six-story building, tentatively known as Providence House II, with approximately 45 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program, Borough of Brooklyn.

PROVIDENCE HOUSE II
BROOKLYN CB - 3 C 100156 ZSK
 Application submitted by the 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 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, on property located at 273- 277 Kosciuszko Street (Block 1781, Lots 60, 61, & 62), in an R6 District, Borough of Brooklyn.

Proposal 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:

1. Find that the present status of the disposition area 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;
2. Approve the designation of the disposition area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

NO.	ADDRESS	BLOCK/ LOT	BORO	COMMUNITY PROGRAM BOARD
1.	441 De Witt Avenue	4318/31	Brooklyn	NYS Office of 5
	437 De Witt Avenue	4318/32		Mental Health
	435 De Witt Avenue	4318/33		Supportive Housing
	433 De Witt Avenue	4318/34		

m25-j1

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, June 9, 2010, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN No. 1 BROOKLYN TERMINAL MARKET

CD 18 C 090376 PPK
IN THE MATTER OF an application submitted by the Department of Small Business Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 8201 Foster Avenue (Block 7920, Lots 20 and 25), in the Brooklyn Terminal Market, pursuant to zoning.

No. 2 470 VANDERBILT AVENUE OFFICE SPACE

CD 2 N 100390 PPK
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 470 Vanderbilt Avenue (Block 2009, Lot 1) (Human Resources Administration).

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

m26-j9

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 04 - Tuesday, June 1, 2010, 7:00 P.M., VFW Post #150, 51-11 108th Street, Queens, NY

New York School Construction Authority:
 Notice has been filed for the proposed site selection of Block 1891, Lots 1, 12, 15, 20, and 22 and any other property in the immediate vicinity which may be necessary for the proposed project, for the construction of a new approximately 800-seat primary school facility in Community school District 24. The

site is privately owned and is currently being used for surface parking. The site adjoins property that contains the Department of Education's IS 61 school building and grounds.

m26-j1

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, **June 01, 2010 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.

BINDING REPORT
BOROUGH OF MANHATTAN 10-7128 - Block 122, lot 1-City Hall- Individual and Interior Landmark-African Burial Ground and Commons Historic District A Federal style government building designed by Mangin and McComb and built between 1802 and 1811. Application is to install rooftop mechanical equipment, modify interior and exterior stairs, install fire suppression equipment and alter an areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5027 - Block 181, lot 16-179 Franklin Street - Tribeca West Historic District A late 19th century Commercial style store and loft building designed by Havilah H. Smith & Son and Hugo Kafka and built in 1888. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3313 - Block 543, lot 58-129 MacDougal Street - 129 MacDougal Street House - Individual Landmark A Federal style house built in 1828-1829. Application is to alter a window on the front facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8522 - Block 619, lot 52-341 Bleecker Street - Greenwich Village Historic District A vernacular frame house with brick facade built in 1820, and later altered. Application is to construct a rear yard addition, alter the rear facade, and excavate the cellar. Zoned C1-6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8380 - Block 607, lot 27-122-132 West 12th Street - Greenwich Village Historic District An apartment house designed by H. I. Feldman and built in 1940-1941. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7545 - Block 574, lot 39-40 Fifth Avenue - Greenwich Village Historic District A neo-Georgian style apartment house designed by Van Wart & Wein, and built in 1929. Application is to reconstruct a greenhouse, install railings, and replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7031 - Block 583, lot 42-55-57 Leroy Street - Greenwich Village Historic District Two Romanesque Revival style apartment houses built in 1887. Application is to remove the cornice and raise the parapet.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7058 - Block 644, lot 54-7 9th Avenue - Gansevoort Market Historic District Two Greek Revival style rowhouses built in 1849. Application is to legalize and enlarge a fire escape.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7703 - Block 745, lot 11-347 West 21st Street - Chelsea Historic District An Italianate style house built in 1846. Application is to alter the facade and construct rooftop and rear yard additions. Zoned R7B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3959 - Block 848, lot 14-893 Broadway, aka 13 East 19th Street - Ladies' Miles Historic District A neo-Grec style converted shop and dwelling built in 1844, altered in 1873-74 and altered again in 1975. Application is to alter the facade and replace storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10s-8141 - Block 1118, lot 52-56 West 66th Street - First Battery Armory-Individual Landmark An armory building designed by Horgan and Slattery and built in 1900-1903. Application is to replace ground floor infill, modify openings and the areaway and install a ramp, raise lot-line parapets and to install mechanical equipment and bulkheads. Zoned C4-7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6407 - Block 1141, lot 26-115 West 69th Street - Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse with Romanesque Revival style elements designed by Thom & Wilson and built in 1891. Application is to construct a rear yard addition. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6782 - Block 1216, lot 23-115 West 85th Street - Upper West Side/Central Park West Historic District A Queen Anne/Romanesque Revival style rowhouse designed by John G. Prague and built in 1890-91. Application is to alter the areaway and replace door and windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6726 - Block 1390, lot 132-57 East 75th Street - Upper East Side Historic District A Brutalist style apartment building designed by William B. Gleckman and built in 1973-1979. Application is to modify window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4721 - Block 1906, lot 32-

229 Lenox Avenue - Mount Morris Park Historic District A Beaux-Arts style house designed by Clarence True and built in 1899. Application is to construct a rear yard addition and reconstruct the rear yard facade. Zoned R7-3 & C1-4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7055 - Block 195, lot 39-150 Bond Street - Boerum Hill Historic District An Italianate style residence built in 1866-67. Application is to install mechanical equipment at the roof, reconstruct the garage facade, and repaint the facades.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6601 - Block 312, lot 28-232 Court Street - Cobble Hill Historic District A mid-19th century Greek Revival style rowhouse. Application is to install storefront infill and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BRONX 10-7906 - 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 amend Certificate of Appropriateness 10-5557 to construct a rear yard addition. Zoned M1-2/R6A.

m18-j1

OFFICE OF THE MAYOR

■ PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Tuesday, June 1, 2010 at 4:00 P.M.:**

Int. 68-A - in relation to civil penalties for unlicensed plumbing and fire suppression work.

Int. 206 - in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.

Int. 207 - in repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.

Int. 226-A - in relation to the definitions of terms that relate to the provision of information on child care services and to reporting on child care programs and to repeal certain provisions of the administrative code in relation thereto.

Michael R. Bloomberg
 Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007 (212) 788-3678, no later than five business days prior to the public hearing. TDD users call Verizon relay service.

m27

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE PUBLIC HEARING ON AGENCY CONCESSION PLANS

Notice of a Franchise and Concession Review Committee (FCRC) Public Hearing on Agency Concession Plans for Fiscal Year 2011 pursuant to Section 1-10 of the Concession Rules of the City of New York (Concession Rules), to be held on June 7, 2010, commencing at 2:30 P.M., and located at 22 Reade Street, Barish Room, Manhattan. At this hearing, the FCRC will further solicit comments about the provisions of the Concession Rules from the vendor community, civic groups and the public at large.

The following agencies submitted an Annual Concession Plan: the Department of Parks and Recreation, the Department of Citywide Administration Services, the Department of Transportation, the Department of Corrections, the Department of Probation, the New York Police Department, the Department of Housing Preservation and Development, the Department of Homeless Services, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Records and Information Services, the New York City Office of Chief Medical Examiner, the New York City Economic Development Corporation on behalf of the Department of Small Business Services, and NYC & Company on behalf of the Department of Small Business Services.

The portfolio of Agency Concession Plans covers significant and non-significant concessions expiring, continuing and anticipated for solicitation or initiation in Fiscal Year 2011. Furthermore, the portfolio covers:

- Department of Parks and Recreation: mobile food units, food service facilities, golf courses, driving ranges, marinas, tennis professionals, Christmas trees, parking lots, markets, concerts, newsstands, stables, gas stations, amusement venues, ice skating rinks, carousels, ferry services, bike rentals, circus, sailboat rentals, souvenirs and gifts.
- Department of Citywide Administrative Services: maritime and non-maritime occupancy permits.
- Department of Transportation: food kiosks, vending machines, pedestrian plazas, food courts.
- Department of Corrections: commissary services, food court, lockers.
- Department of Probation: advertising and marketing software.
- New York City Police Department: vending machines.
- Department of Housing Preservation and Development: vending machines.
- Department of Homeless Services: athletic facilities.
- Department of Environmental Protection: gas purification.
- Department of Health and Mental Hygiene: drug

- discount card program, café.
- Department of Records and Information Services: publication of record collections.
- New York City Office of the Chief Medical Examiner: DNA swab kit.
- New York City Economic Development Corporation on behalf of the Department of Small Business Service: parking lots, maritime and non-maritime occupancy permits.
- NYC & Company on behalf of the Department of Small Business Services: marketing, advertising, intellectual property & trademark merchandising.

Interested parties may obtain a copy of the Agency Concession Plans by contacting Adam Buchanan by phone at (212) 788-0023 or via email at abuchanan@cityhall.nyc.gov. Hard copies will be provided at a cost of \$.25 per page by check or money order made payable to the New York City Department of Finance. Upon request, a PDF version of the Agency Concession Plans is available free of cost. The FCRC shall consider the issues raised at the Public Hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.

m21-j7

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

JUNE 15, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 15, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

558-71-BZ
 APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for WB Management of NY LLC, owner.
 SUBJECT – Application March 26, 2010 – Amendment to a previously granted Variance (72-21) to permit the change of a UG6 eating and drinking establishment to a UG6 retail use without limitation to a single use; minor reduction in floor area; increase accessory parking and increase to the height of the building façade. R3-1 zoning district.
 PREMISES AFFECTED – 1949 Richmond Avenue, east side of Richmond Avenue at intersection with Amsterdam Place, Block 2030, Lot 1, Borough of Staten Island.
COMMUNITY BOARD #2SI

139-92-BZ
 APPLICANT – Samuel H. Valencia, for Samuel H. Valencia-Valencia Enterprises, owners.
 SUBJECT – Application April 23, 2010 – Extension of Term for a previously granted Special Permit (§73-244) for the continued operation of a UG12 Eating and Drinking Establishment with Dancing (Deseos) which expired on March 7, 2010; Waiver of the Rules. C2-2/R6 zoning district.
 PREMISES AFFECTED – 52-15 Roosevelt Avenue, north side 125.53' east of 52nd Street, Block 1316, Lot 76, Borough of Queens.
COMMUNITY BOARD #2Q

164-04-BZ
 APPLICANT – Sheldon Lobel, P.C., 2241 Westchester Avenue Realty Corporation, owner; Castle Hill Fitness Group, LLC, lessee.
 SUBJECT – Application April 5, 2010 – Extension of Time to obtain a Certificate of Occupancy for a previously granted PCE (Planet Fitness) which expired on February 7, 2007; Amendment for change of operator, interior modification and change in the hours of operation; Waiver of the Rules. C2-1/R6 zoning district.
 PREMISES AFFECTED – 2241 Westchester Avenue, northwest corner of Westchester Avenue and Glebe Avenue, Block 3963, Lot 57, Borough of Bronx.
COMMUNITY BOARD #10BX

APPEALS CALENDAR

67-10-A
 APPLICANT – Gary D. Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Eileen and James Conrad, lessee.
 SUBJECT – Application May 4, 2010 – Proposed reconstruction and enlargement of an existing single family dwelling and the proposed upgrade of the existing non-conforming private disposal system within the bed of a mapped street is contrary to Article 3, Section 35 of the General City Law. R4 zoning district.
 PREMISES AFFECTED – 72 Bedford Avenue, west side of Bedford Avenue within the intersection of mapped 12th Avenue and Beach 204th Street, Block 16350, Lot p/o 300, Borough of Queens.
COMMUNITY BOARD #14Q

JUNE 15, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 15, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

64-10-BZ
 APPLICANT – Law Office Fredrick A. Becker, for Nechama Sonnenschine and Harry Sonnenschine, owners.
 SUBJECT – Application April 29, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (23-141); side yards (23-461 & 23-48) and less than the required rear yard (23-47). R-2 zoning district.
 PREMISES AFFECTED – 1253 East 29th Street, east side of East 29th Street, between Avenue L and Avenue M, Block 7647, Lot 23, Borough of Brooklyn.
COMMUNITY BOARD #14BK

87-10-BZ
 APPLICANT – Dennis D. Dell'Angelo, for David Gluck, owner.
 SUBJECT – Application May 13, 2010 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space (23-141), side yards (23-461) and less than the required rear yard (23-47). R-2 zoning district.
 PREMISES AFFECTED – 1333 East 24th Street, east side of East 24th Street, 260' south of Avenue M, Block 7660, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #14BK

88-10-BZ
 APPLICANT – Dennis D. Dell'Angelo, for Sarah Weiss, owner.
 SUBJECT – Application May 13, 2010 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space (23-141) and side yards (23-461). R-2 zoning district.

PREMISES AFFECTED – 1327 East 21st Street, south east corner of East 21st Street and Avenue L, Block 7639, Lot 41, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

m26-27

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001 - X

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, June 9, 2010 (SALE NUMBER 10001-X). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>
 OR
<http://www.nyc.gov/autoauctions>.

Terms and Conditions of sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

m24-j9

POLICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

“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. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

TRUCK: TILT BODY CONTAINER - 23Y - DSNY – Competitive Sealed Bids – PIN# 857900917 – DUE 06-22-10 AT 10:30 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 Citywide Administrative Services,
 1 Centre Street, 18th Floor, New York, NY 10007.
 Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

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■ AWARDS

Goods

NYS CONTR FOR MISCELLANEOUS SOFTWARE CATALOG - DEP – Intergovernmental Purchase – PIN# 8571000806 – AMT: \$742,232.00 – TO: Dell Marketing LP, 850 Asbury Drive, Buffalo Grove, IL 60089. NYS Contract #PT60291.
● NYS CONTR FOR IBM ENTERPRISE SYSTEMS - NYPD – Intergovernmental Purchase – PIN# 8571000804 – AMT: \$443,628.00 – TO: International Business Machines Corp., 80 State Street, Albany, NY 12207. NYS Contract #PT63994.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

m27

TURNOVERS/BAR/COOKIES/BUN/DANISH/CAKE/DO NUTS - D.O.C. – Competitive Sealed Bids – PIN# 857901089 – AMT: \$1,278,000.00 – TO: Atlantic Beverage Company, Inc., 3775 Park Avenue, Edison, NJ 08820.
●TURNOVERS/BAR/COOKIES/BUN/DANISH/CAKE/ DONUTS - D.O.C. – Competitive Sealed Bids – PIN# 857901089 – AMT: \$227,673.00 – TO: Wild Penguin Corporation, 342 Broadway, Suite 110, New York, New York 10013.
***TURNOVERS/BAR/COOKIES/BUN/DANISH/CAKE/DO NUTS - D.O.C.** – Competitive Sealed Bids – PIN# 857901089 – AMT: \$60,000.00 – TO: Snax 4 Sale LLC, 31 Windemere Way, Woodbury, NY 11797.
● PHOTOCOPIERS: DIGITAL PURCHASE AND RENTAL - B/W AND COLOR RE-AD – Competitive Sealed Bids – PIN# 8571000257 – AMT: \$2,556,117.50 – TO: Facsimile Comm. Industries Inc. DBA Atlantic Business Products, 135 West 26th Street, New York, NY 10001.

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■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:
 A. Collection Truck Bodies
 B. Collection Truck Cab Chassis
 C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

DESIGN & CONSTRUCTION

■ AWARDS

Construction / Construction Services

RQ_A AND E, REQUIREMENTS CONTRACT FOR HISTORIC PRESERVATION DESIGN, ARCHITECTURE, ENGINEERING AND CONSTRUCTION RELATED SERVICES, CITYWIDE – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 8502008RQ0034P – AMT: \$3,000,000.00 – TO: Swanke Hayden Connell and Partners LLP, 295 Lafayette Street, New York, NY 10012.

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ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ SOLICITATIONS

Goods & Services

BROOKLYN CRUISE TERMINAL PARKING FACILITY – Request for Proposals – PIN# 42740001 – DUE 06-16-10 AT 4:00 P.M. – Apple Industrial Development Corp. (“Apple”) is seeking proposals from experienced parking lot operator to operate and manage a parking facility located at the Brooklyn Cruise Terminal, Atlantic Basin, Brooklyn NY 11231.

Apple plans to select the parking facility operator on the basis of factors stated in the RFP which include, but are not limited to: certain minimum requirements, the respondent's proposed Management Fee and Incentive Fee; respondent's overall experience and the overall quality of the respondent's proposal and the respondent's marketing strategy and approach.

There will be an optional information session and site visit on Wednesday, June 2, 2010 at 10:00 A.M. Respondents may submit questions and/or request clarifications from Apple no later than 5:00 P.M. on Monday, June 7, 2010. Questions regarding the subject matter of this RFP should be directed to bctparking@nycedc.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to questions and clarifications will be posted on Wednesday, June 9, 2010, to www.nycedc.com/RFP.

The RFP is available for in-person pick-up between 9:30 A.M. and 4:30 P.M., Monday through Friday, from NYCEDC, 110 William Street, 6th floor, New York, NY (between Fulton and John streets). To download a copy of the solicitation documents please visit www.nycedc.com/RFP.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises (“M/WBE”) are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit www.nycedc.com/RFP.

Please submit six (6) sets of your proposal to NYCEDC.

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.
Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969, fax: (212) 312-3918, bctparking@nycedc.com

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OFFICE OF EMERGENCY MANAGEMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

EMERGENCY HAZARDS PLANNING AND PREPAREDNESS STUDIES – Government to Government – PIN# 01710T0001 – DUE 06-08-10 AT 9:00 A.M. – The New York City Office of Emergency Management (NYCOEM) intends to enter into a government-to-government purchases with the United States Army Corps of Engineers (USACE) to provide assistance with hurricane and other hazards planning and preparedness studies.

Qualified vendors may express their interest in providing such services in the future by contacting Erika Yan at procurement@oem.nyc.gov

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.

Office of Emergency Management, 165 Cadman Plaza East, Brooklyn, NY 11201. Erika Yan (718) 422-4845, procurement@oem.nyc.gov

m24-28

ENVIRONMENTAL PROTECTION

■ AWARDS

Services (Other Than Human Services)

INTERNSHIP PROGRAM – Government to Government – PIN# 82610WS00021 – AMT: \$335,800.00 – TO: Ulster County Community College, 491 Cottekill Road, Stone Ridge, NY 12484. CAT-391: Environmental Biology Internship Program.

● **STUDY OF GRANULAR ACTIVATED CARBON** – Government to Government – PIN# 826101279CRB – AMT: \$1,156,012.00 – TO: CUNY, 160 Convent Avenue, New York, NY 10031. - 1279-CRB: Characterization and Study of Granular Activated Carbon.

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FINANCIAL INFORMATION SERVICES AGENCY

■ SOLICITATIONS

Goods & Services

ALTERNATE DATA CENTER – Negotiated Acquisition – PIN# 12711CM00077 – DUE 06-15-10 AT 10:00 A.M. – FISA intends to enter into negotiations with vendors for the design, provision and ongoing operation of an Alternate Data Center (ADC) (PIN 12711CM00077). Submissions and the resulting negotiations will be conducted in phases. Vendors who respond to the attached solicitation will be evaluated. Those vendors that are determined by the City to meet the specified qualifications will receive additional information with set time frames in which to respond. As a result of the City's evaluation of the second phase responses, the City may enter into limited contracts with multiple vendors one of which may be extended to cover the full project.

The projected start date of the limited contracts which may be with multiple vendors is approximately 12/15/2010. The projected project end date including approximately five years of ongoing operation of the ADC is 2017, with the possibility

of renewal(s) at the City's discretion for approximately 10 additional years.

Interested vendors should respond to this solicitation in accordance with the details contained in the attached solicitation.

These dates are subject to unilateral change by the City.

As described in Section 3-04 (b)(2)(ii) of the PPB Rules the basis for the determination of the Negotiated Acquisition procurement method is that there is a limited number of vendors available and able to perform the work required in this project.

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. Marisol Cintron (212) 857-1540, fax: (212) 857-1004, ADC2010@fisa.nyc.gov

m24-28

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) 442-4018.

j1-d31

■ SOLICITATIONS

Goods

LINEN HAMPERS – Competitive Sealed Bids – PIN# 331-10-024 – DUE 06-11-10 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.
Coney Island Hospital, 2601 Ocean Parkway, Room 1N45, Brooklyn, NY 11235. Nadine Patterson (718) 616-4271.

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Construction Related Services

ASBESTOS ABATEMENT PROJECT – Competitive Sealed Bids – PIN# 1-551100025 – DUE 06-14-10 AT 2:00 P.M.

● **FLOORING PROJECT-4 SHOWER RMS** – Competitive Sealed Bids – PIN# 1-551100026 – DUE 06-18-10 AT 2:00 P.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.

Sea View Hospital, 460 Brielle Avenue, Room 134, Staten Island, NY 10314. Pedro Irizarry (718) 317-3375, fax: (718) 980-1021, pedro.irizarry@seaviewsi.nychhc.org

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Services (Other Than Human Services)

TRANSCRIPTION SERVICE FOR ELMHURST HOSPITAL AND QUEENS HOSPITAL – Competitive Sealed Bids – PIN# QHN2010-1102QHC – DUE 06-23-10 AT 2:00 P.M. – There will be a mandatory pre-bid meeting on Tuesday, June 15, 2010 at 11:00 A.M. and on Wednesday, June 16 at 11:00 A.M. All concerned need to attend one day only.

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.

Queens Health Network, 82-68 164th Street, “S” Building, Jamaica, NY 11432. Aurelio Morrone (718) 883-6000 fax: (718) 883-6221, morronea@nychhc.org

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HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human / Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. CORRECTION: 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.

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

j6-20

HOUSING AUTHORITY

PURCHASING DIVISION

■ SOLICITATIONS

Goods

SCO - FURNISHING VARIOUS TYPES OF DIFFUSERS – Competitive Sealed Bids – SCO# 26812 AS – DUE 06-09-10 AT 10:45 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.

Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Atul Shah (718) 707-5450 Bid documents available via internet ONLY: http://www.nyc.gov/html/nyc/halt/html/businessgoods_materials.shtml Atul Shah (718) 707-5450.

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HUMAN RESOURCES ADMINISTRATION

■ INTENT TO AWARD

Human / Client Service

NON-RESIDENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE – Negotiated Acquisition – Available only from a single source – DUE 05-28-10 AT 5:00 P.M. PIN# 06911H073901 - PIN# 06911H073902 PIN# 06911H073903 - PIN# 06911H073904 PIN# 06911H073905 - PIN# 06911H073906 PIN# 06911H073907 - PIN# 06911H073908 PIN# 06911H073909 - PIN# 06911H073910 PIN# 06911H073911 - PIN# 06911H073912 PIN# 06911H073913 - PIN# 06911H073914 PIN# 06911H073915

HRA intends to continue doing Business with the following vendors:

- 1) Edwin Gould Services for Children and Families (2 contracts)
- 2) HELP Social Service Corp.
- 3) Jewish Board of Family and Children Services
- 4) New York Asian Women's Center (2 contracts)
- 5) Safe Horizon
- 6) Seamen's Society for Children and Families
- 7) Violence Intervention Program
- 8) Barrier Free Living
- 9) Federation Employment and Guidance Services
- 10) NYC Gay and Lesbian Anti Violence Project
- 11) Queens Legal Services Corp.
- 12) Urban Justice Center
- 13) Sanctuary for Families, Inc. to provide non-residential services to victims of domestic violence and their families.

HRA plans to enter into negotiations with the organizations that currently provide non residential services to victims of domestic violence. The contract term will be from October 1, 2010 to September 30, 2011. This notice is for informational purpose only.

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.

Human Resources Administration, 180 Water Street, 24th Floor, NY, NY 10038. Gregory Washington (212) 331-4595, fax: (212) 331-4486

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CONTRACTS

■ AWARDS

Human / Client Service

HOME ATTENDANT TRAINING AND CERTIFICATION SERVICES – Contract Change – Personal Touch Home Care of NY, Inc. 186-18 Hillside Avenue, Jamaica, New York 11432

PIN: 06907H010601 - Contract Amount: \$513,955.00 Contract Term: 04/01/2010 - 03/31/2011

Metropolitan NY Coordinating Council On Jewish Poverty 80 Maiden Lane, 21st Floor, New York, New York 10038

PIN: 06907H010602 - Contract Amount: \$613,631.00 Contract Term: 04/01/2010 - 03/31/2011

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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ INTENT TO AWARD

Goods & Services

SOFTWARE LICENSES AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 85810SS00019 – DUE 05-28-10 AT 3:00 P.M. – The City intends to enter into Sole Source negotiations with DTS Software, Inc. for Proprietary Software Licenses and Maintenance. Any vendor that wishes to provide such services in the future should send notice to DoITT by Friday, May 28, 2010.

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 Information Technology and Telecommunications, 75 Park Place, NYC, NY 10007. Dorothy Duncan (212) 788-6274, fax: (212) 788-6489, dduncan@doitt.nyc.gov

m21-27

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.

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

jy1-d16

OFFICE OF THE MAYOR**CRIMINAL JUSTICE COORDINATOR'S OFFICE****INTENT TO AWARD***Human/Client Service*

MEDIATION/ARBITRATION SERVICES – Renewal – PIN# 00211DMPS204 – DUE 05-28-10 AT 3:00 P.M. – Safe Horizon located at 2 Lafayette Street, New York, NY 10007, is currently under contract with the CITY by and through the Criminal Justice Coordinator's Office (CJC) to provide mediation and arbitration services in Brooklyn and Manhattan. CJC will be exercising the renewal option set forth in the original agreement. The term of the renewal will be 7/1/10-6/30/11. The anticipated annual contract amount is \$299,278.

In accordance with Section 4-04 of the Procurement Policy Board Rules (PPB), the Criminal Justice Coordinator's Office (CJC) is exercising its option to renew the above referenced contract for period of one year beginning 7/1/10-6/30/11.

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.

Mayor's Office, 1 Centre Street, Room 1012 North, New York, NY 10007. Renise Ferguson (212) 788-2758 fax: (212) 312-0831, rferguson@cityhall.nyc.gov

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PARKS AND RECREATION**CONTRACT ADMINISTRATION****SOLICITATIONS***Construction/Construction Services*

RECONSTRUCTION OF PORTIONS OF THE BARTOW-PELL MANSION – Competitive Sealed Bids – PIN# 8462010X039C02 – DUE 07-08-10 AT 10:30 A.M. Located South of Shore Road in Pelham Bay Park, The Bronx, known as Contract #X039-506M. Vendor Source ID#: 68545.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

"Bidders are hereby advised that this contract is subject to the PROJECT LABOR AGREEMENT ("PLA") COVERING SPECIFIED RENOVATION AND REHABILITATION OF CITY OWNED BUILDINGS AND STRUCTURES entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information."

A pre-bid meeting is scheduled for Wednesday, June 16, 2010, at 11:00 A.M. at the site.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

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REVENUE AND CONCESSIONS**SOLICITATIONS***Services (Other Than Human Services)*

OPERATION AND MAINTENANCE OF A SEASONAL CAFE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M89-SB – DUE 07-15-10 AT 3:00 P.M. – Parks is seeking proposals for the operation and maintenance of a seasonal cafe at the Union Square Park Pavilion, with an option to develop, operate and maintain a small scale, satellite kiosk at the Licensed Premises.

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. Alexander Han (212) 360-1397, fax: (212) 360-3434, alexander.han@parks.nyc.gov

m18-j1

SCHOOL CONSTRUCTION AUTHORITY**CONTRACT ADMINISTRATION****SOLICITATIONS***Construction/Construction Services*

ASTRO TURF FOOTBALL FIELD – Competitive Sealed Bids – PIN# SCA10-10694D-2 – DUE 06-11-10 AT 12:00 P.M. – Project Range: \$2,500,000.00 to \$2,640,000.00. Pre-Bid Meeting: June 3, 2010 at 10:00 A.M. NYC School Construction Authority, Plans Room Window, Room# 1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

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.

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Anthony Largie (718) 752-5842, alargie@nycsca.org

m26-j2

EXT MASONRY/PARAPETS/FLOOD ELIMINATION

Competitive Sealed Bids – PIN# SCA10-13173D-1 – DUE 06-15-10 AT 11:30 A.M. – IS 139 (Bronx). Project Range: \$14,300,000.00 to \$15,060,000.00. Non-refundable bid documents charge: \$250.00, certified check or money order only. Make checks payable to the New York City School Construction Authority.

Limited list bids will only be accepted from the following Construction Managers/Prime General Managers: Minelli Construction Co., Inc.; Whitestone Construction Corp.; C and L Contracting Corp.; Nicholson and Galloway, Inc.; Kafka Construction, Inc.; Navillus Tile, Inc.; Stonewall Contracting Corporation; Adam's European Contracting, Inc.; Abax Incorporated; Western Waterproofing Co., Inc.; Admiral Construction LLC. Bidders must be pre-qualified by the SCA.

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.

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Rookmin Singh (718) 752-5843, rsingh@nycsca.org

m25-j1

CONTRACT SERVICES**SOLICITATIONS***Construction/Construction Services*

FENCING/PAVED AREAS - BLACKTOP – Competitive Sealed Bids – PIN# SCA10-13184D-1 – DUE 06-09-10 AT 12:00 P.M. – PS 96 (Manhattan). Project Range: \$1,240,000.00 - \$1,310,000.00. Pre-bid Meeting: May 28, 2010 at 216 East 120th Street, New York, NY 10035. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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.

School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Lily Persaud (718) 752-5852 lpersaud@nycsca.org

m24-28

AGENCY RULES**BUSINESS INTEGRITY COMMISSION****NOTICE**

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULEMAKING RELATING TO TRADE WASTE REMOVAL BUSINESSES, PUBLIC WHOLESALE MARKETS, SEAFOOD DISTRIBUTION AREAS, SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD DISTRIBUTION AREAS, AND MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

PURSUANT TO section 1043(h)(1) of the New York City Charter and exercising the authority vested in the Business Integrity Commission by sections 1043(a) and 2101(b)(6) of the New York City Charter, notice is hereby given that the Business Integrity Commission intends to adopt rules relating to trade waste removal businesses, public wholesale markets, seafood distribution areas, seafood distribution outside seafood distribution areas, and market businesses, labor unions and labor organizations operating in seafood distribution areas. **The Notice of Opportunity to Comment on Proposed Rulemaking Relating to Trade Waste Removal Businesses, Public Wholesale Markets, Seafood Distribution Areas, Seafood Distribution Outside Seafood Distribution Areas, and Market Businesses, Labor Unions and Labor Organizations Operating in Seafood Distribution Areas published on May 24, 2010 in the City Record is hereby superseded by this notice and these proposed rules.**

Additions to the rules are underlined and deletions are [bracketed].

Written comments regarding these proposed rules may be sent to Eric Dorsch, General Counsel, New York City Business Integrity Commission, on or before June 23, 2010. Comments may be submitted by mail to Mr. Dorsch at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007 or electronically to edorsch@bic.nyc.gov.

A hearing for public comment will be held on June 28, 2010 in Spector Hall at 20 Reade Street, New York, New York 10007, at 10:00 A.M. Persons seeking to testify are requested to notify Mr. Dorsch at (212) 676-6202 no fewer than five (5) business days prior to the hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Mr. Dorsch at the above address no later than two weeks prior to the hearing.

Written comments and a summary of oral comments received

at the hearing will be available for public inspection, within a reasonable time after receipt on week days between the hours of 9:30 A.M. and 4:30 P.M. at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007.

This rule was included in the 2010 regulatory agenda of the Business Integrity Commission.

Section 1. Subdivision (a) of section 1-03 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

(a) A hearing conducted pursuant to [subdivision b of section 2-08, subdivision (c) of section 3-01 or subdivision (b) or (c) of section 3-02 of] this chapter may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction; provided, however that hearings related to the violation of the provisions of section 16-505 of the Code and the rules of conduct set forth in subchapters E, F and G of this chapter [shall] may, except where the Commission is seeking revocation or suspension of a license or registration on the basis of such violations, be conducted by the Department of Consumer Affairs. All such hearings shall be conducted following the procedures set forth in the rules of OATH (48 RCNY §1-01 et seq.); except in the case of hearings conducted by the Department of Consumer Affairs, which shall be held pursuant to the procedures for adjudication set forth in the rules of such Department. In the event that a hearing is conducted by an administrative law judge employed or designated by the Commission, by OATH or by other administrative tribunal, such administrative law judge shall make recommended findings of fact and a recommended decision to the Commission, which shall make the final determination. In the event that a hearing is held by the Department of Consumer Affairs, the Commissioner of such Department shall make the final determination.

§ 2. Section 5-01 of chapter 1 of title 17 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

(d) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a licensee must contain the license number assigned to the licensee by the Commission. The license number must be clearly identified as a Commission license number. Any listing consisting solely of the name, address and telephone number of the licensee need not include the licensee's license number.

§ 3. Section 7-01 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

§7-01 Posting of Registration. (a) A registrant shall conspicuously post the registration issued by the Commission at the registrant's place of business.

(b) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a registrant must contain the registration number assigned to the registrant by the Commission. The registration number must be clearly identified as a Commission registration number. Any listing consisting solely of the name, address and telephone number of the registrant need not include the registrant's registration number.

§ 4. The section heading of section 6-03 of chapter 1 of title 17 of the Rules of the City of New York is amended and a new subdivision (c) of such section is added to read as follows:

§6-03 Collection of Fees Prohibited; Contract Duration.
(c) A contract for the provision of brokering services to a commercial establishment shall not exceed two years in duration.

§ 5. Title 17 of the rules of the city of New York is amended by adding a new chapter 2 to read as follows:

**CHAPTER 2
MARKETS**

Subchapter A	Public Wholesale Markets
B	Seafood Distribution Areas
C	Seafood Distribution Outside Seafood Distribution Areas
D	Market Businesses, Labor Unions and Labor Organizations Operating in Seafood Distribution Areas

**SUBCHAPTER A
PUBLIC WHOLESALE MARKETS**

§11-01	Scope and construction.
§11-02	Definitions.
§11-03	Terms and Fees.
§11-04	Wholesale Business and Market Business Registration Required.
§11-05	Application for a Wholesale Business or Market Business Registration.
§11-06	Photo Identification Cards Required.
§11-07	Temporary Photo Identification Cards and Visitors Passes.
§11-08	Application for a Photo Identification Card.
§11-08.1	Photo Identification Card; Investigation by the Commission.
§11-09	Wholesale Business and Market Business Operations.
§11-10	Labor Union and Labor Organization Registration Required.
§11-11	Application for a Labor Union or Labor Organization Registration.
§11-12	Wholesale Trade Association Registration Required.
§11-13	Application for a Wholesale Trade Association Registration.
§11-14	Record Keeping Requirements for Wholesale Trade Associations.
§11-15	Notification of Material Change in Information, Addition of New Principal and Change in Composition of Business.

§11-16 Acquisitions and Subleases.
 §11-17 Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.
 §11-18 Emergency Suspension of Registration or Photo Identification Card.
 §11-19 Prohibited Acts Generally.
 §11-20 Notice.
 §11-21 Administrative Hearings.
 §11-22 Fines and Penalties.
 §11-23 Commission Delegations to the Chairperson.
 §11-24 Additional Powers of the Commission.
 §11-25 Traffic Regulation and Parking Within the Market.
 §11-26 Administration.

§11-01 Scope and construction.

(a) This subchapter shall be applicable to each public wholesale market.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§11-02 Definitions.

For the purposes of this subchapter, the following terms shall have the following meanings:

Applicant. "Applicant" shall mean, if a business entity submitting a registration application, the entity itself and all the principals thereof; if a person submitting an application for a photo identification card, such person.

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

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesalers in a market area to assist with the management of the market area.

Employee. "Employee" shall mean a person who works or has been hired to work in a market on a full-time, part-time or seasonal basis for a wholesaler, market business, or a wholesale trade association, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been hired to work for a wholesaler or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler or a market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 11-21(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Labor union or labor organization. "Labor union" or "labor organization" shall mean a union or organization that represents or seeks to represent, for purposes of collective bargaining, employees directly involved in the movement, handling or sale of goods in the markets. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred (200) employees in any public wholesale market or combination of public wholesale markets in the City of New York; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in a public wholesale market for a purpose not directly related to the movement, handling or sale of goods in such market; or (iii) an affiliated national or international labor union of local labor unions required to register pursuant to section 11-10 of this subchapter.

Market business. "Market business" shall mean any business located or operating within a market that is engaged in providing goods or services to wholesalers or retail purchasers in such market that are related to the conduct of a wholesale business or the purchase of food or related agricultural products or horticultural products by retailers or others, or that receives such goods within a market for delivery, forwarding, transfer or further distribution outside such market. "Market business" shall include, but not be limited to, the provision of security services within a market, the provision of services related to the collection of fees for entrance into a market and parking, the supply of ice, and the unloading, loading, transfer or distribution of food or related agricultural products or horticultural products. The term "market business" shall not include a business located or operating within a market the main offices of which are located outside a market and which (i) supplies the food or related agricultural products or products sold by wholesalers or is engaged in the trucking or shipping thereof to the market or (ii) supplies electrical, plumbing, construction, renovation or other similar services to wholesalers in the market and does not earn fifty (50) percent or more of its income from such wholesalers.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in a public wholesale market. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-B of Title 22 of the Code or such rules; supervision of

Commission staff employed in the markets; response to complaints relating to the operation of businesses in the market; examination of documents required to be maintained by a registrant pursuant to Chapter 1-B of Title 22 of the Code or this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the markets; and such other functions and duties as the Commission may assign consistent with the provision of Chapter 1-B of Title 22 of the Code or the rules promulgated pursuant to such chapter and this subchapter.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a wholesale trade association required to register pursuant to section 11-12 of this subchapter or of a labor union or labor organization required to register pursuant to section 11-10 of this subchapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Public wholesale market or market. "Public wholesale market" or "market" shall mean any building, structure or place owned by the City or located on property owned by the City or under lease to or in the possession of the City or any part of a street, avenue, parkway, plaza, square or other public place that has been designated as a public market by resolution of the former Board of Estimate of the City or a local law enacted by the City Council to be used or intended to be used for the wholesale buying, selling or keeping of food, flowers or ornamental plants; except that the term "public wholesale market" shall not, unless otherwise set forth in this subchapter, include any building, structure or place within the market area as defined in section 12-02 of subchapter B of this chapter. For purposes of this subchapter, the term "public wholesale market" shall also include the area adjacent to the New York City Terminal Cooperative Produce Market beginning at the point where the westerly street line of Garrison Avenue intersects the northerly street line of Lafayette Avenue; thence easterly along the northerly street line of Lafayette Avenue to the easterly street line of Halleck Street; thence southerly along the easterly street line of Halleck Street to the southerly street line of Ryawa Avenue; thence westerly along the southerly street line of Ryawa Avenue to the westerly street line of Manida Street; thence northerly along the westerly street line of Manida Street to the southerly street line of Viele Avenue; thence westerly along the southerly street line of Viele Avenue to the westerly street line of Tiffany Street; thence northerly along the westerly street line of Tiffany Street to the southerly street line of Oak Point Avenue; thence westerly along the southerly street line of Oak Point Avenue to the westerly street line of Barry Street; thence northerly along the westerly street line of Barry Street to the southerly street line of Leggett Avenue; thence westerly along the southerly street line of Leggett Avenue to the westerly street line of Garrison Avenue; thence northerly along the westerly street line of Garrison Avenue to the point of beginning, and the premises known as 240 Food Center Drive.

Registration. "Registration" shall mean: (a) wholesaler registration or market business registration as required pursuant to section 22-253 of the Code and section 11-04 of this subchapter; (b) labor union or labor organization registration as required pursuant to section 22-264 of the Code and section 11-10 of this subchapter; or (c) wholesale trade association registration as required pursuant to section 22-265 of the Code and section 11-12 of this subchapter.

Wholesale trade association. "Wholesale trade association" shall mean an entity, the majority of whose members are wholesale businesses and/or market businesses, having as a primary purpose the promotion, management or self-regulation of a market or such wholesale businesses or market businesses within such market or the facilities utilized by such businesses, including, but not limited to a corporation, cooperative, unincorporated association, partnership, trust or limited liability partnership or company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes. The term "wholesale trade association" shall include a cooperative association. The term "wholesale trade association" shall not include any entity the majority of whose members are primarily engaged in retail sales outside a public wholesale market.

Wholesaler or wholesale business. "Wholesaler" or

"wholesale business" shall mean any business engaged in selling food or related agricultural products or horticultural products at wholesale prices for resale by a wholesaler or retailer or for use by an institution or other similar establishment, whether or not such business also sells directly to the public, except that such terms as used in this subchapter shall not include a "wholesaler" or "wholesale seafood business" as defined in section 12-02 of this chapter; provided, however, that a wholesale business to which customers do not regularly come to pick up purchases and that does not deal from such location primarily in perishable products shall not be subject, unless otherwise provided by rule of the Commission, to the provisions of sections 22-252, 22-254 and 22-255 of chapter 1-B of title 22 of the Code and the rules promulgated pursuant to such sections.

§11-03 Terms and Fees.

(a) A registration shall be valid for three (3) years and may be renewed for three (3) -year periods thereafter.

(b) The fee for registration shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for a permanent photo identification card shall be one hundred dollars (\$100), and the fee for the replacement of a photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(d) The fee for fingerprinting pursuant to sections 22-259 (pertaining to wholesale businesses, market businesses and photo identification cards), 22-264 (pertaining to labor unions and labor organizations and officers), and 22-265 (pertaining to trade associations and officers) of the Code shall be as determined by the New York State Division of Criminal Justice Services.

(e) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253, subdivision b of section 22-264, or subdivision b of section 22-265 of the Code shall be six hundred dollars (\$600).

(f) A wholesale business or a market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(g) The fees provided for in this section shall be payable to the Commission.

§11-04 Wholesale Business and Market Business Registration Required. No person shall operate a wholesale business or market business in a public wholesale market without first receiving a registration or registration number from the Commission.

§11-05 Application for a Wholesale Business or Market Business Registration.

(a) An application for registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all principals of the applicant business. The registration application shall include, without limitation, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for a registration or any or all of the principals of such applicant does not possess good character, honesty and integrity, require that such applicant or any or all of the principals of such applicant be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination. After providing notice and an opportunity to be heard, the Commission may refuse to register such applicant for the reasons set forth in section 22-259 of the Code, or defer a decision whether to register such applicant when there is a pending indictment or criminal action or pending civil or administrative action as provided in paragraph (ii) of subdivision b of section 22-259 of the Code.

(2) If at any time subsequent to the registration of a wholesale business or a market business the Commission has

reasonable cause to believe that any or all of the principals of such business do not possess good character, honesty and integrity, the Commission may require that any or all of the principals be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall apply.

§11-06 Photo Identification Cards Required.

(a) No person who is an principal or employee of any wholesale business or market business operating in a public wholesale market, or any other business operating in a public wholesale market located on City property, shall perform any function in such market without having been issued a photo identification card by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code and section 11-08.1 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Photo identification cards shall be in the possession of principals and employees of wholesale businesses, market businesses or other businesses at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A wholesale or market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of a wholesale or market business shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's or principal's photo identification card and surrender it to the market manager.

(f) No wholesale or market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

(g) The photo identification card of a person who is a principal or employee of more than one wholesale business or market business operating in a public wholesale market shall reflect the multiple affiliations of such person.

§11-07 Temporary Photo Identification Cards and Visitors Passes.

(a) The Commission may designate the cooperative association of any public wholesale market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(b) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of section 11-06 of this subchapter.

(c) The Commission may designate the cooperative association of any public wholesale market to issue visitor passes at the public wholesale market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(d) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(e) Temporary photo identification cards and visitors passes shall be in the possession of all persons required to have them at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

§11-08 Application for a Photo Identification Card. An application for a photo identification card shall include the

information requested in the application form provided by the Commission. The application shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

§11-08.1 Photo Identification Card; Investigation by the Commission. Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card who is a principal or employee of a wholesale or market business does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

§11-09 Wholesale Business and Market Business Operations.

(a) Registration or registration number not transferable. Wholesale businesses and market businesses shall not transfer their registration or registration numbers as part of the sale of such businesses.

(b) Furnishing and display of registration or registration numbers. A wholesale business or market business shall conspicuously and prominently display its registration certificate issued by the Commission at its place of business.

(c) Recordkeeping. Wholesale businesses or market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

(d) Worker's compensation insurance. Wholesale businesses or market businesses shall submit proof that they have obtained the required worker's compensation and disability benefits coverage, or that they are exempt from section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) Liability insurance. Wholesale businesses or market businesses shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property that may arise from or in connection with the business:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesale business or market business, whether or not owned by the business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by these rules shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration. Such policy or policies of insurance shall be obtained from a company or companies duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license. A registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) Wholesale businesses and market businesses shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of their employees or agents.

(h) Each wholesale businesses and market businesses shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§11-10 Labor Union and Labor Organization Registration Required. Labor unions and labor organizations representing or seeking to represent employees directly involved in the

movement, handling or sale of goods sold in any public wholesale market shall register with the Commission, unless such labor union or labor organization is exempt from registration pursuant to subdivision 22-264(a) of the Code.

§11-11 Application for a Labor Union and Labor Organization Registration.

(a) An application for a labor union or labor organization registration pursuant to section 22-264 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but not be limited to, the following information: (1) the names of all officers and agents; (2) all criminal convictions, in any jurisdiction, of such labor union or labor organization; (3) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial, investigative or regulatory agency; (4) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. §1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (5) judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5) year period preceding the date of the application; and (6) the appointment of an independent auditor, monitor, receiver, administrator or trustee to oversee any activities of such labor union or labor organization in the five (5) year period preceding the date of the application. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or 29 U.S.C. § 1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to subdivision 22-264(a) of the Code shall submit the information required by subdivision 22-264(b) of the Code on a form prescribed by the Commission.

(c) Notwithstanding any provision of this subchapter, where there is reasonable cause to believe that an officer of a labor union or labor organization does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be reported to the Commission by such union or organization or officer, in a signed and notarized writing, within thirty (30) calendar days thereof.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission with the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§11-12 Wholesale Trade Association Registration Required. Wholesale trade associations shall register with the Commission before operating in a public wholesale market.

§11-13 Application for a Wholesale Trade Association Registration.

(a) An application for a wholesale trade association registration pursuant to section 22-265 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but be not limited to, the following information: (1) the names of all members of such association; (2) the names of all persons holding office in such association; and (3) any criminal or civil investigation by a federal, state, or local prosecutorial, investigative or regulatory agency.

(b) An officer of a wholesale trade association required to be registered with the Commission pursuant to section 22-265 of the Code shall submit the information required by subdivision 22-265(b) of the Code on a form provided by the Commission.

(c) Notwithstanding any provision of this subchapter, when there is reasonable cause to believe that an officer of the trade association does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is

appropriate and reasonable to render a determination.

(d) After providing notice and opportunity to be heard, the Commission may disqualify an officer from holding office in a wholesale trade association based on the grounds set forth in subdivision c of section 22-265 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(e) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a wholesale trade association registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§ 11-14 Record Keeping Requirements for Wholesale Trade Associations.

(a) Wholesale trade associations shall retain copies of all invoices and other documents reflecting payment to and from wholesalers and market businesses, leases, sub-leases, union contracts, and all other records produced or maintained in the normal course of business for a minimum of thirty-six (36) months.

(b) Such books and records shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

§ 11-15 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form submitted pursuant to this subchapter. Subsequent to the issuance of the registration or photo identification card, the registrant or photo identification card holder shall notify the Commission within thirty (30) calendar days of any material change in the information submitted in an application or disclosure form.

(b) A registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange). The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the registrant may add such new principal pending the completion of review by the Commission. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(c) The registrant shall also notify the Commission within thirty (30) days calendar days, of the ownership composition of the business.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§ 11-16 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale business or market business shall submit an application for a wholesale business or market business registration pursuant to the provisions of Chapter 1-B of Title 22 of the Code and the rules set forth in this subchapter for a preliminary review of such application by the Commission. Upon the submission of purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition or sale is to take effect, the Commission will conduct an expedited application review.

(b) A registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however, that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale businesses and market businesses shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a wholesale business or market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale business or market business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of chapter 1-B of Title 22 of the Code and the rules

set forth in this subchapter, issue a registration number to such sublessee. Absent such registration number no wholesale business or market business may permit a sublessee to operate a wholesale business or market business on such premises.

§ 11-17 Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a registration to a wholesale business or market business applicant or a photo identification card applicant, the applicant shall be notified in writing of the reasons for the proposed refusal of such registration or photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend the registration of a wholesale business or market business or a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation section 11-19 of this subchapter. Notice shall be provided in accordance with the provisions of section 11-20 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of this subchapter.

(c) Revocation or suspension of a registration, discontinuance of business operations in the market area by a registrant, or denial of an application for registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the registrant. Violation of the provisions of this subdivision may result in immediate revocation of a suspended registration and/or the imposition of sanctions and penalties as provided in section 22-258 of the Code.

(d) Revocation or suspension of photo identification cards or denial of an application for a photo identification card (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§ 11-18 Emergency Suspension of Registration or Photo Identification Card. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a wholesale business or market business or the presence of any person in the public wholesale market creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission who shall determine such appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision (b) of section 11-21 of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by a wholesale business or market business whose registration has been suspended without a prior hearing, permit such business to remain in the market for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the market.

§ 11-19 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (11) sell in any market any merchandise that the Commission has prohibited to be sold therein; (12) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (13) perform any act that may tend to damage or clog drains or

sewers; or (14) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of wholesalers or market businesses, officers of labor unions and labor organizations, and officers of wholesale trade associations. Such persons shall not:

(1) authorize another person to use the name of the wholesale business, labor union or organization, wholesale trade association or market business to which a registration number has been issued for such business;

(2) authorize another person to conduct a wholesale business or market business with the registration number that has been issued to such business;

(3) conduct a wholesale business or market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws or regulations;

(5) in the case of a wholesale business or market business, fail to notify the Commission of any change in the information pursuant to section 11-15 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or to any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a wholesale, market or other business, continue to employ within any market a person who is required to have but has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 11-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§ 11-20 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-B of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, registrant or photo identification card holder or on the registration issued to the business. All such notices served on an employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§ 11-21 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-B of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or by other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card or registration, such hearing shall, at the discretion of the Commission, be conducted by the Commission, a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-261 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct a fair and impartial hearing, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing

and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default the hearing officer shall make recommended findings and a recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§ 11-22 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a wholesale business, market business, or wholesale trade association, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-B of Title 22 of the Code or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A wholesale business, market business, or wholesale trade association shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§ 11-23 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter or Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 11-24 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by the Commission.

(b) Entry into any market may be regulated by the Commission. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commission shall have first approved the amount of such fee. The Commission may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§ 11-25 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and with any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owner.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations and procedures of any other government agency having jurisdiction over motor vehicles.

§ 11-26 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such

premises no later than five (5) days after such surrender.

SUBCHAPTER B SEAFOOD DISTRIBUTION AREAS

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§12-01 Scope and construction.

(a) This subchapter shall govern licensing, registration and other requirements relating to seafood distribution in seafood distribution areas, including the market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§12-02 Definitions.

For the purposes of this subchapter, the following terms shall have the following meanings:

Applicant. "Applicant" shall mean, if a business entity submitting a response to a request for licensing proposals, an application for a temporary license or a registration application, the entity itself and all the principals thereof; if an individual submitting an application for a photo identification card, such individual.

Business related to seafood distribution. "Business related to seafood distribution" shall mean any business located in the market area other than an unloading, loading, wholesaler or seafood delivery business, that provides or maintains items or services necessary to seafood distribution, including, but not limited to, the provision or maintenance of ice or other equipment or supplies.

Business entity. "Business entity" shall mean a sole proprietorship, partnership, corporation, or other entity established under law and authorized to conduct business within the state of New York.

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

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesale seafood businesses in a market area to assist with the management of the market area.

Designated waiting area. "Designated waiting area" shall mean that area set aside by the market manager during regular unloading hours in which trucks shall wait until unloaders are assigned to them.

Designee of the commission. "Designee of the commission" shall mean the Department of Citywide Administrative Services and, with respect to loading services or the direction of traffic within the market area, the Department of Transportation.

Employee. "Employee" shall mean a person who works or who expects to work in a market area on a full-time, part-time or seasonal basis for a wholesaler, seafood delivery business, loading business, unloading business or market business, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been hired to work for a wholesaler, seafood delivery business, loading business,

unloading business or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler, seafood delivery business, loading business, unloading business or market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 12-26(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Loader. "Loader" shall mean any person who performs loading services.

Loading area. "Loading area" shall mean a location, approved or designated by the market manager, in which designated loading business shall provide loading services. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Loading business. "Loading business" shall mean any business entity that, for a payment, provides loading services.

Loading services. "Loading services" shall mean services performed by a loader and provided by a loading business for a purchaser of seafood, including parking such purchaser's vehicle, moving such vehicle when necessary for traffic control, loading seafood onto such vehicle, and ensuring the security of such vehicle and the seafood loaded thereon; provided, however, that the term shall not mean the loading of seafood onto the vehicle of a purchaser when such loading is performed by an employee of a wholesaler delivering seafood from such wholesaler to the vehicle of the purchaser thereof or by a purchaser or an employee of such purchaser.

License. "License" shall mean an unloading business license or a loading business license issued by the Commission authorizing the conduct of such business in the market area.

Market area. "Market area" shall mean:

(1) The area in Hunts Point in the Borough of the Bronx that includes (i) the structure known as the New Fulton Fish Market at Hunts Point and all parking and other areas adjacent thereto, beginning at the intersection of the bulkhead line in the East River and the easterly street line of Halleck Street extended, thence northwesterly to the intersection of the easterly street line of Halleck Street extended and the southerly street line of Food Center Drive, thence easterly along the southerly street line of Food Center Drive to the intersection of the southerly street line of Food Center Drive and the southerly street line of Farragut Street, thence easterly along the southerly street line of Farragut Street continuing to its easterly terminus, thence easterly to the intersection of Farragut Street extended and the bulkhead line in the East River, thence westerly along said bulkhead line to the place of beginning, but excluding (A) the southern portion of the above-described area that is under the jurisdiction of the Department of Correction and includes a prison barge and adjacent parking lot and other facilities and areas controlled by the Department of Correction, and (B) the eastern portion of the above-described area that is under the jurisdiction of the Department of Sanitation and includes a marine transfer station and other facilities and areas controlled by the Department of Sanitation; and (ii) the parking lot for use by persons employed at the New Fulton Fish Market at Hunts Point, including the pathway connecting such parking lot with Food Center Drive and the driveway connecting such parking lot with Halleck Street, that lies northwest of the area described in paragraph (i) of this subdivision, northeast of Halleck Street, southeast of the northerly street line of Viele Street extended, and southwest of the Hunts Point Meat Market.

The aerial photograph constituting Appendix A of this subchapter illustrates the market area described above. Such appendix is for illustration purposes only, and the area indicated therein is not necessarily to scale. If there is a conflict between the description set forth above and the area illustrated by such photograph, the description set forth above shall prevail.

(2) Any other area declared to be a seafood distribution area pursuant to section 22-222 of the Code.

Market hours. "Market hours" shall mean the hours of operation of the market area as designated by the market manager. Such hours shall be posted in appropriate locations throughout the market area.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in the market area. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter; supervision of Commission staff employed in the market area; response to complaints relating to the operation of businesses in the market area; examination of documents required to be maintained by a licensee or registrant pursuant to this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the market area; and such other functions and duties as the Commission may assign consistent with the provisions of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter.

Non-seafood business. "Non-seafood business" shall mean any business that operates within a market area on City property that is not a loading, unloading, wholesale seafood or seafood delivery business or a market business, as that term is defined in section 14-02 of this chapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all

business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Registration. "Registration" shall mean wholesale seafood registration as required by section 22-209 of the Code or a seafood deliverer registration as required by section 22-211 of the Code.

Regular loading hours. "Regular loading hours" shall mean the hours designated by the market manager for the loading of seafood. Notice of such designation and of any changes thereto shall be posted in appropriate locations.

Regular unloading hours. "Regular unloading hours" shall mean the hours designated by the market manager for the unloading of seafood from trucks. Notice of such designation and of any changes thereto shall be posted in appropriate locations.

Seafood. "Seafood" shall mean fish, seafood or consumables derived therefrom.

Seafood delivery business or seafood deliverer. "Seafood delivery business" or "seafood deliverer" shall mean any business entity, that, for payment, delivers seafood from wholesalers in the market area by truck or other vehicle to retail establishments or other wholesalers in the City of New York or other locations outside the market area.

Stand permit. "Stand permit" shall mean an occupancy permit granted by the Commission subject to such conditions as the Commission shall prescribe authorizing use of city property by a wholesaler for the placement of seafood in an area extending into a city street.

Unloader. "Unloader" shall mean any person who performs unloading services.

Unloading area. "Unloading area" shall mean a location, approved or designated by the market manager, in which seafood may be unloaded from trucks for delivery to wholesalers or for transfer and distribution to other locations. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Unloading business. "Unloading business" shall mean any business entity that, for a payment, provides unloading services.

Unloading dispatcher. "Unloading dispatcher" shall mean any person designated by the market manager to supervise the unloading procedure.

Unloading services. "Unloading services" shall mean the unloading of seafood from a truck or other vehicle that has transported such seafood from suppliers and the delivery thereof to wholesalers or the transfer thereof to other trucks or vehicles for transport to other locations.

Wholesaler or wholesale seafood business. "Wholesaler" or "wholesale seafood business" shall mean any business entity which sells or offers to sell seafood for resale to the public, whether or not such business entity also sells or offers to sell seafood directly to the public; except that "wholesaler" shall not include any such entity that is primarily engaged in the sale of seafood that has been processed and packaged by another business for sale to consumers in such packaged form.

§12-03 Terms and Fees.

(a) Licenses.

(1) License term. An unloading or loading license issued pursuant to this subchapter shall be valid for two (2) years and may be extended for an additional (1) year at the discretion of the Commission. A temporary license issued pursuant to subdivision 22-204(g) or 22-206(g) shall be valid for a period not to exceed one (1) year, provided that such license shall not extend beyond the remainder of the term of the original license.

(2) License fee. The fee for an unloading or loading license shall be seven thousand five hundred dollars (\$7500) and the fee for extension of such license for an additional year shall be three thousand seven hundred and fifty dollars (\$3750). The fee for a temporary license shall be prorated to the term of an original license.

(3) Disclosure fee for principals of license applicants. The fee for each principal disclosure in connection with an unloading or loading license shall be six hundred dollars (\$600).

(b) Registrations.

(1) Registration term. A wholesale seafood business or a seafood delivery business registration issued pursuant to this subchapter shall be valid for two (2) years, and may be renewed for two (2)-year periods thereafter.

(2) Registration fee. The fee for registration of a wholesale seafood business or a seafood delivery business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) Stand permits.

(1) Stand permit term. A stand permit issued pursuant to this subchapter shall be valid for two years, and may be renewed for two year periods thereafter.

(2) Stand permit fee. The fee for a stand permit shall be based on the square footage of the area encompassed by the stand permit.

(d) Photo identification fee. The fee for a Class B photo identification card issued by the market manager shall be one hundred dollars (\$100), and the fee for the replacement of a Class B photo identification card that has been lost or stolen shall be one hundred dollars (\$100). The fee for Class A photo identification card issued by the market manager shall be one hundred and fifty dollars (\$150), and the fee for the replacement of a Class A photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) Investigative fee. The fee for a background investigation pursuant to subdivision b of section 22-209 and subdivision b of section 22-211 shall be six hundred dollars (\$600) and the fee for a background investigation pursuant to subdivision b of section 22-203 of the Code shall be two hundred dollars (\$200).

(f) Fingerprint fee. The fee for fingerprinting shall be as determined by the New York State Division of Criminal Justice Services.

(g) A wholesale seafood business, a seafood delivery business, a loading business or an unloading business shall be responsible for the payment of any fee imposed by this section with respect to an employee, principal or agent of such business or any person seeking to become an employee, principal or agent of such business.

(h) The fees provided for in this section shall be payable to the Commission.

§12-04 Photo Identification Cards and Visitors Passes.

(a) Class A and Class B Photo Identification Cards. No person who is a principal or employee of any unloading, loading, wholesale, seafood delivery or non-seafood business who performs any function in the market area, or any agent of such a business who performs any function in the market area directly related to the handling or transportation of seafood, shall perform such function without a Class A or Class B photo identification card issued by the market manager pursuant to this subchapter and section 22-203 of the Code. A person who performs any function in the market area who is a principal or employee of an unloading or loading business subject to the licensing requirement in sections 22-204 and 22-206 of the Code, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class A photo identification card issued by the market manager. A person who performs any function in the market area who is a principal or employee of a wholesale or seafood delivery business subject to the registration requirement in sections 22-209 and 22-211 of the Code or a non-seafood business, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class B photo identification card from the market manager.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-203 and 22-216 of the Code and section 12-05 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Temporary Photo Identification Cards and Visitors Passes. (1) The Commission may designate the cooperative association of any market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(2) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of this section.

(3) The Commission may designate the cooperative association of any market to issue visitor passes at the market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(4) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall immediately notify the market manager of the addition or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of an unloading, loading, wholesale, seafood delivery or non-seafood business shall immediately surrender his or her photo identification card to the market manager. A business that terminates an employee possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) Photo identification cards and visitors passes shall be displayed at all times within the market area so as to be readily visible to others.

(g) No loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§12-05 Application for Class A and Class B Photo Identification Cards.

(a) An applicant for a Class A photo identification card shall be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records, provide in full the background information required pursuant to subdivision a of section 22-216 of the Code in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(b) An applicant for a Class B photo identification card shall submit the information requested in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(c) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for, or holder of, a Class B photo identification card (other than a principal, employee or agent of a non-seafood business) does not possess good character, honesty and integrity, require that such applicant or Class B holder be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission pursuant to sections 22-203 and 22-216 of the Code. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation, documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) The Class B photo identification card of a person who is a principal, employee or agent of more than one wholesale seafood business or seafood delivery business shall reflect the multiple affiliations of such person.

§12-06 Unloading and Loading Licenses Required.

(a) Unloading licenses. No person shall operate an unloading business in the market area without having first obtained a license to conduct such business issued by the Commission.

(b) Loading licenses. No person shall operate a loading business in the market area without having first obtained a license to conduct such business issued by the Commission.

§12-07 Application for License.

(a) Procedure. (1) An applicant business required by section 22-204 or section 22-206 of the Code, where applicable, to obtain a license to operate an unloading business or a loading business in the market area shall submit an application for a license and a response to a request for licensing proposal issued by the Commission pursuant to section 22-204 or section 22-206 of the Code no later than the dates specified in such request for licensing proposal.

(2) Notice of the availability of requests for licensing proposals to conduct an unloading business or a loading business in the market area, and the date or dates by which such proposals must be submitted, shall be posted in locations within the market area and published in The City Record and any other locations and publications as the Commission may determine are appropriate.

(3) An applicant for an unloading or loading license shall submit the information contained in the license application form and the required disclosure form provided by the Commission. In addition, each principal of the applicant business shall be fingerprinted by a person designated for such purpose by the Commission. The Commission may compel attendance, examine witnesses, take testimony and require the production of evidence as the Commission deems necessary to investigate the truth and accuracy of the information submitted.

(b) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-08 Information Required on a License Application.

(a) The application for a loading or unloading license accompanying the response to the request for licensing proposals shall be signed by all principals of the applicant and certified under penalty of perjury.

(b) The application shall include, but not be limited to the following information:

(1) The name and address of the applicant submitting such response and the social security numbers of the principals of the applicant business.

(2) (i) If such applicant is a corporation, a copy of the certificate of incorporation and the names and addresses of all officers and directors.

(ii) If such applicant is a partnership, a copy of partnership papers, certified by the County Clerk.

(iii) If such applicant is a limited liability company, a copy of the articles of organization and the names and addresses of all members.

(iv) If the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk.

(3) Complete responses by the applicant business and by all of the principals of the business to the applicable

disclosure form required by the Commission pursuant to subdivision a of section 22-216 of the Code.

(4) The names and addresses and dates of birth of all employees and/or agents of the applicant who will perform work directly or indirectly related to loading or unloading, as the case may be, whether inside or outside the market area; driver's license numbers, with the class and expiration date, or other required operator's licenses, of all employees and/or agents who will operate vehicles within the market area; and completed disclosure forms, as required pursuant to section 22-216 of the Code for each current or identified employee and/or agent who will be required to possess a Class A photo identification card.

(5) A business telephone number and a business address within the City of New York where notices may be delivered and legal process may be served, and where records required by these rules shall be maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process.

(6) A tax identification number.

(7) A statement of financial responsibility in the form prescribed by the Commission demonstrating the capacity to conduct the business for which the license is sought and setting forth the amounts and sources of funds used or intended to be used in the operation of the business. Proof of such financial capacity shall include, at a minimum, a demonstration of the current financial ability to pay all monthly expenses relating to required equipment, insurance, personnel, and other items for a period of at least three months.

(8) Proof of insurance required.

(i) Before a license is issued, an applicant shall submit proof that the following insurance policies have been secured:

(A) The required worker's compensation and disability benefits coverage, or that the applicant is exempt from section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms;

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(B) Liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the applicant's business pursuant to the license. The applicant may purchase such policies in conjunction with one or more other licensees, provided that the following coverages are maintained:

(I) Commercial general liability insurance with liability limits of for unloading businesses no less than one million dollars (\$1,000,000) and for loading businesses no less than five hundred thousand dollars (\$500,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(II) Business automobile liability insurance covering every vehicle operated by the applicant in its business, whether or not owned by the applicant, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(III) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(ii) The policy or policies of insurance required by this paragraph shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(iii) The licensee shall maintain all required insurance coverage throughout the term of the license. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the license.

(iv) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(v) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license.

(9) Proof of a performance bond, or other security that the Commission in its discretion so requires, in an amount, if any, determined by the Commission that will secure the City for the provision of unloading services or loading services, as the case may be, in the event of a default of a licensee as provided by section 22-204 or section 22-206 of the Code. The requirement of a performance bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a license has been issued.

(c) Requirements for proposals. Responses to requests for proposals shall be in the form prescribed by the Commission and shall contain the proposal information concerning the services to be performed and the conduct of the business described in subdivision b of section 22-204 of the Code with respect to unloading licenses and in subdivision b of section 22-206 of such Code with respect to loading licenses. The proposal shall be signed by all the principals of the applicant and certified under penalty of perjury.

(d) Examination of records. The Commission may require an applicant to produce for inspection such business records as the Commission deems necessary to verify the truth and accuracy of information submitted pursuant to an application for a license.

§12-09 License Issuance.

(a) Following review of proposals submitted in response to

a request for licensing proposals issued pursuant to section 22-204 or section 22-206 of the Code, as the case may be, the Commission may, at its discretion, issue one or more licenses to conduct an unloading business or a loading business in the market area to the business entity or entities the Commission has determined are most qualified to provide such services in a safe, orderly and cost-efficient manner.

(b) The Commission may refuse to consider a proposal, refuse to issue a license or defer a decision on whether to consider such proposal or issue such license pursuant to the provisions set forth in subdivision b of section 22-216 of the Code.

(c) When a license or consideration of a proposal is denied for lack of good character, honesty and integrity or when the decision to issue such license or to consider such proposal is deferred, the applicant shall be given notice of the reasons for such denial or deferral and may respond in writing within ten (10) days of receipt of such notice. The Commission shall review such response and shall make a final determination whether to issue the license or consider the proposal.

(d) Notwithstanding any other provision of this section, the Commission may, for the reasons set forth in section 22-208 of the Code, determine not to issue a license or licenses to conduct unloading or loading businesses, as the case may be, in the market area and instead arrange for the Commission, a designee of the Commission or an entity under contract to the Commission, or any combination thereof, to provide such services.

§12-10 License Conditions. A license to conduct an unloading business in the market area shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements as may be set forth as conditions of such license pursuant to subdivision d of section 22-204 of the Code. A license to conduct a loading business shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements set forth as conditions of such license pursuant to subdivision d of section 22-206 of the Code. In addition, a license to conduct an unloading business and a license to conduct a loading business shall be subject to the following conditions:

(a) Maintenance of insurance. A licensee shall demonstrate that he, she or it has secured the insurance coverage required pursuant to section 12-8 of this subchapter, and shall maintain such required insurance coverage throughout the term of the license.

(b) A license issued by the Commission pursuant to this subchapter shall not be transferable. A licensee shall not permit the use by any other person of the license or license number issued pursuant to this subchapter.

(c) A license shall not be altered by a licensee. Any license that is altered by the licensee shall be null and void.

§12-11 Unloading Operations. An unloading business shall comply with the conditions for conducting unloading operations that are contained in the license issued to such unloading business pursuant to section 22-204 and subdivision b of section 22-222 of the Code. In addition, an unloading business shall be subject to such provisions of this section as the market manager may direct.

(a) Order of unloading. (1) Upon arrival, trucks shall be directed to the designated waiting area. The unloading dispatcher designated by the market manager shall record relevant information, including the license number and time of arrival and shall inspect and make a copy of the manifest for seafood to be delivered by each truck that enters a designated waiting area.

(2) Trucks shall remain in the designated waiting area until directed by the unloading dispatcher to proceed to a designated unloading area.

(3) Except as otherwise provided in paragraph (4) of this subdivision, unloaders shall unload trucks in order of their arrival at the designated waiting area, based on the time of arrival recorded by the unloading dispatcher.

(4) Notwithstanding paragraph (3) of this subdivision, the unloading dispatcher may permit the unloader to unload out of order of arrival if the truck is delivering fewer than three (3) pallets of seafood; if the truck contains live seafood; if the seafood requires special handling or equipment which only a particular unloader can provide; or for other reasons which the unloading dispatcher determines justify expedited unloading.

(b) Unloading assignments and hours. (1) An unloading business shall not conduct unloading in an unloading area unless the market manager has approved the use of such area by such unloading business or has assigned such unloading business to such unloading area. The market manager may rotate such assignments.

(2) (i) Except as provided in subdivision (b) of this section, an unloading business licensed pursuant to this subchapter shall be available throughout the regular unloading hours to unload trucks directed to such business by the unloading dispatcher.

(ii) If, toward the end of the regular unloading hours, the market manager determines that the presence of an unloading business is not required because of the small number of trucks awaiting unloading or expected to unload, he or she may allow such unloading business to leave. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall arrange for the rotation of such businesses required to remain present during such periods.

(iii) The market manager shall provide that an unloading business be on call to unload any truck that may arrive after the regular unloading hours and shall designate such unloading business. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall rotate the responsibility to unload trucks after regular unloading hours on a periodic basis. Each unloading business shall provide for an unloading crew and a supervisor of such unloading crew to be on duty during the hours that such business is on call. Such unloader may, where authorized in the conditions of its unloading license, charge a surcharge not to exceed the amount specified in such conditions for unloading after the regular unloading hours. Such surcharge shall be posted with

the unloading rates as required in subdivision (c) of this section.

(3) An unloading business and an unloader shall at all times unload trucks in the order directed by the unloading dispatcher.

(4) An unloading business and an unloader shall not refuse to unload any truck directed to his, her or its approved or assigned unloading area by the unloading dispatcher.

(c) Rates, billing procedures and record keeping. (1) An unloading business may charge no more than those rates for unloading that are specified in the conditions of the unloading license issued pursuant to section 22-204 of the Code and the provisions of this subchapter, and shall post such rates in such appropriate locations within the market area as the market manager shall specify.

(2) An unloading business shall direct the unloader to verify that the information on the bill of lading conforms to the seafood delivered to the wholesaler, and to sign and legibly record the license number of the unloading business on the bill of lading and obtain a signature thereon from the wholesaler or a person authorized by the wholesaler to sign for such delivery acknowledging receipt of the seafood indicated thereon, noting any discrepancies.

(3) Except as otherwise authorized in writing by the market manager, an unloading business shall provide for the weekly billing of wholesalers for seafood delivered, shall retain copies of all such bills and of all other records produced in the normal course of business for thirty-six (36) months and shall make all such records available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager. Each bill shall specify for each delivery the shipper, the date and time of delivery to the wholesaler, the quantity and type of seafood delivered and amount charged for the delivery.

(4) The provisions of this subdivision shall not apply where the Commission, a designee of the Commission or an entity under contract to the Commission performs unloading services pursuant to paragraph (ii) of subdivision g of section 22-204 or 22-208 of the Code.

(d) Prohibited acts for unloaders.

(1) An unloading business or an unloader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the unloading business adequately and effectively to perform unloading activities under this subchapter.

(2) An unloading business or an unloader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the unloading process by threats, intimidation or coercion, or by unloading any truck out of order or soliciting any other unloading business or unloader to unload any truck out of order, or by refusing to unload or soliciting any other unloading business or unloader to refuse to unload any truck directed to him, her or it by the unloading dispatcher.

(3) An unloading business or an unloader shall not charge any fees in addition to the fees for unloading specified in the conditions of the unloading license issued by the Commission, nor shall an unloading business or an unloader request or accept other fees or gratuities relating to unloading from wholesalers or truckers.

(4) An unloading business or an unloader shall not violate applicable federal, state and city regulations regarding the handling of seafood.

(5) In addition to the foregoing, the following rules also apply to principals, employees and agents of an unloading business or an unloader. Such persons shall not:

(i) authorize another person to use the name of the unloading business or unloader to which a license has been issued;

(ii) authorize another person to conduct an unloading business or act as an unloader with the license that has been issued to such unloading business or unloader;

(iii) conduct an unloading business under any name other than the name under which such business has been licensed with Commission;

(iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;

(vi) falsify any business record;

(vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;

(viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;

(ix) engage in any unfair labor practice under federal and state labor laws as applicable.

(x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;

(xi) violate or fail to comply with any order or directive of the Commission;

(xii) fail to pay federal, state and local taxes;

(xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-12 Loading Operations. A loader shall comply with the conditions for conducting a loading business that are contained in the license issued to such loading business pursuant to section 22-206 and subdivision b of section 22-222 of the Code. In addition, a loading business shall be conducted subject to the provisions of this section as the market manager may direct.

(a) Loading charges and vouchers. (1) A loading business shall post copies of the schedule of the rates set forth in the conditions of its license to be charged for the parking of vehicles and for the services performed by such loading

business in appropriate areas within the market area as determined by the market manager. The market manager or the designee of the market manager may issue vouchers for sale to persons who wish to park and use loading services in the market area. Where the market manager or the designee of the market manager has issued such vouchers, persons parking and using loading services in the market area shall pay loaders for such parking and loading services only with vouchers purchased from the market manager or his or her designee.

(2) A loading business or a loader shall not charge more than the rates that are contained in the conditions of the loading license and are shown on a schedule posted pursuant to paragraph (1) of this subdivision. Where the market manager or his or her designee has issued vouchers pursuant to this subdivision, loaders shall accept payment for parking and loading services only in voucher form and shall not charge, request or accept any cash payment or other fees or gratuities in connection with loading. Where such vouchers have been issued, the market manager or his or her designee shall redeem those vouchers presented to him or her by a loading business for payment.

(b) Loading Assignments and Hours. (1) A loading business shall not conduct loading in a loading area unless the market manager has approved the use of such area by such loading business or has assigned such loading business to such loading area. The market manager may rotate such assignments.

(2) All loading and services related to loading shall take place during the regular loading hours designated by the market manager.

(c) Prohibited acts for loaders.

(1) A loading business or a loader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the loading business to perform loading activities adequately and effectively under this subchapter.

(2) A loading business or a loader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the market area.

(3) Where the market manager or the designee of the market manager has issued vouchers pursuant to subdivision (a) of this section, a loading business or a loader shall accept payment for parking and loading services only in voucher form. A loading business or a loader shall not charge other than the fees contained in the conditions of the loading license and shown in the schedule of rates posted pursuant to subdivision (a) of this section nor shall a loading business or a loader solicit or accept gratuities from purchasers of seafood or fees other than for the services specified on such schedule.

(4) A loading business or a loader shall not attempt to force any person to park his or her vehicle in the location designated or approved by the market manager for the use of such loading business.

(5) A loading business or a loader shall not refuse to perform loading or services related to loading for any person when space is available for such person's vehicle in the location designated or approved by the market manager for the use of the loading business.

(6) A loading business or a loader shall not, by threats, intimidation or any other action, force any person to agree to use the services of such business or prevent any person from using the services of any other loading business. A loading business or a loader shall not solicit, threaten, or enter into agreement with another loader to refuse loading services to any person.

(7) A loading business or a loader shall not move or otherwise interfere with any vehicle, except that a loader may move a vehicle for the purposes of facilitating traffic flow or loading operations when the owner of such vehicle has entrusted the loader with the keys to the vehicle.

(8) A loading business or a loader shall not violate applicable federal, state or city regulations regarding the proper handling of seafood.

(9) In addition to the foregoing, the following rules also apply to principals, employees and agents of a loading business or a loader. Such persons shall not:

(i) authorize another person to use the name of the loading business or loader to which a license has been issued;

(ii) authorize another person to conduct a loading business or act as a loader with the license that has been issued to such loading business or loader;

(iii) conduct an loading business under any name other than the name under which such business has been licensed with Commission;

(iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;

(vi) falsify any business record;

(vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;

(viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;

(ix) engage in any unfair labor practice under federal and state labor laws as applicable.

(x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;

(xi) violate or fail to comply with any order or directive of the Commission;

(xii) fail to pay federal, state and local taxes;

(xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-13 Wholesale Seafood Business and Seafood Deliverer Registration Required.

(a) No person shall operate a wholesale seafood business in the market area without having first registered with the Commission and received a registration or registration number from the Commission.

(b) No person shall operate a seafood delivery business in the market area without having first registered with the Commission and having received a registration or registration number from the Commission.

§12-14 Application for a Wholesale Seafood Business and Seafood Delivery Business Registration.

(a) An application or renewal thereof for a wholesale seafood business or a seafood delivery business, pursuant to sections 22-209 and 22-211 of the Code, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by all principals of the applicant business. The registration application shall include, but not be limited to, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for registration as a wholesale seafood business or seafood delivery business or any or all of the principals of such applicant business does not possess good character, honesty and integrity, require that any or all such principals be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) If at any time subsequent to the registration of a wholesale seafood business or a seafood delivery business, the Commission has reasonable cause to believe that any or all of the principals, employees or agents of such business do not possess good character, honesty and integrity, the Commission may require that any or all of such principals be fingerprinted by a person designated for such purpose by the Commission and pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-15 Wholesale Seafood Business Operations.

(a) Registration not transferable.

(1) A wholesale seafood business shall not transfer its registration or registration number as part of the sale of such business.

(2) A wholesaler shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued.

(3) A wholesaler shall not allow any other person to place seafood in the space which the wholesaler has subleased from a cooperative association, except that a wholesaler may, as provided in subdivision d of section 22-209 of the Code, permit the use of such space by another registered wholesaler who has received a shipment of seafood that cannot be accommodated in the space from which such registered wholesaler operates. No fee may be charged for such temporary use and any such use must be reported to the Commission as soon as practicable, with details specifying the dates, times and extent of such use. A wholesaler may also, as set forth in subdivision e of section 22-209 of the Code and pursuant to the provisions regarding approval of the Commission and limitations upon the charging of fees set forth in such subdivision, allow the use by no more than one

other registered wholesaler on other than a temporary basis of no more than forty-nine (49) percent of the space which the wholesaler has subleased from a cooperative association.

(b) Furnishing and display of registration numbers. (1) A wholesaler shall furnish, by telephone or in writing, to each supplier, distributor or other person from whom the wholesaler orders or agrees to receive seafood the registration number and the name of the business to which such registration number has been issued.

(2) The name and registration number of a wholesale seafood business shall be affixed and prominently displayed on all premises from which such wholesale seafood business is conducted.

(c) Record keeping. (1) Wholesalers shall retain copies of all bills from and records of payments to unloaders, suppliers and shippers of seafood and payment from retailers. Such bills and records shall accurately reflect the amount of seafood involved in each transaction and shall, along with all other records produced in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager or an employee of the Commission.

(2) Wholesalers or a designee of the wholesaler shall sign each bill of lading acknowledging delivery and receipt of the seafood indicated thereon, noting any discrepancies.

(d) Worker's compensation insurance. A wholesaler shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) Liability insurance. A wholesaler shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the wholesale business. The wholesaler may purchase such policies in conjunction with one or more other wholesalers, provided that the following coverages described in this subdivision are maintained with respect to each wholesaler:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesaler, whether or not owned by the wholesaler, and every vehicle hired by the wholesaler with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A wholesaler shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

(g) Payment bond. A wholesaler shall, in the discretion of the Commission, procure and maintain a payment bond or other security ensuring payment to suppliers of such wholesaler or to unloading businesses in an amount, if any, to be determined by the Commission taking into account such factors as the wholesaler's volume of business and credit worthiness. The requirement of a payment bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a registration has been issued.

§12-16 Seafood Delivery Operations. A seafood deliverer shall be subject to the requirements for conducting a seafood delivery business that are contained in this section.

(a) The market manager may designate an area or areas within the market area where seafood deliverers shall park while picking up seafood from wholesalers for delivery.

(b) (1) Seafood deliverers shall possess a valid driver's license as required by section 501 of the Vehicle and Traffic Law.

(2) All vehicles employed in a seafood delivery business shall possess: proper vehicle registration as required by section 401 of the Vehicle and Traffic Law; a valid inspection sticker obtained pursuant to the provisions of Article 5 of the Vehicle and Traffic Law; and insurance coverage as required by Article 6 of the Vehicle and Traffic Law.

(c) A seafood deliverer shall not offer seafood for sale within the market area for resale to the public unless the seafood deliverer is also registered as a wholesaler.

(d) Seafood deliverers shall comply at all times with all

applicable federal, state and city regulations regarding the proper handling of seafood.

(e) Worker's compensation insurance. A seafood deliverer shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(f) Liability insurance. A seafood deliverer shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the seafood deliverer's business. The seafood deliverer may purchase such policies in conjunction with one or more other seafood deliverers, provided that the following coverages described in this subdivision are maintained with respect to each seafood deliverer:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the seafood deliverer, whether or not owned by the seafood deliverer, and every vehicle hired by the seafood deliverer with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(g) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A seafood deliverer shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A-X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

§12-17 Regulation for Safety, Order and Health in the Market Area.

(a) In order to ensure safe, orderly and healthful conditions in the market area, the market manager may take measures, including but not limited to the following: (1) designate areas in which activities not otherwise regulated by the provisions of this subchapter and related to the distribution of seafood in the market area may be conducted;

(2) prohibit any activity that may present a threat of (i) intimidation or disruption of businesses in the market area, (ii) traffic congestion or (iii) unsafe, unlawful or unsanitary conditions, and exclude from the market area any person or business conducting such activity;

(3) regulate the movement of traffic throughout the market area; and

(4) prescribe methods for the sanitary disposal of waste in the market area.

(b) With respect to the conduct of business and activities related to the distribution of seafood in the market area, where any provision of this subchapter is inconsistent with any other provision of this chapter, the provisions of this subchapter shall apply.

§12-18 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any other person within the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility that is specifically designed for such purpose; (5) violate any measure imposed by the market manager pursuant to section 12-17 of this subchapter; (6) violate any other order of the market manager issued in accordance with Chapter 1-A of Title 22 of the Code or this subchapter; (7) violate any applicable federal, state or local law or regulation regarding the handling of seafood; (8) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (9) sell in any market any merchandise that the Commission has prohibited to be sold therein; (10) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (11) perform any act that may tend to damage or clog drains or sewers; or (12) provide false or

misleading information to the Commission.

(b) Where any provision of Chapter 1-A of Title 22 of the Code or this subchapter prohibits or otherwise restricts any activity or conduct of licensees or registrants, the principals, employees and agents of such licensees and registrants, or holders of photo identification cards, such provision also is applicable to applicants for such licenses and registrations, and principals, employees and agents thereof, and applicants for photo identification cards, as the case may be.

§12-19 Prohibited Acts for Wholesalers and Seafood Deliverers.

(a) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not solicit an unloader to unload a truck out of order.

(b) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market.

(c) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to use the name of the business to which a registration or registration number has been issued for such wholesale or seafood delivery business.

(d) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to conduct a wholesale seafood business or a seafood delivery business with the registration or registration number that has been issued to such wholesaler or seafood deliverer.

(e) A wholesaler and its employees and agents shall not sublease or otherwise allow the use of its premises by a person who does not possess a registration number issued by the Commission pursuant to this subchapter.

(f) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not conduct a wholesale seafood business or a seafood delivery business under any name other than the name under which such business has been registered with the Commission.

(g) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall discard seafood in accordance with applicable federal, state, and local law governing the disposal of seafood and seafood products.

(h) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate applicable federal, state and city regulations regarding the proper handling of seafood.

(i) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to notify the Commission of any change in the information provided pursuant to section 12-21 of this subchapter with respect to the composition or ownership of the wholesale business, or of any change in the employment status of its employees.

(j) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not associate with a person whom such person knows or should know is a member or associate of an organized crime group. A person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group.

(k) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not make, file or submit a false or misleading statement to the Commission or to a government agency or employee.

(l) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not falsify any business record.

(m) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not engage in any unfair labor practice under federal and state labor laws as applicable.

(n) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not refuse to answer an inquiry from the Commission.

(o) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate or fail to comply with any order or directive of the Commission.

(p) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay federal, state and local taxes.

(q) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay any fines or civil penalties imposed pursuant to Chapter 1-A of Title 22 of the Code or this subchapter.

§12-20 Applicability When Commission Performs Unloading or Loading Services.

a. The sections of this subchapter relating to licensing requirements shall not apply where the Commission determines, pursuant to paragraph (ii) of subdivision g of section 22-204, paragraph (ii) of subdivision g of section 22-206 or section 22-208 of the Code, that the Commission, a designee of the Commission, an entity under contract to the Commission, or a combination thereof shall provide unloading services or loading services in the market area.

b. Where the Commission makes such a determination, such loading or unloading services shall be provided in accordance with all rules governing the conduct of such services prescribed under sections 22-205 and 22-207 of the Code, other than insurance and bonding requirements.

§12-21 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a license, registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form.

(b) Subsequent to the issuance of a license, registration or photo identification card, the licensee, registrant or card holder shall notify the Commission within thirty (30)

calendar days of any material change in the information submitted in an application or disclosure form.

(c) A licensee or registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person who becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) to the business of such registrant. The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the licensee or registrant may add such new principal pending the completion of review by the Commission. The licensee or registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the license or registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee or registrant, as the case may be, within the time period prescribed by the Commission.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§12-22 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale seafood business or a seafood delivery business shall submit an application for a wholesale seafood business or seafood delivery business registration pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter and a purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition is to take effect. The Commission will conduct an expedited review of such application and agreement. If the person seeking to acquire the wholesale seafood business or seafood delivery business currently holds a registration for another such business in a market, the Commission at its discretion may waive the requirement of a new application or require that only certain portions of the application be submitted for review.

(b) A loading or unloading licensee or a wholesale seafood business or seafood delivery business registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the licensee or registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale seafood businesses and seafood delivery businesses shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued. In the event that a wholesale seafood business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale seafood business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter, issue a registration to such sublessee. Absent such registration, no wholesale seafood business may permit a sublessee to operate a wholesale seafood business on such premises.

§12-23 Refusal to Issue License, Registration or Photo Identification Card; Revocation and Suspension of License, Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-216 of the Code, to issue a license, registration or photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal and may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such license, registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the license, registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such license, registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) For any of the reasons set forth in sections 22-216 and 22-217 of the Code, including the violation of any rule promulgated pursuant to section 22-223 of the Code, the Commission may suspend or revoke a provisional photo identification card, and after notice and hearing, revoke or suspend (1) the license of a loader or unloader, (2) the registration of a wholesale seafood business or seafood

delivery business or (3) a Class A or Class B photo identification card. Notice shall be provided in accordance with the provisions of section 12-25 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 12-26 of this subchapter.

(c) Revocation or suspension of a license or registration, the discontinuance of business operations in the market area by a licensee or registrant, or denial of an application for a license or registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the licensee or registrant. Violation of the provisions of this subdivision may result in the imposition of the sanctions and penalties provided in sections 22-215 and 22-219 of the Code.

(d) Revocation or suspension of a photo identification card or denial of an application for a photo identification card (including provisional photo identification cards) shall require the immediate surrender of such card to the market manager.

§12-24 Emergency Suspension of License, Registration or Photo Identification Card. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a loading or unloading business, a wholesale seafood business or seafood delivery business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, may immediately suspend the license or registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission, who shall determine such appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision 12-26(b) of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by the business whose license or registration has been suspended, permit such business to remain in the market area for such time as is deemed necessary by the Chairperson to allow for the expeditious sale, consignment or removal of a perishable product if, in the Chairperson's judgment, such permission is consistent with the safety of the market area.

§12-25 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-A of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, licensee, registrant or photo identification card holder or on the license or registration issued to the business. All such notices served on an employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§12-26 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-A of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or any other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card, license or registration, such hearing shall, at the discretion of the Commission, be conducted by a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided the respondent with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-218 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct fair and impartial hearings, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then

make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default, the hearing officer shall make recommended findings and recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and shall notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§12-27 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a loading or unloading business, wholesale seafood business, seafood delivery business, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A of Title 22 of the Code or of this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-215 of the Code.

(b) A loading or unloading business, wholesale seafood business or seafood delivery business shall be jointly and severally liable for any violation of Chapter 1-A of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§12-28 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter or Chapter 1-B of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 12-29 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by the Commissioner.

(b) Entry into any market may be regulated by the Commissioner. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commissioner shall have first approved the amount of such fee. The Commissioner may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§12-30 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owners.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations of any other government agency having jurisdiction over motor vehicles.

(i) When the Commissioner finds that there is reasonable cause to believe that a seafood wholesale business or a seafood delivery business has regularly failed to make timely payment for services rendered and/or products provided by an unloading business or a seafood wholesale business, the Commission may require such business to post a payment bond.

§12-31 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such premises no later than five (5) days after such surrender.

SUBCHAPTER C SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD

DISTRIBUTION AREAS AND THE DECLARATION AND ESTABLISHMENT OF SEAFOOD DISTRIBUTION AREAS

§13-01 Scope and construction.

§13-02 Definitions.

§13-03 Terms and Fees.

§13-04 Wholesaler Registration Required.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area.

§13-07 Commission Delegations to the Chairperson.

§13-01 Scope and construction. (a) This subchapter shall govern: (1) the registration of wholesale seafood businesses outside of seafood distribution areas, and the requirements applicable to such businesses; and (2) the declaration and establishment of seafood distribution areas pursuant to subdivision b of section 22-222 of the Code, and the licensing, registration and other requirements relating to seafood distribution in such areas.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§13-02 Definitions. Unless otherwise provided in this subchapter, the terms used herein shall have the meanings provided for such terms in section 22-202 of the Code and section 12-02 of subchapter B of this chapter.

§13-03 Terms and Fees.

(a) Registration term. A wholesale seafood business registration issued pursuant to this subchapter shall be valid for two years, and may be renewed for two-year periods thereafter.

(b) Registration fee. The fee for registration of a wholesale seafood business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§13-04 Wholesaler Registration Required.

(a) No person shall operate a wholesale seafood business in the City of New York, outside the market area, without having first registered with the Commission and having received a registration or registration number from the Commission.

(b) An application for a registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all the principals of the applicant business. If a renewal application is not submitted to the Commission with the time period as required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and this subchapter.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area. Notwithstanding any provisions of this subchapter, where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood businesses have been established to be a seafood distribution area, all wholesale seafood businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing wholesaler registration set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area. Where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood businesses have been established to be a seafood distribution area, all unloading businesses, loading businesses, and seafood delivery businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing such businesses and their principals, employees and/or agents, set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter, except as may be otherwise determined by the Commission pursuant to section 22-222(c) of the Code. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-7 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and any related provision of Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

SUBCHAPTER D MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

§14-01 Scope and construction.

§14-02 Definitions.

§14-03 Market Business Registration Required.§14-04 Issuance of Registration.§14-05 Photo Identification Cards Required.§14-06 Temporary Photo Identification Cards.§14-07 Issuance of Photo Identification Cards.§14-08 Terms and Fees.§14-09 Market Business Operations.§14-10 Revocation or Suspension of Registration or Photo Identification Cards.§14-11 Emergency Suspension of Registration or Photo Identification Cards.§14-12 Labor Union and Labor Organization Registration Required.§14-13 Registration Procedure.§14-14 Prohibited Acts.§14-15 Fines and Penalties.§14-16 Commission Delegations to the Chairperson.

§14-01 Scope and construction. (a) This subchapter shall govern the registration of and other requirements relating to: (1) market businesses located and operating within any market area; and (2) labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§14-02 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings:

Market business. "Market business" shall mean any business located or operating within any market area that is engaged in providing goods or services to wholesalers or retail purchasers in market area that are related to the conduct of a wholesale seafood business or the purchase of seafood products by retailers or others, or that receives such goods within such market area for delivery, forwarding, transfer or further distribution outside such market area. "Market business" shall include, but not be limited to, the supply of ice or refrigeration services, security, and transfer or distribution of seafood, and shall exclude suppliers of seafood.

Labor union and labor organization. "Labor union" and "labor organization" shall mean a union or other organization that represents or seeks to represent, employees directly involved in the movement, handling or sale of goods in the market area. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred employees in any market area; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in the market area for a purpose not directly related to the movement, handling or sale of goods in such market; (iii) affiliated national or international labor unions of local labor unions required to register pursuant to this subchapter.

Material change. "Material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a market business, labor union or labor organization required to register pursuant to this subchapter.

Registration. "Registration" shall mean a market business registration, as required by section 22-253 of the Code, or a labor union or labor organization registration, as required by section 22-212.1 of the Code.

Unless otherwise provided in this subchapter, all other terms used herein shall have the meanings provided for such terms in section 12-02 of subchapter B of this chapter.

§14-03 Market Business Registration Required. No person shall operate a market business in the market area without first receiving a registration or registration number from the Commission.

§14-04 Issuance of Registration.

(a) A person wishing to register a market business shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by all principals of such business, and accompanied by the certification form provided by the Commission, fully executed by all principals of such business.

(b) A market business is required to notify the Commission of any change in the ownership composition of the business, any changes regarding persons employed by the business, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted pursuant to subdivision (a) of this section during the term of its registration, and shall notify the Commission, in writing, of any such change within ten (10) calendar days thereof.

(c) In the event that a registrant notifies the Commission of the proposed addition of a new principal (other than a person or entity that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) as required by subdivision (b) of this

section, the registrant shall simultaneously submit the registration application form provided by the Commission completed, signed and certified by such prospective principal. Except where the Commission determines within fifteen (15) days, based upon information available to him or her, that the addition of such new principal may have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code, the registrant may add such new principal pending the completion of review by the Commission. The Commission may waive or shorten such fifteen (15) day period upon a showing that there exists a bona fide business requirement therefor. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(d) Notification pursuant to this section shall be signed and sworn to before a notary public.

(e) Notwithstanding any provision of this subchapter: (1) the Commission may, when it determines that there is reasonable cause to believe that any or all of the principals of an applicant or a registrant lack(s) good character, honesty or integrity, require that such principal(s) (i) be fingerprinted in accordance with paragraph 22-259(a)(i) of the Code; (ii) provide to the Commission the information requested in the background investigation form provided by the Commission; (iii) appear to be interviewed by the Commission; and/or (iv) pay the fee for a background investigation and provide to the Commission the disclosure required by the form provided by the Commission.

(2) The Commission may refuse to register a market business for the reasons set forth in subdivisions b, c, d and e of section 22-259 of the Code, or may defer a decision whether to register such market business when an indictment or a criminal or civil action is pending as provided in paragraph (b)(ii) of such section.

(f) A market business denied registration for lack of good character, honesty or integrity pursuant to section 22-259(b) of the Code shall be given notice of the reasons for such denial, and may respond in writing to the Commission within ten days of the mailing of such notice. The Commission shall review such response and make a final determination.

§14-05 Photo Identification Cards Required.

(a) No person who is a principal or employee of any market business operating in any market area who performs any function directly related to the provision of goods or services to wholesalers or retail purchasers in such area shall perform such function without having been issued a photo identification card issued by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code. Notwithstanding the foregoing, principals and employees of any market business required to have photo identification cards who have filed applications therefor and obtained temporary photo identification cards, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(b) Photo identification cards shall be displayed at all times within the market area so as to be readily visible to others.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment with a market business or who ceases to be a principal thereof shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) No market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§14-06 Temporary Photo Identification Cards. The Commission may designate the cooperative association of any market area to issue temporary photo identification cards to principals and employees (including seasonal employees) of market businesses at the market area in which such cooperative association operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose. Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraph (1), (2) or (3) of subdivision (a) of section 14-05 of this chapter. Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

§14-07 Issuance of Photo Identification Cards.

(a) A person wishing to apply for a photo identification card shall provide the information required in the application form provided by the Commission, which form shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

(b) Persons required to have photo identification cards shall notify the Commission of any material change in the information submitted pursuant to subdivision (a) of this section, including without limitation, any change in employment, as well as any arrests or criminal convictions, and shall notify the Commission, in a signed and notarized writing, of any such change within ten (10) calendar days thereof.

(c) Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) The Commission may refuse to issue a photo identification card for the reasons set forth in subdivisions b, d and e of section 22-259 of the Code, or may defer a decision whether to issue such card when there is an indictment or a criminal or civil action pending against or involving the applicant as provided in paragraph (b)(ii) of such section.

(d) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal of such photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

§14-08 Terms and Fees.

(a) A registration issued pursuant to this subchapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(b) The fee for registration of a market business shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for photo identification cards and temporary photo identification cards shall be one hundred dollars (\$100).

(d) The fee for the replacement of any photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) A market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(f) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253 or subdivision b of section 22-264 of the Code shall be six hundred dollars (\$600).

§14-09 Market Business Operations.

(a) (1) A market business shall not transfer its registration number as part of the sale of such market business.

(2) A market business shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a market business by another person, where such sublease is permitted under the terms of the lease, the Commissioner may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of these rules, issue a registration number to such sublessee. Absent the issuance of such registration number, no market business may permit a sublessee to operate a market business on such premises.

(b) The name and registration number of a market business shall be affixed and prominently displayed on all premises and vehicles from which such market business is conducted.

(c) Market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager.

(d) A market business shall submit proof that it has obtained the required workers' compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and section 220(8) of the Disability Benefits Law. Proof of coverage can be established

by submitting the following Workers' Compensation Board forms:

C-105.2 Application for Certificate of Workers' Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Workers' Compensation or Disability Benefits Coverage.

(e) Liability Insurance. A market business shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property which may arise from or in connection with the market business:

(1) Commercial General Liability Insurance with liability limits of no less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000.00).

(2) Business Automobile Liability Insurance covering every vehicle operated by the market business, whether or not owned by the market business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' Liability Insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by this rule shall name the City of New York and the Commission and any other agency or entity of the City as may be required as parties insured thereunder, and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules may result in revocation or suspension of registration. Such policy or policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of Insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commissioner prior to the effective date of the registration. A registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) A market business shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of its employees or agents.

(h) Each market business shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§14-10 Revocation or Suspension of Registration or Photo Identification Cards.

(a) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend (1) the registration of a market business or (2) a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation sections 14-09 and 14-17 of this subchapter. Notice shall be provided in accordance with the provisions of section 11-20 of subchapter A of this chapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of subchapter A of this chapter.

(b) Revocation or suspension of registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals and employees of the registrant. If a registration has been suspended, violation of the provisions of this subdivision may result in immediate revocation of a registration and/or the imposition of penalties as provided in section 22-258 of the Code.

(c) Revocation or suspension of photo identification cards (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§14-11 Emergency Suspension of Registration or Photo Identification Cards.

Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a market business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person, as applicable, without a prior hearing, provided that, such suspension may be appealed to the Deputy Commissioner of Legal Affairs. If such Deputy Commissioner upholds the suspension imposed by the market manager, an opportunity for a hearing pursuant to the provisions of section 11-21 of subchapter A of this chapter shall be provided on an expedited basis within a period not to exceed four (4) business days, and the Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Commission may, upon application by a market business whose registration has been suspended without a prior hearing, permit such market business to remain in the market area for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the public and the market area.

§14-12 Labor Union and Labor Organization Registration Required.

(a) Labor unions and labor organizations shall register with the Commission.

(b) A registration issued pursuant to this chapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(c) The fee for registration of a labor union or labor organization shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§14-13 Registration Procedure.

(a) A labor union or labor organization shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by an officer and certified under penalty of perjury, including (i) the information required by section 22-264(a) of the Code, (ii) all criminal convictions, in any jurisdiction, of such labor union or labor organization, (iii) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial agency, investigative agency or regulatory agency, in the five (5)-year period preceding the date of registration, (iv) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the Penal Law, as such statutes may be amended from time to time, (v) all judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5)-year period preceding the date of registration, and (vi) the appointment of an independent auditor or monitor or receiver or administrator or trustee over such labor union or labor organization in the five (5)-year period preceding the date of registration.

Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or §1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to section 22-264 of the Code shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by such officer under penalty of perjury.

(c) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be reported to the Commission by such union or organization or officer, in a signed and notarized writing, within ten (10) calendar days thereof.

(d) Notwithstanding any provision of this subchapter, the Commission may, if it has reasonable cause to believe that an officer of a labor union or labor organization lack good character, honesty or integrity, require that such officer be fingerprinted in accordance with section 22-264 of the Code, and pay the requisite fees and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission with the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§14-14 Prohibited Acts.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions, or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; or (11) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of market businesses and officers of labor unions and labor organizations. Such persons shall not:

(1) authorize another person to use the name of the

market business or labor union or organization to which a registration number has been issued for such market business;

(2) authorize another person to conduct a market business with the registration number that has been issued to such market business;

(3) conduct a market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws and regulations;

(5) in the case of a market business, fail to notify the Commission of any change in the information provided pursuant to section 14-04 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a market business, continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 14-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§14-15 Fines and Penalties.

(a) The Commission may issue a notice of violation to a market business, labor union or labor organization, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A or 1-B of Title 22 of the Code or subchapter A or B of this chapter (as such provision of such Chapter or subchapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area) or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A market business, labor union or labor organization shall be jointly and severally liable for the violation of any such provision committed by any of its officers, employees and/or agents acting within the scope of their employment.

§14-16 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and Chapter 1-B of Title 22 of the Code, as such chapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area, that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 6. Appendix A of subchapter C of Title 66 of the rules of the city of New York is redesignated Appendix A of subchapter B of chapter 2 of Title 17 of the rules of the city of New York.

§ 7. Section 1-58 of Title 66 of the rules of the city of New York, which declared the new Fulton fish market at Hunts Point as a new seafood distribution area pursuant to section 22-222 of the administrative code of the city of New York made provision for licenses, registrations, photo identification cards, stand permits and enforcement within such area, is REPEALED.

§ 8. This rule shall take effect immediately.

Statement of Basis and Purpose of Proposed Rule

The NYC Business Integrity Commission is amending its trade waste regulations and adopting regulations relating to the public wholesale markets.

In order to ensure that the Commission provide hearings in an expeditious manner, the Commission proposes to amend its trade waste rules so that all hearings may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction, and that the Commission have the discretion to conduct hearings related to the violation of the provisions of section 16-505 of the Administrative Code and the rules of conduct set forth in the trade waste rules. In addition, in order to facilitate the Commission's enforcement of its licensing and registration requirements, the amended rules would require that licensees and registrants put their Commission-issued license or registration number on their letterhead and advertisements, and include that number on all written communications with customers or potential customers.

The remainder of the proposed rules relate to the Commission's authority pursuant to the chapter 63 of the City Charter to adopt rules with respect to its regulation of the public wholesale markets and wholesale seafood distribution within the City. At the general election held on November 6, 2001, the City Charter was amended to, among other things, transfer the jurisdiction over these activities from the Department of Business Services (now, the Department of Small Business Services) ("DSBS") to the Commission. Since that time, the Commission has used DSBS's rules in chapter 66 of the Rules of the City of New York to regulate these markets. The proposed rules, in conjunction with DSBS's repeal of its rules relating to the public wholesale markets and wholesale seafood distribution, will create a comprehensive and transparent regulatory scheme that combines the Commission's rules in a single title.

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LOFT BOARD

■ NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend sections 1-01 and 1-02 of Title 29 of the Rules of the City of New York relating to its organization, voting, and method for adopting its rules and regulations. The text added to the rules is underlined, and deleted text is bracketed.

Written comments regarding these proposed rules may be sent to the New York City Loft Board, 100 Gold Street, 2nd Floor, New York, New York 10038 to the attention of Edith Nicolas on or before July 15, 2010. A public hearing will be held on, July 15, 2010 at 22 Reade Street, First Floor, New York, New York, commencing at 2 p.m. Persons seeking to testify are requested to notify Ms. Nicolas at the foregoing address or by telephone at (212) 566-5663. Persons who request a sign language interpreter or persons who request a reasonable accommodation for a disability be provided at the hearing are asked to notify Ms. Nicolas by July 9, 2010. 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 10:00 a.m. to 4:00 p.m. at the offices of the Loft Board.

Sections 1-01 and 1-02 of Title 29 of the Rules of the City of New York are amended, and a new sections 1-01 and 1-02 read as follows:

§1-01 Organization and Voting.

(a) *Organization.* The Loft Board (hereinafter referred to as "the Board") shall consist of no fewer than 5 and no more than 9 members, including [an impartial Chair] the Commissioner of the Department of Buildings, serving ex officio as chair, the Commissioner of the Fire Department, serving ex officio as a member, and one representative of loft manufacturing interests, one representative of the real estate industry and one representative of loft residential tenants, respectively. All other members of the Board shall represent the public. [The other members, representing the public, shall include and may include one other member serving ex officio.] [The Board may conduct business with fewer than the full complement of its appointed members when one or more vacancies are created by the death, resignation, or inability of a member or members to continue serving on the Board for any reason, until the appointment of replacement(s) by the Mayor.

(b) *Voting.* Each member of the Board shall have one vote. [No members, except those] The Commissioner of the Department of Buildings and the Commissioner of the Fire Department, serving ex officio, may [vote by proxy or have another person serve on the Board] each designate an employee of his or her department to serve on the Board and vote, in [their] his or her absence. Representatives of the special interest groups, specified in §1-01(a), *supra*, may in their absence, designate substitutes to participate in discussions at the Board meetings, when the Board, by vote requests such participation. Such designated substitutes may participate only to the extent permitted by the Board and shall not have the right to vote.

(c) *Quorum.* A majority of the members of the Board constitutes a quorum for the transaction of business. Board action may be taken by affirmative vote of the majority of the [members of the] entire Board when a quorum is present. [No action may be taken without at least 4 affirmative votes.]

§1-02 Rules and Regulations, Method of Adoption.

The Board shall issue rules and regulations governing its procedures and the exercise of its powers under Article 7-C of the New York State Multiple Dwelling Law and Executive Order No. [66 of Mayor Edward I. Koch] 129 of Mayor Michael R. Bloomberg, or any successor Executive Order thereto. Loft Board staff shall be responsible for drafting rules, regulations, guidelines and procedures at the direction of the Chair or by vote of the Board. In addition, draft rules, regulations, guidelines and procedures may be presented to the Board for consideration by Board members or other interested parties. Loft Board staff shall comply with §1043 of the New York City Charter in the promulgation of all rules and regulations. All draft rules and regulations proposed shall be submitted to the Board for comment and review before they are published for comment. Draft rules and regulations may be modified at the direction of the Chair or by vote of the Board. [In case of disagreement between the Chair and at least four (4) members of the Board, alternative versions may be published.] Upon vote of the Board, rules and regulations shall be adopted and ordered into effect following periods for public notification and comment, mandated by §1043 of the New York City Charter, and hearings when required by §282(d) of Article 7-C of the New York State Multiple Dwelling Law, except that emergency regulations or guidelines may be adopted without prior public notification and comment.

Following consideration of comments received and public testimony, the Board may modify or amend the proposed rules or regulations in response thereto.

Statement of Basis and Purpose:

On May 22, 2009 Mayor Michael R. Bloomberg issued Executive Order 129, which, among other things, merged the

New York City Loft Board with the New York City Department of Buildings. Executive Order 129 also changed the structural framework of the Board. As a result, it is necessary to amend the Loft Board rules to conform to these Mayoral changes.

Dated: May 20, 2010

Robert D. LiMandri
Chairperson

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PROCUREMENT POLICY BOARD

■ NOTICE

NOTICE OF ADOPTION OF FINAL RULE

The Procurement Policy Board has adopted an amendment to **Chapter 4 Completion of Contracts Following Default or Termination for Cause of Construction and Construction-Related Service Contracts** of its Rules pursuant to Section 311of the New York City Charter. The amendment was published on April 2, 2010 in the City Record. A public hearing was held on May 5, 2010. The amendment was adopted by the Procurement Policy Board on May 11, 2010.

Basis and Purpose of the Amendment

The City requires construction contractors to obtain performance bonds under certain circumstances whereby the surety, upon default of the contractor, obligates to either complete the construction or tender a penal sum to the City. If the surety fails to complete the construction or opts to tender a penal sum to the City, the City agency in question must enter into a completion contract with a different contractor to ensure that the work is completed. The amendment conforms the rule to the performance bond language by allowing an agency to enter into a completion contract after default of a contractor when a surety elects to tender payment of a penal sum, as well as when the surety fails to perform its obligations under the bond.

The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

Section 1. Paragraph (2) of subdivision (c) of section 4-08 of Title 9 of the Rules of the City of New York is amended as follows:

Section 4-08 COMPLETION OF CONTRACTS FOLLOWING DEFAULT OR TERMINATION FOR CAUSE OF CONSTRUCTION AND CONSTRUCTION-RELATED SERVICE CONTRACTS

(c) Application. Completion contracts shall be entered into pursuant to this section in cases where:

- (1) the contractor has been defaulted or terminated for cause;
- (2) there is no surety, or after a demand has been made by the agency, the surety either fails to perform its obligations in a timely manner or elects to tender a payment of funds as performance rather than completing the work, in accordance with its obligations; and
- (3) there is a continuing need to complete all or part of the work.

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NOTICE OF ADOPTION OF FINAL RULE

The Procurement Policy Board has adopted an amendment to **Chapter 2 Vendor Responsibility and Appeal of Determination of Non-Responsibility and Chapter 3 Competitive Sealed Bidding, and Competitive Sealed Proposals** of its Rules pursuant to Section 311 of the New York City Charter. The amendment was published on April 2, 2010 in the City Record. A public hearing was held on May 5, 2010. The amendment was adopted by the Procurement Policy Board on May 11, 2010.

Basis and Purpose of the Amendment

The amendments provide for an administrative fee to be charged to prime vendors and subcontractors for vendor name checks to defray the cost of the City's VENDEX system and the Vendor Name Check process. The amount of the fee for the vendor itself and any of its subcontractors for which a Vendor Name Check is made would be charged against payments owed to the vendor once the contract is registered. The amendments also require the CCPO to compile Citywide bidders lists in addition to any agency bidders lists authorized by the CCPO in order to make the administration of City bidder lists more efficient.

The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Jose Maldonado, Chair

Section 1. Subdivision (f) of section 2-08 of Title 9 of the Rules of the City of New York is amended to read as follows:

Section 2-08 VENDOR RESPONSIBILITY AND APPEAL OF DETERMINATION OF NON-RESPONSIBILITY.

(f) Department of investigation and administrative fee.

- (1) Prior to making its determination of vendor responsibility, the agency shall request the

Department of Investigation to conduct a Vendor Name Check on the proposed vendor, which shall consist of a review of the names on the Questionnaire and other information to ascertain whether the business or its affiliated individuals are or have, during a relevant period of time, been the subject of an investigation by the Department. The Department of Investigation shall undertake the review expeditiously and provide an explanation to an agency if its review is not completed within thirty calendar days of the request. If the Department of Investigation ascertains that there has been such an investigation, it shall provide a copy of any final report or statement of findings to the Agency Head for use in making the determination of responsibility. If the results of the review are not made available to the agency within thirty calendar days of the request, the agency may make its responsibility determination on the basis of the information then available to it.

(2) For any contract or subcontract that is subject to the Vendor Name Check process set forth in section (f)(1), the CCPO may charge a fee for the administration of the VENDEX system, including the Vendor Name Check process, in the amount of \$175 for contracts of an estimated value less than or equal to \$1,000,000 and \$350 for contracts of an estimated value greater than \$1,000,000. Such fee will be charged against payments made to the vendor on the contract at issue. The timing of the contract award shall not be affected by a fee incurred but not yet paid by the vendor. A prime vendor is responsible for the payment of fees for any subcontractors of the vendor for which Vendor Name Check requests are made. Nothing contained in these Rules shall prohibit a prime vendor from recovering from its subcontractors the amount of such fees attributable to those subcontractors. The VENDEX administrative fee may be waived at the discretion of the CCPO if it is determined that such waiver is in the City's best interest.

Section 2. Subparagraph (i) of paragraph (1) of subdivision (e) and subdivision (f) of section 3-02 of Title 9 of the Rules of the City of New York are amended to read as follows:

Section 3-02 COMPETITIVE SEALED BIDDING.

- (e) Public Notice.
- (1) Notice of Solicitation.
 - (i) Distribution. IFBs or notices of their availability shall be mailed, faxed, hand delivered, or otherwise furnished to a sufficient number of vendors, including all vendors on the appropriate citywide bidders list established by the CCPO for the purpose of securing competition. IFBs or notices of their availability may be sent to vendors on agency-specific bidders lists, in addition to the appropriate citywide bidders list maintained by the CCPO, only with approval of the CCPO. Such IFBs or notices shall be sent at least fifteen (15) days in advance of the due date for bids, or at least twenty-two (22) days in advance of the due date for bids which are subject to Section 6-129 of the New York City Administrative Code (M/WBE and EBE program). An agency may, upon request of a vendor, provide IFBs or notices electronically. Where the notice does not include all IFB documents, an additional five (5) days shall be allowed. Notices of availability shall indicate, at minimum:
 - (A) the name of the agency and, if appropriate, the specific division or bureau soliciting the bids;
 - (B) title and brief description of the goods, services, or construction required;
 - (C) specific information about how, when, and where the IFB is available;
 - (D) the required fee or deposit amount, if any, for obtaining the IFB;
 - (E) the time, date, and location of any pre-bid conference or site visit, if any, and if attendance is mandatory;
 - (F) the date, time, and location for the receipt and opening of bids; [and]
 - (G) if applicable, the name and phone number of the agency contact person; and
 - (H) the citywide bidders list used.
- (f) Bidders lists.
 - (1) [Lists] The CCPO shall compile citywide lists of vendors interested in being solicited for bids [shall be compiled and maintained by the procuring agency]. In addition, the CCPO may authorize one or more agencies to maintain citywide or agency bidders lists. Bidders lists shall be classified by standard categories of goods, services, and construction that are sufficiently detailed to provide meaningful distinctions among categories. Bidders lists shall include the names, addresses, EIN, e-mail addresses, and telephone numbers of the vendors. In addition, bidders lists shall indicate which of the listed businesses have been certified by DSBS [shall maintain a list of businesses certified by that agency] as minority owned, women owned and emerging business enterprises.
 - (2) The CCPO and agencies, if authorized by the CCPO to maintain bidders lists, shall cause to

be continuously published in the City Record notice of the availability of applications for vendors to be added to citywide bidders lists or agency [bidder] bidders lists for goods, services, and construction regularly procured by the City. Every effort shall be made to publish notice in a manner that encourages minority, women and emerging business enterprises to certify with DSBS.

(3) Application by vendors for placement on the citywide bidders lists or an agency's bidders [bidder] list shall be continuously available on request from the vendor.

(4) Vendors that fail to respond to solicitations or notices of availability of procurement opportunities on three consecutive invitations within one standard category may be removed by the [ACCO] CCPO from the applicable citywide bidders list or by the ACCO from the applicable agency bidder list after notice to the vendor. A "No Bid" statement on a returned bid shall be considered a response. Vendors may also be removed from a citywide bidders list pursuant to procedures prescribed by the CCPO. [In either case, application]Application for reinstatement shall be the responsibility of the vendor. [A "No Bid" statement on a returned bid shall be considered a response.]

(5) Unless otherwise provided, inclusion or exclusion of the name of a vendor on a bidders list [business] does not indicate that the vendor [business] is responsible in respect to a particular procurement or otherwise is capable of successfully performing a City contract.

Section 3. Subparagraph (i) and clause (B) of subparagraph (ii) of subdivision (d) of section 3-03 of Title 9 of the Rules of the City of New York are amended as follows:

Section 3-03 COMPETITIVE SEALED PROPOSALS.

(d) Public notice.

(1) Notice of solicitation.

(i) Distribution. RFPs or notices of their availability and their notices of solicitation shall be posted on the City's website in a location that is accessible to the public simultaneously with their publication. RFPs and their notices of solicitation shall also be mailed, faxed, hand delivered, or otherwise furnished to a sufficient number of vendors, including all vendors on the appropriate citywide bidders list established by the CCPO pursuant to Section 3-02(f) at least twenty (20) days prior to the due date, or within the time frames authorized by Section 3-03 (h). An agency may, upon request of a vendor, provide RFPs or notices electronically. RFPs or notices of their availability may be sent to vendors on agency-specific bidders lists, in addition to the appropriate citywide bidders list maintained by the CCPO, only with approval of the CCPO. For those proposals which are subject to Section 6-129 of the New York City Administrative Code (M/WBE and EBE program), a minimum of twenty seven (27) days prior to the due date shall be provided.

(ii) Publication. This subparagraph shall apply to RFPs above the small purchase limits except that it shall not apply where vendors will be solicited from a PQL.

(B) Content. Such notice shall include:

(a) agency name;

(b) PIN;

(c) title and/or brief description of the goods, services, or construction to be procured;

(d) estimated quantity, if any;

(e) how the solicitation documents may be obtained;

(f) date and time by which, and the place where, proposals shall be submitted; [and]

(g) required vendor qualifications or eligibility requirements, if any; and

(h) identification of the citywide bidders list used.

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TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Revised Public Hearing Date for Proposed Rules

Notice is hereby given that the proposed hearing by the Taxi and Limousine Commission ("TLC") for amended rules providing for a passenger bill of rights for commuter vans, previously scheduled to be held on June 17, 2010 at 10:00 A.M. by a notice appearing in the City Record on May 14, 2010 is rescheduled.

A public hearing on these proposed rules will now be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 24, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other

form of reasonable accommodation for a disability at the hearing must continue be submitted to the Office of Legal Affairs in writing or by telephone no later than June 10, 2010.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must continue to be received by no later than June 14, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

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Notice of Revised Public Hearing Date for Proposed Rules

Notice is hereby given that the proposed hearing by the Taxi and Limousine Commission ("TLC") for amended rules governing various vehicle transfer fees, previously scheduled to be held on June 17, 2010 at 10:00 A.M. by a notice appearing in the City Record on May 11, 2010 is rescheduled.

A public hearing on these proposed rules will now be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 24, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must continue be submitted to the Office of Legal Affairs in writing or by telephone no later than June 10, 2010.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must continue to be received by no later than June 14, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

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Notice of Revised Public Hearing Date for Proposed Rules

Notice is hereby given that the proposed hearing by the Taxi and Limousine Commission ("TLC") for amended rules to implement new state law workers' compensation provisions for livery drivers, previously scheduled to be held on June 17, 2010 at 10:00 A.M. by a notice appearing in the City Record on May 17, 2010 is rescheduled.

A public hearing on these proposed rules will now be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 24, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must continue be submitted to the Office of Legal Affairs in writing or by telephone no later than June 10, 2010.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must continue to be received by no later than June 16, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

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TRANSPORTATION

■ NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE Regarding Commercial Refuse Containers.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of the Department of Transportation by subdivision (b) of Section 2903 of the New York City Charter, Title 19 of the Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation proposes to amend Section 2-03 and subdivision (f) of Section 2-14 of Chapter 2

of Title 34 of the Official Compilation of the Rules of the City of New York (Highway Rules). Matter underlined is new; matter in [brackets] is deleted. These proposed amendments were not included in DOT's regulatory agenda as they were not anticipated at the time that the agenda was published.

Written comments regarding the proposed rule may be sent to John Martin, Deputy to Assistant Commissioner, Permit Management & Construction Coordination, Department of Transportation, 55 Water Street, New York NY 10041 by June 29, 2010 or to the NYC Rules web site at rules@dot.nyc.gov. A public hearing shall be held on June 29, 2010 at 55 Water Street, the BID Room, Room A (entrance located on the south side of the building facing the Vietnam Veterans Memorial), New York, NY at 2 pm. Persons seeking to testify are requested to notify John Martin at the address stated above. Persons who need a sign language interpreter or other accommodation for a disability at the hearing are asked to notify John Martin at the foregoing address by June 22, 2010. Persons interested in receiving comments may request them by writing to: Department of Transportation, Record Access Office, 55 Water Street, New York, N.Y. 10041. Janette Sadik-Khan, Commissioner.

Section 1. Section 2-03 of Title 34 of the Rules of the City of New York is amended to read as follows:

Miscellaneous Charges and Fees	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Place commercial refuse container on street	\$30.00	[per year]	5 consecutive days		[12] § feet

§ 2. Subdivision (f) of § 2-14 of Title 34 of the Rules of the City of New York is amended as follows:

(f) Commercial Refuse Containers.

Commercial refuse containers are containers [to be] placed on the public roadways temporarily, the use of which is not related or connected to any use or activity for which a Department of Buildings permit and/or a construction activity permit from the Department, pursuant to Section 2-05 of these rules, [shall be] is required to be obtained [from the Department]. Commercial refuse containers shall not be used for the storage of putrescible waste.

(1) No commercial refuse container shall be placed on the street unless the owner of the container has [registered the container and] obtained a permit from the Department pursuant to Section 2-02 of these rules. Notwithstanding such requirements, the owner of the container shall not be required to post such permit at the work site.

(2) [Upon registration, the Department shall issue a permit to the owner of the container company which lists identification numbers for each registered container. The identification numbers shall be printed on stickers which shall be obtained by container company owners, validated at the nearest Department borough permit office and shall be placed conspicuously on two sides of the container. Specifications for the stickers shall be available at the permit offices.

(3) Permits to place commercial refuse containers on the street temporarily shall be valid for one year. Information regarding the number of containers owned by each company shall be updated as necessary and the permit shall be updated containing the new registration numbers for any additional containers.]

[4] Commercial refuse containers shall not be stored or placed within:

- (i) any "No Stopping," "No Standing" [or], "No Parking Anytime", or "Authorized Parking" areas;
- (ii) fifteen feet of hydrants;
- (iii) the area created by extending the building line to the curb (the "corner") or the area from ten feet from either side of the corner (the "corner quadrant");
- (iv) [four feet of lamp posts] a crosswalk or pedestrian ramp, nor shall it be stored or placed in any manner so as to obstruct any crosswalk or pedestrian ramp;
- (v) five feet of railroad tracks.

The prohibitions set forth in subparagraphs (i) through (v) shall not apply to areas where posted signs prohibit standing except for trucks loading and unloading. In exceptional circumstances, the Commissioner may grant permission to store or place containers in the areas specified in [items] subparagraphs (i) through (v)[,] above. An application for such permission shall be made to OCMC indicating the need for such placement.

[5] (3) Storage of commercial refuse containers shall not in any way interfere [in any way] with or obstruct access to subway facilities, utility access points, hydrants, fire alarms, traffic signals, street signs, bus stops or bus shelters, [trees, parking meters, emergency telephones,] water main valves or gas shut-off valves, unless permission is obtained from the appropriate City Department or utility.

[6] (4) The name, address and telephone number of the owner of the container shall be permanently affixed in characters at least three inches high both on the side of the container that faces the sidewalk area and also on the opposite side that faces the street, with such display being in a color contrasting with that of the container and placed approximately midway vertically.

[7] (5) Each container shall be stored [flush with] parallel to the curb and extend no more than eight feet from the curb into the roadway.

[8] The street under all containers shall be shielded by roadway protection to prevent damage to streets.] (6) The street shall be protected with proper covering to prevent damage (e.g., planking, skids, plating, or pneumatic tires) before containers are placed on the street. Protection shall be

placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be done upon delivery by the owner of the container. All planking and skids for containers shall be a minimum of 1 1/2" to a maximum of 3" thick. Overall size of the protective covering shall be a minimum of 12" x 12" and the placement of the protective covering shall not exceed the outer dimensions of the container.

[(9)] (7) All containers shall be clearly marked on all four sides with high intensity reflective paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.
 [(10) No container shall be left in one location for more than seventy-two continuous hours.]

[(11)] (8) Sidewalks, gutters, crosswalks and driveways shall at all times be kept clear and unobstructed and all dirt, debris and rubbish shall be promptly removed therefrom.

(9) The owner of any container shall comply with all applicable provisions of Titles 16 and 16-A of the New York City Administrative Code and Title 17 of the Rules of the City of New York.

STATEMENT AND BASIS OF PURPOSE OF PROPOSED RULE

The Commissioner of the Department of Transportation is authorized to promulgate rules regarding streets and highways in the City pursuant to § 2903 of the New York City Charter and Title 19 of the New York City Administrative Code.

The Department proposes to amend §2-03, the chart that sets forth the schedule of fees pertaining to the activities covered in Chapter 2, in three ways: first, to provide that container permits would be valid for up to five consecutive days. Second, the Department seeks to amend §2-03 to reduce the maximum width of the area that a commercial refuse container can occupy — from twelve feet to eight feet — to better reflect the actual dimensions of this type of container and to conform to the requirements within §2-14 that containers cannot extend more than eight feet from the curb into the roadway. This change will help provide that containers do not impede the flow of vehicular and pedestrian traffic. Finally, the Department is amending the \$30 fee from an annual to a per-permit issuance, to be consistent with other permit issuance procedures in the Highway Rules concerning the temporary placement of equipment or storage of materials at specific locations and to allow the Department to track where containers are placed and for what duration.

With respect to §2-14(f), the Department proposes to amend this subdivision to clarify that the owner of the container is required to secure permits for household debris containers for uses that do not require a permit from either the Department of Buildings or the Department, in order to avoid potential confusion between the application of §2-05 of these rules and §2-14. The rule would also require that containers placed on City streets comply with applicable Business Integrity Commission regulations, as BIC is the agency with oversight authority over the private carting industry. Furthermore, the rule would be amended to require that containers be stored parallel to the curb and not in areas regulated by "Authorized Parking" signage or within crosswalks or pedestrian ramps, both changes intended to prevent obstruction of vehicular and pedestrian traffic. Such containers would have to clearly identify their owners. Finally, the Department would no longer require the posting of container permits at the work site because containers already must be properly labeled with appropriate identifying information.

In addition to the reasons set forth above, the amendments to §2-14 will allow the Department to track the locations of such containers within its permitting system, thereby helping to identify and prevent potential conflicts with scheduled roadway maintenance, other construction, or special events. Such revisions will also help DOT inspectors respond to citizen complaints that certain containers are placed illegally, or are obstructing roadways, or have been placed beyond specified durations of time.

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COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 6/7/2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3	4728	2
4	4740	15
12	4736	12
6	4740	14
7,8,9,10,13	4740	1,7,9,11,13
22	4737	14
11,14,15	4736	1,6,15
21,23,24,25,26,27	4737	1,5,7,9,13,18

36,37,38	4738	1,3,13
46,47,48,49,50,51	4692	1,11,18,21,28,33
5,18,19,20,30,31,32,33	4740	16,21,24,33,35,36,37,41
41,42,43,44,45	4739	1,3,9,20,29
34	4740	43
35	4740	46

Acquired in the proceedings, entitled: **OAKWOOD BEACH BLUEBELT, STAGE 1** Subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu,
Comptroller

m25-j7

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 6/8/2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
28	15960	P/O 54
29	15960	P/O 53
30	15960	P/O 51
31	15960	P/O 49
39	15960	P/O 37
41	15960	P/O 34
42	15960	P/O 32

Acquired in the proceedings, entitled: **BEACH 43, 44, & 45 AND CONCH DRIVE, ET AL** Subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu,
Comptroller

m25-j8

TRANSPORTATION

■ NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON DEKALB AVENUE, BETWEEN FULTON STREET, BOND STREET AND ALBEE SQUARE, BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on DeKalb Avenue between Fulton Street, Bond Street and Albee Square in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fulton Mall Improvement Association as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON BROAD STREET, BETWEEN WALL STREET AND BEAVER STREET, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Broad Street between Wall Street and Beaver Street in Manhattan ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Alliance for Downtown New York as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON EAST FORDHAM ROAD, EAST KINGSBRIDGE ROAD AND CELIA CRUZ BOULEVARD, BOROUGH OF THE BRONX

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on East Fordham Road, East Kingsbridge Road and Celia Cruz Boulevard in the Bronx ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fordham Road Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

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READER'S GUIDE

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

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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