

THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

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 in Spector Hall, 22 Reade Street, New York, NY, on Wednesday, October 23, 2013 at 10:00 A.M.

BOROUGH OF MANHATTAN No. 1 FULTON HOUSES

CD 4 C 140001 ZMM
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an R8A District to an R8 District property bounded by a line midway between West 19th Street and West 18th Street, a line 400 feet westerly of Ninth Avenue, West 18th Street, and a line 450 feet westerly of Ninth Avenue, as shown on a diagram (for illustrative purposes only) dated July 8, 2013.

BOROUGH OF BROOKLYN No. 2 LONG ISLAND UNIVERSITY

CD 2 C 130040 MMK
IN THE MATTER OF an application submitted by Long Island University pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place;
- the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue;
- the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place;
- the delineation of public access easements in Willoughby Street and Ashland Place;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2737 and X-2738 dated June 26, 2013 and signed by the Borough President.

Nos. 3-7 SEASIDE PARK No. 3

CD 13 C 140063 ZSK
IN THE MATTER OF an application submitted by Coney

Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60** of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue*; and a portion of the bed of former West 22nd Street*), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G)***.

* Note: Highland View Avenue and a portion of West 22nd Street were approved for demapping under application C 090107 MMK for a change in the City Map.

** Note: A zoning text amendment to create a new Section 131-60 is proposed under a concurrent related application N 140064 ZRK.

*** Note: A portion of the site is proposed to be rezoned by establishing a Special Coney Island

District (CI) under a concurrent related application C 140065 ZMK.

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

No. 4 CD 13 N 140064 ZRK PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), App A (Coney Island District Plan) relating to the development of auditorium use in Borough of Brooklyn, Community District 13.

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

Article XIII: Special Purpose Districts

Chapter 1 Special Coney Island District

* * * 131-60 Special Permit for Auditoriums

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The #development# of such a #use# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the

characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #use# is consistent with and does not impede the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# and parking provisions of paragraphs (c) and (d) of this Section, respectively.

For any application for such special permit, the applicant shall provide plans to the Commission including but not limited to a site plan, signage plan, parking and loading plan, lighting plan and operations plan (the "Proposed Plans").

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

- at all times when the Riegelmann Boardwalk is open to the public, all publicly accessible space, as shown on the proposed plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities; any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;
- the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of the Riegelmann Boardwalk;
- any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;
- the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
- the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.

(b) In granting such permit, the Commission shall find that:

- such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;
- the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that Proposed Plans include noise attenuation features and measures which serve to reduce the effect

of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;

(3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:

(i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and

(ii) allow for such #building# to be operated subsequent to the expiration of the special permit for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;

(4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22nd Street to the Riegelmann Boardwalk;

(5) the portions of the site not dedicated to stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;

(6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and the Riegelmann Boardwalk.

(7) the operations plan, which shall include a protocol for queuing for concert-goers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and

(8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and the Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.

(c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air amphitheater and not visible from the Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

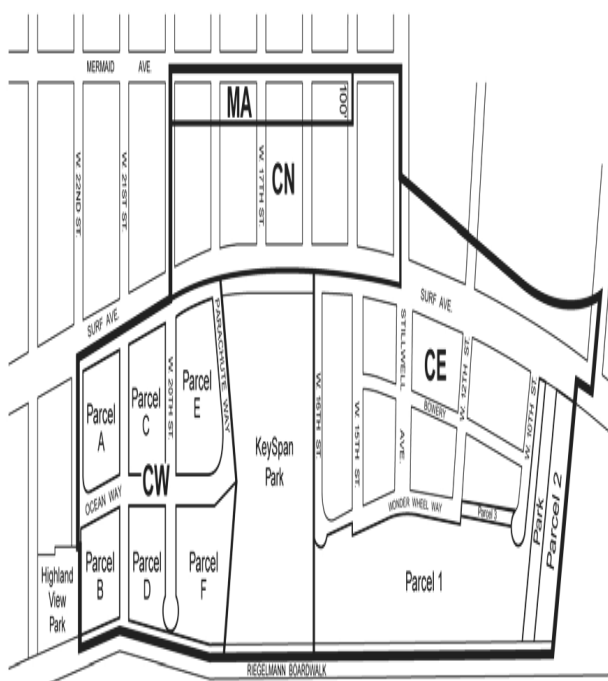
(d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

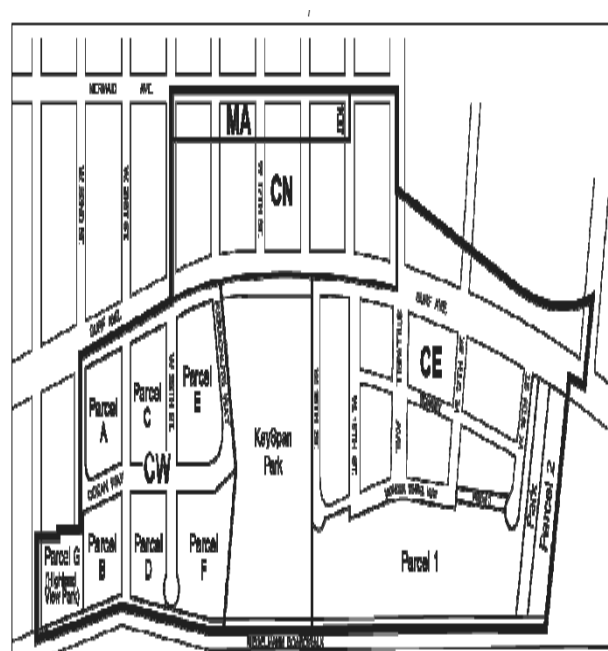
Appendix A Coney Island District Plan Map 1 - Special Coney Island District and Subdistricts

[MAP TO BE DELETED]



Special Coney Island District, Special Coney Island Subdistrict, Parcel Boundary, Coney East Subdistrict, Coney North Subdistrict, Coney West Subdistrict, Mermaid Avenue Subdistrict

[MAP TO BE INSERTED]



Special Coney Island District, Special Coney Island Subdistrict, Parcel Boundary, Coney East Subdistrict, Coney North Subdistrict, Coney West Subdistrict, Mermaid Avenue Subdistrict

Map 2 - Mandatory Ground Floor Use Requirements

[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUDARY]

Map 4 - Street Wall Location

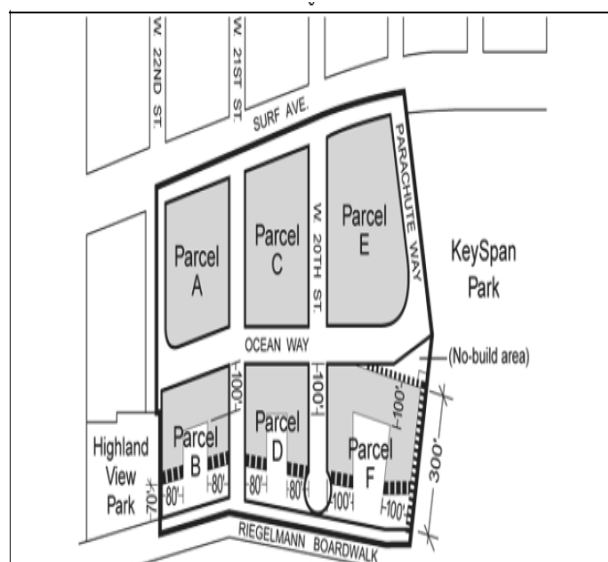
[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUDARY]

Map 5 - Minimum and Maximum Base Heights

[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUDARY]

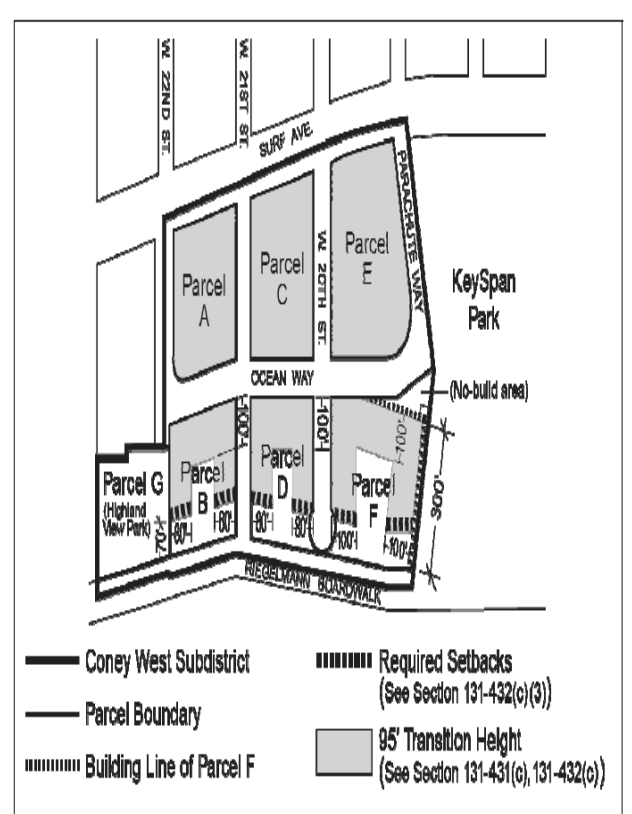
Map 6 - Coney West Subdistrict Transition Heights

[MAP TO BE DELETED]



Coney West Subdistrict, Parcel Boundary, Building Line of Parcel F, Required Setbacks, 95' Transition Height

[MAP TO BE INSERTED]



No. 5 C 140065 ZMK

CD 13 IN THE MATTER OF an application submitted by submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23rd Street, a line 150 feet northerly of former Highland View Avenue* and its easterly prolongation, the easterly street line of former West 22nd Street*, the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street, as shown on a diagram (for illustrative purposes only), dated September 9, 2013. *Note: Highland View Avenue and a portion of West 22nd Street were approved for demapping under application C 090107 MMK for a change in the City Map.

No. 6 C 140066 PPK

CD 13 IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums).

No. 7 140067 PQQ

CD 13 IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231).

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

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 07 - Tuesday, October 15, 2013 at 6:30 P.M., St. James Recreation Center, 2530 Jerome Avenue, Bronx, NY

Public Hearing regarding the Capital and Expense Budget priorities for FY' 2015.

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, October 16, 2013 at 7:00 P.M., 1097 Bergen Avenue, Brooklyn, NY

BSA# 254-13-BZ Premises affected - 2881 Nostrand Avenue, e/s/o Nostrand Avenue between Avenue P and Marine Parkway

An application filed pursuant to Section 72-21 of the zoning resolution of the City of New York, seeking a bulk variance to allow for the development of a new 26-unit, four-story

residential building and a penthouse which is located within an R3-2 zoning district.

The Capital and Expense Budget submissions for Fiscal Year 2015.

An application by HeartShare Human Services of New York, 12 MetroTech Center, Brooklyn, under the auspices of the NY State Office for People with Development Disabilities (OPWDD), pursuant to Section 41.34 of the Mental Hygiene Law, to establish a Community Residence at 1452 East 66th Street; a one-family detached house for four (4) male adults.

o10-17

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, October 23, 2013 at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Monday before the upcoming Wednesday Board Meeting. Copies of the Disposition are also available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's Website or contact (212) 306-6088.

o11-23

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, **October 22, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 14-3623 - Block 1267, lot 32-80-01 - 80-09 35th Avenue-Jackson Heights Historic District A neo-Romanesque style apartment building designed by the Cohn Brothers and built in 1941. Application is to legalize the installation of a fence, entrance way and windows without Landmarks Preservation Commission permit(s). Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 14-6295 - Block 9273, lot 89-86-15 Lefferts Boulevard-Richmond Hill Republican Club-Individual Landmark
A Colonial Revival style civic building designed by Henry E. Haugaard and built in 1908. Application is to install a fence and gate. Zoned C2-4/R4-1. Community District 9.

MODIFICATION OF USE AND BULK
BOROUGH OF QUEENS 14-6295 - Block 9273, lot 89-86-15 Lefferts Boulevard-Richmond Hill Republican Club-Individual Landmark
A Colonial Revival style civic building designed by Henry E. Haugaard and built in 1908
Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned C2-4/R4-1. Community District 9.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-6468 - Block 2557, lot 13-74 Kent Street-Eberhard Faber Pencil Company Historic District
A German Renaissance Revival style factory built c. 1904-08. Application is to alter the front facade, construct a rear extension, and rooftop bulkhead, and excavate the rear yard. Zoned M1-1. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-9159 - Block 221, lot 29-70 Henry Street-Brooklyn Heights Historic District
A one-story store building built in the 19th Century and later altered. Application is to demolish the existing building and construct a new building. Zoned R7-1, C1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-4903 - Block 251, lot 33-

54 Remsen Street-Brooklyn Heights Historic District
A Greek Revival style house built in 1844. Application is to install a barrier-free access lift. Community District 2.

ADVISORY REPORT
BOROUGH OF BROOKLYN 14-8947 - Block 29, lot 1-130 Plymouth Street-DUMBO Historic District
A vacant lot adjacent to the Manhattan Bridge anchorage, a Beaux Arts style suspension bridge, designed by Carrere & Hastings/Leon Moisseiff, George Best and Othneil F. Nichols, engineers, built in 1901-1909. Application is to construct a utility building and replace a perimeter fence. Community District 2.

ADVISORY REPORT
BOROUGH OF BROOKLYN 14-7868 - Block 1, lot 1-Jay Street at John Street-DUMBO Historic District
A street created from landfill in the early 19th century. Application is to install paving, seating, fencing, and to construct a land bridge. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-6332 - Block 312, lot 31-238 Court Street-Cobble Hill Historic District
An early 20th Century style apartment building built in 1915. Application is to replace windows. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4770 - Block 301, lot 25-266 Clinton Street-Cobble Hill Historic District
A rowhouse built before 1896. Application is to excavate the basement and rear yard, construct a rooftop stair bulkhead, and raise chimneys. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-6660 - Block 1087, lot 45-116 Prospect Park West-Park Slope Historic District
A rowhouse built in 1896. Application is to install railings at the stoop and areaway, and legalize the installation of a roof deck without Landmarks Preservation Commission permit(s). Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5567 - Block 948, lot 68-115 Lincoln Place-Park Slope Historic District
An Italianate style rowhouse built in 1874-75. Application is to construct a rear yard addition and excavate the basement and rear yard. Zoned R6B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5123 - Block 1203, lot 51-1473 Pacific Street-Crown Heights North Historic District
A Renaissance Revival style flats building designed by A.Y. Pohlman, and built circa 1906. Application is to alter a door, replace cameras, and legalize a light fixture all installed without Landmarks Preservation Commission permits. Zoned R6. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7747 - Block 123, lot 22-233 Broadway-The Woolworth Building -Individual & Interior Landmark
A neo-Gothic style office tower designed by Cass Gilbert and built in 1911-13. Application is to replace windows, create and alter window openings, construct additions, install mechanical equipment, install a canopy, and modify an entrance. Zoned C53. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3822 - Block 89, lot 1-139 Fulton Street-Bennett Building-Individual Landmark
A Second Empire style store and office building, designed by Arthur D. Gilman and built in 1872-1873, with additions designed by James M. Farnsworth and built in 1890-1892 and 1894. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7536 - Block 190, lot 7505-25 North Moore Street-Tribeca West Historic District
A 1920s Industrial style cold-storage warehouse designed by John B. Snook Sons and built in 1924. Application is to install a rooftop pergola and solar panels. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6038 - Block 174, lot 28-71-73 Franklin Street-Tribeca East Historic District
An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and modify storefront infill. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8548 - Block 175, lot 1-70-72 Franklin Street-Tribeca East Historic District
An Italianate style store and loft building built in 1860-61. Application is to install a barrier-free access ramp. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8065 - Block 513, lot 31-151 Mercer Street - SoHo-Cast Iron Historic District
A two-story brick garage building built in the mid-twentieth century. Application is to demolish the existing building and construct a new five-story building. Zoned M1-5A. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-9004 - Block 530, lot 19-22 Bond Street, aka 25 Great Jones Street-NoHo Historic District Extension
A construction site with a partially constructed building. Application is to alter the massing and revise the design of the building. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3909 - Block 574, lot 63-37 West 10th Street-Greenwich Village Historic District
A Greek Revival style townhouse built in 1838-39 and altered in the 1920's. Application is to excavate the areaway, alter

the facade and construct a stoop. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8614 - Block 614, lot 41-245 West 11th Street-Greenwich Village Historic District
A transitional Greek Revival style rowhouse built in 1851. Application is to demolish existing rear yard additions, construct rooftop and rear yard additions, demolish and reconstruct a rear yard shed, paint windows, and excavate the cellar. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6946 - Block 569, lot 30-27 East 11th Street -Greenwich Village Historic District
A Greek Revival style townhouse built in 1845. Application is to raise the roof, construct a rooftop bulkhead and rear yard addition, alter the front façade, and excavate at the cellar and rear yard. Zoned R7-2. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9354 - Block 572, lot 69-51 West 8th Street-Greenwich Village Historic District
An apartment house with a commercial ground floor built in 1877. Application is to legalize the installation of a storefront, residential entrance door, and roll-down security gate without Landmarks Preservation Commission permit(s) and to install an awning. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8425 - Block 624, lot 15-607 Hudson Street -Greenwich Village Historic District
A neo-Federal style hotel building designed by Ralph Townsend and built in 1905. Application is to construct a pergola and acoustic walls at the roof. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6085 - Block 645, lot 39-402 West 13th Street-Gansevoort Market Historic District
A building designed by Sherida E. Paulsen and built in 2010. Application is to construct a rooftop addition. Zoned M1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8580 - Block 712, lot 27-405 West 14th Street-Gansevoort Market Historic District
A neo-Grec style Carpenter shop building built in 1878. Application is to install a banner sign. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8447 - Block 1066, lot 32-400-406 West 57th Street, aka 869 9th Avenue and 871-877 9th Avenue -The Windermere -Individual Landmark
An Eclectic style apartment complex consisting of three buildings designed by Theophilus G. Smith and built in 1880-81. Application is to construct rooftop and rear yard additions, install rooftop mechanical equipment, alter the facades, install new windows, install new storefronts, alter the areaways and install a barrier-free access lift. Zoned C1-5/Clinton/ C1-8. Community District 4.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 14-8803 - Block 1066, lot 32-400-406 West 57th Street, aka 869 9th Avenue and 871-877 9th Avenue -The Windermere -Individual Landmark
An Eclectic style apartment complex consisting of three buildings designed by Theophilus G. Smith and built in 1880-81. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned C1-5/Clinton/ C1-8. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7983 - Block 819, lot 37-120 Fifth Avenue-Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by John B. Snook & Sons and built in 1905-1906. Application is to install storefront infill and illuminated signage. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7980 - Block 819, lot 39-122 Fifth Avenue-Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by Robert Maynicke and built in 1899-1900. Application is to install storefront infill and illuminated signage. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-9058 - Block 1029, lot 53-1790 Broadway, aka 5 Columbus Circle-(former) US Rubber Company Building - Individual Landmark
A Beaux-Arts style office building designed by Carrere & Hastings and built in 1911-12, and altered in 1959. Application is to modify the first and second floor facades and install storefront infill. Zoned C5-1. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-9056 - Block 1029, lot 14-1780 Broadway -B. F. Goodrich Company Building - Individual Landmark
An office building with abstract, stylized ornament that suggests the influence of Elizabethan and Jacobean sources, the English Arts and Craft movement, and the Vienna Secession, designed by Howard Van Doren Shaw in association with Ward & Willauer, and built in 1909. Application is to install storefront infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-9057 - Block 1029, lot 23-215 West 57th Street-The American Fine Arts Society - Individual Landmark
A Francis 1 French Renaissance style arts institution designed by Henry Janeway Hardenbergh and built in 1891-92. Application is to allow the proposed building on the adjacent west lot to cantilever over the Landmark site. Zoned C5-3, C5-1. Community District 5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-9017 - Block 829, lot 30-1158-1160 Broadway -Madison Square North Historic District

A store building designed by James Stroud and built in 1880-81 and a commercial building designed by Richard Morris Hunt and built in 1871, both altered in 1959 by Telchin & Campanella. Application is to alter the facades. Community District 5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-7867 - Block 1015, lot 29-1501 Broadway-Paramount Building -Individual Landmark A French Beaux Arts style skyscraper designed by Rapp and Rapp and built in 1926-1927. Application is to install illuminated signs. Community District 6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-7291 - Block 1127, lot 61-313 Columbus Avenue - Upper West Side/Central Park West Historic District

A Romanesque Revival/Queen Anne style flats building built in 1889-90. Application is to replace storefront. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-8213- Block 1116, lot 29-33 Central Park West-Upper West Side/Central Park West Historic District

A neo-Renaissance style school building designed by Carrere and Hastings and built in 1902-04. Application is to install new doors. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-4021 - Block 1168, lot 56-250 West 77th Street-Hotel Belleclair - Individual Landmark

An Art Nouveau/Secessionist style hotel building designed by Emery Roth and built in 1901-03. Application is to modify the ground floor and replace storefront infill. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-3150 - Block 1213, lot 7504-

107 West 82nd Street-Upper West Side/Central Park West Historic District

A Renaissance Revival style flats building with Queen Anne style elements designed by Thom and Wilson and built in 1893. Application is to modify the ground floor, replace storefront infill and install signage. Zoned R8-B. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-0548 - Block 1213, lot 7504-107 West 82nd Street-Upper West Side/Central Park West Historic District

A Renaissance Revival style flat building with Queen Anne style elements designed by Thom and Wilson and built in 1893. Application is to construct a rooftop addition. Zoned R8-B. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-8704 - Block 1217, lot 24-123 West 86th Street -Upper West Side /Central Park West Historic District A Northern Renaissance Revival/Queen Anne style rowhouse designed by John G. Prague and built in 1887. Application is to install a barrier-free access lift. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-7431 - Block 1185, lot 75-357 West End Avenue-West End-Collegiate Historic District An Eclectic Renaissance Revival style rowhouse designed by Lamb & Rich and built in 1891. Application is to replace windows. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-7750 - Block 1378, lot 142-48 East 64th Street-Upper East Side Historic District A neo-Grec style rowhouse designed by John G. Prague, and built in 1883-84. Application is to construct rear additions, and a rooftop bulkhead, and excavate at the basement and rear yard. Zoned R8B. Community District 8.

MODIFICATION OF USE AND BULK

BOROUGH OF MANHATTAN 14-5052 - Block 1404, lot 67-110 East 70th Street-Upper East Side Historic District A residence originally built in 1869 and altered by Robertson & Potter in 1905 in the simplified Beaux-Arts style. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Bulk pursuant to Section 74-711 of the Zoning Resolution. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-6579 - Block 2053, lot 7502-764 St. Nicholas Avenue-Hamilton Heights-Sugar Hill Historic District

A Classical Revival style rowhouse designed by Paul T. Higgs and built in 1895. Application is to install signage. Zoned R7A. Community District 9.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-3889 - Block 1717, lot 152-40 West 119th Street-Mount Morris Park Historic District A Queen Anne style rowhouse designed by G.A. Schellenger and built in 1891. Application is to construct a rear yard addition. Zoned R7-2. Community District 10.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-7201 - Block 2023, lot 34-2350 7th Avenue -St. Nicholas Historic District A rowhouse designed by James Brown Lord and built in 1891. Application is to legalize the installation of cameras, light fixtures, door, and louvers without Landmarks Preservation Commission permit(s). Community District 10.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-6793 - Block 2134, lot 250-156-08 Riverside Drive West-Audubon Park Historic District A Medieval Revival style apartment house designed by George G. Miller, and built in 1930. Application is to replace terra cotta balconettes with fiberglass balconettes. Community District 12.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 14-6794 - Block 2134, lot 200-775 Riverside Drive-Audubon Park Historic District A Medieval Revival style apartment house designed by George G. Miller, and built in 1930. Application is to replace terra cotta balconettes with fiberglass balconettes. Community District 12.

o8-22

MAYOR'S OFFICE OF CONTRACT SERVICES

MEETING

The Procurement Policy Board will hold a public meeting on Thursday, October 17, 2013 at 9:00 A.M. at 253 Broadway, 14th Floor Conference Room, in the Borough of Manhattan. For more information, please contact the Mayor's Office of Contract Services at (212) 788-0010.

o11

BOARD OF STANDARDS AND APPEALS

PUBLIC HEARING

OCTOBER 29, 2013, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 29, 2013, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

SOC CALENDAR

74-49-BZ

APPLICANT – Sheldon Lobel, P.C., For 515 Seventh Avenue, LLC, owner. SUBJECT – Application August 26, 2013 – Extension of Time to obtain a Certificate of Occupancy for an existing parking garage which expired on January 11, 2012; Waiver of the Rules. M1-6 (Garment Center) zoning district. PREMISES AFFECTED – 515 Seventh Avenue, southeast corner of 7th Avenue and West 38th Street, Block 813, Lot 64, Borough of Manhattan. **COMMUNITY BOARD #5M**

647-70-BZ

APPLICANT – Jeffrey A. Chester Esq. GSHLLP, for Channel Holding Company, Inc., owner; Cain Management II Inc., lessee. SUBJECT – Application August 1, 2013 – Amendment of a previously approved Special Permit (§73-211) which permitted the operation an automotive service station and auto laundry (UG 16B). Amendment seeks to convert accessory space into an accessory convenience store. C2-3/R5 zoning district. PREMISES AFFECTED – 59-14 Beach Channel Drive, Beach Channel Drive corner of Beach 59th Street, Block 16011, Lot 105, Borough of Queens. **COMMUNITY BOARD #**

APPEALS CALENDAR

99-12-A

APPLICANT – Fried, Frank, Harris, Shriver & Jacobson, LLP, for Van Wagner Communications, LLC, owner. SUBJECT – Application September 11, 2013 – Reopening by the court and remanded back to BSA for reconsideration. PREMISES AFFECTED – 111 Varick Street, Block 578, Lot 71, Borough of Manhattan.

221-13-A

APPLICANT – Law Office of Jay Goldstein, PLLC, for Naseem Ali, owner. SUBJECT – Application July 22, 2013 – Appeal seeking that the owner has a common law vested right to continue construction and obtain a Certificate of Occupancy under the prior R3A zoning district. R2A zoning district. PREMISES AFFECTED – 239-26 87th Avenue, south side of 87th Avenue between 241st Street and 239th Street, Block 7966, Lot 54, Borough of Queens. **COMMUNITY BOARD #13Q**

***Please note that the BZ calendar will immediately follow the SOC and A calendars.**

ZONING CALENDAR

262-12-BZ

APPLICANT – Patrick W. Jones, P.C., for Canyon & Cie LLC c/o Mileson Corporation, owner; Risingsam Management LLC, lessee. SUBJECT – Application September 4, 2012 – Variance (§72-21) to permit a hotel (UG 5) contrary to use regulations (§42-00). M2-1 zoning district. PREMISES AFFECTED – 132-10 149th Avenue aka 132-35 132nd Street, bounded by 132nd Street, 149th Avenue and Nassau Expressway Service Road, Block 11886, Lot 12 and 21, Borough of Queens. **COMMUNITY BOARD #10Q**

154-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Ralph Avenue Associates, LLC, owner. SUBJECT – Application May 14, 2013 – Variance (§72-21) to allow the construction of a retail building (UG 6), contrary to use regulations (§22-10). R5 zoning district. PREMISES AFFECTED – 1054-1064 Bergen Avenue, bounded by Bergen Avenue to the north, Avenue K to the east, East 73rd Street to the south, and Ralph Avenue to the west, Block 8341, Lot (Tentative lot 135), Borough of Brooklyn. **COMMUNITY BOARD #18BK**

168-13-BZ

APPLICANT – Lewis E Garfinkel, for Dovie Minzer, owner. SUBJECT – Application June 4, 2013 – Special Permit (§73-622) to permit the enlargement of an existing single family home contrary to floor area, open space and lot coverage (§23-141(a); side yard (§23-461(a); less than the required rear yard; (§23-47) and perimeter wall height (§23-631. R3-2 zoning district. PREMISES AFFECTED – 1323 East 26th Street, east side of East 26th Street, 180' south of Avenue M, Block 7662, Lot 39, Borough of Brooklyn. **COMMUNITY BOARD #14BK**

173-13-BZ

APPLICANT – Greenberg Traurig, LLP, for 752 UWS, LLC, owner; 752 Paris Gym LLC, lessee. SUBJECT – Application June 14, 2013 – Variance (§72-21) to legalize the existing commercial Paris Health Club facility which occupies the cellar, first floor and the first mezzanine of a 24-story residential building, contrary to (§22-00). R10-A zoning district. PREMISES AFFECTED – 752-758 West End Avenue aka 260-268 West 97th Street, southeast corner of West End Avenue and West 97th Street, Block 1868, Tentative Lot 1401 (f/k/a part of 61), Borough of Manhattan. **COMMUNITY BOARD #7M**

229-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Country Leasing Limited Partnership, owner; Blink Nostrand Avenue, Inc., lessee. SUBJECT – Application August 6, 2013 – Special Permit (§73-36) to allow physical culture establishment (*Blink Fitness*) within an existing commercial building. C2-2/R3-2 zoning district. PREMISES AFFECTED – 3779-3861 Nostrand Avenue, 2928/48 Ave Z, 2502/84 Haring Street, Block bounded by Nostrand Avenue, Avenue Z, Haring Street and Avenue Y, Block 7446, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #15BK**

232-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for SDF12 Bay Street, LLC, owner; Staten Island Fitness, LLC, lessee. SUBJECT – Application August 9, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Crunch Fitness*) within portions of proposed commercial building. M1-1 zoning district. PREMISES AFFECTED – 364 Bay Street, northwest corner of intersection of Bay Street and Grant Street, Block 503, Lot 1 and 19, Borough of Staten Island. **COMMUNITY BOARD #1SI**

Jeff Mulligan, Executive Director

o10-11

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, October 16, 2013. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550

#1 In the matter of a proposed revocable consent authorizing 520 Madison Owners, L.L.C. to continue to maintain and use a sidewalk clock, together with an electrical conduit, on the west sidewalk of Madison Avenue, north of East 53rd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2023 - \$300/annum.

the maintenance of a security deposit in the sum of \$2000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing Congregation Beit Yaakov. to continue to maintain and use an electro melt conduits under the north sidewalk of East 63rd Street, between Fifth Avenue and Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2014 - \$4,566

the maintenance of a security deposit in the sum of \$5,800 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing The Jamaica Hospital Medical Center to continue to maintain and use a conduit and pipe bank under and diagonally across 135th Street south of 89th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$3,370

For the period July 1, 2013 to June 30, 2014 - \$3,464

For the period July 1, 2014 to June 30, 2015 - \$3,563

For the period July 1, 2015 to June 30, 2016 - \$3,662

For the period July 1, 2016 to June 30, 2017 - \$3,761

For the period July 1, 2017 to June 30, 2018 - \$3,860

For the period July 1, 2018 to June 30, 2019 - \$3,959
 For the period July 1, 2019 to June 30, 2020 - \$4,058
 For the period July 1, 2020 to June 30, 2021 - \$4,157
 For the period July 1, 2021 to June 30, 2022 - \$4,256

the maintenance of a security deposit in the sum of \$17,770 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing Matrix Realty LLC to construct, maintain and use a sidewalk hatch in the south sidewalk of East 91st Street, east of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the approval date to June 30, 2014 - \$882/annum.

For the period July 1, 2014 to June 30, 2015 - \$ 907
 For the period July 1, 2015 to June 30, 2016 - \$ 932
 For the period July 1, 2016 to June 30, 2017 - \$ 957
 For the period July 1, 2017 to June 30, 2018 - \$ 982
 For the period July 1, 2018 to June 30, 2019 - \$1,007
 For the period July 1, 2019 to June 30, 2020 - \$1,032
 For the period July 1, 2020 to June 30, 2021 - \$1,057
 For the period July 1, 2021 to June 30, 2022 - \$1,082
 For the period July 1, 2022 to June 30, 2023 - \$1,107
 For the period July 1, 2023 to June 30, 2024 - \$1,132

the maintenance of a security deposit in the sum of \$3,500 security deposit and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing River Plate Property, LLC to construct, maintain and use steps and a fenced-in area on the north sidewalk of East 94th Street, east of Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the approval Date to June 30, 2024 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing The United Nations to construct, maintain and use bollards along the perimeter of the United Nations' headquarters complex on First Avenue upon the property of the City of New York, in the Borough of Manhattan. The proposed revocable consent is for a term of Five years from the date of Approval by the Mayor to June 30, 2018.

There shall be no compensation required for this revocable consent.

There is no security deposit and the insurance shall be in the amount of Twenty Five Million Dollars (\$25,000,000) per occurrence, and Twenty Five Million Dollars (\$25,000,000) per-location annual aggregate limit.

s25-o16

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

ASSET MANAGEMENT
 ■ PUBLIC LEASE AUCTION

PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY SEALED BID PUBLIC LEASE AUCTION

PUBLIC NOTICE IS HEREBY GIVEN THAT The Department of Citywide Administrative Services; Asset Management will conduct a Sealed Bid Public Lease Auction pertaining to Long-Term Leases, Short-Term Leases and Licenses on October 30, 2013 at Municipal Building, 1 Centre Street, 20th Floor South Conference Room A, New York, NY 10007. Sealed bids will be accepted from 10:00 A.M. to 11:00 A.M. and opened at 11:00 A.M.

The offerings, including Terms and Conditions and Special Terms and Conditions, are set forth in a brochure. For further information, including a brochure and a bid packet, please visit the DCAS website at nyc.gov/dcas after October 4, 2013 or call 212-386-0335.

In accordance with Section 384 of the New York City Charter, the properties listed below will be offered at Sealed Bid Public Lease Auction. A Public Hearing was held on September 25, 2013 at 22 Reade Street, in the Borough of Manhattan in the matter of the two properties listed below:

Manhattan, Block 1633, Lot 13
 Property Address: 127 East 105th Street
 Property Type: 3 story building
 Minimum Annual Bid: \$85,824
 Inspection Dates: October 7, 2013 1:00 P.M. to 2:00 p.m.
 October 15, 2013 1:00 P.M. to 2:00 p.m.

Brooklyn, Block 6036, Part of Lot 1
 Property Address: 8501 Fifth Avenue
 Property Type: Ground floor retail store and

basement space
 Minimum Annual Bid: \$90,240
 Inspection Dates: October 8, 2013 11:00 A.M. to 12:00 P.M.
 October 15, 2013 12:00 P.M. to 1:00 P.M.

In accordance with New York Administrative Code Section 4-203, the properties listed below also will be offered at the Sealed Bid Public Lease Auction:

Bronx, Block 3542, Lot 20
 Property Address: East side of Zerega Avenue, approximately 250 feet south of Randall Avenue
 Property Type: Unimproved Land
 Minimum Monthly Bid: \$11,200
 Inspection Dates: October 9, 2013 11:00 A.M. to 12:00 P.M.
 October 16, 2013 12:00 P.M. to 1:00 P.M.

Queens, Block 13420, Lots: 8 and 999
 Property Location: West side of 183rd Street, 200 feet south of the southwest corner of 150th Drive and 183rd Street
 Property Type: Unimproved Land
 Minimum Monthly Bid: \$4,820
 Inspection Dates: October 10, 2013 11:00 A.M. to 12:00 P.M.
 October 16, 2013 12:00 P.M. to 1:00 P.M.

s27-o30

OFFICE OF CITYWIDE PURCHASING

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jl24-d1

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):
- * Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
 - * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- * 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.

jl1-d31

PROCUREMENT

"Compete To Win" More Contracts!
 Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more

opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.
 ● Win More Contracts at nyc.gov/competetowin

"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."

AGING

■ INTENT TO AWARD

Human/Client Services

HOME CARE FOR OLDER ADULTS – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 12514N0001 – DUE 10-21-13 AT 12:00 P.M. – The Department for the Aging intends to negotiate a three year contract, beginning 7/1/14, for Home Care services targeted to older adults residing in communities throughout the New York City areas. Negotiations will be with organizations that are current New York State licensed home care services organizations. Interested organizations currently holding NYS license to provide home care services may request a solicitation by calling Margaret McSheffrey at 212-442-1373. Organizations interested in receiving information for future solicitations may send a request to Margaret McSheffrey, Department for the Aging, 2 Lafayette St, Room 400, NY, NY 10007. Vendor Source ID#85322.

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 for the Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Margaret McSheffrey (212) 442-1373; mmcshreffrey@aging.nyc.gov

o11-18

CITY UNIVERSITY

■ SOLICITATIONS

Goods

FORD 350 WITH AERIAL LIFT – Competitive Sealed Bids – PIN# HOSTOS NT2013 – DUE 10-29-13 AT 2:59 P.M. – Hostos Community College is soliciting bids for Ford 350 with an aerial lift. Chassis must be Ford 350, model year 2013, with manufacturer installed aerial lift package (Option 86A) and a Modified Vehicle Wiring System (Option 53S). Must be equipped with a Vantel-29-N Telescopic Aerial Lift. Chassis and all components of the Ford 350 must have valid intact warranty from manufacturer and Versalift manufacturer warranty must be a minimum of one year with on-site service. Must be tested and certified per ANSI A92.2-2001. Any purchase resulting from this advertisement is subject to New York State Appendix A and the terms and conditions of Hostos Community College and a City University of New York Purchase Order or Agreement.

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.

City University, 500 Grand Concourse, Building G, Room 100, Bronx, NY 10451. Kevin Carmine (718) 319-7965; Fax: (718) 319-7964; kcarmine@hostos.cuny.edu

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CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PURCHASING

■ SOLICITATIONS

Goods

TRUCK, JET RODDER AND VACUUM CLEANING - DSNV – Competitive Sealed Bids – PIN# 857PS1400076 – DUE 11-06-13 AT 9:30 A.M. – A Pre-Solicitation Conference for the above mentioned commodity is scheduled for November 6, 2013 at 9:30 A.M. at 1 Centre Street, 18th Floor, New York, NY 10007.

A copy of the solicitation package can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nyc/vendoronline/home.asp>. Enrollment is free. Please review the documents before you attend the conference.

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. Joseph Vacirca (212) 669-8616; Fax: (212) 669-7581; jvacirca@dcas.nyc.gov

City Certified Minority and Women - Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids/Proposals.

o11

■ AWARDS

Goods

FANS, ELECTRIC, DESK AND WALL – Competitive Sealed Bids – PIN# 8571300198 – AMT: \$110,650.00 – TO: Vidmaar Distributors Inc., 426 West Market Street, York, PA 17401.

o11

SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

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, 66-26 Metropolitan Avenue, Queens Village, NY 11379. Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dlepore@dcas.nyc.gov

s6-f25

VENDOR LISTS

Goods

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: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

INTENT TO AWARD

Services (Other Than Human Services)

ARCHITECTURAL DESIGN SERVICES – Negotiated Acquisition – PIN# 85609P0001CNVN001 – DUE 10-10-13 – This advertisement is intended for informational purposes only. DCAS is seeking to use the Negotiated Acquisition Method to extend its current contract pursuant to Section 3-04 (b)(2)(D) of the Procurement Policy Board Rules to avoid interruption in services to the City. It is anticipated that the contract term will be from February 9, 2014 through February 8, 2015.

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, NY, NY 10007. Karen Allen (212) 669-8251; Fax: (212) 313-3131; kallen@dcas.nyc.gov

City Certified Minority and Women- Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids/Proposals.

o9-16

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

INTENT TO AWARD

Goods & Services

JANITORIAL SERVICES FOR TWO OF DOC

LOCATIONS – Negotiated Acquisition – Available only from a single source - PIN# 072201420HMD – DUE 10-21-13 AT 10:00 A.M. – The Department of Correction intends to enter into negotiations with New York State Industries for the Disabled for janitorial services for two of its locations - NYC Correction Academy and 59-17 Junction Boulevard. The vendor must have specific expertise to provide cleaning services. Any firm which believes it can provide the required service in the future is invited to express interest via email to docacco@doc.nyc.gov

The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals at this time. The Department is utilizing the Negotiated Acquisition Extension source method in order to continue to provide uninterrupted services.

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.

The Bulova Corporate Center, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370. Shaneza Shinath (718) 546-0684; Fax: (718) 278-6218; shaneza.shinath@doc.nyc.gov

o11-18

Services (Other Than Human Services)

ANNUAL MAINTENANCE OF ADMINS. – Negotiated Acquisition – Available only from a single source - PIN# 072201419MIS – DUE 10-21-13 AT 10:00 A.M. – The Department of Correction intends to enter into negotiations with ADMINS Inc. for provision of Licenses, Upgrades, Maintenance and Technical Support for the ADMINS Software installed on the computers comprising the Inmate Information System (IIS). The vendor must have specific expertise to maintain software components manufactured exclusively by ADMINS, Inc. The system is used to record and report on inmate related data. Any firm which believes it can provide the required services in the future is invited to express interest via email to docacco@doc.nyc.gov by October 21, 2013 at 10:00 A.M. The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals. The Department is utilizing the Negotiated Acquisition Extension source method to provide the services in order to continue to provide uninterrupted service.

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.

The Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Shaneza Shinath (718) 546-0684; Fax: (718) 278-6205; shaneza.shinath@doc.nyc.gov.

o7-11

TELTRONICS 20/20 PABX – Negotiated Acquisition – Available only from a single source - PIN# 072201420MIS – DUE 10-21-13 AT 10:00 A.M. – The Department of Correction intends to enter into negotiations with Teltronics, Inc. for the maintenance, repair services and upgrades of the Department 20-20 PBX Administrative and Inmate Calling Telephone Systems. The vendor must have specific expertise in maintaining the hardware and software that authenticates the identity of inmates, checks inmate information before a telephone call is placed, support call restrictions and multiple call scheduling, maintain an audit trail of information entered and activities performed by all users and inmates, automatically transcribe and store transcribed texts of telephone calls, generate alerts, generate reports about calls and calculate the cost of the call and debit the amount from inmate Commissary Account. Any firm which believes it can provide the required services in the future is invited to express interest via email to docacco@doc.nyc.gov by October 21, 2013 at 10:00 A.M. The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals. The Department is utilizing the Negotiated Acquisition Extension source method to provide the services in order to continue to provide uninterrupted service.

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 Correction, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Cassandra Dunham (718) 546-0766; Fax: (718) 278-6205; cassandra.dunham@doc.nyc.gov.

o7-11

DESIGN & CONSTRUCTION

CONTRACTS

SOLICITATIONS

Construction / Construction Services

REHABILITATION AND UPGRADE OF DEP SHAFT MAINTENANCE BUILDING - BROOKLYN – Competitive Sealed Bids – PIN# 85014B0027 – DUE 11-19-13 AT 2:00 P.M. – PROJECT NO.:EP6-KENT2/DDC PIN:8502014CR0001C. Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-Late Bids Will Not Be Accepted.

There will be an Optional Pre-bid Conference on Wednesday, November 6, 2013 at 10:00AM at the NYC Department of Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. (ATTENDANCE HIGHLY RECOMMENDED) Special Experience Requirements

This contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For Further Information, See Volume 2 of the Bid Documents.

This contract is part of a Multi-Agency Pilot Program in which the City's Standard Construction Contract provisions concerning Delay Damages have been revised altering the allocation of the risk of projects delays, to allow contractors appropriate compensation for certain delays that are reasonably considered to be the City's responsibility.

BID DOCUMENTS ARE AVAILABLE AT:

<http://www.nyc.gov/buildnyc>

VENDOR SOURCE ID:85311

This bid solicitation includes M/WBE Participation Goal(s). For the MWBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities". To find out more about M/WBE certification visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311

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. Bid Document Deposit - \$35.00 per set. Company Check or Money Order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

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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 & Services

ENTERPRISE PERINATAL MONITORING SYSTEM – Request for Proposals – PIN# 002134 – DUE 11-19-13 – The New York City Health and Hospitals Corporation is initiating a Request for Proposals (RFP) for a two (2) year contract,

with three (3) one (1) year renewal options for an Enterprise Perinatal Monitoring System across all networks/facilities.

The vendor should be able to display demonstrated expertise in the areas of electronic fetal monitoring and data archiving of fetal monitoring information. The chosen system shall communicate with Quadramed and EPIC, the core Electronic Health Record systems at HHC; and provide electronic fetal monitoring, central surveillance, alerts, documentation, and archiving capabilities across HHC's labor and delivery environments.

Strong vendor candidates will work jointly with HHC to ensure that a support structure and process is in place for the effective deployment of the Enterprise Perinatal Monitoring System. They will meet HHC's application, technical, interface and integration requirements, as well as provide specialized and trained expertise for implementation throughout HHC's eleven hospitals, five diagnostic and treatment centers and six long-term care sites, and 80 plus clinics.

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.

Health and Hospitals Corporation, 160 Water Street, 8th Floor, New York, NY 10038. George Davidson (646) 458-3857; George.Davidson@nychhc.org

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HEALTH AND MENTAL HYGIENE

INTENT TO AWARD

Services (Other Than Human Services)

MAVEN SOFTWARE APPLICATION ENHANCEMENT, CONFIGURATION AND SUPPORT – Sole Source – Available only from a single source - PIN# 1210023301R0X00 – DUE 10-15-13 AT 10:00 A.M. – CORRECTION: DOHMH intends to enter into a Sole Source agreement with Consilience Software to provide application support, configuration and enhancement for the unified patient registry proprietary software.

Any vendor who are interested in providing such services in the future can send an expression of intent via email to oharper@health.nyc.gov no later than 10/15/13.

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.

Health and Mental Hygiene, Gotham Center, 42-09 28th Street, 4th Floor, CN30A, Queens, NY 11101. Odette Harper (347) 396-6621; Oharper@health.nyc.gov ACCO, 42-09 28th Street, 17th Floor, CN#130, Queens, NY 11101.

o7-11

AGENCY CHIEF CONTRACTING OFFICER

INTENT TO AWARD

Human / Client Services

ASTHMA OPEN AIRWAYS TRAINING – Renewal – PIN# 10CR007601R1X00 – DUE 10-18-13 AT 4:00 P.M. – The Department's Bureau of Chronic Disease Prevention is renewing a contract between American Lung Association of the Northeast, Inc. to continue to coordinate training and provide technical assistance to support the implementation of the Open-Airways for Schools (OAS) program in New York City public elementary schools. Any firm which believes that it can provide these services in the future is invited to indicate an expression of interest by letter which must be received no later than October 18, 2013 by 4:00 P.M. Expressions of Interest should be sent to DOHMH, Office of the Agency Chief Contracting Officer, 42-09 28th Street, 17th Floor, CN-30A, Queens, NY 11101-4132; Attn: Huguette Beauport, hbeaupor@health.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.

Health and Mental Hygiene, 42-09 28th Street, 17th Floor, CN30A, Long Island City, NY 11101. Huguette Beauport (347) 396-6633; Fax: (347) 396-6759; hbeaupor@health.nyc.gov

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HOUSING AUTHORITY

SOLICITATIONS

Goods & Services

PLASTER RESTORATION VARIOUS DEVELOPMENTS – Competitive Sealed Bids – DUE 11-14-13 – RFQ# 60036 - Bronx Due at 10:00 A.M. RFQ# 60037 - Brooklyn Due at 10:05 A.M. RFQ# 60038 - Manhattan Due at 10:10 A.M. RFQ# 60039 - Various Mixed Finance Due at 10:15 A.M. RFQ# 60040 - Queens/Staten Island Due at 10:20 A.M.

Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business.shtml>. Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit

payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Erneste Pierre-Louis (212) 306-3609; Fax: (212) 306-5109; Erneste.Pierre-Louis@nycha.nyc.gov

o11

OFFICE OF THE MAYOR

INTENT TO AWARD

Services (Other Than Human Services)

CASUALTY/PROPERTY BROKERAGE SERVICES – Negotiated Acquisition – Available only from a single source - PIN# 00207X0005CNVN003 – DUE 10-25-13 AT 11:00 A.M. – The Mayor's Office intends to enter into negotiations with Marsh USA to continue to provide the Citywide Central Insurance Program (CIP) with broker insurance services. The office will be utilizing a Negotiation Acquisition Extension for a one year period. This notice is for informational purposes only. Any firm that believes it can provide these services in the future is invited to send an expression of interest (via email or phone call) to: Office of the Mayor/Fiscal Operations: 100 Gold Street, 2nd Floor, New York, NY 10038. Attention: David Sheehan, Agency Chief Contracting Officer; mdelus@cityhall.nyc.gov; phone: (212) 788-2680.

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 the Mayor/Fiscal Operations, 100 Gold Street, 2nd Floor, New York, NY 10038.
David Sheehan (212) 788-2680; Fax: (212) 788-2406; mdelus@cityhall.nyc.gov

o11-18

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

OPERATION OF A FREE CONCERT SERIES AND A MAXIMUM OF SIX (6) KIOSKS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X39-CON-O-2013 – DUE 11-06-13 AT 3:00 P.M. – At Orchard Beach, Pelham Bay Park, Bronx.

There will be a recommended proposer meeting and site tour on Friday, October 18, 2013 at 1:00 P.M. We will be meeting at the proposed concession site, which is located in front of the Main Pavilion stage area at Orchard Beach, Pelham Bay Park, Bronx. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

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, 830 5th Avenue, Room 407, New York, NY 10065. Kathryn Winder (212) 360-1397; Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov

o1-15

RENOVATION, OPERATION, AND MAINTENANCE OF THE PARKING LOTS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M104-PL-2013 – DUE 11-08-13 AT 3:00 P.M. – At Randall's Island Park, Manhattan.

There will be a recommended proposer meeting and site tour on Tuesday, October 22, 2013 at 11:00 A.M. We will be meeting at Icahn Stadium by the proposed concession site, which is located at 20 Randall's Island, New York, NY 10035. We will be meeting in front of Icahn Stadium. If you are considering responding to this RFP, please make every effort to attend the recommended meeting and site tour.

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, 830 5th Avenue, Room 407, New York, NY 10065. Kathryn Winder (212) 360-1397; Fax: (212) 360-3434; kathryn.winder@parks.nyc.gov

o2-16

SCHOOL CONSTRUCTION AUTHORITY

CONTRACTS

SOLICITATIONS

Construction / Construction Services

STUDENT TOILETS – Competitive Sealed Bids – PIN# SCA14-14565D-1 – DUE 10-31-13 AT 10:00 A.M. – PS 125 (Manhattan). Project Range: \$1,200,000.00 - \$1,270,000.00. 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; Fax: (718) 472-0477; lpersaud@nycsca.org

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TRANSPORTATION

TRAFFIC AND PLANNING

SOLICITATIONS

Construction / Construction Services

EMERGENCY CONTRACT TO INSTALL, REMOVE, AND REPAIR STREET LIGHTS AND TRAFFIC SIGNALS IN THE FAR ROCKAWAYS DAMAGED BY HURRICANE SANDY – Competitive Sealed Bids – PIN# 84113QUTR715 – DUE 10-25-13 AT 11:00 A.M. – A printed copy of the contract can also be purchased. A deposit of \$50.00 is required for the bid documents in the form of a Certified Check or Money Order payable to: New York City Department of Transportation. No cash accepted. Company address, telephone and fax numbers are required when picking up contract documents. Entrance is located on the South Side of the Building facing the Vietnams Veterans Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.) A Pre-Bid Meeting (Optional) will be held on October 18, 2013 at 10:00 A.M. at 55 Water Street, Ground Floor Conference Room, New York, NY 10041. For additional information, please contact Charles Ayes at (212) 839-4595.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Transportation, Office of the Agency Chief Contracting Officer, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Hours 9:00 A.M. - 3:00 P.M., Monday to Friday (excluding holidays). Bid Window (212) 839-9435.

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

EDUCATION

PUBLIC HEARINGS

Committee on Contracts Agenda

The Department of Education's (DOE) Chancellor's Committee on Contracts (COC) has been asked for approval to enter into contract negotiations with the following organization(s) for the services described below. Other organizations interested in providing these services to the DOE are invited to indicate their ability to do so in writing to Jay G. Miller at 65 Court Street, Room 1201, Brooklyn, NY 11201. Responses should be received no later than 9:00 AM, Friday, October 18, 2013. Any COC approval will be contingent upon no expressions of interest in performing services by other parties.

Item(s) for Consideration:

1. CAST, Inc. (Center for Applied Special Technology)

The Division of Students with Disabilities and English Language Learners seeks approval to enter into an agreement with CAST, Inc., to provide professional development using its educational framework, Universal Design for Learning (UDL). UDL introduces flexible methods to develop adaptable learning environments to accommodate differentiated learning.

Term: 6/5/13-6/30/14
Total Contract Cost: \$181,100

2. City University of New York NYC Early Childhood Professional Development Institute

The Division of Portfolio Planning's Office of Early Childhood Education seeks approval to enter into an agreement with City University of New York NYC Early Childhood Professional Development Institute (CUNY-PDI) to provide a range of services including trainings, professional development, research, web development, and materials focused on improving information available to teachers regarding early childhood education.

Term: 7/1/12-6/30/15
Total Contract Cost Not-to-Exceed: \$271,591

3. Bell Foundation, Inc.

P.S. 140, The Eagle School, seeks approval to enter into an agreement with Bell Foundation, Inc. (Bell) to provide an expanded learning time program for students in ELA and Mathematics, and professional development to teachers to deepen content knowledge.

Term: 7/1/12-8/31/13
Total Contract Cost: \$110,600

4. Stanford Center for Assessment, Learning & Equity (SCALE)

The Division of Academics, Performance and Support seeks

approval to extend an agreement with NCIEA to provide programming and professional development to support the implementation of the *local Measures of Student Learning* requirement of the new teacher evaluation and development system.

Term: 3/1/14 – 2/28/15
Total Contract Cost: \$598,650

5. National Center for the Improvement of Educational Assessment (NCIEA)

The Division of Academics, Performance and Support seeks approval to extend an agreement with NCIEA to provide programming and professional development to support the implementation of the *local Measures of Student Learning* requirement of the new teacher evaluation and development system.

Term: 3/1/14 – 2/28/15
Total Contract Cost: \$155,750

6. InfusionDev, LLC

The Division of Academics, Performance & Support seeks approval to enter into an agreement with InfusionDev, Inc., to develop, host, and provide end-user support/maintenance of the iPlan web portal. The iPlan web portal is used for publication, submission, monitoring and feedback related to the Comprehensive Educational Plan (CEP) and the School Comprehensive Educational Plan (SCEP) for NYC schools.

1st 1-Year Option: 9/1/16 – 8/31/17
2nd 1-Year Option: 9/1/17 – 8/31/18
Term: 9/1/13 - 8/31/18

3-Year Contract Cost: \$1,972,080
Y-1 Option Cost: \$ 657,360
Y-2 Option Cost: \$ 657,360
Total Contract Cost: \$3,286,800

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AGENCY RULES

CONSUMER AFFAIRS

NOTICE

NOTICE OF ADOPTION

Notice of Adoption of a Rule Amendment Regarding price signage that must be posted by businesses selling petroleum products.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs (the "Commissioner") by Section 2203 of the New York City Charter and Section 20-675 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, of the adoption by the Department of Consumer Affairs (the "Department") of an amendment to the rule regarding price signage that must be posted by businesses selling petroleum products.

This rule was proposed and published on August 16, 2013. The required public hearing was held on September 16, 2013.

Statement of Basis and Purpose of Rule

The City Council enacted Local Law 9 of 2013 amending section 20-672 of the Administrative Code of the City of New York to require that all gas stations post road signs displaying the total selling price of gasoline or diesel motor fuel. The law also requires that, where the total selling price for purchases made with cash is less than for purchases made with another form of payment, such as debit or credit card, the road signs disclose the total selling price for cash, debit card and credit purchases. The rule amends 6 RCNY 4-63(b) to implement the requirements of Local Law 9.

The rule amends 6 RCNY 4-63(b)(1) to require gas stations to post a road sign not less than 60 inches wide and 36 inches high advertising the price of the petroleum products for sale. The current rule does not require such a sign, but only sets forth the required content of a sign if the gas station chooses to advertise the petroleum product for sale.

The rule adds a new subparagraph (iv) to 6 RCNY 4-63(b)(2) to require that, when the price of the petroleum product is less for a cash purchase than other forms of purchase, the mandated road sign and all other curb signs advertising the sale of gasoline and diesel motor fuel must display the total selling price per gallon with cash, debit card, credit card or other form of payment for each grade of the petroleum product offered for sale.

The rule amends subparagraph (ii) of section 4-63(b)(5) to require that the minimum type size used on the mandated road sign is at least 430 points to ensure that the price and other information can be read by motorists.

New matter is underlined; deleted matter is in [brackets].

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

RULE

Section 1. Subdivision (b) of section 4-63 of subchapter E of Chapter 4 of Title 6 of the rules of the City of New York is amended to read as follows:

(b) Required curb sign and other [Signs] signs not located on dispensing equipment.

(1) [Any sign, poster or placard used to display or refer to the price per gallon or used to advertise “savings,” “discounts,” or terms of like import, of petroleum products, including gasoline and diesel motor fuel, other than that used on a dispensing device, shall have a maximum size including the size of any frame, of 3 feet by 4 feet.] Every location at which gasoline or diesel motor fuel is sold or offered for sale must maintain a sign, poster or placard clearly visible to drivers of approaching motor vehicles with dimensions not less than 60 inches in width by 36 inches in height.

(2) There shall be clearly displayed on [such] every sign, poster or [other display] placard used to display or refer to the price per gallon or used to advertise petroleum products, including gasoline and diesel motor fuel, other than that used on a dispensing device:

(i) On the upper portion of the sign, the name, trade name, brand, mark or symbol, and grade or quality classification of such product, or, if such products are sold without identification, such sign, placard or other display shall refer clearly to such products as unbranded;

(ii) the total selling price per unit of measure at which such product is customarily sold at retail which for gasoline or diesel motor fuel shall be by gallon; and

(iii) in close proximity to the total selling price, the legend “Includes All Taxes.”

(iv) when the total selling price of purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, the following words referring to method of payment listed in the following order from left to right: “Cash,” “Debit,” “Credit,” “Other.” Each grade of the petroleum product must be listed on a separate line. Following the grade name, from left to right, each line must list the applicable price per method of payment beneath the corresponding method of payment listed, “Cash,” “Debit,” “Credit” or “Other.”

For Example:

Cash Debit Credit Other

Grade 1 \$ \$. . . \$. . . \$. . .

Grade 2 \$ \$. . . \$. . . \$. . .

Grade 3 \$ \$. . . \$. . . \$. . .

(3) The total number of signs, posters and placards used to advertise “savings,” “discounts,” or selling prices of gasoline and diesel motor fuel shall not exceed the number of vehicular traffic streets upon which the service station faces. For the purpose of this section, signs used on dispensing devices shall not be included in the number of signs permitted to be displayed and a sandwich or “A” sign, placard or poster shall be considered one sign.

(4) Any sign, poster or placard shall be located within the building line of the service station.

(5) Letters and numbers on such signs shall conform to the following:

(i) All numbers referring to price shall be the same height, width and thickness except that where a tenth of a cent number is used, that number must be at least one half the size of the number to which it relates.

(ii) [All letters shall be of a height, width and thickness that is no greater than the size of the largest number on the sign, poster or placard referring to price.] Type size cannot be less than 430 points.

(iii) Identification of the gasoline or diesel motor fuel offered for sale and any non-numerical language distinguishing the total cash selling price from the total credit card, debit card or other form of non-cash payment selling price shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price.

o 11

ENVIRONMENTAL CONTROL BOARD

■ NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) by Sections 1043 and 1049-a of the New York City Charter, and Sections 19-121(b)(7), 19-147, and 19-150 of the New York City Administrative Code (Administrative Code), the Environmental Control Board (ECB) hereby promulgated the following rule that amends ECB’s Department of Transportation Penalty Schedule found in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY), creating penalties for offenses adjudicated by the ECB. The rule will clarify and update descriptions of violations and references to the Administrative Code and RCNY, so that the penalty schedule accurately reflects existing law. This rule was published in The City Record on July 16, 2013 and a Public Hearing was held on August 16, 2013.

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) held a Public Hearing on August 16, 2013 regarding amendments to ECB’s New York City Department of Transportation (DOT)’s penalty schedule, found in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). A representative from the Department of Transportation attended the Public Hearing. Neither written comments nor oral testimony were presented at the August 16, 2013 Public Hearing concerning the Proposed Rule.

The Final Rule updates the section of law references associated with five DOT violations, and the descriptions of two DOT violations. These amendments will promote consistency and provide clarity by conforming violation sections and descriptions with the language in the applicable laws. They will also more accurately reflect the condition observed by an inspector issuing a violation, thus helping the respondent and the Administrative Law Judge by giving a description of the existing violation which mirrors the applicable law.

Failure to properly equip commercial bicycles

For failures to properly equip commercial bicycles, the current penalty schedule refers only to Administrative Code Section 10-157(f). This reference does not capture all the requirements for equipping commercial bicycles and bicycle operators found in the Administrative Code at Section 10-157.

The rule has amended the section of law references associated with the first and subsequent offenses for “Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes,” from Section 10-157(f) to Section 10-157. The change will allow the issuing officer to enforce all applicable provisions of the section related to bicycles used for commercial purposes.

Failure to replace distinctive sidewalk in kind

The rule has amended the reference to the section of law for “Failure to replace distinctive sidewalk in kind” from Section 2-09(f)(4)(xvi)(A) to Section 2-09(f)(4)(xvi)(C) of the RCNY. The reference to Section 2-09(f)(4)(xvi)(C) of the RCNY better describes DOT’s prescribed method for repairing a distinctive sidewalk. This section states that the distinctive sidewalk must be repaired in kind or replaced in its entirety with concrete.

Failure to obtain a confirmation number prior to expiration of a street opening permit (protected street)

The penalty schedule currently describes Section 2-11(f)(4)(i) of the RCNY as “No notice to DOT before start phase of work on protected street.” DOT amended Section 2-11(f) to clarify that a permittee who has obtained a street opening permit on a protected street must also obtain a confirmation number. The DOT amendment also provides guidance for obtaining the confirmation number.

The current description is outdated and could lead a permittee to erroneously believe that a confirmation number, which provides notice to DOT, is only required when work is performed on a protected street. The rule has updated the reference to Section 2-11(f)(2)(ii) of Chapter 34 of the RCNY and the description to “Failure to obtain a confirmation number prior to expiration of street opening permit (protected street).”

Failure to conform with the latest Standard Details 1042A, 1042B, or 1042C (concrete roadways)

The rule has amended the description “Failure to conform with the latest version of DOT Standard Details 1042A, 1042B, or 1042C” to add “(concrete roadways),” and has amended the section of law reference from Section 2-11(e)(13) to Section 2-11(e)(13)(vi) of the RCNY. These changes clarify that the violation applies to concrete roadways, and indicate the exact subparagraph that will be charged when a violation is issued.

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

Section 1. The Environmental Control Board has amended its Department of Transportation Penalty Schedule found in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York by revising two violation descriptions and five section of law references to read as follows:

SECTION/RULE	DESCRIPTION	PENALTY	DEFAULT
[Administrative Code 10-157(f)] <u>Admin. Code 10-157</u>	Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes— first offense	\$100	\$100
[Administrative Code 10-157(f)] <u>Admin. Code 10-157</u>	Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes— subsequent offense	\$250	\$250
[34 RCNY 2-09 (f)(4)(xvi)(A)] <u>34 RCNY 2-09 (f)(4)(xvi)(C)</u>	Failure to replace distinctive sidewalk in kind	\$250	\$500
[34 RCNY 2-11 (f)(4)(i)] <u>34 RCNY 2-11(f)(2)(ii)</u>	[No notice to DOT before start phase of work on protected street] <u>Failure to obtain a confirmation number prior to expiration of street opening permit (protected street)</u>	\$750	\$2,250
[34 RCNY 2-11(e)(13)] <u>34 RCNY 2-11(e)(13)(vi)</u>	Fail to conform with the latest version of DOT Standard Details 1042A, 1042B, or 1042C <u>(concrete roadways)</u>	\$750	\$1,000

o 11

SMALL BUSINESS SERVICES

■ NOTICE

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments to rules concerning participation by and opportunities for minority-owned, women-owned and emerging business enterprises in City procurement.

Date / Time: November 13, 2013 / 10:00 A.M.

Location: 110 William Street, 4th Floor, New York, New York 10038

Contact: Anne Rascon
Deputy Commissioner, Division of Financial and Economic Opportunity
Department of Small Business Services
110 William Street, 2nd Floor
New York, New York 10038

Proposed Rule Amendment

The Commissioner of the New York City Department of Small Business Services (“DSBS”) intends to promulgate amendments to the following sections of Subchapters B, D and E of Chapter 11 of Title 66 of the Rules of the City of New York (the “Rules”) as well as promulgate a new Section 11-27 of the Rules pursuant to §1304 of the New York City Charter:

- §§ 11-21 through 11-26 of Subchapter B of Chapter 11 of Title 66 of the Rules (Minority- and Women-owned Business Enterprise Certification Program)
- § 11-60, §§ 11-62 through 11-70 and §§ 11-72 through 11-74 of Subchapter D of Chapter 11 of Title 66 of the Rules (Participation By Minority-owned and Women-owned Business Enterprises In City Procurement)
- §§ 11-81 through 11-83 of Subchapter E of Chapter 11 of Title 66 of the Rules (Emerging Business Enterprise Certification Program)

The proposed amendments were included in this agency’s regulatory agenda.

Instructions

- Written comments regarding the proposed amendments must be received by close of business on November 12, 2013. Written comments should be sent to:
Anne Rascon
Deputy Commissioner, Division of Financial and Economic Opportunity
Department of Small Business Services
110 William Street, 2nd Floor
New York, New York 10038
- If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Anne Rascon by close of business on November 6, 2013.
- Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Department of Small Business Services.

Statement of Basis and Purpose

The City’s M/WBE Program, originally enacted by Local Law 129 (2005), and codified in section 1304 of the New York City Charter and section 6-129 of the Administrative Code (Ad. Code), establishes goals for participation by minority-owned business enterprises (MBEs), women-owned business enterprises (WBEs), and emerging business enterprises (EBEs) as contractors and subcontractors in the categories of construction, standard services, professional services, and goods valued under \$1 million. Local Law 129 (2005) also requires the Commissioner to establish and operate, on behalf of the City, a centralized program for the certification of MBEs, WBEs and EBEs for the purposes of establishing the eligibility of such businesses for participation in the programs and processes established pursuant to local law to ensure their meaningful participation in City procurement.

Local Law 1 of 2013 amends these provisions by, among other things:

- changing the participation goals for each of the four procurement categories (construction, standard services, professional services, and goods);
- removing the million dollar cap on construction, professional services, and standard services procurements for which a City agency may establish goals;
- lowering the cap from \$1 million dollars to \$100,000 for goods contracts for which a City agency may establish goals;
- modifying defined terms and adding new defined terms;
- changing the definition of “Graduate MBE and/or WBE” and “Graduate EBE” as well as adding new requirements that during the certification and recertification process, SBS determine whether a firm qualifies as a Graduate MBE, Graduate WBE or Graduate EBE and that SBS implement a process for applicable business entities to challenge such a determination as well as a process for having such a designation lifted;
- adding new division requirements regarding oversight of the M/WBE Program, the provision of

technical assistance and the promotion of joint ventures;

- adding a new requirement that SBS perform site visits for at least 5% of new MBE and/or WBE as well as EBE certification applications in a given fiscal year; and
- modifying the criteria and procedures for SBS to utilize in determining whether firms certified as MBEs and/or WBEs by other governmental entities can be recognized as certified business enterprises by the City.

The proposed rule amendments to Subchapters B, D and E of Chapter 11 of Title 66 of the Rules implement the above provisions of Local Law 1 of 2013 and conform to the new requirements established by Local Law.

In a separate, simultaneously published proposed rule, DSBS is amending the goals in Section 11-61 of Chapter 11 of Title 66 of the Rules of the City of New York to match the new goals established by Local Law 1. The intent of Local Law 1 was to set goals corresponding to the availability of MBEs or WBEs in categories where a significant disparity between availability and utilization was identified in the Disparity Data Analysis. The goal identified by the Analysis for WBEs in the professional services category was 17 percent; however, due to a legislative drafting error, the goal enacted in Local Law 1 was incorrectly listed as 37 percent. To reflect the correct goal of 17 percent for WBEs in the professional services category, the Commissioner will be exercising the authority provided under Ad. Code § 6-129(d)(4) periodically to review the availability and utilization rates for MBEs and WBEs and, where appropriate, to revise the Citywide participation goals set forth in that section. Section 6-129(d)(4) also provides that DSBS submit the results of the review and any proposed revision to the goals to the Speaker of the City Council at least 60 days prior to publishing a rule that would revise the goals. DSBS has already provided the results of the review to the Council, and, as noted above, the Council has included them in the Local Law 1 Committee Report. DSBS has notified the Speaker of the proposed rulemaking and the 60 day period has since elapsed.

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

New text is underlined; deleted material is in [brackets].

The Amended Rule

§1. Section 11-21 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-21 Definitions.

As used in [these rules] this subchapter, the following terms [shall] have the following meanings:

Applicant. “Applicant” means a business enterprise which has applied for certification as an MBE and/or WBE.

Audit. “Audit” means an examination of a business enterprise to determine whether the business enterprise is eligible for certification as an MBE and/or WBE, and may include an examination of books, records, physical facilities and interviews of applicants.

Business enterprise. “Business enterprise” means any entity, including a sole proprietorship, partnership or corporation which is authorized to and engages in lawful business transactions in accordance with the laws of New York State.

Certified business. “Certified business” means a business enterprise which has been approved for certification as an MBE and/or WBE in accordance with the procedures set forth in §11-22 of these rules, subsequent to verification that the business enterprise is owned, operated, and controlled by minority group members as defined in §11-21 of these rules, or women.

Certification director. “Certification director” means the director of the minority- and women-owned business enterprise program or his or her designee or his or her successor in function.

Certification letter. “Certification letter” means the letter sent by DSBS to an applicant notifying it of its certification as an MBE and/or WBE.

City. “City” means the City of New York.

Commissioner. “Commissioner” means the Commissioner of the New York City Department of Small Business Services or his or her designee or his or her successor in function.

Day. “Day” means a calendar day unless otherwise specified.

Denial or denied. “Denial” or “denied” means a determination by DSBS that a business enterprise is not eligible for certification as an MBE and/or WBE because it does not meet the criteria for certification.

Division. “Division” means the division of economic and financial opportunity within the department of small business services.

DSBS. “DSBS” means the New York City Department of Small Business Services or its successor in function.

[Director. “Director” means the Director of the Minority- and Women-Owned Business Enterprise Program or his or her designee or his or her successor in function.]

Geographic Market. “Geographic market” of the City means the following counties: Bronx, Kings, New York, Queens, Richmond, Nassau, Putnam, Rockland, Suffolk and

Westchester within the State of New York; and Bergen, Hudson, and Passaic within the State of New Jersey. Graduate MBE and/or graduate WBE. “Graduate MBE” and/or “graduate WBE” [shall] means an MBE and/or WBE which [must have] has been awarded [prime] contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than [fifteen] fifty million dollars and whose size has exceeded the size standards established for its industry by the United States small business administration for three years.

Minority group member. “Minority group member” means a United States citizen or permanent resident alien who is, and can demonstrate membership in, one of the following groups:

- (1) Black persons having origins in any of the Black African racial groups;
- (2) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race; or
- (3) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian Subcontinent or the Pacific Islands.

Minority-owned business enterprise or MBE. “Minority-owned business enterprise” or “MBE” means a minority-owned business enterprise that is certified in accordance with §1304 of the charter.

Minority- and women-owned business enterprise certification application or certification application. “Minority- and women-owned business enterprise certification application” or “certification application” means the form that DSBS requires an applicant to submit for purposes of applying for certification as an MBE and/or WBE.

Non-certified firm. “Non-certified firm” means a business enterprise that has not been certified as an MBE and/or WBE in accordance with section 1304 of the charter.

Principal office or place of business. “Principal office or place of business” means where the main office and regular meeting place of the board of directors that manages, conducts, and directs the business is located.

Rejected or rejection. “Rejected” or “rejection” means the refusal by DSBS to certify a business enterprise as an MBE and/or WBE due to an insufficiency in documentation submitted by the applicant.

Women-owned business enterprise or WBE. “Women-owned business enterprise” or “WBE” means a woman-owned business enterprise that is certified pursuant to §1304 of the charter.

§2. Section 11-22 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-22 Eligibility Criteria.

The following standards [shall] will be used to determine whether a business enterprise is eligible for certification as an MBE and/or WBE.

(a) *Nexus*. In order to be eligible for certification as an MBE and/or WBE, a business enterprise must have a real and substantial business presence in the geographic market for the city of New York. An MBE and/or WBE which meets one of the following conditions [shall] will be deemed to have a real and substantial business presence in the geographic market for the city of New York:

- (1) the business enterprise’s principal office or place of business or headquarters is located within the City; or
- (2) the business enterprise maintains full-time employees in one or more of the business enterprise’s offices within the City to conduct or solicit business in the City the majority of their working time; or
- (3) the business enterprise’s principal office or place of business or headquarters is located within the geographic market of the City, and (i) has transacted business more than once in the City within the last three years, or (ii) has sought to transact business more than once in the City within the last three years; or
- (4) twenty-five percent (25%) of the business enterprise’s annual gross receipts for the last three years were derived from transacting business in the City; or
- (5) the business enterprise’s principal office or place of business or headquarters is not located within the geographic market of the City but the business enterprise has demonstrated two or more of the following indicia of a real and substantial presence in the market for the City of New York: (i) the business enterprise has maintained a bank account or engaged in other banking transactions in the City; (ii) the business enterprise, or at least one of its owners, possesses a license issued by an agency of the City to do business in the City; (iii) the business enterprise has transacted or sought to transact business in or with the City more than once in the past three years.

(b) *Ownership*. For the purposes of determining whether an Applicant should be certified as an MBE and/or WBE, or whether such certification should be revoked, the following rules concerning ownership [shall] will be applied:

(1) The equity interest of minority group member(s) and/or women owners must be proportionate to the contribution of the minority group member(s) and/or women owners as demonstrated by, but not limited to, contributions of money, property, equipment or expertise;

(2) A sole proprietorship must be owned by a minority group member and/or woman;

(3) A partnership must demonstrate that minority group members and/or women have a fifty-one (51%) percent or greater share of the partnership; and

(4) A corporation must have issued at least fifty-one (51%) percent of its issued and authorized voting and all other stock to minority group members and/or women shareholders. (c) *Control*. Determinations as to whether minority group members and/or women control the business enterprise [shall] will be made according to the following criteria:

(1) Decisions pertaining to the operations of the business enterprise [shall] must be made by minority group members and/or women claiming ownership of that business enterprise. The following [shall] will be considered in determining whether the minority group members and/or women are making such decisions:

(i) whether minority group members and/or women have experience and technical competence in the business enterprise seeking certification;

(ii) whether minority group members and/or women demonstrate the working knowledge and ability needed to operate the business enterprise; and

(iii) whether minority group members and/or women show that they devote time on an ongoing basis to the daily operation of the business enterprise.

(2) Articles of incorporation, corporate by-laws, partnership agreements, business certificates, corporate tax returns, unincorporated business tax returns, partnership tax returns and other agreements, including, but not limited to, loan agreements, lease agreements, supply agreements, credit agreements or other agreements must permit minority group members and/or women who claim ownership of the business enterprise to make those decisions pertaining to operations of the business enterprise without restrictions.

(3) Minority group members and/or women must demonstrate control of negotiations, signature authority for payroll, leases, letters of credit, insurance bonds, banking services and contracts, and other business transactions through production of relevant documents.

(d) *Additional eligibility provisions*. The following provisions apply to all applicants seeking certification as an MBE and/or WBE:

(1) Documentation may be required to substantiate the claim of membership in a minority group. This documentation may include, but is not limited to, birth certificates, foreign passports, naturalization papers, registration on Native American tribal rolls and nonresident visas;

(2) Where the actual management of the business enterprise is contracted out to individuals other than minority group members and/or women, minority group members and/or women must demonstrate that they have the ultimate power to hire and fire these managers, that they exercise this power and make other substantial decisions which reflect control of the business enterprise;

(3) Documentation of one (1) year’s business activity [shall] will be required in order to provide sufficient information upon which certification can be reasonably made. The commissioner, in his or her discretion, may permit documentation for a lesser period;

[(4) DSBS may grant eligible status to any business enterprise eligible under §11-22 of these rules, and (A) certified as an MBE or WBE by the New York State Department of Economic Development, Division of Minority and Women’s Business Development pursuant to Article 15-A of the New York State Executive Law and any rules or regulations promulgated thereunder, or (B) certified as an MBE or WBE by another governmental or other certifying entity whose minority- and women-owned business enterprise certification criteria are determined by the commissioner to be consistent with the certification criteria set forth in these rules. Unless otherwise determined by the commissioner, the maximum period for which any certification granted by DSBS pursuant to this subdivision is valid shall be the period during which the business enterprise is certified as an MBE or WBE with the original certifying entity;]

(4)[(5)] Any business enterprise that satisfies the eligibility criteria as set forth in §11-22 of these rules, is presumptively eligible for certification as an MBE and/or WBE under these rules; provided that the commissioner may decline to certify, or revoke the certification of, any business enterprise on the ground that there is not a firm basis for believing that there is a compelling state interest to justify certification of that business enterprise under these rules.

(e) *Graduate MBE and/or WBE determinations*. The division will, upon reviewing applications for certification and recertification, determine whether a business enterprise qualifies as a graduate MBE and/or WBE. The division will make such determinations in accordance with the following procedures:

(1) In the event that the division determines a business enterprise seeking new certification as an MBE and/or WBE qualifies as a graduate MBE and/or WBE pursuant to §11-21 of these rules, the division will provide a written notice of such determination to the applicant business enterprise stating the reason(s) for such determination and the procedures for challenging the graduate MBE and/or WBE determination.

(2) In the event that the division determines a certified MBE and/or WBE qualifies as a graduate MBE and/or WBE pursuant to §11-21 of these rules, the division will provide a

written notice of such determination to the business enterprise seeking recertification setting forth the reason(s) for such determination and the procedures for challenging the graduate MBE and/or WBE determination.

(3) In the event that the division determines a business enterprise seeking new certification or a certified MBE and/or WBE to be a graduate MBE and/or WBE pursuant to §11-21 of these rules, the business enterprise may challenge such a determination pursuant to the procedures set forth in §§ 11-24 and 11-25 of these rules.

(4) In the event that the division has determined a business enterprise to be a graduate MBE and/or WBE, and the business enterprise has not made a timely challenge to that determination, or has made such a challenge and the department has affirmed its determination, the business enterprise may not apply to have the designation lifted for at least two years from the date of the original determination notice. The division will lift the designation if the firm demonstrates that (i) it has not been awarded contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than fifty million dollars; and (ii) it has been below the size standards established by the United States small business administration for its industry for a period of two years or more.

(f) Certification as both an MBE and a WBE. In order to be certified as both an MBE and a WBE, a business enterprise must show that the ownership standard described in subdivision b of this section and the control standard described in subdivision c of this section are met by women who are minority group members.

§3. Section 11-23 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-23 Application Intake and Verification.

(a) Minority and/or women-owned business enterprise certification applications may be obtained from, and must be returned to DSBS or may be submitted electronically, to the extent an online application process is available. DSBS [shall] will record the date that each application is received.

(b) An applicant [shall] must submit such information or documentation as may be required by DSBS in connection with its certification as an MBE and/or WBE. Failure to submit such information or documentation may result in the rejection or revocation of such certification.

(c) If a certification application is received by DSBS and required documents are missing, questions are unanswered or the certification application is not properly signed, DSBS [shall] will send to the applicant, within 45 days of the date the application was received by DSBS, a notice of status and deficiency (the "Notice"), stating any deficiency arising from missing documents, unfinished questions or deficiencies in signature. An applicant may cure the noticed deficiency by providing DSBS with documents or information requested in the Notice, within 30 days of the date of the Notice.

(d) When the applicant cures a noticed deficiency, pursuant to procedures set forth in §11-23(c) of these rules, DSBS [shall] will have an additional forty-five (45) days to advise the applicant of any further deficiency which may be cured in accordance with §11-23(c) of these rules.

(e) If the applicant does not cure a noticed deficiency, pursuant to procedures set forth in §11-23(c) of these rules, and the certification application remains incomplete for at least forty-two (42) days of the date of the Notice, unless such time is extended by the certification director, the applicant [shall] must be sent a notice stating that its certification application has been rejected and will not be processed, together with its rejected certification application.

(f) An applicant whose certification as an MBE and/or WBE is rejected[,] may not reapply for certification for at least one hundred [and] twenty (120) days of the date of the notice of rejection of its application.

(g) Applicants may be required to consent to inquiries of their bonding companies, banking institutions, credit agencies, contractors, affiliates, clients and other entities to ascertain the applicant's eligibility for certification. Refusal to permit such inquiries [shall] will be grounds for rejection of a certification application.

(h) All applicants and certified businesses [shall] will be subject to an audit at any time. An applicant's or certified business' refusal to facilitate an audit [shall] will be grounds for denial of its certification application or revocation of its certification.

(i) A certification application may be withdrawn by an applicant without prejudice at any time prior to an audit. Following the withdrawal of a certification application, the applicant may not reapply for certification for a period of at least one hundred [and] twenty (120) days from the date of withdrawal of the application.

(j) All applicants and certified businesses may be required to provide documentation to substantiate that the business has the skill and expertise to perform in the particular area of work for which it is requesting listing or is listed on the M/WBE Directory.

(k) The division will conduct site visits for at least 5% of all MBE and/or WBE certification applications received during a fiscal year to verify that such business enterprises are eligible for certification under these rules.

§4. Section 11-24 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-24 Notice of Determination and Right to Appeal.

(a) The certification director [shall] will provide the applicant with written notice of a determination approving or denying certification.

(b) In the event certification is approved by the certification director, the applicant must be sent a certification letter and will be certified as an MBE and/or WBE for five years from the date of the certification letter or until notified of the need to reapply at the certification director's request, whichever is earlier, so long as the applicant submits to the division an affidavit of no material change in ownership or control annually.

(c) In the event certification is denied by the certification director, a written notice of such determination [shall] will be provided to the applicant stating the reason(s) for such denial. Such notice [shall] will also state the procedures for filing an appeal.

(d) The applicant may appeal the determination within thirty (30) days after the date of the notice denying the business enterprise's certification. In the event that a request for an appeal is not made within the thirty (30) day period, the certification director's determination will be deemed final and the applicant may not reapply for certification for two (2) years from the date of the written notice denying certification, provided, however, that if the facts and circumstances forming the basis of the denial decision have changed significantly, the applicant, at the discretion of the certification director, may be granted permission to reapply sooner.

(e) The request for an appeal [shall] must state the grounds upon which the denial of certification is being appealed.

§5. Section 11-25 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-25 Appeals.

A business entity denied certification or re-certification as an MBE and/or WBE [shall] will be given written notice by DSBS of the grounds for such denial and an opportunity to appeal such denial in writing to the commissioner. Such appeal or a request for an extension to file an appeal must be received by the commissioner no later than sixty (60) days after the date of the notice denying the business enterprise's certification or re-certification. The commissioner may extend the period in which to initiate an appeal for good cause shown. Such appeal [shall] must include, at a minimum, a description of the reasons why the decision to deny certification or re-certification is in error and provide evidence to support the appeal. Such business entity [shall] must provide such other documentation or information as is requested by the commissioner, in his or her sole discretion. The commissioner [shall] will render a written determination no later than one hundred twenty (120) days after receipt of the appeal, unless the time to render a determination has been extended upon agreement of the commissioner and the business enterprise. If the commissioner's determination is not made within the prescribed one hundred twenty (120) days after receipt of the appeal or within the agreed upon extended time period, then the appeal is deemed denied. The decision of the commissioner granting or denying such appeal [shall] will constitute the final agency determination.

§6. Section 11-26 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-26 Revocation of Minority- or Women-Owned Business Enterprise Status.

(a) A certified business must notify DSBS within forty-five (45) days of any material change in the information contained in the certification application. A material change may include, but is not limited to, a change in any of the following: ownership; address; officers; [or] services provided by the certified business[.]; market sector in which the business enterprise operates, bonding capacity of the business enterprise; and the union affiliation(s), if any, of the business enterprise. If a material change occurs, a review may be conducted by DSBS and certification may be revoked. If an MBE's and/or WBE's certification is revoked, such business enterprise may reapply for certification at any time following revocation. If a certified business fails to notify the certification director of such material change, the certification director may in his or her discretion, revoke the certification of an MBE and/or WBE for a period of up to five years.

(b) DSBS, upon having reason to believe or upon receiving allegations indicating that a certified business enterprise is not eligible for certification as an MBE and/or WBE, may meet with minority group members and/or women claiming ownership and control of the certified business and/or conduct an audit of such business enterprise, and [shall] will take the following actions:

(1) Determine whether the allegation can be substantiated;

(2) Obtain in writing, if possible, the basis of any allegation from the person or persons making the allegation;

(3) Notify a certified business in writing that its certification as an MBE and/or WBE is under review by the certification director and may be revoked. This notice [shall] will specify the bases for such review and any facts specifically at issue; and

(4) Provide the certified business with an opportunity to respond in writing to any allegations set forth in any notices questioning the certification status of a certified business, within twenty-eight (28) days of the date of such notice, by personal service or certified mail, return receipt requested.

(c) If the minority group members or women claiming ownership of the certified business fail to respond timely in writing to the notice of certification status review, or fail to

meet with a DSBS representative or agree to an audit, the certification of the MBE and/or WBE may be revoked by the certification director.

(d) The certification director [shall] will notify, in writing, a certified business of the revocation of its certification as an MBE and/or WBE within fourteen (14) days of revoking such certification. The minority group members and/or women claiming ownership and control of a business enterprise which has had its certification as an MBE and/or WBE revoked, may request an appeal of this decision within thirty (30) days of the date of the notice of revocation. Such appeal [shall] must be conducted in accordance with procedures set forth in §11-25 of these rules. If a request for an appeal is not made within the thirty (30) day period, the certification director's determination [shall] will be final and the business enterprise may not reapply for certification for two (2) years from the date of the notice of revocation provided, however, that if the facts and circumstances forming the basis of the revocation decision have changed significantly, the business enterprise may, at the discretion of the certification director, be granted permission to reapply sooner.

(e) If at any time DSBS has reason to believe that an applicant or certified business has willfully and knowingly provided incorrect information or made false statements, it [shall] will refer the matter to the Department of Investigation for investigation. Falsification of any document by an applicant or a certified business may lead to the imposition of civil and criminal penalties as provided by law and contract, de-certification as an MBE and/or WBE and debarment from City contracts.

§7. Subchapter B of Chapter 11 of Title 66 of the Rules of the City of New York is amended to add a new Section 11-27 to read as follows:

§11-27 Certification Criteria and Procedures for Firms Certified as Minority- and/or Women-Owned Business Enterprises by Other Governmental Entities.

(a) DSBS may grant MBE and/or WBE certification status to eligible firms certified as minority owned businesses and/or women owned businesses by other governmental entities in accordance with the criteria and procedures contained in this section.

(b) Eligibility. Firms certified as minority owned businesses and/or women owned businesses by other governmental entities must satisfy the following eligibility requirements to be recognized by the division as certified MBEs and/or WBEs by the city of New York:

(1) The business enterprise must be eligible under §11-22 of these rules; and

(2) The business enterprise must be (i) certified as an MBE and/or WBE by the New York State Department of Economic Development, Division of Minority and Women's Business Development pursuant to Article 15-A of the New York State Executive Law and any rules or regulations promulgated thereunder; or

(ii) The business enterprise must be certified as an MBE and/or WBE by another governmental entity whose minority- and women-owned business enterprise whose certification criteria the commissioner has determined to be consistent with the certification criteria set forth in these rules and must be able to submit documentation evidencing such certification;

(3) The business enterprise must submit the appropriate application(s), form(s) and/or similar document(s) identified by the DSBS for certification pursuant to this section. Failure to submit such information or documentation may result in the rejection of such certification; and

(4) The business enterprise must submit such information or documentation as may be required by DSBS in connection with its certification as an MBE and/or WBE pursuant to this section. Failure to submit such information or documentation may result in the rejection of such certification.

(c) Certification period. Unless the commissioner determines otherwise, the maximum period for which any certification granted by DSBS pursuant to this subdivision is valid will be the period during which the business enterprise is certified as an MBE and/or WBE with the original certifying entity.

§8. Section 11-60 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-60 Definitions.

As used in this subchapter, the following terms [shall] have the following meanings:

(1) "Agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(2) "Agency chief contracting officer" means the [person] individual to whom an agency head has delegated authority to organize and supervise the agency's procurement activity.

(3) "Availability rate" means the percentage of business enterprises within an industry classification that are owned by minorities, women or [persons] individuals who are socially and economically disadvantaged willing and able to perform agency contracts.

(4) "Bidder" means any person submitting a bid or proposal in response to a solicitation for such bid or proposal from an agency.

(5) "Bidders list" or "proposers list" means a list maintained

by an agency that includes persons from whom bids or proposals can be solicited.

(6) "City" means the city of New York.

(7) "City chief procurement officer" means the [person] individual to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement.

(8) "Commercially useful function" means a real and actual service that is a distinct and verifiable element of the work called for in a contract. In determining whether an MBE, WBE or EBE is performing a commercially useful function, factors including but not limited to the following [shall] will be considered:

[(i)](a) whether it has the skill and expertise to perform the work for which it is being utilized, and possesses all necessary licenses;

[(ii)](b) whether it is in the business of performing, managing or supervising the work for which it has been certified and is being utilized; and

[(iii)](c) whether it purchases goods and/or services from another business and whether its participation in the contract would have the principal effect of allowing it to act as a middle person or broker in which case it may not be considered to be performing a commercially useful function for purposes of this section.

(9) "Commissioner" [shall] means the commissioner of small business services or his or her designee or his or her successor in function.

(10) "Construction [contract]" means [any agreement with an agency for or in connection with the] construction, reconstruction, demolition, excavation, renovation, alteration, improvement, rehabilitation, or repair of any building, facility, physical structure of any kind. [Construction contracts shall not include contracts for professional services.]

(11) "Contract" means any agreement, purchase order or other instrument whereby the city is committed to expend or does expend funds in return for goods, professional services, standard services, [architectural and engineering services,] or construction.

(12) "Contractor" means a person who has been awarded a contract by a city agency.

(13) "Direct subcontractor" means a person who has entered into an agreement with a contractor to provide services or perform work required pursuant to a contract with a city agency.

(14) "Director" means an individual designated by the mayor to perform the oversight functions of the director described in this title who either reports directly to the mayor or is a commissioner.

[(13)](15) "Directory" means a list prepared by the division of firms certified pursuant to § 1304 of the charter.

[(14)](16) "Division" [shall] means the division of economic and financial opportunity within the department of small business services.

[(15)](17) "EBE" means an emerging business enterprise certified in accordance with § 1304 of the charter.

[(16)](18) "Geographic market of the city" means the following counties: Bronx, Kings, New York, Queens, Richmond, Nassau, Putnam, Rockland, Suffolk and Westchester within the state of New York; and Bergen, Hudson, and Passaic within the state of New Jersey.

[(17)](19) "Goal" means a numerical target.

[(18)](20) "Graduate MBE," "graduate WBE" or "graduate EBE" means an MBE, WBE or EBE which [shall] must have been awarded [prime] contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than [fifteen] fifty million dollars and whose size has exceeded the size standards established for its industry by the United States small business administration for three years.

(21) "Human services" means services provided to third parties, including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and education programs; and recreation programs.

(22) "Indirect subcontractor" means a person who has entered into an agreement with a direct subcontractor to provide services or perform work required pursuant to the direct subcontractor's contract with a contractor.

[(19)](23) "Industry classification" means one of the following classifications:

- [(i)](a) construction [services];
- [(ii)](b) professional services;
- [(iii)](c) standard services; and
- [(iv)](d) goods.

[(20)](24) "Joint venture" means an association, of limited scope and duration, between two or more persons who have entered into an agreement to perform and/or provide services required by a contract, in which each such person contributes property, capital, effort, skill and/or knowledge, and in which

each such person is entitled to share in the profits and losses of the venture in reasonable proportion to the economic value of its contribution.

[(21)](25) "MBE" means a minority-owned business enterprise certified in accordance with § 1304 of the charter.

[(22)](26) "Minority group" means Black Americans; Asian Americans, and Hispanic Americans, provided that the commissioner [shall be] is authorized to add additional groups to this definition upon a finding that there is statistically significant disparity between the availability of firms owned by [persons] individuals in such a group and the utilization of such firms in city procurement.

(27) "Non-certified firm" means a business enterprise that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

[(23)](28) "Person" means any business, individual, partnership, corporation, firm, company, or other form of doing business.

[(24)](29) "Professional services" means services that require specialized skills and the exercise of judgment, including but not limited to accountants, lawyers, doctors, computer programmers and consultants, architectural and engineering services, [design services] and construction management services.

[(25)](30) "Qualified joint venture agreement" means a joint venture between one or more MBEs, WBEs, and/or EBEs and another person, in which the percentage of profit or loss to which the certified firm or firms is entitled or exposed for participation in the contract, as set forth in the joint venture agreement, is at least 25% of the total profit or loss.

[(26)](31) "Scope of work" means specific tasks required in a contract and/or services or goods that must be provided to perform specific tasks required in a contract.

[(27)](32) "Socially and economically disadvantaged" refers to an individual [person] who has experienced social disadvantage in American society as a result of causes not common to individuals [persons] who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business.

[(28)](33) "Standard services" means services other than professional services and human services or services procured under a construction contract.

(29) "Subcontractor" means a person who has entered into an agreement with a contractor to provide something that is required pursuant to a contract.]

[(30)](34) "Utilization rate" means the percentage of total contract expenditures expended on contracts or subcontracts with firms that are owned by women, minorities, or individuals who are socially and economically disadvantaged, [persons,] respectively, in one or more industry classifications.

[(31)](35) "WBE" means a women-owned business enterprise certified in accordance with § 1304 of the charter.

[(32) "EBE" means an emerging business enterprise certified in accordance with § 1304 of the charter.]

§9. Section 11-62 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-62 Responsibilities of the Division.

(1) The division [shall] will create and maintain and periodically update directories by industry classification of MBEs, WBEs and EBEs which it [shall] will supply to all agencies, post on its website and on other relevant city websites and make available for dissemination and/or public inspection at its offices and other locations within each borough. In addition, the division will prepare, periodically update, and post on the division's website a directory of such city certified business enterprises for use by city agencies and contractors, which will include, but is not limited to, the following information for each such business enterprise, as applicable: (i) identification of the market sector in which the business enterprise operates; (ii) the bonding capacity of the business enterprise; (iii) the union affiliation, if any, of the business enterprise; (iv) the contract price and specific tasks performed by the business enterprise for its last three contracts; and (v) the renewal date for the business enterprise's certification.

(2) The division [shall] will make its resources available to assist agencies and contractors in (i) determining the availability of MBEs, WBEs and EBEs to participate in their contracts as prime contractors and/or subcontractors; and (ii) identifying opportunities appropriate for participation by MBEs, WBEs and EBEs in contracts.

(3) The division [shall] will develop and maintain relationships with organizations representing contractors, including MBEs, WBEs and EBEs, and solicit their support and assistance in efforts to increase participation of MBEs, WBEs and EBEs in city procurement.

(4) The division [shall] will coordinate with city and state entities that maintain databases of MBEs, WBEs and EBEs and work to enhance city availability data and directories.

(5) The division [shall] will keep agency M/WBE [and EBE] officers informed of conferences, contractor fairs, and other services that are available to assist them in pursuing the objectives of this section.

(6) The division [shall] will conduct, coordinate and facilitate technical assistance and educational programs for MBEs,

WBEs and EBEs and other contractors designed to enhance participation of MBEs, WBEs and EBEs in city procurement. The division [shall] will further develop a clearinghouse of information on programs and services available to MBEs, WBEs and EBEs. The division will conduct meetings with MBEs, WBEs and EBEs to discuss what agencies look for in evaluating bids and proposals. The division will also educate prime contractors on opportunities to partner or subcontract with certified MBEs, WBEs and EBEs.

(7) The division [shall] will develop standardized forms and reporting documents for agencies and contractors to facilitate the reporting requirements of this section.

(8) The division [shall] will direct and assist agencies in their efforts to increase participation by MBEs, WBEs and EBEs in any city-operated financial, technical, and management assistance program.

(9) The division [shall] will study and recommend to the commissioner methods to streamline the M/WBE and EBE certification process.

(10) Each fiscal year the division, in consultation with the city chief procurement officer, [shall] will audit at least 5% of all open contracts for which contractor utilization plans have been [are] established in accordance with § 11-66 of this subchapter and 5% of all contracts awarded to MBEs, WBEs and EBEs to assess compliance with this subchapter. All solicitations for contracts for which contractor utilization plans are to be established [shall] will include notice of potential audit.

(11) The division [shall] will assist agencies in identifying and seeking ways to reduce or eliminate practices such as bonding requirements or delays in payment by prime contractors that may present barriers to competition by MBEs, WBEs and EBEs.

(12) The division will encourage prime contractors to enter joint venture agreements with MBEs, WBEs and EBEs.

(13) The division will assist appropriate certified business enterprises in becoming prequalified for those categories of procurement for which they may be eligible and for which contracting agencies utilize prequalification in the procurement process;

(14) (a) The division will, upon reviewing applications for certification and recertification, determine whether a firm qualifies as a graduate MBE, WBE, or EBE.

(b) At any time more than two years after the division has determined that a firm qualifies as a graduate MBE, WBE or EBE, the firm may apply to have such designation lifted. The division will lift the designation if the firm demonstrates that it has not been awarded contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than fifty million dollars and it has been below the size standards established by the United States small business administration for its industry for a period of two years or more.

§10. Section 11-63 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-63 Responsibilities of Agency M/WBE Officers.

Each agency head [shall] will designate a deputy commissioner or other executive officer to act as the agency M/WBE officer who [shall] will be directly accountable to the agency head concerning the activities of the agency in carrying out its responsibilities pursuant to this section, including the responsibilities relating to EBE participation. The duties of the M/WBE officer [shall] will include, but not be limited to:

[(i)](1) creating the agency's utilization plan in accordance with § 11-64 of this subchapter;

[(ii)](2) acting as the agency's liaison with the division;

[(iii)](3) acting as a liaison with organizations and/or associations of MBEs, WBEs and EBEs, informing such organizations and/or associations of the agency's procurement procedures, and advising them of future procurement opportunities;

[(iv)](4) ensuring that agency bid solicitations and requests for proposals are sent to MBEs, WBEs and EBEs in a timely manner, consistent with this section and rules of the procurement policy board;

[(v)](5) referring MBEs, WBEs and EBEs to technical assistance services available from agencies and other organizations;

[(vi)](6) reviewing requests for waivers [of target subcontracting percentages] and/or modifications of participation goals and contractor utilization plans in accordance with § 11-66 of this subchapter;

[(vii)](7) working with the division and city chief procurement officer in creating directories of certified MBEs, WBEs and EBEs pursuant to § 11-68 of this subchapter. In fulfilling this duty, the agency M/WBE officer [shall] will track and record each contractor that is an MBE, WBE or EBE and each subcontractor hired pursuant to such officer's agency contracts that is an MBE, WBE or EBE, and [shall] will share such information with the director, the commissioner, and the city chief procurement officer;

[(viii)](8) for contracts for which contractor utilization [goals] plans have been established pursuant to § 11-66 of this subchapter, monitoring each contractor's compliance with its utilization plan by appropriate means, which [shall] will include, but need not be limited to, job site inspections, contacting MBEs, WBEs and EBEs identified in the plan to

confirm their participation, and auditing the contractor's books and records;

(ix)(9) monitoring the agency's procurement activities to ensure compliance with its agency utilization plan and progress towards the participation goals as established in such plan; and

(x)(10) providing to the city chief procurement officer information for the reports required in § 11-69 of this subchapter and providing any other plans and/or reports required pursuant to this subchapter or requested by the director and/or the city chief procurement officer; and.

(11) participating in meetings required pursuant to § 11-70 of this subchapter.

§11. Section 11-64 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-64 Agency Utilization Plans.

(1) Beginning May 15, 2006, and on April 1 of each year thereafter, each agency which, during the fiscal year which ended on June 30 of the preceding year, has made procurements in excess of five million dollars [during the fiscal year which ended on June 30 of the preceding calendar year], without counting procurements exempt pursuant to paragraph two of § 11-74 of this subchapter, [shall] must submit an agency utilization plan for the fiscal year commencing in July of the year when such plan is to be submitted to the commissioner. Upon approval by the commissioner such plan [shall] will be submitted to the speaker of the council. Each such plan [shall] will, at a minimum, include the following:

(i)(a) the agency's participation goals for MBEs, WBEs and EBEs for the year, provided however, that when setting its goals, each agency must consider the citywide goals, the size and nature of its own procurement portfolio (excluding contracts described in paragraph two of § 11-74 of this subchapter), and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work for which the agency anticipates it will solicit procurements during the year;

(ii)(b) an explanation for any agency goal that is different than the participation goal for the relevant group and industry classification as determined pursuant to § 11-61 of this subchapter;

(iii)(c) a list of the names and titles of agency personnel responsible for implementation of the agency utilization plan;

(iv)(d) methods and relevant activities proposed for achieving the agency's participation goals; and

(v)(e) any other information which the agency or the commissioner deems relevant or necessary.

(2) An agency utilization plan must set forth specific participation goals for MBEs, WBEs and/or EBEs for purchases of professional services, standard services, construction and goods valued at or below twenty thousand dollars, and for purchases of professional services, standard services, construction and goods valued at or below one hundred thousand dollars. When setting its goals for such purchases, in addition to the factors set forth in paragraph (1) of this section, each agency must specifically consider the potential for such purchases to provide opportunities for MBEs, WBEs and EBEs to develop greater capacity, thereby increasing competition for city procurements.

(3)(3) An agency utilization plan may be amended from time to time, in consultation with the division to reflect changes in the agency's projected expenditures or other relevant circumstances and resulting changes in such agency's participation goals. Such amendments [shall] must be submitted to the commissioner, the city chief procurement officer and the speaker of the council at least thirty days prior to implementation.

(3)(4) In planning its procurement activities over the course of the fiscal year, each agency subject to this section must consider how it will achieve the goals set forth in its approved agency utilization plan. This determination should be guided by the agency's knowledge of the market involved in the procurement, and the level of progress it has made during the fiscal year toward meeting its goal for the relevant category of procurement.

(5) Prior to approving individual agency utilization plans, the commissioner, in consultation with the city chief procurement officer, will consider whether such plans viewed in the aggregate establish any goals exceeding the corresponding citywide goals set forth in § 11-61 of this subchapter. If the commissioner, in consultation with the city chief procurement officer, finds any aggregated goals exceed the corresponding citywide goal, the commissioner will require agencies to adjust their goals so that plans, viewed in the aggregate, do not establish goals exceeding the citywide goals. Nothing in this paragraph will be construed to limit the award of contracts and subcontracts that may be made to MBEs, WBEs and EBEs without using goals.

(6) The commissioner, in consultation with the city chief procurement officer, will, no later than July 31 of each year, publish on the division's website a plan and schedule for each agency detailing the anticipated contracting actions for the upcoming fiscal year that form the basis for the agency utilization plan of each such agency. The plan and schedule will include information specific to each prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the specific type and scale of the services and/or goods to be procured, the term of the proposed contract, the method of solicitation the agency intends to utilize, and the anticipated fiscal year quarter of the planned solicitation.

§12. Section 11-65 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-65 Achieving Agency Participation Goals.

(1) Each agency head [shall] must be directly accountable for the goals set forth in his or her agency's utilization plan.

(2) Each agency [shall] must make all reasonable efforts to meet the participation goals established in its agency utilization plan. Agencies will, at a minimum, use the following methods to achieve participation goals:

(i)(a) Agencies [shall] must engage in outreach activities to encourage MBEs, WBEs and EBEs to compete for all facets of their procurement activities, including contracts awarded by negotiated acquisition, emergency and sole source contracts, and each agency will seek to utilize MBEs, WBEs and/or EBEs for all types of goods, services and construction they procure.

(ii)(b) Agencies [shall] must encourage eligible businesses to apply for certification as MBEs, WBEs and EBEs and inclusion in the directories of MBEs, WBEs and EBEs. Agencies [shall] must also encourage MBEs, WBEs and EBEs to have their names included on their bidders lists, seek pre-qualification where applicable, and compete for city business as contractors and subcontractors. Agencies are encouraged to advertise procurement opportunities in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations, and send written notice of specific procurement opportunities to minority and women's business organizations.

(iii)(c) All agency solicitations for bids or proposals [shall] must include information referring potential bidders or proposers to the directories of MBEs, WBEs and EBEs prepared by the division.

(iv)(d) In planning procurements, agencies [shall] must consider the effect of the scope, specifications and size of a contract on opportunities for participation by MBEs, WBEs and EBEs.

(v) For construction contracts, agencies shall consider whether to enter into separate prime contracts for construction support services including, but not limited to, trucking, landscaping, demolition, site clearing, surveying and site security.]

(vi)(e) Prior to soliciting bids or proposals for contracts valued at over ten million dollars, other than contracts for capital projects valued at over twenty-five million dollars and contracts that are exempt pursuant to paragraph two of § 11-74 of this subchapter, an agency [shall] must submit the bid or proposal to the city chief procurement officer for a determination whether it is practicable to divide the proposed contract into smaller contracts and whether doing so will enhance competition for such contracts among MBEs, WBEs and EBEs and other potential bidders or proposers. The agency [shall] must follow the instructions of the city chief procurement officer in cases where he or she determines that it is both practicable and advantageous in light of cost and other relevant factors to divide such contracts into smaller contracts.

(vii)(f) Agencies [shall] must examine their internal procurement policies, procedures and practices and, where practicable, address those elements, if any, that may negatively affect participation of MBEs, WBEs and EBEs in city procurement.

(viii) Agency M/WBE officers shall, in accordance with guidelines established by the city chief procurement officer, establish a process for quarterly meetings with MBEs, WBEs and EBEs to discuss what the agency looks for in evaluating bids and proposals.

(ix) Agencies shall encourage prime contractors to enter joint venture agreements with MBEs, WBEs and EBEs.]

§13. Section 11-66 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-66 Participation Goals for [Construction and Professional Services] Contracts for Construction and Professional and Standard Services.

(1) Prior to issuing the solicitation of bids or proposals for individual [construction and professional services] contracts, agencies [shall] must establish [a target subcontracting percentage for the contract and] participation goals for MBEs, WBEs and/or EBEs. [The "target subcontracting percentage" for the contract shall represent the percentage of the total contract which the agency anticipates a typical prime contractor in the relevant industry would in the normal course of business award to one or more subcontractors for amounts under one million dollars. The participation goals established for a contract shall represent a percentage of the total dollar value of all subcontracts for amounts under one million dollars pursuant to the award.] Such goals may be greater than, less than or the same as the relevant citywide goal or goals established pursuant to § 11-61 of this subchapter. Taking into account the factors listed in this subdivision, an agency may establish a goal for a procurement that may be achieved by a combination of prime contract and subcontract dollars, a combination of construction and services performed pursuant to the contract, and/or a combination of MBEs, WBEs and/or EBEs. Alternatively, an agency may establish specific goals for particular types of services, and/or goals for particular types of certified firms. In determining the participation goals for a particular contract, an agency [shall] must consider the following factors:

(i)(a) the scope of work;

(ii)(b) the availability of MBEs, WBEs and EBEs able to perform the particular tasks required in the contract;

(iii)(c) the extent to which the type and scale of work involved in the contract [presents] present prime contracting and subcontracting opportunities for amounts [under one million dollars] within the capacity of MBEs, WBEs and EBEs;

(iv)(d) the agency's progress to date toward meeting its annual participation goals through race-neutral, gender-neutral and other means, and the agency's expectations as to the effect such methods will have on participation of MBEs, WBEs and EBEs in the agency's future contracts; and

(v)(e) any other factors the contracting agency deems relevant.

(2) A contracting agency shall not be required to establish participation goals

(i) for procurements described in § 11-74 of this subchapter; or

(ii) when the agency has already attained the relevant goal in its annual utilization plan, or expects that it will attain such goal without the use of such participation goals.

(3) For each contract in which a contracting agency has established participation goals, such agency shall state in the solicitation for such contract that bidders and/or proposers shall be required to agree as a material term of the contract that, with respect to the total amount of the contract to be awarded to one or more subcontractors pursuant to subcontracts for amounts under one million dollars, the contractor [shall] must [be subject to] meet the participation goals unless such goals are waived or modified by the agency in accordance with this section. An agency must permit a contractor that is an MBE, WBE or EBE to count its own participation toward fulfillment of the relevant participation goal, provided that the agency has determined the value of such a contractor's participation by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors. An agency must permit a contractor that is a qualified joint venture to count a percentage of its own participation toward fulfillment of the relevant participation goal. The agency must determine the value of such a contractor's participation by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement. Notwithstanding any provision of this paragraph to the contrary, a contractor's achievement of participation goals must be determined as described in paragraph two of § 11-67 of this subchapter.

(4) For each contract in which participation goals are established, the agency [shall] must include in its solicitation and/or bidding materials, a referral to the directories prepared by the division pursuant to § 11-62 of this subchapter.

(5) For each contract for which participation goals are established the contractor [shall be required to] must submit with its bid or proposal, a utilization plan indicating:

(a) whether the contractor is an MBE, WBE, EBE, or a qualified joint venture; [the percentage of the work it intends to subcontract, and]

(b) the percentage of work it intends to award to direct subcontractors; [for amounts under one million dollars, and,] and

(c) in cases where the contractor intends to award direct subcontracts, [for amounts under one million dollars,] a description of the type and dollar value of work designated for participation by MBEs, WBEs and/or EBEs, and the time frames in which such work is scheduled to begin and end.

When the contractor utilization plan indicates that the bidder or proposer does not intend to [award the target subcontracting percentage] meet the participation goals, the bid or proposal [shall] will not be deemed responsive unless the agency has granted a pre-award [waiver] request for change pursuant to subdivision [12]11 of this section.

(6) For each contract for which a utilization plan has been submitted, a material term of the contract shall be that, with respect to the total amount of the contract to be awarded to one or more subcontractors pursuant to subcontracts for amounts under one million dollars, the contractor shall be subject to participation goals unless such goals are modified by the agency in accordance with this section.]

(7)(6)(a) For each contract for which a contractor utilization plan has been submitted, the contracting agency [shall] must require that within thirty days of the issuance of notice to proceed, and at least once per year thereafter, the contractor submit a list of persons to which it intends to award subcontracts within the next twelve months, and a written confirmation that the contractor has notified each MBE, WBE or EBE included in such list. For multi-year contracts, the contractor [shall] must submit such a list of persons and written confirmation of notification to the agency annually. In the event that a contracting agency disapproves a contractor's selection of a subcontractor or subcontractors, the contracting agency [shall] must allow such contractor a reasonable time to propose alternate subcontractors.

(b) The contracting agency may also require the contractor to report periodically about the contracts awarded by its direct subcontractors to indirect subcontractors.

(8)(7) For each contract for which a contractor utilization plan has been submitted, the contractor [shall] must, with each voucher for payment, and/or periodically as the agency may require, submit statements, certified under penalty of perjury, which [shall] must include, but not be limited to, the

total amount the contractor paid to its direct subcontractors, and, where applicable pursuant to subparagraph (l) of paragraph (1) of § 11-67 of this subchapter, the total amount direct subcontractors paid to indirect subcontractors, [(including subcontractors that are not MBEs, WBEs or EBEs)]; the names, addresses and contact numbers of each MBE, WBE or EBE hired as a subcontractor [pursuant to such plan] by the contractor or any of the contractor's direct subcontractors, as well as the dates and amounts paid to each MBE, WBEs or EBEs. The contractor [shall] must also submit, along with its voucher for final payment, the total amount it paid to subcontractors, and, where applicable pursuant to subparagraph (l) of paragraph (1) of § 11-67 of this subchapter, the total amount its direct subcontractors paid directly to their indirect subcontractors [(including subcontractors that are not MBEs, WBEs or EBEs)]; and a final list, certified under penalty of perjury, which [shall] must include the name, address and contact information of each subcontractor that is an MBE, WBE or EBE [hired pursuant to such plan], the work performed by, and the dates and amounts paid to each.

[(9)](8) If payments made to, or work performed by, MBEs, WBEs or EBEs are less than the amount specified in the contractor's utilization plan, the agency [shall] must take appropriate action in accordance with § 11-72 of this subchapter, unless the contractor has obtained a modification of its utilization plan pursuant to paragraph 12 of this section.

[(10)](9) When advertising a solicitation for bids or proposals for a contract for which a participation goal has been established, the agency [shall] must, include in the advertisement a general statement that the contract will be subject to participation goals for MBEs, WBEs and/or EBEs.

[(11)](10) In the event that a contractor with a contract that includes a contractor utilization plan submits a request for a change order the value of which exceeds the greater of ten percent of such contract or \$500,000, the agency [shall] must [establish participation goals as if for a new contract for the work to be performed pursuant to such change order] review the scope of work for the contract, and the scale and types of work involved in the change order, and determine whether the participation goals should be modified.

[(12)](11) [Pre-award waiver] Requests from bidders or proposers for changes in participation goals.

(a) A bidder or proposer may request that an agency change the participation goal or goals established for the procurement on the grounds that goals are unreasonable in light of the availability of certified firms to perform the services required, or by demonstrating that it has legitimate business reasons for proposing a lower level of subcontracting in its utilization plan.

(b) If the contracting agency determines that the participation goals established for the procurement are unreasonable in light of the availability of certified firms to perform the services required, it must revise the solicitation and extend the deadline for bids and proposals. [If the level of subcontracting set forth in a utilization plan is less than the target subcontracting percentage, the bidder or proposer shall submit a request to the contracting agency, prior to the deadline for such requests established by the contracting agency as indicated in the invitation to bid or propose, for a full or partial waiver of the targeted subcontracting percentage. Such request shall include documentation to support the bidder's or proposer's capacity to perform the contract without any subcontracting, or to perform the contract without awarding the amount of subcontracts for under one million dollars represented by the targeted subcontracting percentage.]

[(i)](c) Subject to paragraph [(ii)](d) of this section, the contracting agency may grant a full or partial waiver of the [target subcontracting percentage] participation goals to a bidder or proposer who demonstrates that it has legitimate business reasons for proposing the level of subcontracting in its utilization plan. The contracting agency [shall] will make its determination in light of factors [which] that [shall] must include, but not be limited to, whether the bidder or proposer has the capacity and the bona fide intention to perform the contract without any subcontracting, or to perform the contract without awarding the amount of subcontracts [for under one million dollars] represented by the [target subcontracting percentage] participation goals. In making such determination, the agency may consider whether the utilization plan is consistent with past subcontracting practices of the bidder or proposer, whether the bidder or proposer has made efforts to form a joint venture with a certified firm, and whether the bidder or proposer has made good faith efforts to identify portions of the contract that it intends to subcontract. [The administrative code provides that within thirty days of the registration of a contract, the] The city chief contracting officer [shall] will notify the council of any such waiver granted with respect to [the] a registered contract in the quarterly report required pursuant to § 11-69 of this subchapter.

[(ii)](d) [The administrative code provides that the] The agency M/WBE officer shall provide written notice of requests for a full or partial waiver of the [target subcontracting percentage] participation goals to the division and the city chief procurement officer and [shall] will not approve any such request without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's contracts or particular categories of an agency's contracts. [The administrative code provides that the] The city chief procurement officer [shall] will notify the speaker of the council and the division in writing [within thirty days of] in the quarterly report required pursuant to § 11-69 of this subchapter following the registration of the contract for

which the agency granted a request for a full or partial waiver of a [target subcontracting percentage] participation goal, provided that where an agency has been authorized to grant waivers without approval of the chief procurement officer, such notice [shall] will be provided to the speaker of the council and the division by the agency. Such notification [shall] will include, but not be limited to, the name of the contractor, the original [target subcontracting percentage] participation goal, the waiver request, including all documentation, and an explanation for the approval of such request.

[(13)](12) Modification of utilization plans at contractor's request or agency's initiative. [(i)] A contractor may request modification of its utilization plan after the award of a contract. Subject to paragraph [(ii)](b) of this section, an agency may grant such request if it determines that such contractor has established, with appropriate documentary and other evidence, that it made all reasonable, good faith efforts to meet the goals set by the agency for the contract. [Prior to granting such request, an agency shall consult with the division.] In making such determination, the agency [shall] will consider evidence of the following efforts, as applicable, along with any other relevant factors:

[(A)](i) The contractor advertised opportunities to participate in the contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

[(B)](ii) The contractor provided notice of specific opportunities to participate in the contract, in a timely manner, to minority and women's business organizations;

[(C)](iii) The contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs, WBEs and EBEs that their interest in the contract was solicited;

[(D)](iv) The contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs, WBEs and/or EBEs in the contractor utilization plan, and for which the contractor claims an inability to retain MBEs or WBEs or EBEs;

[(E)](v) The contractor held meetings with MBEs, WBEs and/or EBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited. Documentation of such meetings [shall] must include the dates, times, and locations of such meetings, meeting announcements and invitations, meeting agendas, documents distributed at such meetings, and attendance lists;

[(F)](vi) The contractor made efforts to negotiate with MBEs, WBEs and/or EBEs as relevant to perform specific subcontracts, or act as suppliers or service providers. Documentation of such negotiation [shall] must include the names, addresses, and telephone numbers of MBEs, WBEs and/or EBEs that were solicited; the date of each such solicitation; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to the reasons that agreements could not be reached with MBEs, WBEs and/or EBEs to perform the work.

[(G)](vii) Timely written requests for assistance made by the contractor to the agency M/WBE officer and to the division[,] as well as documented requests for assistance made by the contractor to organizations that provide assistance in the recruitment and placement of MBEs, WBEs and/or EBEs, including but not limited to, minority and/or women community organizations, minority and/or women contractors' groups; local, state and federal business assistance offices;

[(H)](viii) Description of how recommendations made by the division[,] and the contracting agency, and other organizations described in subparagraph (G) of this paragraph were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs, WBEs and/or EBEs.

[(I)](ix) The contractor rejected bids by MBEs, WBEs and/or EBEs for sound reasons based upon a thorough investigation of their capabilities. The MBE's, WBE's and/or EBE's political or social affiliations or lack thereof [shall] will not be a legitimate reason for rejecting or not soliciting bids to meet the goals.

[(J)](x) The contractor designated portions of the work to be performed by MBEs, WBEs and/or EBEs in order to increase the likelihood that the goals will be met, including but not limited to, breaking out the work under the contract into feasible units to facilitate MBE, WBE and/or EBE participation.

[(K)](xi) The contractor made efforts to assist interested MBEs, WBEs and/or EBEs in obtaining bonding, lines of credit, or insurance as required by the City or the contractor.

[(L)](xii) The contractor made efforts to assist interested MBEs, WBEs and/or EBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

[(ii)](b) The [administrative code provides that the] agency M/WBE officer [shall] must provide written notice of requests for such modifications to the division and the city chief procurement officer and [shall] will not approve any such request for modification without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's

contracts or particular categories of an agency's contracts. The [administrative code provides that the] city chief procurement officer, [shall] will notify the speaker of the council and the division in writing within seven days of the approval of a request for modification of a utilization plan, provided that where an agency has been authorized to grant modifications without approval of the chief procurement officer, such notice [shall] will be provided to the speaker of the council and the division by the agency. Such notification [shall] must include, but not be limited to, the name of the contractor, the original utilization plan, the modification request, including all documentation, and an explanation for the approval of such request.

[(iii)](c) An agency may modify the participation goals established for a procurement when the agency has changed the scope of the work in a manner that affects the scale and types of work that the contractor indicated in its contractor utilization plan would be awarded to subcontractors.

(d) The agency M/WBE officer [shall] will provide written notice to the contractor of its determination that [shall] must include the reasons for such determination.

[(14)] (13) Substitution of the MBE, WBE and/or EBE subcontractor whose participation was necessary to achieve a participation goal [shall] will be permitted only with approval of the contracting agency, and only in the following circumstances:

(A) Unavailability after receipt of reasonable notice to proceed;

(B) Poor performance;

(C) Financial incapacity;

(D) Refusal by the subcontractor to honor the bid or proposal price or scope;

(E) Mistake of fact or law about the elements of the scope of work of a solicitation where a reasonable price cannot be agreed;

(F) Failure of the subcontractor to meet insurance, licensing, or bonding requirements;

(G) The subcontractor's withdrawal of its bid or proposal;

(H) Decertification of the subcontractor as an MBE, WBE or EBE;

(I) The contractor becomes aware of information negatively reflecting on the subcontractor's business integrity;

(J) Other circumstances allowed by the agency after consultation with the division.

Where the contractor has established the basis for substitution to the satisfaction of the contract compliance officer, it [shall] must make good faith efforts to substitute with a subcontractor which can be counted toward achievement of the relevant goal. If the contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the compliance plan, the contractor must obtain approval of the agency M/WBE officer and [shall] must make good faith efforts to ensure that MBEs, WBEs and/or EBEs have a reasonable opportunity to bid on the new scope of work.

[(15)](14) For each contract in which a contracting agency has established participation goals, the agency [shall] will evaluate and assess the contractor's performance in meeting each such goal. Such evaluation and assessment [shall] must be a part of the contractor's overall contract performance evaluation required pursuant to § 333 of the charter.

§14. Section 11-67 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-67 Determining Credit for MBE, WBE and EBE Participation.

(1) An agency's achievement of its annual goals [shall] will be calculated as follows:

[(i)](a) The [total] dollar amount that an agency has paid or is obligated to pay to a prime contractor which is an MBE, WBE or EBE, reduced by the dollar amount the contractor has paid or is obligated to pay its direct subcontractors upon their completion of work. [may] will be credited toward the relevant goal. Where an agency has paid or is obligated to pay a prime contractor that is both an MBE and a WBE, such amount will be credited toward the relevant goal for MBEs or the goal for WBEs.

[(ii)](b) [The] Except as provided in subparagraph (c) of this paragraph, the total dollar amount that a prime contractor of an agency has paid or is obligated to pay to a direct subcontractor that is an MBE, WBE or EBE [may] will be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay a direct subcontractor that is both an MBE and a WBE, such amount will be credited toward the relevant goal for MBEs or the goal for WBEs.

(c) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount that a prime contractor of an agency has paid or is obligated to pay a direct subcontractor that is an MBE, WBE, or EBE, reduced by the dollar amount the direct subcontractor has paid or is obligated to pay its indirect subcontractors upon completion of work, will be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay a direct contractor that is both an MBE and a WBE, such amount will be credited toward the relevant goal for MBEs or the goal for WBEs.

(d) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount

that a direct subcontractor of the prime contractor has paid or is obligated to pay to an indirect subcontractor that is an MBE, WBE or EBE will be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay an indirect contractor that is both an MBE and a WBE, such amount will be credited toward the relevant goal for MBEs or the goal for WBEs.

[(iii)](e) For requirements contracts, credit [may] will be given for the actual dollar amount paid under the contract.

[(iv)](f) Where one or more MBEs, WBEs or EBEs is participating in a qualified joint venture, the amounts that the joint venture is required to pay its direct subcontractors will be subtracted as provided in subparagraph (a) of this paragraph, and then a percentage of the remaining dollar amount of the contract equal to the percentage of total profit to which MBEs, WBEs or EBEs are entitled pursuant to the joint venture agreement [shall] will be credited toward the relevant goal. Where such a participant in a joint venture is both an MBE and a WBE, such amount will be credited toward the relevant goal for MBEs or the goal for WBEs.

[(v)](g) No credit [shall] will be given for participation in a contract by an MBE, WBE or EBE that does not perform a commercially useful function.

[(vi)](h) No credit [shall] will be given for the participation in a contract by any company that has not been certified as an MBE, WBE or EBE in accordance with § 1304 of the charter.

[(vii)](i) In the case of a contract for which the contractor is paid on a commission basis, the dollar amount of the contract may be determined on the basis of the commission earned or reasonably anticipated to be earned under the contract.

[(viii)](j) No credit [shall] will be given to a contractor for participation in a contract by a graduate MBE, WBE or EBE.

[(ix)](k) The participation of a certified company [shall] will not be credited toward more than one participation goal.

(1) The city chief procurement officer may identify types of contracts where payments to indirect subcontractors will be credited toward the relevant participation goals.

(2) A contractor's achievement of [each goal] its participation goals established in its utilization plan [shall] will be calculated [in the same manner as described for calculating the achievement of agency utilization goals as described in subdivision (1) of this section; provided that no] as follows:

(a) A contractor's use of direct subcontractors and their indirect subcontractors toward achievement of each goal established in its utilization plan will be calculated in the same manner as described for calculating the achievement of agency utilization goals as described in paragraph (1) of this subdivision, except that a contractor's use of a subcontractor that is both an MBE and a WBE will not be credited toward the contractor's achievement of more than one goal;

(b) An agency must permit a contractor that is an MBE, WBE or EBE to count its own participation toward fulfillment of the relevant participation goal, provided that the value of such a contractor's participation be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and provided further that a contractor that is both an MBE and a WBE will not be credited for its participation toward more than one goal;

(c) No credit will be given to the contractor for the participation of a company that is not certified in accordance with § 1304 of the charter before the date that [the agency approves] the subcontractor completes the work under the subcontract.

(d) An agency will permit a contractor that is a qualified joint venture to count a percentage of its own participation toward fulfillment of the relevant participation goal. The value of such a contractor's participation will be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement; provided that where such a participant in a joint venture is both an MBE and a WBE, such amount will not be credited toward more than one goal.

§15. Section 11-68 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-68 Small Purchases.

(1) Each agency shall, consistent with the participation goals established in § 11-61 of this subchapter and such agency's utilization plan, establish goals for purchases valued at or below five thousand dollars which shall be made from MBEs, WBEs and/or EBEs.

(2) Whenever an agency solicits bids or proposals for small purchases pursuant to section three hundred fourteen of the charter, the agency [shall] must maintain records identifying the MBEs, WBEs and EBEs it solicited, which [shall] will become part of the contract file.

§16. Section 11-69 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-69 Compliance Reporting.

(1) The [administrative code provides that the] city chief procurement officer, in consultation with the division, [shall] will prepare and submit [semiannual] quarterly reports to the speaker of the council as described in this section. [A preliminary] Preliminary reports containing information for

the fiscal year in progress [shall] will be submitted to the speaker of the council by January first, April first, and July first of each year [April 1, 2007, and annually thereafter], and a final report containing information for the preceding fiscal year [shall] will be submitted to the speaker of the council by October first of each year [1, 2007 and annually thereafter]. The reports, which [shall] will also be posted on the division's website, [shall] must contain the following information, disaggregated by agency:

[(i)](a) the number and total dollar value of contracts awarded, disaggregated by industry classification and size of contract, including but not limited to, contracts valued at or below twenty thousand dollars, contracts valued above twenty thousand dollars and at or below one hundred thousand dollars, contracts valued above one hundred thousand dollars and at or below one million dollars, contracts valued above one million dollars and at or below five million dollars, contracts valued above five million dollars and at or below twenty five million dollars, and contracts valued above twenty five million dollars; [provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

(ii) the number and total dollar value of contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification, provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

(iii) the total number and total dollar value of contracts awarded valued at less than five thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group;

(iv) the total number and total dollar value of contracts awarded valued at between five thousand and one hundred thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(v) the total number and total dollar value of contracts awarded valued at between one hundred thousand dollars and one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(vi) the total number and total dollar value of contracts awarded valued at over one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(vii) (b) for those contracts for which an agency set participation goals in accordance with § 11-66 of this subchapter:

[A.](i) the number and total dollar amount of such contracts disaggregated by industry classification, size of contract and status as MBE, WBE, EBE, or non-certified firm, and further disaggregated by minority and gender group, and the number and dollar value of such contracts that were awarded to firms that are certified both as MBEs and WBEs;

[B.](ii) the number and total dollar value of such contracts that were awarded to qualified joint ventures and the total dollar amount attributed to the MBE, WBE or EBE joint venture partners, disaggregated by minority and gender group, size of contract and industry classification, and the number the dollar value of such contracts that were awarded to firms that are certified both as MBEs and WBEs;

[C.](iii) the number and total dollar value of subcontracts approved during the reporting period that were entered into pursuant to [such] contracts for which the agency has established participation requirements under this section (including both contracts awarded during the current reporting period and those awarded in earlier reporting periods that remain open during the current reporting period), and the number and total dollar amount of such subcontracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group, size of subcontract and industry classification, and the number and dollar value of such subcontracts that were awarded to firms that are certified both as MBEs and WBEs;

[D.](iv) a list of the requests for full or partial waivers of [target subcontracting percentages granted] participation requirements for such contracts made pursuant to paragraph 11 [12] of § 11-66 of this subchapter and the determination made with respect to such requests, and the number and dollar amount of those contracts for which such waivers were granted, disaggregated by industry classifications; and

[E.](v) a list of the requests for modification of participation requirements for such contracts made pursuant to subdivision 12 [13] of § 11-66 of this subchapter and the determinations made with respect to such requests, and the number and dollar amount of those contracts for which such modifications were granted, disaggregated by industry classification;

[(viii)](c) a detailed list of each complaint received pursuant to subdivision 1 of § 11-72 of this subchapter which [shall] will, at a minimum, include the nature of each complaint and the action taken in investigating and addressing such complaint including whether and in what manner the enforcement provisions of § 11-72 of this subchapter were invoked and the remedies applied;

[(ix)](d) a detailed list of all non-compliance findings made pursuant to subdivision 4 of § 11-72 of this subchapter and actions taken in response to such findings;

[(x)](e) the number of firms certified or recertified in

accordance with § 1304 of the charter during the six months immediately preceding such report;

[(xi)](f) the number and percentage of contracts audited pursuant to subdivision 10 of § 11-62 of this subchapter and a summary of the results of each audit;

[(xii)](g) a summary of efforts to reduce or eliminate barriers to competition as required pursuant to paragraph 11 of § 11-62 of this subchapter;

[(xiii)](h) a list of all solicitations submitted to the city chief procurement officer pursuant to paragraph [vi]e of subdivision 2 of § 11-65 of this subchapter and a summary of the determination made regarding each such submission; and

[(xiv)](i) any other information as may be required by the director and/or the commissioner.

(2) The annual reports submitted in October [shall] will, in addition, contain a determination made by the director and the commissioner, as to whether each agency has made substantial progress toward achieving its utilization goals and whether the city has made substantial progress toward achieving the citywide goals established pursuant to § 11-61 of this subchapter. [The first three annual reports shall also include detailed information about steps that agencies have taken to initiate and ramp up their efforts to comply with the requirements of this section, including but not limited to, demonstrating specific efforts made to comply with § 11-63 of this subchapter.]

(3) If an agency that has submitted an agency utilization plan pursuant to § 11-64 of this subchapter fails to achieve its utilization goal, the agency head must prepare and submit to the director, the commissioner, the city chief procurement officer, and the speaker of the council by October first a performance improvement plan which must describe in detail the efforts such agency intends to undertake to increase M/WBE participation.

[(3)](4) The data that provide the basis for the reports required by this section [shall] must be made available electronically to the council at the time the reports are submitted.

§17. Section 11-70 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-70 Agency Compliance.

(1) [The] Each agency [shall] must submit to the commissioner and the city chief procurement officer such information as is necessary for the city chief procurement officer to complete his or her reports as required in § 11-69 of this subchapter. The [administrative code provides that the] director, the commissioner, and the city chief procurement officer [shall] will review each agency's submissions. The director will convene the agency M/WBE officers for those agencies that have submitted utilization plans pursuant to § 11-64 of this subchapter as often as the director deems necessary, but no less frequently than once per quarter, in order to have agency M/WBE officers (i) discuss the results of the reports required in § 11-69 of this subchapter; (ii) offer detailed information concerning their effectuation of their performance improvement plans and any additional efforts undertaken to meet goals established in agency utilization plans; (iii) share the practices that have yielded successes in increasing M/WBE participation; and (iv) devise strategic plans to improve the performance of those failing to meet goals established in agency utilization plans. No less frequently than twice per year, agency heads for those agencies that have submitted utilization plans pursuant to § 11-64 of this subchapter must join such quarterly meetings, [and whenever] Whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the director, the commissioner, and the city chief procurement officer [shall] will act to improve such agency's performance, and may take any of the following actions:

[(i)](a) require the agency to submit more frequent reports about its procurement activity;

[(ii)](b) require the agency to notify the director, the commissioner and the city chief procurement officer, prior to solicitation of bids or proposals for, and/or prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;

[(iii)](c) reduce or rescind contract processing authority delegated by the mayor pursuant to §§ 317 and 318 of the charter; and

[(iv)](d) any other action the director, the commissioner, and the city chief procurement officer [or the commissioner] deem appropriate.

(2) Noncompliance. [The administrative code provides that whenever] Whenever the director, the city chief procurement officer, or the commissioner finds that an agency has failed to comply with its duties under this section, he or she [shall] will attempt to resolve such noncompliance informally with the agency head. [It further provides that in] In the event that the agency fails to remedy its noncompliance after such informal efforts, the director and the city chief procurement officer [shall] will submit such findings in writing to the mayor and the speaker of the council, and the mayor [shall] will take appropriate measures to ensure compliance.

(3) Failure by an agency to submit information required by the director, the division, or the city chief procurement officer, in accordance with this section, including but not limited to the utilization plan required pursuant to § 11-64 of this subchapter, [shall] will be deemed noncompliance.

§18. Section 11-72 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-72 Enforcement.

(1) Any person who believes that a violation of the requirements of § 6-129 of the administrative code of the city of New York or these rules, or any provision of a contract that implements § 6-129 of the administrative code of the city of New York or these rules, including, but not limited to, any contractor utilization plan, has occurred may submit a complaint in writing to the division, the city chief procurement officer and the comptroller. [Such complaint shall be signed and dated.] The division [shall] will promptly investigate such complaint and determine whether there has been a violation.

(2) Any complaint alleging fraud, corruption or other criminal behavior on the part of a bidder, proposer, contractor, subcontractor or supplier [shall] will be referred to the commissioner of the department of investigation.

(3) Contract award. [(i)](a) When an agency receives a protest from a bidder or proposer regarding a contracting action that is related to § 6-129 of the administrative code of the city of New York or these rules, the agency [shall] must send copies of the protest and any appeal thereof, and any decisions made on the protest or such appeal, to the division and the comptroller.

[(ii)](b) Whenever a contracting agency has determined that a bidder or proposer has violated § 6-129 of the administrative code of the city of New York, or these rules, the agency may disqualify such bidder or proposer from competing for such contract and the agency may revoke such bidder's or proposer's prequalification status.

(4) Contract administration. (a) For each contract for which an agency has established participation requirements under this section, at least once annually during the term of such contract, the agency must review the contractor's progress toward attainment of its utilization plan, including but not limited to, reviewing the percentage of work the contractor has actually awarded to MBE, WBE and/or EBE subcontractors and the payments the contractor has made to such subcontractors.

[(i)](b) Whenever an agency believes that a contractor or a subcontractor is not in compliance with § 6-129 of the administrative code of the city of New York, these rules, or any provision of a contract that implements § 6-129 of the administrative code of the city of New York or these rules, including, but not limited to any contractor utilization plan, the agency [shall] must send a written notice to the city chief procurement officer, the division and the contractor describing the alleged noncompliance and offering the contractor an opportunity to be heard. The agency [shall] must then conduct an investigation to determine whether such contractor or subcontractor is in compliance.

[(ii)](c) In the event that a contractor has been found to have violated § 6-129 of the administrative code of the city of New York, these rules, or any provision of a contract that implements § 6-129 of the administrative code of the city of New York or these rules, including, but not limited to any contractor utilization plan, the contracting agency [shall] must, after consulting with the city chief procurement officer and the division, determine whether any of the following actions should be taken:

[(A)](i) enter an agreement with the contractor allowing the contractor to cure the violation;

[(B)](ii) revoke the contractor's pre-qualification to bid or make proposals for future contracts;

[(C)](iii) make a finding that the contractor is in default of the contract;

[(D)](iv) terminate the contract;

[(E)](v) declare the contractor to be in breach of contract;

[(F)](vi) withhold payment or reimbursement;

[(G)](vii) determine not to renew the contract;

[(H)](viii) assess actual and consequential damages;

[(I)](ix) assess liquidated damages or reduction of fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the program established by this section, or in meeting the purposes of the contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the contract;

[(J)](x) exercise rights under the contract to procure goods, services or construction from another contractor and charge the cost of such contract to the contractor that has been found to be in noncompliance; or

[(K)](xi) take any other appropriate remedy.

(5) To the extent available pursuant to rules of the procurement policy board, a contractor may seek resolution of a dispute regarding a contract related to § 6-129 of the administrative code of the city of New York or these rules. The contracting agency [shall] must submit a copy of such submission to the division.

(6) Whenever an agency has reason to believe that an MBE, WBE or EBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function, or has violated any provision of § 6-129 of the administrative code of the city of New York or these rules, the agency [shall] must notify the commissioner who [shall] will determine whether the certification of such business enterprise should be revoked.

(7) Statements made in any instrument submitted to an [contracting] agency pursuant to these rules [shall] will be submitted under penalty of perjury and any false or misleading statement or omission [shall] will be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE, WBE or EBE in any instrument submitted pursuant to these rules [shall] will, in addition, be grounds for revocation of its certification.

(8) A contractor's record in implementing its contractor utilization plan [shall] will be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a contractor utilization plan has been unsatisfactory, the agency [shall] must, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in VENDEX as caution data.

(9) Any complaint alleging fraud, corruption or other criminal behavior on the part of a bidder, proposer, contractor, subcontractor or supplier [shall] must in addition be referred to the department of investigation.

§19. Section 11-73 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-73 Procurements by Elected Officials and the Council.

(1) In the case of procurements by independently elected city officials other than the mayor, where these rules provide for any action to be taken by the director or the city chief procurement officer, such action [shall] will instead be taken by such elected officials.

(2) In the case of procurements by the council, where these rules provide for any action to be taken by the director or the city chief procurement officer, such action [shall] will instead be taken by the speaker of the council.

§20. Section 11-74 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-74 Applicability.

Agencies [shall] will not be required to apply participation requirements to the following types of contracts:

[(i)](1) those subject to federal or state funding requirements which preclude the city from imposing the requirements of this subchapter;

[(ii)](2) those subject to federal or state law participation requirements for MBEs, WBEs, disadvantaged business enterprises, and/or EBEs;

[(iii)](3) contracts between agencies;

[(iv)](4) procurements made through the United States general services administration or another federal agency, or through the New York state office of general services or another state agency, or any other governmental agency.

[(v)](5) emergency procurements pursuant to section three hundred fifteen of the charter;

[(vi)](6) sole source procurements pursuant to section three hundred twenty-one of the charter;

[(vii)](7) [small purchases as defined pursuant to section three hundred fourteen of the charter;] contracts for human services; and

[(viii)](8) contracts awarded to not-for-profit organizations.

§21. Section 11-81 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-81 Definitions.

As used in [these rules] this subchapter, the following terms [shall] have the following meanings:

Applicant. "Applicant" means a business enterprise which has applied for certification as an EBE.

Audit. "Audit" means an examination of a business enterprise to determine whether the business enterprise is eligible for certification as an EBE, and may include an examination of books, records, physical facilities and interviews of applicants.

Business enterprise. "Business enterprise" means any entity, including a sole proprietorship, partnership or corporation, which is authorized to and engages in lawful business transactions in accordance with the laws of New York State.

Certified business. "Certified business" means a business enterprise which has been approved for certification as an EBE in accordance with the procedures set forth in §11-82 of these rules, subsequent to verification that the business enterprise is owned, operated, and controlled by socially and economically disadvantaged persons as defined in §11-82 of these rules.

Certification director. "Certification director" means the director of the emerging business enterprise certification program or his or her designee or his or her successor in function.

Certification letter. "Certification letter" means the letter sent by DSBS to an applicant notifying it of its certification as an EBE.

City. "City" means the City of New York.

Commissioner. "Commissioner" means the commissioner of the New York City Department of Small Business Services or his or her designee or his or her successor in function.

Day. "Day" means a calendar day unless otherwise specified.

Denial or denied. "Denial" or "denied" means a determination by DSBS that a business enterprise is not eligible for certification as an EBE because it does not meet the criteria for certification.

Division. "Division" means the division of economic and financial opportunity within the department of small business services.

DSBS. "DSBS" means the New York City Department of Small Business Services or its successor in function.

[Director of Certification. "Director of Certification" means the director of the emerging business enterprise certification program or his or her designee or his or her successor in function.]

Economically disadvantaged. "Economically disadvantaged" refers to a socially disadvantaged person whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

Non-certified firm. "Non-certified firm" means a business enterprise that has not been certified as an EBE in accordance with section 1304 of the charter.

Emerging business enterprise or EBE. "Emerging business enterprise" or "EBE" means a business enterprise that is certified in accordance with §1304 of the charter, [, in which:

(i) at least fifty-one (51%) percent of the ownership interest is held by United States citizens or permanent resident aliens;

(ii) the ownership interest of such persons is real, substantial and continuing;

(iii) such persons have and exercise the authority to control independently, the day-to-day business decisions of the enterprise; and

(iv) such persons have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged.]

Emerging business enterprise certification application. "Emerging business enterprise certification application" means the form that DSBS requires an applicant to submit for purposes of applying for certification as an EBE.

Geographic Market. "Geographic market" of the city means the following counties: Bronx, Kings, New York, Queens, Richmond, Nassau, Putnam, Rockland, Suffolk and Westchester within the State of New York; and Bergen, Hudson, and Passaic within the state of New Jersey.

Graduate EBE. "Graduate EBE" [shall] means an EBE which has been awarded [prime] contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than [fifteen] fifty million dollars[,] and whose size has exceeded the size standards established for its industry by the United States small business administration for three years.

Immediate family. "Immediate family" means a spouse, domestic partner, unemancipated child (including children of a domestic partner), and if they live with the individual claiming disadvantage, parent or sibling.

Principal office or place of business. "Principal office" or "place of business" [shall] means where the main office and regular meeting place of the board of directors that manages, conducts, and directs the business is located.

Rejected or rejection. "Rejected" or "rejection" means the refusal by DSBS to certify a business enterprise as an EBE due to an insufficiency in documentation submitted by the applicant.

Socially and economically disadvantaged. "Socially and economically disadvantaged" refers to an [person] individual who has experienced social disadvantage in American society as a result of causes not common to [persons] individuals who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. An [person's] individual's race, national origin, or gender, by itself, does not qualify the [person] individual as "socially disadvantaged" and the net worth of [persons] individuals to be "economically disadvantaged" must be less than one million dollars. In determining such net worth, the [department] division [shall] will exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

§22. Section 11-82 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-82 Eligibility Criteria.

The following standards [shall] will be used to determine whether a business enterprise is eligible for certification as an EBE.

(a) *Nexus*. In order to be eligible for certification as an EBE, a business enterprise will have a real and substantial business presence in the geographic market for the city of New York. An EBE which meets one of the following conditions [shall] will be deemed to have a real and substantial business presence in the geographic market for the city of New York:

(1) the business enterprise's principal office or place of business or headquarters is located within the City; or

(2) the business enterprise maintains full-time employees in one or more of the business enterprise's offices within the City to conduct or solicit business in the City the majority of their working time; or

(3) the business enterprise's principal office or place of

business or headquarters is located within the geographic market of the City, and

- (i) has transacted business more than once in the City within the last three (3) years, or
- (ii) has sought to transact business more than once in the City within the last three (3) years; or
- (4) twenty-five percent (25%) of the business enterprise's annual gross receipts for the last three (3) years were derived from transacting business in the City; or
- (5) the business enterprise's principal office or place of business or headquarters is not located within the geographic market of the City but the business enterprise has demonstrated two or more of the following indicia of a real and substantial presence in the market for the City of New York:

- (i) the business enterprise has maintained a bank account or engaged in other banking transactions in the City;
 - (ii) the business enterprise, or at least one of its owners, possesses a license issued by an agency of the City to do business in the City;
 - (iii) the business enterprise has transacted or sought to transact business in or with the City more than once in the past three years.
- (b) *Ownership.* For the purposes of determining whether an applicant should be certified as an EBE, or whether such certification should be revoked, the following rules concerning ownership [shall] will be applied:

- (1) The equity interest of socially and economically disadvantaged [persons] individuals must be proportionate to the contribution of the socially and economically disadvantaged [persons] individuals as demonstrated by, but not limited to, contributions of money, property, equipment or expertise;
- (2) A sole proprietorship must be owned by a socially and economically disadvantaged [person] individual;
- (3) A partnership must demonstrate that socially and economically disadvantaged [persons] individuals a fifty-one (51%) percent or greater share of the partnership; and
- (4) A corporation must have issued at least fifty-one (51%) percent of its issued and authorized voting and all other stock to socially and economically disadvantaged [persons] individuals.

(c) *Control.* Determinations as to whether socially and economically disadvantaged [persons] individuals control the business enterprise will be made according to the following criteria:

- (1) Decisions pertaining to the operations of the business enterprise must be made by socially and economically disadvantaged [persons] individuals claiming ownership of that business enterprise. The following will be considered in determining whether the socially and economically disadvantaged persons are making such decisions:
 - (i) whether socially and economically disadvantaged [persons] individuals have experience and technical competence in the business enterprise seeking certification;
 - (ii) whether socially and economically disadvantaged [persons] individuals demonstrate the working knowledge and ability needed to operate the business enterprise; and
 - (iii) whether socially and economically disadvantaged [persons] individuals show that they devote time on an ongoing basis to the daily operation of the business enterprise.
- (2) Articles of incorporation, corporate by-laws, partnership agreements, business certificates, corporate tax returns, unincorporated business tax returns, partnership tax returns and other agreements, including, but not limited to, loan agreements, lease agreements, supply agreements, credit agreements or other agreements must permit socially and economically disadvantaged [persons] individuals who claim ownership of the business enterprise to make those decisions pertaining to operations of the business enterprise without restrictions.
- (3) Socially and economically disadvantaged [persons] individuals must demonstrate control of negotiations, signature authority for payroll, leases, letters of credit, insurance bonds, banking services and contracts, and other business transactions through production of relevant documents.
- (d) *Additional eligibility provisions.* The following provisions apply to all applicants seeking certification as an EBE:

- (1) Where the actual management of the business enterprise is contracted out to individuals other than socially and disadvantaged [persons] individuals, socially and economically disadvantaged [persons] individuals must demonstrate that they have the ultimate power to hire and fire these managers, that they exercise this power and make other substantial decisions which reflect control of the business enterprise;
- (2) Documentation of one (1) year's business activity [shall] will be required in order to provide sufficient information upon which certification can be reasonably made. The commissioner, in his or her discretion, may permit documentation for a lesser period;
- (3) DSBS may grant eligible status to any business enterprise eligible under §11-82 of these rules, and certified as an EBE or disadvantaged business enterprise by another

governmental or other certifying entity whose emerging business enterprise or disadvantaged business enterprise certification criteria are determined by the commissioner to be consistent with the certification criteria set forth in these rules. Unless otherwise determined by the commissioner, the maximum period for which any certification granted by DSBS pursuant to this subdivision is valid [shall] will be the period during which the business enterprise is certified as an EBE or disadvantaged business enterprise with the original certifying entity;

(4) Any business enterprise that satisfies the eligibility criteria as set forth in §11-82 of these rules is presumptively eligible for certification under these rules; provided that the commissioner may decline to certify, or revoke the certification of, any business enterprise on the ground that there is not a firm basis for believing that there is a compelling state interest to justify certification of that business enterprise under these rules.

(e) *Evidence of social and economic disadvantage.* (1)(A) Evidence of individual social disadvantage must include the following elements: (i) At least one objective distinguishing feature that has contributed to social disadvantage, such as physical or mental disability, long-term residence in an environment isolated from the mainstream of United States society, or other similar causes not common to individuals who are not socially disadvantaged;

(ii) Personal experiences of substantial and chronic social disadvantage in United States society, not in other countries; and

(iii) Negative impact on entry into or advancement in the business world because of the social disadvantage. DSBS will consider any relevant evidence in assessing this element. In every case, however, DSBS will consider education, employment and business history, where applicable, to see if the totality of circumstances shows disadvantage in entering into or advancing in the business world.

(B) *Education.* DSBS will consider such factors as denial of equal access to institutions of higher education, exclusion from social and professional association with students or teachers, denial of educational honors rightfully earned, and social patterns or pressures which discouraged the individual from pursuing a professional or business education.

(C) *Employment.* DSBS will consider such factors as unequal treatment in hiring, promotions and other aspects of professional advancement, pay and fringe benefits, and other terms and conditions of employment; retaliatory or discriminatory behavior by an employer; and social patterns or pressures which have channeled the individual into nonprofessional or non-business fields.

(D) *Business history.* DSBS will consider such factors as unequal access to credit or capital, acquisition of credit or capital under commercially unfavorable circumstances, unequal treatment in opportunities for government contracts or other work, unequal treatment by potential customers and business associates, and exclusion from business or professional organizations.

(2) Evidence of individual economic disadvantage must include the following elements: (A) Submission of narrative and financial information. (i) Each individual claiming economic disadvantage must describe it in a narrative statement, and must submit personal financial information supporting the assertions contained in the narrative statement.

(ii) An individual claiming economic disadvantage who is married or a member of a domestic partnership [shall] must submit separate financial information for his or her spouse or domestic partner, provided that such financial information will not be required where the individual and the spouse are legally separated.

(B) *DSBS evaluation of diminished capital and credit opportunities.* DSBS will examine factors relating to the personal financial condition of any individual claiming disadvantaged status, including personal income for the past two years (including bonuses and the value of company stock given in lieu of cash), personal net worth, and the fair market value of all assets, whether encumbered or not. DSBS will also consider the financial condition of the applicant compared to the financial profiles of small businesses in the same primary industry classification, or, if not available, in similar lines of business, which are not owned and controlled by socially and economically disadvantaged individuals in evaluating the individual's access to credit and capital. The financial profiles that DSBS compares will include total assets, net sales, pre-tax profit, sales/working capital ratio, and net worth.

(C) *Transfers within two years.* (1) Except as set forth in §11-82(e)(2)(C)(2), DSBS will attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, or to a trust a beneficiary of which is an immediate family member, for less than fair market value, within two years prior to a business enterprise's application for participation in the EBE program or within two years of a participant's annual renewal, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses, or some other form of essential support.

(2) DSBS will not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as birthdays, graduations, anniversaries, and retirements.

(3) In determining an individual's access to capital and

credit, DSBS may consider any assets that the individual transferred within such two-year period described by §11-82(e)(2)(C)(1), that DSBS does not consider in evaluating the individual's assets and net worth (e.g., transfers to charities).

(b) *Net worth.* For EBE eligibility, the net worth of an individual claiming disadvantage must be less than one million dollars. In determining such net worth, DSBS will exclude the ownership interest in the applicant and the applicant's equity in the primary personal residence (except any portion of such equity which is attributable to excessive withdrawals from the applicant). Exclusions for purposes of determining net worth are not exclusions for asset valuation or access to capital and credit purposes. A contingent liability does not reduce an individual's net worth.

(f) Graduate EBE determinations. The division will, upon reviewing applications for certification and recertification, determine whether a business enterprise qualifies as a graduate EBE. The division will make such determinations in accordance with the following procedures:

(1) In the event that the division determines a business enterprise seeking new certification as an EBE qualifies as a graduate EBE pursuant to §11-81 of these rules, the division will provide a written notice of such determination to the applicant business enterprise stating the reason(s) for such determination and the procedures for challenging the graduate EBE determination.

(2) In the event that the division determines a certified EBE qualifies as a graduate EBE pursuant to §11-81 of these rules, the division will provide a written notice of such determination to the business enterprise seeking recertification setting forth the reason(s) for such determination and the procedures for challenging the graduate EBE determination.

(3) In the event that the division determines a business enterprise seeking new certification or a certified EBE to be a graduate EBE pursuant to §11-81 of these rules, the business enterprise may challenge such a determination pursuant to the procedures set forth in §§ 11-84 and 11-85 of these rules.

(4) In the event that the division has determined a business enterprise to be a graduate EBE, and the business enterprise has not made a timely challenge to that determination, or has made such a challenge and the department has affirmed its determination, the business enterprise may not apply to have the designation lifted for at least two years from the date of the original determination notice. The division will lift the designation if the firm demonstrates that: (i) it has not been awarded contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than fifty million dollars; and (ii) it has been below the size standards established by the United States small business administration for its industry for a period of two years or more.

§23. Section 11-83 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§11-83 Application Intake and Verification.

(a) Emerging business enterprise certification applications may be obtained from, and must be returned to DSBS. DSBS [shall] will date stamp the date of receipt of a certification application upon receiving it.

(b) An applicant [shall] must submit such information or documentation as may be required by DSBS in connection with its certification as an EBE. Failure to submit such information or documentation may result in the rejection or revocation of such certification.

(c) If a certification application is received by DSBS and required documents are missing, questions are unanswered or the certification application is not properly notarized, DSBS must send to the applicant, within forty-five (45) days of the initial date stamped on the certification application, a notice of status and deficiency (the "Notice"), stating any deficiency arising from missing documents, unfinished questions or deficiencies in notarization. An applicant may cure the noticed deficiency by providing DSBS with documents or information requested in the Notice, within thirty (30) days of the date of the Notice.

(d) When the applicant cures a noticed deficiency, pursuant to procedures set forth in §11-83(c) of these rules, DSBS has an additional forty-five (45) days to advise the applicant of any further deficiency which may be cured in accordance with §11-83(c) of these rules.

(e) If the applicant does not cure a noticed deficiency, pursuant to procedures set forth in §11-83(c) of these rules, and the certification application remains incomplete for at least forty-five (45) days of the date of the Notice, unless such time is extended by the certification director [of EBEs], the applicant [shall] must be sent a notice stating that its certification application has been rejected and will not be processed, together with its rejected certification application.

(f) An applicant whose certification as an EBE is rejected may not reapply for certification for at least one hundred [and] twenty (120) days of the date of the notice of rejection of its application.

(g) Applicants may be required to consent to inquiries of their bonding companies, banking institutions, credit agencies, contractors, affiliates, clients and other entities to ascertain the applicant's eligibility for certification. Refusal to permit such inquiries [shall] will be grounds for rejection of a certification application.

(h) All applicants and certified businesses [shall] will be subject to an audit at any time. An applicant's or certified business' refusal to facilitate an audit [shall] will be grounds

for denial of its certification application or revocation of its certification.

(i) A certification application may be withdrawn by an applicant without prejudice at any time prior to an audit. Following the withdrawal of a certification application, the applicant may not reapply for certification for a period of at least one hundred [and] twenty (120) days from the date of withdrawal of the application.

(j) All applicants and certified businesses may be required to provide documentation to substantiate that the business has the skill and expertise to perform in the particular area of work for which it is requesting listing or is listed on the EBE Directory.

(k) The division will conduct site visits for at least 5% of all EBE certification applications received during a fiscal year to verify that such business enterprises are eligible for certification under these rules.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Participation by and opportunities for minority-owned, women-owned and emerging business enterprises in City procurement

REFERENCE NUMBER: 2013 RG 084

RULEMAKING AGENCY: Department of Small Business Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: September 25, 2013
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Participation by and opportunities for minority-owned, women-owned and emerging business enterprises in City procurement

REFERENCE NUMBER: SBS-3

RULEMAKING AGENCY: Department of Small Business Services

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Andrea M. Bender September 26, 2013
Mayor's Office of Operations Date

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments to rules concerning participation by minority-owned and women-owned business enterprises in City procurement, including a correction of the goal for participation by women-owned business enterprises in procurements for professional services.

Date / Time: November 13, 2013 / 10:00 A.M.

Location: 110 William Street, 4th Floor, New York, New York 10038

Contact: Anne Rascon
Deputy Commissioner, Division of Financial and Economic Opportunity
Department of Small Business Services
110 William Street, 2nd Floor
New York, New York 10038

Proposed Rule Amendment

The Commissioner of the New York City Department of Small Business Services ("DSBS") intends to promulgate an amendment to Section 11-61 of Chapter 11 of Title 66 of the Rules of the City of New York pursuant to §1304 of the New York City Charter and § 6-129(d)(4) of the New York City Administrative Code.

The proposed amendments were included in this agency's regulatory agenda.

Instructions

- Written comments regarding the proposed amendment must be received by close of business on November 12, 2013. Written comments should be sent to:
Anne Rascon
Deputy Commissioner, Division of Financial and Economic Opportunity
Department of Small Business Services
110 William Street, 2nd Floor
New York, New York 10038
- If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Anne Rascon by close of business on November 6, 2013.
- Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Department of Small Business Services.

Statement of Basis and Purpose

The Commissioner of the New York City Department of Small Business Services ("DSBS") intends to promulgate an amendment to Section 11-61 of Chapter 11 of Title 66 of the Rules of the City of New York pursuant to §1304 of the New York City Charter and § 6-129(d)(4) of the New York City Administrative Code.

The City's MWBE Program, originally enacted by Local Law 129 (2005), and codified in section 1304 of the New York City Charter and section 6-129 of the Administrative Code (Ad. Code), establishes goals for participation by minority-owned business enterprises (MBEs) and women-owned business enterprises (WBE's) as contractors and subcontractors in the categories of construction, standard services, professional services and goods valued under \$1 million.

Local Law 1 of 2013 amends these provisions by, among other things:

- changing the participation goals for each of the four procurement categories
- removing the million dollar cap on construction, professional services, and standard services procurements for which goals may be established, and
- lowering the cap from \$1 million dollars to \$100,000 for goods contracts for which goals may be established.

The proposed rule implements the above provisions of Local Law 1; other rules will be proposed to implement other changes made by Local Law 1.

The new goals were established based on a Disparity Data Analysis conducted by the Mayor's Office of Contracts Services, and incorporated as Appendix A in the Committee Report of the City Council's Government Affairs Division and Committee on Contracts, dated December 17, 2012 (Local Law 1 Committee Report). That analysis compared the availability of MBEs and WBEs in the four procurement categories to their utilization as contractors and subcontractors in City procurements.

This proposed rule amends all the goals in Section 11-61 of Chapter 11 of Title 66 of the Rules of the City of New York to match with the new goals established by Local Law (except for the goal enacted in error, as explained below, for WBEs in the professional services category).

When Local Law 1 was drafted, it was intended that for each category where a significant disparity between availability and utilization was identified in the Disparity Data Analysis, a goal would be set corresponding to the availability of MBEs or WBEs in the category. The goal identified by the Analysis for WBEs in the professional services category was 17%; however, due to a drafting error, the goal enacted in Local Law 1 was incorrectly listed as 37%.

To reflect the correct goal of 17% for WBEs in the professional services category, the Commissioner is exercising his authority under Ad. Code § 6-129(d)(4) periodically to review the availability and utilization rates for MBEs and WBEs and, where appropriate, to revise the Citywide participation goals set forth in that section. This is being done in consultation with the City's Chief Procurement Officer, as required by §6-129(d)(4). The section also provides that results of the review and any proposed revision to the goals are to be submitted to the Speaker of the City Council at least 60 days prior to publishing a rule that would revise the goals. The results of the review have already been provided to the Council, and, as noted above, the Council has included them in the Local Law 1 Committee Report.

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

New text is underlined; deleted material is in [brackets].

The Amended Rule

§1. Section 11-61 of Chapter 11 of Title 66 of the Rules of the City of New York is amended to read as follows:

§ 11-61 **Citywide Goals.**

(1) The citywide contracting participation goals for MBEs, WBEs and EBEs, which may be met through awards of prime contracts or subcontracts as described in § 11-67 of this subchapter, shall be as follows:

For construction contracts [under one million dollars]:

[Race/gender group] Category:	Participation goal:
Black Americans	[12.63%] <u>8%</u> of total annual agency expenditures on such contracts
Asian Americans	<u>8%</u> of total annual agency expenditures on such contracts
Hispanic Americans	[9.06%] <u>4%</u> of total annual agency expenditures on such contracts
Women	<u>18%</u> of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For professional services contracts [under one million dollars]:

[Race/gender group] Category:	Participation goal:
Black Americans	[9%] <u>12%</u> of total annual agency expenditures on such contracts
Hispanic Americans	[5%] <u>8%</u> of total annual agency expenditures on such contracts
[Caucasian females] Women	[16.5%] <u>17%</u> of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For standard services contracts [under one million dollars]:

[Race/gender group] Category:	Participation goal:
Black Americans	[9.23%] <u>12%</u> of total annual agency expenditures on such contracts
Asian Americans	<u>3%</u> of total annual agency expenditures on such contracts
Hispanic Americans	[5.14%] <u>6%</u> of total annual agency expenditures on such contracts
[Caucasian females] Women	[10.45%] <u>10%</u> of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For goods contracts under one [million] hundred thousand dollars:

[Race/gender group] Category:	Participation goal:
Black Americans	[7.47%] <u>7%</u> of total annual agency expenditures on such contracts
Asian Americans	[5.19%] <u>8%</u> of total annual agency expenditures on such contract
Hispanic Americans	[4.99%] <u>5%</u> of total annual agency expenditures on such contracts
[Caucasian females] Women	[17.87%] <u>25%</u> of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

[For construction subcontracts under one million dollars:

Race/gender group:	Participation goal:
Black Americans	12.63% of total annual agency expenditures on such subcontracts
Asian Americans	9.47% of total annual agency expenditures on such subcontracts
Hispanic Americans	9.06% of total annual agency expenditures on such subcontracts
Emerging	6% of total annual agency expenditures on such contracts
For professional services subcontracts under one million dollars:	
Race/gender group:	Participation goal:
Black Americans	9% of total annual agency expenditures on such subcontracts
Hispanic Americans	5% of total annual agency expenditures on such contracts
Caucasian females	16.5% of total annual agency expenditures on such subcontracts
Emerging	6% of total annual agency expenditures on such contracts]

(2) (a) The division and the city chief procurement officer shall develop a citywide utilization plan for procurements of goods.

(b) Agencies shall develop agency utilization plans pursuant to § 11-64 of this subchapter. The citywide goals shall not be summarily adopted as goals for all annual agency utilization plans; rather, goals for such plans may be set at levels higher, lower, or the same as the citywide goals, subject to the approval of the commissioner as described in paragraph three of § 11-64 of this subchapter. When setting its goals, each agency shall consider the citywide goals, the size and

nature of its own procurement portfolio, and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work for which the agency anticipates it will solicit procurements during the year. Agencies shall seek to ensure substantial progress toward the attainment of these goals in as short a time as practicable.

(3) The citywide goals shall not be summarily adopted as goals for individual procurements; rather, as set forth in § 11-66 of this subchapter, goals for such procurements may be set at levels higher, lower, or the same as the citywide goals. In setting such goals, each agency shall take into account the citywide goals and the agency's annual utilization plan, the size and nature of the procurement, and the availability of MBEs, WBEs and EBEs with the capacity to perform the specific types and scale of work involved in its procurements.

(4)[(A)(a) No later than 2015, [Beginning January 29, 2007 and every two years thereafter,] the commissioner, in consultation with the city chief procurement officer, shall, for each industry classification and each minority group, review and compare the availability rates of firms owned by minorities and women to the utilization rates of such firms in agency contracts and direct subcontracts, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this section. In making such revision, the commissioner shall consider the extent to which discrimination continues to have an impact on the ability of minorities and women to compete for city contracts and subcontracts. The commissioner shall submit the results of such review and any proposed revisions to the participation goals to the speaker of the council at least sixty days prior to publishing a proposed rule that would revise participation goals. Such review shall thereafter be conducted at least once every two years.

[(B)(b) No later than 2015, [Beginning May 23, 2007 and every two years thereafter,] the commissioner shall review information collected by the department to determine the availability and utilization of EBEs, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this section. Such revised goals shall be set at a level intended to assist in overcoming the impact of discrimination on such businesses. Such review shall be conducted in 2015 and at least once every two years thereafter.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Goals for Utilization of Minority and Women Business Enterprises

REFERENCE NUMBER: 2013 RG 058

RULEMAKING AGENCY: Department of Small Business Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: July 9, 2013
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Goals for Utilization of Minority and Women Business Enterprises

REFERENCE NUMBER: SBS-2

RULEMAKING AGENCY: SBS

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro Date: July 9, 2013
Mayor's Office of Operations

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PURCHASING

NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 7169
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 10/7/2013
3187251	11.0	#1DULS >=80%	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-.0361 GAL.	3.7311 GAL.
3187251	12.0	#1DULS B100 <=20%	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-.0361 GAL.	4.9969 GAL.
3187251	13.0	#1DULS >=80%	P/U	SPRAGUE ENERGY CORP.	-.0361 GAL.	3.6468 GAL.
3187251	14.0	#1DULS B100 <=20%	P/U	SPRAGUE ENERGY CORP.	-.0361 GAL.	4.9125 GAL.
3187249	1.0	#2DULS	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1488 GAL.
3187249	2.0	#2DULS	P/U	CASTLE OIL CORPORATION	+.0151 GAL.	3.1073 GAL.
3187249	3.0	#2DULS	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1643 GAL.
3187249	4.0	#2DULS	P/U	CASTLE OIL CORPORATION	+.0151 GAL.	3.1273 GAL.
3187249	7.0	#2DULS >=80%	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1566 GAL.
3187249	8.0	#2DULS B100 <=20%	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.2938 GAL.
3187249	9.0	#2DULS >=80%	P/U	CASTLE OIL CORPORATION	+.0151 GAL.	3.1173 GAL.
3187249	10.0	#2DULS B100 <=20%	P/U	CASTLE OIL CORPORATION	+.0151 GAL.	3.2508 GAL.
3387022	15.1	#2DULS	BARGE MTF III & ST. GEORGE & WI	SPRAGUE ENERGY CORP.	+.0151 GAL.	3.2447 GAL.
3387090	1.1	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP.	-.0009 GAL.	3.6386 GAL.
3387042	1.0	#2B5	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1117 GAL.
3387042	2.0	#4B5	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0169 GAL.	2.8833 GAL.
3387042	3.0	#6B5	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0188 GAL.	2.6852 GAL.
3387042	4.0	B100 <=20%	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.2508 GAL.
3387042	5.0	#2(ULSH) >=80%	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.0799 GAL.

NOTE:

3187249	#2DULSB5	95% ITEM 7.0 & 5% ITEM 8.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1635 GAL.
3187249	#2DULSB20	80% ITEM 7.0 & 20% ITEM 8.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	+.0151 GAL.	3.1841 GAL.

Contract No. 3387094, Gasoline, expired June 30, 2013. If you have questions regarding the Gasoline Fuel Card, please contact Mahanth Joishy, mjoishy@dcas.nyc.gov, Fleet Department, (212) 386-0367 for assistance.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7170
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 10/7/2013
3087225	1.0	#4	CITY WIDE BY TW	METRO FUEL OIL CORP.	+.0169 GAL.	3.2837 GAL.
3087225	2.0	#6	CITY WIDE BY TW	METRO FUEL OIL CORP.	+.0190 GAL.	3.0225 GAL.
3087154	1.0	ULSH MANH		F & S PETROLEUM CORP.	+.0151 GAL.	3.1691 GAL.
3087154	79.0	ULSH BRONX		F & S PETROLEUM CORP.	+.0151 GAL.	3.1691 GAL.
3087154	157.0	ULSH BKLYN, QUEENS, SI		F & S PETROLEUM CORP.	+.0151 GAL.	3.2491 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7171
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 10/7/2013
3087218	1.0	#4	CITY WIDE BY TW	PACIFIC ENERGY	+.0169 GAL.	3.2250 GAL.
3087218	2.0	#6	CITY WIDE BY TW	PACIFIC ENERGY	+.0190 GAL.	3.0754 GAL.
3087115	1.0	ULSH MANH & BRONX		PACIFIC ENERGY	+.0151 GAL.	2.9945 GAL.
3087115	80.0	ULSH BKLYN, QUEENS, SI		PACIFIC ENERGY	+.0151 GAL.	2.9997 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7172
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 10/7/2013
3187093	2.0	PREM	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-.0587 GAL.	2.9060 GAL.
3187093	4.0	PREM	P/U	SPRAGUE ENERGY CORP.	-.0587 GAL.	2.8269 GAL.
3187093	1.0	U.L.	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-.0397 GAL.	2.6764 GAL.
3187093	3.0	U.L.	P/U	SPRAGUE ENERGY CORP.	-.0397 GAL.	2.6003 GAL.
3187093	6.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-.1350 GAL.	2.3109 GAL.

NOTE:

OCP is processing a Negotiated Acquisition Extension with Clean Energy Corp. to extend the Compressed Natural Gas Contract, #20121200361, for an additional two years. The Negotiated Acquisition Extension will have a new contract number after it is registered.

It is expected that the Negotiated Acquisition Extension will be registered after August 7th; therefore if your agency uses this contract we are requesting that your agency encumber funds sufficient for 120 days of contract use in your current PO for the existing contract in the event that there is a contract lapse before the NAE is registered.

REMINDER FOR ALL AGENCIES:

Please send Inspection Copy of Receiving Report for all Gasoline (E85, UL & PREM) delivered by Tank Wagon to DMSS/ Bureau of Quality Assurance (BQA), 1 Centre St., 18th Floor, NY, NY 10007.

CITY PLANNING

NOTICE

NYC Department of City Planning announces the PUBLIC COMMENT PERIOD and PUBLIC HEARING for the Proposed 2014 Consolidated Plan. The thirty-day PUBLIC COMMENT PERIOD will begin on OCTOBER 10, 2013, and will end NOVEMBER 8, 2013.

A PUBLIC HEARING will be held on FRIDAY, NOVEMBER 8, 2013, beginning at 2:30 P.M. at 22 Reade Street, Spector Hall, New York, N.Y. 10007. The Public Hearing will be followed by a question and answer session with City agency representatives in attendance.

The 2014 Proposed Consolidated Plan contains the City's annual application for four U.S. Department of Housing and Urban Development (HUD) Community Planning and Development programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

Proposed Funding allocations for 2014 are as follows: CDBG

\$220 million; HOME \$57.812 million; ESG \$10.921 million; and, HOPWA \$53.533 million. This totals \$342.273 million which will be used to meet the housing, homeless assistance, supportive housing services and community development needs within the City of New York in 2014.

The 2014 Proposed Consolidated Plan consists of three volumes: Volume 1. Contains an Executive Summary that provides an overview of the proposed use of entitlement grant dollars during the calendar year and the public's comments to the proposal and the Action Plan: One-Year Use of Funds; Volume 2. Contains the City's Supportive Housing Continuum of Care for the Homeless and Other Non-Homeless Special Needs Populations, and Other Actions, which are the statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy; and Volume 3. Summary of Citizens' Comments, and Appendices.

To obtain a free copy of the 2014 Proposed Consolidated Plan, please visit the City Planning Bookstore, 22 Reade Street, New York, N.Y. (Monday 12:00 P.M. to 4:00 P.M., Tuesday thru Friday 10:00 A.M. to 1:00 P.M.).

Copies of the document can also be obtained at the following Department of City Planning Offices:

BRONX OFFICE
1 Fordham Plaza, 5th Fl.
Bronx, New York 10458
(718) 220-8500

BROOKLYN OFFICE
16 Court Street, 7th Fl.
Brooklyn, New York 11241
(718) 643-7550

QUEENS OFFICE
120-55 Queens Boulevard, Room 201
Queens, New York 11424
(718) 286-3170

STATEN ISLAND OFFICE
130 Stuyvesant Place, 6th Fl.
Staten Island, New York 10301
(718) 556-7240

Also, the Proposed Plan will be made available for downloading through the internet via the Department's website at www.nyc.gov/planning.

Furthermore, copies of the Proposed 2014 Consolidated Plan will be available for review at the main public library in each of the five boroughs. Please call (212) 720-3337 for information on the closest library.

Written comments may be sent by close of business, November 8, 2013 to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4N New York, New York 10007 FAX: (212) 720-3495, email: Proposed2014ConPlan@planning.nyc.gov.

o3-17

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: October 10, 2013

To: Occupants, Former Occupants, and Other Interested Parties

Table with 3 columns: Property, Address, Application#, Inquiry Period. Lists various addresses and their corresponding application details.

Table with 3 columns: Address, Date, Description. Lists addresses and dates for various locations.

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

o10-21

MAYOR'S OFFICE OF CONTRACT SERVICES

NOTICE

Notice of Intent to Issue New Solicitation Not Included in FY 2014 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation not included in the FY 2014 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Human Resources Administration
Nature of services sought: HASA Training Academy
Start date of the proposed contract: 10/1/2013
End date of the proposed contract: 9/30/2014
Method of solicitation the agency intends to utilize: Negotiated Acquisition Extension
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

o11

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Medallion Sale

The New York City Taxi & Limousine Commission wishes to announce that 200 Accessible Minifleet Medallions will be offered for sale, in lots of two, through the receipt of sealed competitive bids. The TLC will receive bids in person on November 7, 8, 12 and 13, 2013, from 9:00 A.M. through 12:00 Noon at its offices at 33 Beaver Street, 19th Floor, New York, NY 10004.

- All interested bidders must submit their sealed bids on November 7, 8, 12 or 13, 2013 between the hours of 9:00 A.M. and 12:00 Noon at the NYC TLC, 33 Beaver Street, 19th Floor, New York, NY 10004.
All bid packages must be delivered by hand. Please be prepared to present an ID to enter 33 Beaver Street.
Bids will not be accepted by mail.
The deadline to submit Bid Packages is 12:00 Noon on Wednesday, November 13, 2013.
All 200 medallions (or 100 lots) included in this auction have been set aside for use with wheelchair-accessible vehicles.
The ten highest non-winning bids will be held for Reserve Status.
The minimum upset price for Accessible Minifleet Medallions is \$850,000 per medallion or \$1,700,000 per lot.

Bid packages, bidding instructions, bidder requirements, ownership requirements and further details are available online at www.nyc.gov/taxi and at all TLC facilities.

Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the November 14, 2013 auction must be submitted in writing, by telephone, or by TTY/TDD no later than November 8, 2013, to the Office of Legal Affairs at:

Taxi and Limousine Commission
33 Beaver St., 22nd Floor
New York, New York 10004
Telephone: 212-676-1135
Email: medallionauction@tlc.nyc.gov

o11-18

CHANGES IN PERSONNEL

Table with columns: NAME, ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 08/30/13, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for children's services.

Table with columns: NAME, HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 08/30/13, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for social services.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments.

