



# THE CITY RECORD

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## THE CITY RECORD

**BILL DE BLASIO**

Mayor

**STACEY CUMBERBATCH**

Commissioner, Department of Citywide  
Administrative Services

**ELI BLACHMAN**

Editor, The City Record

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## BOROUGH OF MANHATTAN

No. 1

### 530 WEST 28<sup>TH</sup> STREET PARKING GARAGE

**CD 4** **C 150309 ZSM**  
**IN THE MATTER OF** an application submitted by WC 28 Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory off-street parking garage with a maximum capacity of 39 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 530 West 28<sup>th</sup> Street (Block 699, Lot 49), in a C6-3 District, within the Special West Chelsea District.

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

## BOROUGH OF BROOKLYN

Nos. 2 & 3

### ONE CLINTON STREET

No. 2

**CD 2** **C 150399 PPK**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 1 Clinton Street, (aka 280 Cadman Plaza West), Block 239, Lot 16, pursuant to zoning.

No. 3

**CD** **C 150400 PPK**  
**IN THE MATTER OF** an application submitted by the Brooklyn Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1 Clinton Street aka 280 Cadman Plaza West (Block 239, p/o Lot 16) for use as a branch library

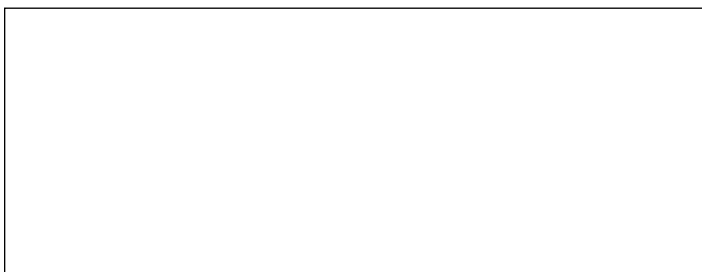
## PUBLIC HEARINGS AND MEETINGS

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 at 22 Reade Street, New York, NY, on Tuesday, September 22, 2015 at 10:00 A.M.



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

☛ s9-22

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at 22 Reade Street, New York, NY, on Wednesday, September 9, 2015 at 10:00 A.M.

**BOROUGH OF MANHATTAN  
No. 1  
357 CANAL STREET**

**CD 2** **C 150333 ZSM**  
**IN THE MATTER OF** an application submitted by Canal Associates, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing five-story building on property located at 357 Canal Street (Block 228, Lot 1), in an M1-5B District.

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

**No. 2  
359 CANAL STREET**

**CD 2** **C 150334 ZSM**  
**IN THE MATTER OF** an application submitted by Canal Associates, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing five-story building on property located at 359 Canal Street (Block 228, Lot 2), in an M1-5B District.

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

**No. 3  
449 BROADWAY**

**CD 2** **C 150337 ZSM**  
**IN THE MATTER OF** an application submitted by Canal Associates, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) (Use Group 17) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing five-story building on property located at 449 Broadway (Block 231, Lot 36), in an M1-5B District.

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

**BOROUGH OF MANHATTAN  
No. 4  
NEW YORK WHEEL**

**CD 1** **C 150447 ZSR**  
**IN THE MATTER OF** an application submitted by the NYC Economic Development Corporation and New York Wheel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 128-61 of the Zoning Resolution to allow a development plan for an Observation Wheel and accessory terminal building, and a public parking garage with a maximum of 950 spaces, and an improvement plan for a Waterfront Esplanade, on property located on Parcel 1 in the North Waterfront Subdistrict (Block 2, Lots 22, 9018, 18 and p/o Lot 20) and on the Waterfront Esplanade, in an M1-1 District, within the Special St. George District.

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

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

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**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 07 - Wednesday, September 9, 2015 at 7:00 P.M., 250 West 87th Street, New York City, NY

N150443 ECM  
**IN THE MATTER OF** an application from the Magnolia Columbus Avenue, LLC, doing business as, Magnolia Bakery, for review, pursuant to Section 364-e of the New York City Charter, of the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 15 tables and 39 seats at 200 Columbus Avenue on the northwest corner of Columbus Avenue and West 59th Street.

N150429 ECM  
**IN THE MATTER OF** an application from the 72nd & Columbus Restaurant, LLC, doing business as, AG Kitchen, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 16 tables and 34 seats at 269 Columbus Avenue on the southeast corner of Columbus Avenue and West 73rd Street.

N150038 ECM  
**IN THE MATTER OF** an application from the Shake Shack, doing business as, Shake Shack at 366 Columbus Avenue, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 12 tables and 34 seats at 366 Columbus Avenue on the northwest corner of Columbus Avenue and West 77th Street.

N140425 ECM  
**IN THE MATTER OF** an application from the Corned Beef Express, LLC, doing business as, Artie's Delicatessen, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 26 tables and 54 seats at 2290 Broadway on the east side of Broadway, between West 82nd and West 83rd Streets.

N150414 ECM  
**IN THE MATTER OF** an application from the Shreeji Swami Restaurant, Inc., doing business as, Saffron Indian Cuisine, for review, pursuant to Section 364-e of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 10 tables and 26 seats at 320 Columbus Avenue on the northwest corner of West 75th Street and Columbus Avenue

s2-9

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 7 - Wednesday, September 9, 2015 at 7:00 P.M., Community Board 7 Office, 250 West 87th Street, New York City, NY

**IN THE MATTER OF** an application from the American Specialty Foods, Inc., doing business as, Josie Restaurant, for review, pursuant to Section 364(e) of the New York City Charter, for the grant of a new application of a revocable consent to operate an enclosed sidewalk cafe with 11 tables and 27 seats at 300 Amsterdam Avenue on the northwest corner of Amsterdam Avenue and West 74th Street.

s3-9

**CONSUMER AFFAIRS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, September 16, 2015, at 2:00 P.M., at 42 Broadway, 11<sup>th</sup> Floor, in the Borough of Manhattan, on the following petitions for sidewalk cafe revocable consent:

1. East Side Dd 113 LLC  
243 3rd Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an enclosed sidewalk cafe for a term of two years.)
2. Village Restaurant Group LLC  
447 Hudson Street in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk cafe for a term of two years.)

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**EMPLOYEES' RETIREMENT SYSTEM**

■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, September 10, 2015 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22<sup>nd</sup> Floor Boardroom, Brooklyn, NY 11201-3751.

s2-9

**ENVIRONMENTAL PROTECTION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at 22 Reade Street, Borough of Manhattan on Monday September 21, 2015, at 10:00 A.M. on the following:

**REAL PROPERTY PUBLIC HEARING IN THE MATTER OF** the acquisition by the City of New York of fee simple (Fee) interests, or for properties being acquired in fee simple as part of the Delaware or Ulster County Flood Buyout Program (FBO), by the City of New York or the respective municipality, or by the Watershed Agricultural Council for conservation easement interests using funds provided by the City of New York (WAC CE), on the following real estate in the Counties of Delaware, Greene, Sullivan and Ulster for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination or pollution of the water supply of the City of New York.

<u>NYC ID</u>	<u>County</u>	<u>Municipality</u>	<u>Type</u>	<u>Tax Lot ID</u>	<u>Acres (+/-)</u>
8342	Delaware	Delhi	Fee	150.-1-38.13	56.90
6205		Hamden	WAC CE	277.-1-4 & 5	119.13
6191		Kortright	WAC CE	65.-2-5	320.00
6209		Middletown	WAC CE	346.-1-12	87.40
8824		Middletown	FBO	287.18-8-16	0.30
8831		Roxbury	Fee	178.-1-8.22	5.86
6197		Walton	WAC CE	210.-1-10.1	234.10
8897	Greene	Halcott	Fee	174.00-2-17	31.08
8816	Sullivan	Neversink	Fee	p/o 28.-1-3.3	5.93
8531	Ulster	Olive	FBO	36.11-1-33	0.69
8526		Shandaken	FBO	5.18-1-4	1.38
8593		Shandaken	FBO	5.18-1-5	1.20
8527		Shandaken	FBO	12.7-1-11	3.68
8600		Shandaken	FBO	12.18-1-9 & 10	1.39
8602		Shandaken	FBO	12.18-1-12	0.34
8599		Shandaken	FBO	12.18-1-35	1.79
8601		Shandaken	FBO	12.18-2-7	0.25
8530		Shandaken	FBO	14.6-2-34	0.85
8607		Shandaken	FBO	14.13-2-18	0.74
8606		Shandaken	FBO	25.1-2-13	0.51
8603		Shandaken	FBO	25.1-2-20	5.21
8594		Shandaken	FBO	25.3-1-4	5.67
8850		Shandaken	FBO	25.10-1-11 & 12	1.92
8595		Shandaken	FBO	25.15-1-48	0.33
8598		Shandaken	FBO	25.15-1-58	0.28
8525		Shandaken	FBO	25.15-1-59	0.56

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.

s9

**FINANCE**

■ PUBLIC HEARINGS

Please take notice a Citywide hearing of the NYC Community Investment Advisory Board will be held on September 9, 2015 at 6:00 P.M. EST. The location of the hearing is at Brooklyn Borough Hall, 2nd Floor Courtroom, 209 Joralemon Street, Brooklyn, NY 11201.

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**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 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, September 22, 2015, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**82-15 35th Avenue - Jackson Heights Historic District**

**150125 - Block 1443 - Lot 33 - Zoning: R7-1**  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Georgian style apartment building, designed by Seelig & Finkelstein, and built in 1937. Application is to legalize construction of a barrier free access ramp and an entrance door, in non-compliance with Certificate of appropriateness 10-1258.

**122 Pierrepont Street - Brooklyn Heights Historic District**

**174061 - Block 243 - Lot 44 - Zoning: R7-1**  
**CERTIFICATE OF APPROPRIATENESS**

An Anglo-Italianate style rowhouse built in 1860. Application is to install a barrier-free access lift.

**129 Pierrepont Street - Brooklyn Heights Historic District**

**174063 - Block 238 - Lot 1 - Zoning: C6-4**  
**CERTIFICATE OF APPROPRIATENESS**

A clubhouse building designed by Frank Freeman and built in 1906. Application is to alter the facades and areaway, replace storefront infill, and install cooling towers at the roof.

**161 State Street - Brooklyn Heights Historic District**

**172220 - Block 270 - Lot 10 - Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style brick house built in 1841. Application is to demolish the existing rear yard addition, and construct a new rear yard addition.

**848 Carroll Street - Park Slope Historic District**

**167980 - Block 1072 - Lot 14 - Zoning: R7B**  
**CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by William B. Greenman and built in 1905. Application is to replace windows and alter the rear façade.

**828 Greene Avenue - Individual Landmark**

**174755 - Block 1620 - Lot 25 - Zoning: R6B**  
**CERTIFICATE OF APPROPRIATENESS**

A Queen Anne/Romanesque Revival style church and church house, designed by Lansing C. Holden and built in 1887-92. Application is to install a ramp and construct an elevator shaft.

**1375 Dean Street - Crown Heights North Historic District**

**158112 - Block 1209 - Lot 62 - Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**

A transitional Greek Revival/Italianate style freestanding house built c. 1855-69. Application is to construct rooftop, side yard, and rear yard additions, alter the front garden and paving, and excavate the rear yard.

**906 Prospect Place - Crown Heights North Historic District II**

**173769 - Block 12 - Lot 17 - Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**

An altered garage designed by James O. Carpenter and built c. 1897. Application is to demolish the existing building and construct a new building.

**211 Fenimore Street - Prospect Lefferts Gardens Historic District**

**174184 - Block 5038 - Lot 76 - Zoning: R2**  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house built in 1906 by Axel Hedman. Application is to alter the façade and reconstruct the garage.

**130 Beekman Street, aka 2227-231 Water Street - South Street Seaport Historic District**

**174913 - Block 97 - Lot 7502 - Zoning: C6-2A**  
**CERTIFICATE OF APPROPRIATENESS**

A complex of three buildings built in 1798, 1801, and 1827. Application is to replace the entry door and install a canopy.

**115 South Street - South Street Seaport Historic District**

**161442 - Block 97 - Lot 2 - Zoning: C6-2A**  
**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style building built in 1840 and altered in the 1880s.

Application is to construct rooftop additions and install a fire escape at the rear façade.

**60 Hudson Street - Interior Landmark**  
**173138** - Block 144 - Lot 40 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A Dutch and German Expressionist/Art Deco style communications building designed by Voorhees, Gmelin and Walker and built 1928-1930. Application is to amend Certificate of Appropriateness 06-5630 governing the future installation of mechanical equipment and louvers, and window replacement.

**6 Varick Street - Tribeca West Historic District**  
**174189** - Block 189 - Lot 7501 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Grec/Queen Anne style warehouse built in 1881-1882 and altered in 1914, 1923, and 1934. Application is to alter storefronts, entry door and windows, install loading platform and ramps, and install a canopy.

**13 Worth Street - Tribeca West Historic District**  
**173951** - Block 179 - Lot 6 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A utilitarian style store and loft building designed by William Field & Son and built in 1873, and altered in 1878-79. Application is to construct a rooftop addition.

**287 Broadway - Individual Landmark**  
**166612** - Block 149 - Lot 29 - **Zoning:** C6-4A  
**CERTIFICATE OF APPROPRIATENESS**

An Italianate and French Second Empire style building designed by John B. Snook and built in 1871-72. Application is to alter the facades, install new storefronts and construct rooftop bulkheads.

**355 West Broadway - SoHo-Cast Iron Historic District**  
**170719** - Block 475 - Lot 9 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

A loft building built c. 1880 and altered in 1958. Application is to construct rooftop and rear yard additions.

**398 West Broadway - SoHo-Cast Iron Historic District Extension**  
**175090** - Block 488 - Lot 23 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

A dwelling built in c. 1829 with later alterations. Application is to install awnings and planter boxes.

**248 Lafayette Street, aka 87 Crosby Street - SoHo-Cast Iron Historic District Extension**  
**158209** - Block 496 - Lot 5 - **Zoning:** M1-5B  
**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style store and loft building designed by C. Abbott French and built in 1900. Application is to install storefront infill and an accessible lift.

**248 Lafayette Street, aka 87 Crosby Street - SoHo-Cast Iron Historic District Extension**  
**175028** - Block 496 - Lot 5 - **Zoning:** M1-5B  
**MODIFICATION OF USE AND BULK**

A Renaissance Revival style store and loft building designed by C. Abbott French and built in 1900. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Special Permit pursuant to Section 74-711 of the Zoning Resolution for a Modification of Use

**58-60 9th Avenue - Gansevoort Market Historic District**  
**169175** - Block 738 - Lot 78 - **Zoning:** C6-2A  
**CERTIFICATE OF APPROPRIATENESS**

A pair of Greek Revival style rowhouses built in 1841-42. Application is to enlarge a rooftop addition, construct bulkheads, raise a parapet, and install lintels.

**32 Dominick Street - Individual Landmark**  
**172190** - Block 578 - Lot 64 - **Zoning:** M1-6  
**CERTIFICATE OF APPROPRIATENESS**

A Federal style rowhouse built c. 1826. Application is to demolish a rear yard addition, construct a rear yard addition and alter a dormer.

**14 Christopher Street, aka 20 Gay Street - Greenwich Village Historic District**  
**168362** - Block 593 - Lot 45 - **Zoning:** R6  
**CERTIFICATE OF APPROPRIATENESS**

A loft building designed by Frederick C. Zobel and built in 1896-97 and later converted to an apartment house. Application is to legalize the replacement of storefront infill, alterations to windows, and installation of awnings, signage and menu box without Landmarks Preservation Commission permit(s).

**44 West 77th Street - Multiple**  
**170663** - Block 1129 - Lot 55 - **Zoning:** R-10A  
**CERTIFICATE OF APPROPRIATENESS**

A neo-Gothic style studio building designed by Harde & Short and built in 1907-09. Application is to replace windows.

**235 West 44th Street - Individual Landmark**

**175584** - Block 1016 - Lot 1 - **Zoning:** C6-5

**CERTIFICATE OF APPROPRIATENESS**

A neo-Classical style theater designed by Herbert J. Krapp and built in 1917-18. Application is to install LED signage.

**275 Madison Avenue - Individual Landmark**  
**172897** - Block 869 - Lot 54 - **Zoning:** C5-3, C5-2.5  
**CERTIFICATE OF APPROPRIATENESS**

An Art Deco style skyscraper designed by Kenneth Franzheim and built in 1930-31. Application is to replace a door.

**40 West 96th Street - Upper West Side/Central Park West Historic District**

**175065** - Block 1209 - Lot 48 - **Zoning:** R9

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse designed by George F. Pelham and built in 1897. Application is to construct a rear yard addition and excavate at the rear yard.

**41 West 76th Street - Central Park West - 76th Street Historic District**  
**164279** - Block 1129 - Lot 9 - **Zoning:** R8B  
**CERTIFICATE OF APPROPRIATENESS**

A Romanesque Revival style rowhouse, designed by G. A. Schillinger, and built in 1891-93. Application is to construct a rooftop addition and modify the rear façade and rear ell.

**706 Madison Avenue - Upper East Side Historic District**

**175110** - Block 1377 - Lot 58 - **Zoning:** C5-1

**CERTIFICATE OF APPROPRIATENESS**

A neo-Federal style building designed by Merwin Shrady and built in 1940, a neo-Federal style bank building designed by Frank Easton Newman and built in 1921, and an empty lot with a brick wall. Application is to replace the sidewalk.

**324-326 West 108th Street - Riverside - West End Historic District Extension II**

**171185** - Block 1892 - Lot 60 - **Zoning:** R8B

**CERTIFICATE OF APPROPRIATENESS**

Two Renaissance Revival style rowhouses designed by Janes & Leo and built in 1898-99. Application is to construct rooftop and rear yard additions and bulkheads, replace windows, doors and ironwork, and alter openings.

**320 West 101st Street - Riverside - West End Historic District Extension II**

**174002** - Block 1889 - Lot 28 - **Zoning:** R8B

**CERTIFICATE OF APPROPRIATENESS**

A Beaux Arts style rowhouse designed by George F. Pelham and built in 1900-01. Application is to construct a rear yard addition and rooftop bulkhead, and modify masonry

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## MAYOR'S OFFICE OF CONTRACT SERVICES

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■ MEETING

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**PUBLIC NOTICE IS HEREBY GIVEN** that the Franchise and Concession Review Committee will hold a public meeting on Wednesday, September 9, 2015 at 2:30 P.M., at 22 Reade Street, Spector Hall, Borough of Manhattan.

NOTE: Individual requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007 (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

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## TRANSPORTATION

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■ PUBLIC HEARINGS

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**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, 9<sup>th</sup> Floor, Room 945 commencing at 2:00 P.M. on Wednesday, September 16, 2015. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9<sup>th</sup> Floor South West, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 18 Gramercy Park Condominium to install, maintain and use four (4) planters on the south sidewalk of Gramercy Park South, between Irving Place and Park Avenue South and five (5) planters on the west

sidewalk of Irving place, between East 19<sup>th</sup> Street and Gramercy Park South, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor 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, 2026 - \$225/per annum.

the maintenance of a security deposit in the sum of \$3,000 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 300 West 23<sup>rd</sup> Street Owners Corp. to continue to maintain and use planters along the south sidewalk of West 23<sup>rd</sup> Street, between Eighth and Ninth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2025 - \$64/per annum

the maintenance of a security deposit in the sum of \$1,000 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 DOLP 1155 Properties II LLC to continue to maintain and use twelve (12) planters on the south sidewalk of West 45<sup>th</sup> Street, west of Avenue of the Americas and on the west sidewalk of Avenue of the Americas between West 44<sup>th</sup> and West 45<sup>th</sup> Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2024 - \$300/annum

the maintenance of a security deposit in the sum of \$1,200 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 Ellivkroy Realty Corporation to continue to maintain and use planters on the south sidewalk of East 86<sup>th</sup> Street, west of York Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2024 - \$50/annum

the maintenance of a security deposit in the sum of \$500 and the insurance shall be 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 Juice Press 10 LLC to install, maintain and use two benches on the north sidewalk of Madison Avenue, between East 92<sup>nd</sup> and East 93<sup>rd</sup> Street and one bench on the east sidewalk of East 92<sup>nd</sup> Street, between Madison Avenue and Fifth 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 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$450/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be 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 Lyceum Theatre Corporation to continue to maintain and use bollards on the north sidewalk of West 45<sup>th</sup> Street, east of Seventh Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2025 - \$150/annum

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

a26-s16

**NOTICE OF A SPECIAL FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING** to be held on Monday, September 28, 2015, commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan relating to: 1) a proposed change in control of Cemusa NY, LLC ("Franchisee"), which, pursuant to an assignment from Cemusa Inc. (immediate parent of Franchisee), holds a non-exclusive franchise giving it the right to (a) install, operate and maintain bus shelters, automatic public toilets, and public service structures and install and maintain newsstands on the inalienable

property of the City and (b) sell and place advertising as set forth in the franchise agreement and to derive revenue therefrom. In this transaction, all of the shares of Corporación Europea de Mobiliario Urbano, S.A. (immediate parent of Cemusa Inc.) in Cemusa Inc. would be transferred to JC Decaux North America, Inc., thereby resulting in a change in control of Franchisee (hereinafter referred to as the "2015 Change in Control"); and 2) proposed amendments to the franchise agreement, in the form of an amended and restated franchise agreement ("franchise agreement"), that will modify various sections including but not limited to: (a) an increase in overseas markets for NYC & COMPANY advertising; (b) the elimination of the City's option to return any or all of its share of advertising panels on the Coordinated Franchise Structures (as defined in the franchise agreement) for cash to be paid by the Franchisee to the City; (c) changes to the total number of bus shelters obligated to be installed by the Franchisee, including but not limited to specific bus shelters on 5<sup>th</sup> Avenue between 34<sup>th</sup> Street and 59<sup>th</sup> Street and the right of the City in certain circumstances to reciprocal shelters; (d) the obligation of the City to compensate Franchisee for depreciation of certain bus shelters in the event that an advertising Public Communications Structure or Public Pay Telephone is installed on 5<sup>th</sup> Avenue between 34<sup>th</sup> Street and 59<sup>th</sup> Street; and (e) clarification of the alternative compensation language that confirms the obligation of the Franchisee to exclude the value added tax ("VAT") from computation of the value owed to the City in alternative compensation.

A copy of the proposed franchise agreement, including an organizational and ownership structure chart ("organization chart") reflecting the proposed 2015 Change in Control will be available for viewing, by appointment, at the Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041, commencing September 14, 2015 through September 28, 2015, between the hours of 10:00 A.M. to 4:00 P.M., excluding Saturdays, Sundays and holidays. The proposed franchise agreement, including the proposed organization chart may also be obtained in hard copy or PDF form at no cost, by email request. Interested parties should contact Helena Morales by email at streetfurniture@dot.nyc.gov or by telephone at (212) 839-6550.

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

The Hearing may be cablecast on NYCMedia channels.

s4-25

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at: <http://www.propertyroom.com/s/dcas>

All auctions are open to the general public, and registration is free.

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

## OFFICE OF CITYWIDE PROCUREMENT

### ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement 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 Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

**POLICE**

■ NOTICE

**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, 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

j2-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](http://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.”

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in

accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

**Participating NYC Agencies**

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**ADMINISTRATION FOR CHILDREN’S SERVICES**

■ INTENT TO AWARD

*Services (other than human services)*

**CHILD CARE TIME AND ATTENDANCE (CCTA) SYSTEM** - Sole Source - Available only from a single source - PIN#06815S0001 - Due 9-18-15 at 10:00 A.M.

In accordance with Section 3-05 of the Procurement Policy Board Rules, ACS intends to enter into negotiations for a sole source procurement with Controltec Inc. for the provision and implementation of Child Care Time and Attendance System (CCTA), which is currently in use by all other New York State counties other than New York City.

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.

Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038. Hazel Harber (212) 676-8811; [hazel.harber@acs.nyc.gov](mailto:hazel.harber@acs.nyc.gov)

s2-9

**CITYWIDE ADMINISTRATIVE SERVICES**

**OFFICE OF CITYWIDE PROCUREMENT**

■ VENDOR LIST

*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)*

**CAR SHARING SERVICES** - Negotiated Acquisition - Other - PIN#85712O0014001N001 - Due 9-10-15 at 10:30 A.M.

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 maintain the uninterrupted supply of goods and services to the City for a contract period of eighteen months.

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. *Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Masha Rudina (212) 386-6373; Fax: (212) 313-3209; mrudina@dcas.nyc.gov*

☛ s9

**COMPTROLLER**

**ASSET MANAGEMENT**

■ AWARD

*Services (other than human services)*

**INVESTMENT CONSULTANT AGREEMENT** - Negotiated Acquisition - Available only from a single source - PIN#0150589202ZE - AMT: \$355,000.00 - TO: Npec LLC, PO BOX 4110, Woburn, MA 01888-4110.

☛ s9

**BUREAU OF ACCOUNTANCY**

■ AWARD

*Goods and Services*

**PRINTING AND RELATED SERVICES FOR CAFR** - Request for Proposals - PIN#0152014CAFR01 - AMT: \$600,000.00 - TO: Command Financial Press Corp., 345 Hudson Street, New York, NY 10014.

☛ s9

**DESIGN AND CONSTRUCTION**

**CONTRACTS**

■ SOLICITATION

*Construction/Construction Services*

**RECONSTRUCTION OF AMBOY RD BTWN HUGUENOT AVE AND KINGDOM AVE-BOROUGH OF STATEN ISLAND** - Competitive Sealed Bids - PIN#85015B0163 - Due 10-6-15 at 11:00 A.M.

PROJECT NO.:HWD104-05/DDC PIN: 8502015HW0037C

Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-Late Bids will not be accepted Experience Requirements

Bid Documents Are Available At: <http://www.nyc.gov/buildnyc>

VENDOR SOURCE# 89055

Companies certified by the New York City Department of Small Business Services as Minority- or Women- Owned Business Enterprises ("M/WBE") are strongly encouraged to submit a bid. This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business

Services, please visit [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified). To find out how to become certified, visit [www.nyc.gov/getcertified](http://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.

*Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Emmanuel Charles (718) 391-3170; Fax: (718) 391-2615; charlesem@ddc.nyc.gov*

☛ s9

**COMPLEX PEDESTRIAN RAMPS ADJACENT TO HISTORIC AND/OR LANDMARK FACILITIES-BOROUGH OF QUEENS**

- Competitive Sealed Bids - PIN#85015B0161 - Due 10-7-15 at 11:00 A.M.

Project No.: HWP14QLM/DDC PIN:8502015HW0031C

Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-Late Bids will not be accepted. Experience Requirements.

Bid documents are available at: <http://www.nyc.gov/buildnyc>

VENDOR SOURCE# 89070

Companies certified by the New York City Department of Small Business Services as Minority- or Women- Owned Business Enterprises ("M/WBE") are strongly encouraged to submit a bid. This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified). To find out how to become certified, visit [www.nyc.gov/getcertified](http://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.

*Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Emmanuel Charles (718) 391-3170; Fax: (718) 391-2615; charlesem@ddc.nyc.gov*

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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.

j2-d31

**HEALTH AND MENTAL HYGIENE**

**AGENCY CHIEF CONTRACTING OFFICER**

■ INTENT TO AWARD

*Goods*

**SIRTURO (BEDAQUILINE) MEDICATION PURCHASE** - Sole Source - Available only from a single source - PIN#16TB010001R0X00 - Due 9-18-15 at 2:00 P.M.

DOHMH intends to enter into a Sole Source agreement with Cardinal Health 108, LLC to supply SIRTURO (bedaquiline) Medication, in accordance with purchases by the DOHMH Bureau of STD and TB Pharmacy, for usage by the DOHMH's Bureau of Tuberculosis Control (BTBC) for the treatment of patients with multi drug-resistant tuberculosis. Jansen Pharmaceuticals, Inc., the sole manufacturer of SIRTURO (Bedaquiline), has authorized Cardinal Health 108, LLC to be a specialty distributor for this medication.

Any vendor that believes it can provide these services are welcome to submit an expression of interest via email to [lake1@health.nyc.gov](mailto:lake1@health.nyc.gov) no later than 9/18/2015 by 2:00 P.M. All questions and concerns regarding this sole source should also be submitted via email.

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, WS-17-116, Long Island City, NY 11101. Dawn Lake (347) 396-6652; Fax: (347) 396-6758; dlake1@health.nyc.gov

s2-9

HOUSING AUTHORITY

SUPPLY MANAGEMENT

SOLICITATION

Goods

SMD (CDBG-DR) SANDY RECOVERY PROGRAM: PROCUREMENT FOR FIRE TUBE BOILERS - Competitive Sealed Bids - PIN#RFQ 62660,2 HS - Due 9-24-15 at 10:30 A.M.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 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; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of request.

This project is expected to be fully or partially funded through the Community Development Block Grant-Disaster Recovery (CDBG-DR) program. The NYCHA Rehabilitation and Resiliency Program is included in the City's CDBG-DR Action Plan, approved by the US Department of Housing and Urban Development (HUD) in May 2013 and subsequently amended.

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. Harvey Shenkman (212) 306-4558; harvey.shenkman@nycha.nyc.gov

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HOUSING PRESERVATION AND DEVELOPMENT

DEMOLITION

SOLICITATION

Construction/Construction Services

DEMOLITION OF 2 BUILDINGS IN THE BRONX - Competitive Sealed Bids - PIN#80615B0007 - Due 10-16-15 at 11:00 A.M.

Bid documents will be available commencing Wednesday, September 9, 2015. Download from The City Record free of charge or obtain paper documents for a Non-Refundable convenience fee of \$25.00 per bid package, payable at time of pick-up. Acceptable forms of payment are money order, teller's check or certified bank check only. Sale hours are Monday through Friday, excluding City Holidays, between 9:00 A.M. and NOON, and between 2:00 P.M. and 4:00 P.M.

A Pre-Bid conference is scheduled for Wednesday, September 16, 2015 at 11:00 A.M. at HPD, 100 Gold Street, 6th Floor, New York, NY 10038. Attendance is not mandatory, but is HIGHLY RECOMMENDED.

MANDATORY SITE MEETINGS are scheduled on Tuesday, September 15, 2015 as follows: 10:30 A.M. at 1088 Brook Avenue, The Bronx; and 12 NOON at 3321 Seymour Avenue, The Bronx. If you intend to bid, you must attend both MANDATORY site meetings.

People with disabilities requiring special accommodations to pick up solicitation documents are advised to call Diane Faulkner at

212-863-7078/7723, so that necessary arrangements can be made.

Contract is subject to all provisions as may be required by Federal, State and Local Statutes, Rules and Regulations.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

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 Preservation and Development, 100 Gold Street, Section 6-M, New York, NY 10038. Brian C. Saunders (212) 863-6590; contracts@hpd.nyc.gov

s9

2 BUILDING DEMOLITION PROJECTS IN BROOKLYN

- Competitive Sealed Bids - Due 11-6-15 at 11:00 A.M. PIN# 80616B0001 - 218 67th Street, Brooklyn PIN# 80616B0002 - 589 Rockaway Avenue, Brooklyn MANDATORY SITE MEETINGS are scheduled on Friday, October 9, 2015 as follows: 9:30 A.M. at 589 Rockaway Avenue; and 1:30 P.M. at 218 67th Street. If you intend to bid on both projects, you must attend both mandatory site meetings.

2 BUILDING DEMOLITION PROJECTS IN QUEENS -

Competitive Sealed Bids - Due 10-13-15 at 11:00 A.M. PIN# 80615B0008 - 3 Buildings in Queens PIN# 80615B0016 - 143-20 185th Street, Queens 2 BUILDING DEMOLITION PROJECTS IN STATEN ISLAND AND QUEENS - Competitive Sealed Bids - Due 10-19-15 at 11:00 A.M. PIN# 80615B0015 - 92-94 Glover Street, Staten Island PIN# 80615B0017 - 108-53 Guy R Brewer Boulevard, Queens

Download bid documents from The City Record free of charge or obtain paper documents for a non-refundable convenience fee of \$25.00 per bid package, payable at time of pick-up. Acceptable forms of payment are money order, teller's check or certified bank check only. Sale hours are Monday through Friday, excluding City Holidays, between 9:00 A.M. and NOON, and between 2:00 P.M. and 4:00 P.M.

A Pre-Bid conference is scheduled for Wednesday, September 16, 2015 at 11:00 A.M. at HPD, 100 Gold Street, 6th Floor, New York, NY 10038. Attendance is not mandatory, but is HIGHLY RECOMMENDED.

People with disabilities requiring special accommodations to pick up solicitation documents are advised to call Diane Faulkner at 212-863-7078/7723, so that necessary arrangements can be made.

Contract is subject to all provisions as may be required by Federal, State and Local Statutes, Rules and Regulations.

These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

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 Preservation and Development, 100 Gold Street, Section 6-M, New York, NY 10038. Brian C. Saunders (212) 863-6590; contracts@hpd.nyc.gov

s9

HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

AWARD

Human Services/Client Services

IMMIGRANT/REFUGEE LEGAL SERVICES FROM THE COMMUNITY SERVICES BLOCK GRANT - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 26011P0053CNVN001 - AMT: \$135,984.00 - TO: Make the Road New York, 301 Grove Street, Brooklyn, NY 11237. Term: 7/1/2015 - 12/31/2015

s9



**PARKS AND RECREATION**

■ **VENDOR LIST**

*Construction / Construction Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendonline/home.asap> or <http://www.nycgovparks.org/opportunities/business>

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Charlette Hamamgian (718) 760-6789; Fax: (718) 760-6781; charlette.hamamgian@parks.nyc.gov*

j2-d31

**CONTRACTS**

■ **SOLICITATION**

*Construction / Construction Services*

**RECONSTRUCTION OF A COMFORT STATION** - Competitive Sealed Bids - PIN#84615B0172 - Due 10-14-15 at 10:30 A.M. Located on Adam Clayton Powell Jr. Boulevard, Opposite West 130th Street in St Nicholas North Playground, Borough of Manhattan, Contract #: M211-110MA2.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement ("PLA") Covering Specified Renovation and Rehabilitation of City Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information.

Pre-Bid Meeting Scheduled for Thursday, September 24th, 2015 at 11:30 A.M. at Adam Clayton Powell Jr. Boulevard and West 130th Street.

● **RECONSTRUCTION OF BASKETBALL COURTS AND TENNIS COURTS** - Competitive Sealed Bids - PIN#84615B0134 - Due 10-8-15 at 10:30 A.M. In Various Parks and Recreation Facilities, Borough of Manhattan, Contract #: MG-614M

These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows Corona Park, Flushing, NY 11368. Michael Shipman (718) 760-6705; michael.shipman@parks.nyc.gov*

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**REVENUE**

■ **SOLICITATION**

*Services (other than human services)*

**OPERATION OF OUTDOOR CAFE IN RIVERSIDE PARK** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#M7179-R - Due 10-22-15 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a Request for Proposals ("RFP") for the operation, renovation, and maintenance of an outdoor café at the Rotunda at 79th Street in Riverside Park, Manhattan.

There will be a recommended site visit on Friday, September 25, 2015 at 11:00 A.M. We will be meeting at the northwest corner of W 79th Street and Riverside Drive in Riverside Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended site visit.

Hard copies of the RFP can be obtained, at no cost. To download the RFP, visit [www.nyc.gov/parks/businessopportunities](http://www.nyc.gov/parks/businessopportunities), click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eitan Adler (212) 360-3454; Fax: (917) 849-6642; eitan.adler@parks.nyc.gov*

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**POLICE**

**CONTRACT ADMINISTRATION**

■ **SOLICITATION**

*Services (other than human services)*

**GUNSHOT DETECTION AND LOCATION SYSTEM** - Negotiated Acquisition - Other - PIN#05615N0007 - Due 9-25-15 at 3:00 P.M.

The New York City Police Department ("NYPD") is seeking to enter into a contract for a Gunshot Detection and Location System ("System"). The proposed System would use specially placed microphones to pinpoint, in seconds, the precise location of gunfire within coverage areas. The overall goal of the System is to reduce indiscriminate gunfire, reduce gunshot-related injuries and deaths, and to increase recovery of ballistic evidence, perpetrator arrests and successful prosecutions associated with illegal gun-related activities. The NYPD has previously entered into a Demonstration Project contract to evaluate the reliability and feasibility of utilizing gunshot detection technology in New York City. This Demonstration Project has been a success, and the NYPD is now proceeding with a new contract to provide for such a System in broader areas of the City for a longer term.

Specifically, the NYPD is looking for a robust gunshot detection system model that uses a network of sensors affixed to rooftops and other high points to detect subsonic and supersonic impulses generated by gun fire within a large outdoor area. The system should use multiple, collaborating sensors that will allow the system to geo-locate the exact

location from which a shot was fired (both latitude/longitude and street address). The system should also have audio analysis software that identifies the gunshots. The selected vendor also needs to be able to provide a team of acoustic experts, stationed at a round-the-clock adjudication center, to listen to the sounds that prompted each alert and to communicate directly with the NYPD in real-time. The NYPD believes that adding human judgment to the process drastically reduces the number of false positives. The Gunshot Detection and Location System must also be able to detect the number of shots fired and the position, speed, and direction of travel if the shooter is moving, and provide a digital record of the shooting for investigative or evidentiary use.

At this point, the NYPD knows of only one vendor that offers a Gunshot Detection and Location System that has all of the features which it is seeking. This vendor is Shotspotter, Inc., located at 7979 Gateway Boulevard, Suite 210, Newark, CA 94560. Thus, the NYPD intends to negotiate with Shotspotter, Inc. and any other vendors that express an interest in this solicitation for the provision of the required Gunshot Detection and Location System for the NYPD.

A contract award will be made by the Negotiated Acquisition source selection method, pursuant to City of New York Procurement Policy Board Rules (PPB Rules) § 3-04(b)(2) because the NYPD has determined that there are a limited number of vendors able to provide the required System. See Section 3-04(b)(2)(ii) of the PPB Rules. Any Vendors that wish to express an interest in this solicitation should contact Deputy Agency Chief Contracting Officer Jordan Glickstein at [jordan.glickstein@nypd.org](mailto:jordan.glickstein@nypd.org) or submit a written request to: Deputy Agency Chief Contracting Officer Jordan Glickstein, NYPD Contract Administration Unit, 90 Church Street, Suite 1206, New York, NY 10007. This procurement will be subject to the City's M/WBE requirements pursuant to Local Law 1 - 2013.

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. Police, 90 Church Street, Suite 1206, New York, NY 10007. Jordan Glickstein (646) 610-5753; Fax: (646) 610-5224; [jordan.glickstein@nypd.org](mailto:jordan.glickstein@nypd.org)

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CONSUMER AFFAIRS

NOTICE

Notice of Proposed Hearing and Opportunity to Comment

What are we proposing?

Proposed rules to clarify Chapter 9 of Title 20 of the Administrative Code of the City of New York (as added by Local Law 53 for the year 2014), also known as the "Mass Transit Benefits Law," establish requirements to implement the Law and meet its goals, and provide guidance to covered employees and employers.

When and where is the Hearing? The Department of Consumer Affairs will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Friday, October 9, 2015. The hearing will be in Department of Consumer Affairs Hearing Room at 66 John Street, 11th Floor, New York, NY.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- Website. You can submit comments to the Department of Consumer Affairs through the NYC rules Web site at http://rules.cityofnewyork.us.
Email. You can email written comments to Rulecomments@dca.nyc.gov.
Mail. You can mail written comments to Mary Cooley, Director of City Legislative Affairs, Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004.
Fax. You can fax written comments to the Department of Consumer Affairs, (646) 500- 5962.
By Speaking at the Hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You

can sign up before the hearing by calling 212-436-0392. You can also sign up in the hearing room before the hearing begins on October 9th. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments may be submitted on or before 5:00 P.M. on October 9, 2015.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-436-0155. You must tell us by October 7, 2015.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the Website at http://rules.cityofnewyork.us/. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available between the hours of 9:00 A.M. and 5:00 P.M. to the public at the office Mary Cooley, Director of City Legislative Affairs, Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004.

What authorizes the Department of Consumer Affairs to make this rule? Section 1043 of the New York City Charter and Section 20-926(d) of Chapter 9 of Title 20 of the Administrative Code of the City of New York authorize the Department of Consumer Affairs to make these proposed rules. These proposed rules were not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department of Consumer Affairs published the agenda.

Where can I find the Department of Consumer Affairs' rules? The Department of Consumer Affairs' rules are in Title 6 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department of Consumer Affairs must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

In October 2014, the City Council passed Local Law 53 of 2014, otherwise known as the Mass Transit Benefits Law, which requires employers with 20 or more full time employees to offer certain pre-tax mass transit benefits to their employees. The law is expected to reduce transportation costs to employees, promote a cleaner environment by increasing the use of mass transit and lower payroll taxes for employers.

The proposed rules clarify provisions in the Mass Transit Benefits Law, establish requirements to implement the law and meet its goals, and provide guidance to employers and employees. Specifically, the rules:

- Set forth the minimum time an employee must have been employed by the company to qualify for transportation benefits;
Require that employees maintain certain documentation demonstrating compliance with the law;
Establish how business size is calculated to determine whether a business is covered under the law; and
Clarifies how the law applies to temporary help firms.

New material is underlined. [Deleted material 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.

Proposed Rule

Section 1. A new Chapter 9 of Title 6 of the Rules of the City of New York is added to read as follows:

CHAPTER 9 MASS TRANSIT BENEFITS

§9-01 Definitions.

As used in this chapter, the following terms have the following meanings:

"Chain business" means any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments is at least twenty.

"Transportation fringe benefits" means the pre-tax payroll deduction, authorized pursuant to 26 U.S.C. § 132(a)(5), that employers are required to offer to full-time employees under the Mass Transit

Benefits Law for the full-time employee to purchase transit passes or similar forms of payment for transportation on public or privately-owned mass transit to commute to or from a workplace or work location in New York City.

“Employee” means an “employee,” “manual worker,” “railroad worker,” “commission salesman” and “clerical or other worker” as set forth in § 190 of the New York State Labor Law.

“Employer” means “employer” as set forth in § 190 of the New York State Labor Law that employs twenty or more full-time employees in New York City.

“Full-time employee” means an “employee,” “manual worker,” “railroad worker,” “commission salesman,” and “clerical or other worker” as set forth in § 190 of the New York State Labor Law who has worked an average of 30 hours or more per week in the most recent four weeks, any portion of which was in New York City for a single employer.

“Mass Transit Benefits Law” means Chapter 9 of Title 20 of the Administrative Code of the City of New York as amended from time to time and in effect.

“Month” has the meaning set forth in § 190(8) of the New York State Labor Law.

“Temporary help firm” means an employer that recruits, hires and supplies employees to perform work or services for another organization to: (i) support or supplement the other organization’s workforce; (ii) provide assistance in special work situations including, but not limited to, employee absences, skill shortages or seasonal workloads; or (iii) perform special assignments or projects.

“Week” has the meaning set forth in § 190(8) of the Labor law.

#### **§9-02 Qualified Transportation Fringe Benefits**

For purposes of the Mass Transit Benefits Law, “qualified transportation fringe benefits” means transportation fringe benefits as defined in §9-01 of this chapter.

#### **§9-03 Full-time Employees and Determination of Size of Employer.**

- (a) For purposes of the Mass Transit Benefits Law, a “full-time employee” means full-time employee as defined in § 9-01 of this Chapter, including the requirement in that definition that an employee must work an average of 30 hours or more per week during a four week period before he or she qualifies as a “full-time employee.”
- (b) An employer’s number of full-time employees is determined by calculating the average number of full-time employees for the most recent consecutive three- month period, provided that for an employer that has operated for less than three months, the number of full-time employees is determined by calculating the average number of full-time employees per week for the period of time in which the employer has been in operation.
- (c) Full-time employees at all of an employer’s or a chain business’s locations in New York City shall be counted in determining the number of full-time employees of the employer.

#### **§9-04 Temporary Help Firms.**

- (a) Where a temporary help firm supplies a full-time employee to another organization, the temporary help firm shall be the employer of the full-time employee for purposes of the Mass Transit Benefits Law and must comply with its provisions, regardless of the size of the other organization.
- (b) To determine the number of hours worked each week by an employee working for a temporary help firm, the employer must aggregate the number of hours worked by the employee in the most recent four weeks at all placements.

#### **§9-05 Employee Eligibility.**

- (a) An employer must provide transportation fringe benefits to full-time employees by January 1, 2016, or four weeks after employment as a full-time employee with employer, whichever is later.
- (b) An employer is not required to provide transportation fringe benefits to a full-time employee who works remotely and does not commute to a physical office or work site in New York City.
- (c) If an employer’s work force is reduced to fewer than 20 full-time employees, the full-time employees using pre-tax earnings to purchase transportation fringe benefits before the work force was reduced must continue to be provided with the opportunity to use pre-tax earnings to purchase transportation fringe benefits for the duration of their employment as a full-time employee.

#### **§9-06 Maximum Deductions.**

Employers must offer full-time employees the maximum amount permitted for pre-tax deductions for transportation fringe benefits as are available under federal law.

#### **§9-07 Recordkeeping Requirements.**

Employers must retain records for two years sufficient to demonstrate that (i) each full-time employee eligible for transportation fringe benefits pursuant to the Mass Transit Benefits Law and this Chapter was offered the opportunity to use pre-tax earnings to purchase transportation fringe benefits to the extent permitted under federal law and (ii) whether the employee accepted or declined the offer. Employers may use the form provided by the Department and available on the Department’s website to document compliance.

#### **§9-08 Employer-Funded Transit Benefits.**

- (a) As an alternative to providing the opportunity to purchase pre-tax transportation fringe benefits, an employer may provide at the employer’s expense a transit pass or similar form of payment for transportation on public or privately-owned mass transit to commute to or from a workplace or work location in New York City.
- (b) If the employer-provided transit pass or similar form of payment is less than the maximum qualified transportation fringe benefit allowed under federal law, then the employer must offer employees the opportunity to make up the difference in pre-tax payroll deductions.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

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

**RULE TITLE:** Mass Transit Benefits Rules

**REFERENCE NUMBER:** 2015 RG 103

**RULEMAKING AGENCY:** Department of Consumer Affairs

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  
Acting Corporation Counsel

Date: September 4, 2015

**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:** Mass Transit Benefits Rules

**REFERENCE NUMBER:** DCA-35

**RULEMAKING AGENCY:** DCA

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  
Mayor’s Office of Operations

September 4, 2015  
Date

**FIRE DEPARTMENT**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Fire Department is proposing to amend Fire Department rule 3 RCNY Section 470201, entitled "National Fire Protection Association Referenced Standards" by adopting modifications to National Fire Protection Association Standard 45, entitled "Standard on Fire Protection for Laboratories Using Chemicals."

**When and where is the hearing?** The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:30 A.M. on Thursday, October 15, 2015. The hearing will be held in the Fire Department Auditorium, located at 9 MetroTech Center, Brooklyn, NY 11201.

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Fire Department through the NYC rules Web site at <http://rules.cityofnewyork.us>, or through the Fire Department's Web site at [www.nyc.gov/fdny](http://www.nyc.gov/fdny) using the "FDNY Rules" link.
- **Mail.** You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3E2, Brooklyn, NY 11201.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by October 15, 2015.

**Do you need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. You must notify us by October 1, 2015.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code, Title 29 of Administrative Code of the City of New York, authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made in accordance with the requirements of Section 1043(b) of the New York City Charter.

**Statement of Basis and Purpose of Proposed Rule**

The New York City Fire Code (FC) incorporates by reference a large number of industry standards, including dozens of standards developed and published by the National Fire Protection Association (NFPA). A list of Referenced Standards is included in FC Chapter 45.

One of the Referenced Standards is NFPA 45, entitled "Fire Protection for Laboratories Using Chemicals." Currently, both the Fire Code and the New York City Building Code reference the 2004 edition of NFPA 45. The NFPA has recently published an updated, 2015 edition of this standard.

The Fire Department proposes to adopt modifications to the Fire Code to incorporate standards, procedures and requirements from the latest (2015) edition of NFPA 45.

The Fire Department proposes these modifications in response to a number of recent fires in school laboratories. The 2015 edition of NFPA 45 addresses a number of concerns associated with those fires. Among the changes proposed to be made by these modifications are the following operational and maintenance requirements:

- Risk assessments for all experiments and demonstrations that use hazardous chemicals;
- Establishment of instructor responsibilities;

- Initial and refresher training on the laboratory's emergency plan for instructors and students;
- Proper use of fire retardant clothing when pyrophoric reagents (chemicals that spontaneously ignite in air) are used outside the inert atmosphere of a glove box (a sealed enclosure);
- Proper handling and dispensing of pyrophoric reagents and water reactive materials;
- Restrictions on the use of Bunsen burners and other open flames;
- Prohibitions on the use of improperly functioning exhaust hoods; and
- Prohibitions on the handling and use of hazardous materials when laboratory exhaust ventilation is improperly functioning.

The proposed Reference Standard modifications relate solely to operational and maintenance provisions of NFPA 45. The Fire Department is not proposing to replace the 2004 edition of NFPA 45 with the 2015 edition at this time because the New York City Building Code continues to reference the 2004 edition with respect to design and installation requirements, and it is important to coordinate the two codes.

For legal and editorial reasons, Referenced Standard modifications do not appear as revised (combined) text (that is, the text of the NFPA standard with Fire Code modifications) but as deletions, additions and other revisions to the original copyrighted text of NFPA 45. However, in order to make it possible for the public to understand the nature and purpose of the proposed Referenced Standard modifications, revised (combined) text is included as part of this Statement of Basis and Purpose. The revised text included in this Statement of Basis and Purpose is solely for informational purposes in connection with this rulemaking and is not intended for, nor does it authorize, any commercial use.

The actual text of the proposed Referenced Standard modifications immediately follows. An addendum to this Statement of Basis and Purpose includes the text of the NFPA standard with Fire Code amendments.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, [www.nyc.gov/html/fdny/html/firecode/index.shtml#p6](http://www.nyc.gov/html/fdny/html/firecode/index.shtml#p6).

New material is underlined. Deleted material 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.

Section 1. Subdivision (b) of §4702-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

- (b) Referenced Standard Modifications. [Reserved] FC B01.1 is amended to read as follows:

**B01.1. National Fire Protection Association standards. The provisions of the following National Fire Protection Association (NFPA) standards shall be modified as follows:**

**NFPA 45-2004. The provisions of NFPA 45-2004, Standard on Fire Protection for Laboratories Using Chemicals, are modified as follows:**

1. In Section 1.1.1, add "in this standard," after "defined". Add a new sentence to the end of the section, to read "This standard shall additionally apply to any non-production laboratory as defined in FC2702.1."
2. In Section 1.1.2(1)(b), delete "NFPA 54, National Fuel Gas Code" and replace with "the Fuel Gas Code". Add an exception to the end of Section 1.1.2(1), to read "This exception shall not apply to educational laboratory units and instructional laboratory units."
3. Add a new Section, 1.1.4, to read "1.1.4 The provisions of this standard are adopted only with respect to operational and maintenance requirements. Pursuant to FC102.2, operational and maintenance provisions are applicable to new and existing facilities."
4. Delete Section 1.4 in its entirety.
5. Delete Section 1.5 in its entirety.
6. In Section 2.2:
  - 6.1. Delete "2002 edition" of NFPA 10 and replace with "2007 edition".
  - 6.2. Delete "2002 edition" of NFPA 11 and replace with "2005 edition, as modified by Appendix B of the Fire Code".
  - 6.3. Delete "NFPA 11A, Standard for Medium- and High-Expansion Foam Systems, 1999 edition."

- 6.4. Delete "2000 edition" of NFPA 12 and replace with "2008 edition, as modified by Appendix B of the Fire Code".
- 6.5. Delete "2002 edition" of NFPA 13 and replace with "2007 edition, as modified by Appendix B of the Fire Code".
- 6.6. Delete "2002 edition" of NFPA 17 and replace with "2002 edition, as modified by Appendix B of the Fire Code".
- 6.7. Delete "2002 edition" of NFPA 17A and replace with "2002 edition, as modified by Appendix B of the Fire Code".
- 6.8. Delete "2002 edition" of NFPA 25 and replace with "2011 edition".
- 6.9. Delete "2003 edition" of NFPA 30 and replace with "2008 edition".
- 6.10. Delete "2003 edition" of NFPA 33 and replace with "2007 edition".
- 6.11. Delete "NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites, 2001 edition."
- 6.12. Delete "NFPA 50A, Standard for Gaseous Hydrogen Systems at Consumer Sites, 1999 edition."
- 6.13. Delete "NFPA 50B, Standard for Liquefied Hydrogen Systems at Consumer Sites, 1999 edition."
- 6.14. Delete "2002 edition" of NFPA 51 and replace with "2007 edition".
- 6.15. Delete "NFPA 54, National Fuel Gas Code, 2002 edition" and replace with "The Fuel Gas Code".
- 6.16. Delete "2003 edition" of NFPA 55 and replace with "2010 edition".
- 6.17. Delete "2004 edition" of NFPA 58 and replace with "2008 edition".
- 6.18. Delete "2002 edition" of NFPA 69 and replace with "2008 edition".
- 6.19. Delete "NFPA 70, National Electrical Code, 2005 edition."
- 6.20. Delete "2002 edition" of NFPA 72 and replace with "2010 edition, as modified by Appendix B of the Fire Code".
- 6.21. Delete "1999 edition" of NFPA 80 and replace with "2007 edition".
- 6.22. Delete "2003 edition" of NFPA 86 and replace with "2007 edition".
- 6.23. Delete "2002 edition" of NFPA 99 and replace with "2005 edition".
- 6.24. Delete "2001 edition" of NFPA 495 and replace with "2006 edition".
- 6.25. Delete "2001 edition" of NFPA 704 and replace with "2007 edition".
- 6.26. Delete "2003 edition" of NFPA 750 and replace with "2006 edition, as modified by Appendix B of the Fire Code".
- 6.27. Delete "NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose, 2003 edition."
- 6.28. Delete "2004 edition" of NFPA 2001 and replace with "2008 edition, as modified by Appendix B of the Fire Code".
- 6.29. Add "NFPA 2112, Standard on Flame-Resistant Garments for Protection of Industrial Personnel Against Flash Fire, 2012 edition."
7. In Section 2.3.3, delete "ASME Boiler and Pressure Vessel Code, Section VIII, 2004" and replace with "ASME Boiler and Pressure Vessel Code, Section I, II, IV, V, VI and VIII, 2010".
8. Delete Section 3.2.7 and replace with Section 3.2.7 of NFPA 45-2015.
9. In Section 3.3.14, add "for students" after the word "purposes" and delete "by six or more persons for four or more hours per day or more than 12 hours per week".
10. Add a new section, 3.3.24.1, by inserting Section 3.3.24 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 3.3.24.1.
11. Delete Section 3.3.31 and replace with Section 3.3.31 of NFPA 45-2015, except delete "under the direct supervision of an instructor" and add a sentence to the end, to read "Laboratory units used for graduate or postgraduate research are not considered to be instructional laboratory units."
12. Add a new section, 3.3.31.1, by inserting the text of Section 3.3.32 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 3.3.31.1.
13. Delete Section 3.3.36 and replace with "3.3.36 Laboratory Unit. An enclosed space of a minimum one-hour fire-rated construction, designed or used as a non-production laboratory. Laboratory units may include one or more separate laboratory work areas, and accessory storage rooms or spaces within or contiguous with the laboratory unit, such as offices and lavatories."
14. Add a new section, 3.3.51.1, by inserting the text of Section 3.3.53 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 3.3.51.1.
15. In Section 3.3.57, delete "Section 6.3 of NFPA 30, Flammable and Combustible Liquids Code" and replace with "FC3404.3.2".
16. Delete Section 4.3.1 and replace with Section 1.1.4 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 4.3.1, except:
  - 16.1 In Section 1.1.4, insert "listed below" after the word "concentrations", and delete ", the following" from the second sentence.
  - 16.2 Insert a semicolon to the end of Sections 1.1.4(1), 1.1.4(2) and 1.1.4(3).
  - 16.3 In Section 1.1.4(4), insert "; and" after "peroxides".
  - 16.4 Insert a period to the end of Section 1.1.4(5).
  - 16.5 Delete the sentence after Section 1.1.4(5).
17. In Section 5.6, delete "NFPA 70, National Electrical Code" and replace with "the Electrical Code".
18. In Section 5.6.2, delete "Article 500 of NFPA 70, National Electrical Code" and replace with "the Electrical Code".
19. Delete Section 6.6.3.1 and replace with Section 6.5.3.1 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 6.6.3.1, except:
  - 19.1. In the section title, delete "Provisions Within the Emergency Action Plan" and replace with "Emergency Plan".
  - 19.2. Delete the first sentence and replace with "The owner of a chemical laboratory shall cause plans for laboratory emergencies to be prepared."
  - 19.3. In the second sentence, delete "action" between the words "emergency" and "plan".
  - 19.4. In Section 6.5.3.1(1), insert a semicolon after "alarm".
  - 19.5. In Section 6.5.3.1(2), delete "fire department, governmental agencies, or other emergency responders or contacts, as required" and replace with "Fire Department and other emergency response agencies;".
  - 19.6. In Section 6.5.3.1(3), before "as applicable" insert "including primary and secondary evacuation routes," and insert a semicolon to the end of the section.
  - 19.7. In Sections 6.5.3.1(4) and 6.5.3.1(7), insert a semicolon to the end of the section.
  - 19.8. In Section 6.5.3.1(5), insert "regular emergency" between the words "conducting" and "drills", and insert a semicolon to the end of the section.
  - 19.9. In Section 6.5.3.1(6), delete "shutdown" and replace with "shut down", and insert a semicolon to the end of the section.
  - 19.10. Delete Section 6.5.3.1(8).
  - 19.11. Renumber Section 6.5.3.1(9) as 6.5.3.1(8), and insert a semicolon to the end of the section.
  - 19.12. Renumber Section 6.5.3.1(10) as 6.5.3.1(9), and insert "; and" to the end of the section.
  - 19.13. Renumber Section 6.5.3.1(11) as 6.5.3.1(10), and delete "to be taken", and insert a period to the end of the section.
20. Add a new section, 6.6.3.3, by inserting the text of Section 6.5.3.3 of NFPA 45-2015, which is renumbered for purposes

- of the Fire Code Referenced Standard as 6.6.3.3, except move "on the emergency plan" from the end of the sentence to between the words "trained" and "prior", and add a sentence to the end, to read "Records for such training shall be maintained in accordance with FC107.7."
21. Add new sections, 6.7 through 6.7.4, by inserting the text of Sections 6.6, and 6.6.2 through 6.6.5 of NFPA 45-2015. For purposes of the Fire Code Referenced Standard, Section 6.6 is renumbered as 6.7, and Sections 6.6.2, 6.6.3, 6.6.4 and 6.6.5 are renumbered as 6.7.1, 6.7.2, 6.7.3 and 6.7.4 respectively, except:
    - 21.1. In Section 6.6.2, delete "where" and replace with "by any person that uses", and delete "are used".
    - 21.2. In Section 6.6.3, insert a comma after the word "worn", insert ", by any person that uses" after the word "possible", and delete "are used".
    - 21.3. In Section 6.6.4, delete "Natural-fiber" and replace with "Any person that uses pyrophoric reagents outside the inert atmosphere of a glovebox shall wear natural-fiber", delete "shall be worn", insert "their" after the word "under", delete "the" after the word "on" and replace with "their", and delete "where pyrophoric reagents are used outside the inert atmosphere of a glovebox" after the word "feet".
  22. Add a new section, 7.1.3, by inserting the text of Section 7.2.2.1 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 7.1.3, except in the first sentence of such section, insert "involving the handling and use of hazardous materials" after the word "operations", and in the second sentence of such section, delete "in a safe condition" and replace with "safely", delete "during the time that" and replace with "until", and delete the word "exists" and replace with "is corrected".
  23. Delete Section 8.13.2 and replace with "All activities inside the hood shall be suspended immediately following the discovery of deficiencies that cause the hood to perform outside of limits established by regulatory authority requirements and/or nationally recognized industry standards".
  24. Delete Section 9.2.3.4 and replace with Sections 8.2.4.4 and 13.4.2 of NFPA 45-2015, which are combined into a single section and renumbered for purposes of the Fire Code Referenced Standard as 9.2.3.4, except:
    - 24.1. In Section 8.2.4.4, delete the words "might", "(i.e., time sensitive)", and ", and properly managed".
    - 24.2. In the first sentence of Section 13.4.2, insert "in unopened containers" after the word "storage", insert "also" between the words "shall" and "be", and delete "upon receipt and when first opened to facilitate hazard control" and replace with "when received into the laboratory chemical inventory".
    - 24.3. In the second sentence of Section 13.4.2, replace "Materials" with "Such materials", insert "managed and" before the word "disposed", insert a comma after the word "date", and delete "(SDSs)(see 8.2.4.4 and A.8.2.4.4)".
  25. Delete Section 9.2.3.4.1 and replace with Section 8.2.4.4.1 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 9.2.3.4.1, except:
    - 25.1. In Section 8.2.4.4.1 and (1), delete "shall consist of the following elements" and replace with the word "includes", insert "-" between the words "time" and "sensitive", and after the word "sensitive" insert "(materials that become hazardous during prolonged storage);".
    - 25.2. In Section 8.2.4.4.1(2), insert a semi-colon after the word "frequency".
    - 25.3. In Section 8.2.4.4.1(3), insert "; and" after the word "material".
    - 25.4. In Section 8.2.4.4.1(\$), insert a period after the word "results".
  26. Add a new section, 9.2.3.7, by inserting the text of Section 8.2.4.7 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 9.2.3.7, except delete "shall be" and replace with "is", and add a new sentence to the end, to read "This prohibition does not apply to the storage of chemicals used in a long term experiment or research, chemicals for which special ventilation requirements are recommended based on the unusually hazardous nature of the chemicals, and any other chemical storage approved by the Fire Department."
  27. Delete Sections 9.3, 9.4 and 9.5 in their entirety.
  28. Add a new section, 9.3, to read "9.3 Chemicals." and two new sections, 9.3.1 and 9.3.2, by inserting the text of Sections 8.2.3.6 and 8.2.3.7 of NFPA 45-2015, which are renumbered for purposes of the Fire Code Referenced Standard as 9.3.1 and 9.3.2 respectively, except in Section 8.2.3.7, delete "(SDS)".
  29. Add new sections, 9.4 through 9.4.5, by inserting the text of Sections 8.3, 8.3.2, 8.3.3, 8.3.5, 8.3.4 and 8.3.6 of NFPA 45-2015, which are renumbered for purposes of the Fire Code Referenced Standard as 9.4, 9.4.1, 9.4.2, 9.4.3, 9.4.4 and 9.4.5 respectively, except:
    - 29.1. In Section 8.3.3, replace "with the hazards of the waste chemicals" with "in accordance with the regulations of the New York State Department of Environmental Conservation".
    - 29.2. In Section 8.3.5, replace "Waste" with "Flammable and combustible liquid waste", replace "type" with "types", and replace "9.1.2" with "10.1.4".
    - 29.3. In Section 8.3.4, replace "not exceed 20 l (5 gal)" with "that are not required to comply with the requirements of Section 9.4.3 shall be subject to the maximum container sizes and types in accordance with Class II combustible liquids set forth in Table 10.1.4".
    - 29.4. In Section 8.3.6, replace "subject to" with "included in".
  30. In Section 10.5.1, replace "NFPA 30, Flammable and Combustible Liquids Code" with "FC3404.3.2".
  31. Add new sections, 12.1.7 through 12.1.7.11, by inserting the text of Sections 11.2.6 through 11.2.6.11 of NFPA 45-2015, which are renumbered for purposes of the Fire Code Referenced Standard as 12.1.7 through 12.1.7.11 respectively, except in Section 11.2.6.3, replace "6.6" with "6.7".
  32. Add new sections, 12.1.8 and 12.1.8.1, by inserting the text of Sections 11.2.7 and 11.2.7.1 of NFPA 45-2015, which are renumbered for purposes of the Fire Code Referenced Standard as 12.1.8 and 12.1.8.1 respectively, except:
    - 32.1. In the second sentence of Section 11.2.7.1(2), replace "Tubing" with "Hose/tubing", replace "clamped" with "gas-tight", and add a sentence at the end, to read "Prior to each use, all connections shall be verified for tightness".
    - 32.2. Add a new Section 11.2.7.1(5), to read "(5) Combustible materials shall be kept at least 0.610 m (2 ft) away from the open flame."
  33. Add a new section, 12.1.8.2, by inserting the text of Section 11.2.7.2 of NFPA 45-2015, which is renumbered for purposes of the Fire Code Referenced Standard as 12.1.8.2, except:
    - 33.1. In Section 11.2.7.2, replace "11.2.7.1" with "12.1.8.1".
    - 33.2. In Section 11.2.7.2(1), insert "(0.1 pt)" after "50 ml".
  34. In Section 12.2.1.1, delete ", including NFPA 70, National Electrical Code" and replace with "and the Electrical Code".
  35. In Section 12.2.2.2, delete "Article 501 of NFPA 70, National Electrical Code" and replace with "the Electrical Code".
  36. In Section 12.2.2.2.1(1), delete "Article 501 of NFPA 70, National Electrical Code" and replace with "the Electrical Code".
  37. In Section 12.2.2.3, delete "Article 501 of NFPA 70, National Electrical Code" and replace with "the Electrical Code".
  38. Add a new chapter, 14, by inserting the text of Chapter 12 of NFPA 45-2015, except:
    - 38.1. Chapter 12 is renumbered as 14.
    - 38.2. Section 12.1 is renumbered as 14.1, except delete "new and existing".
    - 38.3. Add a new section, 14.2, to read "**14.2 Supervision.** Educational laboratory units and instructional laboratory units shall be under the direct supervision of an instructor while the laboratory is in operation."
    - 38.4. Add a new section, 14.3, to read "**14.3 Hazard Risk Assessment.** Prior to instructors performing demonstrations or students conducting experiments using hazardous chemicals, a documented hazard risk assessment shall be performed. A hazard risk assessment is a written document prepared by a qualified person, and shall include all of the following:

- (1) An evaluation of the hazards of the demonstration or experiment;
- (2) Appropriate personal protective equipment required;
- (3) Safe work procedures;
- (4) Emergency procedures; and
- (5) Waste disposal procedures.”
- 38.5. Section 12.2 is renumbered as 14.4 and in such section, replace “Where” with “Whenever”, and replace “required to perform a documented hazard risk assessment, provide a safety briefing to students, provide adequate personal protective equipment (PPE), and place a safety barrier (as required)” with “fully familiar with the hazard risk assessment, provide a safety briefing to students, ensure that adequate personal protective equipment has been provided and is being properly used, and ensure that safety barriers, when required by 14.5.2.1.3, are in place”.
- 38.6. Section 12.2.1 is renumbered as 14.4.1, except replace “PPE” with “personal protective equipment”.
- 38.7. Section 12.3 is renumbered as 14.5.
- 38.8. Section 12.3.1 is renumbered as 14.5.1 and in the first sentence of such section, replace “labs” with “laboratories”, in the second sentence of such section, replace “lab classroom” with “laboratory” and replace “one day’s use, preapportioned to the amount needed for each class session” with “daily use in the laboratory”, and in the last sentence of such section, replace “amount of chemical that is not in use during an individual class session” with “chemicals stored in an educational laboratory” and add at the end “, except for the amounts actually in use during an individual class session”.
- 38.9. Section 12.3.1.1 is renumbered as 14.5.1.1, except replace “9.1.1” with “10.1.1” and replace “fire or building codes” with “the Fire Code and the Building Code”.
- 38.10. Section 12.3.1.2 is renumbered as 14.5.1.2.
- 38.11. Section 12.3.1.3 is renumbered as 14.5.1.3.
- 38.12. Section 12.3.1.4 is renumbered as 14.5.1.4.
- 38.13. Section 12.3.1.5 is renumbered as 14.5.1.5, except replace “only when” with “while”.
- 38.14. Section 12.3.2 is renumbered as 14.5.2.
- 38.15. Section 12.3.2.1 is renumbered as 14.5.2.1, except replace “12.3.2.1.1”, “12.3.2.1.2”, “12.3.2.1.3” and “12.3.2.1.4” with “14.5.2.1.1”, “14.5.2.1.2”, “14.5.2.1.3” and “14.5.2.1.4” respectively.
- 38.16. Section 12.3.2.1.1 is renumbered as 14.5.2.1.1, except delete “primary”.
- 38.17. Section 12.3.2.1.2 is renumbered as 14.5.2.1.2, except delete “being evolved” at the end of the first sentence, and delete the last sentence.
- 38.18. Section 12.3.2.1.3 is renumbered as 14.5.2.1.3, except replace “12.3.2.1.4” with “14.5.2.1.4”.
- 38.19. Section 12.3.2.1.4 is renumbered as 14.5.2.1.4.
- 38.20. Section 12.3.2.2 is renumbered as 14.5.2.2.
- 38.21. Section 12.3.2.3 is renumbered as 14.5.2.3, except replace “In educational and instructional laboratories where experiments are conducted by students, the” with “The”, replace “be responsible for conducting” with “conduct”, and insert “conducted by students” between the words “experiment” and “to”.

#### **Addendum to Statement of Basis and Purpose of Proposed Rule**

If adopted, the above Referenced Standards modifications would modify the text of NFPA 45 as follows (added text underlined; deleted text shown with strikethrough and in brackets):

- Section 1.1.1, as revised by the proposed modification, would read as follows:
 

**1.1.1** This standard shall apply to laboratory buildings, laboratory units, and laboratory work areas whether located above or below grade in which chemicals, as defined in this standard, are handled or stored. This standard shall additionally apply to any non-production laboratory as defined in FC2702.1.
- Section 1.1.2, as revised by the proposed modification, would read

as follows:

**1.1.2** This standard shall not apply to the following:

- If conditions (a) and (b) exist, this standard shall not apply:
  - Laboratory units that contain less than or equal to 4 L (1 gal) of flammable or combustible liquid
  - Laboratory units that contain less than 2.2 standard m<sup>3</sup> (75 scf) of flammable gas, not including piped-in low-pressure utility gas installed in accordance with ~~{NFPA 54, National Fuel Gas Code}~~ the Fuel Gas Code

This exception shall not apply to educational laboratory units and instructional laboratory units.

- Section 1.4, which reads as follows, is proposed to be deleted:

**1.4 Retroactivity.** ~~The provisions of this standard reflect a consensus of what is necessary to provide an acceptable degree of protection from the hazards addressed in this standard at the time the standard was issued.~~

**1.4.1** ~~Unless otherwise specified, the provisions of this standard shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of the standard. Where specified, the provisions of this standard shall be retroactive.~~

**1.4.2** ~~In those cases where the authority having jurisdiction determines that the existing situation presents an unacceptable degree of risk, the authority having jurisdiction shall be permitted to apply retroactively any portions of this standard deemed appropriate.~~

**1.4.3** ~~The retroactive requirements of this standard shall be permitted to be modified if their application clearly would be impractical in the judgment of the authority having jurisdiction, and only where it is clearly evident that a reasonable degree of safety is provided.~~

- Section 1.5, which reads as follows, is proposed to be deleted:

**1.5 Equivalency.** ~~Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this standard.~~

**1.5.1** ~~Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency.~~

**1.5.2** ~~The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction.~~

- Section 2.2, as revised by the proposed modification, would read as follows:

**2.2 NFPA Publications.** National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471.

NFPA 10, Standard for Portable Fire Extinguishers, ~~{2002 edition}~~ 2007 edition.

NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam, ~~{2002 edition}~~ 2005 edition, as modified by Appendix B of the Fire Code.

~~{NFPA 11A, Standard for Medium- and High-Expansion Foam Systems, 1999 edition.}~~

NFPA 12, Standard on Carbon Dioxide Extinguishing Systems, ~~{2000 edition}~~ 2008 edition, as modified by Appendix B of the Fire Code.

NFPA13, Standard for the Installation of Sprinkler Systems, ~~{2002 edition}~~ 2007 edition, as modified by Appendix B of the Fire Code.

NFPA 17, Standard for Dry Chemical Extinguishing Systems, ~~{2002 edition}~~ 2002 edition, as modified by Appendix B of the Fire Code.

NFPA 17A, Standard for Wet Chemical Extinguishing Systems, ~~{2002 edition}~~ 2002 edition, as modified by Appendix B of the Fire Code.

NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, ~~{2002 edition}~~ 2011 edition.

NFPA 30, Flammable and Combustible Liquids Code, ~~{2003 edition}~~ 2008 edition.

NFPA 33, Standard for Spray Application Using Flammable or Combustible Materials, ~~{2003 edition}~~ 2007 edition.

~~{NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites, 2001 edition.}~~

~~{NFPA 50A, Standard for Gaseous Hydrogen Systems at~~

Consumer Sites, 1999 edition.]

[NFPA 50B, Standard for Liquefied Hydrogen Systems at Consumer Sites, 1999 edition.]

NFPA 51, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes, [2002 edition] 2007 edition.

[NFPA 54, National Fuel Gas Code, 2002 edition] The Fuel Gas Code.

NFPA 55, Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, [2003 edition] 2010 edition.

NFPA 58, Liquefied Petroleum Gas Code, [2004 edition] 2008 edition.

NFPA 69, Standard on Explosion Prevention Systems, [2002 edition] 2008 edition.

[NFPA 70, National Electrical Code, 2005 edition.]

NFPA 72, National Fire Alarm Code, [2002 edition] 2010 edition, as modified by Appendix B of the Fire Code.

NFPA 80, Standard for Fire Doors and Fire Windows, [1999 edition] 2007 edition.

NFPA 86, Standard for Ovens and Furnaces, [2003 edition] 2007 edition.

NFPA 99, Standard for Health Care Facilities, [2002 edition] 2005 edition.

NFPA 495, Explosive Materials Code, [2001 edition] 2006 edition.

NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response, [2001 edition] 2007 edition.

NFPA 750, Standard on Water Mist Fire Protection Systems, [2003 edition] 2006 edition, as modified by Appendix B of the Fire Code.

[NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose, 2003 edition.]

NFPA 2001, Standard on Clean Agent Fire Extinguishing Systems, [2004 edition] 2008 edition, as modified by Appendix B of the Fire Code.

NFPA 2112, Standard on Flame-Resistant Garments for Protection of Industrial Personnel Against Flash Fire, 2012 edition.

7. Section 2.3.3, as revised by the proposed modification, would read as follows:

**2.3.3 ASME Publication.** American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.

[ASME Boiler and Pressure Vessel Code, Section VIII, 2004] ASME Boiler and Pressure Vessel Code, Section I, II, IV, V, VI and VIII, 2010.

8. Section 3.2.7, as revised by the proposed modification, would read as follows:

**[3.2.7 Standard.** A document, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or for adoption into law. Nonmandatory provisions shall be located in an appendix or annex, footnote, or fine-print note and are not to be considered a part of the requirements of a standard.]

**3.2.7 Standard.** An NFPA Standard, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and that is in a form generally suitable for mandatory reference by another standard or code or for adoption into law. Nonmandatory provisions are not to be considered a part of the requirements of a standard and shall be located in an appendix, annex, footnote, informational note, or other means as permitted in the NFPA Manuals of Style. When used in a generic sense, such as in the phrase "standards development process" or "standards development activities," the term "standards" includes all NFPA Standards, including Codes, Standards, Recommended Practices, and Guides.

9. Section 3.3.14, as revised by the proposed modification, would read as follows:

**3.3.14 Educational Laboratory Unit.** A laboratory unit that is used for educational purposes for students through the twelfth grade [by six or more persons for four or more hours per day or more than 12 hours per week].

10. Section 3.3.24.1, which incorporates the provisions of Section

3.3.24 of the 2015 edition of NFPA 45, would read as follows:

**3.3.24.1 Glove Box.** A sealed enclosure in which items inside the box are handled exclusively using long gloves sealed to ports in the walls of the enclosure.

11. Section 3.3.31, as revised by the proposed modification, would read as follows:

**[3.3.31 Instructional Laboratory Unit.** A laboratory unit used for education past the 12th grade and before post-college graduate level instruction for the purposes of instruction of six or more persons for four or more hours per day or more than 12 hours per week. Experiments and tests conducted in instructional laboratory units are under the direct supervision of an instructor. Laboratory units used for graduate or post-graduate research are not considered instructional laboratory units.]

**3.3.31 Instructional Laboratory Unit.** A laboratory unit that is used for purposes of instruction for students beyond the twelfth grade. Laboratory units used for graduate or postgraduate research are not considered to be instructional laboratory units.

12. Section 3.3.31.1, as revised by the proposed modification, would read as follows:

**3.3.31.1 Instructor.** A person whose job includes teaching or instructing students in educational or instructional laboratories. This can include science teachers, professors, assistant professors, associate professors, lecturers, substitute teachers, and teaching assistants.

14. Section 3.3.51.1, as revised by the proposed modification, would read as follows:

**3.3.51.1 Pyrophoric Reagent.** A solid or liquid substance that ignites at 54°C (130°F) or below on exposure to water vapor in air-producing flammable gas and heat.

15. Section 3.3.57, as revised by the proposed modification, would read as follows:

**3.3.57 Storage Cabinet.** A cabinet for the storage of flammable and combustible liquids constructed in accordance with [Section 6.3 of NFPA 30, Flammable and Combustible Liquids Code] FC3404.3.2.

16. Section 1.1.4, as revised by the proposed modification, would read as follows:

**4.3.1** A laboratory work area contains an explosion hazard if an explosion of certain quantities or concentrations listed below of reactive materials could result in serious or fatal injuries to personnel within that laboratory work area. Such quantities or concentrations include, but are not limited to:

- (1) Storage of more than 0.45 kg (1 lb) of materials with an instability hazard rating of 4 (see B.2.5);
- (2) Use or formation of more than 0.11 kg (0.25 lb) of materials with an instability hazard rating of 4 (see B.2.5);
- (3) Presence of highly exothermic reactions in glass or open reaction vessels involving more than 10 g (0.35 oz) of materials such as polymerizations, oxidations, nitrations, peroxidations, hydrogenations, or organo-metallic reactions;
- (4) Use or formation in glass or open reaction vessels involving more than 10 g (0.35 oz) of materials whose chemical structures indicate a potential hazard, but whose properties have not been established, such as salts of alkenes, triple bonds, epoxy radicals, nitro and nitroso compounds, and peroxides; and
- (5) Other explosion hazards as determined by a qualified person.

[In this case NFPA 45 supplemented by appropriate shielding, handling, and similar protective measures does apply.]

17. Section 5.6, as revised by the proposed modification, would read as follows:

**5.6 Electrical Installation.** All electrical installations, including wiring and appurtenances, apparatus, lighting, signal systems, alarm systems, remote control systems, or parts thereof, shall comply with [NFPA 70, National Electrical Code] the Electrical Code.

18. Section 5.6.2, as revised by the proposed modification, would read as follows:

**5.6.2** Laboratory work areas, laboratory units, and chemical fume hood interiors shall be considered as unclassified electrically with respect to [Article 500 of NFPA 70, National Electrical Code] the Electrical Code.

Exception: Under some conditions of hazard, it could be necessary to classify a laboratory work area, or a part thereof, as a hazardous location, for the purpose of designating the



- electrical installations. See 10.5.5 (electric motors) and 12.2.2.2 (refrigerators).
19. Section 6.6.3.1, as revised by the proposed modification, would read as follows:
- 6.6.3.1 Emergency Plan.** The owner of a chemical laboratory shall cause plans for laboratory emergencies to be prepared. The emergency plan shall include the following procedures in the event of a chemical emergency, fire, or explosion:
- (1) Procedures for sounding the alarm;
  - (2) Procedures for notifying and coordinating with the Fire Department and other emergency response agencies;
  - (3) Procedures for evacuating and accounting for personnel, including primary and secondary evacuation routes, as applicable;
  - (4) Procedures for establishing requirements for rescue and medical duties for those requiring or performing these duties;
  - (5) Procedures and schedules for conducting regular emergency drills;
  - (6) Procedures for shutting down and isolating equipment under emergency conditions to include the assignment of personnel responsible for maintaining critical functions or for shut down of process operations;
  - (7) Appointment and training of personnel to carry out assigned duties, including steps to be taken at the time of initial assignment, as responsibilities or response actions change, and at the time anticipated duties change;
  - (8) Aisles designated as necessary for movement of personnel and emergency response;
  - (9) Maintenance of fire protection equipment; and
  - (10) Safe procedures for startup following the abatement of an emergency.
20. Section 6.6.3.3, as revised by the proposed modification, would read as follows:
- 6.6.3.3** All laboratory users, including, but not limited to, instructors and students, shall be trained on the emergency plan prior to laboratory use and at least annually thereafter. Records for such training shall be maintained in accordance with FC107.7.
21. Section 6.7, as revised by the proposed modification, would read as follows:
- 6.7 Fire Retardant Clothing.**
- 6.7.1** Fire-retardant lab coats shall be worn by any person that uses pyrophoric reagents outside the inert atmosphere of a glovebox.
- 6.7.2** Fire-retardant gloves shall be worn, whenever possible, by any person that uses pyrophoric reagents outside the inert atmosphere of a glovebox.
- 6.7.3** Any person that uses pyrophoric reagents outside the inert atmosphere of a glovebox shall wear natural-fiber clothing under their fire-retardant lab coats and on their legs and feet.
- 6.7.4** Fire-retardant clothing shall meet the requirements of NFPA 2112.
22. Section 7.1.3, as revised by the proposed modification, would read as follows:
- 7.1.3** If laboratory exhaust ventilation is out of service or inoperable, all laboratory operations involving the handling and use of hazardous materials shall be suspended until the deficiency is corrected. All hazardous materials shall be secured safely or removed from the laboratory until the deficiency is corrected.
24. Section 9.2.3.4, as revised by the proposed modification, would read as follows:
- 9.2.3.4** Containers of materials that become hazardous during prolonged storage shall be dated when first opened. Containers of materials that become hazardous during prolonged storage in unopened containers shall also be dated when received into the laboratory chemical inventory. Such materials shall be properly managed and disposed of according to the expiration date, and recommendations on the label and safety data sheets.
25. Section 9.2.3.4.1, as revised by the proposed modification, would read as follows:
- 9.2.3.4.1** Proper management includes:
- (1) Defining those materials present that are time-sensitive (materials that become hazardous during prolonged storage);
  - (2) Defining each time-sensitive material's inspection frequency;
  - (3) Defining proper or approved inspection methodologies to determine the relative hazard of the time-sensitive material; and
  - (4) Defining pass/fail criteria for inspection results.
26. Section 9.2.3.7, as revised by the proposed modification, would read as follows:
- 9.2.3.7** Storage of chemicals in the fume hood is prohibited. This prohibition does not apply to the storage of chemicals used in a long term experiment or research, chemicals for which special ventilation requirements are recommended based on the unusually hazardous nature of the chemicals, and any other chemical storage approved by the Fire Department.
27. Sections 9.3, 9.4 and 9.5, which read as follows, are proposed to be deleted.
- [9.3 Flammable Solids:**
- 9.3.1** The quantity of flammable solids allowed shall be limited to the minimum quantity necessary to perform the work being done.
- 9.3.2** Handling of the materials shall conform to the manufacturers' recommendations.
- 9.4 Oxidizers:**
- 9.4.1** The quantity of solid and liquid oxidizers allowed shall be limited to the minimum quantity necessary to perform the work being done.
- 9.4.2** Handling of the materials shall conform to the manufacturers' recommendations.
- 9.5 Organic Peroxides:**
- 9.5.1** The quantity of peroxides allowed shall be limited to the minimum quantity necessary to perform the work being done.
- 9.5.2** Handling of the materials shall conform to the manufacturers' recommendations.]
28. Section 9.3, as revised by the proposed modification, would read as follows:
- 9.3 Chemicals.**
- 9.3.1** Chemical quantities outside of storage shall be maintained at the lowest possible level necessary for the work performed.
- 9.3.2** Handling and storage of chemicals shall conform to the manufacturers' recommendations and safety data sheet.
29. Section 9.4, as revised by the proposed modification, would read as follows:
- 9.4 Waste Handling and Disposal.**
- 9.4.1** Waste chemicals shall not be combined or mixed with other waste chemicals unless they have been evaluated for compatibility by a qualified person.
- 9.4.2** Chemical waste containers shall be labeled in accordance with the regulations of the New York State Department of Environmental Conservation.
- 9.4.3** Flammable and combustible liquid waste quantities shall be subject to the maximum container sizes and type types in accordance with Table 10.1.4.
- 9.4.4** Liquid waste containers stored in laboratory work areas that are not required to comply with the requirements of Section 9.4.3 shall be subject to the maximum container sizes and types in accordance with Class II combustible liquids set forth in Table 10.1.4.
- 9.4.5** Waste quantities shall be included in the maximum allowable quantity for the laboratory unit.
30. Section 10.5.1, as revised by the proposed modification, would read as follows:
- 10.5.1** Storage cabinets used for the storage of flammable and combustible liquids shall be constructed in accordance with [NFPA 30, Flammable and Combustible Liquids Code] FC3404.3.2.
31. Section 12.1.7, as revised by the proposed modification, would read as follows:
- 12.1.7 Pyrophoric Reagent and Water Reactive Material Handling.**
- 12.1.7.1** Pyrophoric reagents and water reactive solids and liquids shall be handled in systems or enclosures that prevent the chemicals from igniting whenever a dry or an inert atmosphere is required by the manufacturer or the safety data sheet.
- 12.1.7.2** Pyrophoric reagents shall be handled only by those with experience in their hazards and properties or under close,

direct supervision by those with experience in their hazards and properties. No one should work alone with pyrophoric reagents during transfer or cleanup operations.

12.1.7.3 Personal protective equipment shall be worn as required in Section 6.7.

12.1.7.4 Pyrophoric liquids dispensed in a chemical fume hood shall be from sure-seal-type bottles with syringes or double-tipped needles in accordance with the manufacturer's recommendation and nationally established laboratory safety practices.

12.1.7.5 Open dispensing of pyrophoric liquids shall be done inside of an inert atmosphere glove box.

12.1.7.6 Pyrophoric solids shall be handled/dispensed inside of an inert atmosphere glove box.

12.1.7.7 Water reactive solids that are not protected by mineral oil or solvents shall be handled and dispensed inside of an inert atmosphere glove box.

12.1.7.8 Residual moisture and contaminants shall be cleaned from reaction vessels, glassware, needles, and other lab equipment that will be exposed to pyrophoric reagents and water reactive materials. Equipment shall be purged with a high-purity dry inert gas prior to use.

12.1.7.9 The void space at the top of containers of pyrophoric reagents shall be backfilled with a high-purity dry inert gas as the reagent is removed.

12.1.7.10 Needles, spatulas, wipes, and tools that have been in contact with pyrophoric reagents and water reactive materials shall be stored in an inert atmosphere or shall be neutralized in accordance with the manufacturer's written instructions.

12.1.7.11 Pyrophoric reagents and water reactive materials in glove boxes shall be sealed in airtight containers when the chemicals are not in use.

32. Section 12.1.8, as revised by the proposed modification, would read as follows:

#### **12.1.8 Open Flame Operations.**

12.1.8.1 Laboratory operations using open flames shall be performed in accordance with the following requirements:

- (1) Whenever possible, alternative methods to the use of open flames, such as heating mantels, hot plates, glass bead sterilizers, or infrared loop sterilizers, shall be used.
- (2) Hoses/tubing connecting a gas supply to a torch or Bunsen burner shall be in good condition, compatible with the gas being used, and rated at least 150 percent of working pressure. Hose/tubing connections shall be gas-tight at the gas supply and torch/burner. Prior to each use, all connections shall be verified for tightness.
- (3) Open flame equipment with a small gas container attached shall be handheld, clamped, or weighted to prevent equipment from falling over.
- (4) If open flame operations are performed outside a hood, operations shall not be conducted under shelves, cabinets, or other overhanging equipment.
- (5) Combustible materials shall be kept at least 0.610 m (2 ft) away from the open flame.

33. Section 12.1.8.2, as revised by the proposed modification, would read as follows:

12.1.8.2 Biological operations using open flames and flammable liquids shall be performed in accordance with 12.1.8.1 and the following requirements:

- (1) The volume of flammable liquid in use in an open container shall be limited to 50 ml (0.1 pt) or less. The container of flammable liquid shall be glass or metal and shall have a tight fitting, slip-on lid to seal the container when not in use or if the flammable liquid catches on fire.
- (2) The container of flammable liquid shall be kept as far as possible from the open flame but not less than 0.305 m (12 in.).
- (3) Flammable liquids and other hazardous materials that are not used for open flame operations shall be placed in storage.
- (4) Combustible materials shall be kept at least 0.610 m (2 ft) away from the open flame and the container of flammable liquid. Absorbent paper shall not be used under the open flame operation.

34. Section 12.2.1.1, as revised by the proposed modification, would read as follows:

12.2.1.1 Apparatus shall be installed in compliance with

applicable requirements of NFPA standards, including NFPA 70, National Electrical Code and the Electrical Code.

35. Section 12.2.2.2, as revised by the proposed modification, would read as follows:

12.2.2.2 Refrigerators, freezers, and other cooling equipment used to store or cool flammable liquids shall be listed special purpose units for use in laboratories in commercial occupancies or units listed for Class I, Division 1 locations, as described in Article 501 of NFPA 70, National Electrical Code the Electrical Code.

36. Section 12.2.2.2.1, as revised by the proposed modification, would read as follows:

12.2.2.2.1 Domestic refrigerators, freezers, and other cooling equipment shall be permitted to store or cool flammable liquids if modified as follows:

- (1) Any electrical equipment located within the outer shell, within the storage compartment, on the door, or on the door frame shall meet the requirements for Class I, Division 1 locations, as described in Article 501 of NFPA 70, National Electrical Code the Electrical Code.

37. Section 12.2.2.3, as revised by the proposed modification, would read as follows:

12.2.2.3 Refrigerators, freezers, and cooling equipment located in a laboratory work area designated as a Class I location, as specified in the Exception to 5.6.2, shall be approved for Class I, Division 1 or 2 locations and shall be installed in accordance with Article 501 of NFPA 70, National Electrical Code the Electrical Code.

38. Chapter 14, as revised by the proposed modification, would read as follows:

### **Chapter 14 Educational and Instructional Laboratory Operations**

14.1 General. This chapter provides fire protection and safety requirements for educational and instructional laboratories where experiments are conducted or demonstrations are performed using hazardous materials.

14.2 Supervision. Educational laboratory units and instructional laboratory units shall be under the direct supervision of an instructor while the laboratory is in operation.

14.3 Hazard Risk Assessment. Prior to instructors performing demonstrations or students conducting experiments using hazardous chemicals, a documented hazard risk assessment shall be performed. A hazard risk assessment is a written document prepared by a qualified person, and shall include all of the following:

- (1) An evaluation of the hazards of the demonstration or experiment;
- (2) Appropriate personal protective equipment required;
- (3) Safe work procedures;
- (4) Emergency procedures; and
- (5) Waste disposal procedures.

14.4 Instructor Responsibilities. Whenever instructors are performing demonstrations or students are conducting experiments using hazardous materials, the instructor shall be fully familiar with the hazard risk assessment, provide a safety briefing to students, ensure that adequate personal protective equipment has been provided and is being properly used, and ensure that safety barriers, when required by 14.5.2.1.3, are in place between students and the demonstration or experiment to prevent personal injury.

14.4.1 Instructors in teaching laboratories shall be trained and knowledgeable in fire safety procedures, emergency plans, the hazards present in the lab, the appropriate use of personal protective equipment, and how to properly conduct a hazard risk assessment.

### **14.5 Chemical Storage and Handling.**

14.5.1 Bulk quantities of chemicals shall be stored in a locked room outside of the classroom in educational laboratories. Chemicals stored and in use in an educational laboratory shall be limited to the amount needed for daily use in the laboratory. The chemicals stored in an educational laboratory shall be kept in an appropriate, locked cabinet, except for the amounts actually in use during an individual class session.

14.5.1.1 Quantities of chemicals in an instructional lab shall be limited to the lowest possible level necessary and in no case shall exceed the per-laboratory unit quantities specified in 10.1.1 or the maximum allowable quantities specified in the Fire Code and the Building Code.

14.5.1.2 Dispensing of bulk quantities of chemicals for an experiment or demonstration shall be performed in a prep room outside of the classroom.

14.5.1.3 For existing educational and instructional laboratories that do not have a separate preparation room, the dispensing of bulk quantities of chemicals for experiments or demonstrations shall be performed prior to the arrival of the students in the classroom.

14.5.1.4 The minimum amount of chemical(s) needed to perform the experiment or demonstration shall be transferred to a small, appropriately labeled, sealable bottle(s) or dropping bottle(s).

14.5.1.5 Bottles of chemicals shall only be open in the classroom while the experiment or demonstration is being performed.

**14.5.2 Performance of Experiments or Demonstrations.**

14.5.2.1 Experiments or demonstrations for students involving open flames; fire; or the use of flammable, reactive, toxic or corrosive chemicals shall be performed in accordance with 14.5.2.1.1, and 14.5.2.1.2, 14.5.2.1.3, or 14.5.2.1.4.

14.5.2.1.1 Experiments or demonstrations shall be performed in a location that does not block access to the means of egress from the laboratory work area.

14.5.2.1.2 Experiments or demonstrations that involve or produce hazardous quantities of fumes, vapors, particulates, or gases shall be performed in a chemical fume hood or other ventilation device adequate to capture the materials.

14.5.2.1.3 Experiments or demonstrations involving chemicals that are performed outside a fume hood where the separation distance in 14.5.2.1.4 is not possible shall be performed behind an impact-resistant plastic or tempered-glass safety shield.

- (1) The shield shall be at least 0.610 m (24 in.) high and shall wrap 180 degrees around the hazard or extend at least 0.305 m (12 in.) beyond the hazard in both directions.
- (2) The shield shall be secured to the work surface with bolts or clamps to keep it in place.

14.5.2.1.4 Experiments or demonstrations involving chemicals that are performed outside a fume hood where a shield is not utilized shall be performed in a location that is at least 3.05 m (10 ft.) from students.

14.5.2.2 Experiments or demonstrations using flammable liquids and open flames shall be performed by a knowledgeable instructor.

14.5.2.3 The instructor shall conduct a safety briefing prior to the start of each experiment conducted by students to review the hazards of the chemicals used, the personal protective equipment required for the experiment, and a review of the emergency procedures.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

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

**RULE TITLE:** Fire Prevention Standards for Laboratories Using Chemicals

**REFERENCE NUMBER:** 2015 RG 079

**RULEMAKING AGENCY:** New York City Fire Department

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  
Acting Corporation Counsel

Date: August 14, 2015

**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:** Fire Prevention Standards for Laboratories Using Chemicals

**REFERENCE NUMBER:** FDNY-8

**RULEMAKING AGENCY:** Fire Department

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/ Guenevere Knowles  
Mayor's Office of Operations

August 14, 2015  
Date

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**HUMAN RESOURCES ADMINISTRATION**

■ NOTICE

**NOTICE OF ADOPTION OF EMERGENCY RULE  
CONCERNING THE LIVING IN COMMUNITIES (LINC)  
RENTAL ASSISTANCE PROGRAMS, THE CITY FAMILY  
EVICION PREVENTION SUPPLEMENT AND CITY FAMILY  
EXIT PLAN SUPPLEMENT (CITYFEPS) PROGRAMS AND THE  
SPECIAL EXIT AND PREVENTION (SEPS) PROGRAM**

Pursuant to the authority of the Commissioner of the New York City Human Resources Administration (HRA) under Sections 603 and 1043 of the New York City Charter and Sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law, and subject to state approval for the amendments to the LINC I and II programs, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), notice is hereby given of the adoption of the following emergency rule, effective immediately, authorizing HRA to: (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children; and (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV or V rental assistance or CITYFEPS or SEPS rent supplements if such households meet initial eligibility criteria for such programs but for the fact that they are not currently residing in shelter.

New text is underlined.

Section one. Chapter 7 of Title 68 of the Rules of the City of New York is amended by adding a new subchapter D to read as follows:

**Subchapter D: Extension of LINC VI to Single Adults and Adult Families and Extension of LINC I, II, III, IV, V, CITYFEPS and SEPS to Certain Households in Receipt of LINC VI**

**§ 7-25 Extension of LINC VI to Single Adults and Adult Families.**

- (a) Notwithstanding any inconsistent provision of this chapter, a household may be approved to receive LINC VI rental assistance pursuant to this section provided that such household:
  - (1) includes a member who:
    - (i) resides in a shelter for single adults operated by or on behalf of DHS, or a DHS veterans shelter, a DHS drop-in center or a DHS safe haven as those terms are defined in § 3-113 of the Administrative Code of the City of New York as added by local law 37 for the year 2011 and resided in a shelter operated by or on behalf of DHS for any period of time between May 1, 2015 and July 31, 2015;
    - (ii) resides in a shelter for adult families operated by or on behalf of DHS and has been found eligible for shelter, as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Code of Rules and Regulations;  
or
    - (iii) does not reside in a shelter, residence, or other

accommodations and has not secured any other temporary or permanent housing; and

- (2) meets the requirements of subparagraphs (A), (E), (F) and (G) of paragraph (1) of subdivision (a) of Section 7-20 of this chapter.
- (b) The host family clearance requirement in subdivision (j) of Section 7-24 of this chapter shall not apply to a household approved to receive LINC VI rental assistance pursuant to this section, unless such household includes a member who is under eighteen years of age.
- (c) Except as otherwise provided in this section, the provisions of subchapter C of this chapter shall apply when a household applies for, is approved to receive, or is in receipt of LINC VI rental assistance pursuant to this section.

**§ 7-26 Extension of LINC I, II, III, IV, V, CITYFEPS and SEPS to Certain Households in Receipt of LINC VI Rental Assistance**

- (a) Definitions. For the purposes of this section, the following terms shall have the following meanings:
- (1) “CITYFEPS” means the City Family Eviction Prevention Supplement Program or the City Family Exit Plan Supplement Program described in subchapter A of Chapter 8 of this title.
- (2) “SEPS” means the Special Exit and Prevention Supplement Program described in subchapter B of Chapter 8 of this Title.
- (b) Notwithstanding any inconsistent provision of Chapter 7 or chapter 8 of this title, a household in receipt of LINC VI rental assistance that would meet the initial eligibility requirements for the LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance program, CITYFEPS, or SEPS as set forth in Section 7-03, 7-4, 7-05, 7-12, 7-13, 8-03, 8-04, or 8-12 of this title, respectively, but for the fact that the household does not currently reside in shelter, may be certified or approved pursuant to this section to receive LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance or CITYFEPS or SEPS rent supplements, as applicable based on eligibility, subject to the availability of funding.
- (c) When a household has been certified or approved pursuant to this Section to receive LINC IV or LINC V rental assistance or SEPS rent supplements, such rental assistance or rent supplements shall not be applied towards the rental of a single room unless such room is used for single room occupancy as that term is defined in New York Multiple Dwelling Law Section 4(16).
- (d) Except as otherwise provided in this Section, when a household has been certified or approved pursuant to this section to receive LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance or CITYFEPS or SEPS rent supplements, the provisions of Chapter 7 or Chapter 8 of this title related to such rental assistance or rent supplements shall apply.

**§ 7-27 Agency Review Conference and HRA Administrative Appeal Process.**

An applicant or LINC VI program participant may request an agency review conference and/or an HRA administrative hearing to seek review of any determinations or actions made by DHS and/or HRA under this subchapter, as well as any failures to act, or failures to act with reasonable promptness, by DHS and/or HRA in implementing the provisions of this subchapter. The provisions set forth in Section 7-23 of this chapter shall apply to and in the event of such request.

**Statement of Basis and Purpose of Emergency Rule**

In order to implement the Mayor's priority of preventing homelessness and moving households from shelter into stable housing, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), the Commissioner of the New York City Human Resources Administration (HRA) issues this emergency rule amending Chapter 7 of Title 68 of the Rules of the City of New York to authorize HRA to:

- (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children. Currently, the program is only available to families with children who are in shelter or were recently in shelter and are reapplying to shelter.
- (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV, or V rental assistance or CITYFEPS or SEPS rent supplements if such households otherwise meet initial eligibility requirements for such programs but for the fact that they are not currently residing in shelter.

**Extension of LINC VI to Single Adults and Adult Families**

The urgent need for this amendment is established by census data from DHS documenting that the numbers of individuals and families in the DHS shelter system remain very high, with vacancy rates remaining low.

Specifically, between July 1, 2004 and December 31, 2013, the number of adult families in the DHS shelter system increased by 59 percent. Similarly, there was a 20 percent increase in the average daily census for single adults during this period. As of August 26, 2015, 16,569 individuals in total were in DHS shelters for single adults and adult families.

As shelter census has increased, the DHS shelter system has continued to experience extremely low vacancy rates. Indeed, on August 31, 2015, the vacancy rate for adult family shelters was .54 percent and the vacancy rate for single adult shelters was .9 percent. DHS anticipates further strain on the single adult and adult family shelter system in the coming months.

The shelter system for families with children is facing similar challenges. As of August 26, 2015, there were 11,790 families with children in DHS shelter, including 23,294 children. The vacancy rate for shelters for families with children was .13 percent as of August 31, 2015.

In addition to the men, women and children in DHS shelter, it is estimated that as of January 2015 there were over 3,000 unsheltered individuals living on the streets, in parks, and in other public spaces of the City, including the New York City subway system.

LINC VI is currently only available to families with children living in HRA shelter or DHS shelters for families with children. By immediately expanding the eligibility criteria for LINC VI to include homeless single adults and adult families, HRA and DHS can immediately help additional households relocate to housing with families and friends in the community. These amendments provide an important new option for homeless single adults and adult families that will increase the number of exits from and reduce the number of entries to shelter, helping to address and alleviate current demands on the shelter system.

**Extension of LINC I, II, III, IV, and V, CITYFEPS, and SEPS to Certain Households in Receipt of LINC VI**

There is also a pressing need to make LINC I, II, III, IV, and V, CITYFEPS, and SEPS available to households in receipt of LINC VI rental assistance that otherwise meet initial eligibility requirements for such programs except the requirement that the household currently reside in shelter. Allowing certain households in receipt of LINC VI rental assistance to obtain rental assistance for their own residence after moving in with a host family will increase participation in the LINC VI program and ultimately increase households' ability to avoid re-entry into shelter. Households that may be able to stay temporarily with host families will not lose the opportunity to obtain other forms of rental assistance, and they will also be able to exit shelter while they search for stable, long-term housing. This will increase the number of exits from shelter, thereby reducing the strain on the shelter system.

HRA's authority for this emergency rule may be found in Sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and Sections 603 and 1043 of the New York City Charter.

**Required Finding Pursuant to New York City Charter Section 1043(i)(1)**

IT IS HEREBY CERTIFIED that the immediate effectiveness of this emergency rule amending Chapter 7 of Title 68 of the Rules of the City of New York is necessary to address the immediate need to relocate individuals and families from and reduce the number of new entries to New York City Department of Homeless Services shelters. The shelter system is currently experiencing a very high need for capacity. Providing sufficient shelter capacity to meet the needs of City residents who do not have permanent housing is a necessary City service. Without the immediate implementation of these amendments, which will expand the reach and increase the effectiveness of the existing Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI), other emergency measures would be required to meet the need for increased shelter capacity. It is therefore necessary to act by emergency rulemaking so that the City of New York and its agencies can immediately begin to use available rental assistance to relocate additional individuals and families to permanent housing from shelters (or unstable housing where they are at risk of homelessness), thereby taking immediate action with respect to shelter system capacity, pending the adoption of a final rule.

The number of single adults and adult families in DHS shelter is very high, and the vacancy rate for the shelters that house these populations are extremely low. Specifically, between July 1, 2004 and December 31, 2013, the number of adult families in the DHS shelter system increased by 59 percent. Similarly, there was a 20 percent increase in the average daily census for single adults during the same period. As of August 26, 2015, 16,569 individuals in total were in DHS shelters for single adults and adult families. The number of families with children in DHS shelter as of that date also remains high: 11,790 families, including 23,294 children.

As shelter census has increased, the DHS shelter system has continued to experience extremely low vacancy rates. Indeed, on August 31, 2015, the vacancy rate for adult family shelters was .54 percent and the vacancy rate for single adult shelters was .9 percent. The vacancy rate

for shelters for families with children was .13 percent as of that date.

In addition to the men, women and children in DHS shelters, it is estimated that as of January 2015 there were over 3,000 unsheltered individuals living on the streets, in parks, and in other public spaces of the City, including the New York City subway system.

LINC VI is currently only available to families with children living in HRA shelter or DHS shelters for families with children. By immediately expanding the eligibility criteria for LINC VI to include homeless single adults and adult families, HRA and DHS can immediately assist additional households to relocate to stable housing with families and friends in the community. These amendments provide an important new option for homeless adults and adult families that will increase the number of exits from and reduce the number of entries to shelter, helping to address and alleviate current demands on the shelter system.

Additionally, providing certain households in receipt of LINC VI rental assistance with the ability to access other forms of rental assistance that they would otherwise not be eligible for because they are no longer in shelter will make the program more effective for potential LINC VI and host families alike, thereby increasing the number of exits from shelter. Allowing families to obtain their own housing will stabilize families in the community and prevent their reentry to shelter.

Delaying implementation of these amendments pending non-emergency rulemaking would result in longer stays in shelters for currently homeless men, women and children, substantially increasing the strain on the shelter system, which, as indicated, provides a necessary service to large numbers of individuals and families.

Pursuant to Section 1043(i)(2) of the Charter, the emergency rule will remain in effect for not more than 120 days while HRA prepares a permanent rule.

IT IS THEREFORE HEREBY CERTIFIED that the immediate effectiveness of amendments to the rule establishing the Living in Communities (LINC) Family and Friend Reunification Rental Assistance Program is necessary to address an imminent threat to a necessary service.

Dated: September 2, 2015

/s/  
STEVEN BANKS  
COMMISSIONER  
NYC HUMAN RESOURCES ADMINISTRATION

/s/  
GILBERT TAYLOR  
COMMISSIONER  
NYC DEPARTMENT OF HOMELESS SERVICES

APPROVED:  
/s/  
BILL DE BLASIO, MAYOR

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**SMALL BUSINESS SERVICES**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?**

Pursuant to Section 1301 of the New York City Charter (“the Charter”), the New York City Department of Small Business Services (“DSBS”) is proposing to administer a program that provides grants to companies that provide school bus transportation in order to encourage such companies to maintain the wages and benefits of those employees who have had prior experience in the industry.

**When and where is the hearing?** DSBS will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on October 20, 2015. The hearing will be in the 4th Floor Hearing Room at 110 William Street.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the DSBS through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@sbs.nyc.gov](mailto:nycrules@sbs.nyc.gov).
- **Mail.** You can mail written comments to Zen Baraki, DSBS, 110 William Street, 7<sup>th</sup> Floor, New York, NY 10038.
- **Fax.** You can fax written comments to DSBS at 212 618 8865.
- **By speaking at the hearing.** Anyone who wants to comment on

the proposed rule at the public hearing can sign up in the hearing room before the hearing begins on October 20, 2015.

**Is there a deadline to submit written comments?** The deadline for submitting written comments is October 20, 2015.

**Do you need assistance to participate in the hearing?** You must contact DSBS’s Office of Legal Affairs if you need a reasonable accommodation because of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-513-6352. You must tell us by October 13, 2015.

**Can I review the comments made on the proposed rules?** You can review comments submitted online by visiting <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at 110 William Street, 7<sup>th</sup> Floor, New York, NY 10038.

**What authorizes DSBS to make this rule?** Sections 1301 and 1043(a) of the New York City Charter authorize DSBS to make this proposed rule. This proposed rule was not included in DSBS’s regulatory agenda for this Fiscal Year because it was not evident that such rules would be necessary at the time.

**Where can I find DSBS’s rules?** DSBS’s rules are in Title 66 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DSBS must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

**Statement of Basis and Purpose**

During the 2014-15 school year, the Department of Small Business Services (DSBS) administered a grant program to support the employment of experienced school bus workers who were impacted by recent changes in the Department of Education’s (DOE) contracts for school bus transportation. Pursuant to the authority vested in DSBS by New York City Charter § 1301, DSBS is proposing a rule that would continue the grant program for the 2015-16 school year.

For three decades beginning in 1979, following a school bus strike, DOE’s school bus contracts included employee protection provisions (EPPs) requiring school transportation contractors, among other things, to give priority in hiring to employees who became unemployed because of their employers’ loss of DOE bus contract work and to pay such employees the same wages and benefits they had received prior to becoming unemployed.

Following the 2011 decision by the New York State Court of Appeals in L&M Bus Corp., et al., v. the New York City Department of Education, et al., DOE did not include EPPs or similar provisions in solicitations for its school bus contracts, which had included such provisions for over 30 years. After the issuance of the first such post-L&M solicitation, there was a school bus strike in January and February of 2013.

At the end of the 2013-2014 school year, school transportation contracts with 18 vendors providing service on approximately 1,500 routes expired. These contracts were replaced with contracts that did not have EPPs. Faced with the likelihood that the school bus drivers, attendants, mechanics and dispatchers working on the 2013-2014 contracts would become unemployed or would experience significant cuts in wages and benefits, the City enacted local legislation to encourage school bus contractors providing transportation services to DOE to hire those drivers, attendants, mechanics and dispatchers who had been working in the 2013-2014 school year and to maintain the level of wages and benefits those employees had been receiving. The grant program established by this legislation, Local Law 44 of 2014, supported the employment of approximately 1200 school bus workers. This program accomplished the important purpose of ensuring employment stability for these workers and continued, efficient service in the 2014-15 school year.

This grant program had been established as an interim solution. During the legislative session that ended two months ago, the City sought a change to state law that would have provided a long-term solution to potential labor disruption and worker instability, as well as other problems arising out of recent events surrounding the school bus contracts. Unfortunately, the state legislature did not enact the amendments that the City sought. Therefore, the City needs to take steps once again this year to ensure stability for these drivers and attendants, mechanics and dispatchers who face the loss of their jobs or cuts in their wages and benefits. Modeled on Local Law 44 of 2014, this proposed rule would continue the grant program that had been established last year.

The continuation of this grant program for the 2015-2016 school year serves the same important purposes that the City had identified last year: securing efficient and reliable bus service for the City’s school children and avoiding layoffs and wage and benefit cuts to the drivers and attendants operating the City’s school buses. In view of

the state legislature's failure to enact amendments, the problems that the grant program addressed last year are of equal significance and urgency this year. This rule will enable DSBS to continue to administer the grant program, and in this way, help secure reliable school bus transportation and labor stability by exercising the power and duty of the Commissioner of Small Business Services under the City Charter to disburse funds for employment programs in the City.

New material is underlined.  
[Deleted material 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.

Section 1. Title 66 of the Rules of the City of New York is amended by adding a new subchapter F to read as follows:

**SUBCHAPTER F. SCHOOL BUS  
TRANSPORTATION GRANT PROGRAM**

**§ 11-87 Definitions.** As used in this subchapter, the following terms mean:

**Attendant.** "Attendant" means a person employed as a school bus attendant by a company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

**Department.** "Department" means the department of small business services.

**Department of education.** "Department of education" means the department of education of the city of New York.

**Dispatcher.** "Dispatcher" means a person employed as a school bus dispatcher by any company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

**Master seniority lists.** "Master seniority lists" means the industry-wide lists established pursuant to contractual employee protection provisions with the department of education to provide transportation services for children in grades kindergarten through twelve.

**Master seniority lists qualified employee.** "Master seniority lists qualified employee" means a person who:

- (1) is a resident of the city of New York;
- (2) is certified by the department of education's office of pupil transportation as a school bus driver or attendant, in the event such person is employed as a school bus driver or attendant;
- (3) was a school bus driver, attendant, dispatcher or mechanic on, or eligible for placement on, the master seniority lists as of June 30, 2015;
- (4) is a school bus driver, attendant, dispatcher or mechanic for a qualified employer in connection with such employer's contract or subcontract pursuant to request for bids number B2321 with the department of education during the 2015-16 school year; and
- (5) is paid by a qualified employer a 2015-16 regular rate that is less than the regular rate dating to the placement on master seniority lists.

**Mechanic.** "Mechanic" means a person employed as a school bus mechanic by any company that currently has or previously had (i) a contract with the department of education or (ii) a subcontract with a company that has a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

**Provider of transportation services.** "Provider of transportation services" means an entity or a subsidiary of such entity that (i) had a contract with the department of education or (ii) had a subcontract with any entity that had a contract with the department of education, to provide transportation services for children in grades kindergarten through twelve which expired on June 30, 2014.

**Qualified employer.** "Qualified employer" means any entity that has a contract with the department of education or a subcontract with an entity that has a contract with the department of education to provide transportation services for children in grades kindergarten through twelve for the 2015-16 school year pursuant to request for bids number B2321.

**Regular rate.** "Regular rate" means "regular rate" as defined pursuant to 29 U.S.C. § 207, and further specified in 29 C.F.R. § 778.109, or any succeeding provisions.

**Regular rate dating to the placement on master seniority lists.** "Regular rate dating to the placement on master seniority lists" means the regular rate of pay earned by any master seniority lists qualified employee on the last date of employment prior to being placed on, or becoming eligible for, the master seniority lists.

**Recess adjustment payment.** "Recess adjustment payment" means any additional compensation received for five days during winter and spring recess.

**School bus driver.** "School bus driver" means any person employed as a school bus driver by a company that currently has or

previously had (i) a contract with the department of education or (ii) a subcontract with any company that currently has or previously had a contract with the department of education to provide transportation services for children in grades kindergarten through twelve.

**Summer accrual.** "Summer accrual" means any additional compensation received at the completion of the school year based on the years of service of the 2015 qualified employee or of the master seniority lists qualified employee.

**2015 qualified employee.** "2015 qualified employee" means any person who:

- (1) is a resident of the city of New York;
- (2) is certified by the department of education's office of pupil transportation as a school bus driver or attendant, in the event such person is employed as a school bus driver or attendant;
- (3) was a school bus driver, attendant, dispatcher or mechanic employed by a provider of transportation services on June 30, 2014 in connection with such provider's contracts with the department of education;

(4) is a school bus driver, attendant, dispatcher or mechanic for a qualified employer in connection with such employer's contract or subcontract pursuant to request for bids number B2321 with the department of education during the 2015-16 school year; and

(5) is paid by a qualified employer a 2015-16 regular rate that is less than the 2013-14 regular rate.

**2013-14 regular rate.** "2013-14 regular rate" means the regular rate paid by any provider of transportation services to any 2015 qualified employee.

**2015-16 regular rate.** "2015-16 regular rate" means the regular rate paid by any qualified employer to any 2015 qualified employee or any master seniority lists qualified employee during the 2015-16 school year. Provided, that, for any 2015 qualified employee or master seniority lists qualified employee covered by a collective bargaining agreement or to whom a best and final offer has been imposed, the regular rate means either the hourly rate pursuant to (i) the collective bargaining agreement in effect at the time payment is due or (ii) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher.

**§ 11-88. Calculation of Grants and Eligibility Criteria.**

(a) The department will provide monetary grants to any qualified employer for each 2015 qualified employee hired by such qualified employer in an amount equal to the sum of:

(i) the product of: (A) the excess, if any, of the 2013-14 regular rate over the 2015-16 regular rate; and (B) the number of hours for which such 2015 qualified employee was paid, less any hours for which such employee was paid overtime, by such qualified employer in connection with such employer's contracts with the department of education during the 2015-16 school year; and

(ii) the product of: (A) the excess, if any, of the 2013-14 regular rate over the 2015-16 regular rate; and (B) one-and-a-half; and (C) the number of overtime hours for which such 2015 qualified employee was paid by such qualified employer in connection with such employer's contracts with the department of education during the 2015-16 school year; and

(iii) such qualified employer's portion of all legally required city, state and federal payroll taxes associated with the amounts described in paragraphs (i) and (ii) of this subdivision; and

(iv) the costs incurred by such qualified employer to maintain the recess adjustment payment for such 2015 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the recess adjustment payment for the 2015-16 school year for such employee would have been lower than the recess adjustment payment in place during the 2013-14 school year, provided, that, for a 2015 qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the recess adjustment payment for the 2015-16 school year shall be either the recess adjustment payment pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(v) the costs incurred by such qualified employer to maintain the payment for holiday and vacation days for such 2015 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the payment for holiday and vacation days for the 2015-16 school year for such employee would have been lower than the payment in place during the 2013-14 school year, provided, that, for a 2015 qualified employee covered by a collective bargaining agreement or, as to whom a best and final offer has been imposed, the payment for holiday and vacation days in place during the 2015-16 school year shall be either the payment for holiday and vacation days pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(vi) the costs incurred by such qualified employer to maintain the payment for summer accrual for such 2015 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the payment for summer accrual for the 2015-16 school year for such employee would have been lower than the payment in place during the 2013-14 school year, provided, that, for a 2015 qualified employee covered by a collective bargaining agreement or, as to whom a

best and final offer has been imposed, the payment for summer accrual in place during the 2015-16 school year shall be either the payment for summer accrual pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(vii) the costs incurred by such qualified employer to maintain the contributions for the retirement and health benefits of such 2015 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the contributions for the 2015-16 school year for such employee would have been lower than those in place during the 2013-14 school year, provided, that, for a 2015 qualified employee covered by a collective bargaining agreement or as to whom a best and final offer has been imposed, the contributions for the 2015-16 school year shall be either the contributions pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(viii) the costs associated with any increase in workers' compensation insurance for such employee associated with the amounts described in paragraphs (i) and (ii) of this subdivision.

(b) Notwithstanding any provision to the contrary in this subchapter, the department will not award a grant for any 2015 qualified employee unless:

(i) any such 2015 qualified employee receives retirement and health benefits from the same health and retirement funds from which such employee received such benefits during the 2013-14 school year, provided that such employee is represented by the same employee organization for the 2013-14 and 2015-16 school years;

(ii) thirty-nine weeks of employment during the school year are provided by such qualified employer to such employee, provided that a pro-rated portion of thirty-nine weeks of employment may be provided by such qualified employer to such employee hired after September 9, 2015; and

(iii) the customary work day of such employee is eight hours, if the work day of such employee was eight hours during the 2013-14 school year.

(c) The department will provide monetary grants to any qualified employer for each master seniority list's qualified employee hired by such qualified employer in an amount equal to the sum of:

(i) the product of: (A) the excess, if any, of the regular rate during the school year dating to the placement on master seniority lists over the 2015-16 regular rate; and (B) the number of hours for which such master seniority lists qualified employee was paid, less any hours for which such employee was paid overtime, by such qualified employer in connection with such employer's contracts with the department of education during the 2015-16 school year; and

(ii) the product of: (A) the excess, if any, of the regular rate during the school year dating to the placement on master seniority lists over the 2015-16 regular rate; and (B) one-and-a-half; and (C) the number of overtime hours for which such master seniority lists qualified employee was paid by such qualified employer in connection with such employer's contracts with the department of education during the 2015-16 school year; and

(iii) such qualified employer's portion of all legally required city, state and federal payroll taxes associated with the amounts described in paragraphs (i) and (ii) of this subdivision; and

(iv) the costs incurred by such qualified employer to maintain the recess adjustment payment for such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the recess adjustment payment for the 2015-16 school year for such employee would have been lower than the payment in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or as to whom a best and final offer has been imposed, the recess adjustment payment for the 2015-16 school year shall be either the recess adjustment payment pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(v) the costs incurred by such qualified employer to maintain the payment for holiday and vacation days for such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the payment for holiday and vacation days for the 2015-16 school year for such employee would have been lower than the payment in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or as to whom a best and final offer has been imposed, the payment for holiday and vacation days in place for the 2015-16 school year shall be either the payment for holiday and vacation days pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(vi) the costs incurred by such qualified employer to maintain the payment for summer accrual for such 2015 qualified employee in place during the 2013-14 school year, to the extent that, but for the award of this grant, the payment for summer accrual for the 2015-16 school

year for such employee would have been lower than the payment in place during the 2013-14 school year, provided, that, for a 2015 qualified employee covered by a collective bargaining agreement or as to whom a best and final offer has been imposed, the payment for summer accrual in place during the 2015-16 school year shall be either the payment for summer accrual pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(vii) the costs incurred by such qualified employer to maintain the contributions for the retirement and health benefits of such master seniority lists qualified employee in place during the school year dating to the placement on master seniority lists, to the extent that, but for the award of this grant, the contributions for the 2015-16 school year for such employee would have been lower than those in place during the school year dating to the placement on master seniority lists, provided, that, for a master seniority lists qualified employee covered by a collective bargaining agreement or as to whom a best and final offer has been imposed, the contributions for the 2015-16 school year shall be either the contributions pursuant to (A) the collective bargaining agreement in effect at the time payment is due or (B) the best and final offer of the qualified employer for the 2015-16 school year, whichever is higher; and

(viii) the costs associated with any increase in workers' compensation insurance for such master seniority lists qualified employee associated with the amounts described in paragraphs (i) and (ii) of this subdivision.

(d) Notwithstanding any provision to the contrary in this local law, the department shall not award a grant for a master seniority lists qualified employee unless:

(i) any such master seniority lists qualified employee receives retirement and health benefits from the same health and retirement funds from which such employee received such benefits for the school year dating to placement on master seniority lists, provided that such employee is represented by the same employee organization as of the school year dating to placement on master seniority lists and the 2015-16 school year;

(ii) thirty-nine weeks of employment during the school year are provided by such qualified employer to such employee, provided that a pro-rated portion of thirty-nine weeks of employment may be provided by such qualified employer to such employee hired after September 9, 2015; and

(iii) the customary work day of such employee is eight hours, if the work day of such employee was eight hours as of the last date of employment prior to being placed on master seniority lists.

(e) No qualified employer shall be eligible for an award of a grant pursuant to this section unless such qualified employer agrees that during the 2015-16 school year every school bus driver, attendant, dispatcher and mechanic shall be hired from the master seniority lists in the order of his or her seniority, provided that this requirement shall not apply to hiring by qualified employers for the 2015-16 school year that occurs prior to the effective date of this local law.

**§ 11-89. Notice.** Each qualified employer must provide written notice to the department upon the hiring any 2015 qualified employee or master seniority lists qualified employee for whom the qualified employer seeks a monetary grant.

#### **§ 11-90. Payments.**

(a) The department shall provide the grant authorized by this section to qualified employers in monthly installments over a ten-month period for each 2015 qualified employee or master seniority lists qualified employee who is employed in connection with such qualified employer's contract pursuant to request for bids number B2321 with the department of education. Any such grant to the qualified employer shall be reduced if the employee is employed by such qualified employer for less than ten months.

(b) The department will provide the grant described in section 11-88 of this subchapter in monthly installments after receiving satisfactory proof from the qualified employer that:

(i) the qualified employer has paid the 2015 qualified employee or the master seniority lists qualified employee the amounts described in paragraphs (i) and (ii) of subdivisions a and b of section § 11-88 of this subchapter respectively; and

(ii) the qualified employer has made payments of the amounts described in paragraphs (iii) through (vii) of subdivisions a and b of section § 11-88 of this subchapter respectively in a manner consistent with those paragraphs.

#### **§ 11-91. Conditions of Grants.**

(a) The award by the department of a grant to a qualified employer pursuant to this local law shall not make the city of New York, the department or the department of education the employer of any 2015 qualified employee or master seniority lists qualified employee.

(b) The grant authorized by this local law shall not: (i) impair the terms of any collective bargaining agreement to which any qualified employer and employee may be subject, and shall not (ii) interfere with any rights a school bus driver, attendant, dispatcher or mechanic has pursuant to any collective bargaining agreement.

(c) The qualified employer and 2015 qualified employee or master seniority lists qualified employee, as applicable, shall be solely responsible for withholding and payment of any taxes and other

government required payments.

§ 11-92. Appropriations. The total amount of the grants authorized by this subchapter shall be limited to the appropriation of funds available for this program. The department will allocate such amount based on the order of receipt by the department of the notifications required by section 11-89 of this subchapter.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Grants to Companies that Provide School Bus Transportation

REFERENCE NUMBER: 2015 RG 085

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
Acting Corporation Counsel

Date: September 4, 2015

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: Grants to Companies that Provide School Bus Transportation

REFERENCE NUMBER: SBS-5

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
Mayor's Office of Operations

September 4, 2015
Date

s9

SPECIAL MATERIALS

MAYOR'S FUND TO ADVANCE NEW YORK CITY

NOTICE

The Mayor's Fund to Advance New York City (Mayor's Fund) received funding to support a diversity initiative targeting the not for profit cultural community in New York City. The New York City Department

of Cultural Affairs (DCLA) launched the Diversity Initiative in January 2015. The purpose of this major initiative is to promote diversity among the leadership, staffs, and audiences of cultural organizations in New York City. This includes a demographic survey of DCLA's nearly 1,000 grantee organizations that will examine race, ethnicity, gender, disability, age, and other factors.

The Mayor's Fund seeks a consultant to develop strategy and execution programming related to DCLA's Diversity Initiative, as further described in the RFP at on.nyc.gov/DiversityInitiativeRFP. The anticipated term of engagement is October 24, 2015 - December 31, 2016.

The budget for this initiative is \$93,000.

a25-s25

The Mayor's Fund to Advance New York City, with the assistance of the New York City Department of Consumer Affairs Office of Financial Empowerment ("DCA/OFE"), seeks a Collaborative of Consultants to partner with each other in creating a framework and strategy for defining and measurably improving neighborhood-level financial health. This initiative seeks to enable DCA/OFE to identify and harness local formal and informal systems and structures to magnify positive financial health outcomes for neighborhoods, and thereby for low-income New Yorkers, across New York City at an unprecedented scale. The total budget for the Collaborative is \$210,000 over approximately 12 months of engagement. Further details can be found at on.nyc.gov/finhealthrpf.

s2-16

MAYOR'S OFFICE OF CONTRACT SERVICES

NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Homeless Services
Nature of services sought: On Call Maintenance and Repair of elevator systems citywide
Start date of the proposed contract: 12/01/2016
End date of the proposed contract: 11/30/2019
Method of solicitation the agency intends to utilize: CSB
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

s9

Notice of Intent to Extend Contract(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Homeless Services
Vendor: PMS Construction Management Corp
Nature of services: Construction Management Services for renovation projects at shelter sites citywide
Method of extension the agency intends to utilize: Amendment
New start date of the proposed extended contract: 01/01/2016
New end date of the proposed extended contract: 12/31/2016
Modifications sought to the nature of services performed under the contract: None
Reason(s) the agency intends to extend the contract: The vendor performed satisfactorily and DHS needs to continue this service until the replacement RFP is issued & a vendor selected.
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

s9

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2016 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2016 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Administration for Children's Services
Description of services sought: Business Analyst III to Perform research, analysis of work flow systems, business rules and policies to



enhance internal operations and computer systems.
Start date of the proposed contract: 8/22/2015
End date of the proposed contract: 8/21/2016
Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

s9

YOUTH AND COMMUNITY DEVELOPMENT

NOTICE

In accordance with Section 3-03(b)(1) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) will be issuing a Concept Paper for the In-School Youth (ISY) and Out of School Youth (OSY) Workforce Innovation and Opportunity Act (WIOA) Programs. Following release of this concept paper, DYCD will issue a request-for-proposals (RFP) for new programs. In July, 2014, WIOA replaced the Workforce Investment Act and reinforced the nation's commitment to employment, training, adult education, and vocational rehabilitation programs. WIOA has significant implications for improving services for low-income and disconnected youth, and broadens key definitions of eligibility, skills deficiency, and barriers to employment, all of which expand access to essential workforce development programs for vulnerable youth. WIOA also encourages the development of career pathways that connect progressive levels of training, education, and credentials, and supports skills development that meets the demands of the labor market. DYCD recognizes these challenges as well as the importance of providing comprehensive supportive services to promote success for participating Out of School Youth and In School Youth and focuses on helping these youth build the skills and confidence to succeed. Through this RFP, DYCD is seeking appropriately qualified organizations to implement federally-funded WIOA OSY and ISY programs. DYCD aims to fund an integrated and holistic program model that will strengthen NYC's workforce development system and help young people gain the support, educational credentials and skills needed to succeed in today's economy

s4-11

CHANGES IN PERSONNEL

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPT OF ENVIRONMENT PROTECTION FOR PERIOD ENDING 08/14/15. Includes entries for MISIAKIEWICZ, MORENCY, MUNIR, OLIVER, PADILLA, PATEL, PATEL, PAUL, PEARTREE, PETITO, POMPEE, RAEHSE, RAI, RIHN.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPT OF ENVIRONMENT PROTECTION FOR PERIOD ENDING 08/14/15. Includes entries for RIHN, SAFARI, SAGER, SANKARSINGH, SAPIENZA, SEMANSKY, SHIELDS, SINGH, THOMAS, VAN NOY, VERGOT, WILLIAMS, WILLIAMS, WINTER.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF SANITATION FOR PERIOD ENDING 08/14/15. Includes entries for AN, ASCRIZZI, BARCIA, BUISSERETH.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF SANITATION FOR PERIOD ENDING 08/14/15. Includes entries for CEDO, CESARE, CIRCHARO, COLE, CRUZ, DISTEFANO, DOODNATH, FLORES, FULLER, GILL, IRIZARRY JR, KRUSZKA, LINDSEY, MANNER, MC CLEAN, MCCAFFREY, MITCHELL, MURPHY, MUSELLA, NIEVES, NOVELLA, PANDJAITAN, REYES.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF SANITATION FOR PERIOD ENDING 08/14/15. Includes entries for RODRIGUEZ, SANTARSIERO, SCHMITT, SHEVLIN, TASKA JR, TIFELD, TIMARI, TOAL JR, TUCCILLO, VARGAS, VENEGAS, WASHINGTON.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. BUSINESS INTEGRITY COMMISSION FOR PERIOD ENDING 08/14/15. Includes entries for CIANCARELLI, DIGIACOMO.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF FINANCE FOR PERIOD ENDING 08/14/15. Includes entries for ADENIJI, AMO, BATES-TAITT, BENCOSME, BLUMENKRANTZ, DISENSO, DUKES, EISMAN, FELIX, GAMBLE-LOFTON, GU, HOLT, JACOB, JAFFEE, JOYCE, KHUTORYANSKAYA, KOHN.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF FINANCE FOR PERIOD ENDING 08/14/15. Includes entries for LAU, LEACH, LEYDEN, MOK, NORRIS, PULGARIN, REICHARD, RODRIGUEZ, SALTA, SCAFIDDI JR, TSANG, WAITE.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 08/14/15. Includes entries for ASHRAF, ASLANIAN-PERSIC, BRITT, BUCKLEY, BURGOS, CACERES, CAMMARATA, CHINTAKUNTA, CIRILLO, COTTLE, DE JESUS.

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like DEL-TONGIER, DELPIN, DOUGLAS, DOWLING, FERRANTE, FINNERAN, FOX, FRAZER, GALANTE JR, GRINNAGE, GUISHARD, JOBE, KENMURE, KENMURE, KENMURE, KOTELEVICH, LANCASTER JR, LAROSE, LEWIS.

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 08/14/15
TITLE

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like LIMA, LIN, MACNEIL, MALLEBRANCHE, MANGALAM, MARQUEZ, MARTIN, MCCORMICK, MCNIFF, MCQUEEN, MINEVICH, MOORMAN, MORALES, MORASCO, MYERS, NILAND, PATEL, REID, ROMANO, SAULS, SINGH, SURESHWARAN, SWAN, TADROS, TSELNIK, WILLIAMS, WOO, WURSTER, ZAKOW.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 08/14/15
TITLE

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like AIKEN, ALMA, AVILES, BANKS, BAPTISTE, BLACK, BLOODSAW, BOLLIVAR, BOREK, BRIDGES, BROADBELT.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 08/14/15
TITLE

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like BROWN, BRYANT, BUTLER, BUTTS, CAFFREY, CAFFREY, CALLOWAY, CARTER, CERPA, CHANCE, CLAIBORNE, CORBETT, CZECH, DANG, DANIELS, DEMAS, DOLAN, DUDLEY, FLORIMON, GI, GORDON, GRAND SR, GREEN JR, GREENIDGE, GUDAITIS, GUNRAJ, GUZMAN, HALSTEAD.

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like HAMILTON, HAMPTON, HARDY, HARRIS, HAWTHORNE, HILL, HOMSEY, HUSTON, HUSTON, HUSTON, HUTCHENS, JAMES, JIMENEZ, JONES, JONES-RUSSELL, KILPATRICK, KURIEN, KUTOK, LARA, LAW, LENIHAN, LESAINE, LEVERONE, LOPEZ.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 08/14/15
TITLE

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like LUCIANO, MALONE, MARCENA, MARKOWICK, MARTIN, MEURER, MILLER, MUINO, NEWTON, NORMAN, NUSBAUM, PARKER, PAUL, PERA, PERDOS, PEREZ, PERKINS, PHILLIPS, PIACERE, PITTMAN, PLITT, POACHES, POZIN, RAMMELKAMP, RAMOS, RAYMUND, RICHARDSON, RICHARDSON, RICHARDSON, RIVERA, RODRIGUEZ, RODRIGUEZ, ROONEY, RUAN, RUBINO, SAMUDA, SARACCO, SEATON, SEEPAUL, SEIGLER, SEIGLER, SHEHAB, SIMPSON, SINGLETON, SLOAN, SMITH, SPENCER, STEPHENSON, STEWART, STEWART, TAYLOR.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 08/14/15
TITLE

Table with columns: NAME, LAST, FIRST, M, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries like THOMAS, THOMAS, UHRYNOWSKI, WARD, WEINMAYR, WEISSMAN, WELDON, WHITE, WHITEHEAD, WILLIAMS, WILLIAMS, WILLIAMS, WILLIAMS, WILLIAMS, YOUNG, ZAPATA.

DEPT. OF DESIGN & CONSTRUCTION  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for the Department of Design & Construction.

DEPT. OF DESIGN & CONSTRUCTION  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for the Department of Design & Construction.

DEPT OF INFO TECH & TELECOMM  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for the Department of Info Tech & Telecomm.

DEPT OF INFO TECH & TELECOMM  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for the Department of Info Tech & Telecomm.

DEPT OF RECORDS & INFO SERVICE  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for the Department of Records & Info Service.

CONSUMER AFFAIRS  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for Consumer Affairs.

DEPT OF CITYWIDE ADMIN SVCS  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for Department of Citywide Admin Svcs.

DISTRICT ATTORNEY-MANHATTAN  
FOR PERIOD ENDING 08/14/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employee records for District Attorney-Manhattan.



BOARD OF STANDARDS AND APPEALS

NOTICE

ADDED CASE  
SEPTEMBER 18, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 18, 2015, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

APPEALS CALENDAR

113-15-A  
APPLICANT – Goldman Harris, LLC., for Lightstone Acquisitions X, LLC., owner.  
SUBJECT – Application May 26, 2015 – Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 of the General City Law. C6-4 zoning district.

PREMISES AFFECTED – 90 & 94 Fulton Street, corner of Fulton and Gold Streets, with a through lot portion from Gold Street to William Street, Block 00077, Lot(s) 21 & 22, Borough of Brooklyn.  
COMMUNITY BOARD #1BK

Margery Perlmutter, Chair/Commissioner

# READER'S GUIDE

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

## NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

## CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

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

## VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc). To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

## SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit [www.nyc.gov/html/sbs/nycbiz](http://www.nyc.gov/html/sbs/nycbiz) and click on Summary of Services, followed by Selling to Government.

## PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

## NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these

entities directly at the addresses given in the Vendor Information Manual.

## PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit [www.nyc.gov/mocs](http://www.nyc.gov/mocs).

## ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

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

## PROMPT PAYMENT

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

## PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc)

## COMMON ABBREVIATIONS USED IN THE CR

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

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

## KEY TO METHODS OF SOURCE SELECTION

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

CSB	Competitive Sealed Bidding including multi-step Special Case Solicitations/Summary of Circumstances:
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
CP/PQ/4	Demonstration Project
DP	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition
<i>For ongoing construction project only:</i>	
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors
NA/11	Immediate successor contractor required due to termination/default
<i>For Legal services only:</i>	

NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances (Client Services/CSB or CSP only)
WA1	Preventing loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only) anti-apartheid preference
OLB/a	local vendor preference
OLB/b	recycled preference
OLB/c	other: (specify)

## HOW TO READ CR PROCUREMENT NOTICES

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

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE

## POLICE

### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM**  
-Competitive Sealed Bids- PIN#05602000293 -  
DUE 04-21-03 AT 11:00 A.M.

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

◀m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN #05602000293	Procurement identification number
DUE 04-21-03 AT 11:00 A.M.	Bid submission due 4-21-03 by 11:00 A.M.; bid opening date/time is the same.
<i>Use the following address unless otherwise specified or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency
◀	Indicates New Ad
m27-30	Date that notice appears in The City Record