



# THE CITY RECORD

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## THE CITY RECORD

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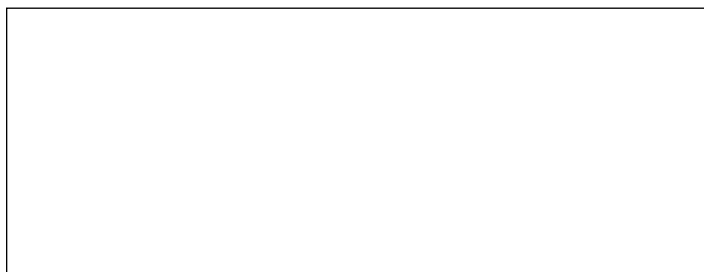
## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BRONX

#### ■ PUBLIC HEARINGS

A PUBLIC HEARING IS BEING called by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr., for Thursday, July 12, 2018, commencing at 6:00 P.M. The hearing will be held in the office of the Borough President, Room 600, 851 Grand Concourse, the Bronx, NY 10451. The following matter will be heard:



### CD #8-ULURP APPLICATION NO: C 180321 ZSX-Hebrew Home for the Aged:

IN THE MATTER OF an application submitted by Hebrew Home for the Aged at Riverdale, Inc., The Hebrew Home for the Aged at Riverdale Foundation, Inc. and Hebrew Home Housing Development Fund Company, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-901(a) of the Zoning Resolution, to modify the use regulations of Section 22-13, to allow a long-term care facility (Use Group 3) in an R1-1 District (Block 5933, Lot 55), on property located at 5701-5961 Palisade Avenue (Block 5933, Lots 44, 210, 224, 225 and 230), in R1-1 and R4 Districts, within the Special Natural Area District (NA-2), Borough of the Bronx, Community District 8.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. THERE WILL BE A TWO MINUTE ALLOCATION OF TIME FOR EACH SPEAKER. ENTER 851 GRAND CONCOURSE FROM THE MAIN ENTRANCE ON THE GRAND CONCOURSE AND TAKE THE ELEVATOR TO THE 6<sup>TH</sup> FLOOR.

Accessibility questions: Sam Goodman (718) 590-6124, by: Thursday, July 12, 2018, 5:00 P.M.



jy5-11

### BOROUGH PRESIDENT - BROOKLYN

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president, will hold a public hearing on the following matters in the Community Room of Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M., on July 11, 2018.

**Calendar Item 1 — PAL A & M Schwartz Early Learn Center (160331 PQK)**

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center, located at 452 Pennsylvania Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care services at this site according to a lease.

**Calendar Item 2 — Friends of Crown Heights 16 (160363 PQK)**

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center, located at 963 Park Place in Brooklyn Community District 8 (CD 8). Such actions would facilitate the continued provision of child care services at this site according to a lease.

**Calendar Item 3 — Friends of Crown Heights 17 CCC (170146 PQK)**

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center, located at 921 Hegeman Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care services at this site according to a lease.

**Calendar Item 4 — DOT BK Fleet Services Facility (180418 PCK)**

An application submitted by the New York City Department of Transportation (DOT) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of a 123,600 square foot (sq. ft.), privately-owned property, located at 25 14<sup>th</sup> Street in Brooklyn Community District 6 (CD 6). Such actions would facilitate its continued use as a DOT fleet vehicle maintenance and repair facility.

**Calendar Item 5 — 3901 9<sup>th</sup> Avenue Rezoning (180186 ZMK, 180187 ZRK)**

An application submitted by 39 Group Inc., pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from M1-2 to R7A a property bounded by New Utrecht and 9<sup>th</sup> Avenues, and 39<sup>th</sup> Street, to establish a C2-4 district within the rezoning boundary, and to designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a six-story, commercial and residential building with approximately 43,815 square feet (sq. ft.) of zoning floor area in Brooklyn Community District 12 (CD 12). The building would have frontage on both 39<sup>th</sup> Street and 9<sup>th</sup> Avenue, and would result in approximately 40 dwelling units. According to MIH Option 1, 25 percent of the residential floor area, or an estimated 10 units, would be affordable to households earning an average 60 percent of the Area Median Income (AMI). The development will provide approximately 8,550 sq. ft. of ground-floor commercial space which is currently envisioned for supermarket use. The development does not intend to include commercial or residential parking.

**Calendar Item 6 — Marcus Garvey Village (180489 ZMK, 180487 ZRK, 180488 ZSK, 180490 ZSK, 180486 PCK, 180485 HAK)**

An application submitted by Brownsville Livonia Associates LLC, with the New York City Department of Citywide Administrative Services (DCAS), the New York City Department of Housing Preservation and Development (HPD), and the New York City Department of Parks and Recreation (NYC Parks), for a series of land use actions to facilitate a Large Scale General Development (LSGD) of seven eight- and nine-story mixed-use buildings with approximately 724 affordable dwelling units in Brooklyn Community District 16 (CD 16). The proposed infill development is contiguous with the existing Marcus Garvey Village, which is bounded by Blake Avenue, Newport Street, Rockaway Avenue, and Thomas S. Boyland Street.

The requested actions include a zoning map amendment to change portions of an existing district from R6 to R7-2 and R7-2/C2-4; a zoning text amendment to designate the project area a Mandatory Inclusionary Housing (MIH) area; a special permit to allow the distribution of total allowable lot coverage without regard for zoning lot lines, and location of buildings without regard for applicable regulations of distance between buildings, height, and, setback; a special permit to waive the existing parking requirement of 294 off-street parking spaces; Urban Development Action Area Project (UDAAP) designation and disposition of City-Owned property, as well as City acquisition and site selection of the Acquisition Site, together with an Easement Area for use as a community garden.

Accessibility questions: Inna Guzenfeld (718) 802-3754, iguzenfeld@brooklynbp.nyc.gov, by: Tuesday, July 10, 2018, 12:00 P.M.



jy3-11

**NOTICE IS HEREBY GIVEN** that Brooklyn Borough President Eric L. Adams, will hold a meeting of the Brooklyn Borough Board in the Community Room of Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M. on July 10, 2018.

The Borough Board meeting agenda, will include a public hearing on the following:

The M1 Hotel text amendment (180349 ZRY) would introduce a Special Permit under the jurisdiction of the City Planning Commission (CPC) for new hotels, motels, tourist cabins, and boatels in Light Manufacturing (M1) districts Citywide, in order to ensure that hotels are built on appropriate sites and provide for a balanced mix of jobs and uses in such areas. The CPC Special Permit would be required for transient hotels in the affected M1 districts. The proposed text amendment would apply to all M1 districts excluding MX (paired manufacturing/residential) districts, as well as M1 districts that include or are adjacent to airport property. M1 districts with existing hotel Special Permit provisions would be excluded. Furthermore, existing hotels within M1 districts with permits issued by the New York City Department of Buildings (DOB) on or before April 23, 2018, would be permitted to continue development as long they complete construction and obtain a Certificate of Occupancy no later than three years after the proposed action is adopted. A Special Permit would not be required for transient hotels, operated for a public purpose by the City or State of New York, or a non-governmental entity, pursuant to an active contract or other written agreement with an agency thereof, specifying a public purpose.

Accessibility questions: Inna Guzenfeld (718) 802-3754, iguzenfeld@brooklynbp.nyc.gov, by: Tuesday, July 3, 2018, 12:00 P.M.



jy2-10

**BOROUGH PRESIDENT - QUEENS**

■ MEETING

The Queens Borough Board, will meet Monday, July 9, 2018, at 5:30 P.M., in the Queens Borough President Conference Room, 120-55 Queens Boulevard, 2<sup>nd</sup> Floor, Kew Gardens, NY 11424.

- M1 Hotel Zoning Text Amendment – to be voted.



jy3-9

**CITY COUNCIL**

■ PUBLIC HEARINGS

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

**The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York, NY 10007, commencing at 9:30 A.M. on Tuesday, July 10, 2018:**

**EAST 14TH STREET AND IRVING PLACE  
MANHATTAN CB - 3 C 180201 ZMM**

Application submitted by Fourteenth at Irving, LLC and the NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c:

1. changing from a C6-1 District to a C6-4 District property, bounded by a line midway between East 14th Street and East 13th Street, the southerly centerline prolongation of Irving Place, East 13th Street, and a line 475 westerly of Third Avenue;

2. changing from a C6-2A District to a C6-4 District property, bounded by a line midway between East 14th Street and East 13th Street, a line 325 feet westerly of Third Avenue, East 13th Street, and the southerly centerline prolongation of Irving Place; and
3. changing from a C6-3X District to a C6-4 District property, bounded by East 14th Street, a line 325 feet westerly of Third Avenue, a line midway between East 14th Street and East 13th Street, and the southerly centerline prolongation of Irving Place;

as shown on a diagram (for illustrative purposes only) dated January 29, 2018, and subject to the conditions of the CEQR Declaration E-457.

**EAST 14<sup>TH</sup> STREET AND IRVING PLACE**

**MANHATTAN CB - 3 N 180202 ZRM**

Application submitted by Fourteenth at Irving, LLC and New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VII – ADMINISTRATION**

**Chapter 4 – Special Permits by the City Planning Commission**

\* \* \*

**74-72**

**Bulk Modification**

**74-721**

**Height and setback and yard regulations**

- (a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in Paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;
- (2) result in a better relationship of the #building# to open areas, adjacent #streets# and surrounding development; and
- (3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

\* \* \*

- (e) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on [date of adoption].

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**MANHATTAN**

\* \* \*

**Manhattan Community District 3**

\* \* \*

Map 2 – [date of adoption]

[PROPOSED MAP]



Inclusionary Housing Designated Area

Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 1 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 3, Borough of Manhattan

\* \* \*

**EAST 14<sup>TH</sup> STREET AND IRVING PLACE**

**MANHATTAN CB - 3 C 180203 ZSM**

Application submitted by Fourteenth at Irving, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-721\* of the Zoning Resolution to modify the rear yard regulations of Section 23-53 (Rear Yards) and the height and setback regulations of Section 33-43 (Maximum Height of Walls and Required Setbacks) to facilitate the development of a 21-story commercial building on property located at 124 East 14<sup>th</sup> Street (Block 559, Lots 16 & 55), in a C6-4\*\* District, partially within the Special Union Square District.

\* Note: Section 74-721 of the Zoning Resolution is proposed to be changed under a concurrent related application for a Zoning Text amendment (N 180202 ZRM).

\*\* Note: The site is proposed to be rezoned by changing from existing C6-1, C6-2A and C6-3X Districts to a C6-4 District under a concurrent related application for a Zoning Map change (C 180201 ZMM).

**The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York, NY 10007, commencing at 1:00 P.M. on Tuesday, July 10, 2018:**

**SPECIAL INWOOD DISTRICT REZONING  
 MANHATTAN CB - 12 C 180204(A) ZMM**

Application submitted by NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 1b, 1d, 3a and 3c:

The proposed zoning map amendment may be seen in the Comprehensive City Planning Calendar of May 9, 2018 (Cal. No. 24) and at the Department of City Planning website: ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

**SPECIAL INWOOD DISTRICT REZONING  
 MANHATTAN CB - 12 N 180205(A) ZRM**

Application submitted by the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Inwood District (Article XIV, Chapter 2), and modifying related Sections, including Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of May 9, 2018 (Cal. No. 26) and at the Department of City Planning website: ([www.nyc.gov/planning](http://www.nyc.gov/planning)).

**SPECIAL INWOOD DISTRICT REZONING  
 MANHATTAN CB - 12 C 180206 PPM**

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New

York City Charter, for the disposition of three City-Owned properties (Block 2185, Lot 36; Block 2197, Lot 47; and Block 2197, Lot 75), pursuant to zoning.

**SPECIAL INWOOD DISTRICT REZONING  
MANHATTAN CB - 12 C 180207 PQM**

Application, pursuant to Section 197-c of the New York City Charter, submitted by the Department of Citywide Administrative Services, to acquire approximately 18,000 square feet of space located at 4780 Broadway (Block 2233, Lot 13 and part of Lot 20) for use as a library; to acquire property along the Harlem River (Block 2197, Lot 47) to enlarge an existing City-Owned property (Block 2197, Lot 75) to establish street and waterfront frontage; and by the Department of Citywide Administrative Services and the Department of Parks and Recreation, for the acquisition of property located along the Harlem River (Block 2183, part of Lot 1; Block 2184, part of Lot 1) for use as public open space and waterfront access.

**SPECIAL INWOOD DISTRICT REZONING  
MANHATTAN CB - 12 C 180208 HAM**

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

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of properties, located at 4780 Broadway (Block 2233, Lot 13) and 630 Academy Street (Block 2233, p/o Lot 20), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
  - c) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, to facilitate affordable housing and community facility space.

**SPECIAL INWOOD DISTRICT REZONING  
MANHATTAN CB - 12 C 180073 MMM**

Application, submitted by The New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Exterior Street between West 202<sup>nd</sup> Street and West 208<sup>th</sup> Street;
- the elimination, discontinuance and closing of Academy Street between the U.S. Pierhead and Bulkhead Line and West 201<sup>st</sup> Street;
- the elimination, discontinuance and closing of West 201<sup>st</sup> Street and West 208<sup>th</sup> Street between the U.S. Pierhead and Bulkhead Line and Ninth Avenue;
- the elimination, discontinuance and closing of a volume of a portion of West 203<sup>rd</sup> Street between Ninth Avenue and the U.S. Pierhead and Bulkhead Line;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property, related thereto in accordance with Map Nos. 30255, 30256 and 30257, dated March 28, 2018 and signed by the Borough President.

Accessibility questions: Land Use Division (212) 482-5154, by: Friday, July 6, 2018, 3:00 P.M.



jy3-10

**CITY PLANNING COMMISSION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, July 11, 2018 at 10:00 A.M.

**BOROUGH OF BROOKLYN  
Nos. 1 & 2  
57 CATON PLACE REZONING  
No. 1**

**CD 7 C 170213 ZMK**  
**IN THE MATTER OF** an application submitted by 57 Caton Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R7A District property bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, a line 50 feet northeasterly of East 8th Street, the southeasterly boundary line of a park and its southwesterly prolongation, and East 8th Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ocean Parkway, a line 150 feet northeasterly of East 8th Street, Caton Place, and a line 50 feet northeasterly of East 8th Street;

as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of the CEQR Declaration E-461.

**No. 2 N 170214 ZRK**  
**CD 7 IN THE MATTER OF** an application submitted by 57 Caton Partners, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, and related sections in Article XI, Chapter 3, for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
Matter ~~struck-out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Ocean Parkway District**

\* \* \*

**113-00  
GENERAL PURPOSES**

\* \* \*

**113-01  
General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

For the purpose of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Ocean Parkway District# are shown on the maps in APPENDIX F of this Resolution.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, inclusive, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the Subdistrict.

\* \* \*

**113-10  
SPECIAL BULK REGULATIONS**

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

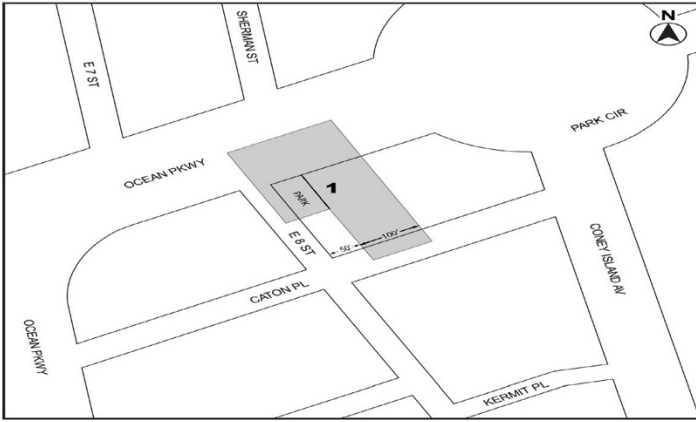
\* \* \*

**Brooklyn Community District 7**

\* \* \*

Map 3 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 [date of adoption] — MIH Program Option 1

Portion of Community District 7, Brooklyn

\* \* \*

Nos. 3 & 4
1881-1883 McDONALD AVENUE REZONING
No. 3

CD 15 IN THE MATTER OF an application submitted by Quentin Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

- 1. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Quentin Road, a line midway between McDonald Avenue and East 2nd Street, a line 155 feet southerly of Quentin Road and McDonald Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 100 feet northerly of Quentin Road, a line midway between McDonald Avenue and East 2nd Street, a line 155 feet southerly of Quentin Road and McDonald Avenue;

as shown on a diagram (for illustrative purposes only), dated April 9, 2018, and subject to the conditions of CEQR Declaration E-474.

No. 4

CD 15 IN THE MATTER OF an application submitted by Quentin Plaza, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

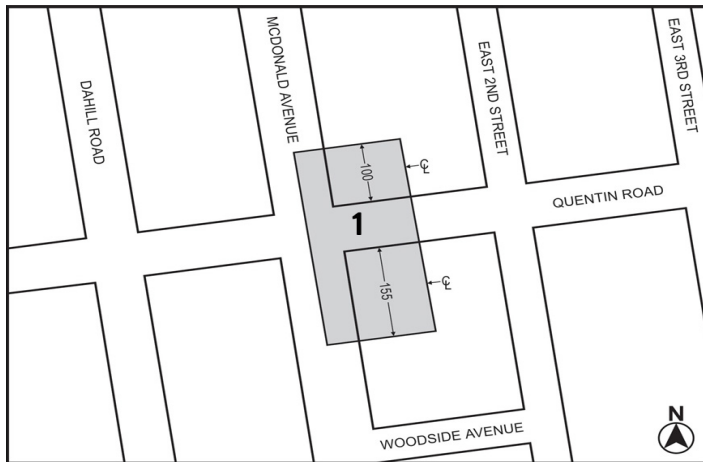
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APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

BROOKLYN

\* \* \*



Brooklyn Community District 15

Map 1 - [date of adoption]

[PROPOSED MAP]

Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 1 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

\* \* \*

BOROUGH OF MANHATTAN
Nos. 5, 6 & 7
27 EAST 4TH STREET
No. 5

CD 2 IN THE MATTER OF an application submitted by Kalodop II Park Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712 (Developments in Historic Districts), concerning special permits within the NoHo Historic District Extension.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10; and
\*\*\* indicates where unchanged text appears in the Zoning Resolution.

ARTICLE VII - ADMINISTRATION

Chapter 4
Special Permits by the City Planning Commission

\*\*\*

74-71
Landmark Preservation

\*\*\*

74-712
Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings# or is improved with a one-story #building# within the NoHo Historic District Extension, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Sections 32-14 (Use Group 5) and 32-15 (Use Group 6), provided:

- (1) the #use# modifications shall meet the following conditions, that:
(i) #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
(ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
(iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
(iv) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
(v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and
(2) the Commission shall find that such #use# modifications:
(i) have minimal adverse effects on the conforming #uses# in the surrounding area;
(ii) are compatible with the character of the surrounding area; and
(iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings#, or where a #development# on a #zoning lot# is improved with a one-

story #building# within the NoHo Historic District Extension, as of December 15, 2003, provided the Commission finds that such #bulk# modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
(2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

\* \* \*

No. 6

CD 2 C 170116 ZSM

IN THE MATTER OF an application submitted by Kalodop II Park Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-712(a)\* of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 5 uses (transient hotel and accessory uses) and Use Group 6 uses (retail and office uses) below the floor level of the second story of a proposed 8-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension.

\*Note: A zoning text amendment is proposed to modify Section 74-712 of the Zoning Resolution under a concurrent related application (N 170115 ZRM).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 7

CD 2 C 170117 ZSM

IN THE MATTER OF an application submitted by Kalodop II Park Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-712(b)\* of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of a 8-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property, located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension.

\*Note: A zoning text amendment is proposed to modify Section 74-712 of the Zoning Resolution under a concurrent related application (N 170115 ZRM).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 8

CENTRAL HARLEM WEST 130TH-132ND STREET HISTORIC DISTRICT

CD 10 N 180372 HKM

IN THE MATTER OF a communication dated June 8, 2018, from the Executive Director of the Landmarks Preservation Commission regarding the Central Harlem West 130th-132nd Street Historic District, designated by the Landmarks Preservation Commission on May 29, 2018 (Designation List No. 507/LP-2607), which consists of the properties bounded by a line beginning on the southern curblin of West 130th Street at a point on a line extending northerly from the eastern property line of 102 West 130th Street, then extending southerly along the eastern property line of 102 West 130th, westerly along the southern property lines of 102 West 130th Street to 170 West 130th Street, then northerly along the western property line of 170 West 130th Street to the southern curblin of West 130th Street, then easterly along the southern curblin of West 130th Street to a point on a line extending southerly from the western property line of 147 West 130th Street, then northerly along the western property line of 147 West 130th Street, then westerly along the southern property lines of 148 West 131st Street to 156 West 131st Street, then northerly along the western property line of 156 West 131st Street to the southern curblin of West 131st Street, then easterly along the southern curblin of West 131st Street to a point on a line extending southerly from the western property line of 161-163 West 131st Street, then northerly along the western property line of 161-163 West 131st Street and along the western property line of 166 West 132nd Street to the northern curblin of West 132nd Street, then westerly along the northern curblin of West 132nd Street to a point on a line extending southerly from the western property line of 161 West 132nd Street, then northerly along the western property line of 161 West 132nd Street, then easterly along the northern property lines of 161 West 132nd Street to 103 West 132nd Street, then southerly along the eastern property line of 103 West 132nd Street, extending southerly across West 132nd Street and southerly along the eastern property lines of 102 West 132nd Street and 103 West 131st Street to the northern curblin of West 131st Street, then westerly along the northern curblin of West 131st Street to a point on a line extending northerly from the eastern property

line of 104 West 131st Street, then southerly along the eastern property line of 104 West 131st Street, then easterly along the northern property line of 103 West 130th Street, then southerly along the eastern property line of 103 West 130th Street to the southern curblin of West 130th Street, then easterly to the point of beginning, Borough of Manhattan, Community District 10.

BOROUGH OF QUEENS

No. 9

O'NEILL'S REZONING

CD 5 C 180138 ZMQ

IN THE MATTER OF an application submitted by O'Neill's of Maspeth, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13c:

- 1. changing from an R4 District to an R5D District property, bounded by a line perpendicular to the easterly street line of 64th Street distant 150 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Drive and the easterly street line of 64th Street, a line 100 feet easterly of 64th Street, a line perpendicular to the westerly street line of 65th Place distant 50 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Drive and the westerly street line of 65th Place, 65th Place, 53rd Drive, and 64th Street;
2. establishing within an existing R4 District a C2-2 District bounded by a line perpendicular to the westerly street line of 65th Place distant 100 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Drive and the westerly street line of 65th Place, 65th Place, a line 60 feet northerly of 53rd Drive, a line 100 feet easterly of 65th Place, 53rd Drive, 65th Place, a line perpendicular to the westerly street line of 65th Place distant 50 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Drive and the westerly street line of 65th Place; and
3. establishing within the proposed R5D District a C2-2 District bounded by a line perpendicular to the westerly street line of 65th Place distant 50 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of 53rd Drive and the westerly street line of 65th Place, 65th Place, 53rd Drive, and a line 100 feet easterly of 64th Street;

as shown on a diagram (for illustrative purposes only) dated March 26, 2018, and subject to the conditions of CEQR Declaration E-471.

BOROUGH OF STATEN ISLAND

No. 10

3122-3136 VICTORY BOULEVARD REZONING

CD 2 C 170178 ZMR

IN THE MATTER OF an application submitted by C & A Realty Holding LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

- 1. eliminating from within an existing R3X District a C2-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue; and
2. changing from an R3X District to a C8-1 District property bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue;

as shown on a diagram (for illustrative purposes only), dated March 26, 2018, and subject to the conditions of CEQR Declaration E-469.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



j26-jy11

CITYWIDE ADMINISTRATIVE SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held on July 18, 2018, at 10:00 A.M., 1 Centre Street, 20th Floor, Conference Room B, Borough of Manhattan.

IN THE MATTER OF a lease extension for the City of New York, as tenant, for the entire 4th, 5th, 6th and partial 2nd floors of the building, located at 185 Marcy Avenue (Block 2151, Lot 6) in the Borough of Brooklyn for the Division of Child Protection of the Administration for Children's Services to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease extension shall be for a period of six (6) years commencing upon execution at an annual rent of \$374,400.00 from execution to Substantial Completion, \$1,450,680.00 from Substantial Completion through year three (3), and \$1,537,720.80 from year four (4) through year six (6), payable in equal monthly installments at the end of each month.

At Substantial Completion Tenant shall pay to Landlord, a one-time retroactive payment equal to the product of \$44,845.00 per month multiplied by the number of months from April 26, 2017, to Substantial Completion.

Tenant shall have the right to terminate the lease, in whole, upon 240 days' notice any time after the third (3rd) year.

The Tenant shall have the right to renew the lease for a period of six (6) years at 90% of Fair Market Value Rental for years one (1) through three (3) flat, and increasing at year four (4) by 6%.

The Landlord shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance with specifications which are attached to the lease. The alterations and improvements consist of Base Building Work, which the landlord shall provide at its sole cost and expense.

Further information, including public inspection of the proposed lease may be obtained at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (212) 386-0315.

Individuals requesting Sign Language Interpreters/Translators 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 TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



• jy6

**BOARD OF CORRECTION**

■ MEETING

Please take note that the next meeting of the Board of Correction, will be held on July 10th, 2018, at 9:00 A.M. The location of the meeting will be 125 Worth Street, New York, NY 10013, in the Auditorium on the 2<sup>nd</sup> Floor.

At that time there will be a discussion of various issues concerning New York City's correctional system.

jy3-10

**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, July 12, 2018, at 9:30 A.M.

To be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

Melanie Whinnery, Executive Director

jy5-11

**HOUSING PRESERVATION AND DEVELOPMENT**

■ PUBLIC HEARINGS

**PLEASE TAKE NOTICE** that a public hearing, will be held on August 15, 2018, at 1 Centre Street, Manhattan, Mezzanine, at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard, will be given an opportunity to be heard, concerning the proposed disposition of the real property identified below.

Pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter, the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-Owned property ("Disposition Area") in the Borough of Manhattan:

<u>Address</u>	<u>Block/Lot(s)</u>
726-728 11 <sup>th</sup> Avenue and 553 West 51 <sup>st</sup> Street	1080/ p/o 103 (tentative 102)

Under the proposed project, the City will convey the Disposition Area to IAC-NYC, LLC ("Sponsor") for the nominal price of one dollar. The project will consist of the conveyance of Block 1080, p/o Lot 103 (tentative Lot 102). The Sponsor will construct one new building on the vacant portion of the Disposition Area that is expected to be connected to an existing building that will be rehabilitated at a later time. The completed project will contain approximately 27,000 gross square feet (21,540 zoning square feet) of community facility space. Approximately 1,250 square feet of the Disposition Area will be restricted for community garden use and will not have associated development rights available. The City will retain the remaining portion of the development rights associated with p/o Lot 103 (tentative Lot 102). The City will effectuate the transfer of the IAC Development Rights in accordance with a zoning lot development agreement and other appropriate documents.

The Sponsor will deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). The Land Debt will be repayable out of resale or refinancing profits for a period of at least thirty (30) years following completion of construction. The remaining balance, if any, may be forgiven at the end of the term.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 5-1, New York, NY on business days during business hours.

The hearing location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodation, such as sign language interpretation services, please contact the Mayor's Office of Contract Services ("MOCS") via email at disabilityaffairs@mocs.nyc.gov, or via phone at (212) 788-0010. TDD users should call Verizon relay services. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least three (3) business days in advance of the hearing to ensure availability.

• jy6

**PLEASE TAKE NOTICE** that a public hearing, will be held on August 15, 2018, at 1 Centre Street, Manhattan, Mezzanine, at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard, will be given an opportunity to be heard, concerning the proposed amendment to the terms of sale of the real property identified below.

Pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter, notice is hereby given that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed an amendment to the terms of sale of the following City-Owned property (collectively, "Disposition Area") in the Borough of the Bronx:

<u>Address</u>	<u>Block/Lot(s)</u>
407 Lenox Avenue	1915/32
409 Lenox Avenue	1915/33
415 Lenox Avenue	1915/36

on the Tax Map of the City of New York and as 407 Lenox Avenue and in HPD's Mixed Income Program: M2 ("Premises").

Under HPD's Mixed Income Program: M<sup>2</sup>, sponsors purchase City-Owned or privately owned land, or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which up to 25 percent of the units are affordable to low income households earning up to 60 percent of the Area Median Income ("AMI") and the remaining units are affordable to moderate and/or middle income households. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the Federal government. Additional funding may also be provided from the syndication of low-income housing tax credits.

This submission is a proposed amendment ("Amended Project") to a project previously approved by the Mayor dated March 8, 2017 (Cal. No. 6) ("Original Project").

Pursuant to the Mayor's approval of the Original Project, the City will sell the Disposition Area to HP MJM Housing Development Fund Company, Inc. ("HDFC") for the nominal price of one dollar per tax lot, and the HDFC will convey the beneficial ownership of the Disposition Area to 407 Lenox Avenue, LLC (the "Company" and collectively with the HDFC, "Owner"). The Company will deliver an enforcement note and the Owner will deliver an enforcement mortgage for the remainder of the appraised value. The Owner will then construct one building containing a total of approximately 78 rental dwelling units, plus one unit for a superintendent, and approximately 7,498 square feet of retail space and approximately 2,500 square feet of community facility space on the Disposition Area assembled with two privately owned lots located on Block 1915, Lots 34 and 35 ("New Project"). Under the Amended Project, following the start of construction of the New Project and prior to completion, the City will consent to the transfer of the

Disposition Area from the HDFC to 407 Lenox Housing Development Fund Company, Inc. ("New HDFC"), but otherwise the terms of the Original Project will remain unchanged.

The hearing location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodation, such as sign language interpretation services, please contact the Mayor's Office of Contract Services ("MOCS") via email at [disabilityaffairs@mocs.nyc.gov](mailto:disabilityaffairs@mocs.nyc.gov) or via phone at (212) 788-0010. TDD users should call Verizon relay services. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least three (3) business days in advance of the hearing to ensure availability.

• jy6

## 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, July 17, 2018, 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.

**42-50 Jay Street - Dumbo Historic District**  
**LPC-19-26964** - Block 30 - Lot 12 - **Zoning: M1-4/R8A**  
**CERTIFICATE OF APPROPRIATENESS**

An American Round Arch style storehouse building designed by P. Faust and built in 1891 and a Daylight Factory style factory building with Arts and Crafts style elements built in 1919-21. Application is to construct rooftop additions, alter the ground floor, paint the façade, and install windows, mechanical equipment, window boxes, and a gate.

**301 Henry Street - Brooklyn Heights Historic District**  
**LPC-19-25858** - Block 263 - Lot 6 - **Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Federal style rowhouse built in 1833. Application is to install enclosed HVAC equipment at the front areaway.

**394 Henry Street - Cobble Hill Historic District**  
**LPC-19-22343** - Block 305 - Lot 28 - **Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**  
 A rowhouse built c. 1830s and altered prior to designation. Application is to resurface the front façade, and legalize the excavation of the front areaway and installation of a through-wall louver, without Landmarks Preservation Commission permit(s).

**864 Carroll Street - Park Slope Historic District**  
**LPC-19-25528** - Block 1072 - Lot 20 - **Zoning: R7B**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Queen Anne style rowhouse, designed by William B. Tubby and built in 1887. Application is to replace windows.

**119 Congress Street - Cobble Hill Historic District**  
**LPC-19-22588** - Block 295 - Lot 35 - **Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**  
 An Italianate style rowhouse, designed by Thomas Wheeler and built in 1852-55. Application is to construct rear yard and rooftop additions.

**412 Broadway - Tribeca East Historic District**  
**LPC-19-22597** - Block 196 - Lot 7 - **Zoning: M1-5**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Neo-Renaissance style store and loft building, designed by Frederick P. Platt and built in 1910. Application is to legalize the installation of windows in non-compliance, with Landmarks Preservation Commission permit(s).

**708 Broadway and 404 Lafayette Street - Noho East Historic District**  
**LPC-19-24209** - Block 545 - Lot 6 - **Zoning: M1-5B**  
**CERTIFICATE OF APPROPRIATENESS**  
 Two Northern Renaissance Revival style store and loft buildings, designed by Cleverdon & Putzel and built in 1896. Application is to install storefront infill, signage and an ADA bollard, and to construct rooftop mechanical additions.

**240 East 61st Street - Treadwell Farm Historic District**  
**LPC-19-24704** - Block 1415 - Lot 31 - **Zoning:**  
**CERTIFICATE OF APPROPRIATENESS**  
 An Italianate style rowhouse, designed by John Sexton and built in 1868-1869. Application is to legalize the painting of the façade, without Landmarks Preservation Commission permit(s).

**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, July 10, 2018, 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.

**604 Shore Road - Douglaston Historic District**  
**LPC-19-10407** - Block 8025 - Lot 1 - **Zoning: R1-1**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Colonial Revival style house, designed by J.H. Cornell and built in 1919. Application is to legalize the installation of mechanical equipment without Landmarks Preservation Commission permit(s).

**301 Henry Street - Brooklyn Heights Historic District**  
**LPC-19-25858** - Block 263 - Lot 6 - **Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Federal style rowhouse built in 1833. Application is to install enclosed HVAC equipment at the front areaway.

**11 and 13 Old Fulton Street - Fulton Ferry Historic District**  
**LPC-19-13313** - Block 35 - Lot 8 and 9 - **Zoning: M2-1**  
**CERTIFICATE OF APPROPRIATENESS**  
 Two Greek Revival style rowhouses built c. 1836-1889. Application is to reconstruct and alter the rear and side facades of the buildings.

**233 Dean Street - Boerum Hill Historic District**  
**LPC-19-24721** - Block 190 - Lot 45 - **Zoning: R6B**  
**CERTIFICATE OF APPROPRIATENESS**  
 A modified Italianate style rowhouse built in 1852-1853. Application is to construct a rear yard addition.

**586 Bergen Street - Prospect Heights Historic District**  
**LPC-19-21816** - Block 1144 - Lot 21 - **Zoning: R6B**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Queen Anne Style rowhouse, designed by William Wirth and built in 1886. Application is to construct rooftop and rear yard additions, alter the areaway, legalize windows installed without Landmarks Preservation Commission Permit(s), install solar canopies and railings at the roof and rear façade, and alter the window openings at the rear façade.

**626 Vanderbilt Avenue - Prospect Heights Historic District**  
**LPC-19-21958** - Block 1158 - Lot 45 - **Zoning: R7A**  
**CERTIFICATE OF APPROPRIATENESS**  
 A Renaissance Revival style flats building, with a commercial ground floor, designed by Henry Pohlman and built c. 1902. Application is to replace storefront infill and reclad an existing awning.

**11 Fulton Street - South Street Seaport Historic District**  
**LPC-19-26958** - Block 96 - Lot 1 - **Zoning: C6-2A**  
**BINDING REPORT**  
 A contemporary market building, designed by Benjamin Thompson and Associates and built in 1983. Application is to alter storefronts, and install light fixtures and signage.

**11 Fulton Street - South Street Seaport Historic District**  
**LPC-19-27206** - Block 96 - Lot 1 - **Zoning: C6-2A**  
**BINDING REPORT**  
 A contemporary market building, designed by Benjamin Thompson and Associates and built in 1983. Application is to replace entrance doors at Beekman Street.

**181-191 Front Street - South Street Seaport Historic District**  
**LPC-19-26784** - Block 74 - Lot 1 - **Zoning: C5-3**  
**BINDING REPORT**  
 A Greek Revival style warehouse, built in 1835-36 and a brick warehouse, built Pre-1793 with 19th century alterations. Application is to install a platform and barrier-free access lift.

**Brooklyn Bridge - Individual Landmark**  
**LPC-19-25869** - Block 77 - Lot 77 - **Zoning:**  
**BINDING REPORT**  
 A suspension bridge, designed by John A. and Washington Roebling and built in 1867-83. Application is to modify infill at the arched masonry openings.

**254 West 4th Street - Greenwich Village Historic District**  
**LPC-19-20358** - Block 621 - Lot 61 - **Zoning: R6**  
**CERTIFICATE OF APPROPRIATENESS**  
 A garage, designed by J.M. Felson and built in 1923. Application is to legalize the installation of rooftop fencing and ground floor infill without Landmarks Preservation Commission Permit(s), and to install a planter box.

**139 Thompson Street - Sullivan-Thompson Historic District**  
**LPC-19-24078** - Block 517 - Lot 30 - **Zoning: R7-2**

jy3-17



**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style tenement building, designed by George Holzeit and built in 1875. Application is to reconstruct the side façade, remove chimneys, and raise the parapet.

**119-121 2nd Avenue - East Village/Lower East Side Historic District**

**LPC-19-25061** - Block 463 - Lot 34, 35 - **Zoning:** R7A, R7A/C1-5

**CERTIFICATE OF APPROPRIATENESS**

An empty lot, formerly occupied by two Queen Anne style tenement buildings, built in 1886, and destroyed in an 2015 explosion. Application is to construct a new building.

**421 West 14th Street - Gansevoort Market Historic District**

**LPC-19-26636** - Block 712 - Lot 14 - **Zoning:** M1-5

**CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style market building, designed by James S. Maher and built in 1914, and altered by William P. Seaver in 1922. Application is to construct a rooftop pergola.

**2080 Broadway - Upper West Side/Central Park West Historic District**

**LPC-19-09955** - Block 1143 - Lot 64 - **Zoning:** C4-6A

**CERTIFICATE OF APPROPRIATENESS**

A modern style commercial building, designed by Arthur Weiser and built in 1938. Application is to replace the parapet.

**224 East 125th Street - Individual Landmark**

**LPC-19-25246** - Block 1789 - Lot 37 - **Zoning:** C4-4D

**BINDING REPORT**

A Renaissance Revival style library building, designed by McKim, Mead & White and built in 1903-04. Application is to modify the existing ramp, replace windows, and install a rooftop bulkhead and mechanical equipment.

j26-jy10

**MAYOR'S OFFICE OF CONTRACT SERVICES**

## ■ MEETING

**FRANCHISE AND CONCESSION REVIEW COMMITTEE****-NOTICE OF MEETING-**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Franchise and Concession Review Committee, will hold a public meeting on Wednesday, July 11, 2018, at 2:30 P.M., at 2 Lafayette Street, 14th Floor Auditorium, New York, NY 10007.

**NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting should contact MOCS at least three (3) business days in advance of the meeting to ensure availability.**

j29-jy11

**TRANSPORTATION**

## ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9<sup>th</sup> Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 25, 2018. 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 SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 131 East 92<sup>nd</sup> Street LLC, to continue to maintain and use a fenced-in area on the north sidewalk of East 92<sup>nd</sup> Street, between Park and Lexington Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1628**

For the period July 1, 2018 to June 30, 2028 - \$25/per annum

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million

Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing Alexander Bellos and Emily Bellos, to continue to maintain and use a stoop, stairs and planted area on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. 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: **R.P. #1933**

For the period July 1, 2015 to June 30, 2016 - \$1,154  
For the period July 1, 2016 to June 30, 2017 - \$1,186  
For the period July 1, 2017 to June 30, 2018 - \$1,218  
For the period July 1, 2018 to June 30, 2019 - \$1,250  
For the period July 1, 2019 to June 30, 2020 - \$1,282  
For the period July 1, 2020 to June 30, 2021 - \$1,314  
For the period July 1, 2021 to June 30, 2022 - \$1,346  
For the period July 1, 2022 to June 30, 2023 - \$1,378  
For the period July 1, 2023 to June 30, 2024 - \$1,410  
For the period July 1, 2024 to June 30, 2025 - \$1,442

the maintenance of a security deposit in the sum of \$3,700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Haydee Montero, to continue to maintain and use a fenced-in area on the east sidewalk of 42<sup>nd</sup> Street, southwesterly of Newton Road, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1636**

For the period July 1, 2018 to June 30, 2028 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Howard W. Lutnick, as Trustee and The HWL Personal Asset Trust under Agreement dated May 28, 2009, to continue to maintain and use a snow melting cables in the north sidewalk of East 71<sup>st</sup> Street, west of Madison Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1992**

For the period from July 1, 2017 to June 30, 2027 - \$25/per annum

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Mario D'Elia and Joanna D'Elia, to continue to maintain and use planted and walled-in areas, together with steps on the west sidewalk of Malba Drive, south of 11<sup>th</sup> Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2301**

From July 1, 2018 to June 30, 2028 - \$1,959/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing Myrna Escario, to continue to maintain and use a fenced-in area located on three Street fronts: Commonwealth Boulevard, 246<sup>th</sup> Street and 85<sup>th</sup> Road, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1634**

For the period July 1, 2018 to June 30, 2028 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,000 and the

insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Rodney Gray and Jeanne Pearson-Gray, to continue to maintain and use a fenced-in area on the east sidewalk of St. Nicholas Avenue, north of 145<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1657**

From July 1, 2018 to June 30, 2028 - \$25/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing Sharon Davis, to continue to maintain and use a fenced-in planted area on the north sidewalk of East 81<sup>st</sup> Street, between Fifth and Madison Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1630**

For the period from July 1, 2018 to June 30, 2028 - \$25/per annum

the maintenance of a security deposit in the sum of \$8,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing the Simone Cohen to continue to maintain and use a fenced-in area on the south sidewalk of East 75<sup>th</sup> Street, between York and First Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2013**

For the period July 1, 2018 to June 30, 2028 - \$100/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent authorizing Steven Brown, to continue to maintain and use a stoop on the south sidewalk of East 19<sup>th</sup> Street, west of Irving Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1671**

- For the period July 1, 2018 to June 30, 2028 - \$916
- For the period July 1, 2019 to June 30, 2020 - \$932
- For the period July 1, 2020 to June 30, 2021 - \$948
- For the period July 1, 2021 to June 30, 2022 - \$964
- For the period July 1, 2022 to June 30, 2023 - \$980
- For the period July 1, 2023 to June 30, 2024 - \$996
- For the period July 1, 2024 to June 30, 2025 - \$1,012
- For the period July 1, 2025 to June 30, 2026 - \$1,028
- For the period July 1, 2026 to June 30, 2027 - \$1,044
- For the period July 1, 2027 to June 30, 2028 - \$1,060

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

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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, 9th Floor, Room 945, commencing at 2:00 P.M., on Wednesday, July 18, 2018. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice), at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing RFR 117 Adams Owner LLC, RFR K 117 Adams Owner LLC, KC 117 Adams Owner LLC and RFR 77 Sands Owner LLC, RFR K 77 Sands Owner LLC, KC 77 Sands Owner LLC, to continue to maintain and use a bridge over and across Pearl Street, north of Sands Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #452**

- For the period July 1, 2016 to June 30, 2017 - \$9,681
- For the period July 1, 2017 to June 30, 2018 - \$9,929
- For the period July 1, 2018 to June 30, 2019 - \$10,177
- For the period July 1, 2019 to June 30, 2020 - \$10,425
- For the period July 1, 2020 to June 30, 2021 - \$10,673
- For the period July 1, 2021 to June 30, 2022 - \$10,921
- For the period July 1, 2022 to June 30, 2023 - \$11,169
- For the period July 1, 2023 to June 30, 2024 - \$11,417
- For the period July 1, 2024 to June 30, 2025 - \$11,665
- For the period July 1, 2025 to June 30, 2026 - \$11,913

the maintenance of a security deposit in the sum of \$12,000 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing RFR 81 Prospect Owner LLC, RFR K 81 Prospect Owner LLC, KC 81 Prospect Owner LLC and RFR 77 Sands Owner LLC, RFR K 77 Sands Owner LLC, KC 77 Sands Owner LLC, to continue to maintain and use a bridge over and across Prospect Street, east of Pearl Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #921**

- For the period July 1, 2016 to June 30, 2017 - \$10,068
- For the period July 1, 2017 to June 30, 2018 - \$10,326
- For the period July 1, 2018 to June 30, 2019 - \$10,584
- For the period July 1, 2019 to June 30, 2020 - \$10,842
- For the period July 1, 2020 to June 30, 2021 - \$11,100
- For the period July 1, 2021 to June 30, 2022 - \$11,358
- For the period July 1, 2022 to June 30, 2023 - \$11,616
- For the period July 1, 2023 to June 30, 2024 - \$11,874
- For the period July 1, 2024 to June 30, 2025 - \$12,132
- For the period July 1, 2025 to June 30, 2026 - \$12,390

the maintenance of a security deposit in the sum of \$12,400 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing RFR 117 Adams Owner LLC, RFR K 117 Adams Owner LLC, KC117 Adams Owner LLC and RFR 55 Prospect Owner LLC, RFR K 55 Prospect Owner LLC, KC 55 Prospect Owner LLC, to continue to maintain and use a bridge over and across Pearl Street, north of Sands Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #934**

- For the period July 1, 2017 to June 30, 2018 - \$18,598
- For the period July 1, 2018 to June 30, 2019 - \$19,015
- For the period July 1, 2019 to June 30, 2020 - \$19,432
- For the period July 1, 2020 to June 30, 2021 - \$19,849
- For the period July 1, 2021 to June 30, 2022 - \$20,266
- For the period July 1, 2022 to June 30, 2023 - \$20,683
- For the period July 1, 2023 to June 30, 2024 - \$21,100
- For the period July 1, 2024 to June 30, 2025 - \$21,517
- For the period July 1, 2025 to June 30, 2026 - \$21,934

the maintenance of a security deposit in the sum of \$22,000 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Maple 3P KRL 175 Pearl Owner LLC and RFR 77 Sands Owner LLC, RFR K 77 Sands Owner LLC, KC 77 Sands Owner LLC, to continue to maintain and use a bridge over and across Prospect Street, east of Pearl Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1236**

- For the period July 1, 2015 to June 30, 2016 - \$46,818
- For the period July 1, 2016 to June 30, 2017 - \$48,096
- For the period July 1, 2017 to June 30, 2018 - \$49,374
- For the period July 1, 2018 to June 30, 2019 - \$50,652
- For the period July 1, 2019 to June 30, 2020 - \$51,930

For the period July 1, 2020 to June 30, 2021 - \$53,208  
 For the period July 1, 2021 to June 30, 2022 - \$54,486  
 For the period July 1, 2022 to June 30, 2023 - \$55,764  
 For the period July 1, 2023 to June 30, 2024 - \$57,042  
 For the period July 1, 2024 to June 30, 2025 - \$58,320  
 For the period July 1, 2025 to June 30, 2026 - \$59,598

the maintenance of a security deposit in the sum of \$59,600 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a tunnel under and across Franklin D. Roosevelt Drive, north of East 13<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #10**

For the period July 1, 2016 to June 30, 2017 - \$32,084  
 For the period July 1, 2017 to June 30, 2018 - \$32,695  
 For the period July 1, 2018 to June 30, 2019 - \$33,306  
 For the period July 1, 2019 to June 30, 2020 - \$33,917  
 For the period July 1, 2020 to June 30, 2021 - \$34,528  
 For the period July 1, 2021 to June 30, 2022 - \$35,139  
 For the period July 1, 2022 to June 30, 2023 - \$35,750  
 For the period July 1, 2023 to June 30, 2024 - \$36,361  
 For the period July 1, 2024 to June 30, 2025 - \$36,972  
 For the period July 1, 2025 to June 30, 2026 - \$37,583

the maintenance of a security deposit in the sum of \$25,100 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a bridge over and across East 14<sup>th</sup> Street, west of Avenue D, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #705**

For the period July 1, 2016 to June 30, 2017 - \$37,845  
 For the period July 1, 2017 to June 30, 2018 - \$38,566  
 For the period July 1, 2018 to June 30, 2019 - \$39,287  
 For the period July 1, 2019 to June 30, 2020 - \$40,008  
 For the period July 1, 2020 to June 30, 2021 - \$40,729  
 For the period July 1, 2021 to June 30, 2022 - \$41,450  
 For the period July 1, 2022 to June 30, 2023 - \$42,171  
 For the period July 1, 2023 to June 30, 2024 - \$42,892  
 For the period July 1, 2024 to June 30, 2025 - \$43,613  
 For the period July 1, 2025 to June 30, 2026 - \$44,334

the maintenance of a security deposit in the sum of \$29,600 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a bridge over and across Avenue D, south of East 14<sup>th</sup> Street in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #706**

For the period July 1, 2016 to June 30, 2017 - \$27,263  
 For the period July 1, 2017 to June 30, 2018 - \$27,782  
 For the period July 1, 2018 to June 30, 2019 - \$28,301  
 For the period July 1, 2019 to June 30, 2020 - \$28,820  
 For the period July 1, 2020 to June 30, 2021 - \$29,339  
 For the period July 1, 2021 to June 30, 2022 - \$29,858  
 For the period July 1, 2022 to June 30, 2023 - \$30,377  
 For the period July 1, 2023 to June 30, 2024 - \$30,896  
 For the period July 1, 2024 to June 30, 2025 - \$31,415  
 For the period July 1, 2025 to June 30, 2026 - \$31,934

the maintenance of a security deposit in the sum of \$23,000 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use certain structures used in connection with the company's 59<sup>th</sup> Street Power Plant, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30,

2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #781**

For the period July 1, 2016 to June 30, 2017 - \$271,923  
 For the period July 1, 2017 to June 30, 2018 - \$277,100  
 For the period July 1, 2018 to June 30, 2019 - \$282,277  
 For the period July 1, 2019 to June 30, 2020 - \$287,454  
 For the period July 1, 2020 to June 30, 2021 - \$292,631  
 For the period July 1, 2021 to June 30, 2022 - \$297,808  
 For the period July 1, 2022 to June 30, 2023 - \$302,985  
 For the period July 1, 2023 to June 30, 2024 - \$308,162  
 For the period July 1, 2024 to June 30, 2025 - \$313,339  
 For the period July 1, 2025 to June 30, 2026 - \$318,516

the maintenance of a security deposit in the sum of \$212,800 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing the Consolidated Edison Company of New York, Inc., to continue to maintain and use a pipe under and across East 133<sup>rd</sup> Street, east of Walnut Avenue, in the Borough of the Bronx. 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: **R.P. #847**

For the period July 1, 2014 to June 30, 2015 - \$1,907  
 For the period July 1, 2015 to June 30, 2016 - \$1,959  
 For the period July 1, 2016 to June 30, 2017 - \$2,011  
 For the period July 1, 2017 to June 30, 2018 - \$2,063  
 For the period July 1, 2018 to June 30, 2019 - \$2,115  
 For the period July 1, 2019 to June 30, 2020 - \$2,167  
 For the period July 1, 2020 to June 30, 2021 - \$2,219  
 For the period July 1, 2021 to June 30, 2022 - \$2,271  
 For the period July 1, 2022 to June 30, 2023 - \$2,323  
 For the period July 1, 2023 to June 30, 2024 - \$2,375

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a conduit under and across River Street, south of Metropolitan Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #877**

For the period July 1, 2016 to June 30, 2017 - \$6,930  
 For the period July 1, 2017 to June 30, 2018 - \$7,062  
 For the period July 1, 2018 to June 30, 2019 - \$7,194  
 For the period July 1, 2019 to June 30, 2020 - \$7,326  
 For the period July 1, 2020 to June 30, 2021 - \$7,458  
 For the period July 1, 2021 to June 30, 2022 - \$7,590  
 For the period July 1, 2022 to June 30, 2023 - \$7,722  
 For the period July 1, 2023 to June 30, 2024 - \$7,854  
 For the period July 1, 2024 to June 30, 2025 - \$7,986  
 For the period July 1, 2025 to June 30, 2026 - \$8,118

the maintenance of a security deposit in the sum of \$5,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#11 IN THE MATTER OF** a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use two pipes under and across East 133<sup>rd</sup> Street, west of Locust Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #892**

For the period July 1, 2016 to June 30, 2017 - \$5,041  
 For the period July 1, 2017 to June 30, 2018 - \$5,137  
 For the period July 1, 2018 to June 30, 2019 - \$5,233  
 For the period July 1, 2019 to June 30, 2020 - \$5,329  
 For the period July 1, 2020 to June 30, 2021 - \$5,425  
 For the period July 1, 2021 to June 30, 2022 - \$5,521  
 For the period July 1, 2022 to June 30, 2023 - \$5,617  
 For the period July 1, 2023 to June 30, 2024 - \$5,713  
 For the period July 1, 2024 to June 30, 2025 - \$5,809  
 For the period July 1, 2025 to June 30, 2026 - \$6,905

the maintenance of a security deposit in the sum of \$4,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million

Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#12 IN THE MATTER OF a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use certain existing structures in connection with the 74th Street Power Plant, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #792

- For the period July 1, 2016 to June 30, 2017 - \$184,506
For the period July 1, 2017 to June 30, 2018 - \$188,019
For the period July 1, 2018 to June 30, 2019 - \$191,532
For the period July 1, 2019 to June 30, 2020 - \$195,045
For the period July 1, 2020 to June 30, 2021 - \$198,558
For the period July 1, 2021 to June 30, 2022 - \$202,071
For the period July 1, 2022 to June 30, 2023 - \$205,584
For the period July 1, 2023 to June 30, 2024 - \$209,097
For the period July 1, 2024 to June 30, 2025 - \$212,610
For the period July 1, 2025 to June 30, 2026 - \$216,123

the maintenance of a security deposit in the sum of \$143,900 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#13 IN THE MATTER OF a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a bridge over and across East 14th Street, between Avenue D and Franklin D. Roosevelt Drive, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #1030

- For the period July 1, 2016 to June 30, 2017 - \$41,464
For the period July 1, 2017 to June 30, 2018 - \$42,253
For the period July 1, 2018 to June 30, 2019 - \$43,042
For the period July 1, 2019 to June 30, 2020 - \$43,831
For the period July 1, 2020 to June 30, 2021 - \$44,620
For the period July 1, 2021 to June 30, 2022 - \$45,409
For the period July 1, 2022 to June 30, 2023 - \$46,198
For the period July 1, 2023 to June 30, 2024 - \$46,987
For the period July 1, 2024 to June 30, 2025 - \$47,776
For the period July 1, 2025 to June 30, 2026 - \$48,565

the maintenance of a security deposit in the sum of \$32,400 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#14 IN THE MATTER OF a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use a water line under and across John Street, west of Gold Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #1093

- For the period July 1, 2016 to June 30, 2017 - \$2,664
For the period July 1, 2017 to June 30, 2018 - \$2,715
For the period July 1, 2018 to June 30, 2019 - \$2,766
For the period July 1, 2019 to June 30, 2020 - \$2,817
For the period July 1, 2020 to June 30, 2021 - \$2,868
For the period July 1, 2021 to June 30, 2022 - \$2,919
For the period July 1, 2022 to June 30, 2023 - \$2,970
For the period July 1, 2023 to June 30, 2024 - \$3,021
For the period July 1, 2024 to June 30, 2025 - \$3,072
For the period July 1, 2025 to June 30, 2026 - \$3,123

the maintenance of a security deposit in the sum of \$2,100 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#15 IN THE MATTER OF a proposed revocable consent authorizing Consolidated Edison Company of New York, Inc., to continue to maintain and use water lines under and along East 15th and East 16th Streets, between Avenue C and Franklin D. Roosevelt Drive, and under and along Twelfth Avenue, between West 49th and West 54th Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #1104

- For the period July 1, 2016 to June 30, 2017 - \$155,037
For the period July 1, 2017 to June 30, 2018 - \$157,989
For the period July 1, 2018 to June 30, 2019 - \$160,941
For the period July 1, 2019 to June 30, 2020 - \$163,893
For the period July 1, 2020 to June 30, 2021 - \$166,845

- For the period July 1, 2021 to June 30, 2022 - \$169,797
For the period July 1, 2022 to June 30, 2023 - \$172,749
For the period July 1, 2023 to June 30, 2024 - \$175,701
For the period July 1, 2024 to June 30, 2025 - \$178,653
For the period July 1, 2025 to June 30, 2026 - \$181,605

the maintenance of a security deposit in the sum of \$120,871 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

j27-jy18

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: https://www.propertyroom.com/s/nyc/fleet

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

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

m30-s11

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

HOUSING PRESERVATION AND DEVELOPMENT

PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property, appear in the Public Hearing Section.

jy6-j7

POLICE

NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants: 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.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

**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



*“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)

**CITYWIDE ADMINISTRATIVE SERVICES**

■ AWARD

*Goods*

**NJPA PIGGYBACKS (STATEWIDE) HEAVY EQUIPMENTBACKHOE LOADER- FDNY** - Intergovernmental Purchase - Other - PIN#8571800326 - AMT: \$175,113.85 - TO: Jesco Inc., 110 East Jefryn Boulevard, Deer Park, NY 11729.

OGS PC67075

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

• jy6

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**BRUSHES, JANITORIAL** - Competitive Sealed Bids - PIN# 8571700272 - AMT: \$218,024.00 - TO: W B Mason Company Inc., 53 West 23rd Street, 10th Floor, New York, NY 10010.

• jy6

**NYS CONTR. UMBRELLA IT- COMPUTERS - DEP** - Other - PIN#8571800323 - AMT: \$199,513.10 - TO: Dell Marketing LP, One Dell Way, Round Rock, TX 78682.

NYS OGS # PM 20820

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

• jy6

**COMPTROLLER**

**BUREAU OF ASSET MANAGEMENT - CONTRACTS**

■ INTENT TO AWARD

*Goods and Services*

**NEGOTIATED ACQUISITION FOR INTERNATIONAL EQUITY SMALL CAP INVESTMENT MANAGEMENT SERVICES**

- Negotiated Acquisition - Other - PIN#015-188-224-00 IQ - Due 7-16-18 at 3:00 P.M.

In accordance with Section 3-04(c) of the New York City Procurement Policy Board Rules, the New York City’s Comptroller’s Office (the “Comptroller’s Office”), as Custodian and Investment Advisor to the five (5) New York City Retirement Systems (combined, the “Systems”),

intends to use the Negotiated Acquisition Procurement Method, to award a contract to Algert Global LLC ("Algert Global") for the provision of international equity small cap investment management services. Algert Global has been providing investment manager services through the Public Equity Fund of Fund/Emerging Manager Program portfolio for all five (5) Systems. The anticipated term of the contract is November 1, 2018 - March 31, 2020, with two (2) three-year options to renew.

This Notice of Intent will be available for download from the Comptroller's website at <http://comptroller.nyc.gov/>, on or about July 2, 2018. To download the Notice of Intent, you must first register. Select "RFPs and Solicitations" then "Negotiated Acquisition for International Equity Small Cap Investment Management Services". Click on link provided to "Register."

Vendors that are interested in expressing interest in this procurement or in similar procurements in the future, may contact Cristina Ottey at [cottey@comptroller.nyc.gov](mailto:cottey@comptroller.nyc.gov). Expressions of Interest are due July 19, 2018, by 3:00 P.M. (ET).

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.

Comptroller, 1 Centre Street, 8th Floor South, New York, NY 10007.  
Cristina Ottey (212) 669-4874; Fax: (212) 669-3417;  
[cottey@comptroller.nyc.gov](mailto:cottey@comptroller.nyc.gov)

jy2-9

**DESIGN AND CONSTRUCTION**

■ AWARD

*Construction / Construction Services*

**RQ A AND E, REQUIREMENTS CONTRACT FOR SPECIAL INSPECTIONS AND LABORATORY TESTING SERVICES FOR SMALL PROJECTS CITYWIDE** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#8502017RQ0058P - AMT: \$2,000,000.00 - TO: JPCL Engineering, LLC, 216 Us Highway 206, Suite 18, Hillsborough, NJ 08844.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Section 6-129 of the New York City Administrative Code.

• jy6

**DISTRICT ATTORNEY - RICHMOND COUNTY**

ADMINISTRATION

■ SOLICITATION

*Human Services / Client Services*

**ALTERNATIVES TO INCARCERATION SERVICES TO INDIVIDUALS ON STATEN ISLAND** - Sole Source - Available only from a single source - PIN# 20181416656 - Due 7-10-18 at 8:00 A.M.

Staten Island TASC has been providing services, to those involved in Staten Island Treatment Court since 1985. Four Case Managers work directly with Court Involved Individuals and a Clinician performs evaluations and monthly referrals for the Courts. Staten Island's Drug Treatment Court relies on TASC for keeping track of individual progress of Court involved individuals to screenings and treatment programs and keeping track of their progress through drug testing and follow-up interviews and court appearances. The program is for prison-bound non-violent offenders whose substance abuse has brought them into contact with the Court system, and has demonstrated its ability to reduce the use of incarceration while maintaining public safety.

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.

District Attorney - Richmond County, 130 Stuyvesant Place, 7th Floor, Staten Island, NY 10301. Belkis Palacios (718) 556-7024; Fax: (718) 442-3584; [belkis.palacios@rcda.nyc.gov](mailto:belkis.palacios@rcda.nyc.gov)

jy3-10

**EDUCATION**

**CONTRACTS AND PURCHASING**

■ SOLICITATION

*Goods and Services*

**REQUIREMENTS CONTRACT FOR PUMP REPAIRS** - Competitive Sealed Bids - PIN#B3271040 - Due 8-6-18 at 4:00 P.M.

To download, please go to <http://schools.nyc.gov/Offices/DCP/Vendor/RequestsforBids/Default.htm>. If you cannot download, send an email to [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov), with the RFB number and title in the subject line.

For all questions related to this RFB, please email [iblackstone@schools.nyc.gov](mailto:iblackstone@schools.nyc.gov), with the RFB number and title in the subject line of your email.

Description: to repair or replace pump components, parts, and allied equipment in designated schools and facilities.

There will be a Pre-Bid Conference, on Wednesday, July 11, 2018, at 1:30 P.M., at 65 Court Street, 12th Floor, Conference Room 1201, Brooklyn, NY 11201.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBES), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBES, from all segments of the community. The DOE works to enhance the ability of MWBES to compete for contracts. DOE is committed to ensuring that MWBES fully participate in the procurement process.

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.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)



• jy6

**EMPLOYEES' RETIREMENT SYSTEM**

■ AWARD

*Goods and Services*

**PRESIDIO NETWORK SOLUTIONS GROUP LLC** - Intergovernmental Purchase - Other - PIN#009062820181 - AMT: \$177,193.76 - TO: Presidio Network Solutions Group LLC, One Penn Plaza, Suite 2832, New York, NY 10119.

Vendor shall provide NYCERS with computer hardware, support and professional services.

• jy6

**ENVIRONMENTAL PROTECTION**

AGENCY CHIEF CONTRACTING OFFICE

■ SOLICITATION

*Services (other than human services)*

**USGS-JFA: ASSESSMENT OF LEAKAGE CATSKILL AND DELAWARE AQUEDUCT** - Government to Government - PIN# 82618USGSJFA - Due 7-19-18 at 4:00 P.M.

DEP intends to enter into a Government-to-Government agreement with the United States Geological Survey (USGS) for USGS-JFA for Assessment of leakage from the Catskill and Delaware Aqueducts. Any firm which believes it can also provide the required service IN THE FUTURE is invited to so, indicated by letter which must be received no later than July 19, 2018, 4:00 P.M., at: Department of Environmental Protection, Agency Chief Contracting Office, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373, ATTN: Ms. Glorivee Roman, [glroman@dep.nyc.gov](mailto:glroman@dep.nyc.gov), (718) 595-3226.

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor,  
Flushing, NY 11373. Glorivee Roman (718) 595-3226; Fax: (718) 595-3208;  
glroman@dep.nyc.gov



jy2-9

## PURCHASING MANAGEMENT

### ■ INTENT TO AWARD

*Services (other than human services)*

### SOFTWARE LICENSES, SUPPORT AND MAINTENANCE SERVICES FOR AQUARIUS DATA MANAGEMENT SOFTWARE

- Sole Source - Available only from a single source - PIN# 9013501 - Due 7-23-18 at 11:00 A.M.

NYC Environmental Protection intends to enter into a sole source agreement with Aquarius Informatics Inc., for the purchase of Software Licenses, Support and Maintenance Services for Aquarius Data Management Software. Any firm which believes it can also provide the Software Licenses and Services for Aquarius are invited to do so; please indicate by letter or 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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor,  
Flushing, NY 11373. Ira Elmore (718) 595-3259; Fax: (718) 595-9531;  
ielmore@dep.nyc.gov

j29-jy6

## WASTEWATER TREATMENT

### ■ SOLICITATION

*Construction Related Services*

### RECONSTRUCTION OF EFFLUENT CHAMBER AT SPRING CREEK WASTEWATER TREATMENT PLANT. - Competitive Sealed Bids - PIN#82618B0068 - Due 7-26-18 at 11:30 A.M.

Contract Number: 26W-149, Document Fee: \$80, Project Manager: Riad Aslad, RAslad@dep.nyc.gov. Engineers' Estimate: \$3,978,850 - \$5,383,150.

There will be a Pre-Bid Meeting to be held, on 7/11/18, located at Spring Creek, 12720 Flatlands Avenue, Brooklyn, NY 11208, at 10:00 A.M., site visit to follow. PPE is required. Last day for questions 7/13/18, email to Agency Contact.

Identification of Subcontractor is required for this procurement, submit in a separate envelope with your bid.

Drawings are not included online, will need to be purchased through the DEP, please call or email of instructions.

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

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Bid Room, Flushing, NY 11373. Fabian Heras (718) 595-3265;  
fheras@dep.nyc.gov



jy6

## HEALTH AND MENTAL HYGIENE

### ■ AWARD

*Human Services/Client Services*

**MEDICALLY SUPERVISED OUTPATIENT SERVICES - Renewal** - PIN# 12SA032401R2X00 - AMT: \$2,144,169.00 - TO: Weill Medical College of Cornell University, 1300 York Avenue, New York, NY 10065-0048.

● **NURSE FAMILY PARTNERSHIP PROGRAM SERVICES - Renewal** - PIN# 15FN000303R1X00 - AMT: \$3,060,000.00 - TO: Sco Family of Services, 1 Alexander Place, Glen Cove, NY 11542.

● **CANCER SCREENING FOR DISADVANTAGE RESIDENTS OF NYC.** - BP/City Council Discretionary - PIN# 18CR022501R0X00 - AMT: \$100,000.00 - TO: Ralph Lauren Center for Cancer Care and Prevention, 1919 Madison Avenue, New York, NY 10035.

jy6

## HOUSING AUTHORITY

### PROCUREMENT

#### ■ SOLICITATION

*Goods*

### MACHINE, INDUSTRIAL DESCALER AND REMOVER -

Competitive Sealed Bids - PIN#67260 - Due 7-20-18 at 12:00 P.M.

The awarded bidder/vendor agrees to provide Machine, Industrial Descaler and Remover) within 15 days. Sample maybe required and to be provided within 10 days of request. Failure to do so will result in bid deemed non-responsive.

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 the time of request.

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

Housing Authority, 90 Church Street, N 6th Floor, Cubicle 6-754, New York, NY 10007. Ornette Proctor (212) 306-4529; Fax: (212) 306-5108;  
ornette.proctor@nycha.nyc.gov



jy6

## SUPPLY MANAGEMENT

### ■ SOLICITATION

*Goods and Services*

### SMD GLASS AND GLAZING - VARIOUS DEVELOPMENTS

#### WITHIN THE FIVE (5) BOROUGHES OF NEW YORK CITY

- Competitive Sealed Bids - PIN#67283 - Due 7-26-18 at 10:00 A.M.

The term of this contract is Two (2) Years. The contractor shall provide labor, materials, equipment, services, tools and any other incidentals necessary for the following: Remove panes of Plexiglass from apartments and public spaces and replace with New Laminated Safety Glass. Provide all other labor and materials, as may be reasonably inferred to be required to make the work of this Section complete. Please Note: This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement (PLA). As part of its bid and no later than three (3) business days after the bid opening, the Bidder must submit Letters of Assent to the Project Labor Agreement signed by the Bidder and each of the Bidder's proposed Subcontractors. Failure to submit all required signed Letters of Assent within three (3) business days after the bid opening shall result in a determination that the Bidder's bid is non-responsive.

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, please 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" followed by "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 the time of request.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Miriam Rodgers (212) 306-3469; Fax: (212) 306-5109; miriam.rodgers@nycha.nyc.gov

• jy6

**SMD POTABLE WATER ANALYSIS OF ROOF TANK WATER IN VARIOUS DEVELOPMENTS** - Competitive Sealed Bids - PIN#67285 - Due 7-26-18 at 10:00 A.M.

Potable Water Analysis of Roof Tank Water at Various Developments, located within all five (5) Boroughs of New York City. The term of this contract is Two (2) years. No Bid Security Required. Please note that in the event NYCHA receives no responses in connection with this RFQ on or before the original bid submission deadline, the bid submission deadline shall automatically be extended for seven (7) calendar days. The foregoing extension does not in any way limit NYCHAs right to extend the bid submission deadline for any other reason.

Please ensure that bid response includes documentation as required and attached/included in electronic bid proposal submittal. Failure to comply will result in your bid being deemed non-responsive. 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 the time of request.

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, please 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" followed by "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 the time of request.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

• jy6

**HOUSING PRESERVATION AND DEVELOPMENT**

■ AWARD

Construction/Construction Services

**IMMEDIATE EMERGENCY DEMOLITION** - Emergency Purchase - Specifications cannot be made sufficiently definite - PIN# 80618E0010001 - AMT: \$293,110.00 - TO: Granite Environmental LLC, 847 Shepherd Avenue, Brooklyn, NY 11208. Fully Demolition of three story building and backfill to grade.

● **IMMEDIATE EMERGENCY DEMOLITION** - Emergency Purchase - Specifications cannot be made sufficiently definite - PIN# 80618E0016001 - AMT: \$270,582.00 - TO: Granite Environmental LLC, 847 Shepherd Avenue, Brooklyn, NY 11208. Fully Demolish the building to grade.

• jy6

**DEVELOPMENT**

■ AWARD

Construction Related Services

**PROJECT HELP FOR THE PROVISION HOME EMERGENCY LOAN PROGRAM** - Line Item Appropriation or Discretionary Funds - Specifications cannot be made sufficiently definite - PIN# 80618L0079001 - AMT: \$150,000.00 - TO: Neighborhood Housing Services of Brooklyn Bedford-Stuyvesant, 1012 Gates Avenue, 1st Floor, Brooklyn, NY 11221.

● **PROJECT HELP FOR THE PROVISION HOME EMERGENCY LOAN PROGRAM** - Line Item Appropriation or Discretionary Funds - Specifications cannot be made sufficiently definite - PIN# 80618L0080001 - AMT: \$300,000.00 - TO: Neighborhood Housing Services of Queens CDC Inc., 60 20 Woodside Avenue, 2nd Floor, Woodside, NY 11377. To provide Home Emergency Loan Program.

• jy6

**LEGAL**

■ SOLICITATION

Human Services/Client Services

**BASEMENT CONVERSION PILOT PROGRAM EAST NEW YORK** - Demonstration Project - Judgment required in evaluating proposals - PIN# 80618D0001 - Due 8-10-18 at 2:00 P.M.

The New York City Department of Housing Preservation and Development (HPD) is seeking a Housing Development Fund Corporation (HDFC) to implement the Basement Conversion Pilot Program in East New York for a total contract term of three years. The Basement Conversion Pilot Program (the "Program") is a demonstration project that aims to create 40 below-grade apartments within one-to-three unit homes in Brooklyn Community District 5 (East New York). HPD will fund technical assistance and provide low-rate financing to eligible homeowners in cooperation with an HDFC contractor to convert their basements into housing units compliant with code requirements.

Any vendor that believes that it can provide the required services is invited to express their interest by submitting a proposal by no later than 2:00 P.M., August 10, 2018. A Pre-Solicitation Conference has been scheduled for July 19, 2018, at 3:30 P.M., at 100 Gold Street, Room 8F-14. The Expression of Interest solicitation can be downloaded from the HPD website, http://www1.nyc.gov/site/hpd/vendors/contract-opportunities.page.

Questions concerning this solicitation must be sent via email at jb1@hpd.nyc.gov. Applications are to be submitted to HPD, Procurement Services Division, 100 Gold Street, 8B-05, New York, NY 10038, Attention: Jay Bernstein, Deputy Agency Chief Contracting Officer.

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, Room 8B-05, New York, NY 10038. Jay Bernstein (212) 863-6657; jb1@hpd.nyc.gov

Accessibility questions: Wayne Whittaker (212) 863-5815, whittakw@hpd.nyc.gov, by: Wednesday, July 18, 2018, 3:00 P.M.



jy2-9

**HUMAN RESOURCES ADMINISTRATION**

**HIV/AIDS SERVICES ADMINISTRATION**

■ SOLICITATION

Human Services/Client Services

**NY/NY III NON-EMERGENCY PERMANENT SUPPORTIVE CONGREGATE HOUSING FOR CHRONICALLY HOMELESS SINGLE ADULTS LIVING WITH AIDS OR ADVANCED HIV ILLNESS** - Request for Proposals - PIN#06913H082100-.-.- - Due 10-26-18 at 2:00 P.M.

The Human Resources Administration (HRA) is seeking appropriately qualified vendors to operate and maintain the remaining units of permanent supportive congregate housing for chronically homeless single adults who are living with HIV/AIDS and who suffer from a co-occurring serious and persistent mental illness, a substance abuse disorder, or a Mentally Ill Chemical Abuse (MICAS) disorder. Please note that HRA has received increased funding for an additional 351 permanent supportive congregate housing units. This is an "Open-Ended" RFP; therefore, proposals will be accepted and



reviewed on an ongoing basis until all units covered by this RFP's increased funding are sited.

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

Human Resources Administration, 12 West 14th Street, 5th Floor, New York, NY 10011. Paula Sangster-Graham (212) 620-5493; sangstergrahamp@hra.nyc.gov



◀ jy6

**PARKS AND RECREATION**

■ **VENDOR LIST**

*Construction Related 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 construct 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 begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/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. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; [dmbwe.capital@parks.nyc.gov](mailto:dmbwe.capital@parks.nyc.gov)

j2-d31

**REVENUE**

■ **SOLICITATION**

*Goods and Services*

**REQUEST FOR BIDS (RFB) FOR THE OPERATION AND MAINTENANCE OF A NEWSSTAND LOCATED AT VAN SINDEREN AVENUE BETWEEN FULTON AND TRUXTON STREETS, CALLAHAN-KELLY PLAYGROUND, BROOKLYN** - Public Bid - PIN# B219-NS-2017 - Due 7-30-18 at 3:00 P.M.

In accordance with Section 1-12 of the Concession Rule 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 Bids (RFB) for the operation and maintenance of a newsstand, located at Van Sinderen Avenue between Fulton and Truxton Streets, Callahan-Kelly Playground, Brooklyn.

Hard copies of the RFB can be obtained, at no cost, commencing June 26, 2018, through July 26, 2018, between the hours of 9:00 A.M., and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located, at 830 Fifth Avenue, Room 407, New York, NY 10065. All bids submitted in response to this RFB must be submitted by no later than July 30, 2018, at 3:00 P.M.

There will be a recommended bidder meeting on July 11, 2018, at 11:00 A.M. We will be meeting at the proposed concession site, which is located near the corner of Fulton Street and Van Sinderen Avenue, in Callahan-Kelly Playground, Brooklyn. If you are considering responding to this RFB, please make every effort to attend this recommended meeting.

The RFB is also available for download, commencing on June 26, 2018 through July 30, 2018, on Parks' website. To download the RFB, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFB's description.

For more information or to request to receive a copy of the RFB by mail, prospective proposers may contact the Revenue Division's Senior Compliance Officer, Jeremy Holmes, at (212) 360-3455 or at [jeremy.holmes@parks.nyc.gov](mailto:jeremy.holmes@parks.nyc.gov).

**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, 830 5th Avenue, 4th Floor, New York, NY 10065. Jeremy Holmes (212) 360-3455; Fax: (917) 849-6635; [jeremy.holmes@parks.nyc.gov](mailto:jeremy.holmes@parks.nyc.gov)



j26-jy10

**TRANSPORTATION**

**BRIDGES**

■ **AWARD**

*Construction / Construction Services*

**AMERICAN BRIDGE COMPANY** - Competitive Sealed Bids - PIN# 84117MBBR071 - AMT: \$274,145,000.00 - TO: American Bridge Company, 1 Bridge Plaza, Suite 340, Fort Lee, NJ 07024.

◀ jy6

**YOUTH AND COMMUNITY DEVELOPMENT**

**PROCUREMENT**

■ **INTENT TO AWARD**

*Services (other than human services)*

**FY19 CAPACITY BUILDING SERVICES RENEWAL -WIOA** - Renewal - PIN# 26019088XXXA - Due 7-12-18 at 9:00 A.M.

In accordance with Section 4-04 of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD), intends to renew the contracts listed below, to provide Capacity Building Services under Service Option III: Workforce Innovation and Opportunity Act (WIOA) funded Programs. The contractors will provide capacity building services around career development and literacy. The term of the contract renewals shall be for a one-year period from 7/1/2018 to 6/30/2019, with no option to renew. Listed below are the pin numbers, provider names, address and contract amounts:

26019088484A \$88,000.00  
Literacy Assistance Center  
85 Broad Street, 27th Floor  
New York, NY 10004

26019088481A \$88,000.00  
Fund for the City of New York  
121 6th Avenue, 6th Floor  
New York, NY 10013

Please be advised that this ad is for information purposes only. If you wish to contact DYCD for further information, please send an email to ACCO@dycd.nyc.gov.

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

Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007. Renise Ferguson (646) 343-6320; re Ferguson@dycd.nyc.gov

jy5-11

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



AGING

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, July 16, 2018, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the City of New York Department for the Aging and Sage Document Services Group LLC, located at 2 West 46th Street, Suite 407, New York, NY 10036, for Document Scanning Services, in the borough of Manhattan. The contract amount will be \$150,000. The contract term shall be from August 1, 2018 to July 31, 2019. PIN#: 12519DSS001.

The contractor has been selected, pursuant to Section 3-12 of the Procurement Policy Board Rules.

A draft copy of the contract will be available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from July 6, 2018 to July 16, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging (DFTA), 2 Lafayette Street, Room 400, New York, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

Accessibility questions: Naemah Doldron (212) 602-7749, NaDoldron@aging.nyc.gov, by: Wednesday, July 11, 2018, 10:00 A.M.



jy6

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, July 16, 2018, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the City of New York Department for the Aging and Council of People's Organization, located at 1081 Coney Island Avenue, Brooklyn, NY 11230, for the provision of physical health, nutrition and information and referral services for the elderly. The program will be serving Community District 14 in the borough of Brooklyn. The contract amount is \$110,500. The contract term shall be from July 1, 2017 to June 30, 2018. The proposed contract will have an EPIN number of: 12519L0001001 and DFTA PIN #: 12518DISC2TT.

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from July 6, 2018 to July 16, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this Public Hearing, should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging (DFTA), 2 Lafayette Street, Room 400, New York, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

Accessibility questions: Faustina Williams (212) 602-4272, FaWilliams@aging.nyc.gov, by: Wednesday, July 11, 2018, 10:00 A.M.



jy6

AGENCY RULES

ADMINISTRATIVE TRIALS AND HEARINGS

NOTICE

Office of Administrative Trials and Hearings Environmental Control Board

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) proposes to repeal its Air Asbestos Penalty Schedule rule. This schedule is found in Section 3-101 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). The Air Asbestos Penalty Schedule contains penalties for summonses issued by the Department of Environmental Protection (DEP) for violations of Chapter 1 of Title 15 of the Rules of the City of New York, Title 24 of the Administrative Code, and Part 56 of Title 12 of the New York Codes, Rules and Regulations. DEP is proposing a companion rule adding a similar Air Asbestos Penalty Schedule to its rules including several new violations based on amendments to DEP's Asbestos Control Program rules.

When and where is the hearing? OATH ECB will hold a public hearing on the proposed rule. The public hearing will take place from 11:00 A.M. through 12:00 P.M. on August 7, 2018. The hearing will be in the OATH 10th Floor Conference Room, located at 66 John Street, 10th Floor, New York, NY 10038.

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

- Website. You can submit comments to OATH ECB through the NYC rules website at http://rules.cityofnewyork.us/.
Email. You can email written comments to Rules\_Oath@oath.nyc.gov.
Mail. You can mail written comments to OATH, Attention: Simone Salloum, Senior Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
Fax. You can fax written comments to OATH, Attention: Simone Salloum, Senior Counsel, at (212) 361-1900.
Hearing. You can speak 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 OATH at (212) 436-0708, or you can also sign up in the hearing room before the hearing begins on August 7, 2018. You can speak for up to three (3) minutes.

Is there a deadline to submit written comments? You may submit written comments up to 5:00 P.M. on August 7, 2018.

What if I need assistance to participate in the hearing? You must tell us 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 call OATH by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by June 30, 2018.

**This location has the following accessibility option(s) available:**  
Wheelchair Accessible.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OATH, 66 John Street, 10<sup>th</sup> Floor, New York, NY 10038.

**What authorizes OATH ECB to make this rule?** Section 1049-a of the City Charter authorizes OATH ECB to make this proposed rule. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

**Where can I find OATH ECB's rules?** OATH ECB's rules are in Title 48 of the Rules of the City of New York.

**What laws govern the rulemaking process?** OATH ECB must meet the requirements of Section 1043(b) of the City Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049-a of the City Charter.

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

The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) is proposing to repeal its Air Asbestos Penalty Schedule rule. This schedule is currently found in § 3-101 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY), and it contains penalties for violations of provisions in Chapter 1 of Title 15 of the Rules of the City of New York, Title 24 of the Administrative Code, and Part 56 of Title 12 of the New York Codes, Rules and Regulations. At the same time, the Department of Environmental Protection (DEP) is proposing a similar penalty schedule in Chapter 51 of Title 15 of the Rules of the City of New York.

The context for this proposed repeal is that OATH ECB is in the process of repealing all penalty schedules in its rules codified at Subchapter G of Chapter 3 of Title 48 of the RCNY so that they can be incorporated into the rules of the agencies having rulemaking and policymaking jurisdiction over the laws underlying the violations.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violation of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule to the enforcement agency's rules will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that could be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified as meeting the criteria for this initiative.

**Section 1. The Air Asbestos Penalty Schedule rule, found in Section 3-101 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

**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:** Repeal of Air Asbestos Penalty Schedule  
**REFERENCE NUMBER:** 2018 RG 071  
**RULEMAKING AGENCY:** New York City Office of Administrative Trials and Hearings

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: June 27, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

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

**RULE TITLE:** Repeal of Air Asbestos Penalty Schedule  
**REFERENCE NUMBER:** OATH-ECB-80  
**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings

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

*June 27, 2018*  
Date

Accessibility questions: Elizabeth Nolan (212) 436-0708, by: Monday, July 30, 2018, 5:00 P.M.



• jy6

**Office of Administrative Trials and Hearings  
Environmental Control Board  
Notice of Public Hearing and Opportunity to  
Comment on Proposed Rule**

**What are we proposing?** The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) proposes to repeal its General Vendor Penalty Schedule rule. This schedule is found in Section 3-109 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). The General Vendor Penalty Schedule rule contains penalties for summonses issued by the New York City Police Department and Department of Consumer Affairs (DCA) for violations of Subchapter 27 of Chapter 2 of Title 20 of the Administrative Code of the City of New York and Subchapter AA of Chapter 2 of Title 6 of the RCNY. DCA is proposing a companion rule adding the General Vendor Penalty Schedule to its rules.

**When and where is the hearing?** OATH ECB will hold a public hearing on the proposed rule. The public hearing will take place from **11:00 A.M. through 12:00 P.M. on August 6, 2018**. The hearing will be in the OATH 10<sup>th</sup> Floor Conference Room, located at 66 John Street, 10th Floor, New York, NY 10038.

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

- **Website.** You can submit comments to OATH ECB through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules\_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Simone Salloum, Senior Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH, Attention: Simone Salloum, Senior Counsel, at (212) 361-1900.
- **Hearing.** You can speak 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 Elizabeth Nolan at (212) 436-0708, or you can also sign up in the hearing room before the hearing begins on **August 6, 2018**. You can speak for up to three (3) minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to **5:00 P.M. on August 6, 2018**.

What if I need assistance to participate in the hearing? You must tell us 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 call Elizabeth Nolan by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by June 30, 2018.

This location has the following accessibility option(s) available: Wheelchair Accessible.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website at http://rules.cityofnewyork.us/. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OATH, 66 John Street, 10th Floor, New York, NY 10038.

What authorizes OATH ECB to make this rule? Sections 1043(a) and 1049-a(c)(3) of the New York City Charter authorizes OATH ECB to make this proposed rule. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

Where can I find OATH ECB's rules? OATH ECB's rules are in Title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? OATH ECB must meet the requirements of Section 1043(b) of the City Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049-a of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) is proposing to repeal its General Vendor Penalty Schedule rule. This schedule is currently found in § 3-109 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY), and it contains penalties for violations of Subchapter 27 of Chapter 2 of Title 20 the Administrative Code of the City of New York and Subchapter AA of Chapter 2 of Title 6 of the RCNY. At the same time, the Department of Consumer Affairs is also proposing to enact a General Vendor penalty schedule within its own rules.

The context for this proposed repeal is that OATH ECB is in the process of repealing all penalty schedules in its rules codified at Subchapter G of Chapter 3 of Title 48 of the RCNY so that they can be incorporated into the rules of the agencies having rulemaking and policymaking jurisdiction over the laws underlying the violations.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violation of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that could be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified as meeting the criteria for this initiative.

Section 1. Section 3-109 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, setting forth the General Vendor Penalty Schedule, is REPEALED.

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: Repeal of General Vendors Penalty Schedule
REFERENCE NUMBER: 2018 RG 057
RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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: June 15, 2018

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: Repeal of General Vendors Penalty Schedule
REFERENCE NUMBER: OATH-ECB-78
RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

June 15, 2018
Date

Accessibility questions: Elizabeth Nolan (212) 436-0708, by: Monday, July 30, 2018, 5:00 P.M.



jy6

Office of Administrative Trials and Hearings
Environmental Control Board

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) proposes to repeal its Food Vendor Penalty Schedule, Health Code and Miscellaneous Food Vendor Violations Penalty Schedule, Health Code Lead Abatement Penalty Schedule, and Public Health Law Penalty Schedule rules. These schedules are found in Sections 3-107, 3-110, 3-112, and 3-117 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). The Food Vendor Penalty Schedule, Health Code and Miscellaneous Food Vendor Penalty Schedule, Health Code Lead Abatement Penalty Schedule, and Public Health Law Penalty Schedule contain penalties for summonses issued by the Department of Health and Mental Hygiene (DOHMH) for violations of Title 17 of the NYC Administrative Code, New York State Public Health Law, the NYC Health Code and Chapter 6 of Title 24 of the Rules of the City of New York. DOHMH is proposing two companion rules adding a Mobile Food Vending Unit Penalty Schedule and a penalty schedule for the remaining violations to its rules.

When and where is the hearing? OATH ECB will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 A.M. through 11:00 A.M. on August 7, 2018. The hearing will be in the OATH 10th Floor Conference Room, located at 66 John Street, 10th Floor, New York, NY 10038.

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

- Website. You can submit comments to OATH ECB through the NYC rules website at http://rules.cityofnewyork.us/.
Email. You can email written comments to Rules\_Oath@oath.nyc.gov.
Mail. You can mail written comments to OATH, Attention: Simone Salloum, Senior Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
Fax. You can fax written comments to OATH, Attention: Simone Salloum, Senior Counsel, at (212) 361-1900.

- **Hearing.** You can speak 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 OATH at (212) 436-0708, or you can also sign up in the hearing room before the hearing begins on **August 7, 2018**. You can speak for up to three (3) minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to **5:00 P.M.** on **August 7, 2018**.

**What if I need assistance to participate in the hearing?** You must tell us 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 call OATH by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by June 30, 2018.

**This location has the following accessibility option(s) available:** Wheelchair Accessible.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OATH, 66 John Street, 10<sup>th</sup> Floor, New York, NY 10038.

**What authorizes OATH ECB to make this rule?** Section 1049-a of the City Charter authorizes OATH ECB to make this proposed rule. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

**Where can I find OATH ECB's rules?** OATH ECB's rules are in Title 48 of the Rules of the City of New York.

**What laws govern the rulemaking process?** OATH ECB must meet the requirements of Section 1043(b) of the City Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049-a of the City Charter.

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

The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) is proposing to repeal its Food Vendor Penalty Schedule, Health Code and Miscellaneous Food Vendor Violations Penalty Schedule, Health Code Lead Abatement Public Health Law, and Public Health Law Penalty Schedule rules. These schedules are found in Sections 3-107, 3-110, 3-112, and 3-117 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY), and contain penalties for violations of provisions in Title 17 of the NYC Administrative Code, New York State Public Health Law, the NYC Health Code, and Chapter 6 of Title 24 of the Rules of the City of New York. At the same time, DOHMH is proposing two companion rules adding to its rules a Mobile Food Vending Unit Penalty Schedule and a penalty schedule for the remaining violations issued by DOHMH.

The context for this proposed repeal is that OATH ECB is in the process of repealing all penalty schedules in its rules codified at Subchapter G of Chapter 3 of Title 48 of the RCNY so that they can be incorporated into the rules of the agencies having rulemaking and policymaking jurisdiction over the laws underlying these penalties.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violation of the rules and laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule to the enforcement agency's rules will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that could be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified as meeting the criteria for this initiative.

**Section 1. The Food Vendor Penalty Schedule rule, found in Section 3-107 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

**Section 2. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule rule, found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

**Section 3. The Health Code Lead Abatement Penalty Schedule rule, found in Section 3-112 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

**Section 4. The Public Health Law Penalty Schedule rule, found in Section 3-117 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

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:** Repeal of Food Vendor, Miscellaneous Food Vendor, Health Code Lead Abatement and Public Health Law Penalty Schedules

**REFERENCE NUMBER:** 2018 RG 078

**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings' Environmental Control Board

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: June 26, 2018

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400

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

**RULE TITLE:** Repeal of Food Vendor, Miscellaneous Food Vendor, Health Code Lead Abatement and Public Health Law Penalty Schedules

**REFERENCE NUMBER:** OATH-ECB-81

**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings

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

June 26, 2018  
Date

Accessibility questions: Elizabeth Nolan (212) 436-0708, by: Monday, July 30, 2018, 5:00 P.M.



◀ jy6

**Office of Administrative Trials and Hearings Environmental Control Board**

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

**What are we proposing?** The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) proposes to repeal its Public Wholesale Markets, Fulton Fish Market, and Other

Public Markets Penalty Schedule rule (the "Markets Penalty Schedule"). This schedule is found in Section 3-108 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). The Markets Penalty Schedule contains penalties for summonses issued by the Business Integrity Commission (BIC) for violations of Title 22 of the New York City Administrative Code, and Title 17 of the Rules of the City of New York. BIC is proposing a companion rule adding a similar Markets Penalty Schedule to its rules.

**When and where is the hearing?** OATH ECB will hold a public hearing on the proposed rule. The public hearing will take place from **10:00 A.M. through 11:00 A.M. on August 6, 2018**. The hearing will be in the OATH 10<sup>th</sup> Floor Conference Room, located at 66 John Street, 10th Floor, New York, NY 10038.

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

- **Website.** You can submit comments to OATH ECB through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to [Rules\\_Oath@oath.nyc.gov](mailto:Rules_Oath@oath.nyc.gov).
- **Mail.** You can mail written comments to OATH, Attention: Simone Salloum, Senior Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH, Attention: Simone Salloum, Senior Counsel, at (212) 361-1900.
- **Hearing.** You can speak 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 OATH at (212) 436-0708, or you can also sign up in the hearing room before the hearing begins on **August 6, 2018**. You can speak for up to three (3) minutes.

**Is there a deadline to submit written comments?** You may submit written comments up to **5:00 P.M. on August 6, 2018**.

**What if I need assistance to participate in the hearing?** You must tell us 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 call OATH by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by June 30, 2018. This location has the following accessibility option(s) available: Wheelchair Accessible.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OATH, 66 John Street, 10<sup>th</sup> Floor, New York, NY 10038.

**What authorizes OATH ECB to make this rule?** Section 1049-a of the City Charter authorizes OATH ECB to make this proposed rule. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

**Where can I find OATH ECB's rules?** OATH ECB's rules are in Title 48 of the Rules of the City of New York.

**What laws govern the rulemaking process?** OATH ECB must meet the requirements of Section 1043(b) of the City Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and 1049-a of the City Charter.

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

The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) is proposing to repeal its Public Wholesale Markets, Fulton Fish Market, and Other Public Markets Penalty Schedule rule (the "Markets Penalty Schedule"). This schedule is currently found in § 3-108 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY), and it contains penalties for violations of provisions in Title 22 of the New York City Administrative Code, and Title 17 of the Rules of the City of New York. At the same time, the Business Integrity Commission ("BIC") is proposing a similar penalty schedule in Section 11-22 of Title 17 of the Rules of the City of New York.

The context for this proposed repeal is that OATH ECB is in the process of repealing all penalty schedules in its rules codified at Subchapter G of Chapter 3 of Title 48 of the RCNY so that they can be incorporated into the rules of the agencies having rulemaking and policymaking jurisdiction over the laws underlying the violations.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violation of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule to the enforcement agency's rules will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in

the summonses. Finally, the proposed rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that could be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified as meeting the criteria for this initiative.

**Section 1. The Public Wholesale Markets, Fulton Fish Market, and Other Public Markets Penalty Schedule rule, found in Section 3-108 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED.**

**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:** Proposed Repeal of Market Penalty Schedule  
**REFERENCE NUMBER:** 2018 RG 049  
**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings

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: May 8, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

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

**RULE TITLE:** Proposed Repeal of Market Penalty Schedule  
**REFERENCE NUMBER:** OATH-ECB-79  
**RULEMAKING AGENCY:** Office of Administrative Trials and Hearings

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

May 8, 2018  
Date

Accessibility questions: Elizabeth Nolan (212) 436-0708, by: Monday, July 30, 2018, 5:00 P.M.



**BUILDINGS**

■ NOTICE

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 5000-02 of Title 1 of the Official Compilation of the Rules of the City of New York, relating to the implementation of the New York City Energy Conservation Code to conform to changes in the New York City Energy Conservation Code that were necessitated by updates to the New York State Energy Code that went into effect on October 3, 2016.

This rule was first published on March 27, 2018 and a public hearing thereon was held on May 2, 2018.

Dated: 6/21/18 /s/

New York, NY

Rick D. Chandler, P.E.  
Commissioner

**Statement of Basis and Purpose**

The Department of Buildings (DOB) is adding a new rule to make corrections to the reference standard ASHRAE 90.1, as identified in Appendix CA of the Energy Conservation Code, and to clarify modeling methodology for lighting and pump controls.

Specifically, the rule:

- Adds a new Section 5000-02 regarding lighting control requirements under American Society of Heating, Refrigerating and Air Conditioning Engineers (“ASHRAE”) 90.1 to Title 1 of the RCNY,
- Adds clarifying language to Section 9.4.1.1, item c, which was omitted due to typographical error. The requirement for occupancy controls for open plan offices was added by the City, but the requirement for partial automatic ON was intended to be exempted,
- Updates the requirements of Table 9.6.1 to conform it to the requirements of ASHRAE standard 90.1-2013. These control requirements were omitted from Local Law 91 of 2016 due to typographical error,
- Further clarifies certain modeling requirements based on published addenda to ASHRAE 90.1-2013,
- Revises Section 4.2 to clarify that Appendix G is allowed for additions and alterations, and Section 11 is allowed for alterations,
- Revises Table G3.1, number 6, Lighting, to correct an inconsistency in modeling the lighting baseline requirements for not yet designed spaces and add details on modeling lighting controls,
- Revises Table G3.1.1-4 to modify a footnote to be consistent with the modeling approach of setting the baseline heat fuel source by climate zone,

- Revises Sections G3.1.3.5, G3.1.3.10 and G3.1.3.11 to provide more detail for the baseline model with regard to pumps, and
- Revises Table G3.7 to clarify the allowable reduction in lighting LPD when applying occupancy controls to the baseline lighting.

The Department of Buildings’ authority for this rule is found in sections 643 and 1043 of the New York City Charter, Section 28-103.19 of the New York City Administrative Code and Section ECC CA102.1 of the New York City Energy Conservation Code.

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. Chapter 5000 of Title 1 of the Rules of the City of New York is amended by adding a new Section 5000-02 to read as follows:

**§ 5000-02 Amendment to ASHRAE 90.1 Relating to Lighting Controls and Modeling Requirements.**, pursuant to Section 28-103.19 of the Administrative Code of the City of New York, ASHRAE 90.1, as modified by Section CA102.1 of appendix CA of Section 28-1001.2.2 of such code, is amended to read as follows:

**4.2.1.2 Additions to Existing Buildings.**

**Revise Section 4.2.1.2 to read as follows:**

**4.2.1.2 Additions to Existing Buildings.** Additions to existing buildings shall comply with either the provisions of Sections 5, 6, 7, 8, 9, and 10 or Section 11 or Normative Appendix G.

**4.2.1.2.1** When an addition to an existing building cannot comply by itself, trade-offs will be allowed by modification to one or more of the existing components of the existing building. Modeling of the modified components of the existing building and addition shall employ the procedures of Section 11 or Normative Appendix G; the addition shall not increase the energy consumption of the existing building plus the addition beyond the energy that would be consumed by the existing building plus the addition if the addition alone did comply.

**4.2.1.3 Alterations to Existing Buildings.**

**Revise Section 4.2.1.3 to read as follows:**

**4.2.1.3 Alterations to Existing Buildings.** Alterations of existing buildings shall comply with the provisions of Sections 5, 6, 7, 8, 9, and 10 or Section 11 or Normative Appendix G.

**Exception:** Historic buildings need not comply with these requirements.

**9.4.1.1 Interior Lighting Controls.**

**Revise Item c of Section 9.4.1.1 to read as follows:**

*c. Restricted to partial automatic ON:* No more than 50% of the lighting power for the general lighting shall be allowed to be automatically turned on, and none of the remaining lighting shall be automatically turned on. For open plan offices, a control device meeting this requirement shall control no more than 2500 ft<sup>2</sup>.

**Table 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method.**

**Revise Table 9.6.1 to read as follows:**

**TABLE 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method**

<b>Informative Note: This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.</b>			<b>The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type: (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.</b>									
			<b>Local Control</b> (See Section 9.4.1.1(a))	<b>Restricted to Manual ON</b> (See Section 9.4.1.1(b))	<b>Restricted to Partial Automatic ON</b> (See Section 9.4.1.1(c))	<b>Bilevel Lighting Control</b> (See Section 9.4.1.1(d))	<b>Automatic Daylight Responsive Controls for Sidelighting</b> (See Section 9.4.1.1(e) <sup>6</sup> )	<b>Automatic Daylight Responsive Controls for Toplighting</b> (See Section 9.4.1.1(f) <sup>6</sup> )	<b>Automatic Partial OFF</b> (See Section 9.4.1.1(g) (Full Off complies))	<b>Automatic Full OFF</b> (See Section 9.4.1.1(h))	<b>Scheduled Shutoff</b> (See Section 9.4.1.1(i))	
<b>Common Space Types<sup>1</sup></b>	<b>LPD W/ft<sup>2</sup></b>	<b>RCR Threshold</b>	<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>	
<b>Atrium</b>												
...that is < 20 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1	-	REQ	REQ	-	ADD2	ADD2	

...that is ≥ 20 ft and ≤ 40 ft in height	0.03/ft total height	NA	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...that is > 40 ft in height	0.40 + 0.02/ft total height	NA	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
<b>Audience Seating Area</b>											
...in an auditorium	0.63	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a convention center	0.82	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a gymnasium	0.65	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a motion picture theater	1.14	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a penitentiary	0.28	4	REQ	ADD1	ADD1	-	REQ	REQ	:	ADD2	ADD2
...in a performing arts theater	2.43	8	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a religious building	1.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a sports arena	0.43	4	REQ	ADD1	ADD1	-	REQ	REQ	:	ADD2	ADD2
...all other audience seating areas	0.43	4	REQ	ADD1	ADD1	-	REQ	REQ	:	ADD2	ADD2
<b>Banking Activity Area</b>	1.01	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
<b>Breakroom (See Lounge/Breakroom)</b>											
<b>Classroom/Lecture hall/Training Room<sup>8,9</sup></b>											
...	-	-	-	-	-	-	-	-	-	-	-
...in a penitentiary	1.34	4	REQ	REQ	-	REQ	REQ	REQ	:	REQ	-
...all other classrooms/lecture halls/training rooms	1.24	4	REQ	REQ	-	REQ	REQ	REQ	:	REQ	-
<b>Conference/Meeting/Multipurpose Room<sup>8,9</sup></b>	1.23	6	REQ	REQ	-	REQ	REQ	REQ	:	REQ	-
<b>Confinement Cells</b>	0.81	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
<b>Copy/Print Room</b>	0.72	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	REQ	-
<b>Corridor<sup>2</sup></b>											
...in a facility for the visually impaired (and not used primarily by the staff) <sup>3</sup>	0.92	width < 8 ft	REQ	-	-	-	REQ	REQ	REQ	ADD2	ADD2
...in a hospital	0.99	width < 8 ft	REQ	-	-	-	REQ	REQ	ADD2	ADD2	ADD2
...in a manufacturing facility	0.41	width < 8 ft	REQ	-	-	-	REQ	REQ	-	ADD2	ADD2
...all other corridors	0.66	width < 8 ft	REQ	-	-	-	REQ	REQ	REQ	ADD2	ADD2
<b>Courtroom</b>	1.72	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
<b>Computer Room</b>	1.71	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
<b>Dining Area</b>											
...in a penitentiary	0.96	6	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in a facility for the visually impaired and not used primarily by staff <sup>3</sup>	2.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2
...in bar lounge or leisure dining	1.07	4	REQ	ADD1	ADD1	REQ	REQ	REQ	:	ADD2	ADD2



...in cafeteria or fast food dining	0.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...in family dining	0.89	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...all other dining areas	0.65	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Electrical/Mechanical Room<sup>7</sup></b>	0.42	6	REQ	-	-	-	REQ	REQ	-	-	-
<b>Emergency Vehicle Garage</b>	0.56	4	REQ	ADD1	ADD1	-	REQ	REQ	-	ADD2	ADD2
<b>Food Preparation Area</b>	1.21	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Guest Room</b>	0.91	6	See Section 9.4.1.3b.								
<b>Laboratory</b>											
...in or as a classroom	1.43	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2
...all other laboratories	1.81	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Laundry/Washing Area</b>	0.60	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Loading Dock, Interior</b>	0.47	6	REQ	ADD1	ADD1	-	REQ	REQ	-	ADD2	ADD2
<b>Lobby</b>											
...in a facility for the visually impaired and not used primarily by staff <sup>3</sup>	1.80	4	REQ	-	-	-	REQ	REQ	REQ	ADD2	ADD2
...for an elevator	0.64	6	REQ	-	-	-	REQ	REQ	-	ADD2	ADD2
...in a hotel	1.06	4	REQ	-	-	-	REQ	REQ	-	ADD2	ADD2
...in a motion picture theater	0.59	4	REQ	-	-	-	REQ	REQ	-	ADD2	ADD2
...in a performing arts theater	2.00	6	REQ	-	-	-	REQ	REQ	REQ	ADD2	ADD2
...all other lobbies	0.90	4	REQ	-	-	-	REQ	REQ	REQ	ADD2	ADD2
<b>Locker Room</b>	0.75	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	REQ	-
<b>Lounge/Breakroom<sup>8,9</sup></b>											
...in a healthcare facility	0.92	6	REQ	REQ	-	REQ	REQ	REQ	-	REQ	-
...all other lounges/breakrooms	0.73	4	REQ	REQ	-	REQ	REQ	REQ	-	REQ	-
<b>Office</b>											
...enclosed and ≤ 250 ft <sup>2</sup> <sup>2,3,9</sup>	1.0	8	REQ	REQ	-	REQ	REQ	REQ	-	REQ	-
...enclosed and > 250 ft <sup>2</sup>	1.0	8	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...open plan	0.90	4	REQ	-	REQ	REQ	REQ	REQ	-	REQ	-
<b>Parking Area, Interior</b>	0.19	4	See Section 9.4.1.2								
<b>Pharmacy Area</b>	1.68	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Restroom</b>											
...in a facility for the visually impaired (and not used primarily by the staff) <sup>4</sup>	1.21	8	REQ	-	-	-	REQ	REQ	-	REQ	-
...all other restrooms	0.98	8	REQ	-	-	-	REQ	REQ	-	REQ	-
<b>Sales Area<sup>4</sup></b>	1.30	6	REQ	ADD1	ADD1	REQ	-	REQ	-	ADD2	ADD2
<b>Seating Area, General</b>	0.54	4	REQ	ADD1	ADD1	-	REQ	REQ	-	ADD2	ADD2

<b>Stairway</b>	The space containing the stairway shall determine the LPD and control requirements for the stairway.										
<b>Stairwell</b>	0.69	10	REQ	-	-	REQ	REQ	REQ	REQ	ADD2	ADD2
<b>Storage Room</b>											
...< 50 ft <sup>2</sup>	1.24	6	REQ	-	-	-	-	-	-	ADD2	ADD2
...≥ 50 ft <sup>2</sup> and ≤1000 ft <sup>2</sup>	0.63	6	REQ	ADD1	ADD1	-	REQ	REQ	-	REQ	-
...all other storage rooms	0.63	6	REQ	ADD1	ADD1	-	REQ	REQ	REQ	ADD2	ADD2
<b>Vehicular Maintenance Area</b>	0.67	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Workshop</b>	1.59	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2

**TABLE 9.6.1 Lighting Power Density Allowances Using the Space-by-Space Method and Minimum Control Requirements Using Either Method (Continued)**

**Informative Note:** This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type: (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.

Building Type Specific/Space Types <sup>1</sup>	LPD W/ft <sup>2</sup>	RCR Threshold	Control Functions								
			a	b	c	d	e	f	g	h	i
<b>Facility for the Visually Impaired<sup>2</sup></b>											
...in a chapel (used primarily by residents)	2.21	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...in a recreation room/common living room (and not used primarily by staff)	2.41	6	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Automotive (See "Vehicular Maintenance Area")</b>											
<b>Convention Center-Exhibit Space</b>	1.45	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Dormitory-Living Quarters</b>	0.38	8	REQ	-	-	-	-	-	-	-	-
<b>Fire Station-Sleeping Quarters</b>	0.22	6	REQ	-	-	-	-	-	-	-	-
<b>Facility for the Visually Impaired<sup>2</sup></b>											
...in a recreation room/common living room (and not used primarily by staff)	2.41	6	-	-	-	-	-	-	-	-	-
<b>Gymnasium/Fitness Center</b>											
...in an exercise area	0.72	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...in a playing area	1.20	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
<b>Healthcare Facility</b>											
...in an exam/treatment room	1.66	8	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
...in an imaging room	1.51	6	REQ	-	-	REQ	-	-	-	ADD2	ADD2
...in a medical supply room	0.74	6	(See "Storage Room" under "Common Space Types" for control requirements)								
...in a nursery	0.88	6	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
...in a nurse's station	0.71	6	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
...in an operating room	2.48	6	REQ	-	-	REQ	-	-	-	ADD2	ADD2
...in a patient room	0.62	6	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
...in a physical therapy room	0.91	6	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
...in a recovery room	1.15	6	REQ	-	-	REQ	REQ	REQ	-	ADD2	ADD2
<b>Library</b>											
...in a reading area	1.06	4	REQ	ADD1	ADD1	REQ	REQ	REQ	-	ADD2	ADD2
...in the stacks	1.71	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	ADD2	ADD2

**Informative Note:** This table is divided into two sections; this first section covers space types that can be commonly found in multiple building types. The second part of this table covers space types that are typically found in a single building type.

The control functions below shall be implemented in accordance with the descriptions found in the referenced paragraphs within Section 9.4.1.1. For each space type: (1) All REQs shall be implemented. (2) At least one ADD1 (when present) shall be implemented. (3) At least one ADD2 (when present) shall be implemented.

Building Type Specific/Space Types <sup>1</sup>	LPD W/ft <sup>2</sup>	RCR Threshold	Local	Restricted	Restricted	Bilevel	Automatic	Automatic	Automatic	Automatic	Scheduled	
			Control (See Section 9.4.1.1(a))	to Manual ON (See Section 9.4.1.1(b))	to Partial Automatic ON (See Section 9.4.1.1(c))	Lighting Control (See Section 9.4.1.1(d))	Daylight Responsive Controls for Sidelighting (See Section 9.4.1.1(e) <sup>2</sup> )	Daylight Responsive Controls for Toplighting (See Section 9.4.1.1(f) <sup>2</sup> )	Partial OFF (See Section 9.4.1.1(g) (Full Off complies))	Full OFF (See Section 9.4.1.1(h))	Shutoff (See Section 9.4.1.1(i))	
a	b	c	d	e	f	g	h	i				
<b>Manufacturing Facility</b>												
...in a detailed manufacturing area	1.29	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in an equipment room	0.74	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in an extra high bay area (> 50 ft floor-to-ceiling height)	1.05	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in a high bay area (25-50 ft floor-to-ceiling height)	1.23	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in a low bay area (< 25 ft floor-to-ceiling height)	1.19	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Museum</b>												
...in a general exhibition area	1.05	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in a restoration room	1.02	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Performing Arts Theater-Dressing Room</b>	0.61	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	REQ	-
<b>Post Office-Sorting Area</b>	0.94	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	REQ	ADD2	ADD2
<b>Religious Buildings</b>												
...in a fellowship hall	0.64	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...in a worship/pulpit/choir area	1.53	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Retail Facilities</b>												
...in a dressing/fitting room	0.71	8	REQ	ADD1	ADD1	REQ	-	REQ	REQ	-	REQ	-
...in a mall concourse	1.10	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Sports Arena-Playing Area</b>												
...for a Class I facility	3.68	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...for a Class II facility	2.40	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...for a Class III facility	1.80	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
...for a Class IV facility	1.20	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Transportation Facility</b>												
...in a baggage/carousel area	0.53	4	REQ	ADD1	ADD1	-	REQ	REQ	REQ	-	ADD2	ADD2
...in an airport concourse	0.36	4	REQ	ADD1	ADD1	-	REQ	REQ	REQ	-	ADD2	ADD2
...at a terminal ticket counter	0.80	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	-	ADD2	ADD2
<b>Warehouse-Storage Area</b>												
...for medium to bulky palletized items	0.58	4	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	REQ	ADD2	ADD2
...for smaller hand-carried items <sup>3</sup>	0.95	6	REQ	ADD1	ADD1	REQ	REQ	REQ	REQ	REQ	ADD2	ADD2

1. In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.  
 2. In corridors, the extra lighting power density allowance is permitted when the width of the corridor is less than 8 ft and is not based on the RCR.  
 3. A "Facility for the Visually Impaired" is a facility that can be documented as being designed to comply with the light levels in ANSI/IES RP-28 and is licensed

- or will be licensed by local/state authorities for either senior long-term care, adult daycare, senior support and/or people with special visual needs.
- 4. For accent lighting, see Section 9.6.2(b).
- 5. Sometimes referred to as a "Picking Area."
- 6. Automatic daylight responsive controls are mandatory only if the requirements of the specified sections are present.
- 7. An additional 0.53w/ft<sup>2</sup> shall be allowed, provided that the additional lighting is controlled separately from the base allowance of 0.42 W/ft<sup>2</sup>. The additional 0.53 w/ft<sup>2</sup> allowance shall not be used for any other purpose.
- 8. Occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality.
- 9. The occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

**APPENDIX G – PERFORMANCE RATING METHOD**

**G1.3 Trade-Off Limits.**

Revise Section G1.3 to read as follows:

**G1.3 Trade-Off Limits. RESERVED.**

**TABLE G3.1 Modeling Requirements for Calculating Proposed and Baseline Building Performance.**

Revise Item 2 of Table G3.1 to read as follows:

No. Proposed Building Performance	Baseline Building Performance
<p><b>2. Additions and Alterations</b></p>	
<p>It is acceptable to predict performance using building models that exclude parts of the existing building provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Work to be performed in excluded parts of the building shall meet the requirements of Sections 5 through 10.</li> <li>b. Excluded parts of the building are served by HVAC systems that are entirely separate from those serving parts of the building that are included in the building model.</li> <li>c. Design space temperature and HVAC system operating setpoints and schedules on either side of the boundary between included and excluded parts of the building are essentially the same.</li> <li>d. If a declining block or similar utility rate is being used in the analysis, and the excluded and included parts of the building are on the same utility meter, the rate shall reflect the utility block or rate for the building plus the addition.</li> </ul>	<p>If the proposed building model excluded parts of the existing building, the baseline building model shall exclude them as well.</p> <p>When modeled, unmodified existing building component shall follow the same rules as new and modified building components.</p>

Revise Item 6 of Table G3.1 to read as follows:

No. Proposed Building Performance	Baseline Building Performance
<p><b>6. Lighting</b></p>	
<p>Lighting power in the proposed design shall be determined as follows:</p> <ul style="list-style-type: none"> <li>a. Where a complete lighting system exists, the actual lighting power for each thermal block shall be used in the model.</li> <li>b. Where a lighting system has been designed and submitted with design documents, lighting power shall be determined in accordance with Sections 9.1.3 and 9.1.4.</li> </ul>	<p>Interior lighting power in the baseline building design shall be determined using the values in Table G3.7.</p> <p><b>Exceptions:</b> Where lighting neither exists nor is submitted with design documents, and the proposed building lighting power is determined in accordance with the Building Area Method, the baseline lighting power shall be determined in accordance with Table G3.8.</p>

- c. Where lighting neither exists nor is submitted with design documents, lighting shall comply with but not exceed the requirements of Section 9. Where space types are known, lighting power shall be determined in accordance with the Space-by-Space Method. Where space types are not known, lighting power shall be determined in accordance with the Building Area Method.
  - d. Lighting system power shall include all lighting system components shown or provided for on the plans (including lamps and ballasts and task and furniture-mounted fixtures).
- Exception:** For multifamily dwelling units, hotel/motel guest rooms, and other spaces in which lighting systems are connected via receptacles and are not shown or provided for on building plans, assume identical lighting power for the proposed and baseline building designs in the simulations.
- e. Lighting power for parking garages and building facades shall be modeled.
  - f. For lighting controls, at a minimum, the proposed building design shall contain the mandatory automatic lighting controls specified in Section 9.4.1 (e.g., automatic daylight responsive controls, occupancy sensors, programmable controls, etc.). These controls shall be modeled in accordance with (g) and (h).
  - g. Automatic daylighting responsive controls shall be modeled directly in the proposed building design or through schedule adjustments determined by a separate daylighting analysis approved by the rating authority. Modeling and schedule adjustments shall separately account for primary sidelighted areas, secondary sidelighted areas, and toplighted areas.
  - h. Other automatic lighting controls included in the proposed building design shall be modeled directly in the building simulation by reducing the lighting schedule each hour by the occupancy sensor reduction factors in Table G3.7 for the applicable space type. This reduction shall be taken only for lighting controlled by the occupancy sensors. Credit for other programmable lighting control in buildings less than 5,000 ft<sup>2</sup> can be taken by reducing the lighting schedule each hour by 10%.

Lighting shall be modeled having the automatic shutoff controls in buildings > 5000 ft<sup>2</sup> and occupancy sensors in employee lunch and break rooms, conference/meeting rooms, and classrooms (not including shop classrooms, laboratory classrooms, and preschool through 12th grade classrooms). These controls shall be reflected in the baseline building design lighting schedules. No additional automatic lighting controls (e.g., automatic controls for daylight utilization and occupancy sensors in space types not listed above) shall be modeled in the baseline building design.

Exterior lighting in areas identified as "Tradable Surfaces" in Table G3.6 shall be modeled with the baseline lighting power shown in Table G3.6. Other exterior lighting shall be modeled the same in the baseline building as in the proposed design.

**TABLE G3.1.1-4 Baseline System Descriptions**

Revise Table G3.1.1-4 to read as follows:

**TABLE G3.1.1-4 Baseline System Descriptions**

System No.	System Type	Fan Control	Cooling Type (1)	Heating Type (1)
1. PTAC	Packaged terminal air conditioner	Constant volume	Direct expansion	Hot-water fossil fuel boiler
2. PTHP	Packaged terminal heat pump	Constant volume	Direct expansion	Electric heat pump
3. PSZ-AC	Packaged rooftop air conditioner	Constant volume	Direct expansion	Fossil fuel furnace
4. PSZ-HP	Packaged rooftop heat pump	Constant volume	Direct expansion	Electric heat pump
5. Packaged VAV with Reheat	Packaged rooftop VAV with reheat	VAV	Direct expansion	Hot-water fossil fuel boiler
6. Packaged VAV with PFP Boxes	Packaged rooftop VAV with parallel fan power boxes and reheat	VAV	Direct expansion	Electric resistance
7. VAV with Reheat	VAV with reheat	VAV	Chilled water	Hot-water fossil fuel boiler
8. VAV with PFP Boxes	VAV with parallel fan-powered boxes and reheat	VAV	Chilled water	Electric resistance
9. Heating and Ventilation	Warm air furnace, gas fired	Constant volume	None	Fossil fuel furnace
10. Heating and Ventilation	Warm air furnace, electric	Constant volume	None	Electric resistance
11. SZ-VAV	Single-zone VAV	VAV	Chilled water	See note 2.
12. SZ-CV-HW	Single zone	Constant volume	Chilled water	Hot-water fossil fuel boiler
13. SZ-CV-ER	Single zone	Constant volume	Chilled water	Electric resistance

**Notes:**

- For purchased chilled water and purchased heat, see G3.1.1.3.
- For Climate Zones 0 through 3a, the heating type shall be electric resistance. For all other climate zones the heating type shall be hot-water fossil fuel boiler.

**G3.1.3.5 Hot-Water Pumps.**

Revise Section G3.1.3.5 to read as follows:

**G3.1.3.5 Hot-Water Pumps.** The baseline building design hot-water pump power shall be 19 W/gpm. The pumping system shall be modeled as primary-only with continuous variable flow and a minimum of 25% of the design flow rate. Hot-water systems serving 120,000 ft<sup>2</sup> or more shall be modeled with variable-speed drives, and systems serving less than 120,000 ft<sup>2</sup> shall be modeled as riding the pump curve.

**Exception:** The pump power for systems using purchased heat shall be 14 W/gpm.

**G3.1.3.10 Chilled-Water Pumps.**

Revise Section G3.1.3.10 to read as follows:

**G3.1.3.10 Chilled-Water Pumps.** Chilled-water systems shall be modeled as primary/secondary systems with constant flow primary loop and variable flow secondary loop. For systems with a cooling capacity of 300 tons or more, the secondary pump shall be modeled with variable-speed drive and a minimum flow of 25% of the design flow rate. For systems with less than 300 tons cooling capacity the secondary pump shall be modeled as riding the pump curve. The baseline building constant-volume primary pump power shall be modeled as 9 W/gpm and the variable-flow secondary pump power shall be modeled as 13 W/gpm at design conditions. For computer room systems using System 11 with an integrated water-side economizer, the baseline building design primary chilled-water pump power shall be increased by 3 W/gpm for flow associated with the water-side economizer.

**Exception:** For systems using purchased chilled water the building distribution pump shall be modeled with variable-speed

drive, a minimum flow of 25% of the design flow rate, and a pump power of 16 W/gpm.

**G3.1.3.11 Heat Rejection.**

Revise Section G3.1.3.11 to read as follows:

**G3.1.3.11 Heat Rejection (Systems 7, 8, 11, and 12).** The heat rejection device shall be an axial-fan open-circuit cooling tower with variable-speed fan control and shall have an efficiency of 38.2 gpm/hp at the conditions specified in Table 6.8.1-7. Condenser water design supply temperature shall be calculated using the cooling tower approach to the 0.4% evaporation design wet-bulb temperature as generated by the formula below, with a design temperature rise of 10°F.

$$\text{Approach}_{10^\circ\text{F Range}} = 25.72 - (0.24 \times \text{WB})$$

where WB is the 0.4% evaporation design wet-bulb temperature in °F; valid for wet bulbs from 55°F to 90°F.

The tower shall be controlled to maintain a 70°F leaving water temperature where weather permits, floating up to leaving water temperature at design conditions. The baseline building design condenser-water pump power shall be 19 W/gpm. For computer room systems using System 11 with an integrated water-side economizer, the baseline building design condenser water-pump power shall be increased 3 W/gpm for flow associated with the water-side economizer. Each chiller shall be modeled with separate condenser water and chilled-water pumps interlocked to operate with the associated chiller.

**TABLE G3.7 Performance Rating Method Lighting Power.**

Revise Table G3.7 to read as follows:

**TABLE G3.7 Performance Rating Method Lighting Power Densities and Occupancy Sensor Reductions Using the Space-by-Space Method**

Common Space Types <sup>a</sup>	Lighting Power Density, W/ft <sup>2</sup>	Occupancy Sensor Reduction <sup>b</sup>	Building Type Specific Space Types <sup>a</sup>	Lighting Power Density, W/ft <sup>2</sup>	Occupancy Sensor Reduction <sup>b</sup>
Audience Seating Area			Assisted Living Facility		
...in an auditorium	0.90	10%	...in a chapel (used primarily by residents)	2.77	10%
...in a convention center	0.70	10%	...in a recreation room (used primarily by residents)	3.02	10%
...in an exercise center	0.30	10%	Automotive (See "Vehicular Maintenance Area")		

...in a gymnasium	0.40	10%	Convention Center – Exhibit Space	1.30	35%
...in a motion picture theater	1.20	10%	Dormitory – Living Quarters	1.11	10%
...in a penitentiary	0.70	10%	Fire Station – Sleeping Quarters	0.30	10%
...in a performing arts theater	2.60	10%	Gymnasium/Fitness Center		
...in a religious building	1.70	10%	...in an exercise area	0.90	35%
...in a sports arena	0.40	10%	...in a playing area	1.40	35%
...in a transportation facility	0.50	10%	Healthcare Facility		
...all other audience seating area	0.90	10%	...in an emergency room	2.70	10%
Atrium			...in an exam/treatment room	1.50	10%
...that is ≤ 40 ft in height	0.0375 per foot in total height	10%	...in an imaging room	0.40	22%
...that is > 40 ft in height	0.50 + 0.025 per foot in total height	10%	...in a medical supply room	1.40	45%
Banking Activity Area	1.50	10%	...in a nursery	0.60	10%
Breakroom (See Lounge/Breakroom)			...in a nurse's station	1.00	10%
Classroom/Lecture Hall/Training Room			...in an operating room	2.20	10%
...in a penitentiary	1.30	None	...in a patient room	0.70	10%
...all other classroom/lecture hall/training room	1.40	30%	...in a physical therapy room	0.90	10%
Conference/Meeting/Multipurpose Room	1.30	None	...in a recovery room	0.80	10%
Confinement Cells	0.90	10%	Library		
Copy/Print Room	0.90	10%	...in a reading area	1.20	15%
Corridor			...in the stacks	1.70	15%
...in a facility for the visually impaired (and used primarily by residents)	1.15	25%	Manufacturing Facility		
...in a hospital	1.00	25%	...in a detailed manufacturing area	2.10	10%
...in a manufacturing facility	0.50	25%	...in an equipment room	1.20	10%
...all other corridor	0.50	25%	...in an extra-high bay area (> 50 ft floor-to-ceiling height)	1.32	10%
Courtroom	1.90	10%	...in a high bay area (25-50 ft floor-to-ceiling height)	1.70	10%
Computer Room	2.14	35%	...in a low bay area (< 25 ft floor-to-ceiling height)	1.20	10%
Dining Area			Museum		
...in a penitentiary	1.30	35%	...in a general exhibition area	1.00	10%
...in a facility for the visually impaired (and used primarily by residents)	3.32	35%	...in a restoration room	1.70	10%
...in bar/lounge or leisure dining	1.40	35%	Post Office – Sorting Area	1.20	10%

<u>...in cafeteria or fast food dining</u>	0.90	35%	<u>Religious Buildings</u>		
<u>...in family dining</u>	2.10	35%	<u>...in a fellowship hall</u>	0.90	10%
<u>...all other dining area</u>	0.90	35%	<u>...in a worship/pulpit/choir area</u>	2.40	10%
<u>Electrical/Mechanical Room</u>	1.50	30%	<u>Retail Facilities</u>		
<u>Emergency Vehicle Garage</u>	0.80	10%	<u>...in a dressing/fitting room</u>	0.89	10%
<u>Food Preparation Area</u>	1.20	30%	<u>...in a mall concourse</u>	1.70	10%
<u>Guest Room</u>	1.14	45%	<u>Sport Arena – Playing Area</u>		
<u>Judges Chambers</u>	1.30	30%	<u>...for a Class I facility</u>	4.61	10%
<u>Laboratory</u>			<u>...for a Class II facility</u>	3.01	10%
<u>...in or as a classroom</u>	1.40	None	<u>...for a Class III facility</u>	2.26	10%
<u>...all other laboratories</u>	1.40	10%	<u>...for a Class IV facility</u>	1.50	10%
<u>Laundry/Washing Area</u>	0.60	10%	<u>Transportation Facility</u>		
<u>Loading Dock, Interior</u>	0.59	10%	<u>...in a baggage/carousel area</u>	1.00	10%
<u>Lobby</u>			<u>...in an airport concourse</u>	0.60	10%
<u>...in a facility for the visually impaired (and used primarily by residents)</u>	2.26	25%	<u>...at a terminal ticket counter</u>	1.50	10%
<u>...for an elevator</u>	0.80	25%	<u>Warehouse – Storage Area</u>		
<u>...in a hotel</u>	1.10	25%	<u>...for medium to bulky, palletized items</u>	0.90	45%
<u>...in a motion picture theater</u>	1.10	25%	<u>...for smaller, hand-carried items</u>	1.40	45%
<u>...in a performing arts theater</u>	3.30	25%			
<u>...all other lobbies</u>	1.30	25%			
<u>Locker Room</u>	0.60	25%			
<u>Lounge/Breakroom</u>					
<u>...in a healthcare facility</u>	0.80	None			
<u>...all other lounge/breakroom</u>	1.20	None			
<u>Office</u>					
<u>...enclosed</u>	1.10	30%			
<u>...open plan</u>	1.10	15%			
<u>Parking Area, Interior</u>	0.20	15%			
<u>Pharmacy Area</u>	1.20	10%			
<u>Restroom</u>					
<u>...in a facility for the visually impaired (and used primarily by residents)</u>	1.52	45%			
<u>...all other restroom</u>	0.90	45%			
<u>Sales Area</u>	1.70	15%			

<u>Seating Area, General</u>	0.68	<u>10%</u>
<u>Stairwell</u>	0.60	<u>75%</u>
<u>Storage Room</u>		
...in a hospital	0.90	45%
...that is ≥ 50 ft <sup>2</sup>	0.80	45%
...that is < 50 ft <sup>2</sup>	0.80	45%
<u>Vehicular Maintenance Area</u>	0.70	10%
<u>Workshop</u>	1.90	10%

- a. In cases where both a common space type and a building area specific space type are listed, the building area specific space type shall apply.
- b. For manual-ON or partial-auto-ON occupancy sensors, the occupancy sensor reduction factor shall be multiplied by 1.25.
- c. For occupancy sensors controlling individual workstation lighting, occupancy sensor reduction factor shall be 30%.

• jy6

**CONSUMER AFFAIRS**

■ NOTICE

**Notice of Adoption**

Notice of Adoption to amend the fixed penalties for the violations of the laws and rules related to cigarette retail dealers, now called tobacco retail dealers, located in Chapter 6 of Title 6 of the Rules of the City of New York.

**NOTICE IS HEREBY GIVEN, PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Consumer Affairs by Sections 1043, 2203(c), 2203(f), and 2203(h)(1) of the City Charter, Section 20-104(e) of the Administrative Code of the City of New York, and Section 23 of Local Law 145 of 2017, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Section 6-12 of Chapter 6 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on May 7, 2018. A public hearing was held on June 6, 2018.

**Statement of Basis and Purpose of Rule**

Local Law 145 of 2017 raises the minimum price of cigarettes and little cigars to \$13 a pack from \$10.50 and sets a first-ever price floor and tax for other tobacco products, such as cigars, smokeless tobacco, snus, loose tobacco and tobacco-containing shisha.

Local Law 146 of 2017 reduces the number of stores that can sell tobacco products by capping the tobacco retail dealer licenses in each community district at 50 percent of the number of active licenses as of February 24, 2018. No new tobacco retail dealer licenses will be issued in a community district until its total decreases through attrition below the cap. New York City has high tobacco retail density, with about 8,300 licensed cigarette retailers' Citywide, averaging almost 30 dealers per square mile. Easy access to tobacco retailers makes it harder for smokers to quit. Moreover, youth who frequent retail stores that sell tobacco every week have double the odds of trying smoking. This law also updates the New York City retail license for selling cigarettes to encompass all types of tobacco.

To implement Local Laws 145 and 146, DCA amends Section 6-12 of Subchapter B, Chapter 6, of Title 6 of the Rules of the City of New York, to update the fixed penalties for the violations of the laws and rules related to cigarette retail dealers, which are now called tobacco retail dealers.

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.

**Rule Amendment**

Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

**§ 6-12. Tobacco Retail [Cigarette ]Dealer Penalty Schedule**

All citations are to Title 20 of the Administrative Code of the City of New York, Title 17 of the Administrative Code of the City of New York, Title 24 of the Rules of the City of New York, or the New York Public Health Law.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

[For]Unless otherwise specified by law, for violations of Title 20 of the Administrative Code, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within [two]three years of the prior violation(s).

Unless otherwise specified by law, for violations of § 17-176.1 of Title 17 of the Administrative Code, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within five years of the prior violation(s).

For [violations]sections of law marked by a single asterisk (\*), a second, third or subsequent violation means a violation of §§ 17-703, § 17-703.2, § 17-704, Subdivision (a) of § 17-704.1, § 17-705, or subdivisions (a) or (b) of § 17-706[, or 17-715] of Title 17 of the Administrative Code, [a second, third or subsequent violation means a violation,] or any combination of such provisions, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement[ for any combination of such violations], at the same place of business within a three-year period.

Unless otherwise specified by law, for violations of § 17-715 of Title 17 of the Administrative Code, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within three years of the prior violation(s).

At a hearing, points assigned to a respondent's New York State tobacco registration record may be reduced, pursuant to New York Public Health Law § 1399-ee(3)(a).

In certain cases, the Department may ask for license suspension, revocation, or sealing as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

The parties shall be authorized to present evidence to mitigate the license revocation or suspension period within the date range marked by two asterisks (\*\*).



Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-202(a)(1)	Engaging in unlicensed [cigarette]tobacco retail dealer activity	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day
Admin Code § 20-202(a)(2)	Permitting premises to be used for unlicensed [cigarette]tobacco retail dealer activity	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-202(d)(2)	Failure to display license conspicuously	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-203	Failure to comply with recordkeeping and inspection requirements	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-205	Engaged in prohibited sales or purchases	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 17-176.1(b)	Selling discounted cigarettes [or tobacco products]	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-176.1(c)	Selling discounted tobacco products	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-176.1(d)	Selling cigarettes or tobacco products below the price floor	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-703*	Operating as a wholesale dealer without a license	\$5,000	\$5,000	\$10,000 (plus revocation)	\$10,000 (plus revocation)	\$10,000 (plus revocation)	\$10,000 (plus revocation)
Admin Code § 17-703.1	Failure of retail dealer to post sign in conspicuous place that cigarettes must be in packages bearing valid tax stamps	\$500	\$500	\$500	\$500	\$500	\$500
Admin Code § 17-704(a)*	[Improper out-of-package sales]Selling or offering for sale cigarettes or tobacco products that have been removed from packaging that bears a health warning.	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-704(a-1) through (f)*	[Improper out-of-package sales]Violation of minimum package sizes for cigarettes or tobacco products	\$1,000	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin Code § 17-704.1(a)*	Unlawful delivery of cigarettes or tobacco products	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-705*	Failure to comply with age restrictions on handling	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(a)*	Unlawful sale of cigarettes, tobacco products, or [electronic cigarettes]liquid nicotine to an individual under 21	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(b)*	Unlawful sale of non-tobacco [shisha, pipes, or rolling papers]smoking products to an individual under 18	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(c)	No minimum age sign violation/missing information on sign	\$500	\$500	\$500	\$500	\$500	\$500
[Admin Code § 17-714	Unlawful sale of herbal cigarettes to persons under 18	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000]
Admin Code § 17-715	Unlawful sale of flavored tobacco	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000 (plus 1 to 90 day suspension)**	\$5,000 (plus one year suspension)

NY Pub Health § 1399-CC(2) (sign)	Failure to conspicuously post the required tobacco sign	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(2) (sale)	Unlawful sale of tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes to an individual under eighteen years of age	\$1,000 (plus 2 points on NYS registration)	\$1,000 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)
NY Pub Health § 1399-CC(3)	Failure to obtain proper identification from purchaser	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(5)	Improper use of the electronic transaction information	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(7)	Failure to store tobacco products or herbal cigarettes behind a counter accessible only to store personnel or in a locked container	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-DD	Unlawful sale of tobacco products, herbal cigarettes, or electronic cigarettes in vending machines	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-EE(2)	Unlawful sale of tobacco products or herbal cigarettes with a suspended or revoked NYS tobacco registration	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
NY Pub Health § 1399-GG	Unlawful out-of-package sales or minimum package size	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-LL	Failure to comply with regulations prohibiting the sale of bidis	\$500	\$500	\$500	\$500	\$500	\$500
NY Pub Health § 1399-MM	Failure to comply with the regulations prohibiting the sale of gutka	\$500	\$500	\$500	\$500	\$500	\$500
24 RCNY § 28-06	Unlawful sale of tobacco product or non-tobacco product designed for consumption through the inhalation of smoke not in original packaging	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000

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**Notice of Adoption**

Notice of Adoption to establish the fixed penalties for the violations of the laws related to electronic cigarette retail dealers in Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York.

**NOTICE IS HEREBY GIVEN, PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Consumer Affairs by Sections 1043, 2203(c), 2203(f), and 2203(h)(1) of the City Charter, Section 20-104(e) of the Administrative Code of the City of New York, and Section 8 of Local Law 144 of 2017, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department adds Section 6-12.1 to Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on May 7, 2018. A public hearing was held on June 6, 2018.

**Statement of Basis and Purpose of Rule**

Local Law 144 of 2017 requires that retailers of electronic cigarettes (“e-cigarettes”) be issued a license, like tobacco retailers, and caps the number of these licenses. E-cigarette use has increased dramatically since e-cigarettes were introduced in U.S. markets less than 10 years ago. In 2015, 15.9 percent of New York City high school students were e-cigarette users. Local Law 144 capped the number of e-cigarette retailers at half the current number by community district, with the reduction in number coming through attrition. Existing sellers will be able to continue to renew their license so long as they meet all applicable licensure requirements. The law also prohibits pharmacies from selling e-cigarettes.

To implement Local Law 144, DCA adds a new rule, Section 6-12.1, to Subchapter B, Chapter 6, of Title 6 of the Rules of the City of New York, to establish fixed penalties for the violations of the laws related to electronic cigarette retail dealers.

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.

**Rule Amendment**

Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended by adding Section 6-12.1 to read as follows:

**§ 6-12.1 Electronic Cigarette Retail Dealer Penalty Schedule.**

All citations are to Title 20 of the Administrative Code of the City of New York, Title 17 of the Administrative Code of the City of New York, or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second or third or subsequent

violation shall mean a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within three years of the prior violation(s).

For sections of law marked by a single asterisk (\*), a second, third or subsequent violation means a violation of Subdivision (b) of § 17-704.1 or Subdivision (a-1) of § 17-706 of Title 17 of the Administrative Code, or any combination of such provisions, whether by admitting to the violation, being found in violation in a decision, or entering into a settlement agreement for violating the provision of law or rule, at the same place of business within a three-year period.

In certain cases, the Department may ask for license suspension or revocation, as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

<u>Citation</u>	<u>Violation Description</u>	<u>First Violation</u>	<u>First Default</u>	<u>Second Violation</u>	<u>Second Default</u>	<u>Third and Subsequent Violation</u>	<u>Third and Subsequent Default</u>
<u>Admin. Code 20-561(a)(1)</u>	<u>Unlicensed electronic cigarette retail dealer</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>
<u>Admin. Code 20-561(a)(2)</u>	<u>Permitting premises under person's control to be used as unlicensed electronic cigarette retail dealer</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>
<u>Admin. Code 17-704.1(b)*</u>	<u>Unlawful delivery of electronic cigarettes</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>
<u>Admin Code 17-706(a-1)*</u>	<u>Unlawful sale of electronic cigarettes to an individual under 21</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>	<u>\$2,000 (plus revocation)</u>
<u>Admin Code § 17-706(c)</u>	<u>No minimum age sign violation or missing information on sign</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

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**HEALTH AND MENTAL HYGIENE**

■ NOTICE

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

**What are we proposing?** The Department of Health and Mental Hygiene (“the Department”) is proposing to amend its rules to:

- Remove reference to the outdated Board of Health tribunal and reflect the current adjudicatory body, the Health Tribunal at the Hearings Division of the Office of Administrative Trials and Hearings (OATH)
- Include the list of monetary penalties associated with Health Code violations (currently listed in OATH’s rules)
- Increase select penalties to promote compliance and prompt correction of hazardous conditions

To do so, the Department is proposing to repeal and restate Chapter 7 (Adjudicatory Hearings) of Title 24 of the Rules of the City of New York and to repeal Title 25 of the Rules of the City of New York (Department of Mental Health and Retardation). A new appendix to Chapter 7 of Title 24 includes penalties to be imposed for Department-issued violations that are sustained.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule from 2:00 P.M. to 4:00 P.M. on August 6, 2018 at

New York City Department of Health and Mental Hygiene  
Gotham Center, 42-09 28th Street, Room 3-32  
Long Island City, NY 11101-4132

**This location has the following accessibility option available:**  
Wheelchair Accessible

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

- **Website.** You can submit comments to the Department through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail.** You can mail written comments to

New York City Department of Health and Mental Hygiene  
Gotham Center, 42-09 28th Street, CN 31  
Long Island City, NY 11101-4132

- **Fax.** You can fax written comments to New York City Department of Health and Mental Hygiene at (347) 396-6088.
- **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 Svetlana Burdeynik at (347) 396-6078. You can also sign up in the hearing room before the hearing begins on August 6, 2018. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Written comments must be received on or before 5:00 P.M. on August 6, 2018.

**What if I need assistance to participate in the hearing?** You must tell the Department’s 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 (347) 396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 23, 2018.

**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 to the public at the Office of the General Counsel.

**What authorizes the Department of Health and Mental Hygiene to make these rules?** Sections 555(b)(2), 556, 558(b) and (e), and 1043 of the City Charter and §3.11 of the New York City Health Code authorize the Department to make this proposed rule.

**Where can I find the Department’s rules?** The rules of the Department of Health and Mental Hygiene are in Title 24 of the Rules of the City of New York. The only rule of the former Department of Mental Health, Mental Retardation and Alcoholism Services is found in Title 25 of the Rules of the City of New York.

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

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

**Statutory Authority**

The repeal and restatement of Chapter 7 of Title 24 of the Rules of the City of New York and repeal of Title 25 of the Rules of the City of New York is authorized by §§555(b)(2), 556, 558(b) and (e), and 1043 of the New York City Charter (the “Charter”) and §3.11 of the New York City Health Code.

- Section 556 of the Charter authorizes the Department of Health and Mental Hygiene (the “Department”) to regulate all

- matters affecting health in the City of New York.
- Section 555(b)(2) of the Charter authorizes the Commissioner of Health and Mental Hygiene to assess penalties for health-related regulations.
- Section 558 of the Charter authorizes the Board of Health to set civil penalties for the enforcement of the Health Code.
- Section 1043 of the Charter gives the Department rulemaking powers.

**Background of Proposed Rule**

*1. Repeal and restate Chapter 7 of Title 24 of the Rules of the City of New York*

Historically, civil violations of the Health Code were adjudicated at a tribunal established by the Board of Health, pursuant to §558(e) of the New York City Charter. On November 2, 2010, however, New York City voters approved an amendment to the Charter authorizing the Mayor to consolidate certain administrative tribunals into the Office of Administrative Trials and Hearings (OATH) by Executive Order.

On July 3, 2011, the Department’s Administrative Tribunal established by the Board of Health was transferred to OATH by Executive Order No. 148 (June 8, 2011) (the “Executive Order”) and renamed the Health Tribunal at OATH. Subsequently, in 2015, the Tribunal became part of the OATH Hearings Division, which now hears and adjudicates violations issued by other City agencies as well as the Department.

After the Department’s Administrative Tribunal was transferred into OATH, on December 13, 2011 the Board of Health repealed Article 7 (“Administrative Tribunal”) of the Health Code, which contained provisions for conduct of the Administrative Tribunal. OATH has its own rules of procedure for the Health Tribunal at OATH, which are found in Chapter 6 of Title 48 of the Rules of the City of New York. Subdivision (b) of Health Code §3.12 (“Administrative Tribunal and Environmental Control Board proceedings”) now confers jurisdiction on the Health Tribunal at OATH and the Environmental Control Board (“ECB”) to hear all violations of the Health Code or any other State or local law or regulation that the Department enforces by seeking fines and monetary penalties. The same subdivision also provides that any such proceeding will be adjudicated in accordance with applicable procedures of the Health Tribunal at OATH or ECB.

Chapter 7 of the Department’s rules pre-dates the transfer of the Administrative Tribunal to OATH and the Board of Health’s repeal of Article 7 of the Health Code. Accordingly, Chapter 7 still refers to the Department’s former Administrative Tribunal and must be amended to accurately reflect that OATH’s Hearings Division now adjudicates all cases where the Department is seeking monetary penalties for violations of the Health Code.

Chapter 7 also authorizes the Commissioner to delegate authority to OATH to hear cases and make findings of fact and recommendations in due process or “show cause” hearings. These adjudications request reports and recommendations to the Commissioner of Health regarding such matters as permit and license revocations and employee misconduct and discipline and will continue to be held at the OATH Trials Division, and thus this authorization will remain in the restated Chapter 7.

Because the changes to Chapter 7 are so extensive, the Chapter is being repealed and restated.

*2. Codify violation penalties*

Section 6-02 of OATH’s rules requires that it impose fines and other penalties in accordance with applicable law. Penalties for the violations adjudicated in ECB have been established in ECB’s (and now OATH’s) rules for many years.

The Health Code establishes penalty ranges for violations adjudicated in the OATH Hearings Division. OATH hearing officers continue to exercise discretion in deciding penalty amounts to be imposed for violations they sustain, provided the amounts are within the range prescribed by the Health Code.

OATH, however, is requesting that all City agencies establish by rule fixed penalties for the violations they are adjudicating in its Hearings Division. OATH has also indicated that it will be repealing the penalty schedules in its rules for ECB cases and that agencies should also adopt by rule penalties for violations being adjudicated in that tribunal.

In 2014, the Department amended Chapter 23 of Title 24 to establish penalties for violations issued to food service establishments. The Department is now proposing to amend Chapter 7 to set penalties for other violations of the Health Code, Department rules and other applicable law enforced by various Department programs. The new fixed penalties include those for violations currently adjudicated at the OATH Hearings Division. Food service establishment penalties will remain in Chapter 23. Mobile food vending penalties are not included in this Chapter, but the Department expects to incorporate them in a new appendix to Chapter 6 of these rules.

To further promote compliance and prompt correction of hazardous conditions, the penalties proposed by the Department are heightened

for some repeat offenses, considered continuous for others and in the case of standing water violations, the penalties reflect the magnitude of the violation. These terms are defined in the rules and specified in the violation descriptions. Sustained repeat violations citing rats, rat signs, rat harborage and conditions conducive to rats carry minimum, maximum and accelerated penalties in accordance with §17-133.1 of the Administrative Code of the City of New York.

Penalties for violations of repealed Health Code and other provisions of law contained in current ECB rules have been excluded from the proposed penalty table, including those for violations of Article 153 and §§139.05, 139.07 and 181.03. Also excluded are penalties for violations that are already specified in a provision of the Health Code or Administrative Code, or in a particular Department rule or other applicable law.

*3. Repeal Title 25 of the Rules of the City of New York*

In the November 2001 general election, New York City voters approved an amendment of the Charter to establish a “Department of Public Health” (later changed to the “Department of Health and Mental Hygiene”) combining the former Departments of Health (DOH) and Mental Health, Mental Retardation, and Alcoholism Services (DMHMRAS). All employees of both agencies became employees of the combined DOHMH. The only existing provision in Title 25 of the Rules of the City of New York of the former DMHMRAS is §1-01 (Conduct of Adjudicatory Hearings) of Chapter 1 (Adjudications), relating to employee fitness and disciplinary hearings. Title 25 is no longer necessary because of the merger of the two agencies, and the Department proposes to repeal it.

The proposed rule is as follows.

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 25 (Department of Mental Health and Retardation) of the Rules of the City of New York, is repealed.

§2. Chapter 7 (Adjudicatory Hearings) of Title 24 of the Rules of the City of New York is repealed and restated to read as follows:

**Chapter 7**

**Adjudicatory Hearings and Violation Fines and Penalties**

- §7-01** Definitions.
- §7-02** Adjudications seeking civil fines.
- §7-03** Mandatory fines and penalties.
- §7-04** Fines for unspecified violations of Health Code Articles 43 and 47.
- §7-05** Escalation of fines for rodent violations.
- §7-06** Standing water violations.
- §7-07** Fines for other repeat violations.
- §7-08** Defaults.
- §7-09** Other adjudications.

**Appendix 7-A Penalty Schedule**

- §7-01 Definitions.** When used in this Chapter, the following terms have the following meanings:
- (a) Administrative Code or Admin. Code refers to the Administrative Code of the City of New York.
  - (b) Charter means the New York City Charter.
  - (c) Environmental Control Board is the board that exists in the OATH Hearings Division, pursuant to Charter §1049-a.
  - (d) NYCHC or Health Code refers to the New York City Health Code, found in Title 24 of the Rules of the City of New York.
  - (e) NYSPLH refers to the New York State Public Health Law.
  - (f) OATH Trials Division is the tribunal of the Office of Administrative Trials and Hearings (OATH), established by Charter §1048(1) to conduct adjudicatory hearings for all agencies of the City of New York.
  - (g) OATH Hearings Division includes the tribunal established by the Board of Health, pursuant to Charter §558 and transferred to OATH by Mayoral Executive Order 148 (2011).
  - (h) Premises refer to real property consisting of a building and land on which it is situated. “Same premises” refers to (i) a specific building, or (ii) a group of buildings co-located in a development owned by the same entity.
  - (i) RCNY refers to the Rules of the City of New York.

**§7-02 Adjudications seeking civil fines.**  
In accordance with Charter §§1041 and 1046, adjudicatory hearings commenced by service of a civil summons or notice of violation seeking a civil fine or monetary penalty for violations of State and local law enforced by the Department shall be conducted by the OATH Hearings Division.

**§7-03 Mandatory fines and penalties.**  
(a) Fixed penalties. When a monetary fine or penalty for a violation enforced by the Department is specified in the Health Code, a rule of the Department, including in Appendix 7-A of this Chapter, or in any other applicable law, a hearing officer must impose that fine or penalty

if the hearing officer sustains the violation.

(b) Other Health Code violations. Fines imposed for Health Code violations that are not specified in Appendix 7-A of this Chapter or in another law or rule must be within the range provided in Health Code §3.11 or a successor provision.

**§7-04 Fines for unspecified violations of Health Code Articles 43 and 47.**

The penalty for a violation of any provision of Health Code Article 47 (Child Care Programs) or Article 43 (School-Based Programs for Children Ages Three Through Five) that is not listed in Appendix 7-A of this Chapter shall be \$200. The penalty must be doubled to \$400 if the hearing officer finds the respondent in default.

**§7-05 Escalation of fines for rodent violations.**

Pursuant to Administrative Code §17-133.1, the standard fine for a violation of §151.02 of the Health Code that pertains to the eradication or elimination of rodents, rodent harborages or other rodent related nuisances must be \$300. The fine for each subsequent violation at the same premises and under the same ownership or control within a two-year period must be double the amount of the penalty for the previous violation but may not exceed the maximum fine for any Health Code violation.

**§7-06 Standing water violations.** The penalty for a violation of Health Code §151.03 shall vary depending on whether the accumulation of standing water that is the basis of the violation is determined to be minor, moderate or extensive.

(a) Minor violations consist of small amounts of standing water and decomposing matter in one or more outdoor containers with a diameter of three to 24 inches and a capacity of five or fewer gallons of water. Examples of types of containers include trash cans, buckets, birdbaths, fountains, roof gutters and roof puddles and in accumulations of one to four tires.

(b) Moderate violations consist of larger amounts of standing water and decomposing matter than the amounts stated for minor violations. These include ponded water accumulations of less than 10 square feet. Examples of where this amount of water and decomposing matter may be found include ditches, swimming pool covers, ponds, outdoor containers without lids holding five or more gallons of water and in accumulations of five to 20 tires.

(c) Extensive violations consist of standing water and decomposing matter accumulations covering 10 or more square feet. Examples of where this amount of water and decomposing matter may be found include open foundation construction sites, swimming pools with stagnant untreated or improperly treated water and in accumulations of more than 20 tires.

**§7-07 Fines for other repeat violations.**

(a) Summons issued to the owner or other person in control of premises. For summonses alleging that the owner or person in control of a premises or regulated business has committed a "repeat violation" other than one provided for in §7-05 of this Chapter, the hearing officer must impose the fine listed in Appendix 7-A of this Chapter for a repeat violation if, within the previous 12 months, the respondent was found to have violated the same provision of law at the same premises.

(b) Summons issued to certain contractors. For any summonses alleging that a contractor committed a repeat violation of Health Code §173.14 by disturbing lead based paint or paint of unknown lead content while performing work in a premises, the hearing officer must impose the fine specified in Appendix 7-A of this Chapter for a repeat violation if the hearing officer determines that the contractor violated the same provision of law in any premises during the previous 12 months.

(c) Unproved repeat violation to be considered an initial violation. If a hearing officer finds that a respondent committed the violation alleged in the summons, but that the violation is not a repeat violation because the same provision of law was not violated within the previous 12 months, the hearing officer must impose the fine listed in Appendix 7-A of this Chapter for an initial violation of that provision.

**§7-08 Defaults.** If a respondent fails to appear to answer a summons and is found in default, the penalty imposed for a violation of the Health Code must be twice the amount set forth in Appendix 7-A of this Chapter or \$2,000, whichever is lower. Fines imposed when a respondent is found in default for violations of other provisions of law may not exceed the amount stated in Appendix 7-A of this Chapter.

**§7-09 Other adjudications.** Pursuant to Charter §1048, the Commissioner delegates to the OATH Trials Division authority to conduct hearings of matters pertaining to the enforcement of State and local law within the jurisdiction of the Department where an OATH administrative law judge shall make and submit recommended findings of fact, decisions, determinations and orders to the Commissioner who shall make final findings, determinations and orders in accordance with Article 5 of the Health Code or other applicable law. Such hearings include but are not limited to matters where a respondent must be provided with a hearing or an opportunity to be heard and show cause why the Commissioner should not issue an order or take other action (i) to suspend or revoke a license, permit or registration of a business or activity whose operation or conduct is deemed detrimental to the public health; (ii) to abate nuisances or other detrimental health conditions, including closing, padlocking and

sealing premises deemed a public nuisance; (iii) to require an entity to cease and desist from specific acts that endanger public health; or (iv) with respect to Department employee matters, pursuant to New York Civil Service Law.

<b>APPENDIX 7-A PENALTY SCHEDULE</b>			
<b>Section of Law</b>	<b>Violation Description</b>	<b>Standard Penalty</b>	<b>Default Penalty</b>
NYCHC 3.05	Failing to comply with Department, Board of Health or Commissioner's order	\$1,000	\$2,000
NYCHC 3.07	Failing to take reasonable precautions to protect health and safety	1,000	2,000
NYCHC 3.09	Failing to abate or remediate nuisance	1,000	2,000
NYCHC 3.11(b)	Operating a business or conducting an activity without a currently valid permit	1,000	2,000
NYCHC 3.15	Interfering with or obstructing Department staff in performing duties, or offering a bribe to Department staff	1,000	2,000
NYCHC 3.17	Notice or order of Department, Board of Health or Commissioner mutilated, obstructed or removed	1,000	2,000
NYCHC 3.19	Offering or making false, misleading statements or documents	1,000	2,000
NYCHC 11.29	Owning or harboring a dog, cat or horse not immunized against rabies	500	1,000
NYCHC 43.05	Failure to file required notice	1,000	2,000
NYCHC 43.09(a)	Line of sight supervision not maintained	300	600
NYCHC 43.09(b)	Minimum staff to child ratios not maintained	300	600
NYCHC 43.11(a)	Ill staff not excluded	300	600
NYCHC 43.13(c)	No staff fingerprint, criminal record review	300	600
NYCHC 43.13(e)	Prohibited staff hired, retained or allowed on premises	300	600
NYCHC 43.13(g)(1)	Failure to take required action in response to criminal record of an employee	300	600
NYCHC 43.13(g)(3)	Prohibited staff allowed to have unsupervised contact with children	300	600
NYCHC 43.15(a)	No corrective action plan when required	300	600
NYCHC 43.15(b)	Corrective action plan inadequate	300	600
NYCHC 43.15(c)	Corrective action plan not available for inspection	300	600

<u>NYCHC 43.19(f)</u>	<u>Failure to exclude child who is carrier of communicable disease in accordance with Article 11</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.21(b)</u>	<u>Failure to provide emergency medical care to injured/ill child</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.23(b)(1)</u>	<u>Peeling lead based paint or paint of unknown lead content on a surface</u>	<u>400</u>	<u>800</u>
<u>NYCHC 43.23(b)(2)</u>	<u>Peeling lead based paint or paint of unknown lead content not abated</u>	<u>400</u>	<u>800</u>
<u>NYCHC 43.23(b)(3)</u>	<u>Children present in area undergoing abatement or other work that disturbs paint</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 47.03(a)</u>	<u>Operating a child care program without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 47.05(b)</u>	<u>Number of children exceeds authorized capacity</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(c)</u>	<u>No staff fingerprint or criminal record review, and/or inquiry of the State Central Register of Child Abuse and Maltreatment (SCR)</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(g)</u>	<u>Failure to notify Department of indicated SCR report or death, injury, or lack of supervision of child attending a program</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(h)</u>	<u>Prohibited staff hired, retained or allowed to be on premises</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.21(a)</u>	<u>Corrective action plan not submitted within five business days</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.21(b)</u>	<u>Corrective action plan inadequate</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.23(a)</u>	<u>Constant and competent supervision of children not maintained at all times</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.27(f)</u>	<u>Ill child not excluded</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.29(b)</u>	<u>Failure to obtain emergency medical care for injured/ill child</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.33(a)</u>	<u>Ill staff not excluded</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.41(a)</u>	<u>Two means of egress not available</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.41(f)</u>	<u>Corridors, doorways, stairs or exits obstructed</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(b)</u>	<u>Safety, health hazards not eliminated in areas accessible to children</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(d)</u>	<u>Indoor air temperatures not maintained between 68° F and 72°F when outdoor temperature below 55°F</u>	<u>300</u>	<u>600</u>

<u>NYCHC 47.57(e)</u>	<u>Failure to take appropriate actions during a heat advisory or other severe weather incidents</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(f)</u>	<u>Areas used or occupied by children in the child care service not previously approved by DOHMH, FDNY and DOB</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(g)</u>	<u>Co-location in premises associated with environmental hazards</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(i)(2)</u>	<u>Inadequate supervision during aquatic activities</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.59</u>	<u>Failure to comply with fire safety rules</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.61(b)</u>	<u>Children provided unwholesome food or drinks</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.63(a)(1)</u>	<u>Peeling lead paint or paint of unknown lead content on a surface</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.63(a)(2)</u>	<u>Peeling lead paint or paint of unknown lead content not abated or remediated</u>	<u>400</u>	<u>800</u>
<u>NYCHC 47.63(a)(7)</u>	<u>Children present or have access to a room undergoing abatement or remediation of lead paint or paint of unknown lead content</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 47.65(c)</u>	<u>Children not secured in age-appropriate safety seats or by safety belts</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.07(c)(2)</u>	<u>Commercial premises: insufficient heat; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.07(c)(2)</u>	<u>Commercial premises: insufficient heat; repeat (#2 or more)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.09</u>	<u>Commercial premises not properly maintained; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.09</u>	<u>Commercial premises not properly maintained; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.09(a)</u>	<u>Commercial premises: failure to provide, maintain adequate lighting; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(a)</u>	<u>Commercial premises: failure to provide, maintain adequate lighting; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(b)</u>	<u>Commercial premises: failure to provide, maintain adequate ventilation; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(b)</u>	<u>Commercial premises: failure to provide, maintain adequate ventilation; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(c)</u>	<u>Commercial premises: failure to maintain plumbing; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(c)</u>	<u>Commercial premises: failure to maintain plumbing; repeat</u>	<u>400</u>	<u>800</u>

<u>NYCHC 131.09(d)(1)</u>	<u>Commercial premises: insufficient potable water; initial</u>	<u>250</u>	<u>500</u>
<u>NYCHC 131.09(d)(1)</u>	<u>Commercial premises: insufficient potable water; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(d)(2)</u>	<u>Commercial premises: insufficient hand wash sinks, liquid soap, drying devices; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(2)</u>	<u>Commercial premises: insufficient hand wash sinks, liquid soap, drying devices; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(d)(3)</u>	<u>Commercial premises: insufficient, inadequate utility sinks; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(3)</u>	<u>Commercial premises: insufficient, inadequate utility sinks; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(d)(4)</u>	<u>Commercial premises: insufficient, not maintained employee toilets; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(4)</u>	<u>Commercial premises: insufficient, not maintained employee toilets; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(e)</u>	<u>Commercial premises: floors not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(e)</u>	<u>Commercial premises: floors not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(f)</u>	<u>Commercial premises: walls and ceilings not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(f)</u>	<u>Commercial premises: walls and ceilings not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(g)</u>	<u>Commercial premises: premises not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(g)</u>	<u>Commercial premises: premises not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.13(a)</u>	<u>Failure to control unsafe conditions – contaminants; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(a)</u>	<u>Failure to control unsafe conditions – contaminants; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.13(b)</u>	<u>Failure to control unsafe conditions – ventilation; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(b)</u>	<u>Failure to control unsafe conditions – ventilation; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.13(c)</u>	<u>Failure to control unsafe conditions – discarding refrigerators; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(c)</u>	<u>Failure to control unsafe conditions – discarding refrigerators; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.17</u>	<u>Dry cleaning facilities: improper emissions levels; initial</u>	<u>500</u>	<u>1,000</u>

<u>NYCHC 131.17</u>	<u>Dry cleaning facilities: improper emissions levels; repeat</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Pests (other than rodents)</u>	<u>200</u>	<u>400</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises; first citation</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises; repeat (#2 in 24 month period)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises; repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises; repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; repeat (#2 in 24 month period)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>

<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#2 in 24 month period)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to properly and thoroughly eliminate conditions conducive to pests and to the presence of pests other than rodents or mosquitoes</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(b)</u>	<u>Failure to eliminate conditions conducive to pests, e.g., uncovered garbage cans or containers, garbage spillage, uncontained garbage</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(c)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; no inspections and/or exterminator visits documented</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 151.02(c)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; no notice to tenants posted or provided</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 151.02(d)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; pests and/or conditions conducive to pests, access and harborage not eliminated</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(e)</u>	<u>Using pesticides alone in the management of pest infestations</u>	<u>300</u>	<u>600</u>

<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; minor violations</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; moderate violations</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; extensive violations</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 161.01</u>	<u>Unlawfully keeping/selling/giving a wild or prohibited animal</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.01(a)(2)</u>	<u>Displaying/exhibiting wild or prohibited animal without valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.01(a)(2)</u>	<u>Failure to comply with animal exhibition conditions imposed by Commissioner</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.03</u>	<u>Failure to control dogs, other animals to prevent animal nuisance</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.04(b)</u>	<u>Permitting dog to be in public place without collar with currently valid license tag</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.05</u>	<u>Permitting dog to be in public place without leash or other restraint</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.09(a)</u>	<u>Operating a grooming parlor, boarding kennel, training establishment, or pet shop selling animals other than dogs or cats without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(b)</u>	<u>Constructing or operating an animal shelter without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(d)</u>	<u>Operating a commercial stable for horses without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(e)</u>	<u>Selling animals whose possession is prohibited by NYCHC 161.01</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(f)</u>	<u>No certificate of completion of small animal care and handling course</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.09(g)</u>	<u>Guard dog not registered with Department</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(g)(1)</u>	<u>Guard dog not microchipped</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.09(g)(2)</u>	<u>Guard dog warning sign not posted</u>	<u>500</u>	<u>1,000</u>



<u>NYCHC 161.13</u>	<u>Self-inspection reports not maintained or provided to the Department</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.15(a)</u>	<u>Animal handling/care activity in residential/dwelling unit</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.15(b)</u>	<u>Failure to comply with license requirements before transferring dog ownership</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.15(c)</u>	<u>Failure to maintain or submit required records</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.15(e)</u>	<u>Failure to maintain vaccination records</u>	<u>250</u>	<u>500</u>
<u>NYCHC 161.15(f)</u>	<u>Using cage, box or other dryer with heating element that is not hand-held</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.17</u>	<u>Dogs, cats over 3 months not kept in individual cages</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(b)</u>	<u>Exposed stable surfaces not kept clean</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(f)</u>	<u>Manure, other stable refuse not maintained in sanitary manner</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(h)</u>	<u>Stable yard not kept clean, not graded to prevent accumulation of liquid wastes</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(i)</u>	<u>Own, board, use, bring into NYC a horse not vaccinated against rabies</u>	<u>500</u>	<u>1,000</u>
<u>Admin. Code 17-197</u>	<u>Improper restraining animal out of doors</u>	<u>250</u>	<u>250</u>
<u>NYCHC 173.13(a)(1)</u>	<u>Leaded paint, other leaded surface coatings, possessed, sold for consumer use; initial</u>	<u>250</u>	<u>500</u>
<u>NYCHC 173.13(a)(1)</u>	<u>Leaded paint, other leaded surface coatings, possessed, sold for consumer use; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHS 173.14(c)(1)(A)</u>	<u>Commencement notice not filed, not filed timely; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(c)(1)(A)</u>	<u>Commencement notice not filed, not filed timely; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(1)(B)</u>	<u>Commencement notice incomplete; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(c)(1)(B)</u>	<u>Commencement notice incomplete; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(A)</u>	<u>EPA certified firms, workers not used for abatement work; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(A)</u>	<u>EPA certified firms, workers not used for abatement work; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(c)(2)(B)(i)(aa)</u>	<u>EPA certified firms not used for non-abatement work; initial</u>	<u>350</u>	<u>700</u>
<u>NYCHC 173.14(c)(2)(B)(i)(aa)</u>	<u>EPA certified firms not used for non-abatement work; repeat</u>	<u>700</u>	<u>1400</u>

<u>NYCHC 173.14(c)(2)(B)(i)(bb)</u>	<u>Trained workers not used for non-abatement work; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(B)(i)(bb)</u>	<u>Trained workers not used for non-abatement work; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(c)(2)(B)(i)(cc)</u>	<u>Clearance dust wipe personnel not trained for non-abatement work; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 173.14(c)(2)(B)(i)(cc)</u>	<u>Clearance dust wipe personnel not trained for non-abatement work; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 173.14(c)(2)(B)(ii)(aa)</u>	<u>Trained workers not used for non-abatement work (2-100ft<sup>2</sup>); initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(B)(ii)(aa)</u>	<u>Trained workers not used for non-abatement work (2-100ft<sup>2</sup>); repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(c)(2)(B)(ii)(bb)</u>	<u>Trained clearance dust wipe personnel not used for non-abatement work (2-100ft<sup>2</sup>); initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 173.14(c)(2)(B)(ii)(bb)</u>	<u>Trained clearance dust wipe personnel not used for non-abatement work (2-100ft<sup>2</sup>); repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 173.14(c)(2)(B)(iii)</u>	<u>Trained clearance dust wipe personnel not used for turnover work; initial</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(c)(2)(B)(iii)</u>	<u>Trained clearance dust wipe personnel not used for turnover work; repeat</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 173.14(c)(3)(A)</u>	<u>Lead paint remediation records not maintained; initial</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 173.14(c)(3)(A)</u>	<u>Lead paint remediation records not maintained; repeat</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(1)(A)</u>	<u>Failure to control leaded dust dispersal; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC 173.14(d)(1)(A)</u>	<u>Failure to control leaded dust dispersal; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(1)(B)</u>	<u>No clean changing area; area not segregated from work area; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(d)(1)(B)</u>	<u>No clean changing area; area not segregated from work area; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(d)(2)(A)</u>	<u>Prohibited method used: open flame burning/torching; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(A)</u>	<u>Prohibited method used: open flame burning/torching; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(B)</u>	<u>Prohibited method used: machine sanding/grinding without HEPA attachment; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(B)</u>	<u>Prohibited method used: machine sanding/grinding without HEPA attachment; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(C)</u>	<u>Prohibited method used: abrasive blasting without HEPA attachment; initial</u>	<u>950</u>	<u>1,900</u>

NYCHC 173.14(d)(2)(C)	Prohibited method used: abrasive blasting without HEPA attachment; repeat	1,900	2,000
NYCHC 173.14(d)(2)(D)	Prohibited method used: heat gun over 1100°F or paint charring; initial	950	1,900
NYCHC 173.14(d)(2)(D)	Prohibited method used: heat gun over 1100°F or paint charring; repeat	1,900	2,000
NYCHC 173.14(d)(2)(E)	Prohibited method used: dry sanding; initial	950	1,900
NYCHC 173.14(d)(2)(E)	Prohibited method used: dry sanding; repeat	1,900	2,000
NYCHC 173.14(d)(2)(F)	Prohibited method used: improper use of paint stripper; initial	950	1,900
NYCHC 173.14(d)(2)(F)	Prohibited method used: improper use of paint stripper; repeat	1,900	2,000
NYCHC 173.14(d)(3)(A)	Improper use of tools or materials; initial	350	750
NYCHC 173.14(d)(3)(A)	Improper use of tools or materials; repeat	700	1,400
NYCHC 173.14(d)(3)(B)	Surfaces not sealed, repainted after work; initial	300	600
NYCHC 173.14(d)(3)(B)	Surfaces not sealed, repainted after work; repeat	600	1,200
NYCHC 173.14(d)(3)(C)	Underlying conditions not repaired; initial	350	700
NYCHC 173.14(d)(3)(C)	Underlying conditions not repaired; repeat	700	1,400
NYCHC 173.14(d)(3)(D)	Painted doors, windows not adjusted; initial	200	400
NYCHC 173.14(d)(3)(D)	Painted doors, windows not adjusted; repeat	400	800
NYCHC 173.14(d)(3)(E)	Required work area prep not completed prior to commencement of remediation; initial	200	400
NYCHC 173.14(d)(3)(E)	Required work area prep not completed prior to commencement of remediation; repeat	400	800
NYCHC 173.14(d)(4)	Failure to offer relocation to tenant; initial	200	400
NYCHC 173.14(d)(4)	Failure to offer relocation to tenant; repeat	400	800
NYCHC 173.14(e)(1)(A)(i)	Notice of work commencement not posted at dwelling, unit entrances; initial	500	1,000
NYCHC 173.14(e)(1)(A)(i)	Notice of work commencement not posted at dwelling, unit entrances; repeat	1,000	2,000
NYCHC 173.14(e)(1)(A)(ii)	Warning signs not posted; initial	1,000	2,000
NYCHC 173.14(e)(1)(A)(ii)	Warning signs not posted; repeat	2,000	2,000
NYCHC 173.14(e)(1)(B)	Occupant belongings not removed, protected before commencing work; initial	200	400

NYCHC 173.14(e)(1)(B)	Occupant belongings not removed, protected before commencing work; repeat	400	800
NYCHC 173.14(e)(1)(C)	Forced air vents not sealed; initial	400	800
NYCHC 173.14(e)(1)(C)	Forced air vents not sealed; repeat	800	1,600
NYCHC 173.14(e)(1)(D)	Work area entrance not, inadequately sealed off; initial	400	800
NYCHC 173.14(e)(1)(D)	Work area entrance not, inadequately sealed off; repeat	800	1,600
NYCHC 173.14(e)(1)(E)	Floors not covered; initial	400	800
NYCHC 173.14(e)(1)(E)	Floors not covered; repeat	800	1,600
NYCHC 173.14(e)(1)(F)	Windows, other openings not required for ventilation, not sealed; initial	400	800
NYCHC 173.14(e)(1)(F)	Windows, other openings not required for ventilation, not sealed; repeat	800	1,600
NYCHC 173.14(e)(1)(G)	Occupants not instructed to avoid work area; initial	200	400
NYCHC 173.14(e)(1)(G)	Occupants not instructed to avoid work area; repeat	400	800
NYCHC 173.14(e)(1)(H)	Hazardous materials not labeled; material safety data sheets not available; initial	350	700
NYCHC 173.14(e)(1)(H)	Hazardous materials not labeled; material safety data sheets not available; repeat	700	1,400
NYCHC 173.14(e)(1)(I)	Clean up and lead dust clearance testing not conducted as required; initial	900	1,800
NYCHC 173.14(e)(1)(I)	Clean up and lead dust clearance testing not conducted as required; repeat	1,800	2,000
NYCHC 173.14(e)(1)(I)(i)	Daily clean up not performed; initial	700	1,400
NYCHC 173.14(e)(1)(I)(i)	Daily clean up not performed; repeat	1,400	2,000
NYCHC 173.14(e)(1)(I)(i)(aa)	Daily clean up: large debris improperly disposed of; initial	700	1,400
NYCHC 173.14(e)(1)(I)(i)(aa)	Daily clean up: large debris improperly disposed of; repeat	1,400	2,000
NYCHC 173.14(e)(1)(I)(i)(bb)	Daily clean up: small debris improperly disposed of; initial	650	1,300
NYCHC 173.14(e)(1)(I)(i)(bb)	Daily clean up: small debris improperly disposed of; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I)(i)(cc)	Daily clean up: adjacent areas to work areas not, improperly cleaned; initial	650	1,300

NYCHC 173.14(e)(1)(I) (i)(cc)	Daily clean up: adjacent areas to work areas not, improperly cleaned; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I) (i)(dd)	Hazardous materials, contaminated supplies improperly stored; initial	650	1,300
NYCHC 173.14(e)(1)(I) (i)(dd)	Hazardous materials, contaminated supplies improperly stored; repeat	1,300	2,000
NYCHC 173.14(e)(1) (I)(ii)	Final clean up not performed; initial	900	1,800
NYCHC 173.14(e)(1) (I)(ii)	Final clean up not performed; repeat	1,800	2,000
NYCHC 173.14(e)(1)(I) (ii)(aa)	Final clean up inadequate: failure to wait one hour after work completed; initial	300	600
NYCHC 173.14(e)(1)(I) (ii)(aa)	Final clean up inadequate: failure to wait one hour after work completed; repeat	600	1,200
NYCHC 173.14(e)(1)(I) (ii)(bb)	Final clean up inadequate: no misting, sweeping, removal or sheeting; initial	600	1,200
NYCHC 173.14(e)(1)(I) (ii)(bb)	Final clean up inadequate: no misting, sweeping, removal or sheeting; repeat	1,200	2,000
NYCHC 173.14(e)(1)(I) (ii)(cc)	Final cleanup inadequate: no, improper first HEPA vacuuming; initial	650	1,300
NYCHC 173.14(e)(1)(I) (ii)(cc)	Final cleanup inadequate: no, improper first HEPA vacuuming; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I) (ii)(dd)	Final cleanup inadequate: surfaces not, improperly washed; initial	650	1,300
NYCHC 173.14(e)(1)(I) (ii)(dd)	Final cleanup inadequate: surfaces not, improperly washed; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I) (ii)(ee)	Final cleanup inadequate: no or improper second HEPA vacuuming; initial	650	1,300
NYCHC 173.14(e)(1)(I) (ii)(ee)	Final cleanup inadequate: no or improper second HEPA vacuuming; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I) (ii)(ff)	Final cleanup inadequate: surfaces not inspected, re-cleaned if necessary; initial	650	1,300
NYCHC 173.14(e)(1)(I) (ii)(ff)	Final cleanup inadequate: surfaces not inspected, re-cleaned if necessary; repeat	1,300	2,000
NYCHC 173.14(e)(1)(I) (iii)	No third party final inspection; initial	350	700
NYCHC 173.14(e)(1)(I) (iii)	No third party final inspection; repeat	700	1,400

NYCHC 173.14(e)(1) (I)(iv)	Dust wipe clearance test results not submitted to occupants, Department; initial	400	800
NYCHC 173.14(e)(1) (I)(iv)	Dust wipe clearance test results not submitted to occupants, Department; repeat	800	1,600
NYCHC 173.14(e)(1)(J)	Inadequate protection for occupants having access to work areas; initial	600	1,200
NYCHC 173.14(e)(1)(J)	Inadequate protection for occupants having access to work areas; repeat	1,200	2,000
NYCHC 173.14(e)(2)(A)	Warning signs not posted (2-100ft <sup>2</sup> ); initial	1,000	2,000
NYCHC 173.14(e)(2)(A)	Warning signs not posted (2-100ft <sup>2</sup> ); repeat	2,000	2,000
NYCHC 173.14(e)(2)(B)	Occupant belongings not removed, protected before commencing work (2-100ft <sup>2</sup> ); initial	500	1,000
NYCHC 173.14(e)(2)(B)	Occupant belongings not removed, protected before commencing work (2-100ft <sup>2</sup> ); repeat	1,000	2,000
NYCHC 173.14(e)(2)(C)	Floors not covered (2-100ft <sup>2</sup> ); initial	700	1,400
NYCHC 173.14(e)(2)(C)	Floors not covered (2-100ft <sup>2</sup> ); repeat	1,400	2,000
NYCHC 173.14(e)(2)(D)	Windows, other openings not required for ventilation not sealed (2-100ft <sup>2</sup> ); initial	700	1,400
NYCHC 173.14(e)(2)(D)	Windows, other openings not required for ventilation not sealed (2-100ft <sup>2</sup> ); repeat	1,400	2,000
NYCHC 173.14(e)(2)(F)	Hazardous materials not labeled; material safety data sheets not available (2-100ft <sup>2</sup> ); initial	350	700
NYCHC 173.14(e)(2)(F)	Hazardous materials not labeled; material safety data sheets not available (2-100ft <sup>2</sup> ); repeat	700	1,400
NYCHC 173.14(e)(2)(G)	Failure to adequately clean up, collect dust wipes (2-100ft <sup>2</sup> ); initial	400	800
NYCHC 173.14(e)(2)(G)	Failure to adequately clean up, collect dust wipes (2-100ft <sup>2</sup> ); repeat	800	1,600
NYCHC 173.14(e)(2)(H)	Improper temporary access protection (2-100ft <sup>2</sup> ); initial	600	1,200
NYCHC 173.14(e)(2)(H)	Improper temporary access protection (2-100ft <sup>2</sup> ); repeat	1,200	2,000
NYCHC 173.14(e)(3)(A)	Failure to properly prepare work area, work safely (turnover); initial	350	750
NYCHC 173.14(e)(3)(A)	Failure to properly prepare work area, work safely (turnover); repeat	700	1,400
NYCHC 173.14(e)(3)(B)	Failure to perform adequate clean up (turnover); initial	400	800
NYCHC 173.14(e)(3)(B)	Failure to perform adequate clean up (turnover); repeat	800	1,600

<u>NYCHC 173.14(e)(3)(C)</u>	<u>Failure to perform adequate clearance dust wipes (turnover); initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(3)(C)</u>	<u>Failure to perform adequate clearance dust wipes (turnover); repeat</u>	<u>800</u>	<u>1,600</u>
<u>Admin Code 17-1402</u>	<u>Non-compliant carpet or carpet cushion sold, offered for sale or installed; initial</u>	<u>250</u>	<u>500</u>
<u>Admin Code 17-1402</u>	<u>Non-compliant carpet or carpet cushion sold, offered for sale or installed; repeat</u>	<u>500</u>	<u>500</u>
<u>Admin Code 17-1403</u>	<u>Non-compliant carpet adhesive installed in building</u>	<u>250</u>	<u>500</u>
<u>Admin Code 17-1405</u>	<u>Required documentation not maintained and available for inspection</u>	<u>250</u>	<u>250</u>
<u>Admin Code 17-1407</u>	<u>Required carpet notice not posted in a conspicuous location, or not provided in written or electronic form</u>	<u>250</u>	<u>250</u>
<u>24 RCNY 30-03(c)</u>	<u>Required carpet documentation not provided within three (3) business days of request</u>	<u>250</u>	<u>250</u>
<u>24 RCNY 30-03(d)</u>	<u>Carpet receipt not provided to consumer</u>	<u>150</u>	<u>250</u>
<u>24 RCNY 30-04(a)</u>	<u>Posted carpet sign does not meet required specifications (8 1/2" x 14" or larger; font size at least 1/2 inch high)</u>	<u>150</u>	<u>250</u>
<u>24 RCNY 30-04(b)</u>	<u>Carpet notice text does not conform to wording requirement</u>	<u>150</u>	<u>250</u>
<u>NYS PHL 1310</u>	<u>Failure to remove canine waste</u>	<u>100</u>	<u>200</u>

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

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

**RULE TITLE:** Adjudicatory Hearings and Penalty Schedule for Health-Related Violations  
**REFERENCE NUMBER:** DOHMH-92  
**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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 the violations pose significant risks to public health and safety.

*/s/ Jacob Fox Watkins*  
Mayor's Office of Operations

*June 14, 2018*  
Date

**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:** Adjudicatory Hearings and Penalty Schedule for Health-Related Violations  
**REFERENCE NUMBER:** 2018 RG 035  
**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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: June 13, 2018

Accessibility questions: Svetlana Burdeynik (347) 396-6078, ResolutionComments@health.nyc.gov, by: Monday, July 23, 2018, 5:00 P.M.



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**HOUSING PRESERVATION AND DEVELOPMENT**

**■ NOTICE**

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

**What are we proposing?** Rules implementing new legislation regarding a pilot program requiring certifications of no harassment in certain buildings.

**When and where is the hearing?** The Department of Housing Preservation and Development will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 A.M. to 11:00 A.M. on August 7, 2018. The hearing will be in Room 6S, Sixth Floor, at 100 Gold Street, New York, NY 10038.

**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 Housing Preservation and Development through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@hpd.nyc.gov](mailto:rules@hpd.nyc.gov).
- **Mail.** You can mail comments to Assistant Commissioner Martha Weithman, Department of Housing Preservation and Development, 100 Gold Street, Room 6Z1, New York, NY 10038.
- **Fax.** You can fax comments to Assistant Commissioner Martha Weithman at (212) 863-8201.
- **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) 863-5604. You can also sign up in the hearing room before the hearing begins on August 7, 2018. You can speak for up to three minutes.

**Is there a deadline to submit comments?** The deadline for submission of comments is August 7, 2018.

**What if I need assistance to participate in the hearing?** You must tell HPD 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) 863-5604. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 24, 2018.

**This location has the following accessibility option(s) available:** The building and hearing room are wheelchair accessible.

**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 to the public at the Office of Legal Affairs, 100 Gold Street, Fifth Floor, New York, NY 10038.

**What authorizes the Department of Housing Preservation and Development (HPD) to make this rule?** Sections 1043 and

1082 of the City Charter and Sections 27-2093.1 and 28-505.3 of the Administrative Code authorize HPD to make this proposed rule. This rule was not included in HPD's regulatory agenda for this Fiscal Year because it is the result of new legislation and was not contemplated when HPD published the agenda.

**Where can I find the Department of Housing Preservation and Development's rules?** The agency's rules are in Title 28 of the Rules of the City of New York.

**What laws govern the rulemaking process? The Department of Housing Preservation and Development** 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 of Proposed Rule**

The proposed rules implement and clarify new legislation, Local Law 1 for the year 2018, recently enacted by the City Council regarding certifications of no harassment. The legislation provides for a pilot program which requires certain buildings with high levels of physical distress or ownership changes, as prescribed in these rules, in certain targeted areas of the City, to be placed on a building list. Buildings that are the subject of a full vacate order, or that have been active participants in the alternative enforcement program for more than four months since February 1, 2016, as well as buildings where there has been a finding of harassment within the last five years by a court or by New York State Homes and Community Renewal, are also included on the list.

The owners of these buildings who apply to the Department of Buildings (DOB) for approval of construction documents or an initial or reinstated permit to perform certain covered categories of work will be required to receive a certification of no harassment from the Department of Housing Preservation and Development (HPD) before a DOB approval can be issued. The application for the certification of no harassment will trigger an investigation into whether there has been harassment of tenants at such building within the five-year period preceding the application. If an owner is found to have harassed tenants, the owner will be precluded from receiving a building permit for the covered categories of work for five years, or, in the alternative, the owner may construct a certain percentage of low income housing units to address the harassment finding.

The rules provide for: (1) criteria for the building qualification index, to evaluate prospective buildings for indicators of distress; (2) additional categories of covered work and exemptions for such work; (3) categories of buildings that are exempt from the requirement to apply for a certification of no harassment; (4) administration of applications for certifications of no harassment; (5) specifications for cure agreements; and (6) fees for applications and administrative expenses.

HPD's authority for these rules is found in Section 1802 of the New York City Charter and New York City Administrative Code Sections 27-2093.1 and 28-505.3.

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 28 of the rules of the City of New York is amended by adding a new Chapter 53 to read as follows:

#### **Chapter 53**

##### **Pilot Program Buildings** **Certifications of No Harassment**

**§53-01. Definitions.** For the purposes of this chapter, the following terms shall have the following meanings:

**Access Authorizer.** The term "Access Authorizer" means the person who authorizes the Department or a person or entity designated by the Department to enter the Pilot Program Building for purposes of an investigation of an application for a Certification of No Harassment. The Access Authorizer shall be a natural person who either has legal possession of all common areas of the Pilot Program Building, or is authorized to sign on behalf of and bind the persons or entities who have legal possession of all common areas of the Pilot Program Building.

**Applicant.** The term "Applicant" means the person who executes an application for a Certification of No Harassment, and shall be a natural person who is either: (1) an Owner, or (2) a principal or officer of an Owner who is authorized to sign on behalf of and bind such Owner.

**Building Qualification Index.** The term "Building Qualification Index" means an index created by the Department in accordance with Section 27-2093.1 of the Administrative Code to evaluate prospective Pilot Program Buildings for distress as set forth in Section 53-03 of these rules.

**Certification of No Harassment.** The term "Certification of No Harassment" means a certification by the Department that no

harassment of any lawful occupants of a Pilot Program Building occurred during the 60 month period prior to the filing of an application for such certification.

**City-Sponsored Neighborhood-Wide Rezoning Area.** The term "City-Sponsored Neighborhood-wide Rezoning Area" means an area of the zoning map for which:

- (1) amendments to the zoning regulations pertaining to such area were proposed by the City;
- (2) the City planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of Section 197-c of the charter;
- (3) the city planning commission decision was approved or approved with modifications by the council, pursuant to Section 197-d of the charter and is not subject to further action, pursuant to Subdivision e or f of such section;
- (4) the zoning map amendments increased the permitted residential floor area ratio within the rezoned area by at least 33 percent; and
- (5) the amendments involved at least 10 blocks of real property in such area.

**Commissioner.** The term "Commissioner" means the Commissioner of the Department of Housing Preservation and Development.

**Covered Categories of Work.** The term "Covered Categories of Work" means the following types of construction or other work that require a building owner to obtain a Certification of No Harassment prior to approval of construction documents by the Department of Buildings:

- (1) demolition of all or part of the Pilot Program Building;
- (2) change of use or occupancy of all or part of a dwelling unit, any residential portion of the Pilot Program Building, or any part of such building serving such dwelling units;
- (3) any alteration resulting in the addition or removal of kitchens or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;
- (4) an application for a new or amended certificate of occupancy; and
- (5) removal of a central heating system and replacement with an individually metered heating system.

**Department.** The term "Department" means the Department of Housing Preservation and Development.

**Exceptions to Covered Categories of Work.** The term "Exceptions to Covered Categories of Work" means the following types of construction or other work that, notwithstanding the definition of Covered Categories of Work, do not require a building owner to obtain a Certification of No Harassment prior to approval of construction documents by the Department of Buildings:

- (1) Work solely for the purpose of either:
  - (a) making the public areas of a Pilot Program Building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit, or
  - (b) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities.
- (2) Repairs, demolition, or any other work performed by a city agency or by a contractor, pursuant to a contract with a City agency.
- (3) Repairs, demolition, or any other work performed by an owner who has entered into a regulatory agreement for such building with the Department.
- (4) Demolition of a building performed, pursuant to a declaration of an immediate emergency or emergency demolition order issued by the Department of Buildings.
- (5) Work performed in a building that has an administrator currently appointed, pursuant to article seven-a of the real property actions and proceedings law.
- (6) Work performed in a building that has been transferred to a third party transferee or that has been transferred by such third party transferee to a subsequent transferee approved by the Department, pursuant to an in rem foreclosure judgment under the Third Party Transfer program, authorized under Chapter 3 of Title 11 of the Administrative Code and the rules set forth in 28 RCNY Chapter 8.

**Fee.** The term "Fee" means a sum in the amount of \$160.00 per existing dwelling unit which amount is a fee to offset all or part of the administrative cost to the Department of processing the application for a Certification of No Harassment.

**Harassment.** The term "Harassment" has the meaning set forth in Subdivision 48 of Section 27-2004 of the Administrative Code, provided, however, that in investigating whether Harassment occurred, pursuant to this Chapter, the Department shall apply the definition of Harassment in such section of the Administrative Code that existed during all relevant times of the Inquiry Period.

**Inquiry Period.** The term "Inquiry Period" means a period commencing 60 months prior to submission of the application for a Certification of No Harassment and ending on the date that the Department issues a final determination on such an application.

**Low Income Housing.** The term "Low Income Housing" means dwelling units that, upon initial rental and upon each subsequent rental following a vacancy, are affordable to and restricted to occupancy by

individuals or families whose household income does not exceed an average of 50 percent of the area median income, adjusted for family size, at the time that such household initially occupies the dwelling unit, provided that with respect to Low Income Housing units provided, pursuant to a cure agreement in accordance with Subdivision (e) of Section 27-2093.1 of the Administrative Code and these rules, one-third of such Low Income Housing units shall be available at 40 percent of the area median income, one-third of such units shall be available at 50 percent of the area median income, and one-third of such units shall be available at 60 percent of the area median income.

**Luxury Hotel.** The term "Luxury Hotel" shall have the meaning set forth in 28 RCNY section 10-01.

**Owner.** The term "Owner" means: (1) the holder of title to the property, (2) a contract vendee of title to the property, (3) the lessee, pursuant to a net lease of the entire property with an unexpired term of not less than ten years from the date of submission of the application, or (4) a receiver who is authorized by court order to apply to the Department for a Certification of No Harassment and to the Department of Buildings for a building permit.

**Pilot Program Building.** The term "Pilot Program Building" means a multiple dwelling included on the Pilot Program List.

**Pilot Program List.** The term "Pilot Program List" means a list of multiple dwellings with six or more dwelling units meeting the criteria set by subdivision b of Section 27-2093.1 of the Administrative Code and by the Department, pursuant to these rules. Such multiple dwelling shall remain on the Pilot Program List for 60 months, or until expiration of the local law that authorizes these rules, whichever is later. Such list shall not include any multiple dwelling that:

(1) is subject to any other provision of law or rules, including the zoning resolution, that requires a Certification of No Harassment as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith from the Department of Buildings;

(2) is the subject of a Department-approved program related to the rehabilitation or preservation of a single room occupancy or the provision of affordable housing for persons of low or moderate income, other than a program consisting solely of real property tax abatement or tax exemption, pursuant to the real property tax law, and is exempted from the provisions of Section 27-2093.1 of the Administrative Code as an exempt program upon review and approval by the Commissioner. For purposes of such exemption, the term, "Affordable Housing" shall mean dwelling units for which occupancy or initial occupancy is required to be restricted based upon the income of the occupant or prospective occupant thereof as a condition of: (i) a loan, grant, tax exemption (except as otherwise provided herein), regulatory agreement, or conveyance of property from any State or local governmental agency or instrumentality, pursuant to the Private Housing Finance Law, other than Article 8-B of such law, or the General Municipal Law, or (ii) a tax exemption, pursuant to Section 420-c of the Real Property Tax Law. Affordable Housing shall not include dwelling units for which occupancy or initial occupancy is required to be restricted based on the income of the occupant, or prospective occupant thereof as a condition of a tax exemption, pursuant to Section 421-a of the Real Property Tax Law;

(3) contains dwelling units that are required to be and actually are restricted based on income, pursuant to an agreement under the mandatory inclusionary housing program or the voluntary inclusionary housing program, provided that the income-restricted units that are required by such agreement are occupied at the time of application for a Certification of No Harassment;

(4) is a Rent Regulated Institutional Residence, the occupancy of which is restricted to non-profit institutional use exempted from the requirements of Section 27-2093.1 of the Administrative Code by the Department;

(5) is owned by the City or other governmental entity;

(6) is a clubhouse;

(7) is a college or school dormitory; or

(8) is a Luxury Hotel.

**Rent Regulated Institutional Residence.** The term "Rent Regulated Institutional Residence" means a multiple dwelling the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use during the Inquiry Period, is rent-regulated, and which has been exempted from the provisions of Section 27-2093.1 of the Administrative Code by written determination of the Department.

**§53-02. Pilot Program List.**

(1) A Pilot Program List will be provided by the Department on its website, and the initial Pilot Program List will published in the City Record.

(2) The criteria used to select buildings to be included on the Pilot Program List shall include:

(a) Buildings with scores on the Building Qualification Index indicating significant distress as determined by the Department, and located within:

(i) Bronx community district 4,

(ii) Bronx community district 5,

(iii) Bronx community district 7,

(iv) Brooklyn community district 3,

(v) Brooklyn community district 4,

(vi) Brooklyn community district 5,

(vii) Brooklyn community district 16,

(viii) Manhattan community district 9,

(ix) Manhattan community district 11,

(x) Manhattan community district 12,

(xi) Queens community district 14, and

(xii) Any community district where any part of such district is subject to a City-Sponsored Neighborhood-wide Rezoning after December 31, 2017;

(b) Buildings where a full vacate order has been issued by the Department or by the Department of Buildings within the five-year period prior to [insert date thirty days prior to the date of final publication of this rule];

(c) Buildings where there has been active participation in the Department's alternative enforcement program, pursuant to an order issued by the Department for more than four months since February 1, 2016; and

(d) Buildings where there has been a final determination by New York State Homes and Community Renewal or any court having jurisdiction that one or more acts of Harassment were committed at such building after September 27, 2013. A building will be added to the Pilot Program List and included on the Pilot Program List on the Department's website within 30 days after it is identified as having been the subject of such determination, provided, however that where such final determination was made on default judgment, and such default is opened by the court having jurisdiction, such building will be removed from the Pilot Program List within 30 days of notification by the owner unless such building meets other criteria for inclusion on such list.

**§53-03. Criteria for the Building Qualification Index.** The criteria used to evaluate prospective Pilot Program Buildings for distress shall include:

(1) The number of open and closed hazardous and immediately hazardous violations of the housing maintenance code per adjusted dwelling unit that were issued by the Department within the five-year period prior to [insert date thirty days prior to the date of final publication of this rule], rated on a range of values from zero to ten. For the purposes of this section, "adjusted dwelling unit" refers to the natural logarithm of dwelling units in the building, calculated in order to limit underweighting of serious building-wide violations in very large buildings.

(2) The total amount of paid or unpaid emergency repair charges per adjusted dwelling unit levied against the building within the five-year period prior to [insert date thirty days prior to the date of final publication of this rule], rated on a range of values from zero to ten.

(3) The ratings in this section are based on the number of standard deviations above the average at the time of evaluation. Buildings above such average score 2.5 points, and an additional 2.5 points for each of up to 3 standard deviations above the average. The following scores will result in placement of a building on the Pilot Program List:

(a) Buildings with no ownership changes within a five-year period prior to [insert date thirty days prior to the date of final publication of this rule], and a combined score of 15 or more for criteria in Subdivisions (1) and (2) of this section;

(b) Buildings with one ownership change and a combined score of ten or more for criteria in Subdivisions (1) and (2) of this section; and

(c) Buildings with two or more ownership changes within a five-year period prior to [insert date thirty days prior to the date of final publication of this rule], and a combined score of five or more for criteria in Subdivisions (1) and (2) of this section.

**§53-04. Application for Certifications of No Harassment**

(1) An application for a Certification of No Harassment shall contain such information, in such form, as the Department shall require.

(2) An application shall be executed by an Applicant. If the Applicant is not an Access Authorizer, the application shall also be executed by an Access Authorizer.

(3) An application may be submitted to the Department:

(a) by hand delivery on business days, during such hours and in such location as the Department shall determine,

(b) by mail,

(c) by private courier, or

(d) electronically, as provided by the Department.

(4) The submission of any application shall be accompanied by certified check, bank check, electronic payment, or money order in the amount of the Fee made payable to Department of Finance.

(5) Following the submission of an application, the Department may request any additional information that it determines is relevant to the application. If the Department sends a written request for additional information to the Applicant by regular or certified mail or email at the address or email of the Applicant set forth in the application, and it does not receive such additional information within 30 days following the mailing or emailing of such request, the Department may:

(a) reject the application, or

(b) review the application without such information and draw a negative inference with respect to the missing information.

(6) An application shall be deemed to be complete when the completed application, the fee, and the necessary supporting documentation have been received and acknowledged as sufficient by the Department.

(7) If the Department determines at any time that an application contains a material misstatement of fact, it may reject such application and bar the submission of a new application for a period not to exceed five years.

(8) The Department may refuse to act upon or may reject, an application for a Certification where it finds at any time that:

(a) taxes, water and sewer charges, emergency repair program charges, alternative enforcement program charges, or any other municipal charges remain unpaid with respect to the multiple dwelling;

(b) the Pilot Program Building is being used or has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such building (or where there is no certificate of occupancy, any record of the Department indicating the lawful configuration and use of the such building) and such unlawful alteration or use remains uncorrected;

(c) the application is incomplete or is missing information;

(d) the building is not validly registered with the Department; or

(e) the Department has previously denied an application, pursuant to these rules.

(9) If any information stated in an application changes at any time before the Department makes a final determination, the Applicant shall promptly update the application with such new information and submit it to the Department. If such changed information includes any facts that would render the original Applicant ineligible to submit the application, the Department may require that the amended application be executed by an individual who is at that time eligible to submit the application.

(10) An application may not be withdrawn after the Department issues either:

(a) an initial determination that there is reasonable cause to believe that Harassment occurred during the Inquiry Period at the Pilot Program Building, or

(b) a final determination that Harassment occurred during the Inquiry Period at the Pilot Program Building.

#### §53-05. Investigation.

(1) The Department may designate a community group to conduct a survey of the occupants of a Pilot Program Building with respect to Harassment in such building and to report its findings to the Department. Based upon the findings of such community group or the Department's review of records and other data, the Department may determine that it is necessary to conduct a further investigation.

(2) Upon receipt of an application for a Certification of No Harassment, the Department shall publish a notice, as provided in Subdivision d of Section 27-2093.1 of the Administrative Code, seeking public comment regarding whether there has been Harassment of the lawful occupants of the Pilot Program Building during the Inquiry Period.

#### §53-06 Initial Determination.

(1) Upon the completion of the investigation of an application for a Certification of No Harassment, the Department shall:

(a) reject such application,

(b) determine that there is not reasonable cause to believe that Harassment occurred during the Inquiry Period at the Pilot Program Building,

(c) determine that there is reasonable cause to believe that Harassment occurred during the Inquiry Period at the Pilot Program Building, or

(d) determine that there has been a final determination by New York State Homes and Community Renewal or any court having jurisdiction, that one or more acts of Harassment were committed at the Pilot Program Building during the Inquiry Period.

(2) If the Department refuses to act upon or rejects an application as provided in Section 53-04 or this section of these rules, it shall send written notice of such determination to the Applicant.

(3) If the Department determines that there is not reasonable cause to believe that Harassment occurred during the Inquiry Period at the Pilot Program Building, the Department shall:

(a) send written notice of such determination to the Applicant, and

(b) grant the Certification of No Harassment.

(4) If the Department determines that there is reasonable cause to believe that Harassment occurred during the Inquiry Period at the Pilot Program Building, the Department shall send written notice of such determination to the Applicant and shall comply with the procedures set forth in Sections 53-07 and 53-08 of these rules.

(5) If the Department determines that there has been a final determination by New York State Homes and Community Renewal or any court having jurisdiction that one or more acts of Harassment were committed at the Pilot Program Building during the Inquiry Period, the Department may deny the application without a hearing and issue a final determination in accordance with Section 53-08 of these rules. In such event, the Department may combine the initial determination, pursuant to this section and the final determination, pursuant to Section 53-08 of these rules into a single document.

#### §53-07 Hearing.

(1) When the Department has determined in accordance with these rules that there is reasonable cause to believe that Harassment

occurred at the Pilot Program Building during the Inquiry Period, the Department shall schedule a hearing before the Office of Administrative Trials and Hearings. The Applicant shall have the opportunity to be heard at such hearing prior to the granting or denial of the Certification of No Harassment.

(2) The Department shall serve a notice of hearing by regular mail upon the Applicant and any other individual or entity as determined by the Department, in the manner prescribed by the Office of Administrative Trials and Hearings. Such notice shall state the date, time, and location of the hearing and shall inform the Applicant that he or she may be represented by counsel and may present witnesses and other evidence.

(3) At such hearing, the Department, in its discretion, may receive relevant testimony from tenants, community groups, and any other interested parties.

(3) Upon conclusion of such hearing, the hearing officer shall make a report and recommendation to the Commissioner whether an application should be granted or denied.

(4) Notwithstanding anything to the contrary in this section or these rules, an Applicant may waive its right to a hearing before the Office of Administrative Trials and Hearings.

#### §53-08 Final Determination.

(1) When the Department has determined that there is reasonable cause to believe that Harassment occurred at the Pilot Program Building during the Inquiry Period and a hearing has been held before the Office of Administrative Trials and Hearings, the Commissioner shall review the report and recommendation of the hearing officer and make a final determination to grant or deny the application.

(2) When the Department has determined that there is reasonable cause to believe that Harassment occurred at the Pilot Program Building during the Inquiry Period and the Applicant has waived its right to a hearing before the Office of Administrative Trials and Hearings, the Commissioner shall make a final determination to grant or deny the application.

(3) When the Department has determined that that there has been a final determination by New York State Homes and Community Renewal or any court having jurisdiction that one or more acts of Harassment were committed at the Pilot Program Building during the Inquiry Period, the Commissioner shall make a final determination to grant or deny the application. In such event, the Department may combine the initial determination, pursuant to these rules and the final determination, pursuant to this section into a single document.

(4) The Department shall provide the Applicant with written notice of the final determination within 45 days after the Office of Administrative Trials and Hearings issues a report and recommendation. A final determination of denial shall be filed in the office of the city register or the Richmond county clerk.

#### §53-09 Certification of No Harassment.

(1) A Certification of No Harassment shall be effective for 60 months from the date upon which such certification is signed by the Commissioner, which period shall be stated in such certification. Such Certification shall apply to any plan approval, and any application for a permit or renewal of a permit for any Covered Categories of Work that is submitted to the Department of Buildings during such period.

(2) The Department shall not issue a Certification of No Harassment unless it has received an affidavit of no future harassment executed by one or more individual natural persons who are, at the time of execution of such affidavit, either:

(a) all of the Owners of the Pilot Program Building, or

(b) principals or officers of all of the Owners of the Pilot Program Building who are authorized to sign on behalf of and bind such Owners.

#### §53-10 Waiver or Exemption.

(1) Notwithstanding any provision of these rules to the contrary, if an application is for a waiver or exemption, the Department will waive the Fee.

(2) Notwithstanding any provision of these rules to the contrary, the Department may grant a waiver or exemption at any point following the submission of an application therefor in accordance with the provisions of Section 27-2093.1 of the Administrative Code and these rules.

(3) A waiver or exemption shall be effective for such period and subject to such conditions as the Department shall determine, which shall be stated in such waiver or exemption. Such waiver or exemption shall apply to any plan approval, and any application for a permit or renewal of a permit for any Covered Categories of Work that is submitted to the Department of Buildings during such period which complies with such conditions, if any.

(4) The Department shall only issue a waiver that is in accordance with subdivision i of Section 27-2093.1 of the Administrative Code.

(5) The Department shall not issue a waiver unless it has received an affidavit of no future Harassment executed by one or more individual natural persons who are either:

(a) all of the Owners of the Pilot Program Building, or

(b) principals or officers of all of the Owners of the Pilot Program Building who are authorized to sign on behalf of and bind such Owners.

#### §53-11 Suspension and Rescission.

(1) The Department may rescind a Certification of No Harassment

or waiver at any time if it determines that the application for such Certification or waiver contained a material misstatement of fact.

(2) If the Department determines that there is reasonable cause to believe that Harassment has occurred after the date that it issued a Certification of No Harassment or a waiver, it may suspend such Certification or waiver. If such Certification or waiver was granted solely pursuant to the Administrative Code, the Department shall not suspend such Certification or waiver, pursuant to the preceding sentence unless it determines that there is reasonable cause to believe that such harassment occurred before commencement of substantial work.

(3) If the Department determines that there is reasonable cause to believe that harassment has occurred after the date that it issued a Certification or a waiver, the Department shall deliver a notice of suspension to the Applicant. Notice of such suspension shall also be mailed to known tenants of the Pilot Program Building and shall be filed with the City register or Richmond County clerk. The Department shall refer the matter for hearing at the Office of Administrative Trials and Hearings, provided, however, that if the Owner of the Pilot Program Building has been found by the New York State Homes and Community Renewal or any court having jurisdiction to have engaged in Harassment, unlawful eviction, or arson at such building after the Certification of No Harassment was granted, the Department may determine whether to rescind such Certification without commencing a proceeding at such office.

(4) The Department shall serve a notice of hearing by regular mail upon the Applicant and any other individual or entity, including known tenants of the Pilot Program Building, as determined by the Department, in the manner prescribed by the Office of Administrative Trials and Hearings. Such notice shall state the date, time, and location of the hearing and shall inform the Applicant that he or she may be represented by counsel and may present witnesses and other evidence.

(5) At such hearing, the Department, in its discretion, may receive relevant testimony from such known tenants, community groups, and any other interested parties.

(6) Upon conclusion of such hearing, the hearing officer shall make a recommendation to the Commissioner whether or not the Certification of No Harassment or waiver should be rescinded.

(7) The Commissioner shall make a final determination whether or not to rescind such certification or waiver within 45 days of receiving the hearing officer's recommendation and shall provide the Applicant and the known tenants of the building with written notice of such determination. Such determination shall be filed as provided in Subdivision f of Section 27-2093.1 of the Administrative Code.

**§53-12. Cure Agreement.**

(1) Where the Department has denied an application for a Certification of No Harassment for a Pilot Program Building, or where an owner has, in lieu of seeking a Certification of No Harassment which is otherwise required, elected instead to seek a certification of compliance with the cure provisions described in Subdivision e of Section 27-2093.1 of the Administrative Code, such Owner may apply to the Department to cure the record of Harassment or satisfy the requirement for the Certification of No Harassment by entering into a cure agreement with the Department.

(2) Such cure agreement shall be a restrictive declaration and a regulatory agreement in such form as provided by the Department, and shall require compliance with such terms as shall be required by the Department.

(3) The restrictions, covenants, and provisions of such cure agreement shall run with the land and bind the Owner and all other parties in interest and their successors and assigns to the applicable property, and shall be perpetual in duration.

(4) Such cure agreement shall be recorded by the Owner in the office of the city register and indexed against each tax lot within the zoning lot.

(5) The requirements of such cure agreement shall include compliance with the Inclusionary Housing Guidelines and shall also include, but not be limited to that:

(a) The Owner shall construct floor area of Low Income Housing, either within the Pilot Program Building, in a new building on the same site as the Pilot Program Building, or in such same community district, of no less than the greater of: (i) 25 percent of the total residential floor area of such Pilot Program Building undergoing Covered Categories of Work in which harassment has occurred or for which the Owner has elected to seek a certification of compliance with the cure provisions of Subdivision e of Section 27-2093.1 of the Administrative Code, or (ii) 20 percent of the total floor area of any new or Pilot Program Building undergoing Covered Categories of Work on the lot containing the Pilot Program Building subject to the cure agreement;

(b) The Owner shall contract with an administering agent, which shall be an organization qualified by the Department to market and manage the Low Income Housing units and monitor compliance with the cure agreement;

(c) Lawful tenants of such Pilot Program Building during the Inquiry Period shall have priority in the allocation of such Low Income Housing units constructed by the Owner within the Pilot Program Building or in a new building at the same site as the Pilot Program Building if they otherwise qualify for such units;

(d) No construction of such required floor area of Low Income Housing

units shall be used by the Owner to satisfy eligibility requirements of any real property tax abatement or exemption program, or of a floor area ratio increase, pursuant to Section 23-90 of the zoning resolution, for which the Owner otherwise may be eligible to apply, or to apply for a hardship waiver from any existing code or zoning resolution requirement;

(e) No City, State or Federal subsidy shall be used for the construction of Low Income Housing units required, pursuant to subdivision e of Section 27-2093.1 of the Administrative Code, or these rules; and

(f) The initial rents charged by the Owner for the Low Income units shall not exceed an average of 50 percent of the area median income, adjusted for family size, at the time that such household initially occupies the dwelling unit, provided that with respect to Low Income Housing Units provided, pursuant to a cure agreement in accordance with Section 27-2093.1 of the Administrative Code, one-third of such Low Income Housing units shall be available at 40 percent of the area median income, one-third of such units shall be available at 50 percent of the area median income, and one-third of such units shall be available at 60 percent of the area median income.

(g) If the Owner violates any term, covenant, or provision of the cure agreement, or if any representation made by the Owner is determined by the Department to be false or misleading, then the Department may declare a default under the cure agreement, and take such enforcement action as specified in such agreement or under law.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
(212) 788-1400**

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

**RULE TITLE:** Pilot Program for Certifications of No Harassment  
**REFERENCE NUMBER:** HPD-52 (2018 RG 032)  
**RULEMAKING AGENCY:** Department of Housing Preservation and Development

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) Allows for a cure agreement in the event that an owner receives a harassment finding, in accordance with relevant Laws.

/s/ Brady Hamed  
Mayor's Office of Operations

June 15, 2018  
Date

**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:** Pilot Program for Certifications of No Harassment  
**REFERENCE NUMBER:** 2018 RG 032  
**RULEMAKING AGENCY:** Department of Housing Preservation and Development

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: June 15, 2018





**PROCUREMENT POLICY BOARD**

■ NOTICE

Supplemental Notice to Extend the  
Comment Period on Proposed Rules

This is a supplemental notice to the Notice of Public Hearing and Opportunity to Comment on Proposed Rules posted on June 18, 2018, concerning the Procurement Policy Board's ("PPB") proposed amendments to the Rules of the City of New York. The PPB is issuing this supplemental notice to provide additional time to submit written comments on the proposed amendments. The deadline to submit written comments has been extended from **July 17, 2018** to **July 19, 2018**. Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the PPB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [ppb@mocs.nyc.gov](mailto:ppb@mocs.nyc.gov).
- **Mail.** You can mail comments to:  
Attn: Procurement Policy Board  
Mayor's Office of Contract Services  
253 Broadway, 9<sup>th</sup> Floor  
New York, NY 10007
- **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) 788-0010 or emailing [ppb@mocs.nyc.gov](mailto:ppb@mocs.nyc.gov). You can also sign up in the hearing room before the hearing begins on July 19, 2018. You can speak for up to three minutes.

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**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8160  
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/2/2018
3687331	1.0	#2DULS	CITYWIDE BY TW	SPRAGUE	.0459 GAL.	2.3641 GAL.
3687331	2.0	#2DULS	PICK-UP	SPRAGUE	.0459 GAL.	2.2594 GAL.
3687331	3.0	#2DULS <b>WINTERIZED</b>	CITYWIDE BY TW	SPRAGUE	.0459 GAL.	2.5624 GAL.
3687331	4.0	#2DULS <b>WINTERIZED</b>	PICK-UP	SPRAGUE	.0459 GAL.	2.4576 GAL.
3687331	5.0	#1DULS	CITYWIDE BY TW	SPRAGUE	.0437 GAL.	2.5817 GAL.
3687331	6.0	#1DULS	PICK-UP	SPRAGUE	.0437 GAL.	2.4769 GAL.
3687331	7.0	#2DULS <b>&gt;=80%</b>	CITYWIDE BY TW	SPRAGUE	.0459 GAL.	2.3919 GAL.
3687331	8.0	#2DULS <b>WINTERIZED</b>	CITYWIDE BY TW	SPRAGUE	.0459 GAL.	2.6829 GAL.
3687331	9.0	B100 <b>B100&lt;=20%</b>	CITYWIDE BY TW	SPRAGUE	.0358 GAL.	2.8634 GAL.
3687331	10.0	#2DULS <b>&gt;=80%</b>	PICK-UP	SPRAGUE	.0459 GAL.	2.2871 GAL.
3687331	11.0	#2DULS <b>WINTERIZED</b>	PICK-UP	SPRAGUE	.0459 GAL.	2.5781 GAL.
3687331	12.0	B100 <b>B100 &lt;=20%</b>	PICK-UP	SPRAGUE	.0358 GAL.	2.7586 GAL.
3687331	13.0	#1DULS <b>&gt;=80%</b>	CITYWIDE BY TW	SPRAGUE	.0437 GAL.	2.5913 GAL.
3687331	14.0	B100 <b>B100 &lt;=20%</b>	CITYWIDE BY TW	SPRAGUE	.0358 GAL.	2.8723 GAL.
3687331	15.0	#1DULS <b>&gt;=80%</b>	PICK-UP	SPRAGUE	.0437 GAL.	2.4865 GAL.
3687331	16.0	B100 <b>B100 &lt;=20%</b>	PICK-UP	SPRAGUE	.0358 GAL.	2.7675 GAL.
3687331	17.0	#2DULS	BARGE MTF III & ST.WI	SPRAGUE	.0458 GAL.	2.3247 GAL.
3687192	1.0	JET	FLOYD BENNETT	SPRAGUE	.0545 GAL.	2.9862 GAL.
3587289	2.0	#4B5	MANHATTAN	UNITED METRO	.0582 GAL.	2.3162 GAL.
3587289	5.0	#4B5	BRONX	UNITED METRO	.0582 GAL.	2.3150 GAL.
3587289	8.0	#4B5	BROOKLYN	UNITED METRO	.0582 GAL.	2.3092 GAL.
3587289	11.0	#4B5	QUEENS	UNITED METRO	.0582 GAL.	2.3145 GAL.
3587289	14.0	#4B5	RICHMOND	UNITED METRO	.0582 GAL.	2.3999 GAL.
3687007	1.0	#2B5	MANHATTAN	SPRAGUE	.0453 GAL.	2.3048 GAL.

3687007	4.0	#2B5	BRONX	SPRAGUE	.0453 GAL.	2.2938 GAL.
3687007	7.0	#2B5	BROOKLYN	SPRAGUE	.0453 GAL.	2.3105 GAL.
3687007	10.0	#2B5	QUEENS	SPRAGUE	.0453 GAL.	2.3067 GAL.
3687007	13.0	#2B5	RICHMOND	SPRAGUE	.0453 GAL.	2.4711 GAL.
3687007		#2B5	RACK PICK-UP	SPRAGUE	.0453 GAL.	2.2326 GAL.
3687007	16.0	#2B10	CITYWIDE BY TW	SPRAGUE	.0448 GAL.	2.4725 GAL.
3687007	17.0	#2B20	CITYWIDE BY TW	SPRAGUE	.0438 GAL.	2.5125 GAL.
3787198	18.0	#2DULS	CITYWIDE BY TW	SPRAGUE	.0458 GAL.	2.5743 GAL.
3787198	19.0	B100	CITYWIDE BY TW	SPRAGUE	.0358 GAL.	3.2679 GAL.
3787198	20.0	#2DULS	PICK-UP	SPRAGUE	.0458 GAL.	2.4196 GAL.
3787198	21.0	B100	PICK-UP	SPRAGUE	.0358 GAL.	3.1132 GAL.
3887214	1.0	RHD		SPRAGUE	.0459 GAL	3.8010 GAL

**NOTE:**

3687331	#2DULSB5	95% ITEM 7.0 & 5% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0453 GAL.	2.4155 GAL.
3687331	#2DULSB10	90% ITEM 7.0 & 10% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0448 GAL.	2.4390 GAL.
3687331	#2DULSB20	80% ITEM 7.0 & 20% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0438 GAL.	2.4862 GAL.
3687331	#2DULSB5	95% ITEM 10.0 & 5% ITEM 12.0	PICK-UP	SPRAGUE	.0453 GAL.	2.3107 GAL.
3687331	#2DULSB10	90% ITEM 10.0 & 10% ITEM 12.0	PICK-UP	SPRAGUE	.0448 GAL.	2.3342 GAL.
3687331	#2DULSB20	80% ITEM 10.0 & 20% ITEM 12.0	PICK-UP	SPRAGUE	.0438 GAL.	2.3814 GAL.
3687331	#1DULSB20	80% ITEM 13.0 & 20% ITEM 14.0	CITYWIDE BY TW	SPRAGUE	.0421 GAL.	2.6475 GAL.
3687331	#1DULSB20	80% ITEM 15.0 & 20% ITEM 16.0	PICK-UP	SPRAGUE	.0421 GAL.	2.5427 GAL.
3787198	#2DULSB50	50% ITEM 18.0 & 50% ITEM 19.0	CITYWIDE BY TW	SPRAGUE	.0408 GAL.	2.9211 GAL.
3787198	#2DULSB50	50% ITEM 20.0 & 50% ITEM 21.0	PICK-UP	SPRAGUE	.0408 GAL.	2.7664 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8161  
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/2/2018
3787250	1.0	#2B5	ERP - CITYWIDE	PACIFIC ENERGY	.0453 GAL	2.3627 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8162  
FUEL OIL AND REPAIRS**

P.O. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/2/2018
3787250	1.0	#2B5	CITYWIDE BY TW	PACIFIC ENERGY	.0453 GAL	2.3627 GAL.
3787250	2.0	#4B5	CITYWIDE BY TW	PACIFIC ENERGY	.0582 GAL	2.2329 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8163  
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/2/2018
3787120	1.0	REG UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0709 GAL	2.1934 GAL.
3787120	2.0	PREM UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0735 GAL	2.3300 GAL.
3787120	3.0	REG UL	PICK-UP	GLOBAL MONTELLO	.0708 GAL	2.1284 GAL.
3787120	4.0	PREM UL	PICK-UP	GLOBAL MONTELLO	.0736 GAL	2.2650 GAL.
3787121	5.0	E85 (SUMMER)	CITYWIDE BY DELIVERY	UNITED METRO	.0285 GAL	2.0333 GAL.

**NOTE:**

1. As of February 9, 2018, the Bio-Diesel Blender Tax Credit was retroactively reinstated for calendar year 2017. Should the tax credit be further extended, contractors will resume deducting the tax credit as a separate line item on invoices.
2. Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
3. The National Oilheat Research Alliance (NORA) resumed operations in 2014. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. NORA has been authorized through February 2019. All other terms and conditions remain unchanged.
4. DCAS has registered contract #20181202926/3887214 for Renewable Hydrocarbon Diesel Demonstration Project. The following NYC agencies are authorized to participate: DCAS, DOT, DPR, DSNY, DEP. However, other agencies may participate with prior DCAS' approval.

**REMINDER FOR ALL AGENCIES:**

Please send inspection copy of receiving report for all gasoline (E85, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

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**OFFICE OF LABOR RELATIONS**


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**■ NOTICE**


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**FIRE OFFICERS  
2011 - 2018 AGREEMENT**

**AGREEMENT** entered into this day of **JUNE 25th, 2018**, by and between the City of New York (hereinafter referred to as the "Employer") and the Uniformed Fire Officers Association, Local 854, International Association of Firefighters, affiliated with the AFL-CIO, (hereinafter referred to as the "Union"), for the period from March 20, 2011 to March 19, 2018.

W I T N E S S E T H:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing;

NOW, THEREFORE, it is mutually agreed as follows:

**ARTICLE I RECOGNITION**

**Section 1.**

The employer recognizes the Union as the sole collective bargaining agent for the unit consisting of all Lieutenants, Captains, Battalion Chiefs, Deputy Chiefs except those Deputy Chiefs designated as Deputy Assistant Chief of Department, Assistant Chief of Department and Chief in Charge (hereinafter collectively referred to as "Fire Officers (line)", and Fire Medical Officers, and Supervising Fire Marshals employed by the Employer in the Fire Department of the City of New York.

**Section 2.**

The terms "employee" or "employees" as used in the Agreement shall mean only those persons employed in the titles described in Section 1 of this Article.

**ARTICLE II UNION SECURITY**

**Section 1.**

The Employer agrees that all employees may become and remain members of the Union in good standing.

**Section 2.**

The employer further agrees that all new employees hired subsequent to the date of signing this Agreement may become and remain members of the Union in good standing.

**Section 3.**

It is further agreed that the decision to become or remain members of the Union in good standing shall remain discretionary both with the employees and with the Union subject to the provisions of Section 12-314 of the Administrative Code.

**Section 4.**

- A. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each employee in the Unit and the City shall checkoff and transmit such dues to the Union, all in accordance with the Mayor's Executive Order #98, dated May 15, 1969, entitled "REGULATIONS REGULATING THE CHECKOFF OF UNION DUES" and in accordance with the Mayor's Executive Order #107, dated December 29, 1986, entitled "REGULATIONS GOVERNING PROCEDURES FOR ORDERLY PAYROLL CHECKOFF OF UNION DUES."

- B. The employee may consent in writing to the authorization of the deduction of dues from wages and to the designation of the Union as the recipient thereof. Such consent if given shall be in the proper form, acceptable to the City, which bears the signature of the employee.

**Section 5.**

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference in this agreement.

**ARTICLE III WORK SCHEDULE**

**Section 1.**

- A. All the terms and conditions of Section 15-112 of the Administrative Code of the City of New York, as presently provided therein and hereby incorporated by reference.
- B. (i) Notwithstanding the above Section 1(A), the Fire Department shall have the right to schedule Fire Officers (line) assigned to nonfirefighting duties such as the Division of Training, the Bureau of Fire Prevention, Headquarters, and other similar units or administrative functions to duty schedules that do not conform to the Fire Officer duty schedule described in this Article III. For the purpose hereof, any member assigned to respond to an alarm and to perform firefighting duty or supervise firefighting duties shall be deemed to be performing firefighting duties.
  - (ii) Prior to an involuntary assignment, the Department shall endeavor to obtain qualified volunteers. The determination of such Fire Officer's qualifications shall be made at the discretion of the Department, whose decision shall be final. The involuntary assignment of a Fire Officer shall be limited to one year, but may be extended to two years in such cases where unique and extraordinary skills or functions are required and where such assignment is of critical importance to the Fire Department.
  - (iii) Notwithstanding the foregoing no such assignment shall be made on a punitive basis.

**C. Communicative Time.**

Fire Officers (line) shall report for duty 15 minutes prior to the start of their tour in order to exchange information between the on-duty officer and the relieving officer. Should an alarm occur during that 15 minute period, the relieving officer shall respond to that alarm.

In the event this provision is declared invalid under the law, the parties will reopen negotiations to resolve the issue of any increased cost which may result from such declaration. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.

**Section 2.**

Fire Officers (line) when specifically directed by the Commissioner or Chief of the Department or their respective designated representatives to perform work in excess of working hours as provided in Section 1 of this Article III shall be compensated for the same by cash payment at the rate of time and one-half based on the regular salary for Fire Officers (line) for the actual period of overtime worked, except that all Deputy Chiefs and Battalion Chiefs shall be compensated for overtime worked, pursuant to this Article III or any other provision of this Agreement in compensatory time off at the rate of time and one-half when such overtime is specifically directed by the Commissioner or Chief of

Department or is performed at a fire emergency without prior approval and requests for compensation therefore, after being forwarded through channels together with recommendations, are approved by the Commissioner or Chief of Department or their respective designated representatives for such purposes.

**Section 3.**

When Fire Officers (line) are not continued on duty but are ordered to report for emergency duty from a scheduled off-tour or a scheduled rest period, they shall be compensated for a minimum of four hours if not assigned to duty and for a minimum of six hours if assigned to duty. Such compensation shall be at the overtime rate of time and one-half, in accord with Section 2 of this Article.

**Section 4.**

Notwithstanding anything to the contrary provided herein, any Fire Officer (line) who is recalled to duty after having completed that employee's regular tour of duty but before the commencement of the next regular tour and who is assigned to duty or held without assignment for a period which extends into the commencement of that employee's next regular tour shall be compensated, pursuant to the regular overtime provisions of Section 2 of this Article only for the actual time so assigned or held; and the same shall be deemed pre-shift overtime.

**Section 5.**

**A.** The Department has adjusted the work chart applicable to Supervising Fire Marshals so as to provide for an average work week of 40.25 hours.

Effective March 20, 2006, the Supervising Fire Marshal classification shall include an Assignment Level II. The work duty chart for this detail will be five eight hour tours (5x8). Rescheduling shall be permitted (flopping).

Members assigned to SFM Level II shall receive compensatory time in lieu of cash overtime. Members assigned to SFM Level II for three or more years who are assigned to SFM I thereafter, shall continue to be compensated at the level of SFM Level II.

All other terms and conditions of employment shall be the same as those for SFM Level I, except as otherwise expressly set forth herein.

- (i) The Fire Department shall have the right to schedule Supervising Fire Marshals assigned to Headquarters Special Squads such as Juvenile Firesetters, Modified Red Cap, Day Squads and other similar squads or administrative functions to duty schedules that do not conform to the Supervising Fire Marshal duty schedule referred to in this Article III.
- (ii) Prior to an involuntary assignment, the Department shall endeavor to obtain qualified volunteers. The determination of such Supervising Fire Marshal's qualifications shall be made at the discretion of the Department, whose decision shall be final. The involuntary assignment of a Supervising Fire Marshal shall be limited to one year, but may be extended to two years in such cases where unique and extraordinary skills of functions are required and where such assignment is of critical importance to the Fire Department.
- (iii) Notwithstanding the foregoing no such assignment shall be made on a punitive basis.

**B.** Ordered overtime authorized by the Commissioner or the Chief Fire Marshal as the designated representative which results in a Supervising Fire Marshal working in excess of the normal tour of duty shall be compensable in cash at time and one-half. Members assigned to SFM Level II shall receive compensatory time in lieu of cash overtime.

**C.** When Supervising Fire Marshals not continued on duty are ordered to report for Court on a scheduled off-tour or a scheduled rest period, they shall be compensated for a minimum of four hours in cash at the overtime rate. The four hours of compensation shall include any travel time to which they are presently entitled.

**D.** Supervising Fire Marshals shall not be rescheduled when required to appear in court in connection with matters assigned to them.

**Section 6.**

Cash payment for overtime work as provided in Article III, Section 2, of this contract, shall not exceed twenty percent (20%) of an employee's base pay in any fiscal year. Authorized overtime work which would result in a cash payment in excess of this amount shall be compensated for in compensatory time off at the rate of time and one-half.

**Section 7.**

Newly promoted Fire Officers shall receive either regular compensation or, in the event of overtime, appropriate overtime compensation for training required by the Department, including assessment and orientation programs.

**Section 8.**

Overtime generated by post coverage requirements for company officers shall, to the greatest extent practicable, be equalized among employees in rank. Specifically, allocation of overtime shall be governed by PA/ID 5-75 as amended. This Order is incorporated by reference hereto and shall not be modified, except by mutual consent, during the term of this Agreement. The Department will provide the Union with the number and location of post coverage assignments on a bi-weekly basis.

**Section 9.**

Notwithstanding anything herein appearing to the contrary, overtime shall continue to be calculated on the basis of 2088 hours per year.

**Section 10.**

The New York City Fire Department shall not assign a Supervising Fire Marshal to supervise more than twelve Field Fire Marshals. For the purposes of determining span of control for Supervising Fire Marshals, a full duty Fire Marshal shall be considered to be a Field Fire Marshal at all times that he/she is working with the exception of the following:

1. Time spent in court by off tour members,
2. Time spent in training,
3. Time spent at the base while doing paperwork following the conclusion of his/her tour, and
4. Time spent at the base when assigned to the telephone for the entire tour and no light duty personnel are available.

The Fire Department shall not attempt to evade the provisions of this definition by assigning more than one Fire Marshal to a telephone at the base.

**Section 11.**

- a. Effective 2006, once each calendar year, the Department shall have the right to schedule one eight (8) hour training day that normally would have been scheduled at an overtime rate, at the straight time rate. In the event the Department does not schedule the tour in that year, it shall have two years to schedule such time. Such training day shall not include CFR-D or CFR-D refresher training.
- b. Effective February 1, 2015, the Department may schedule two eight (8) hour training days that normally would have been scheduled at an overtime rate, at the straight time rate. Effective December 31, 2018, this Paragraph b. shall be deleted and discontinued.
- c. Effective January 1, 2019, the Department may schedule eight (8) hours of training that normally would have been scheduled at an overtime rate, at the straight time rate.
- d. Such training sessions shall be scheduled by the Department in blocks of either 4 hours or 8 hours each.
- e. As long as an employee is active in a UFOA title for at least 6 months in a calendar year, the straight-time training hours will not be carried over to the following year; i.e. if the employee is promoted from Firefighter to Lieutenant in August, the Department may carry over the straight-time training hours to the following year; however, if the employee is promoted from Firefighter to Lieutenant in June, the straight time training hours may not be carried over.

**Section 12.**

Effective April 20, 2010, all members requiring CFR-D recertification shall be compensated at the overtime rate for the 40 hours spent on such CFR-D training.

**ARTICLE IV - UNION REPRESENTATION**

The elected officers of the Union shall be permitted to visit all fire units to which employees are assigned on the official business of the Union. The elected official shall announce that official's presence to the officer in command and carry the function in a reasonable manner, subject to establishing labor relations and the Regulations for the Uniformed Forces.

Time spent by employee representatives to conduct labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, entitled "Time Spent on the Conduct of Labor Relations between the City and its Employees and on Union Activity."

**ARTICLE V - SALARIES**

**Section 1.**

The base annual salary rates for Fire Officers shall be as follows:

Class of Positions Or  
Detail and Increment Step

## (i) Lieutenant – promoted prior to March 1, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$98,072	\$99,053	\$100,044	\$101,044	\$102,054	\$103,585	\$106,175	\$109,360
3rd step	\$89,578	\$90,474	\$91,379	\$92,293	\$93,216	\$94,614	\$96,979	\$99,888
2nd step	\$88,322	\$89,205	\$90,097	\$90,998	\$91,908	\$93,287	\$95,619	\$98,488
1st step	\$87,053	\$87,924	\$88,803	\$89,691	\$90,588	\$91,947	\$94,246	\$97,073

## Lieutenant – promoted on or after March 1, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$98,072	\$99,053	\$100,044	\$101,044	\$102,054	\$103,585	\$106,175	\$109,360
4th step	\$83,413	\$84,247	\$85,089	\$85,940	\$86,799	\$88,101	\$90,304	\$93,013
3rd step	\$82,202	\$83,024	\$83,854	\$84,693	\$85,540	\$86,823	\$88,994	\$91,664
2nd step	\$81,661	\$82,478	\$83,303	\$84,136	\$84,977	\$86,252	\$88,408	\$91,060
1st step	\$81,120	\$81,931	\$82,750	\$83,578	\$84,414	\$85,680	\$87,822	\$90,457

## (ii) Captains

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$112,574	\$113,700	\$114,837	\$115,985	\$117,145	\$118,902	\$121,875	\$125,531
3rd step	\$102,520	\$103,545	\$104,580	\$105,626	\$106,682	\$108,282	\$110,989	\$114,319
2nd step	\$100,758	\$101,766	\$102,784	\$103,812	\$104,850	\$106,423	\$109,084	\$112,357
1st step	\$99,001	\$99,991	\$100,991	\$102,001	\$103,021	\$104,566	\$107,180	\$110,395

## (iii) Battalion Chief

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$146,583	\$148,049	\$149,529	\$151,024	\$152,534	\$154,822	\$158,693	\$163,454
3rd step	\$128,235	\$129,517	\$130,812	\$132,120	\$133,441	\$135,443	\$138,829	\$142,994
2nd step	\$120,702	\$121,909	\$123,128	\$124,359	\$125,603	\$127,487	\$130,674	\$134,594
1st step	\$113,164	\$114,296	\$115,439	\$116,593	\$117,759	\$119,525	\$122,513	\$126,188

## (iv) Deputy Chief

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$162,472	\$164,097	\$165,739	\$167,395	\$169,069	\$171,605	\$175,895	\$181,172
3rd step	\$148,469	\$149,954	\$151,454	\$152,969	\$154,499	\$156,816	\$160,736	\$165,558
2nd step	\$139,606	\$141,002	\$142,412	\$143,836	\$145,274	\$147,453	\$151,139	\$155,673
1st step	\$130,756	\$132,064	\$133,385	\$134,719	\$136,066	\$138,107	\$141,560	\$145,807

## (v) Fire Medical Officer – promoted prior to March 20, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$127,497	\$128,772	\$130,060	\$131,361	\$132,675	\$134,665	\$138,032	\$142,173
4th step	\$117,339	\$118,512	\$119,697	\$120,894	\$122,103	\$123,935	\$127,033	\$130,844
3rd step	\$114,282	\$115,425	\$116,579	\$117,745	\$118,922	\$120,706	\$123,724	\$127,436
2nd step	\$111,222	\$112,334	\$113,457	\$114,592	\$115,738	\$117,474	\$120,411	\$124,023
1st step	\$108,164	\$109,246	\$110,338	\$111,441	\$112,555	\$114,243	\$117,099	\$120,612

## Fire Medical Officer – promoted on or after March 20, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$127,497	\$128,772	\$130,060	\$131,361	\$132,675	\$134,665	\$138,032	\$142,173
4th step	\$110,797	\$111,905	\$113,024	\$114,154	\$115,296	\$117,025	\$119,951	\$123,550
3rd step	\$109,920	\$111,019	\$112,129	\$113,250	\$114,383	\$116,099	\$119,001	\$122,571
2nd step	\$109,043	\$110,133	\$111,234	\$112,346	\$113,469	\$115,171	\$118,050	\$121,592
1st step	\$108,164	\$109,246	\$110,338	\$111,441	\$112,555	\$114,243	\$117,099	\$120,612

## (vi) Supervising Fire Marshal Level I – promoted prior to March 1, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$107,252	\$108,325	\$109,408	\$110,502	\$111,607	\$113,281	\$116,113	\$119,596
3rd step	\$98,079	\$99,060	\$100,051	\$101,052	\$102,063	\$103,594	\$106,184	\$109,370

2nd step	\$96,824	\$97,792	\$98,770	\$99,758	\$100,756	\$102,267	\$104,824	\$107,969
1st step	\$95,557	\$96,513	\$97,478	\$98,453	\$99,438	\$100,930	\$103,453	\$106,557

Supervising Fire Marshal Level I – promoted on or after March 1, 2006

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Maximum	\$107,252	\$108,325	\$109,408	\$110,502	\$111,607	\$113,281	\$116,113	\$119,596
4th step	\$99,507	\$100,502	\$101,507	\$102,522	\$103,547	\$105,100	\$107,728	\$110,960
3rd step	\$97,344	\$98,317	\$99,300	\$100,293	\$101,296	\$102,815	\$105,385	\$108,547
2nd step	\$96,154	\$97,116	\$98,087	\$99,068	\$100,059	\$101,560	\$104,099	\$107,222
1st step	\$94,532	\$95,477	\$96,432	\$97,396	\$98,370	\$99,846	\$102,342	\$105,412

Supervising Fire Marshal Level II

	<u>3/20/11</u>	<u>2/20/12</u>	<u>9/20/12</u>	<u>9/20/13</u>	<u>9/20/14</u>	<u>9/20/15</u>	<u>9/20/16</u>	<u>9/20/17</u>
Flat rate	\$141,468	\$142,883	\$144,312	\$145,755	\$147,213	\$149,421	\$153,157	\$157,752

Note: A Lieutenant promoted to Supervising Fire Marshal shall be paid at the step of the Supervising Fire Marshal Level I schedule which the employee attained as a Lieutenant.

Members assigned to SFM Level II for three (3) or more years who are assigned to SFM Level I thereafter shall continue to be compensated at the level of SFM Level II.

**Section 2.**

An employee shall advance one increment step annually, dating from the anniversary date of appointment.

**Section 3.**

Longevity

A. Longevity pay shall continue to be paid as follows:

- With 5 years of service...\$4,000
- With 10 years of service...\$5,000
- With 15 years of service...\$6,000
- With 20 years of service...\$7,000

Effective April 20, 2010 longevity pay shall be paid as follows:

- With 5 years of service...\$5,000
- With 10 years of service...\$6,000
- With 15 years of service...\$7,000
- With 20 years of service...\$8,000

- B. The term “service” as used herein shall mean service in the Fire Service of the City of New York.
- C. The adjustment after the 5th and 10th years shall not be computed as salary for pension purposes until after completion of 20 years of service. The adjustment after the 15th and 20th years shall not be computed as salary for pension purposes until after completion of 25 years of service. In the event this provision is declared invalid under the law, the parties shall reopen negotiations to resolve the issue of the increased cost of changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.
- D. Calculation of the night shift differential shall be based upon the longevity schedules in effect prior to November 1, 1992.

**Section 4.**

ASSIGNMENT DIFFERENTIAL

Effective September 1, 2007, there will be an assignment differential in the annualized amount of \$2,500 for those Deputy Chiefs designated as Division Commanders and \$1,500 for those Battalion Chiefs designated as Battalion Commanders.

**Section 5.**

Effective July 1, 2008, each employee shall receive ten (10) paid holidays annually.

**Section 6.**

A Lieutenant or Captain assigned to the superpumper system shall receive, in addition to the base annual salary provided in Section 1 of this Article, an annual differential of \$600 pro-rated during the term of such assignment.

**Section 7.**

A Battalion Chief promoted to Deputy Chief on or after July 1, 1971 from an incremental level less than the maximum for the Battalion

Chief rank shall be slotted, or be deemed slotted, into that Deputy Chief incremental level which is next higher in the amount than the sum of the Battalion Chief incremental level plus the then annual increment, if any, applicable to such Battalion Chief level, provided, however, that in no event shall such promotion result in a salary in excess of the then maximum salary for the Deputy Chief Rank.

Effective July 1, 2016, the parties agree that employees with at least 3 years of service in the Fire Marshal title shall, upon promotion to Lieutenant, be “slotted in” to the next-highest step of the Lieutenant salary schedule. Employees with less than 3 years of Fire Marshal service shall begin at the first step. In no event shall an employee move to the maximum Lieutenant salary with less than one year of Lieutenant service; if the employee’s Fire Marshal salary exceeds the step before Lieutenant’s basic maximum, he/she may maintain the Fire Marshal salary for the duration of the probationary period. Under these circumstances, the employee would be moved to the basic maximum salary upon completion of probation.

**Section 8.**

Paychecks shall be distributed to the employee’s unit by 6:00 P.M., but not before 3:00 P.M. on the Thursday preceding payday.

Upon request, the Department will route and deliver a covering Officer’s paycheck to any designated unit within the assigned Division.

**Section 9.**

- A. Interest on wage increases shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days after the execution of the applicable agreement or one hundred-twenty (120) days after the effective date of the increase whichever is later, to the date of actual payment.
- B. Interest on shift differentials, holiday and overtime pay, shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days following their earning or one hundred-twenty (120) days after the execution of this Agreement, whichever is later, to the date of actual payment.
- C. Interest accrued under A. or B. above shall be payable only if the amount of interest due to an individual employee exceeds five dollars (\$5.00).

**ARTICLE VI - OUT-OF-TITLE SPECIAL ASSIGNMENT TOURS**

**Section 1.**

The Fire Department will use its best efforts to maintain an adequate number of Fire Officers (line) (as the term is defined in Article I, Section 1 of this Agreement) in each rank to minimize acting out-of-title tours. The Department will fill vacancies in the above ranks by promotions within sixty days unless the Department projects that the filling of these vacancies is not necessary as the Department has minimized acting out-of-title tours and that the conditions shall continue without the filling of these vacancies.

**Section 2.**

The Department will attempt to eliminate or minimize acting out-of-title, while keeping special assignment officer tours to a minimum. The Department will make a monthly analysis of the number of acting out-of-title tours, and special assignment tours in the Fire Officer (line) ranks described in Section 1.

The Department will: (i) each month provide the union with data on acting out-of-title and special assignment for the preceding month; and (ii) meet every sixty (60) days with the Union to review the aforesaid data.

**Section 3.**

Any grievance brought, pursuant to this provision shall be initiated at the third step of the grievance procedure.

**Section 4.**

Nothing contained in this Article shall amend, alter or impair any other provision in Article III or Article VII of this Agreement.

**ARTICLE VII - TEMPORARY ASSIGNMENTS****Section 1.**

Whenever a Fire Officer (line) is assigned to the duties of a higher rank for more than two hours in any tour, that Officer shall be paid cash for the entire tour at the minimum rate of pay for the higher rank in which that Officer served, even though the Department may replace that officer at any time with the appropriate officer. In the case of a Battalion Chief assigned to the duties of a Deputy Chief, pursuant to the preceding sentence, that Battalion Chief shall be paid at that rate of pay for the Deputy Chief rank which is next higher than the rate of pay such Battalion Chief receives in that Chief's Battalion Chief rank. The intent is that the Department shall have two hours to obtain a Fire Officer (line) qualified in the higher rank. If, however, the Fire Officer (line) is replacing a Fire Officer (line) who is attending an authorized meeting of a certified labor organization as a delegate, such Fire Officer (line) replacement shall be paid in cash straight time at the rate of pay for the higher rank only, for the actual number of hours so served. In none of the indicated cases is a Company Officer to be replaced, if missing, by a Firefighter.

**Section 2.**

Post coverage is to be provided at all times for Company Officers permanently assigned on Departmental orders to a Fire Company. Any time that such a Lieutenant is absent at the outset of a tour that Lieutenant shall be replaced by another Lieutenant. Any time that such a Captain is absent at the onset of a tour that Captain shall be replaced by a Captain. Where a covering Lieutenant or Captain is not available to provide such post coverage, that post coverage shall be provided on an overtime basis to be paid in cash at time and one half. In none of the indicated cases is a Company Officer to be replaced, if missing, by a Firefighter or an acting officer.

**Section 3.**

No temporary assignment to Fire Officer (line) above the rank of Lieutenant shall be made out-of-title except by a Fire Officer (line) of the next lower Civil Service rank.

**Section 4.**

Whenever a Captain or Chief Officer is placed on leave after the start of a tour, and no special assignment officer of similar rank is available, the position shall be filled by the next lower rank and that member shall be compensated for the entire tour at the salary rate of the higher rank if assigned to the duties of the higher rank for more than two hours in any tour.

**For a Captain Vacancy and no S.A. Captain is Available:**

- (1) In a single house the senior Lieutenant on duty in the nearest double house within the same battalion or when not available, then from the nearest available double house, shall be detailed and designated the acting Captain of the unit wherein the original vacancy occurred.
- (2) In a double house the Lieutenant on duty in the unit housed in the same quarters shall be designated the acting Captain and detailed to the unit wherein the original vacancy occurred. That Lieutenant is to be replaced by a S.A. Lieutenant if available; and if not, by an Acting Lieutenant selected from the quarters which provided the Acting Captain.
- (3) In a double house where both units have a Captain on duty the replacement for the vacancy of one of the Captains shall be treated as in one (1) above.

The unit providing this Acting Captain shall then be staffed by a S.A. Lieutenant if available, and if not available, then by an Acting Lieutenant selected from the quarters which provided the Acting Captain.

When vacancies of this type occur at a scene of operations implementation of these procedures may be delayed until such time as conditions stabilize allowing a smooth transition.

**ARTICLE VIII - NIGHT SHIFT DIFFERENTIAL**

- A. There shall be a 10% differential continued for all work actually performed by Fire Officers (line) and Supervising Fire Marshals, Levels I and II, between the hours of 4:00 P.M. and 8:00 A.M., provided that more than one hour is actually worked after 4:00 P.M. and before 8:00 A.M.
- B. In lieu of the payments to Fire Officers (line) required by Article VIII, Section A above, the Employer shall pay all Fire Officers

(line) and Supervising Fire Marshals, Levels I and II, pro-rata an annual amount equal to 5.4 percent of the sum of each such employee's base annual salary rate plus longevity and adjustments.

- C. In lieu of the payments to Fire Medical Officers required by Article VIII, Section A. above, the Employer shall pay to all Fire Medical Officers pro-rata an annual amount equal to 5.4 percent of the sum of each such employee's base annual salary rate plus longevity and adjustments.

This benefit shall be computed on the basis of the rates set forth in Article V, plus the longevity adjustment for all Fire Officers (line), Supervising Fire Marshals, and Fire Medical Officers.

**ARTICLE IX FAMILY PROTECTION PLAN FUND**

- A. 1. Effective March 20, 2007, the City shall continue to contribute the pro-rata annual amount of \$1,410 for each employee for remittance to the Uniformed Fire Officers Association Family Protection Plan, ("FPP"), pursuant to the terms of a supplemental agreement reached by the parties and approved by the Corporation Counsel. Effective April 20, 2010, the pro-rata annual amount shall be increased to \$1,460 for each employee.
  2. Effective March 20, 2007, the City shall continue to contribute the pro-rata annual amount of \$1,410 for each retired employee for remittance to the Uniformed Fire Officers Association Family Protection Plan, ("FPP"), pursuant to the terms of a supplemental agreement reached by the parties and approved by the Corporation Counsel. Effective March 20, 2008, the pro-rata annual amount shall be increased to \$1,470 for each retired employee. Effective April 20, 2010, the pro-rata annual amount shall be increased to \$1,530 for each retired employee.
  3. Effective February 1, 2015, there welfare fund contribution shall be reduced by \$100 for actives and retirees. The new active pro-rata contribution amount shall be \$1,360, and the new retiree pro-rata contribution amount shall be \$1,430.
  4. Effective July 1, 2016, the welfare fund contribution shall be increased by \$100 per employee per annum for retired employees only to \$1,530.
  5. Effective June 15, 2018, the welfare fund contribution shall be increased by \$100 per employee per annum for active employees only to \$1,460.
- B. Pursuant to its commitment, the UFOA will continue to provide benefits to employees' domestic partners.
- C. Employees who have been separated from service subsequent to December 31, 1970, and who were covered by the Family Protection Plan of the Uniformed Fire Officers Association at the time of such separation, pursuant to a supplementary agreement between the City and the UFOA shall continue to be so covered, subject to the provisions of Section A and B hereof, on the same contributory basis as incumbent employees. Contributions shall be made only for such times as said individuals are eligible to be primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the City through such Program.
- D. **Civil Legal Representation Fund**  
The City shall contribute \$25 per annum for each active Employee to the FPP to establish a civil legal representation fund, pursuant to the terms of a supplemental agreement between the City and Union as approved by the Corporation Counsel. While these funds shall be administered by the FPP, they are to be maintained in a separate account and shall not be commingled with the other monies received by the FPP. Only the \$25 provided above may be used for civil legal representation. No additional monies from the FPP may be used for civil legal representation.
- E. Such payments shall be made pro-rata by the City every twenty-eight (28) days.

**ARTICLE X - HEALTH AND HOSPITALIZATION BENEFITS****Section 1.**

The City shall continue to provide a fully paid choice of health and hospitalization insurance plans for each employee, not to exceed 100% of the full cost of HIP/HMO on a category basis. There will be an annual reopening period during the term of this agreement for active employees to exercise their choice among medical plans.

**Section 2.**

Retirees shall have the option of changing their previous choice of Health Plans. This option shall be:

- (a) a one time choice; and
- (b) exercised only after one year of retirement; and

- (c) can be exercised at any time without regard to contract periods.

The effective date of change to a new plan shall be the first day of the month three months after the month in which the application has been received by the New York City Health Insurance Program.

Effective with the reopener period for Health Insurance subsequent to January 1, 1981 and every two years thereafter, retirees shall have the option of changing their previous choice of health plans. This option shall be exercised in accordance with procedures established by the Employer. The Union will assume the responsibility of informing retirees of this option.

There shall be a sub-committee with representatives of both the City and the Uniformed Superior Officers Coalition ("USOC") to meet and discuss issues of health coverage for employees who retire prior to the age of 55 and have health benefits coverage from another employer. The parties shall share in the savings generated. The parties may agree to expand their discussion of issues regarding retiree health subject to mutual agreement.

**Section 3.**

- A. Effective November 1, 1990 and thereafter, the City's cost for each employee and for each retiree under 65 shall be equalized at the Community rated basic HIP/HMO plan payment rate as approved by the State Department of Insurance on a category basis of individual or family, e.g. the Blue Cross/GHICBP payment for family coverage shall be equal to the HIP/HMO payment for family coverage.
- B. If a replacement plan is offered to employees and retirees under age 65 which exceeds the cost of the HIP/HMO equalization provided in Section 3a, the City shall not bear the additional costs.
- C. The City (and other related Employers) shall continue to contribute on a City employee benefits program-wide basis the additional annual amount of \$30 million to maintain the health insurance stabilization reserve fund which shall be used to continue equalization and protect the integrity of health insurance benefits.

The health insurance stabilization reserve fund shall be used: to provide a sufficient reserve; to maintain to the extent possible the current level of health insurance benefits provided under the Blue Cross/GHICBP plan; and, if sufficient funds are available, to fund new benefits.

The health insurance stabilization reserve fund shall be credited with the dividends or reduced by the losses attributable to the Blue Cross/GHICBP plan.

- D. Pursuant to Paragraph 7 of the 2005 MLC Health Benefits Agreement, notwithstanding the above, in each of the fiscal years 2001 and 2002, the City shall not make the annual \$35 million contributions to the health insurance stabilization fund.
- E. In the event that there is a Citywide or Program-Wide health insurance package which exceeds the cost of the equalization and stabilization fund described above, the parties may negotiate reconfiguration of this package which in no event will provide for costs in excess of the total costs of this Agreement as set forth herein. However, it is understood that the UFOA will not be treated any better or any worse than any other Union participating in the Citywide or Program-Wide Health Program with regard to increased health insurance costs.

**Section 4. Health Care Flexible Spending Account.**

- a. A flexible health care spending account shall be established after July 1993, pursuant to Section 125 of the IRS Code. Those employees eligible for New York City health plan coverage as defined on page 32, Section 4(B) of the 1992 New York City Health Summary Program Description shall be eligible to participate in the account. Participating employees shall contribute at least \$260 per year up to a maximum of \$5,000 per year. Said contribution minimum and maximum levels may be modified by the MLC Health Advisory Committee based on experience of the plan. Any unfunded balance may be deducted from final salary payments due an employee.
- b. Expenses of the account shall include but not be limited to deductibles, co-insurance, co-payments, excess expenses beyond plan limits, physical exams and health related transportation costs for vision, dental, medical and prescription drug plans where the employee and dependents are covered. In no case will any of the above expenses include those non-deductible expenses defined as non-deductible in IRS Publication 502.
- c. An administrative fee of \$1.00 per week for the first year shall be charged for participation in the program. An employee's participation in the account is irrevocable during a plan year. At the close of the plan year any excess balance in an employee's account will not be refunded.

**Section 5.**

This Agreement incorporates the terms of the May 5, 2014 Letter Agreement regarding health savings and welfare fund contributions between the City of New York and the Municipal Labor Committee, as appended to this agreement.

**ARTICLE XI - ANNUITY FUND**

The City shall continue to contribute the following to the Annuity Fund established by the Union, for each class of positions and detail as follows:

- A. Effective April 20, 2010

<u>Class of Positions or Detail</u>	<u>Per Annum Amount</u>
Deputy Chief	\$2,573.00
Battalion Chief	\$2,215.43
Captain	\$1,774.34
Lieutenant	\$1,656.89
Fire Medical Officer	\$1,797.83
Supervising Fire Marshal (I and II)	\$1,656.89

- B. Effective February 1, 2015

<u>Class of Positions or Detail</u>	<u>Per Annum Amount</u>
Deputy Chief	\$2,312.00
Battalion Chief	\$1,954.43
Captain	\$1,513.34
Lieutenant	\$1,395.89
Fire Medical Officer	\$1,536.83
Supervising Fire Marshal (I and II)	\$1,395.89

- C. Effective June 15, 2018

<u>Class of Positions or Detail</u>	<u>Per Annum Amount</u>
Deputy Chief	\$2,573.00
Battalion Chief	\$2,215.43
Captain	\$1,774.34
Lieutenant	\$1,656.89
Fire Medical Officer	\$1,797.83
Supervising Fire Marshal (I and II)	\$1,656.89

- D. The City shall continue to contribute for each employee, on a twenty-eight (28) day cycle basis, a pro rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed the per annum amounts in Sections A. and B. for each employee in full pay status in the prescribed twelve (12) month period.

Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon annuity fund, pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

**ARTICLE XII - VACATION AND LEAVE**

**Section 1.**

Each Fire Officer (line) shall be entitled to vacation leave as prescribed in the Annual Leave Allowance Program for the Fire Department as established by the Board of Estimate Resolution 6/27/57 (CAL. NO. 580) as amended to date, and in regulations for the Uniformed Force. Annual Leave Credit shall be prorated each year for the Fire Officers (line) appointed after January 1.

- A. An annual leave allowance, based on service in the Department, shall be granted to Fire Officers (line) in accordance with the following:

<u>SERVICE</u>	<u>ANNUAL LEAVE</u>	<u>MONTHLY ACCRUAL</u>
3 years & Over	26 work days (109 hr. tours; 815 hr. tours)	22/12 work days
Less than 3 years	20 work days (8-9 hr. tours; 6-15 hr. tours)	1-8/12 work days

- B. Vacations shall be in accordance with an eight group chart.

**Section 2.**

Present practice regarding annual leave for Fire Medical Officers and Supervising Fire Marshals I and II shall continue.

**Section 3.**

- A. If an employee does not receive, or because of illness or the needs of the Fire Department, is unable to take all or part of the vacation in a calendar year, that employee may be entitled to carry the unused portion over into and take such unused portion during the succeeding year but not beyond.
- B. An employee's annual leave shall be changed to sick leave during a period of verified hospitalization or if that employee is seriously disabled but not hospitalized while on annual leave. The medical



leave provided herein shall be administered in the same way as the medical leave program for employees who are not on leave. The Department's decision shall be final in granting leave under this paragraph.

- C. All Fire Officers (line) shall have the right with the approval of the commander involved to make mutual exchanges in full or in part of vacation time within a company, battalion or division, or adjoining companies, battalions, or divisions, as the case may be. Present single companies shall be paired by the Department and the foregoing procedures shall apply between the paired companies.
- D. Supervising Fire Marshals I and II shall have the right with the approval of the Chief Fire Marshal to make mutual exchanges in full or in part of vacation time.

#### **Section 4.**

Excused time accorded to all other personnel employed by the City such as excusals for the Dr. Martin Luther King, Jr. and the Senator Robert F. Kennedy funerals and the Moon Landing Observation Day, shall be granted equally to employees covered by this agreement. Employees not accorded the day off shall be credited with compensatory time off.

#### **Section 5.**

Compensatory days shall be subject to the exigencies of the Department. Where an employee is entitled to receive a compensatory day and is denied the request of that employee's choice of a compensatory day, that employee shall have the right, in accordance with existing procedures, to take such compensatory time subsequently, or, subject to the discretion of the Department, receive cash, at straight time, for the applicable period in which event payment shall be made as soon as possible. This provision is not applicable to Battalion Chiefs and Deputy Chiefs. The above provision shall not diminish or impair the rights of Battalion Chiefs and Deputy Chiefs to receive compensatory days under existing procedures.

#### **Section 6.**

Any employee who is on light duty as a result of a line of duty illness or injury and who has not yet taken a vacation shall not be required to take the vacation while that employee is continued on light duty.

Rescheduling of any such vacation shall be subject to the exigencies of the Department.

#### **Section 7.**

Before commencing duty with a new group, a Fire Officer (line) who has completed working two 9-hour or two 15-hour tours and who is entitled to a 48-hour or a 72-hour leave shall be permitted to complete the full 48-hour or 72-hour leave.

#### **Section 8.**

Any employee applying for either ordinary or line-of-duty disability retirement, shall begin to receive all of that employee's accrued time, including accrued vacation, compensatory time, terminal leave and any other accrued leave, as of the date that employee submits a disability retirement application.

#### **Section 9.**

All members off line (inclusive of light and full duty) who have a work schedule which provides for a regular day off (RDO) during the workweek shall forego this RDO in the week in which a holiday occurs. In the event that more than one holiday occurs in a week, the member must forego the RDO and one tour of annual leave or compensatory time. All members off line who have a work schedule which does not provide for a RDO during the work week must forego one tour of annual leave or compensatory time. Under no circumstances where a member is regularly scheduled to work on a holiday shall that member receive overtime or compensatory time for hours actually worked per that schedule (with the exceptions of veterans working on Memorial or Veteran's day). The intent of this provision is to ensure that a total of 40 hours needs to be accounted for by all UFOA members referred to above in a week in which a holiday occurs.

In lieu of foregoing a tour of annual leave or compensatory time, the member may reschedule an additional tour of duty with the consent of the Fire Department.

### **ARTICLE XIII - SAFETY STANDARDS AND EQUIPMENT**

#### **Section 1.**

The Department shall establish minimum safety standards for vehicles, consistent with the standards of the State Motor Vehicle Bureau for comparable vehicles, and shall have annual inspections to insure the maintenance of these standards.

#### **Section 2.**

Effective March 20, 2011, the Fire Department shall institute a ten year replacement policy for all first line (regularly assigned) ladder, squad, and rescue fire-fighting vehicles. The Department shall operate

all first line engine, ladder, squad, and rescue companies with vehicles less than eleven (11) years of age.

Effective May 2, 2016, the Fire Department shall institute an eleven year replacement policy for all first line (regularly assigned) engine fire-fighting vehicles. The Department shall operate all first line engine companies with vehicles less than twelve (12) years of age.

If such vehicle is unavailable, this Section shall not affect the Fire Officer's duty to respond to all fires, other emergencies, and/or training assignments on available equipment.

### **ARTICLE XIV - FACILITIES**

All quarters shall have adequate heating, hot water, sanitary and sanitation facilities.

Notice of any claimed violation shall be given to the Department. If the Department does not correct the claimed violation within a reasonable time the Union may file a grievance at Step III of the grievance procedure.

### **ARTICLE XV - TRANSPORTATION**

The Department recognizes its responsibility to provide transportation to and from fires and in emergencies. When transportation is not made available, and an employee is authorized to use and uses that employee's personal car, he shall be paid \$1.75 for that use. Payment shall be made within a reasonable time.

### **ARTICLE XVI - VACANCIES**

#### **Section 1.**

In filling vacancies, the Department recognizes the importance of seniority (measured by time in the Rank) provided the senior applicant has the ability and qualifications to perform the work involved. However, the Department's decision is final.

#### **Section 2.**

The Department shall periodically list vacancies in Department Orders.

### **ARTICLE XVII - INDIVIDUAL RIGHTS**

It is the policy of the Employer to secure for all employees their rights and privileges as citizens in a democratic society, consistent with their duties and obligations as employees of the Fire Department and the City of New York. To further the administration of this policy, the following guidelines are established:

#### **Section 1.**

Interrogations, interviews, trials, and hearings conducted by duly authorized representatives of the Employer shall be conducted during reasonable hours, preferably when an employee is on duty. If an interrogation, interview, or hearing takes place when an employee is not on duty, that employee shall be compensated by cash payment for the time spent, including two hours of travel time, at the rate of time and one-half. If a trial takes place when an employee who is a witness is not on duty, that employee shall be compensated by cash payment for the time spent including two hours of travel time, at the rate of time and one-half. If a trial takes place when an employee who is an accused is not on duty, that employee shall be compensated by cash payment for the time spent, including two hours of travel time, at the rate of straight time, unless the trial was postponed by the accused for that employee's convenience or for the convenience of counsel and/or the union representative, in which case the accused shall receive no compensation.

#### **Section 2.**

At the time an employee is notified to appear for interrogation, interview, trial or hearing the Employer shall advise the employee either in writing, when practicable, or orally to be later confirmed in writing of (1) the specific subject matter of such interrogation, interview, trial or hearing; and (2) whether that employee is a suspect or non-suspect. If notified orally, the employee shall be given a written notice before the interrogation, interview, trial or hearing. If an interrogation or interview may lead to disciplinary action, the employee may be accompanied by counsel and/or a union representative at such interrogation or interview.

#### **Section 3.**

Notice of trial shall be in writing at least ten (10) days in advance of such trial, unless the employee waives such notice or unless that employee applies or has applied for a service retirement.

#### **Section 4.**

The employee who is the subject of interrogation, interview, trial or hearing shall be advised of the name, rank, and unit of the officer in charge of the interrogation, interview, trial or hearing and the name, rank and unit or other identification of all persons present connected with the interrogation, interview or hearing. The questioning of employees shall be of reasonable duration and the employee shall be allowed time for personal needs, meals and necessary telephone calls. Offensive or profane language shall not be used, nor shall the employee

be threatened for failure to answer questions or promised anything if that employee does answer questions.

#### **Section 5.**

When an employee is a suspect in a departmental investigation or trial, the officer in charge of the investigation or trial shall give the employee the following warning before that employee is questioned:

I wish to advise you that you have all the rights and privileges guaranteed by the law of the State of New York and the Constitutions of this State and of the United States, including the right not to be compelled to incriminate yourself. You have the right to have an attorney present if you wish. I wish further to advise you that if you refuse to answer any questions relating to the performance of your duties, you will be subject to dismissal from your employment with the City. However, if you do answer questions, neither your answers nor any information or evidence which is gained by reason of such answers can be used against you in any criminal proceeding. You are advised, however, that if you knowingly make any false answers or deceptive statements, you may be subject to criminal prosecution and disciplinary action by reason thereof.

Such employee shall also be advised of the right to union representation. When the interrogating officer is advised by the employee that employee desires the aid of counsel and/or a union representative, the interrogation shall be suspended and the employee shall be granted a reasonable time to obtain counsel and/or a union representative, which time shall be at least two working days.

If it appears that the investigation may result in a disciplinary proceeding based on the Employee's answer to questions or on the refusal to answer, a stenographic or electronic record of the questioning of the employee shall be made unless the exigencies of the situation prevent such recording.

In the event that an employee is subject to charges by the Department, any such record shall be made available to the employee or the representative. The cost of the recording shall be shared equally by the parties.

#### **Section 6.**

**A.** An employee shall not be questioned by the Employer on personal behavior while off duty and out of uniform except that the Employer shall continue to have the right to question an employee about personal behavior while off duty and out of uniform in the following areas:

- i.** matters pertaining to official department routine or business;
- ii.** extra departmental employment;
- iii.** conflict of interest;
- iv.** injuries or illnesses;
- v.** residency;
- vi.** performance as volunteer firefighter;
- vii.** loss or improper use of department property.

**B.** If an employee alleges a breach of Subdivision (a) of this Section 6., that employee has the right to a hearing and determination by the Impartial Chair within 24 hours following the claimed breach. To exercise this right, the employee must request such arbitration at the time when an official of the Employer asks questions in an area which is disputed under Subdivision (a) of this section. If the employee requests such arbitration, that employee shall not be required to answer such questions until the arbitrator makes the award.

#### **Section 7.**

All employees are reminded that failure to answer relevant questions may result in disciplinary action including dismissal from the Department.

#### **Section 8.**

In the course of an investigation or interrogation, an employee who is not a suspect is required to cooperate in the investigation of a complaint. Statements the employee has made in the course thereof may not be used against that employee in a subsequent proceeding in which that employee becomes a suspect.

#### **Section 9.**

If an employee is found not guilty in a disciplinary hearing, the record of the proceedings shall not become part of that employee's personal record. An employee who is found not guilty shall have the right to examine the personal record in the presence of an official of the Department after written request to the Department to ascertain compliance.

#### **Section 10.**

If the Employer fails to comply with the provisions of this Article, any questions put to the employee shall be deemed withdrawn and the refusal to answer any such questions shall not be prejudicial to the

employee. Withdrawal as herein described shall not preclude the Department from proceeding anew in the manner prescribed herein.

#### **Section 11.**

The employee shall have the right, at that employee's own expense, to have a personal physician consult with the Departmental Medical Board after the examination and interview of the employee, but before the Departmental Board completes its record and makes its recommendation. Present practice regarding filing of medical statements and documents shall continue.

#### **Section 12.**

If an employee is subpoenaed to testify before a governmental body up to a maximum of two employees "per day" in a proceeding, the employee shall be compensated by cash payment for the time spent testifying, plus two hours travel time, provided that no compensation shall be paid unless the employee notifies the Department that that employee has received a subpoena within 72 hours after receipt of it; or as soon as that employee has received it if the return date is within 72 hours thereafter. Any amounts received by the employee as witness fees shall be deducted from compensation received by the employee from the Department pursuant to this Section.

### **ARTICLE XVIII - GRIEVANCE PROCEDURE**

#### **Section 1.**

A grievance is defined as a complaint arising out of a claimed violation, misinterpretation or inequitable application of the provisions of this contract or of existing policy or regulations of the Fire Department affecting the terms and conditions of employment. A direct order, written or verbal, by a Superior Officer, under all circumstances, must be carried out and objections raised at a later date through the formal grievance procedure. The Union has designated the appropriate delegate, as defined in Article XIX of this Agreement, as a member's representative at Step No. I of these procedures. Such Battalion or special Union delegate shall be hereinafter referred to as the delegate. In the event that any employee shall present a grievance, such grievance shall be handled in the following manner:

#### **STEP NO. I**

- A-1.** An aggrieved member initiates the grievance procedure by explaining a problem verbally to that member's immediate supervisor.<sup>1</sup> The immediate supervisor in grievance procedures, for the purpose of verbal presentation, is defined as
- (a)** For Lieutenants The Captain or other Commanding Officer of the unit involved.
  - (b)** For Captains The Battalion Chief who is responsible for the day-to-day supervision.
  - (c)** For Battalion Chiefs The Deputy Chief who is responsible for day-to-day supervision.
  - (d)** For Deputy Chiefs The Staff Officer charged with administrative supervision over the division involved.
  - (e)** For Supervising Fire Marshals The Assistant Chief Fire Marshal.
  - (f)** For Fire Medical Officers – The Supervising Chief Medical Officer.
  - (g)** It is possible that such immediate supervisor may not be in a position to alleviate the grievance depending upon its context. However, in all cases the subordinate officer shall consult with the above-named immediate supervisor before engaging in any of the further delineated procedures. In addition, such immediate supervisor shall make every effort by consultation with superior officers involved to identify the grievance and remove the cause.

**EXAMPLE:** A grievance action by a Lieutenant may arise because of an action by a Battalion Chief. This Lieutenant must consult with that Lieutenant's Captain before engaging in other procedures outlined. A grievance action by a Captain may arise because of an action by the Battalion Commander, who is not that Captain's day-to-day supervisor. This Captain must consult with the Battalion Chief who is responsible for the day-to-day supervision before engaging in other procedures outlined.

- 2.** If the matter is not resolved to the employee's satisfaction, the aggrieved employee may request the delegate to discuss the matter verbally with the immediate supervisor as noted above.

<sup>1</sup> In some instances the Commanding Officer will also be the immediate supervisor, in which case the Commanding Officer will participate in the Step No. I as the immediate supervisor. If the matter is not resolved, that Officer will then act as the Commanding Officer.

3. Prior to the formal presentation of the grievance or complaint to the immediate Commanding Officer, who, for the purpose of these grievance procedures, is defined as:
- (a) For Lieutenants Battalion Commander,
  - (b) For Captains Battalion Commander,
  - (c) For Battalion Chiefs Division Commander,
  - (d) For Supervising Fire The Assistant Chief Fire Marshal,
  - (e) For Fire Medical Officers – Supervising Chief Medical Officer, and
  - (f) For Deputy Chief Staff Officer charged with administrative supervision over the involved division.

Every effort shall be made to find ways and means of identifying and removing the cause of the grievance or complaint.

4. If the matter remains unresolved following the discussion outlined above, the grievance shall formally be submitted in writing, on a prescribed form, to the immediate Commanding Officer, as noted above. Such formal submission must, in any event, occur within 120 days following the date on which the grievance arose.

**B-1.** Upon request of the aggrieved employee, the delegate shall accompany the employee at a meeting with the immediate Commanding Officer, as noted above, who shall specify date, time and place of hearing. Said Commanding Officer shall, within five (5) calendar days of receipt of appeal, notify all concerned of the date, time, place of hearing and details of grievance.<sup>2</sup>

2. The determination of the immediate Commanding Officer passing on the grievance shall be in writing, and a report shall be forwarded on the prescribed form to the Fire Commissioner, the aggrieved and the delegate within three (3) calendar days after the meeting.

3. If the grievance is not resolved to the satisfaction of the aggrieved, the employee has the right to proceed to the next step in the grievance procedure.

**C-1.** Time lost by a delegate or union representative in the adjustment of a grievance shall not be compensable.

2. Time lost by an aggrieved member in the adjustment of a grievance shall not be compensable.

**D-1.** Failure to Appeal Any grievance decision not appealed within five (5) calendar days after receipt of the Department's answer in the previous step shall be considered as settled on the basis of such an answer and not subject to further appeal. This limitation is applicable to all steps.

#### **STEP NO. II**

A member of the Union Executive Board shall be the member's representative at this step of the grievance procedure. The official to whom the appeal shall be made is designated as follows:

- (a) For Company Officer The Division Commander.
- (b) For Battalion Chiefs The Staff Officer charged with administrative responsibility for the involved division.
- (c) For Deputy Chiefs assigned or reporting to the Bureau of Fire The Chief of Department.
- (d) For all other Deputy Chiefs The Chief in Charge, Bureau of Personnel and Administration.
- (e) For Supervising Fire Marshals The Chief Fire Marshal.
- (f) For Fire Medical Officer The Chief in Charge, Bureau of Personnel and Administration.

**A-1.** An appeal from the Step I determination shall be forwarded by the aggrieved, in writing, on the prescribed form, to the Officer to whom the appeal is to be made within five (5) calendar days after the aggrieved received a copy of the determination of the immediate Commanding Officer.

**B-1.** Upon request of the aggrieved employee, a member of the Union Executive Board shall accompany that employee at a meeting with the Officer to whom the appeal is to be made who shall specify the date, time, place of hearing and details of grievance.

**C-1.** The determination of the Officer passing upon the appeal shall be in writing and a report shall be forwarded on the prescribed form to the Fire Commissioner, the aggrieved and the Representative within five (5) calendar days after the hearing.

<sup>2</sup> If the grievance relates to a nature of an order issued by a superior, Section 25.1.1 of Regulations for the Uniformed Force shall be complied with.

2. If the grievance is not resolved at this level, the aggrieved, either individually or by the representative has the right to proceed to the next step in the grievance procedure.

#### **STEP NO. III**

The President and members of the Executive Board may be designated as the Union representatives on the Department level; no more than four (4) members of the Executive Board are to attend a meeting.

**A-1.** An appeal from the Step II determination must be forwarded in writing by the aggrieved, on the prescribed form, to the Fire Commissioner within five (5) calendar days after the aggrieved receives a copy of the determination.

**B-1.** The Commissioner, the Chief of Department, the Chief in Charge Bureau of Personnel and Administration, and/or their designees, the aggrieved and/or the representatives shall work for a satisfactory resolution of the grievance or complaint through conference, negotiation, and agreement. Such conference shall be held within ten (10) days of the receipt of the appeal. The Commissioner shall within five (5) days after such conference serve the determination, in writing, upon the aggrieved employee and the representative.

#### **STEP NO. IV**

If, after completion of all of the steps provided for above, the grievance has not been resolved, the Union solely shall have the right to bring such grievance to the Impartial Chair for arbitration in accordance with the applicable provisions of the New York City Collective Bargaining Law and Consolidated Rules promulgated by the Office of Collective Bargaining with respect to arbitration. Notice of the Union's intent to proceed to arbitration shall be served on the Commissioner of Labor Relations within ten (10) days of receipt by the Union and the employee of the decision of the Commissioner or the designated representative. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined as a "grievance" herein. The Employer shall commence such arbitration by submitting a written request therefore to the Impartial Chair, with a copy to the Union, and the matter shall proceed in accordance with the Consolidated Rules of the Office of Collective Bargaining. The Impartial Chair shall hold a hearing within ten (10) days after the Chair receives a request for arbitration at a time and place convenient to the parties, and the Chair shall issue an award within ten (10) days after the completion of the hearing.

#### **Section 2.**

The time limits contained in this Article may be modified by mutual agreement. Any grievance decision not appealed within the time limits prescribed in this Agreement after receipt of the determination of the appropriate department official shall be considered settled on the basis of such determination and shall not be subject to further appeal.

In the event that the Department fails to comply with the time limits prescribed herein, the grievance automatically shall be advanced to the next step.

#### **Section 3.**

It is understood and agreed by and between the parties that there are certain grievable disputes which are of a department level or of such scope as to make adjustments at Step I and Step II of the grievance procedure impracticable, and, therefore, such grievance shall be instituted at Step III of the grievance procedure. The Union may petition the Impartial Chair for leave to file a grievance involving potential irreparable harm concerning safety and health directly at Step IV. The Impartial Chair shall have the power to permit such grievance at Step IV for good cause shown or direct said grievance to be instituted at Step III. If the Impartial Chair determines that the grievance may be properly filed directly at Step IV, the City retains its right to assert all defenses which may be properly raised at Step IV.

#### **Section 4.**

When possible, every effort shall be made to hold grievance hearings when a union representative involved is on duty.

#### **Section 5.**

Individual Borough Commands shall not establish policy and/or programs at variance with this Agreement. A copy of every Borough policy directive shall be sent to the Union when issued.

### **ARTICLE XIX - DELEGATES**

The Union shall designate a Delegate for each Battalion and the following units:

- Office of the Chief of Department
- Division of Fire Prevention
- Division of Training
- Division of Safety
- Marine Division
- Division of Repairs and Transportation
- Community Relations Bureau

Medical Division and Medical Office  
Fire Emergency Division  
Bureau of Fire Investigation (2 Delegates)

Each delegate shall perform the regular duties as an employee and shall be considered a representative of the Union.

**ARTICLE XX - NO STRIKE**

The Union and the Employees shall not induce or engage in any strikes, slowdowns, work stoppages or mass absenteeism nor shall the Union induce any mass resignations during the term of this Agreement.

**ARTICLE XXI - IMPARTIAL CHAIR**

As soon as practicable after the execution of this Agreement, the parties hereto will designate an Impartial Chair to act during the term of this Agreement. The Impartial Chair shall serve as arbitrator in all instances where arbitration is called for under the terms and conditions of this Agreement, and, further, he shall be available to serve as mediator in all disputes arising under this agreement or between the Union and the Employer.

Should the Impartial Chair resign, refuse to act or be incapable of acting or should the office become vacant for any reason, the parties shall immediately designate another person to act as such Impartial Chair. If the parties cannot agree on the successor Impartial Chair, then arbitrations under the grievance procedures of this Agreement shall be held, pursuant to the Consolidated Rules of the Office of Collective Bargaining.

**ARTICLE XXII - DETAILS TO OTHER UNITS**

**Section 1.**

- A. In the event that a Company Officer is detailed to a unit other than the unit to which that Officer is permanently assigned, if that Officer is required to report at the other unit at the start of a respective tour (e.g., 0900, 1800, etc.), that Officer shall receive compensation for travel to the unit to which that Officer is detailed at the rate of time and one-half for 45 minutes of travel time if the detailed unit is within the same borough as that Officer's permanent unit or 1 1/4 hours if the detailed unit is in a different borough than that of the permanent unit.
- B. In the event that a Company Officer is detailed to a unit other than the unit to which that Officer is permanently assigned and that Officer cannot return to the permanent unit within a regular tour of duty (e.g., by 1800, 0900, etc.), that Officer shall receive compensation for travel to the permanent unit at the same rates as stated in Paragraph A. hereof.
- C. In any event, if the Department transports such detailed Company Officer, then that Officer shall receive compensation at time and one-half only for the actual travel time outside of the regular tour of duty.

**Section 2.**

In the event that a Company Officer is detailed for more than a single tour and is entitled to receive compensation for travel time, the Company Officer so detailed shall receive compensation for travel time in the manner prescribed in Section 1 of this Article only for the beginning of the first and the end of the last day of such detail.

**Section 3.**

A Company Officer shall not be eligible for compensation for travel time as provided in this Article if:

- a. The detail is for training assignment of any type or to any training location,
- b. The Company Officer is detailed while on light duty status,
- c. The Company Officer who is detailed is assigned to the limited service squad,
- d. The Company Officer is detailed from a staffing pool,
- e. The Company Officer who is detailed earns overtime on the detail,
- f. The Company Officer is detailed to a company in the same quarters as that Officer's own or in adjacent quarters,
- g. The Company Officer is a covering officer.

**Section 4.**

When computing overtime compensation for travel time as required by this Article, the basic hourly rate excluding all premiums shall be used.

**Section 5.**

When a covering officer is to be given a one-tour assignment outside the assigned division and there are multiple vacancies, best efforts will be made by the Department to assign that Officer to a division as close as possible to that Officer's residence.

**ARTICLE XXIII - SPECIAL EXPENSE FUND**

**Section 1.**

The Special Expense Fund for Firehouses will be continued in the amount of \$100 per unit per year. A Unit for these purposes is defined as a Fire Company, a Rescue Company, a Squad Company, a Marine Company, a Fire Battalion, a Fire Division, a Fire Prevention District Office, and a Super Pumper Company. The purpose of establishing such Special Expense Fund is to enable certain purchases to be made with the least possible loss of time. These purchases shall entail a minor expense and shall be of an emergent nature (that is, cannot practicably be handled by normal requisition procedures).

**Section 2.**

The maximum expenditure per purchase shall be \$25. Expenditures in amounts not exceeding \$25 shall be authorized by the Unit Commander. All expenditures shall be subject to the procedures as set forth in PA/ID 270, effective January 26, 1970.

**Section 3.**

Subject to the Comptroller's approval, units shall only be required to submit annual Special Expense Fund reports, provided that such report is submitted by May 15.

**Section 4.**

The Fire Department shall establish a pilot program involving no more than 3 companies, wherein the Special Expense Funds of such companies shall be increased so as to allow for the purchase of necessary supplies and materials for the company quarters from such Funds. The Department shall monitor and evaluate such program and keep the Union advised.

**ARTICLE XXIV - LABOR-MANAGEMENT COMMITTEE**

**Section 1.**

The Employer and the Union recognize that cooperation between labor and management is indispensable to the accomplishment of sound and harmonious labor relations and agree to jointly maintain and support a Labor-Management Committee ("Committee").

**Section 2.**

The Committee shall consider and may recommend to the Fire Commissioner changes in the working conditions of the employees, including, but not limited to, health and safety issues. Matters subject to the Grievance Procedure contained in this agreement shall be appropriate items for consideration by the Committee, but submission of a matter to the Committee shall not affect the right to grieve the matter.

**Section 3.**

The Committee shall consist of six members. The Fire Commissioner and the President of the Union shall each select three members, and may designate an alternate for each member authorized to act in the absence of a member. Members shall serve for the term of this Agreement, provided, however that the appointing party may remove members that party has appointed at any time. Vacancies shall be filled by the appointing party.

**Section 4.**

The Committee shall select a Chair from among its members at each meeting. The chair of the Committee shall alternate between the members designated by the Fire Commissioner and the members designated by the President of the Union. A quorum shall consist of a majority of the total membership of the Committee. The Committee shall meet at the call of either the Union members or the City members at times mutually agreeable to both parties. A written agenda of the matters to be discussed shall be provided by the party calling the meeting at least one week in advance of the meeting, and the other party shall provide any additions to the agenda at least one day in advance. Minutes shall be kept of each meeting with responsibility for keeping minutes alternating between the members designated by each of the parties. Copies of minutes shall be typed and promptly distributed to all members of the Committee. The Committee shall make its recommendations to the Fire Commissioner in writing.

**ARTICLE XXV - A - PRODUCTIVITY ISSUES**

**Section 1.**

The Union recognizes that the provisions of this Article XXVA are matters concerning which the City has the right to act unilaterally. Notwithstanding the above, the parties agree to the following sections:

**Section 2.**

**Flexible Response.**

The Union recognizes the unilateral right of the City to determine the type and level of response, Citywide.

**Section 3.**

**Weighted Response Index ("W.R.I.")**

- A. The impact of the W.R.I. decision is suspended until July 1, 1973.
- B. Between December 31, 1972 and July 1, 1973, the Impartial Chair shall study data presented by the parties in order to determine:

- (1) What the data shows with respect to the W.R.I.
  - (2) Whether the Impartial Chair wants to make changes in the cutoff numbers in the W.R.I.
- C. If after July 1, 1973 there is an application of the W.R.I. as it is now or may be changed by the Impartial Chair, the 52-week period of measurement referred to in the decision shall be July 1, 1972 to July 1, 1973, or such later period as the Impartial Chair may provide.
- D. After July 1, 1972, the City may make unilateral changes and install programs unilaterally subject to the following:
- (1) Submission of the intended program to the Office of Labor Relations.
  - (2) No less than 2 weeks notice of the change is to be given to the Union.
  - (3) Within the two weeks the Union is to be given an opportunity to discuss the changes with the City.
  - (4) If no agreement is reached as a result of such discussion, the City may install the program; and the Union reserves all rights it has to oppose the same.

#### **Section 4.**

Runs and workers shall be credited to the relocated working company.

### **ARTICLE XXV - B - PRODUCTIVITY ISSUES**

#### **Section 1. Attack Units**

- A. The Union recognizes the right of the Fire Department to establish Attack Units as follows:
1. In those quarters which at the time of the installation of an Attack Unit house a Tower Ladder and Rapid Water Pumper, the companies in those quarters may be merged (into 1 company) and their designation changed to Attack Unit Company. Each such company so designated and merged as an Attack Unit shall be commanded by a Company Officer of the rank of Captain at all times and on all tours. If the Tower Ladder or Rapid Water Pumper of an Attack Unit is out of service, it will be replaced by a like piece of equipment from available spares of a non-Attack Unit Company as quickly as possible.
  2. Attack Units shall be installed only in quarters currently in Type 7 Hazard Region, as that Region is now designated by the Fire Department, and in City Island, and will be relocated or interchanged only with other Attack Unit Companies.
  3. The Department may install a maximum of ten (10) Attack Units.
  4. At the time an Attack Unit is installed there will be an increase in quota in the number of Captains so that there will be a sufficient number to staff such unit and a reduction in the quota of the number of Lieutenants. This provision does not limit quota increases and/or decreases which may result due to other factors or Department policies.
  5. Each Attack Unit shall be assigned clerical help in the rank of Firefighter during the daytime tours, except Saturdays, Sundays and Holidays. Duties to be performed by such Firefighter shall be determined by the Company Commander.
  6. The Attack Unit program shall not be used as a factor in the reduction of response. However, the union recognizes the rights of management to reduce response and to change alarm assignments for other reasons. This shall not change the nature of an Attack Unit as a two-piece response.
  7. The Department shall establish a training program for Officers who are to be assigned to the Attack Units and shall familiarize the Uniformed Fire Officers Association with such training program. Any Company Officer permanently assigned to the Attack Units shall receive training in such training program prior to that Officer's assignment. Every reasonable effort shall be made to provide prior similar training to Company Officers who will be temporarily assigned to such Attack Units.
  8. The Department shall provide the Uniformed Fire Officers' Association with fourteen (14) days notice prior to the installation of any Attack Unit. Any Company Officer who by virtue of the establishment of an Attack Unit is to be reassigned to another company shall be given a reasonable priority consideration in choice of assignment. However, the Department's decision shall be final.

#### **Section 2.**

Firefighters in an Attack Unit shall not be required to perform duties of a supervisory nature on a regular and recurring basis as a result of

establishment of an Attack Unit. If it is found by an arbitrator that a particular duty performed by a Firefighter in an Attack Unit is supervisory the arbitrator may order the cessation of the particular duty found to be supervisory and the arbitrator's award shall be limited solely to the ordering of such cessation. It is recognized that fire scene supervision is continued by means of a handie-talkie or similar communication by an officer during excursions (such as, without limitation, examining a floor above a fire, examining the front of a building, or attending to other matters that require that officer's presence) from the fire floor, hose line locations, apparatus locations or other fire scene operational areas. Duties performed by a Firefighter not in the presence of an officer but, pursuant to handie-talkie or similar communication with an officer, including (without limitation) relaying of orders received from an officer, do not constitute supervisory work. Officer supervision via a handie-talkie or similar communication is considered to be direct supervision and control of any such operation.

### **ARTICLE XXV - C - NEW PROGRAMS**

The Commissioner may elect to submit a proposed program under the provisions of either Article XXVA, provided however, that having elected which procedure to follow, the Commissioner may not thereafter resubmit the same program under the alternative procedure. In the event it is determined by the appropriate forum that the Commissioner did not have the right to proceed under the Article elected, the Commissioner may then seek to proceed under the alternative procedure.

Notwithstanding the above, the Union agrees that the Commissioner's right to implement new programs under Article XXVI - A has in no way been diminished by the inclusion into this agreement of Article XXVI - C.

### **ARTICLE XXVI - LINE OF DUTY DEATH BENEFIT**

#### **Section 1.**

In the event that a Fire Officer (line) or Fire Medical Officer dies because of an injury incurred through no fault of that Officer's own while actually responding to, working at or returning from an alarm, or, in the case of a Supervising Fire Marshal I and II because of an injury directly resulting from a hazard unique to Fire Marshal duty through no fault of that Marshal's own, a payment of \$25,000 will be made from funds other than those of the Retirement System, in addition to any other payment which may be made as a result of such death. Such payment shall be made to the beneficiary designated under the Retirement System or, if no beneficiary is so designated, to the estate of the deceased.

#### **Section 2.**

Semi-private hospital accommodations shall be provided for employees injured in the line of duty.

### **ARTICLE XXVII - DEATH BENEFIT UNUSED LEAVE AND COMPENSATORY TIME**

If an employee dies while employed by the City, that employee's estate shall receive payment in cash for the following as a death benefit:

- A. All unused accrued annual leave up to a maximum of 54 days' credit;
- B. All unused accrued compensatory time earned subsequent to March 15, 1968 which is verifiable by official Department records up to a maximum of two hundred (200) hours.

### **ARTICLE XXVIII - MISCELLANEOUS**

#### **Section 1.**

The City shall continue to maintain in effect for each Fire Officer (line) rank the Limited Service Status quota in effect on September 26, 1975.

#### **Section 2.**

Company relocations as provided for on assignment cards will be reviewed after the program is operational. It is intended to relieve the busiest companies from the added burden of routine relocations.

#### **Section 3.**

Damaged tools and equipment will be repaired and/or replaced promptly.

#### **Section 4.**

Photocopy machines will be provided for each Division.

#### **Section 5.**

The Fire Department will supply the Union on a regular basis, data necessary to determine compliance with the workload standards referred to in this Agreement.

#### **Section 6.**

To the maximum extent practicable and consistent with City policy, parking spaces up to a maximum of one space per unit, will be made available for the cars of employees adjacent to, part of, or as close as possible to firehouses, and such spaces will be marked appropriately. The Department will issue appropriate parking permits for the

designated areas. The UFOA shall notify the Department, the Transportation Administration, and the Office of Labor Relations of any requests for parking spaces. The City shall have 10 days to respond to such requests. If the response is a denial, it shall be specific as to the reasons. If the UFOA disagrees with any such denial, it shall inform the Office of Labor Relations as to the specific reasons for its disagreement, and may refer the matter to the Impartial Chair for advisory arbitration.

**Section 7.**

In order to improve the efficiency, productivity, health and morale of officers, existing practices regarding meal periods shall be modified as follows:

Each unit shall be scheduled to receive one half-hour meal period in each tour as described in AUC. Response to fires and other emergencies by a unit during its rest period shall be governed by the provisions of that circular.

**Section 8.**

The Department shall provide each member with a laminated identification card, including a photograph of each member. In the event the card is lost, the replacement cost shall be borne by the employee. Possession of the identification card shall be mandatory. If there is a change in the use of identification cards for purposes other than identification, the City and UFOA shall meet to discuss those changes and bargain, where necessary.

**Section 9.**

- A. Each member shall receive a duplicate copy of any medical records made by the Department which are included in the member's medical/personnel file at the time of the preparation of such records.
- B. The Department shall have a reasonable time to develop and implement the necessary systems and paperwork to comply with the foregoing.

**Section 10.**

Pursuant to regulations promulgated by the Department, the Employer shall reimburse any employee for property loss or damage sustained to the employee's personal vehicle when such vehicle's use is authorized to provide transportation while in the performance of the employee's duty.

**Section 11.**

The City shall furnish to each unit a copy of the collective bargaining agreement within 60 days of its final approval.

**Section 12. - Performance Compensation**

The City acknowledges that each of the uniformed forces performs an important service that reflects the diverse missions of the City's uniformed agencies. In order to reward service of an outstanding, exceptional nature, each of the uniformed agencies will establish a performance compensation program to recognize and reward such service, tailored to the unique missions of the individual uniformed agency.

The parties agree that additional compensation may be paid to employees performing outstanding, exemplary, difficult and/or unique assignments. The City will notify and discuss with each affected union of its intent to pay such additional compensation and the individuals to be compensated.

The criteria for the granting of performance-based compensation shall be based upon outstanding performance in the work assigned, and/or performance of unique and difficult work.

The performance-based compensation payments provided for in this section shall be one-time, non-recurring cash payments subject to applicable pension law. An employee can receive no more than one payment annually.

This provision shall not affect any existing productivity programs covered in any existing collective bargaining agreements. Nor shall this provision be construed to waive any obligation of the City to negotiate over future productivity programs as required by applicable law.

**Section 13.**

All Fire Officers shall be required to assume all the duties associated with completing the electronic forms: PCR, CD-72, CD-73 and, MD-X3. In completing the CD-72, CD-73 and MD-X3, Fire Officers shall verify an incident as a witness or indicate that the officer completing the form was not a witness to the incident.

**Section 14.**

The resolution of the Board of Estimate of the City of New York dated June 27, 1957, states the following:

*Members of the Force shall be granted terminal leave with pay upon retirement not to exceed one month for every ten years of service, pro-rated for a fractional part thereof, provided, however,*

*that no terminal leave shall be granted to an employee against whom departmental disciplinary charges are pending.*

Effective February 1, 2015, such employees as described in the Resolution above and are entitled to payment and who are members of the UFOA shall now be entitled to voluntarily choose the option of a one-time lump sum payment as their terminal leave benefit in lieu of their current terminal leave benefit prior to retirement. Such payments shall be made as soon as practicable after retirement. In the event that a change in legislation is needed to effectuate this agreement, the parties agree to jointly support the necessary legislation to implement these terms.

**Section 15.**

The Union has withdrawn the following litigation:

- BCB-2928-11 (Roster Staffing)
- BCB-3099-13 (Supervising Fire Marshal Staffing)
- BCB-4012-13 (Promotions)

The Union's withdrawal of BCB-3099-13 shall be without prejudice to its legal rights if a similar controversy arises in the future.

The Union further agrees that it will not proceed further on the following litigation:

- A-13760-11 and Index No. 152070/13 (Fire Apparatus)

**ARTICLE XXIX - QUARTERMASTER SYSTEM**

**Section 1.**

Fire Officers will be included in the Fire Department Quartermaster System and receive an annual cleaning allowance of \$520 per Fire Officer (line) and Supervisory Fire Marshal I and II and \$355 per Fire Medical Officer.

**Section 2.**

Fire Officers and Supervisory Fire Marshals shall be afforded the same tax treatment of the cleaning allowance as currently afforded to Firefighters in the Quartermaster System.

**ARTICLE XXX - APPLICABLE LAWS**

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York, as amended.

**ARTICLE XXXI - SAVINGS CLAUSE**

Should any part of this Agreement or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted legislation, or by any decree of a court of competent jurisdiction, such invalidation of such part or portion of this Agreement shall not invalidate the remaining portions thereof.

**WHEREFORE**, we have hereunto set our hands and seals this **JUNE 25th, 2018**

CITY OF NEW YORK

UNIFORMED FIRE OFFICERS ASSOCIATION,  
LOCAL 854, INTERNATIONAL  
ASSOCIATION OF FIREFIGHTERS, Affiliated  
with AFL - CIO

BY:           /S/            
ROBERT W. LINN  
Commissioner

BY:           /S/            
JAMES LEMONDA  
President

APPROVED AS TO FORM:

BY:           /S/            
ERIC EICHENHOLTZ  
Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD:

UNIT: FIRE OFFICERS

TERM: March 20, 2011 to March 19, 2018

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

A medical expert designated by the UFOA and the UFA and a representative designated by the Fire Department shall meet to develop procedures to monitor Firefighters who may be exposed to hazardous materials.

Very truly yours,

/S/

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

Employees who have transferred from the uniformed service of the New York City Department of Correction to the Fire Department shall be treated in the same manner as if they had transferred from the uniformed service of the New York City Police Department for the purpose of calculating increments and longevity adjustments.

Very truly yours,

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

The parties to the collective bargaining agreement between the Uniformed Fire Officers Association, Local 854, AFL-CIO ("UFOA") and the City of New York agree as follows:

- 1a. The Fire Department will not schedule AFID-AFRD and other outside activities where severe weather conditions such as extreme heat or cold and heavy rain or snow exist. The parties will resolve any problems with the application of such departmental policy in the labor-management committee and such matters will not be subject to the grievance and arbitration procedure. In the event that any such problems are not resolved in the labor-management committee, such scheduling in inclement weather shall be the same as that for Firefighters.
  - b. Notwithstanding the foregoing, the Fire Department will not regularly schedule AFID to be performed during more than one scheduled period per tour, on weekends, or between 6 P.M. and 9 A.M.
  - c. Outside activities in the morning and afternoon shall be scheduled to permit a reasonable meal period in between.
  - d. The Fire Department will undertake to review and reduce paperwork required for AFID-AFRD. The Fire Department will advise the UFOA of the process of such review and permit the UFOA to participate therein. Such process and the results thereof shall not be subject to Step IV of the Grievance Procedure.
2. The UFOA may utilize its Civil Legal Representation Fund for the purpose of providing another form of benefit to the membership than that currently in effect, subject to the written agreement of the parties as to the nature of such benefit.

Very truly yours,

/S/

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

It is the intent of the City to use its best efforts to secure private room accommodations in a hospital for employees injured in the line of duty. This Section shall not be subject to the grievance procedure.

Very truly yours,

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

(ON UFOA LETTERHEAD)

Commissioner James F. Hanley  
Office of Labor Relations  
40 Rector Street  
New York, NY 10006

Dear Commissioner Hanley:

This letter will confirm our mutual understanding that as a matter of past practice Fire Officers have taken fifteen minutes before their tours to exchange information between ingoing and outgoing officers.

Very truly yours,

/S/

John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

The City and the UFOA recognize, pursuant to Administrative Code Section 12-127 the City is obligated to pay for the cost of line of duty prescription drugs for UFOA members. The parties further recognize that a significant number of UFOA members have utilized the UFOA Family Protection Plan to pay for reimbursement of these prescription drugs without cost to the City. The UFOA agrees to waive any and all claims retroactively and prospectively against the City for the reimbursement of the cost of line of duty injury prescription drugs incurred in outpatient treatment.

Very truly yours,

/S/

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

The City shall grant additional release time to six UFOA Executive Board members by way of releasing them from all scheduled night tours of duty (6x9). Such additional release time shall be governed by Executive Order 75, ("EO 75") except insofar as the UFOA has funded the ongoing costs of such additional release time for the term of this Agreement and thereafter out of the settlement costs of

this collective bargaining agreement and therefore Section 4(1) of EO 75 shall not apply to this additional release time.

Very truly yours,  
/S/

JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

The parties shall establish a committee including the First Deputy Commissioner of the Fire Department or his/her representative, a representative of UFOA and a representative of the Office of Labor Relations to address issues of paperwork reduction. The Committee may include others on whom the parties may agree.

Very truly yours,  
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

The City reaffirms its commitment to the concept of parity which it defines as basic maximum salary among uniformed employees.

Very truly yours,  
/S/  
James F. Hanley

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell, President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

This is to confirm that the parties will jointly support legislation to allow active Tier II employees covered by this agreement to purchase Tier I benefits at their expense through payroll deductions.

This agreement is subject to the parties agreeing upon the costs of these benefit improvements. The cost of these benefit improvements and any additional health insurance costs will be borne entirely by the participating employees without any cost to the City.

A pension labor management committee will be established to agree upon the details of the proposed legislation and its attendant costs.

Very truly yours,  
/S/  
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

James Lemonda, President  
Uniformed Fire Officers Association  
125 Maiden Lane, 6th Floor  
New York, NY 10038

Re: UFOA Agreement covering the period from March 20, 20 II, to March 19, 2018

Dear Mr. Lemonda:

The parties agree to the extension of the fire salvage program to all ladder companies Citywide.

Very truly yours  
/S/  
Robert W. Linn

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

BY: \_\_\_\_\_/S/\_\_\_\_\_  
James Lemonda

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell  
President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

Effective September 1, 2007, there shall be an assignment differential payable over three years (four steps) to Lieutenants, Captains, and Battalion Chiefs, assigned or long term detailed to "special assignments" in the following companies: HAZ-MAT, HAZ-MAT Battalion, Rescue Companies, SOC (Rescue) Battalion, Squads and HAZ-TECH Engine Companies. Covering officers assigned to SOC are included in the special assignment.

The four step plan will include rate increases to base salary of:

- 3% upon assignment;
- 6% upon completion of one year of assignment;
- 9% upon completion of two years of assignment; and
- 12% upon completion of three years of assignment (with the exception of Battalion Chiefs who shall receive 10.84%).

Notwithstanding the foregoing paragraph, members assigned or long term detailed prior to September 1, 2007 to the above "special assignments", including covering officers assigned to SOC, shall be slotted in at the appropriate level based upon years of service in these units in their current title.

Deputy Chiefs assigned or long term detailed to the SOC (Rescue) and HAZ-MAT Operations shall receive an annualized differential of \$2,500 upon assignment to these units.

The parties will convene a labor-management meeting to discuss implementation of this "special assignment," as well as to discuss the potential inclusion of other units in this program.

If the above conforms to your understanding, please execute the signature line below.

Sincerely,  
/S/  
James F. Hanley  
Commissioner

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

By: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell, President UFOA

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell  
President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007



Dear Mr. McDonnell:

The parties acknowledge that, from time to time, the headcount at the Fire Department varies. The parties agree to convene at the union's request, a Labor Management committee which shall include representative(s) from the Mayor's Office of Labor Relations to discuss changes in the headcount and its impact, if any, on UFOA members.

Very truly yours,  
/S/  
James F. Hanley  
Commissioner

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

By: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell, President UFOA

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell  
President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

Policies and procedures for Extra Departmental Employment (EDE) as described in PA/ID 12-67 will be modified to waive the requirements for EDE except as noted herein. EDE remains prohibited while members are on medical leave and light duty; however, EDE may be permissible while on light duty if approved by the Fire Commissioner or his designee. EDE will remain prohibited as per PA/ID 12-67 for Conflicts of Interest, and as noted currently in PA/ID 12-67 Section 1.8 and 1.10. In addition, EDE must not interfere or conflict with the regular departmental duties or with availability for overtime or emergency duty. Existing procedures for approval of EDE for those who will continue to be subject to such requirements will remain as per PA/ID 12-67. Lastly, the Fire Commissioner reserves the right to deny or revoke permission for any specific occupation or place of employment notwithstanding regulations and orders.

If the above conforms to your understanding, please execute the signature line below.

Sincerely,  
/S/  
James F. Hanley  
Commissioner

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

By: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell, President

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

John J. McDonnell  
President  
Uniformed Fire Officers Association  
225 Broadway, Suite 401  
New York, NY 10007

Dear Mr. McDonnell:

At the request of the Union, the Fire Department will convene a labor management meeting to discuss the issues related to accrual and disposition of compensatory time, which will include representative(s) of the NYC Mayor's Office of Labor Relations.

Sincerely,  
/S/  
James F. Hanley  
Commissioner

AGREED AND ACCEPTED ON BEHALF OF THE UFOA

By: \_\_\_\_\_/S/\_\_\_\_\_  
John J. McDonnell, President

The City of New York  
Office of Labor Relations  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

May 5, 2014  
Harry Nespoli  
Chair, Municipal Labor Committee  
125 Barclay Street  
New York, NY 10007

Dear Mr. Nespoli:

This is to confirm the parties' mutual understanding concerning the following issues:

1. Unless otherwise agreed to by the parties, the Welfare Fund contribution will remain constant for the length of the successor unit agreements, including the S65 fmdcd from the Stabilization Fund, pursuant to the 2005 Health Benefits Agreement between the City of New York and the Municipal Labor Committee.
2. Effective July 1, 2014, the Stabilization Fund shall convey \$1 Billion to the City of New York to be used to support wage increases and other economic items for the current round of collective bargaining (for the period up to and including fiscal year 2018). Up to an additional total amount of \$150 million will be available over the four year period from the Stabilization Fund for the welfare fmds, the allocation of which shall be determined by the parties. Thereafter, \$60 million per year will be available from the Stabilization Fund for the welfare fmds, the allocation of which shall be determined by the parties.
3. If the parties decide to engage in a centralized purchase of Prescription Drugs, and savings and efficiencies are identified therefrom, there shall not be any reduction in welfare fund contributions.
4. There shall be a joint committee formed that will engage in a process to select an independent healthcare actuary, and any other mutually agreed upon additional outside expertise, to develop an accounting system to measure and calculate savings.
5. The MLC agrees to generate cumulative healthcare savings of \$3.4 billion over the course of Fiscal Years 2015 through 2018, said savings to be exclusive of the monies referenced in Paragraph 2 above and generated in the individual fiscal years as follows: (i) \$400 million in Fiscal Year 2015; (ii) \$100 million in Fiscal Year 2016; (iii) \$1 billion in Fiscal Year 2017; (iv) \$1.3 billion in Fiscal Year 2018; and (v) for every fiscal year thereafter, the savings on a Citywide basis in health care costs shall continue on a recurring basis. At the conclusion of Fiscal Year 2018, the parties shall calculate the savings realized during the prior four-year period. In the event that the MLC has generated more than \$3.4 billion in cumulative healthcare savings during the four-year period, as determined by the jointly selected healthcare actuary, up to the first \$365 million of such additional savings shall be credited proportionately to each union as a one-time lump sum pensionable bonus payment for its members. Should the union desire to use these funds for other purposes, the parties shall negotiate in good faith to attempt to agree on an appropriate alternative use. Any additional savings generated for the four-year period beyond the first \$365 million will be shared equally with the City and the MLC for the same purposes and subject to the same procedure as the first \$365 million. Additional savings beyond \$1.3 billion in FY 2018 that carry over into FY 2019 shall be subject to negotiations between the parties.
6. The following initiatives are among those that the MLC and the City could consider in their joint efforts to meet the aforementioned annual and four-year cumulative savings figures: minimum premium, self-insurance, dependent eligibility verification audits, the capping of the HIP HMO rate, the capping of the Senior Care rate, the equalization formula, marketing plans, Medicare Advantage, and the more effective delivery of health care.

7. Dispute Resolution:

- a. In the event of any dispute under this agreement, the parties shall meet and confer in an attempt to resolve the dispute. If the parties cannot resolve the dispute, such dispute shall be referred to Arbitrator Martin F. Scheinman for resolution.
- b. Such dispute shall be resolved within 90 days.
- c. The arbitrator shall have the authority to impose interim relief that is consistent with the parties' intent.
- d. The arbitrator shall have the authority to meet with the parties at such times as the arbitrator determines is appropriate to enforce the terms of this agreement.
- e. If the parties are unable to agree on the independent health care actuary described above, the arbitrator shall select the impartial health care actuary to be retained by the parties.
- f. The parties shall share the costs for the arbitrator and the actuary the arbitrator selects.

If the above accords with your understanding and agreement, kindly execute the signature line provided.

Sincerely,  
\_\_\_\_\_/S/\_\_\_\_\_  
Robert W. Linn  
Commissioner

Agreed and Accepted on behalf of the Municipal Labor Committee

BY: \_\_\_\_\_ /S/ \_\_\_\_\_  
Harry Nespoli, Chair

• jy6

**TRANSPORTATION**

■ NOTICE

**PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED AT 5th AVENUE AND BROADWAY BETWEEN 21st AND 26th STREETS, IN THE BOROUGH OF MANHATTAN**

Pursuant to the Concession Rules of the City of New York, the Department of Transportation (“DOT”) intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located at 5th Avenue and Broadway between 21st and 26th Streets, in the borough of Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that promotes the neighborhood or the concessionaire, or other similar merchandise within the Licensed Plaza.

Subconcessions would be awarded based on solicitations issued by the concessionaire in the basic form of Request for Proposals or Request for Bids, subject to DOT’s prior written approval of both solicitation and award.

DOT has identified the Flatiron/23rd Street Partnership Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly-accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Organizations may express interest in the proposed concession by contacting Emily Weidenhof, Director of Public Space by email at plazas@dot.nyc.gov or in writing at 55 Water Street, 6<sup>th</sup> Floor, New York, NY 10041 by July 9, 2018. Ms. Weidenhof may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-4325.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, NY 10007, telephone number (212) 669-2323.

j22-jy6

**PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED AT BROADWAY BETWEEN WEST 36th STREET AND WEST 41st STREET, IN THE BOROUGH OF MANHATTAN**

Pursuant to the Concession Rules of the City of New York, the Department of Transportation (“DOT”) intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located at Broadway between West 36th Street and West 41st Street, in the borough of Manhattan (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that promotes the neighborhood or the concessionaire, or other similar merchandise within the Licensed Plaza.

Subconcessions would be awarded based on solicitations issued by the concessionaire in the basic form of Request for Proposals or Request for Bids, subject to DOT’s prior written approval of both solicitation and award.

DOT has identified the Fashion Center District Management Association, Inc., doing business as the Garment District Alliance (“GDA”) as a potential concessionaire, but DOT will consider additional expressions of interest from other potential concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated

experience in the management, operation and maintenance of publicly-accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Organizations may express interest in the proposed concession by contacting Emily Weidenhof, Director of Public Space by email at plazas@dot.nyc.gov or in writing at 55 Water Street, 6th Floor, New York, NY 10041 by July 9, 2018. Ms. Weidenhof may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-4325.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, NY 10007, telephone number (212) 669-2323.

j22-jy6

**CHANGES IN PERSONNEL**

TEACHERS RETIREMENT SYSTEM  
FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
MASAK	MARTEN	10234	\$13.0000	APPOINTED	YES	06/03/18	041
MCSHANE	BRENDAN C	10234	\$13.0000	APPOINTED	YES	06/01/18	041

TEACHERS RETIREMENT SYSTEM  
FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
MILLS	BRANDON D	10234	\$13.0000	APPOINTED	YES	06/05/18	041
NANABAWA	SAAD	10234	\$13.0000	APPOINTED	YES	06/03/18	041
RAUCCI	MICHAEL P	10234	\$13.0000	APPOINTED	YES	06/05/18	041
SANTANA	RICHARD M	13621	\$62000.0000	RESIGNED	YES	06/06/18	041
SETO	LUKE B	10234	\$13.0000	APPOINTED	YES	06/03/18	041
SIMPSON	LEAH J	10234	\$13.0000	APPOINTED	YES	06/03/18	041
SMITH	ALEXIS M	10234	\$14.0000	APPOINTED	YES	06/04/18	041
SPADACCINI	NICHOLAS R	10234	\$13.0000	APPOINTED	YES	06/03/18	041
ST JUSTE	ANGELO	10234	\$13.0000	APPOINTED	YES	06/03/18	041
STEELE	IYANNIA D	12749	\$47027.0000	APPOINTED	NO	05/27/18	041
STEWART	AMBER K	10234	\$14.0000	APPOINTED	YES	06/04/18	041
STEWART	ASHLEY J	10234	\$14.0000	APPOINTED	YES	06/04/18	041
WATT	TIMOTHY J	10234	\$13.0000	APPOINTED	YES	06/03/18	041
WONG	BRIAN J	10234	\$13.0000	APPOINTED	YES	06/03/18	041

CIVILIAN COMPLAINT REVIEW BD  
FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
APPLEWHITE	ANDRE D	10193	\$120000.0000	RESIGNED	YES	05/29/18	054
BROWN	BERNADET E	13380	\$65000.0000	APPOINTED	YES	06/03/18	054
WURTZEL	BENJAMIN A	31165	\$64460.0000	RESIGNED	YES	06/03/18	054

POLICE DEPARTMENT  
FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ABDUL-KHALIQ	LATIFAH	71012	\$49571.0000	RESIGNED	NO	05/09/18	056
ADEGOKE	BOLANLE K	71652	\$47053.0000	RESIGNED	NO	06/02/18	056
ALBERTI	ANTHONY J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
ALISEO JR.	MICHAEL J	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
ALSTON	MICHELLE R	10147	\$47335.0000	RETIRED	NO	06/01/18	056
ALVARADO	CARLOS M	60817	\$32426.0000	RESIGNED	NO	06/05/18	056
ANTKIES	JULIEN L	70260	\$121875.0000	RETIRED	NO	03/01/18	056
ANWAR	ASAD	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
ASEZ	HUSAM T	70206	\$15.6400	RESIGNED	YES	05/22/18	056
ASSAIDI	HAMEED A	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
AUGUST	HORACE F	71652	\$47166.0000	RETIRED	NO	05/31/18	056
BAPTISTE	SAMANTHA	71012	\$37828.0000	RESIGNED	NO	06/07/18	056
BARROWS	ROBERT	30087	\$92197.0000	INCREASE	YES	05/06/18	056
BASCIANO	JOHN P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056

POLICE DEPARTMENT  
FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BATTAGLIA	ANTHONY M	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
BELLANTONIO	ROBERT S	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
BENCOSME ALEJO	DAVID J	70206	\$15.6400	RESIGNED	YES	05/30/18	056
BERMUDEZ	FRANCISCO	70218	\$106175.0000	RETIRED	NO	02/21/18	056
BILACH	THOMAS J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
BIVONA	CHRISTOP D	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
BLANDING	KEVIN O	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
BLOOMFIELD	MORAI A	10096	\$119383.0000	INCREASE	YES	05/29/18	056
BOSTON	NATOSHJA E	70205	\$14.0400	RESIGNED	YES	05/15/18	056
BOYD	JOANN	10147	\$50746.0000	RETIRED	NO	06/02/18	056
BOYLE	MARK	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
BRODERICK	CHRISTOP P	70260	\$167047.0000	RETIRED	NO	02/13/18	056
BROOKER	MONICA A	10064	\$105000.0000	APPOINTED	YES	06/03/18	056
BROVAKOS	TIMOTHY P	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
BROWN	URIAN D	70205	\$13.5000	TERMINATED	YES	05/25/18	056
BROWNE	ANN L	71651	\$41214.0000	RETIRED	YES	05/24/18	056
CABREJA	EMMANUEL	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
CAMERON	STEVEN D	70260	\$113842.0000	PROMOTED	NO	06/05/18	056

CAMININTI	CHRISTOP P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
CAPERS	EDRENA	60817	\$42136.0000	RESIGNED	NO	07/07/17	056
CAREY	BRADLEE T	12627	\$75591.0000	APPOINTED	NO	06/03/18	056
CASEY	ALFRED R	60817	\$46737.0000	RETIRED	NO	06/09/18	056
CASILIMAS	ANGELICA M	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
CASTANO	YESENIA	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
CHONG	MONICA	70235	\$109360.0000	PROMOTED	NO	06/05/18	056
CLARK	SHARNELL	60817	\$32426.0000	RESIGNED	NO	01/20/18	056
CLAVIN	EDWARD J	70210	\$85292.0000	RETIRED	NO	03/01/18	056
COLLADO	ARIANNA	70210	\$42500.0000	RESIGNED	NO	05/31/18	056
COLLINS	JOY J	60817	\$32426.0000	RESIGNED	NO	05/19/18	056
COMPETELLO	MARK C	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
CORRADO	JOSEPH R	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
CORTORREAL	ADRIABEL	70206	\$15.6400	RESIGNED	YES	05/19/18	056
COSTANZO	PETER G	60817	\$46737.0000	RESIGNED	NO	06/09/18	056
COULIBALY	OLIVIA	70205	\$13.5000	RESIGNED	YES	04/10/18	056
COULTER	STACEY E	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
COYLE	JOHN J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
CROWE	MICHAEL	21849	\$88287.0000	INCREASE	YES	05/06/18	056
DASARO	JOHN G	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
DE LA CRUZ	HARRY	70235	\$109360.0000	PROMOTED	NO	06/05/18	056
DECARO	GERARDO	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
DELANEY	JARED R	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
DIFORTE	JOSEPH P	7021B	\$106175.0000	RETIRED	NO	03/01/18	056
DOCKERY	KAREN	7021C	\$121875.0000	RETIRED	NO	02/19/18	056
DONATO	MARK J	7021B	\$106175.0000	RETIRED	NO	03/01/18	056
DOUGLAS	BETH T	30083	\$125996.0000	INCREASE	YES	05/29/18	056
DUARTE	RAQUEL A	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
DUNZL	PATTI A	7021B	\$106175.0000	RETIRED	NO	02/01/18	056
DUNBAR	GEMMA	71651	\$38625.0000	RESIGNED	NO	06/07/18	056
DUNIGAN	MICHAEL P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
FEDELE	MICHAEL J	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
FELIPE	CATHERIN R	31121	\$30.4400	APPOINTED	YES	05/29/18	056

LEE	ALAN Y	56059	\$17.3800	RESIGNED	YES	05/25/18	056
LEE	TAI YUEN	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
LEON	ANGEL W	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
LITRA	PETER L	70235	\$109360.0000	PROMOTED	NO	06/05/18	056
LONGMAID	SCOTT R	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
LOUISAINT	AUGUSTIN S	70235	\$88945.0000	PROMOTED	NO	06/05/18	056



LATE NOTICE

BOROUGH PRESIDENT - QUEENS

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Melinda Katz, on Thursday, July 12, 2018 at 10:30 A.M., in the Borough President's Conference Room, located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

CD Q11 - BSA #509-37 BZ

IN THE MATTER OF an application submitted by Eric Palatnik, P.C. on behalf of Power Test Realty Company Limited Partnership, pursuant to Sections 11-411, 11-412 and 11-413 of the NYC Zoning Resolution, for an amendment of a previously approved variance to legalize the conversion of the gasoline service station with lubricatorium and wash bay to an automotive service station in an R3-1 district, located at 202-01 Rocky Hill Road AKA 202-02 47th Avenue, Block 5561 Lot 10, Zoning Map 10d, Bayside, Borough of Queens.

CD Q01 - ULURP# 180085 ZMQ

IN THE MATTER OF an application filed by Akerman, LLP on behalf of Variety Boys and Girls Club, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section No, 9a, by:

- 1. changing from an R6B District to an R7X District property bounded 30th Road, a line 200 feet southeasterly of 21st Avenue, 30th Drive, and a line 100 feet southeasterly of 21st Street; and
2. changing from an R7A District to an R7X District property bounded by 30th Road, a line 100 feet southeasterly of 21st Street, 30th Drive, and 21st Street;

Astoria, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 7, 2018 and subject to the conditions of CEQR Declaration E-478.

CD Q01 - ULURP# 180174 ZMQ

IN THE MATTER OF an application filed by the NYC Department of Parks and Recreation (DPR), pursuant to Sections 197-c and 201 of the NYC Charter, for the amendment of Zoning Map, Section No. 9c & 9d, by establishing within a former park (St Michael's Park) an R4 District bounded by the northwesterly boundary lines of a former park (St. Michael's Park), the southerly street line of Astoria Boulevard South, the northwesterly street line of Brooklyn Queens Expressway, and the northerly street line of 30th Avenue, Astoria, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 11, 2018.

\*Note: a park (St. Michael's Park) is proposed to be demapped under a concurrent application (ULURP # 180175 MMQ) for changes to the City Map.

CD Q01 - ULURP #180175 MMQ

IN THE MATTER OF an application filed by the NYC Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the NYC Charter, for an amendment of the City Map involving:

- 1. the elimination of parkland within the area bounded by the Grand Central Parkway, 49th Street, 30th Avenue and the Brooklyn Queens Expressway; and
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 1, Borough of Queens, in accordance with Map No. 5027 dated June 7, 2018 and signed by the Borough President. (Related application ULURP #180174 ZMQ)

CD Q01 - ULURP #180211 ZMQ

IN THE MATTER OF an application filed by Akerman, LLP on behalf of Ravi Management, LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment to the Zoning Map No. 9a:

POLICE DEPARTMENT FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
FERNANDEZ	KELVIN R	60817	\$32426.0000	RESIGNED	NO	05/30/18	056
FERNANDEZ	KENNETH D	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
FINEGAN	KEVIN J	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
FINKELSTEIN	RICHARD D	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
FITZGERALD	DENIS J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
FOLEY	KEVIN P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
FORNATALE	STEVEN J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
FOX	LAUREN	3008A	\$123556.0000	INCREASE	YES	05/29/18	056
FRANCIS	RENNAE S	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
FRIES	IAN D	70210	\$59401.0000	RESIGNED	NO	06/06/18	056
GAON	MICHAEL	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
GARCIA	ESTEFANY	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
GARCIA	MAGNOLIA	71652	\$63210.0000	RETIRED	NO	06/02/18	056
GARCIA GREEN	REYMON	71651	\$38625.0000	INCREASE	NO	01/12/18	056
GAUTREAUX	JOSE M	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
GIAMBALVO	VINCENT J	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
GILBERT	JANINE M	95005	\$160385.0000	INCREASE	YES	05/06/18	056
GILL	JEFFREY A	70210	\$54394.0000	RESIGNED	NO	06/02/18	056
GIUDICE	MICHAEL	7021D	\$94273.0000	RETIRED	NO	02/01/18	056
GOGGINS	MICHAEL P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
GREENE	KEVIN N	60817	\$46737.0000	RETIRED	NO	06/09/18	056
GRYGIEL	HEIDI B	95005	\$142843.0000	INCREASE	YES	05/29/18	056
HARGRAVES	JAMES L	91212	\$46970.0000	RETIRED	NO	06/01/18	056
HARRIS	RAHEEM S	7165A	\$44214.0000	RESIGNED	NO	06/01/18	056
HASKINS	GABRIELL M	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
HATJOPOULOS	IOANNIS	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
HAWKINS-MATTAR	DEBORAH R	7021A	\$94489.0000	RETIRED	NO	03/01/18	056
HICKS	YASMIN Q	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
HINDS	JUDITH M	60817	\$32426.0000	RESIGNED	NO	05/25/18	056
HOLLAND	DELORES H	60817	\$46737.0000	RETIRED	NO	06/07/18	056
HYLAND	ROBERT T	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
HYLAND	STEVE J	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
IOELE	ANSELMO	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
JACKSON	TAMIKA N	71012	\$49571.0000	RESIGNED	NO	06/01/18	056
JENKINS	WILLIAM C	7021B	\$106175.0000	RETIRED	NO	02/01/18	056
JIMENEZ	JAIRO A	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
JIMENEZ	LARRY M	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
JOHNSON	TASHA N	21849	\$88287.0000	INCREASE	YES	05/06/18	056
JONES	BARBARA	70205	\$14.0400	RESIGNED	YES	05/19/18	056
JONES	EDNA R	1002C	\$72129.0000	RETIRED	NO	06/01/18	056
JOSEPH	TOM N	71651	\$30706.0000	RESIGNED	NO	11/29/17	056
KELLY	JUSTIN J	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
KING	ROBERT B	70260	\$113842.0000	PROMOTED	NO	05/29/18	056
KNAPP	RICKIE C	70235	\$106175.0000	RETIRED	NO	02/16/18	056
KOHLAKIS	MELISSA R	30087	\$76275.0000	INCREASE	YES	05/06/18	056
KONG	KENNETH	70260	\$113842.0000	PROMOTED	NO	06/05/18	056
KOROTKI	JAMES	92575	\$137960.0000	INCREASE	NO	05/06/18	056
KOST	BRIAN M	70235	\$106175.0000	RETIRED	NO	02/24/18	056
KOUROUPOS	KEVIN P	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
KRIMSKY	ANDREW B	10074	\$155247.0000	INCREASE	NO	05/29/18	056
KULAR	MUMMET K	30087	\$62580.0000	INCREASE	YES	05/06/18	056

POLICE DEPARTMENT FOR PERIOD ENDING 06/15/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
LABARBARA	MICHAEL S	70210	\$85292.0000	RETIRED	NO	03/01/18	056
LAMARRE	DAVID A	70235	\$88945.0000	PROMOTED	NO	06/05/18	056
LAROCHE	DENISE	10144	\$41683.0000	RETIRED	NO	06/01/18	056
LAWYER	CHERYL	10001	\$113215.0000	INCREASE	YES	05/29/18	056

1. changing from an R5 District to an R6A District property bounded by 35<sup>th</sup> Avenue, 12<sup>th</sup> Street, 36<sup>th</sup> Avenue, and a line midway between 11<sup>th</sup> Street and 12<sup>th</sup> Street; and
2. establishing within the proposed R6A District a C1-3 District bounded by 35<sup>th</sup> Avenue, 12<sup>th</sup> Street, 36<sup>th</sup> Avenue, and a line midway between 11<sup>th</sup> Street and 12<sup>th</sup> Street;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 7, 2018, and subject to the conditions of CEQR Declaration E-480.

**CITYWIDE - ULURP #180349 ZRY**

**IN THE MATTER OF** an application filed by the Department of City Planning, pursuant to Sections 200 and 201 of the NYC Charter, is proposing a zoning text amendment to Article VII, Chapter 4 of the New York City Zoning Resolution to a new City Planning Commission Special Permit new hotels, motels, tourist cabins and boatels in light manufacturing (M1) districts.

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, or email [planning@queensbp.org](mailto:planning@queensbp.org) no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.**

◀ jy6-12

**DESIGN AND CONSTRUCTION**

■ NOTICE

NYC Department of Design & Construction is seeking approval for an innovative procurement method to proceed with Design Build contracts in excess of \$10 million.

On behalf of all New York City agencies and entities subject to the New York City Procurement Policy Board (PPB) Rules, we hereby request approval to use the Innovative Procurement method, pursuant to PPB Rule § 3-12, to procure the design and construction services, including any services incidental thereto, through the project delivery method commonly known as design-build for specified public work projects authorized pursuant to New York State law.

**1. The Nature and Requirements of the Procurement Method being proposed**

The innovative procurement method to be used for a design-build contract will vary in a number of respects from the procedure otherwise applicable pursuant to the PPB Rules. The proposed innovative procurement process involves multiple steps and may result in multiple awards, including one award to the design-build contractor and additional awards to short-listed proposers.

**Step (1): Request for Qualifications**

The contracting agency would develop a short list of qualified design-build entities through the issuance of a publicly advertised Request for Qualifications (RFQ). The RFQ shall include a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the list. The contracting agency shall evaluate and rate all responses to generate the short list of entities that may propose as outlined in Step (2).

**Step (2): Request for Proposals**

Once the short list is established, the contracting agency will release a Request for Proposals (RFP). The contracting agency may, at its discretion, solicit feedback from the short-listed entities to help finalize the scope or other language of the RFP. Only the short-listed entities shall be permitted to submit a proposal in response to the RFP. The contracting agency shall select the proposal that is the best value to the City and may incorporate a quantitative factor to be used in evaluating bids or offers of firms that are certified as minority- or women-owned business enterprises (M/WBEs), pursuant to Section 1304 of the New York City charter or article 15-A of the executive law.

The RFP shall set forth the scope of work, and other requirements, as determined by the contracting agency, which may include separate goals for work under the contract to be performed by M/WBEs. The RFP shall also specify the criteria to be used to evaluate the responses and the relative weight of each. All proposals submitted shall be scored according to the criteria listed in the RFP and such final scores shall be published on the contracting agency's website.

**Award Phase**

The RFP may result in multiple awards. There will be an award to the responsive and responsible design-build entity that offers a proposal that is of the best value to the City for the design-build work. At the agency's discretion, there may be awards to the remaining short-listed proposers that are responsive and responsible. The amount for these additional awards will be based on a pre-determined percentage or

dollar value as outlined in the RFP and serves as an incentive to submit a proposal and enable the contracting agency to purchase the ownership of ideas and intellectual property set forth in the proposal(s). Acceptance of a contract award shall constitute a release of any existing, and waiver of any future, vendor protests. The awarded contract(s) may be subject to contract administration processes other than the standard City procedures, including, but not limited to, the dispute resolution process.

**2. Why this method serves the City's interest better than the current Rules**

The design-build method combines into a single contract both the design and construction services. Design-build projects allow a single contractor to be responsible for all phases of the project, including design and construction, which would reduce costs and expedite project delivery while maintaining the required quality and compliance. This innovative method would enable the City to award such contracts on the basis of best value and also provide the City with the option to make multiple additional awards to a short-list of proposers. The method operationalizes the authority granted to certain City agencies pursuant to New York State law. The current PPB rules do not contemplate the necessary multi-step process to procure both design and construction services, as described above.

**3. The time within which this method will be implemented and utilized**

It is anticipated that the use of this innovative method will result in registered contracts beginning in Fiscal Year 2019. The method will be in use until there are codified PPB rules addressing these procedures, the time period to utilize such innovative procurement method elapses, or the authority granted, pursuant to New York State law elapses, whichever occurs first.

**4. Description of services to be procured and approximate dollar value of contract(s)**

This method will be utilized by agencies to procure design-build services, and any services incidental thereto, in connection with certain public works as authorized by State Law. Each public work project is estimated to cost not less than \$10,000,000.

NYC DDC would like to give this opportunity to accept comments and expressions of interest on this proposed method. Comments and expressions of interest may be emailed no later than July 27th 2018, to Nicholas Mendoza, at [MendozaNi@ddc.nyc.gov](mailto:MendozaNi@ddc.nyc.gov).

◀ jy6-12

**HOUSING PRESERVATION & DEVELOPMENT**

**TECHNOLOGY AND STRATEGIC DEVELOPMENT**

■ AWARD

*Goods*

**BACK UP SYSTEMS, BATTERY OPERATED** - Innovative Procurement - Other - PIN# 80620180011432 - AMT \$38,553.00 - TO Garic Inc. Garic Technology Inc., 26 Broadway, Suite 961, New York, NY 10004

◀ jy6

**HUMAN RESOURCES ADMINISTRATION**

■ AWARD

*Goods*

**PURCHASE OF IP PHONES** - Other - PIN# 18SSEMI23701 - AMT: \$58,282.00 - TO: Empire Electronics, Inc., 103 Fort Salonga Road, Suite 10, Northport, NY 11768. Contract Term: 6/1/2018 - 5/31/2019

◀ jy6

**TRANSPORTATION**

**HUMAN RESOURCES AND FACILITIES**

■ AWARD

*Services (other than human services)*

**ROOFING INSPECTION SERVICES FOR 32-11 HARPER STREET, QUEENS NY** - Innovative Procurement - Available only from a single source - PIN# RFQ -841-5-10FAC - AMT: \$88,400.00 - TO: Jimmy G Construction Corp., 42-19 Gleane Street, Elmhurst, NY 11373.

◀ jy6