



#89 (1986)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 89

March 3, 1986

SPECIAL COMMISSION TO INVESTIGATE CITY CONTRACTS

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Creation of Commission. There is hereby established the City of New York Special Commission to Investigate City Contracts (hereinafter, the Commission). The Commission shall have the primary responsibility to investigate allegations of corruption or impropriety in connection with City contracting; to examine regulations, procedures and practices relating to the award, execution, review and investigation of such contracts; and to report concerning the extent of corruption, impropriety and inefficiency affecting City contracts, and the need for improvements in procedures and practices to insure the efficiency and integrity of such contracts.

Section 2. Power. (a) The Commission, its Commissioner and such agents as he shall designate shall have all powers necessary to conduct as full an investigation as it finds necessary, including but not limited to the powers to administer oaths and affirmations, to examine witnesses in public or private hearings, to receive evidence, and to preside at or conduct such hearings and investigations, and the power to act through the authority granted the Chief Counsel pursuant to his appointment as Deputy Commissioner of Investigation to compel the attendance of witnesses and production of documents.

(b) The Commission and such agents as it designates shall be designated by the Commissioner of Investigation as agents of the Department of Investigation pursuant to Section 805(b) of the City Charter, with all powers to conduct investigations as provided therein.

(c) The Chief Counsel of the Commission shall be appointed a Deputy Commissioner of Investigation, pursuant to Section 802 of the City Charter, with all powers pertaining to that office, including but not limited to those specified in Section 805(a) of the City Charter.

(d) Within the scope of the general responsibility of the Commission set forth in Section 1 of this Order, the Commission shall have authority to examine, copy or remove any document or other record prepared, maintained or held by any agency, except those documents or other records which may not be so disclosed according to law.

(e) The Commission shall have authority to require any officer or employee of the City to answer questions concerning any matter related to the performance of his or her official duties, and to require any person dealing with the City to answer questions concerning such dealings with the City, after first being advised that neither their statements nor any information or evidence derived therefrom will be used against them in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. The refusal of a person dealing with the City to answer questions on the condition described in this paragraph shall, pursuant to the appropriate provision of any contract, constitute cause for cancellation or termination by the City of such contract with the City and its agencies that said person or any firm, partnership or corporation of which he or she is a member, partner, director or officer has entered into, without the City incurring any penalty or damages because of such cancellation or termination, or other appropriate penalty.

Section 3. Cooperation with Investigation. (a) All heads of departments or agencies shall have responsibility for insuring full cooperation of all within their departments or agencies with investigations or inquiries conducted by the Commission.

(b) All departments or agencies shall make available to the Commission such facilities, services, personnel, and other assistance as may be necessary for the conduct of its investigations.

(c) All departments or agencies shall provide to the Commission upon request any and all City documents, records, reports, files or other information, except such documents

as may not be so disclosed according to law. To insure full availability of such records and documents to the Commission, all departments and agencies shall make and retain copies of any documents, records, or files provided to state or federal prosecutors, or other investigative bodies, pursuant to subpoena or otherwise.

(d) Every officer or employee of the City shall cooperate fully with the Commission. Interference with or obstruction of the Commission's investigations or other functions shall constitute cause for removal from office or employment, or other appropriate penalty.

(e) Every officer and employee of the City, including Inspectors General, shall have the affirmative obligation to report, directly and without undue delay, to the Commission, any and all information concerning conduct which they know or should reasonably know to involve corrupt or improper activity or conflict of interest in connection with City contracts, and shall proceed in accordance with the Commission's directions. The knowing failure of any officer or employee so to report shall constitute cause for removal from office or other appropriate penalty.

(f) The obligation to report information regarding corruption in contracting to the Commission shall be in addition to the reporting obligations imposed on City officers and employees, and on Inspectors General, to report such information to the Department of Investigation, pursuant to Sections 4(d) and (e) of Executive Order No. 16 (July 26, 1978).

Section 4. Construction with Other Laws. Nothing in this Order shall be construed to limit the power and duties of any agency under the City Charter or as otherwise provided by law.

Section 5. Effective Date. This Order shall take effect immediately.



Edward I. Koch
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