

New York City Procurement Policy Board FY19 Regulatory Agenda

In compliance with section 1042 of the New York City Charter, the following is the regulatory agenda for rules that the Procurement Policy Board may promulgate during the fiscal year beginning July 1, 2018 and ending June 30, 2019. An approximate schedule for adopting the proposed rules and the name and telephone number of an official knowledgeable about each subject area involved are listed below each section.

Rule Change A

1. Description

The proposed amendments to the Procurement Policy Board Rules (“PPB Rules”) seek to increase the dollar threshold for mandatory PASSPort enrollment for vendors doing business with the City of New York. These PPB Rule amendments also seek to clarify the nomenclature used to describe the electronic vendor record system established pursuant to Section 6-116.2(b) of the New York City Administrative Code. That system, formerly known as “VENDEX,” is now known as “PASSPort.”

2. Reason

The threshold for enrollment in PASSPort was increased by the City Council through Local Law 72 of 2017, which amended Subsections 6-116.2(b) and (i) of the New York City Administrative Code. This rule change seeks to bring the PPB Rules into agreement with the provisions of the Administrative Code. This rule change also seeks to harmonize the PPB Rules’ definitions of “PASSPort” and “VENDEX.”

3. Anticipated Contents

The PPB seeks to amend PPB Rule 2-08 to require PASSPort enrollment for vendors with contracts and subcontracts, the value of which are equal to or greater than \$250,000. (For the purposes of this threshold, each contract or subcontract value is aggregated with the values of all other contracts, subcontracts franchises, or concessions awarded to the vendor during the immediately preceding twelve-month period.) The current dollar threshold is equal to \$100,000. The PPB also seeks to harmonize the definitions of “VENDEX” and “PASSPort” by amending PPB Rule 1-01(e), the general definitions section of the PPB Rules.

4. Objectives

The PPB seeks to adopt the above mentioned rule changes to bring the PPB Rules into compliance with the New York City Administrative Code and ensure that the term “PASSPort” is reflected in the text of the PPB Rules. The dollar threshold increase, mentioned above, is part of a broader strategy to streamline the procurement workflow for the city. Improving procurement cycle-time will likely improve vendor experiences and accelerate the delivery of critical services to the public.

5. Legal Basis

The PPB is authorized by Sections 311(b) and (c) of the New York City Charter to adopt the proposed PPB Rule changes.

6. *Relevant Laws*

The PPB wishes to adopt this rule so that PPB Rule Section 2-08 agrees with New York City Administrative Code Section 6-116.2.

7. *Individuals and Entities Affected*

The proposed PPB Rule change will affect the disclosure requirements for vendors doing business with the city, their principal owners, and their officers.

8. *Approximate Schedule*

The PPB plans to consider this rule in the first quarter of FY 2019.

9. *Agency Contact*

Michael Smilowitz, Mayor's Office of Contract Services, 718.594.5561, Michael.Smilowitz@mocs.nyc.gov

Rule Change B

1. *Description*

The proposed rule will expand opportunities for agencies to contract with Minority and Women Owned Business Enterprises ("M/WBEs") by expanding the potential use of the "small purchase" procurement method established under Section 3-08 of the PPB Rules.

2. *Reason*

The PPB wishes to exercise its authority, granted through Chapter 504 of the 2017 Laws of New York, to expand opportunities for M/WBEs to participate in City procurement and to expand the pool of available contractors to the City.

3. *Anticipated Contents*

This proposed amendment to Section 3-08 of PPB Rules would create a new subtype of small purchase, known as an "M/WBE Noncompetitive Small Purchase." The M/WBE Noncompetitive Small Purchase mechanism would allow agencies to make purchases of goods and services from M/WBEs in amounts not exceeding \$150,000 without competition.

4. *Objectives*

The PPB wishes to expand contracting opportunities to M/WBEs and expand the pool of available contractors to the City.

5. Legal Basis

Section 311(i)(1) of the New York City Charter, as amended by Chapter 504 of the 2017 Laws of New York, provides the PPB with the authority to adopt this rule.

6. Relevant Laws

There are no state, federal, or local laws or rules that conflict with the use of the M/WBE Noncompetitive Small Purchase mechanism.

7. Individuals and Entities Affected

City agencies subject to Chapter 13 of the New York City Charter will have the opportunity to use this mechanism to procure goods and services from M/WBEs certified under Section 1304 of the New York City Charter.

8. Approximate Schedule

The PPB plans to consider this rule in the first quarter of FY 2019.

9. Agency Contact

Michael Smilowitz, Mayor's Office of Contract Services, 718.594.5561,
Michael.Smilowitz@mocs.nyc.gov