

## PROCUREMENT POLICY BOARD

### NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON PROPOSED RULES

**What are we proposing?** The Procurement Policy Board (“PPB”) is proposing amendments to Chapter 2 and Chapter 3 of Title 9 of the Rules of the City of New York to update the name and address for the Bureau of Contract Administration within the Office of the New York City Comptroller.

The proposed amendments were not included in the PPB’s most recent regulatory agenda as the amendments were not anticipated at the time the agenda was published.

**When and where is the Hearing?** The PPB has determined that a public hearing on this proposed rule would serve no public purpose. Therefore, no public hearing will be held.

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

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

Attn: Procurement Policy Board  
Mayor’s Office of Contract Services  
253 Broadway, 9<sup>th</sup> Floor  
New York, New York 10007

- **Fax.** You can fax written comments to PPB at 212-788-0049. Please include “PPB Proposed Rules” on the cover page of your fax.

**Is there a deadline to submit written comments?** The deadline to submit written comments is September 14, 2015.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Mayor’s Office of Contract Services, 253 Broadway, 9th Floor, New York, NY 10007.

**What authorizes the PPB to make these rules?** Pursuant to the authority vested in the PPB by section 311 and in accordance with section 1043 of the New York City Charter, the PPB is proposing these rule amendments.

**Where can I find the PPB’s rules?** PPB’s rules are contained in Title 9 of the Rules of the City of New York.

**What rules govern the rulemaking process?** PPB 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(b) of the City Charter.

## STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULES

The Procurement Policy Board (“PPB”) is proposing amendments to Chapter 2 and Chapter 3 of Title 9 of the Rules of the City of New York to update the name and address for the Bureau of Contract Administration within the Office of the New York City Comptroller. These changes will ensure that submissions required to be made by its rules are sent to the correct address.

PPB’s authority for these rules is found in sections 311 and 1043 of the New York City Charter.

### **The Rule Amendments:**

New material is underlined and deletions are [bracketed].

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

### **Section 1. Paragraph (1) of subdivision (e) of section 2-07 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:**

(e) Appeal. All non-responsive determinations may be appealed as set forth herein.

- (1) Time Limit. A vendor shall have five days from receipt of the determination of non-responsiveness to file an appeal with the Agency Head. Receipt of notice by the vendor shall be deemed to be no later than five days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the office of the Agency Head. The vendors shall also send a copy of its appeal, for informational purposes, to Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007.

### **§ 2. Subdivision (j) of section 2-08 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:**

(j) Notice. After making a determination of non-responsibility, the ACCO shall notify the lowest bidder in writing of that determination. The notification shall state the reasons upon which the determination is based and shall inform the bidder of the right to appeal the determination of non-responsibility to the Agency Head and subsequently to the Mayor, and of the procedure for taking such appeals. The notification shall also contain the following statement:

The vendor shall also send a copy of its appeal to the New York City Comptroller, for informational purposes, at Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

### **§ 3. Subparagraph (xviii) of paragraph (2) of subdivision (b) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:**

(xviii) the following statement: The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the bid process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669- 2323; and

**§ 4. Paragraph (21) of subdivision (a) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:**

(21) the following statement: The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007; telephone number (212) 669-2323; and

**§ 5. Paragraph (2) of subdivision (l) of section 3-10 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:**

(2) The ACCO shall notify the vendor in writing of a denial or revocation of prequalification, stating the reasons upon which the determination is based and informing the vendor of the right to appeal. The notification shall also include the following statement:

The vendor shall send a copy of its appeal to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

A copy of the ACCO's determination shall also be sent to the CCPO for inclusion in the VENDEX database and to the Comptroller's Office.

**§ 6. Paragraph (2) of subdivision (f) of section 3-16 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:**

(2) The HHS Accelerator Director must notify the vendor in writing of a denial or revocation of prequalification, stating the reasons for the determination and informing the vendor of the right to appeal. The notification must also include the following statement:

The vendor must also send a copy of its appeal to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007, (212) 669-2323.

A copy of the HHS Accelerator Director's determination must also be sent to the CCPO for inclusion in the VENDEX database and to the Comptroller's Office.

**§ 7. Paragraph (21) of subdivision (k) of section 3-16 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:**

(21) the following statement:

The New York City Comptroller is charged with the audit of contracts in New York City. Any vendor who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller, [Office] Bureau of Contract Administration, 1 Centre Street, Room [1005] 727, New York, NY 10007; telephone number (212) 669-2323; and

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

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

**RULE TITLE: Updating of Contact Information**

**REFERENCE NUMBER: 2015 RG 080**

**RULEMAKING AGENCY: Procurement Policy 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: July 21, 2015

**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: Updating of Contact Information**

**REFERENCE NUMBER: MOCS-17**

**RULEMAKING AGENCY: MOCS**

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

July 21, 2015  
Date