

PROCUREMENT POLICY BOARD

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON PROPOSED RULES

What are we proposing? The Procurement Policy Board (“PPB”) hereby proposes to amend the Rules of the City of New York as follows:

- Chapter 3 of Title 9 of the Rules of the City of New York to reflect the changes previously made to Section 315 of the New York City Charter that require notification to the New York City Council on emergency procurements.
- Chapter 3 of Title 9 of the Rules of the City of New York to increase the dollar amount below which procurement and award of contracts for construction may be made without competition from \$20,000 to \$35,000.
- Chapter 4 of Title 9 of the Rules of the City of New York to permit all services contracts and task orders under task order contracts to be extended pursuant to the rule.
- Chapter 3 of Title 9 of the Rules of the City of New York to permit one or more of the New York City retirement systems to use a negotiated acquisition mechanism in order to allow direct contracts with a vendor that has successfully provided investment services management services to such system under an emerging manager program.
- Chapter 3 of Title 9 of the Rules of the City of New York to include electronic mailings as a manner in which invitations for bids and request for proposals are distributed.
- Chapter 3 of Title 9 of the Rules of the City of New York to establish requirements for implementing quantitative factors for minority- and women-owned business enterprises when evaluating bids and offers for contracts being awarded on the basis of best value.

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 will hold a public hearing on the proposed rules. The public hearing will take place at 2:30 p.m. on September 14, 2015. The hearing will be held at 22 Reade Street, Spector Hall, New York, NY 10007.

How do I comment on the proposed rules? 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.
- **Mail.** You can mail written comments to:
Attn: Procurement Policy Board
Mayor’s Office of Contract Services
253 Broadway, 9th 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.
- **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 e-mailing ppb@cityhall.nyc.gov, or you can sign up in the hearing room before the hearing begins on September 14, 2015. You can speak for up to three minutes.

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

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by e-mail at ppb@cityhall.nyc.gov. You must tell us by August 31, 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 authorizes the PPB to make these proposed rules.

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”) hereby proposes to promulgate amendments to the Rules of the City of New York in six respects:

- **Emergency Procurements:** On December 30, 2013, Mayor Bloomberg signed into law Local Law 135 of 2013 to amend Section 315 of the New York City Charter (“City Charter”) to provide notification to the New York City Council (“Council”) when agencies procure emergency goods, services or construction. The amendment to the City Charter requires agencies to provide the Council with the written determination of the basis for each emergency procurement and the selection of the contractor within fifteen days after contract award. This proposal seeks to amend Chapter 3 of Title 9 of the Rules of the City of New York to reflect the changes made to Section 315 of the City Charter.
- **Micropurchases:** The proposed amendment seeks to increase the dollar amount below which procurement and award of contracts for construction made without competition from \$20,000 to \$35,000, in order to increase micropurchase awards to minority and women-owned business enterprises.
- **Extension of Time for Performance:** Chapter 4 of Title 9 of the Rules of the City of New York currently sets forth the requirements for the application and approval of time extension requests for contracts requiring construction, goods, and non-construction related services. This proposal seeks to amend the rule to permit all services contracts and task orders under task order contracts to be extended pursuant to the rule.
- **Investment Services:** In order to increase the use by New York City’s retirement systems of successful smaller investment managers, the proposed amendment will permit one or more of the New York City retirement systems to use a negotiated acquisition mechanism in order to allow direct contracts with a vendor that has successfully provided investment services management services to such system under an emerging manager program.
- **Public Notice:** The proposed amendment requires that agencies email IFBs, RFPs or notices of their availability to vendors unless a written request to receive such IFBs or notices of their availability by mail, fax, hand delivery, or otherwise is approved by the CCPO; and requires IFBs, RFPS or notices of their availability to include the email address of the agency contract person, if applicable. This proposal seeks to include electronic mailings as a manner in which invitations for bids and request for proposals are distributed.
- **Best Value:** New York State General Municipal Law § 103 was amended to permit purchase contracts to be awarded on the basis of best value. Best value is a basis for awarding a contract for goods or standard services which optimizes quality, cost and efficiency among responsive and responsible bidders or offerers, reflecting, whenever possible, objective and quantifiable analysis. Pursuant to GML § 103 and State Finance Law § 163, such a basis may identify quantitative factors for offerers that are small businesses or certified minority- or women-owned business enterprises (M/WBE) when evaluating bids and offers. On April 8, 2013, the Procurement Policy Board (PPB) adopted amendments to Chapter 3 of Title 9 of the Rules of the City of New York to

authorize the use of best value awards based on competitive sealed bids and competitive sealed proposals. PPB is proposing to further amend Chapter 3 to establish requirements for implementing quantitative factors for M/WBEs when evaluating bids and offers for awarding of contracts as per State Finance Law § 163(1)(j).

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 (3) of subdivision (e) of section 3-06 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:

(e) Public Notice and Filing Requirements. Solicitations in emergency procurements are subject to the following public notice and reporting requirements:

* * * * *

(3) A determination of the basis for the emergency and the selection of the vendor shall be filed with the Corporation Counsel and the Comptroller, and shall [include:] further be submitted to the City Council no later than fifteen days following the contract award. The determination shall include:

- (i) the date emergency first became known;
- (ii) a list of goods, services, and construction procured;
- (iii) the names of all vendors solicited;
- (iv) the basis of vendor selection;
- (v) contract prices;
- (vi) the past performance history of the selected vendor;
- (vii) a listing of prior/related emergency contract; and
- (viii) PIN.

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Section 2. Subdivisions (c) and (d) of section 3-08 of Chapter 3 of Title 9 of the Rules of the City of New York are amended as follows:

§3-08 Small Purchases

* * * *

(c) Scope.

(1) Competition Objective.

(i) Public notice of solicitation and award, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX Questionnaire (unless the aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000), and public hearing shall not be required for small purchases awarded pursuant to this section.

(ii) Microurchases. For procurements of goods and all services except construction the value of which is \$20,000 or less, and for procurements of construction the value of which is \$35,000 or less, no competition is required except that in making purchases below [0]this limit, Contracting Officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. Documentation of such purchases shall identify the vendor the item was purchased from, the item purchased, and the amount paid.

(iii) Small Purchases. For procurements of goods and all services except construction [in] valued over \$20,000 or procurements of construction valued over \$35,000 through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of “no bid” is not a responsive bid. If only one responsive bid or offer is received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

(2) Solicitation Methods and Use.

For small purchases of particular goods and all services except construction valued at more than \$20,000 and small purchases of construction valued at more than \$35,000, agencies shall use a written solicitation describing the requirements, which shall contain, at a minimum:

(i) a description of the item or service requested;

(ii) time, date, place, and form of requested response;

(iii) basis for award; and

(iv) name and telephone number of the Contracting Officer to whom inquiries may be directed.

(d) Award. Small purchases for goods and all services except construction valued at over \$20,000 or small purchases for construction valued at over \$35,000 shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible offeror that has made the most advantageous offer. After such determination has been made and all necessary approvals have been obtained, the Contracting Officer shall issue a purchase order or contract, as appropriate, to the successful bidder or offeror.

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Section 3. Subdivision (b) of section 4-03 of Chapter 4 of Title 9 of the Rules of the City of New York is amended as follows:

* * * *

(b) Goods and [Non-Construction Related] Services.

(1) An extension of time may be granted only by the ACCO of the agency that awarded the contract or task order under a task order contract, upon written application by the contractor.

(2) The ruling of the ACCO shall be final and binding as to the allowance of an extension, and the number of days allowed.

(3) The application for extension must detail each cause for delay, the date it occurred, and the resulting total delay in days attributed to such cause.

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Section 4. Subsection (c) of section 3-04 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(c) Investment Services. [The preferred method for procuring investment services is competitive sealed proposals.] Negotiated acquisition may be used for one or more City [pension funds or variable supplements funds] Retirement Systems to award a contract to a vendor that has been providing investment management services to the Retirement System(s) under a program to foster the growth of small or new investment managers (“the [emerging manager program] Emerging Manager Program”) as a manager or submanager, under the following conditions:

(1) the fund(s) have determined pursuant to a vote of its or their trustees, upon the presentation by the Comptroller or designee of his or her recommendation and after having been provided with a presolicitation report and such information from [an] the relevant asset class investment consultant(s) [as the fund(s) deem necessary] of the

Retirement System(s), that it is in the best interest of the fund(s) and the City for the Comptroller to award a contract through negotiated acquisition;

(2) [the term of an emerging manager investment management contract (including all renewal and extension periods) will expire or the emerging manager investment contract within which the submanager provided services has expired or been terminated] the manager or submanager has provided investment management services to the Pension Funds under the Emerging Manager Program for a continuous period of at least twelve months, and where, if such investment management services have ended due to a contract expiration or termination, the contract ended no earlier than three (3) months prior to publication of the notice of intent to enter into negotiations;

(3) the services provided by the manager or submanager are still required;

(4) [the assets under management have grown beyond the fund's maximum selection eligibility level so that the manager or submanager could not be selected to participate in the emerging manager program;

(5) in the case of a submanager, the assets under management of the submanager have grown sufficiently to make it eligible under the Comptroller's guidelines for a direct contract;

(6) there is no competitive sealed proposals or Investment Manager Search process for the manager or submanager's eligibility level and type of investment service in which the manager or submanager could participate or could have participated so that the services that it provides would not be disrupted;

[(7)] (5) the term [or] of the new contract shall not extend beyond the commencement date of contracts awarded pursuant to a competitive sealed proposal or Investment Manager Search process for a class of managers applicable to the manager or submanager for which the manager or submanager became eligible to compete[, and in no event shall be longer than three years (including all renewal and extension periods)];

[(8)] (6) over the immediately preceding market cycle of at least three (3) years, the manager or submanager has [both (i) exceeded the performance of generally accepted indices applicable to the investment services provided, and (ii) performed in the top fifty percent of firms in the marketplace providing a similar kind of investment service]demonstrated organizational and staffing stability; managed growth of assets; a sound investment strategy and process; strong risk management; consistency of rolling, risk-adjusted, excess, net-of-fee returns relative to its assigned benchmark index; and fair and reasonable fees for services provided;[, as measured by generally recognized performance benchmarks contained in the Comptroller's guidelines applicable to the investment service provided];

[(9)] (7) upon the request of a trustee(s), an investment manager proposed for award under this provision shall be made available to respond to questions related to the proposed award; and

[(10)] (8) no contract procured pursuant to this provision may be executed without the approval of the Pension Fund(s), pursuant to a vote of its or their trustees, after a presentation by the Comptroller or his or her designee and submission of the Recommendation for Award [and

proposed contract], which shall include such information as necessary to establish that the manager or submanager meets the criteria in this section and provides fair and reasonable fees.

Section 5. Subparagraph (i) of paragraph (1) of subdivision (e) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(i) Distribution. IFBs or notices of their availability shall be electronically mailed [mailed, faxed, hand delivered, or otherwise furnished] to a sufficient number of vendors, including all vendors on the appropriate citywide bidders list established by the CCPO for the purpose of securing competition. IFBs or notices of their availability may be sent electronically to vendors on agency-specific bidders lists, in addition to the appropriate citywide bidders list maintained by the CCPO, only with approval of the CCPO. Such IFBs or notices shall be sent electronically at least fifteen (15) days in advance of the due date for bids, or at least twenty-two (22) days in advance of the due date for bids which are subject to Section 6-129 of the New York City Administrative Code (M/WBE and EBE program). An agency may, upon request of a vendor, provide IFBs or notices by mail, fax, hand delivery, or otherwise [electronically]. Where the notice does not include all IFB documents, an additional five (5) days shall be allowed. Notices of availability shall indicate, at minimum:

- (A) the name of the agency and, if appropriate, the specific division or bureau soliciting the bids;
- (B) title and brief description of the goods, services, or construction required;
- (C) specific information about how, when, and where the IFB is available;
- (D) the required fee or deposit amount, if any, for obtaining the IFB;
- (E) the time, date, and location of any pre-bid conference or site visit, if any, and if attendance is mandatory;
- (F) the date, time, and location for the receipt and opening of bids;
- (G) [if applicable,] the name and phone number of the agency contact person, including email address, if applicable; and
- (H) the citywide bidders list used.

Section 6. Subparagraph (i) of paragraph (1) of subdivision (d) 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:

(i) Distribution. RFPs or notices of their availability and their notices of solicitation shall be posted on the City's website in a location that is accessible to the public simultaneously with their publication. RFPs and their notices of solicitation shall also be electronically mailed [mailed, faxed, hand delivered, or otherwise furnished] to a sufficient number of vendors, including all vendors on the appropriate citywide bidders list established by the CCPO pursuant to Section 3-02(f) at least twenty (20) days prior to the due date, or within the time frames authorized by Section 3-03 (h). An agency may, upon request of a vendor, provide RFPs or notices by mail, fax, hand delivery, or otherwise [electronically]. RFPs or notices of their availability may be electronically sent to vendors on agency-specific bidders lists, in addition to the appropriate citywide bidders list maintained by the CCPO, only with approval of the CCPO. For those proposals which are subject to Section 6-129 of the New York City

Administrative Code (M/WBE and EBE program), a minimum of twenty seven (27) days prior to the due date shall be provided.

(ii) Publication. This subparagraph shall apply to RFPs above the small purchase limits except that it shall not apply where vendors will be solicited from a PQL.

(B) Content. Such notice shall include:

- ((a)) agency name;
- ((b)) PIN;
- ((c)) title and/or brief description of the goods, services, or construction to be procured;
- ((d)) estimated quantity, if any;
- ((e)) how the solicitation documents may be obtained;
- ((f)) date and time by which, and the place where, proposals shall be submitted and, for goods and standard services, where the identity of all proposers will be disclosed;
- ((g)) required vendor qualifications or eligibility requirements, if any; [and]
- ((h)) identification of the citywide bidders list used; and
- ((i)) the name and phone number of the agency contact person, including email address, if applicable.

Section 7. Paragraph (1) of subdivision (o) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:

(o) Bid Evaluation and Vendor Selection.

(1) Vendor Selection.

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(ii) Contracts for Purchase of Goods and Standard Services. Prior to the bid, the ACCO shall determine whether the goods or standard services shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible bidder whose bid represents the best value to the City. The responsive and responsible bidder whose bid meets the requirements and objectively measurable evaluation criteria set forth in the IFB, and whose bid price is the lowest, or whose bid represents the best value to the City by optimizing quality, cost and efficiency, shall be selected for the contract.

(iii) If award will be made based on best value, a certified M/WBE in a group for which there is a goal established pursuant to section 6-129 of the New York City Administrative Code shall, except with the permission of the CCPO, be given a price preference of 10% and will be evaluated as if the bid price were 10% lower.

(iv) If award will be made based on best value, best value may be determined by the ACCO, or the ACCO may convene a committee to make such determination. Any such committee shall consist of persons with knowledge, expertise and experience sufficient to make a fair and reasonable determination. As set forth below the ACCO, or the committee as the case may be, may determine best value by consideration of price together with other factors deemed relevant by the ACCO and set forth in the IFB. In

making such determination the ACCO, or committee, shall consider the low responsive bid and the next low responsive bids that are within ten percent (10%) of the low responsive bid in price, including any bids that were adjusted pursuant to subdivision (iii), or such higher percentage as approved by the CCPO either on an individual basis or by category or class. Such factors may include:

- (1) features of the offered product or service set forth in detailed specifications for the product offered;
- (2) warranties and or maintenance to be provided with the product or service;
- (3) references, past performance and reliability, including reliability or durability of the product being offered and current or past experience with the provision of similar goods or services;
- (4) organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;
- (5) financial capability; and
- (6) record of compliance with all federal, State and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws.

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Section 8. Paragraph 1 of subdivision (a) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:

(a) The Request for Proposals (RFP) – Contents. RFPs shall include the following data:

- (1) statement that the contract award will be made to the responsible proposer whose proposal represents the best value to the City by optimizing quality, cost and efficiency and therefore is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP, including the quantitative preference to be provided to proposals submitted by certified M/WBEs for which there is a goal established pursuant to section 6-129 of the New York City Administrative Code;

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Section 9. Subdivision (g) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:

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(1) Contracts for Purchase of Goods and Standard Services. Proposals submitted by certified M/WBEs in a group for which there is a goal established pursuant to section 6-129 of the New York City Administrative Code shall, except with the permission of the CCPO, be provided one of following quantitative preferences, as determined by the ACCO:

(i) Ten (10) points out of one hundred (100) technical points; or

(ii) If such proposal's score was above a minimum threshold for quality on the weighted criteria as established in the solicitation, either a price preference of ten percent (10%) or a point preference of ten (10) points out of one hundred (100) in the evaluation of its proposal, as to be determined by the ACCO.

(2) [(1)] Evaluation Committee. Proposals shall be reviewed by an evaluation committee consisting of no fewer than three persons with knowledge, expertise, and experience sufficient to make a fair and reasonable evaluation. If an RFP incorporates multiple competitions, each competition may be evaluated by a separate committee. The ACCO shall require each member of the evaluation committee(s) to submit a signed statement, in a format approved by the CCPO, agreeing to prohibitions on any conflicts of interest.

(a) Randomized evaluation process. If the ACCO determines that such a high volume of competing proposals is likely to be received that it will be infeasible for each member of the evaluation committee to read each proposal, the ACCO may, subject to the approval of the CCPO, establish a pool of appropriate evaluators and then randomly assign each proposal to at least three such evaluators for review.

(b) Outside Evaluators. The evaluation committee may include persons who are not employed by the agency. In addition, the ACCO may determine, subject to the approval of the CCPO, that it in the best interests of the City for the evaluation committee to include persons who are not employees of the City of New York, provided however that such non-City employees may not constitute a majority of the evaluation committee. Such persons must serve without financial compensation, but may be entitled to travel and other related expenses as may be reasonably incurred in the execution of their role as an evaluator.

(3) [(2)] Rating Sheets. Ratings sheets or other written evaluation forms shall be used to evaluate proposals by the evaluators and each evaluator shall sign and date his or her rating sheet. Initial ratings may be amended and the amended ratings recorded on amended ratings sheets. Copies of all initial and amended rating sheets or evaluation forms shall be maintained.

(4) [(3)] Proposal Discussions with Individual Offerors. The evaluation committee shall evaluate all proposals and may elect to enter into discussions with those whose proposals are acceptable or are reasonably likely to be made acceptable for any or all of the following purposes:

(i) promoting understanding of the City's requirements and the vendors' proposals and capabilities;

(ii) obtaining the best price for the City; or

(iii) arriving at a contract that will be most advantageous to the City taking into consideration price and the other evaluation factors set forth in the RFP.

(5) [(4)] Conduct of Discussions.

(i) Proposers shall be accorded fair treatment with respect to any opportunity for discussions and revisions of proposals.

(ii) The ACCO shall establish an agenda and schedule for conducting discussions.

(iii) If there is a need for any substantial clarification of, or change in, the RFP, the RFP must be amended to incorporate such clarification or change and shall be provided to all proposers.

(iv) Auction techniques (revealing one proposer's price to another) and disclosure of any information derived from competing proposals are prohibited.

(v) Any oral clarification of a proposal shall be confirmed in writing by the proposer.

(6) [(5)] Best and Final Offers. Best and final offers are the revised and corrected final proposals submitted by proposers after discussions, if any, have been held by the procuring agency.

(i) The ACCO shall establish a common date and time for the submission of best and final offers.

(ii) Best and final offers shall be submitted only once unless the ACCO makes a determination that it is in the City's best interest to conduct additional discussions and/or require another submission of best and final offers.

(iii) Proposers shall be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

(iv) All best and final offers shall be recorded on the Register of Proposals and handled in accordance with the control procedures contained in these Rules.

(v) The ACCO may request best and final offers on the whole proposal or on any one or combination of its component parts (e.g., price, technical qualifications, approach, and/or capability). The request shall be the same for all proposers.

(vi) Best and final offers shall be evaluated in accordance with this subdivision.

(vii) For construction-related consulting services, in the event that the agency has chosen to negotiate a fair and reasonable price with the top-ranked proposer, if such a fee is not successfully negotiated, the agency may conclude such negotiations, and enter into negotiations with the next ranked vendor(s), as necessary.

**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: Amendment of Public Notice, Small Purchase and Other Procurement Requirements

REFERENCE NUMBER: 2015 RG 067

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 24, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

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

**RULE TITLE: Amendment of Public Notice, Small Purchase and Other
Procurement Requirements**

REFERENCE NUMBER: MOCS-15

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/ Elvita Dominique
Mayor's Office of Operations

July 27, 2015
Date