

CAPA REGULATORY AGENDA FY 2025

PROCUREMENT POLICY BOARD

In compliance with section 1042 of the New York City Charter, the Procurement Policy Board (PPB) submits this regulatory agenda for PPB Rules that may be promulgated during the next fiscal year, beginning July 1, 2024, and ending June 30, 2025.

1. **SUBJECT:** Electronic bidding

- A. Reason: Effective March 1, 2024, the State of New York enacted Assembly Bill A7685/2024, which amends GML § 103 to allow an agency of a city with a population of at least one million to authorize or require the electronic submission of bids and offers for any public contract. The legislation also allows for the public opening, reading, and identification of bids and proposers through online livestreaming and by posting an online record of such bids or proposals. The PPB is proposing to amend various rules to codify this authority in the PPB Rules.
- B. Anticipated Contents: Amendments to 9 RCNY Sections 1-01, 2-07, and 3-02.
- C. Objectives: To update the PPB Rules in accordance with A7685/2023.
- D. Legal Basis: Sections 311, 325, and 1043 of the New York City Charter; General Municipal Law Section 103 Subdivisions 1 and 2.
- E. Types of individuals and entities likely to be affected: Construction industry.
- F. Other relevant laws: None
- G. Approximate schedule: First Quarter of FY 2025

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2. **SUBJECT:** Multi Award Contract Reform

- A. Reason: The PPB is proposing to amend several rules to extend the maximum allowable term of multiple award contracts / task and purchase orders, which will reduce the number of procurements necessary by reducing agencies' administrative burden.
- B. Anticipated Contents: Amendments to 9 RCNY Sections 3-02 and 3-03.

- C. Objectives: To reduce agencies' administrative burden and increase contracting efficiency.
- D. Legal Basis: Sections 311, 313, 319, and 1043 of the New York City Charter
- E. Types of individuals and entities likely to be affected: Vendor community that utilizes multiple award contracts.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2025.

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3. **SUBJECT:** Challenge-based Procurement

- A. Reason: The PPB is proposing amendments to promote the use of challenge-based procurements, to extend the maximum allowable term of a contract for a demonstration project, and to clarify agencies to use other procurement methods to secure additional products or continued services after the conclusion of a demonstration project.
- B. Anticipated contents: Amendments to 9 RCNY Section 3-11.
- C. Objectives: To expand the appropriate use of demonstration projects by city agencies.
- D. Legal Basis: Sections 311 and 1043 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Potential vendors seeking to contract with the City using demonstration project procurement method.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2025.

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4. **SUBJECT:** Renaming "M/WBE Non-Competitive Small Purchases"

- A. Reason: The PPB is proposing amendments to amend the name of the “M/WBE Non-Competitive Small Purchases” to “M/WBE Small Purchase”.
- B. Anticipated contents: Amendments to 9 RCNY Section 3-08.
- C. Objectives: To provide greater clarity regarding regarding the use of this procurement method and mitigate confusion amongst vendors and potential vendors regarding the expectation of potential competition within this award method.
- D. Legal Basis: Sections 311, 314, and 1043 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: M/WBE vendors and potential vendors.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2025.

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5. **SUBJECT:** Design-Build

- A. Reason: In 2019, New York State passed the “New York City Public Works Investment Act” authorizing certain city agencies to use design-build contracts for public works projects. The PPB is proposing amendments to codify the design-build procurement method in the PPB Rules.
- B. Anticipated contents: Amendments to 9 RCNY Sections 1-01 and 3-01 and addition of 9 RCNY Section 3-17.
- C. Objectives: To codify design-build as a procurement method within the PPB Rules.
- D. Legal Basis: Sections 311 and 1043 of the New York City Charter; New York City Public Works Act.
- E. Types of individuals and entities likely to be affected: Construction industry.
- F. Other relevant laws: None.
- G. Approximate schedule: First Quarter of FY 2025.

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6. **SUBJECT:** Removing References to HHS Accelerator

- A. Reason: HHS Accelerator was decommissioned at the end of 2023. The PPB is proposing amendments to replace outdated references to HHS Accelerator with PASSPort.
- B. Anticipated contents: Amendments to 9 RCNY Sections 1-01, 2-04, 2-08, 2-09, 3-01, 3-10, 3-16, and 4-12.
- C. Objectives: To replace references to HHS Accelerator with PASSPort.
- D. Legal Basis: Sections 311 and 1043 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: Human services contractors.
- F. Other relevant laws: None.
- G. Approximate schedule: Second Quarter of FY 2025.

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7. **SUBJECT:** Updating References to VENDEX

- A. Reason: VENDEX is now known as the Procurement and Sourcing Solutions Portal (PASSPort). The PPB is proposing amendments to update references to VENDEX with PASSPort.
- B. Anticipated contents: Amendments to 9 RCNY Sections 1-01 through 4-12
- C. Objectives: To replace references to VENDEX with PASSPort.
- D. Legal Basis: Sections 311 and 1043 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: None.
- F. Other relevant laws: None.

G. Approximate schedule: Second Quarter of FY 2025.

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8. **SUBJECT: Late Filing and PASSPort** Disclosure Exemption Provisions

A. Reason: The PPB is proposing amendments to remove the permissibility of late filing of PASSPort questionnaires in all cases except for emergency procurements. The late filing provision was relevant before electronic filing but is no longer useful. The PPB is also proposing amendments to codify current practices regarding PASSPort questionnaire filing exemptions for governmental and quasi-governmental agencies and exemptions for portions of the PASSPort questionnaires when in the best interest of the City.

B. Anticipated contents: Amendments to 9 RCNY Section 2-08.

C. Objectives: To update rules relating to late filing and add provisions relating to disclosure exemptions.

D. Legal Basis: Sections 311, 325, and 1043 of the New York City Charter.

E. Types of individuals and entities likely to be affected: Governmental and quasi-governmental bodies doing business with city agencies; general vendor community.

F. Other relevant laws: None.

G. Approximate schedule: Second Quarter of FY 2025

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9. **SUBJECT: Performance Evaluations**

A. Reason: The PPB is proposing amendments to add a timeframe for the completion of agency performance evaluations and to clarify exemptions for performance evaluations.

B. Anticipated contents: Amendments to 9 RCNY Section 4-01.

- C. Objectives: To clarify rules relating to performance evaluations and increase efficiency in procurement.
- D. Legal Basis: Sections 311, 325, and 1043 of the New York City Charter.
- E. Types of individuals and entities likely to be affected: General vendor community.
- F. Other relevant laws: None.
- G. Approximate schedule: Second Quarter of FY 2025

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