

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 changes to the PPB Rules to lengthen the maximum permissible term for multiple-award contracts and task or purchase orders.

When and where is the hearing? The PPB will hold a public hearing on the proposed rule. The public hearing will take place Wednesday, August 28, 2024, at 3:00 PM. The hearing will be at 255 Greenwich St, 9th Floor in the Borough of Manhattan.

The public may also access and participate in the hearing via Internet or telephone.

- To join the public hearing via Internet, please follow the meeting link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YmJkNzVIYjItMWI1NS00OTA2LTlkNGYtYzM5ODY1ZjYyYzIx%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%2216bb80d0-b04e-477a-80a7-d8f84b9d9e66%22%7d

Meeting Number: 233 719 273 448

Meeting Password: kFSnZ9

- To join the public hearing via telephone, please dial: +1 646-893-7101,,294568229#

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

- **Website.** You can submit comments to the PPB through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to ppb@mocs.nyc.gov.
- **Mail.** You can mail comments to:

Attn: Procurement Policy Board
Mayor's Office of Contract Services
255 Greenwich St, 9th Floor
New York, NY 10007

- **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 emailing ppb@mocs.nyc.gov, or calling (212) 298-0624. While there will be an opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit written comments will be August 28, 2024.

What if I need assistance to participate in the hearing? You must tell the Disability Service Facilitator if you need a reasonable accommodation of a disability at the hearing, including, but not limited to, a sign language interpreter. You can contact the Disability Service Facilitator by email at DisabilityAffairs@mocs.nyc.gov, by telephone at (212) 298-0743 or by mail at the address provided above with an attention line to “Disability Service Facilitator.” Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify the Disability Service Facilitator at least five (5) business days in advance of the hearing.

This location has the following accessibility option(s) available: Wheelchair accessibility.

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/>. Within a reasonable time after the hearing, copies of all written comments and a summary of oral comments concerning the proposed rules will be available to the public on MOCS’ website at <https://www.nyc.gov/site/mocs/regulations/ppb.page> and at MOCS’ office located at 255 Greenwich St, 9th Floor, New York, NY 10007.

What authorizes the PPB to make these rules? Sections 311, 313, 319, and 1043 of the New York City Charter authorize the PPB to make the proposed rules. This proposed rule was included in the PPB’s regulatory agenda for this Fiscal Year.

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

What laws govern the rulemaking process? The PPB must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rules

These proposed Procurement Policy Board (PPB) Rule amendments would update the provisions of the PPB Rules relating to the term and approval requirements for multiple-award contracts and task or purchase orders.

The PPB is proposing amendments to PPB Rules §§ 3-02(t)(3) and 3-03(j)(3) to extend the maximum allowable term of multiple award contracts, as well as task or purchase orders issued pursuant to such contracts. Extending the maximum term of these procurements will reduce the number of procurements necessary, reducing the administrative burden on agencies.

Section 1 would amend PPB Rule § 3-02(t)(3), which relates to multiple award task or purchase order contracts awarded through competitive sealed bidding, to extend the maximum allowable term of such contracts and task or purchase orders from three years to five years. Section 1 would also amend such provision to make clear that such contracts may be extended in accordance with PPB Rule § 4-02(b)(1)(iii).

Section 2 would amend PPB Rule § 3-03(j)(3), which relates to multiple award task order contracts awarded through competitive sealed proposals, to extend the maximum allowable term of such contracts and task orders from three years to five years. Section 2 would also amend the Rule to make clear that such contracts may be extended in accordance with PPB Rule § 4-02(b)(1)(iii).

The PPB's authority to promulgate these rules is found in sections 311, 313, 319, and 1043 of the New York City Charter.

On June 4, 2024, the PPB voted to initiate the rulemaking process under the Citywide Administrative Procedure Act for this proposed rule amendment.

The new material added in the text of the rule is underlined and the deleted material is in [brackets]. "Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

SECTION 1. PARAGRAPH (3) OF SUBDIVISION (t) OF SECTION 3-02 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:

(3) *Duration.* Unless otherwise approved by the CCPO, contracts awarded pursuant to this [section] subdivision shall have a total term including all renewals, of not more than [three] five years, provided that any such contract may be extended for an additional period of one year beyond the date of expiration of such contract in accordance with § 4-02(b)(1)(iii) of these Rules. Task orders, or purchase orders, may extend beyond the expiration of the contract term, in which event the terms and conditions of the contract shall continue to apply to the task order or purchase order until its termination or expiration. Task orders, or purchase orders, shall have a maximum term of [three] five years or, if issued for a specific project, until the specific project is completed. Notwithstanding the above, a task order may be extended beyond, or further extended beyond, the expiration of the contract term[,] or [beyond] the expiration of the task order[,] with the CCPO's approval [of the CCPO], which must be obtained in a manner prescribed by the CCPO.

§ 2. PARAGRAPH (3) OF SUBDIVISION (j) OF SECTION 3-03 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:

(3) *Duration.* Unless otherwise approved by the CCPO, contracts awarded pursuant to this [section] subdivision shall have an initial term, or a total term including all renewals, of not more than [three] five years, provided that any such contract may be extended for an additional period of one year beyond the date of expiration of such contract in accordance with § 4-02(b)(1)(iii) of these Rules. Task orders or purchase orders may extend beyond the expiration of the contract term, in which event the terms and conditions of the contract shall continue to apply to the task order until its termination or expiration. Task orders or purchase orders shall have a maximum term of [three] five years or, if issued for a specific project, until the specific project is completed. Notwithstanding the above, a task order or purchase order may be extended beyond, or further extended beyond, the expiration of the contract term[,] or [beyond] the expiration of the task order or purchase order[,] with the CCPO's approval [of the CCPO], which must be obtained in a manner prescribed by the CCPO.

**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 Rules Relating to Multi-Award Contracts and Task
or Purchase Orders**

REFERENCE NUMBER: PPB-4

RULEMAKING AGENCY: Procurement Policy Board

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

June 12, 2024
Date

**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 Rules Relating to Multi-Award Contracts and Task or Purchase Orders

REFERENCE NUMBER: 2024 RG 012

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
Senior Counsel

Date: June 11, 2024