



# THE CITY RECORD

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## TABLE OF CONTENTS

### PUBLIC HEARINGS & MEETINGS

Brooklyn Borough President	1985
City Planning Commission	1985
Comptroller	1986
Community Boards	1986
Board of Education Retirement System	1986
Employees' Retirement System	1986
Information Technology and Telecommunications	1986
Landmarks Preservation Commission	1987
Office of the Mayor	1987
Parks and Recreation	1987
Board of Standards and Appeals	1987
Transportation	1988

### COURT NOTICE

Supreme Court	1988
Richmond County	1988

### PROPERTY DISPOSITION

Citywide Administrative Services	1988
Division of Municipal Services	1988
Police	1988
Auction	1989

### FIRST TIME PROCUREMENT ADS

1989-1990

### PROCUREMENT

Chief Medical Examiner	1990
Agency Chief Contracting Officer	1990
Citywide Administrative Services	1990
Division of Municipal Supply Services	1990
Vendor List	1990

Comptroller	1990
Bureau of Asset Management	1990
Design and Construction	1990
Contract Section	1990
Economic Development Corporation	1990
Employees' Retirement System	1991
Health and Hospitals Corporation	1991
Health and Mental Hygiene	1991
Agency Chief Contracting Officer	1991
Homeless Services	1991
Office of Contracts and Procurement	1991
Housing Authority	1991
Housing Preservation and Development	1991
Division of Maintenance	1991
Human Resources Administration	1991
Juvenile Justice	1992

Parks and Recreation	1992
Contract Administration	1992
Revenue and Concessions	1992
Payroll Administration	1993
Contract Administration and Procurement	1993
School Construction Authority	1993
Contract Administration	1993
Transportation	1993
AGENCY RULES	
Buildings	1993
SPECIAL MATERIALS	
Citywide Administrative Services	1994
READER'S GUIDE	2008
LATE NOTICES	
Health and Mental Hygiene	1994
Education	2007
Parks and Recreation	2007

## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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ELI BLACHMAN, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## BROOKLYN BOROUGH PRESIDENT

### PUBLIC HEARINGS

#### UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN THAT, pursuant to Sections 82 and 197-C of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matters in the Community Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:30 P.M. on June 25, 2008.

CALENDAR ITEM 1  
BOARD OF ELECTIONS WAREHOUSE  
5112 2ND AVENUE  
COMMUNITY DISTRICT 7  
080392 PCK

In the matter of an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 5112 2nd Avenue for use as a warehouse facility.

CALENDAR ITEM 2  
BUSH TERMINAL - UNIT D  
COMMUNITY DISTRICT 7  
080424 PPK

In the matter of an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property, Unit D in the Bush Terminal industrial complex, bounded by 42nd Street, First Avenue, 43rd Street, and the Gowanus Bay, pursuant to zoning.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

J19-25

## CITY PLANNING COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, New York, on Wednesday, July 2, 2008, commencing at 10:00 A.M.

### BOROUGH OF MANHATTAN

Nos. 1, 2, 3 & 4

#### HOSPITAL FOR SPECIAL SURGERY

No. 1

CD 8 C 060333 ZSM  
IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow the development of a 12-story hospital building in demapped air space above the portion of the Franklin D. Roosevelt Drive located between East 71st Street and a line midway between East 71st Street and East 72nd Street and to permit the modification of the loading berth requirements of Section 25-70 (Off-Street Loading Regulations, General Purposes), for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of East 71st Street, East 71st Street, a line 373 feet east of York Avenue, East 72nd Street, a line 498 feet east of York Avenue and a line midway between East 71st Street and East 72nd Street (Block 1482, p/o Lot 9020 and Block 1483, Lots 23 and 33), within an R9 District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, N.Y. 10007.

No. 2

CD 8 C 060440 MMM  
IN THE MATTER OF an application, submitted by the Hospital for Special Surgery, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Volumes of the FDR Drive between East 71st and East 72nd streets;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Map No. 30223 dated March 25, 2008 and signed by the Borough President.

No. 3

CD 8 C 070171ZSM  
IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution to allow the enlargement of an existing hospital including a three-story addition to a building in demapped air space above the portion of the Franklin D. Roosevelt Drive located between East 71st Street and former East 70th Street and to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and percentage of Lot Coverage), for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of York Avenue, and the center line of East 71st Street (Block 1482, Lots 20 and p/o Lot 9020), within an R9 District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, N.Y. 10007.

No. 4

CD 8 N 070145 ZRM  
IN THE MATTER OF an application submitted by the

Hospital for Special Surgery pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission).

Matter in underline is new, to be added;  
Matter in ~~strike out~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10 (DEFINITIONS)

\*\*\* indicates where unchanged text appears in the Resolution

### Article VII - Administration

#### Chapter 4

#### Special Permits by the City Planning Commission

~~12/7/89~~

74-682

#### Development over streets

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air-space, ~~considered as part of the adjoining #zoning lot#~~, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, ~~provided that~~. ~~In addition to~~ the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery, and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit the Commission shall find ~~that~~:

- for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on site and in the area, ~~the location and distribution of new #bulk# result in a good site plan; and~~
  - ~~any #building# located in demapped air space utilizes only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space; and~~
  - ~~any #building# located in the demapped air space shall comply with the #necessary# off-street parking and loading requirements of the applicable district.~~
- for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the City Planning Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning lot lines#, provided that such loading berths will be:
    - adequate to serve the requirements of the institution;
    - accessible to all the #uses# in such institution without the need to cross any #street# at grade; and

- (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

#### NOTICE

**On Wednesday, July 2, 2008, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the Hospital for Special Surgery (HSS) Expansion, a proposal involving several actions including a Special Permit for new construction in the air space over the FDR Drive, modification of the existing Special Permit for the East Wing of the Main Hospital, a Zoning Text Amendment for modification of off-street loading requirements to allow loading berths to be located anywhere within the HSS campus, a City Map Amendment to eliminate, discontinue and close portions of the FDR Drive right-of-way and the disposition of real property related thereto, to allow for the placement of columns and footings associated with construction of the proposed River Building on the sidewalk at the west edge of the FDR Drive and east of the roadway of the FDR Drive, in the East River Esplanade, and Waterfront Revitalization Program consistency determination from the City Coastal Commission. Additionally, the proposed project requires approvals by several other agencies, including the New York City Department of Transportation (NYCDOT) of closures of streets or traffic diversions due to construction, approval from the New York City Art Commission for construction over the FDR Drive, issuance of bonds by the Dormitory Authority of the State of New York (DASNY), and Federal construction loan insurance guarantee from the Federal Housing Administration (FHA).**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 05DCP061M.**

#### No. 5 33 GREAT JONES STREET

**CD 2 C 070450 ZSM**  
**IN THE MATTER OF** an application submitted by Great Jones Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on the ground floor and cellar of an existing three story building on property located at 33 Great Jones Street (Block 530, Lot 24), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

#### Nos. 6, 7, 8 & 9 WHITNEY MUSEUM No. 6

**CD 2 N 080406 ZRM**  
**IN THE MATTER OF** an application submitted by the Whitney Museum of American Art and the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, concerning Section 74-92, (Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts) to facilitate the Whitney Museum expansion, Borough of Manhattan, Community District 2.

Matter Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

**74-92**  
**Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

**74-921**  
**Use Groups 3A and 4A community facilities**

#### (a) Use modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet

from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

(~~a~~-1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

(~~b~~-2) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;

(~~c~~-3) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;

(~~d~~-4) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(~~e~~-5) for a Use Group 4A #use#, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and

(~~f~~-6) such facility will not impair the essential character of the surrounding area.

The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the #Special Tribeca Mixed Use District#.

#### (b) Bulk modifications for museums in M1-5 Districts

For a #building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

(1) provide a better distribution of #bulk# on the #zoning lot#;

(2) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding #developments#;

(3) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and

(4) result in a #development# that facilitates the public's use and enjoyment of the High Line.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

#### No. 7

**CD 2 C 080407 PCM**  
**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 555 West Street/820 Washington Street (Block 644, Lots 1 and 10) for use as a maintenance and operations facility for the High Line public open space.

#### No. 8

**CD 2 C 080408 PPM**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition to the New York City Economic Development Corporation of city-owned property, pursuant to zoning, located at Block 644 Lots 1 and 10, which includes the disposition of easements over portions of Block 644 Lots 1 and 10.

A list and description of the properties can be seen in the Manhattan Office of the Department of City Planning, 22 Reade Street, 6th Floor, New York, New York 10007.

#### No. 9

**CD 2 C 080409 ZSM**  
**IN THE MATTER OF** an application submitted by The Whitney Museum of American Art and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to:

- Section 74-921(a)\* of the Zoning Resolution to allow Use Group 3A (museum use) in an M1-5 District, and
- Section 74-921(b)\* of the Zoning Resolution to modify the requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) for a building containing a museum use in Use Group 3A, on a zoning lot over which the High Line (as defined in Section 98-01) passes;

in connection with the proposed development of a 6-story museum building on property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10)), in an M1-5 District.

\* Note: Section 74-921 of the Zoning Resolution is proposed to be changed under a related concurrent application N 080406 ZRM.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**YVETTE V. GRUEL, Calendar Officer**  
**City Planning Commission**  
**22 Reade Street, Room 2E**  
**New York, New York 10007**  
**Telephone (212) 720-3370**

j16-jy2

## COMPTROLLER

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held in the Municipal Building, One Centre Street, Room 650-conference room, on Friday, June 27, 2008 at 10:30 A.M. on the following item.

1) In the matter of a proposed negotiated acquisition contract extension between the Office of the Comptroller and Pacific Corporate Group LLC, 1200 Prospect Street, La Jolla, CA 92037 for the provision of private equity investment services to the Office of the Comptroller.

The term of the contract will commence July 1, 2008 and will end December 31, 2008. The estimated cost of the contract is \$2,400,000 which will be paid from the corpus of the city pension funds. PIN: 015-0588808 ZPN

The proposed contractor was selected pursuant to a competitive sealed proposal process in accordance with Section 3-03 of the PPB Rules.

A copy of the contract, or excerpts thereof, can be seen at the Office of the Comptroller, One Centre Street, Room 650, New York, New York 10007, Monday through Friday excluding holidays commencing on June 20 2008 through June 27, 2008 between 10:00 A.M. - Noon and 1:30 - 4:30 P.M.

j20

## COMMUNITY BOARDS

### PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, June 23, 2008, 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

A proposal from the NYC Department of Transportation to change the flow of traffic from a two-way operation to a one-way operation westbound on 38th Drive between 234 Street and Douglaston Parkway.

j19-23

## BOARD OF EDUCATION RETIREMENT SYSTEM

### MEETING

The next regular meeting of the Board of Education Retirement System (BERS) of the City of New York Trustees will meet on Monday, June 23, 2008. This meeting will be held at Martin Luther King, Jr. Campus High School, 122 Amsterdam Avenue (at West 65th Street), Room 213, New York, New York 10023.

The meeting will convene at 4:00 P.M. An agenda will be distributed at BERS Trustees prior to the meeting.

If you need more information, please contact Noro Healy at (718) 935-4529 or email: nhealy@bers.nyc.gov

j16-20

## EMPLOYEES' RETIREMENT SYSTEM

### INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, June 24, 2008 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

j17-23

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### PUBLIC HEARINGS

NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on

Monday, July 7, 2008 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, in the matter of a change of control of the parent company of KeySpan Communications Corp. ("Keyspan"), the current franchisee, from KeySpan Services, Inc. to Light Tower Fiber LLC. The FCRC approved a franchise agreement between the City of New York ("the City") and Keyspan on April 10, 2002 (Cal No. 2) pursuant to which Keyspan is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

A copy of the existing franchise agreement and an ownership organization chart reflecting the proposed change of control (proposed organizational chart) may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Friday, June 13, 2008 through Monday, July 7, 2008, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and Holidays. Hard copies of the franchise agreement and the proposed new organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreement and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC TV-Channel 74.

j12-jy7

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, June 24, 2008 at 9:30 P.M.**, at the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks, Landmark Sites and Historic District. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

LP-2286 275 MADISON AVENUE BUILDING, 275 Madison Avenue aka 273-277 Madison Avenue, 22-46 East 40th Street, Manhattan.  
*Landmark Site:* Borough of Manhattan Tax Map Block 869, Lot 54

LP-2304 NEW YORK PUBLIC LIBRARY, GEORGE BRUCE BRANCH, 518 West 125th Street aka 518-520 Dr. Martin Luther King, Jr. Boulevard; 518-520 West 125th Street, Manhattan.  
*Landmark Site:* Borough of Manhattan Tax Map Block 1980, Lot 22

LP-2305 NEW YORK PUBLIC LIBRARY, EAST 125TH STREET BRANCH, 224 East 125th Street aka 224-226 East 125th Street, Manhattan.  
*Landmark Site:* Borough of Manhattan Tax Map Block 1789, Lot 37

LP-2300 UNIVERSITY VILLAGE, 100 and 110 BLEECKER STREET (KNOWN AS SILVER TOWERS 1 & 2), and 505 LAGUARDIA PLACE  
*Landmark Site:* Borough of Manhattan Tax Map Block 524, Lot 66 in part and Lot 1

LP-2294 1 CHASE MANHATTAN PLAZA, 1 Chase Manhattan Plaza, aka 16-18 Liberty Street, 26-40 Nassau Street, 28-44 Pine Street; 55-77 William Street, Manhattan.  
*Landmark Site:* Borough of Manhattan Tax Map Block 44, Lot 1

LP-2292 HUBBARD HOUSE, 2138 McDonald Avenue, Brooklyn.  
*Landmark Site:* Borough of Brooklyn Tax Map Block 7087, Lot 30

LP-2301 DOUGLSTON HISTORIC DISTRICT EXTENSION, Queens.

#### **Boundary Description**

The proposed Douglaston Historic District Extension consists of the properties bounded by a line beginning at the northeast corner of 234th Street and 41st Avenue, extending easterly along the northern curblineline of 41st Avenue to a point on a line extending southerly from the eastern property line of 40-20 235th Street, northerly along said line and the eastern property line of 40-20 235th Street, easterly along the southern property line of 40-20 235th Street to the western curblineline of 235th Street, northerly along the western curblineline of 235th Street and the western curblineline of

Douglaston Parkway to a point on a line extending westerly from the northeast corner of Douglaston Parkway and Willow Drive, easterly along said line and easterly along the northern curblineline of Willow Drive to a point on a line extending southerly from the eastern property line of 236-25 Willow Drive, northerly along said line and northerly along the eastern property line of 236-25 Willow Drive, easterly along the southern property line of 236-25 Willow Drive, northerly along the eastern property lines of 236-25 Willow Drive and 236-32 Cherry Street (aka 236-32 39th Avenue), westerly along the northern property line of 236-32 Cherry Street (aka 236-32 39th Avenue), northerly along the eastern property line of 236-32 Cherry Street (aka 236-32 39th Avenue) to the northern curblineline of Cherry Street (aka 39th Avenue), westerly along the northern curblineline of Cherry Street to the western curblineline of Douglaston Parkway, northerly along the western curblineline of Douglaston Parkway to the southwest corner of Douglaston Parkway and West Drive, north-westerly along the southwestern curblineline of West Drive, westerly along the southern curblineline of Bay Avenue to a point on a line extending northerly from the western property line of 38-30 - 38-42 West Drive (aka 38-30 - 38-42 Douglaston Parkway), southerly along said line and southerly along the western property line of 38-30 - 38-42 West Drive (aka 38-30 - 38-42 Douglaston Parkway) to the northern curblineline of 38th Drive, easterly along the northern curblineline of 38th Drive to a point extending northerly from the western property line of 234-44 38th Drive (aka 38-60 Douglaston Parkway), southerly along said line and southerly along the western property line of 234-44 38th Drive (aka 38-60 Douglaston Parkway), westerly along the northern property line of 38-70 Douglaston Parkway, southerly along the western property line of 38-70 Douglaston Parkway, westerly along the northern property line of 38-80 Douglaston Parkway to the eastern curblineline of 234th Street, southerly along the eastern curblineline of 234th Street to a point extending westerly from the southern property line of 38-80 Douglaston Parkway, easterly along said line and easterly along the southern property line of 38-80 Douglaston Parkway, southerly along the western property line of 39-04 Douglaston Parkway, westerly along the northern property line of 39-12 Douglaston Parkway, southerly along the western property lines of 39-12 Douglaston Parkway and 39-18 Douglaston Parkway, westerly along the northern property line of 39-50 Douglaston Parkway (aka 39-28 - 39-32 Douglaston Parkway) to the eastern curblineline of 234th Street, and southerly along eastern curblineline of 234th Street, to the point of beginning.

LP-2308 F. W. DEVOE & COMPANY FACTORY BUILDING, 110-112 Horatio Street, Manhattan.  
*Landmark Site:* Borough of Manhattan Tax Map Block 642, Lot 12

LP-2310 CAPTAIN ABRAM and ANN DISSOSWAY COLE HOUSE, 4927 Arthur Kill Road, Staten Island  
*Landmark Site:* Borough of Staten Island Block 7632, Lot 6

j6-24

### ■ MEETING

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, June 24, 2008**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

j19-23

## OFFICE OF THE MAYOR

### ■ PUBLIC HEARINGS

#### NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Monday, June 30, 2008 at 4:30 P.M.:**

**Int. 511-A** - A Local Law to amend the administrative code of the city of New York, in relation to providing notice to the state concerning disciplinary proceedings against certain professionals.

**Int. 699-A** - A Local Law to amend the administrative code of the city of New York, in relation to the provision of an annual report on non-governmental funding of New York City parks.

**Int. 754-A** - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to post on its website the number of fatalities and accidents at construction sites.

**Int. 773** - A Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.

Michael R. Bloomberg  
Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than five business days prior to the public hearing. TDD users call Verizon relay service.

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## PARKS AND RECREATION

### ■ JOINT PUBLIC HEARING

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Parks and Recreation to be held on Monday, July 7, 2008 at 22 Reade Street, Borough of Manhattan, commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession the Outfitting, Operation and Management of an indoor ice skating rink, pro shop, skate rental and snack bar facility at Flushing Meadows-Corona Park in Queens, New York, for a license term of twenty (20) years, to World Ice Arena, LLC, whose address is 424 East 57th Street, Suite 6A, New York, NY 10065. Compensation to the City will be as follows: in each operating year of the license, licensee shall pay the City a license fee consisting of the minimum annual fee plus 5% of Gross Receipts derived from the operation of the Licensed Premises. The minimum annual fee for each operating year is as follows:

Year 1: \$200,000; Year 2: \$210,000; Year 3: \$220,500; Year 4: \$231,525; Year 5: \$243,101; Year 6: \$255,256; Year 7: \$268,019; Year 8: \$281,420; Year 9: \$295,491; Year 10: \$310,266; Year 11: \$325,779; Year 12: \$342,068; Year 13: \$359,171; Year 14: \$377,130; Year 15: \$395,986; Year 16: \$415,786; Year 17: \$436,575; Year 18: \$458,404; Year 19: \$481,324; Year 20: \$505,390.

LOCATION: A draft copy of the Agreement may be reviewed or obtained at no cost, commencing Wednesday, June 25, 2008 through Monday, July 7, 2008, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays at the NYC Department of Parks and Recreation, located at 830 Fifth Avenue, Room 313, New York, NY 10065.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115.

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## BOARD OF STANDARDS AND APPEALS

### ■ PUBLIC HEARINGS

**JULY 1, 2008, 10:00 A.M.**

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 1, 2008, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

#### SPECIAL ORDER CALENDAR

**853-53-BZ**  
APPLICANT - Walter T. Gorman, P.E., for Knapp LLC, Owner, Exxon Mobil Coperati, Lessee.  
SUBJECT - Application May 13, 2008 - Extension of Term/waiver to permit the continued operation of a gasoline service station (Mobil) which expired on October 23, 1999 and an Extension of Time to obtain a Certificate of Occupancy which expired on April 1, 1996 in R3-2/C2-2 zoning district.  
PREMISES AFFECTED - 2402/16 Knapp Street, South west corner of Avenue X. Block 7429, Lot 10, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

**713-55-BZ**  
APPLICANT - Walter T. Gorman, P.E., for Exxon Mobil Corporation, owner; Brendan Utopia Mobil, lessee.  
SUBJECT - Application May 23, 2008 - Extension of Time to obtain a Certificate of Occupancy/waiver for a gasoline service station (Mobil), in a C2-2/R3-2 zoning district, which expired on May 22, 2003.  
PREMISES AFFECTED - 181-05 Horace Harding Expressway, north side blockfront between Utopia Parkway and 182nd Street, Block 7065, Lot 8, Borough of Queens.  
**COMMUNITY BOARD #11Q**

**268-06-BZ**  
APPLICANT - Slater & Beckerman, LLP, for Mokom Sholom Cemetery Association, owner; Northrop Grumman Information Technology, Inc., lessee.  
SUBJECT - Application April 24, 2008 - Reopening for an Amendment to previously approved Special Permit (§73-30) to permit a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWIn").  
PREMISES AFFECTED - 80-35 Pitkin Avenue, 150' east of 80th Street, Lot 9141, Lot 20, Borough of Queens.  
**COMMUNITY BOARD #10Q**

#### APPEALS CALENDAR

**146-08-A**  
APPLICANT - Fire Department of the City of New York  
OWNER: 1620 LLC DBAPK International c/o Jacob Ullman Lessee: Plastic Kitchens Corp.  
SUBJECT - Application May 16, 2008 - Application seeking to modify Certificate of Occupancy No. 84836 to require additional fire protection in the form of an automatic wet sprinkler system for the entire building under the authority under Section 27-4265. C8-2 Zoning District.  
PREMISES AFFECTED - 1618-1620 Broadway, Hopkinson

Avenue, Block 144, Lot 4, Borough of Brooklyn.  
**COMMUNITY BOARD #16BK**

**JULY 1, 2008, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, July 1, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

**ZONING CALENDAR**

**35-08-BZ**

APPLICANT – Lewis E. Garfinkel, R.A., for Isaac Ades, owner.

SUBJECT – Application February 21, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, open space and lot coverage (34-141(b)); side yards (23-461) and rear yard (23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1856 East 24th Street, west side of 24th Street between Avenue R & Avenue S, Block 6829, Lot 29, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

**78-08-BZ**

APPLICANT – Flora Edwards, Esq., for SBCSICA, owner.

SUBJECT – Application April 3, 2008 – Variance (§72-21) to permit a new community facility building (South Bronx Charter School). The proposal is contrary to sections 123-62 (Maximum floor area ratio for community facilities), 24-11 (Maximum floor area ratio and percentage of lot coverage) and 123-662 (b)(4) (As it relates to street wall height for all buildings in Special Mixed-Use Districts with R6, R7, R8 and R10 district designations). MX-1 (M1-2/R6A).

PREMISES AFFECTED – 611-617 East 133rd Street, Block 2546, Lot 27, Borough of Bronx.

**COMMUNITY BOARD #1BX**

**144-08-BZ**

APPLICANT – Rizzo Group, for William Nelville & Sons USA LLC, owners; 24 Hour Fitness USA, Inc., lessee.

SUBJECT – Application May 14, 2008 – Special Permit (§73-36) to permit the proposed Physical Culture Establishment on portions of the first and cellar floors. The proposal is contrary to ZR Section 32-10. C5-2 district.

PREMISES AFFECTED – 225 5th Avenue, easterly side of 5th Avenue between 26th Street and 27th Street, Block 856, Lot 7502, Borough of Manhattan.

**COMMUNITY BOARD #5M**

*Jeff Mulligan, Executive Director*

**j18-20**

**TRANSPORTATION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 940 commencing at 2:00 p.m. on Wednesday, July 9, 2008. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

**#1** In the matter of a proposed revocable consent authorizing Joseph Moinian and Mahnaz Moinian to construct, maintain and use geothermal well, together with piping, in the north sidewalk of East 67th Street, east of Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- \$3,000/annum

For the period July 1, 2008 to June 30, 2010 - \$3,086

For the period July 1, 2010 to June 30, 2011 - \$3,172

For the period July 1, 2011 to June 30, 2012 - \$3,258

For the period July 1, 2012 to June 30, 2013 - \$3,344

For the period July 1, 2013 to June 30, 2014 - \$3,430

For the period July 1, 2014 to June 30, 2015 - \$3,516

For the period July 1, 2015 to June 30, 2016 - \$3,602

For the period July 1, 2016 to June 30, 2017 - \$3,688

For the period July 1, 2017 to June 30, 2018 - \$3,774

For the period July 1, 2018 to June 30, 2019 - \$3,860

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#2** In the matter of a proposed revocable consent authorizing Time Warner Center Condominium to maintain and use bollards on the sidewalks of the site bounded by West 60th Street, Broadway, Columbus Circle and West 58th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$28,125/per annum

the maintenance of a security deposit in the sum of \$60,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#3** In the matter of a proposed revocable consent authorizing Century 21 Department Stores, LLC to modify existing consent so as to construct, maintain and use additional conduit under and across 87th Street, east of Fourth Avenue, in the Borough of Brooklyn. The proposed modification of revocable consent is for a term of two years from the Date of Approval by the Mayor to June 30, 2011 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$4,440

For the period July 1, 2010 to June 30, 2011 - \$4,558

the maintenance of a security deposit in the sum of \$5,400, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#4** In the matter of a proposed revocable consent authorizing 43-02 Ditmars Boulevard Realty Corp. to maintain and use three (3) planted areas on the north sidewalk of 45th Street, south of Ditmars Boulevard, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Date of Approval to June 30, 2019 - \$2,755/annum

the maintenance of a security deposit in the sum of \$3,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing Goldman, Sachs & Co. to continue to maintain and use bollards on the east sidewalk of South William Street, north of Broad Street and on the north sidewalk of Broad Street, between Pearl and South William Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$7,875/per annum

the maintenance of a security deposit in the sum of \$20,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**j17-jy9**

**COURT NOTICE**

**SUPREME COURT**

■ NOTICE

**RICHMOND COUNTY  
IA PART 74  
NOTICE OF ACQUISITION  
INDEX NUMBER (CY) 4004/08**

In the Matter of the Application of the CITY OF NEW YORK relative to acquiring title in fee simple absolute to certain real property, where not heretofore acquired, for

**SOUTH BEACH BLUEBELT, PHASE 1**

Bounded by Vulcan Street on the west, Father Capodanno Boulevard on the south, Oceanside Avenue on the north, and Sand Lane on the east, located in the Borough of Staten Island, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Abraham G. Gerges, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on May 29, 2008, the application of the City of New York to acquire certain real property, for South Beach Bluebelt, Phase 1, was granted and the City was thereby authorized to file an acquisition map with the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on May 29, 2008. Title to the real property vested in the City of New York on May 29, 2008.

**PLEASE TAKE FURTHER NOTICE**, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1	3491	8
2	3491	15
3 & 3A	3491	19
4	3491	20
5	3491	41
6, 6A, 6B, 6C & 6D	3491	81
6E	N/A	N/A
7, 7A, 7B & 7C	3491	150
8 & 8A	3491	201
8B	N/A	N/A
9	3491	125

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before May 29, 2009 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim

shall include:

- the name and post office address of the condemnee;
- reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL §503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before May 29, 2010 (which is two (2) calendar years from the title vesting date).

Dated: June 9, 2008, New York, New York  
MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
100 Church Street  
New York, New York 10007  
Tel. (212) 788-0424

**j11-24**

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 08001-Y, 08001-Z AND 09001-A**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, July 9, 2008 (SALE NUMBER 09001-A). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: THE AUCTIONS SCHEDULED FOR WEDNESDAY, JUNE 11, 2008 (SALE NUMBER 08001-Y) AND WEDNESDAY, JUNE 25, 2008 (SALE NUMBER 08001-Z) HAVE BEEN CANCELLED.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Street).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at:

<http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

**j9-jy9**

■ SALE BY SEALED BID

**SALE OF: 20,000 LBS. OF UNCLEAR BRASS WATER METERS.**

S.P.#: 08018

DUE: July 1, 2008

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.  
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.  
For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

**j18-jy1**

**POLICE**

**OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.  
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

**INQUIRIES**

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

**FOR MOTOR VEHICLES**

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

**FOR ALL OTHER PROPERTY**

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

**■ AUCTION****PUBLIC AUCTION SALE NUMBER 1135**

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is June 30, 2008 from 10:00 A.M. - 2:00 P.M. Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on July 1, 2008 at approximately 9:00 A.M. Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Unit information line (646) 610-4614.

j18-jy1



# New Today...

first time procurement ads appearing today!

*The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this effort, the City is pleased to announce the following contracting opportunities for construction/construction services and construction-related services.*

**CHIEF MEDICAL EXAMINER****AGENCY CHIEF CONTRACTING OFFICER****■ INTENT TO AWARD**

*Services (Other Than Human Services)*

**DATABASE PROGRAM DEVELOPMENT/ ENHANCEMENT/MAINTENANCE** – Sole Source – Available only from a single source - PIN# 81609ME0020 – DUE 06-27-08 AT 3:00 P.M. – The Office of Chief Medical Examiner (OCME) intends to enter into a sole source contract with Sapphire International, Inc., 3060 Main St., Stratford, CT 06614, to provide development, enhancement and maintenance services for critical OCME applications developed in DATAEASE (Contractor's proprietary software), which was designed to enhance OCME applications, including the Fatality Tracking System, OCME Personnel Scheduling System, and the MEANS system.

Any other vendor who is capable of providing these services to the NYC Office of Chief Medical Examiner may express their interest in doing so by writing to Luis A. Rodriguez, NYC OCME, 421 E. 26th St., 10th Fl., NY, NY 10016, or e-mail lrodriguez@ocme.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Office of Chief Medical Examiner, 421 E. 26th St., 10th Fl., NY, NY 10016. Luis A. Rodriguez (212) 323-1733, lrodriguez@ocme.nyc.gov*

j20-26

**CITYWIDE ADMINISTRATIVE SERVICES****DIVISION OF MUNICIPAL SUPPLY SERVICES****■ SOLICITATIONS**

*Goods*

**HYDRANT LOCKING DEVICE, (CUSTODIAN), BRAND SPECIFIC** – Competitive Sealed Bids – PIN# 8570800529 – DUE 07-15-08 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Citywide Administrative Services, Office of Vendor Relations, 1 Centre Street, Room 1800, New York, NY 10007. Jeanette Megna (212) 669-8610.*

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**■ AWARDS**

*Goods*

**NETWORKING HARDWARE/SOFTWARE - DCAS** – Intergovernmental Purchase – PIN# 857801467 – AMT: \$455,664.24 – TO: IP Logic, Inc., 17 British American Boulevard, Latham, NY 12110. NYS Contract #PT 59009; PS 59010. Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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**COLD CEREAL FOR DOC COMMISSARY** – Competitive Sealed Bids – PIN# 857801053 – AMT: \$127,320.00 – TO: Cookies and More, Inc., 145 Price Parkway, Farmingdale, NY 11735.

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**COMPTROLLER****BUREAU OF ASSET MANAGEMENT****■ SOLICITATIONS**

*Services (Other Than Human Services)*

**PRIVATE EQUITY INVESTMENT CONSULTANT** – Negotiated Acquisition – PIN# 015-0588808ZPN –

DUE 06-23-08 AT 4:00 P.M. – This is a negotiated acquisition extension contract with the Pacific Corporate Group, LLC to continue to provide private equity consulting services to the Office of the Comptroller and the Systems except the New York City Board of Education Retirement System (BERS).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Comptroller's Office, 1 Centre Street, Room 650, New York, NY 10007. Evelyn Dresler (212) 669-8235, bamcontracts@comptroller.nyc.gov*

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**DESIGN & CONSTRUCTION****CONTRACT SECTION****■ SOLICITATIONS**

*Construction / Construction Services*

**TAKING OF LAND BORINGS, MANHATTAN, THE BRONX, AND STATEN ISLAND** – Competitive Sealed Bids – PIN# 8502008PW0011C – DUE 07-22-08 AT 2:00 P.M. – Project No: BC-10TT. Contract documents will not be sold after Friday, July 11, 2008. There will be a mandatory pre-bid conference on Monday, July 14, 2008 at 10:00 A.M. at the Department of Design and Construction located at 30-30 Thomson Avenue, 1st Floor, Bid Room, Long Island City, NY 11101. Special experience requirements: Geotechnical Services. Vendor Source ID#: 52953.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid document deposit - \$35.00 per st. Company check or money order only. No cash accepted. Late bids will not be accepted.  
*Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.*

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**ECONOMIC DEVELOPMENT CORPORATION****CONTRACTS****■ SOLICITATIONS**

*Goods & Services*

**ON-CALL URBAN DESIGN AND PLANNING SERVICES** – Request for Proposals – PIN# 2184-4 – DUE 07-16-08 AT 4:00 P.M. – This project has Minority and Women Owned Business Enterprise ("M/WBE") participation goals and all respondents will be required to submit an M/WBE Utilization Plan with their response. To learn more about NYCEDC's M/WBE program visit [www.nycedc.com/mwbeprogram](http://www.nycedc.com/mwbeprogram). For the list of companies who have been certified with the New York City Department of Small Business Services as M/WBE, please go to the [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified).

An optional pre-proposal, information session will be held on Monday, June 30, 2008 at 1:00 P.M. at NYCEDC. Those who wish to attend should RSVP by email to [OnCallUrbanDesign@nycedc.com](mailto:OnCallUrbanDesign@nycedc.com) on or before Thursday, June 26, 2008.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 4:00 P.M. on Tuesday, July 1, 2008. Questions regarding the subject matter of this RFP should be directed to [OnCallUrbanDesign@nycedc.com](mailto:OnCallUrbanDesign@nycedc.com). For all questions that do not pertain to the subject matter of this RFP, please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Wednesday, July 9, 2008 to [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

Detailed submission guidelines and requirements are outlined in RFP, available as of Friday, June 20, 2008. The RFP is available for in-person pick-up between 9:30 A.M. and 4:30

P.M., Monday through Friday, from NYCEDC, 110 William Street, 6th Floor, New York, NY (between Fulton and John Streets). To download a copy of the solicitation documents please visit [www.nycedc.com/RFP](http://www.nycedc.com/RFP). Responses are due no later than 4:00 P.M. on Wednesday, July 16, 2008. Please submit five (5) sets of your proposal.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Economic Development Corp., 110 William Street, 6th Floor New York, NY 10038. Maryann Catalano (212) 312-3969 [OnCallUrbanDesign@nycedc.com](mailto:OnCallUrbanDesign@nycedc.com)*

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**EMPLOYEES' RETIREMENT SYSTEM****■ AWARDS**

*Goods & Services*

**ANNUAL MAINTENANCE FOR MS LICENSING** – Cooperative Purchasing – PIN# 00906162008 – AMT: \$381,175.44 – TO: HP Company, P.O. Box 277205, Atlanta GA, 30384-7205. Software License Renewal PT61408.

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**HEALTH AND HOSPITALS CORPORATION****■ SOLICITATIONS**

*Construction / Construction Services*

**GENERAL CONSTRUCTION WORK: \$900K TO 1.0M** – CSB – PIN# 29200805 – DUE 07-28-08 AT 1:30 P.M.  
● **ELECTRICAL WORK: \$826K - \$1.009M** – CSB – PIN# 29200805 – DUE 07-28-08 AT 1:30 P.M.

Kings County Hospital, Building "A", Ground and First Floors, Behavioral Health Administration, Brooklyn, New York. Bid document fee \$50.00 per set (check or money order), non-refundable.

Mandatory pre-bid meetings/site tours are scheduled for Thursday, July 3, 2008 and Wednesday, July 9, 2008 at 10:00 A.M. on both days, Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY, at "E" Building, between 38th and 39th Streets, 2nd Floor Conference Room.

Technical questions must be submitted in writing, by mail or fax, no later than close of business days, Tuesday, July 15, 2008 to Emmanuel O. Obadina, fax (212) 442-3680. For bid results, please call after 4:00 P.M. at (212) 442-3771.

Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to these contracts MBE 22% and WBE 8%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Health and Hospitals Corporation, 346 Broadway, 12th Floor West, New York, N.Y. 10013.*

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**HOUSING AUTHORITY****■ SOLICITATIONS**

*Goods & Services*

**MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021411 – DUE 07-15-08 AT 10:00 A.M. – At Sumner, 303 Vernon Avenue and Bedford-Stuyvesant.  
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021412 – DUE 07-15-08 AT 10:05 A.M. – At Cooper Park Houses.  
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021413 – DUE 07-15-08 AT 10:10 A.M. – At Murphy Houses and 1010 East 178th Street.  
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021414 – DUE 07-15-08 AT 10:15 A.M. – At Lehman Village.  
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021415 – DUE 07-15-08 AT 10:20 A.M. – At Sedgwick Houses and West Tremont Avenue, Sedgwick Avenue Area.  
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021416 – DUE 07-15-08 AT 10:25 A.M. – At Redfern Houses.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021417 – DUE 07-15-08 AT 10:30 A.M. - At South Jamaica I and South Jamaica II. There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 4th Floor, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

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**VINYL COMPOSITION FLOOR TILE IN APARTMENTS** – Competitive Sealed Bids – PIN# 7021562 – DUE 07-15-08 AT 10:45 A.M. – At Hammel Houses and Carleton Manor.

● **VINYL COMPOSITION FLOOR TILE IN APARTMENTS** – Competitive Sealed Bids – PIN# 7021561 – DUE 07-15-08 AT 10:40 A.M. - At South Jamaica I and South Jamaica II.

Removal and Installation. There is a non-refundable fee of \$25.00 payable by certified check or postal money order for

each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

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## PARKS AND RECREATION

### CONTRACT ADMINISTRATION

#### AWARDS

Construction / Construction Services

**RECONSTRUCTION OF THE BALLFIELD AT DEAN PLAYGROUND** – Competitive Sealed Bids – PIN# 8462007B232C01 – AMT: \$1,166,329.00 – TO: Advance Builders, Inc., 259 Newkirk Ave., Brooklyn, NY 11230., Bounded by Dean and Bergen Streets, between Sixth and Carlton Avenues, Brooklyn, known as Contract #B232-106M.

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## PROCUREMENT

*The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this effort, the City is pleased to announce the following contracting opportunities for construction/construction services and construction-related services.*

### CHIEF MEDICAL EXAMINER

#### AGENCY CHIEF CONTRACTING OFFICER

##### INTENT TO AWARD

Services (Other Than Human Services)

**MAINTENANCE AND SUPPORT SERVICES FOR GENE CODES SOFTWARE** – Sole Source – Available only from a single source - PIN# 81609ME0009 – DUE 07-02-08 AT 3:00 P.M. – The Office of Chief Medical Examiner (OCME) intends to enter into a sole source contract with Gene Codes Forensics, Inc., 775 Technology Drive, Ann Arbor, MI 48108 for the maintenance and support services for Gene Codes Software.

Any other vendor who is capable of providing this service to the NYC Office of Chief Medical Examiner may express their interest in doing so by writing to Luis A. Rodriguez, Office of Chief Medical Examiner, 421 E. 26th Street, 10th Floor, NY, NY 10016.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Office of Chief Medical Examiner, 520 First Avenue New York, NY 10016. Luis A. Rodriguez (212) 323-1733 lrodriguez@ocme.nyc.gov

j17-23

#### DATABASE PROGRAM DEVELOPMENT/ ENHANCEMENT/MAINTENANCE

– Sole Source – Available only from a single source - PIN# 81609ME0020 – DUE 06-27-08 AT 3:00 P.M. – The Office of Chief Medical Examiner (OCME) intends to enter into a sole source contract with Sapphire International, Inc., 3060 Main St., Stratford, CT 06614, to provide development, enhancement and maintenance services for critical OCME applications developed in DATAEASE (Contractor's proprietary software), which was designed to enhance OCME applications, including the Fatality Tracking System, OCME Personnel Scheduling System, and the MEANS system.

Any other vendor who is capable of providing these services to the NYC Office of Chief Medical Examiner may express their interest in doing so by writing to Luis A. Rodriguez, NYC OCME, 421 E. 26th St., 10th Fl., NY, NY 10016, or e-mail lrodriguez@ocme.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Office of Chief Medical Examiner, 421 E. 26th St., 10th Fl., NY, NY 10016. Luis A. Rodriguez (212) 323-1733, lrodriguez@ocme.nyc.gov

j20-26

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### SOLICITATIONS

Goods

**HYDRANT LOCKING DEVICE, (CUSTODIAN), BRAND SPECIFIC** – Competitive Sealed Bids – PIN# 8570800529 – DUE 07-15-08 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints;

other information; and for opening and reading of bids at date and time specified above.

Department of Citywide Administrative Services Office of Vendor Relations, 1 Centre Street, Room 1800 New York, NY 10007. Jeanette Megna (212) 669-8610.

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#### AWARDS

Goods

**NETWORKING HARDWARE/SOFTWARE - DCAS** – Intergovernmental Purchase – PIN# 857801467 – AMT: \$455,664.24 – TO: IP Logic, Inc., 17 British American Boulevard, Latham, NY 12110.NYS Contract #PT 59009; PS 59010.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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**COLD CEREAL FOR DOC COMMISSARY** – Competitive Sealed Bids – PIN# 857801053 – AMT: \$127,320.00 – TO: Cookies and More, Inc., 145 Price Parkway, Farmingdale, NY 11735.

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#### VENDOR LISTS

Goods

**ACCEPTABLE BRAND LIST** – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

j4-jy17

#### EQUIPMENT FOR DEPARTMENT OF SANITATION

– In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8562.

j4-jy17

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8562.

j4-jy17

### REVENUE AND CONCESSIONS

#### SOLICITATIONS

Services (Other Than Human Services)

**OPERATION OF CONCESSIONS FOR THE SALE OF CHRISTMAS TREES AND RELATED PRODUCTS** – Competitive Sealed Bids – PIN# TR2008 – DUE 07-21-08 AT 3:00 P.M. – At various locations throughout the five boroughs of New York City. Hard copies of the RFB can be obtained at no cost. The RFB is also available for download on Parks' website. To download the RFB, visit [http://www.nyc.gov\\_parks.org/subopportunities/business\\_ops/index.php?view\\_page=equal\\_to\\_contract\\_listing\\_and\\_after\\_logging\\_in\\_click\\_on\\_the\\_download\\_link\\_that\\_appears\\_adjacent\\_to\\_the\\_rfb\\_s\\_description](http://www.nyc.gov_parks.org/subopportunities/business_ops/index.php?view_page=equal_to_contract_listing_and_after_logging_in_click_on_the_download_link_that_appears_adjacent_to_the_rfb_s_description).

Telecommunication Device for the Deaf (TDD) 212-504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal-Central Park, Division of Revenue, 830 Fifth Avenue, Room 407, New York, NY 10065. Joel Metlen, Senior Project Manager, (212) 360-1397, joel.metlen@parks.nyc.gov

j20-jy3

### COMPTROLLER

#### BUREAU OF ASSET MANAGEMENT

##### SOLICITATIONS

Services (Other Than Human Services)

**PRIVATE EQUITY INVESTMENT CONSULTANT** – Negotiated Acquisition – PIN# 015-0588808ZPN – DUE 06-23-08 AT 4:00 P.M. – This is a negotiated acquisition extension contract with the Pacific Corporate Group, LLC to continue to provide private equity consulting services to the Office of the Comptroller and the Systems except the New York City Board of Education Retirement System (BERS).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Comptroller's Office, 1 Centre Street, Room 650, New York, NY 10007. Evelyn Dresler (212) 669-8235, bamcontracts@comptroller.nyc.gov

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### DESIGN & CONSTRUCTION

#### CONTRACT SECTION

##### SOLICITATIONS

Construction / Construction Services

**TAKING OF LAND BORINGS, MANHATTAN, THE BRONX, AND STATEN ISLAND** – Competitive Sealed Bids – PIN# 8502008PW0011C – DUE 07-22-08 AT 2:00 P.M. – Project No: BC-10TT.

Contract documents will not be sold after Friday, July 11, 2008. There will be a mandatory pre-bid conference on Monday, July 14, 2008 at 10:00 A.M. at the Department of Design and Construction located at 30-30 Thomson Avenue, 1st Floor, Bid Room, Long Island City, NY 11101. Special experience requirements: Geotechnical Services. Vendor Source ID#: 52953.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid document deposit - \$35.00 per st. Company check or money order only. No cash accepted. Late bids will not be accepted.

Department of Design and Construction 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

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### ECONOMIC DEVELOPMENT CORPORATION

#### CONTRACTS

##### SOLICITATIONS

Goods & Services

**ON-CALL URBAN DESIGN AND PLANNING SERVICES** – Request for Proposals – PIN# 2184-4 – DUE 07-16-08 AT 4:00 P.M. – This project has Minority and Women Owned Business Enterprise ("M/WBE") participation goals and all respondents will be required to submit an M/WBE Utilization Plan with their response. To learn more about NYCEDC's M/WBE program visit [www.nycedc.com/mwbeprogram](http://www.nycedc.com/mwbeprogram). For the list of companies who have been certified with the New York City Department of Small Business Services as M/WBE, please go to the [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified).

An optional pre-proposal, information session will be held on Monday, June 30, 2008 at 1:00 P.M. at NYCEDC. Those who wish to attend should RSVP by email to [OnCallUrbanDesign@nycedc.com](mailto:OnCallUrbanDesign@nycedc.com) on or before Thursday, June 26, 2008.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 4:00 P.M. on Tuesday, July 1, 2008. Questions regarding the subject matter of this RFP should be directed to [OnCallUrbanDesign@nycedc.com](mailto:OnCallUrbanDesign@nycedc.com). For all questions that do not pertain to the subject matter of this RFP, please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Wednesday, July 9, 2008 to [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

Detailed submission guidelines and requirements are outlined in RFP, available as of Friday, June 20, 2008. The RFP is

available for in-person pick-up between 9:30 A.M. and 4:30 P.M., Monday through Friday, from NYCEDC, 110 William Street, 6th Floor, New York, NY (between Fulton and John Streets). To download a copy of the solicitation documents please visit [www.nycedc.com/RFP](http://www.nycedc.com/RFP). Responses are due no later than 4:00 P.M. on Wednesday, July 16, 2008. Please submit five (5) sets of your proposal.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969, OnCallUrbanDesign@nycedc.com*

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## EMPLOYEES' RETIREMENT SYSTEM

### AWARDS

*Goods & Services*

**ANNUAL MAINTENANCE FOR MS LICENSING** – Cooperative Purchasing – PIN# 00906162008 – AMT: \$381,175.44 – TO: HP Company, P.O. Box 277205, Atlanta GA, 30384-7205. Software License Renewal PT61408.

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## HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

### SOLICITATIONS

*Construction / Construction Services*

**GENERAL CONSTRUCTION WORK: \$900K TO 1.0M** – CSB – PIN# 29200805 – DUE 07-28-08 AT 1:30 P.M.  
**ELECTRICAL WORK: \$826K - \$1.09M** – CSB – PIN# 29200805 – DUE 07-28-08 AT 1:30 P.M.

Kings County Hospital, Building "A", Ground and First Floors, Behavioral Health Administration, Brooklyn, New York. Bid document fee \$50.00 per set (check or money order), non-refundable.

Mandatory pre-bid meetings/site tours are scheduled for Thursday, July 3, 2008 and Wednesday, July 9, 2008 at 10:00 A.M. on both days, Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY, at "E" Building, between 38th and 39th Streets, 2nd Floor Conference Room.

Technical questions must be submitted in writing, by mail or fax, no later than close of business days, Tuesday, July 15, 2008 to Emmanuel O. Obadina, fax (212) 442-3680. For bid results, please call after 4:00 P.M. at (212) 442-3771.

Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to these contracts MBE 22% and WBE 8%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

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*Health and Hospitals Corporation, 346 Broadway, 12th Floor West, New York, N.Y. 10013.*

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## HEALTH AND MENTAL HYGIENE

### AGENCY CHIEF CONTRACTING OFFICER

#### SOLICITATIONS

*Human / Client Service*

**NEW YORK/NEW YORK III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 81608PO0763 – DUE 02-13-09 AT 3:00 P.M. – The New York City Department of Health and Mental Hygiene (DOHMH) is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York/New York III Supportive Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. Beginning on February 16, 2007, RFPs may be picked up in person at the address below, between the hours of 10:00 A.M. and 4:00 P.M. on business days only. The RFP is also on line at: <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml> A pre-proposal conference will be held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, NY. Any questions regarding this RFP must be sent in writing in advance to Karen Mankin at the above address or fax to (212) 219-5890. All questions submitted will be answered at the Pre-Proposal conference. All proposals must be hand delivered at the Agency Chief Contracting Officer, Room 812, New York, NY 10013.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organizations, and (2) for the young adult populations, the proposer must document site

control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Health and Mental Hygiene, 93 Worth Street, Room 812 New York, NY 10013. Karen Mankin (212) 219-5873, kmankin@health.nyc.gov*

f16-jy30

## HOMELESS SERVICES

### OFFICE OF CONTRACTS AND PROCUREMENT

#### SOLICITATIONS

*Human / Client Service*

**SAFE HAVEN OPEN-ENDED RFP** – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 071-08S-04-1164 – DUE 08-27-10 – The Department of Homeless Services has issued an Open Ended Request for Proposals (PIN 071-08S-04-1164) as of August 27, 2007 seeking appropriately qualified vendors to develop and operate a stand-alone Safe Haven for chronic street homeless single adults and/or adult couples without minor children.

There is no due date for proposals under this RFP. Proposals will be reviewed by the Department as they are received and contracts will be awarded on an on-going basis until the Department's needs are met.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Suellen Schulman (212) 361-8400, sschulma@dhs.nyc.gov*

a27-f12

### CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS

Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 071-00S-003-262Z – DUE 01-02-09 AT 2:00 P.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Request for proposals is also available on-line at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzoita@dhs.nyc.gov*

f29-d31

## HOUSING AUTHORITY

### SOLICITATIONS

*Goods & Services*

**MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021411 – DUE 07-15-08 AT 10:00 A.M. – At Sumner, 303 Vernon Avenue and Bedford-Stuyvesant.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021412 – DUE 07-15-08 AT 10:05 A.M. – At Cooper Park Houses.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021413 – DUE 07-15-08 AT 10:10 A.M. – At Murphy Houses and 1010 East 178th Street.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021414 – DUE 07-15-08 AT 10:15 A.M. – At Lehman Village.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021415 – DUE 07-15-08 AT 10:20 A.M. – At Sedgwick Houses and West Tremont Avenue, Sedgwick Avenue Area.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021416 – DUE 07-15-08 AT 10:25 A.M. – At Redfern Houses.

● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 7021417 – DUE 07-15-08 AT 10:30 A.M. – At South Jamaica I and South Jamaica II.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

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*Housing Authority, 23-02 49th Avenue, 4th Floor Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.*

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### VINYL COMPOSITION FLOOR TILE IN APARTMENTS

Competitive Sealed Bids – PIN# 7021562 – DUE 07-15-08 AT 10:45 A.M. – At Hammel Houses and Carleton Manor.

● **VINYL COMPOSITION FLOOR TILE IN APARTMENTS** – Competitive Sealed Bids – PIN# 7021561 – DUE 07-15-08 AT 10:40 A.M. – At South Jamaica I and South Jamaica II.

Removal and Installation. There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.*

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## HOUSING PRESERVATION & DEVELOPMENT

### DIVISION OF MAINTENANCE

#### VENDOR LISTS

*Construction / Construction Services*

**PREQUALIFICATION** – Pre-Qualification Application and information for inclusion on a pre-qualified bidders list may be obtained: in person, Monday through Friday, between the hours of 10:00 A.M. - 12:00 noon and 2:00 P.M. - 4:00 P.M., by writing to HPD, Division of Maintenance, Contractor Compliance Unit, 100 Gold Street, Room 6J, New York, NY 10038, or by visiting HPD's website at [www.nyc.gov/hpd](http://www.nyc.gov/hpd)

Pre-Qualified Bidders List: The Contractor Compliance Unit in the Division of Maintenance requests applications from contractors who are qualified to perform Emergency and Non-emergency repairs, maintenance and construction related work in Residential and Commercial Buildings in all Boroughs.

The Pre-Qualified Bidders List will be used to solicit invitations to bid on a high volume of maintenance, repair and construction related Open Market Orders (OMOs) and Purchase Orders (POs) valued up to \$100,000, except for demolition work. As part of the approval process, vendors will be provided with the opportunity to participate in a 24-hour panel, which is a sub-set of the pre-qualified bidders list. Contractors with positive integrity, financial capabilities and knowledge and experience, are encouraged to apply for inclusion on lists for the following trades:

ASBESTOS ANALYSIS AND ABATEMENT  
 Analysis - Third Party Monitoring - Abatement

#### BOILER REPAIRS

Boiler Rental - Boiler Installation - HVAC, including Duct Work - Emergency Gas Restoration - Emergency Gas and Oil Heat/Hot Water Restoration

#### DEMOLITION

Demolition of entire buildings and/or land clearing of development sites - Bracing and Shoring

#### ELECTRICAL REPAIRS

Repairs/Removal of Electrical Violations - Fire Alarm Systems

#### ELEVATOR REPAIR AND MAINTENANCE

#### GENERAL CONSTRUCTION

Concrete - Masonry - Carpentry - Roofs - Sidewalk Bridges (Steel Pole, Permanent and Rental) - Windows and Window Guards - Fencing - Scrape, Plaster and Paint

#### INTERCOM SYSTEMS

#### IRON WORK

Fire Escape Repair/Replacement - Stairwell Repair/Replacement

LEAD BASED PAINT ANALYSIS AND ABATEMENT  
 Abatement - Analysis (Dust Wipe/Paint Chip/Soil) - XRF Testing

#### MOLD AND MILDEW ABATEMENT

MOVING, RELOCATION AND FURNITURE STORAGE SERVICES

OIL SPILL REMOVAL AND CLEAN UP  
 Testing - Remediation and Clean Up

#### PEST CONTROL SERVICES

#### PLUMBING REPAIRS

Plumbing Repairs - Water Mains - Sewer Mains - Water Towers - Sprinkler Systems - Septic Systems - Sewer Stoppage

#### RUBBISH AND TRADE WASTE

Clean Outs - Roll-Off Containers

#### SOIL AND WATER QUALITY TESTING

Industrial Hygienist Services - Chemical Analysis for Organics and Heavy Metals

All Contractors performing Lead Abatement and XRF Testing, must be EPA Certified. Contractors involved in all other trades must take EPA Approved, One-day "Lead Safe Practices" and "Train the Trainer" Courses.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Preservation and Development, 100 Gold Street, Room 6J, New York, NY 10038. Rick Brown (212) 863-7815, brownr@hpd.nyc.gov*

j11-jy9

## HUMAN RESOURCES ADMINISTRATION

### AWARDS

*Human / Client Service*

**CITYWIDE HOME ATTENDANT SERVICES** – Negotiated Acquisition/Pre-Qualified List – PIN# 06909H068000 – The Human Resources Administration (HRA) plans to enter into negotiations with the fifty-six (56) organization listed below

that currently provide citywide Home Attendant Services to Medicaid Eligible Individuals. It is anticipated that the contract term will be from July 1, 2008 to June 30, 2009.

1. All Metro AIDS, Inc. d/b/a All Metro HealthCare, 50 Broadway, Lynbrook, NY 11563. Pin # 06909H068001. Contract amount: \$1,712,281
2. Association For Services For the Aged, 36-36 33rd Street, Long Island City, NY 11106. Pin # 06909H068002. Contract amount: \$4,360,758
3. Barele, Inc. D/B/A OMEGA Home Health Services, 44 Court Street, Suite 700, Brooklyn, NY 11201. Pin # 06909H068003. Contract amount: \$2,330,533
4. Best Care, Inc. (All City Care), 3000 Hempstead Turnpike, Levittown, NY 11756. Pin # 06909H068004. Contract amount: \$1,763,159
5. Beth Emeth Home Attendant Services, Inc., 1080 McDonald Ave., Brooklyn, NY 11230. Pin # 06909H068005. Contract amount: \$4,063,084
6. BHRAGS Home Care, Inc. 444 Thomas Boyland Avenue, Brooklyn, NY 11212. Pin # 06909H068006. Contract amount: \$2,943,323
7. Bushwick Stuyvesant Heights Home Attendant Inc., 1004 Gates Avenue, Brooklyn, NY 11221. Pin # 06909H068007. Contract amount: \$1,886,064
8. CABS Home Attendant Service, 545 Broadway, Brooklyn, NY 11206. Pin # 06909H068009. Contract amount: \$4,864,299
9. CABS Home Attendant Service 545 Broadway, Brooklyn, NY 11206. Pin # 06909H068010. Contract amount: \$2,325,658
10. Chinese American Planning Council Home Attendant Program, 40 Worth Street, Suite 1301-1304, New York, NY 10013. Pin # 06909H068011. Contract amount: \$ 2,702,271
11. Personal Touch Home Care, Inc., 222-15 Northern Boulevard, Bayside, NY 11361. Pin # 06909H0680036. Contract amount: \$2,903,563
12. Premier Home Health Care Services, Inc., D/B/A First Aide Home Care, 360 Hamilton Ave., White Plains, NY 10601. Pin # 06909H068038. Contract amount: \$1,801,012
13. Prestige Home Attendant, Inc. D/B/A All Season Home Attendant, 377 Broadway, 2nd Fl., (Front) New York, NY 10013. Pin # 06909H068039. Contract amount: \$2,116,500
14. Progressive Home Health Services, 132 West 31 Street, 7th Fl., New York, NY 10001. Pin # 06909H068041. Contract amount: \$2,237,672
15. Project O.H.R., Inc. (Office of HC Referral), 80 Maiden Lane, 10th Fl., New York, NY 10038. Pin # 06909H068042. Contract amount: \$7,354,006
16. Ridgewood Bushwick Senior Citizens Council, 533 Bushwick Avenue, Brooklyn, NY 11206. Pin # 06909H068043. Contract amount: \$4,016,470
17. School Settlement Home Attendant Service Corp. 357 Manhattan Avenue, Brooklyn, NY 11211. Pin # 06909H068046. Contract amount: \$3,619,934
18. St. Nicholas Human Support Corp., 11-29 Catherine Street, Brooklyn, NY 11211. Pin # 06909H068050. Contract amount: \$3,945,595
19. Services For the Underserved Home Attendant Program, Inc., 305 Seventh Avenue, New York, NY 10001. Pin # 06909H068048. Contract amount: \$2,779,049
20. VIP Health Care Services, 116-12 Myrtle Avenue, Richmond Hill, NY 11418. Pin # 06909H068056. Contract amount: \$1,343,610
21. C.I.D.N.Y. Independent Living Services Inc., 841 Broadway, New York, NY 10003. Pin # 06909H068008. Contract amount: \$1,573,378
22. The Caring Neighbor Inc., 331 East 70th Street, New York, NY 10021. Pin # 06909H068053. Contract amount: \$2,217,524
23. Chinese American Planning Council Home Attendant Program, Inc., 40 Worth Street, Suite 1301-1304, New York, NY 10013. Pin # 06909H068012. Contract amount: \$6,683,117
24. Council for Human Services Home Care Services, Corp., 2253 Third Avenue, 4th Fl., New York, NY 10035. Pin # 06909H068014. Contract amount: \$1,982,592
25. F.E.G.S. Home Attendant Services, Inc., 240 East 123rd Street, New York, NY 10035. Pin # 06909H068015. Contract amount: \$2,584,021
26. First Chinese Presbyterian Community Affairs Home Attendant Corp., 121 Avenue Of the Americas, New York, NY 10013. Pin # 06909H068018. Contract amount: \$6,301,193
27. Home Health Management Services, 853 Broadway, Suite 200, New York, NY 10003. Pin # 06909H068022. Contract amount: \$5,195,677
28. Institute Home Care Services, Inc., 23 Nagle Avenue, New York, NY 10040. Pin # 06909H068026. Contract amount: \$2,969,281
29. Mobilization For Youth Health Services, Inc., 199 Avenue B, New York, NY 10009. Pin # 06906H068056. Contract amount: \$2,111,274.
30. New York Foundation For Senior Citizen Home Attendant Service, Inc., 11 Park Place, Suite 1416, New York, NY 10007. Pin # 06909H068030. Contract amount: \$3,451,571
31. Community Home Care Referral D/B/A Helping Hands Attendant Services, 3920 13th Avenue, Brooklyn, NY 11218. Pin # 06909H068013. Contract amount: \$ 2,626,915
32. Family Home Care Services of Brooklyn and Queens, Inc., 241 37th Street, Brooklyn, NY 11232 Pin # 06909H068016. Contract amount: \$6,516, 544
33. Home Services System, Inc., 32-75 Steinway Street, Astoria, NY 11103. Pin # 06909H068023. Contract amount: \$2,849,808
34. Home Attendant Services of Hyde Park, 1273 53rd Street, Brooklyn, NY 11219. Pin # 06909H068019. Contract amount: \$ 3,964,779
35. Home Attendant Vendor Agency, 3036B Nostrand Avenue, Brooklyn, NY 11229. Pin # 06909H068020. Contract amount \$5,368,361
36. Home Care Services For Independent Living, 2044 Ocean Avenue, Suite 4-B, Brooklyn, NY 11230. Pin # 06909H068021. Contract amount: \$ 5,721,438
37. Human Development Association, Inc., 12 Heyward Street, Brooklyn, NY 11211. Pin # 06909H068025. Contract amount: \$6,369,956
38. N Y Health Care, Inc., 1850 McDonald Avenue, Brooklyn, NY 11223. Pin # 06909H068029 Contract amount: \$2,760,923
39. P.S.C. Community Services, Inc., 176 Java Street, Brooklyn, NY 11222. Pin # 06909H068032. Contract amount: \$3,385,715
40. People Care, Inc. D/B/A Assisted Care, 116 West 32nd Street, 15th FL., New York, NY 10001. Pin # 06909H068035. Contract amount: \$1,458,523
41. North General Home Attendant Corporation. 205 East 122nd Street, New York, NY 10035. Pin # 06909H068031. Contract amount: \$2,639,118
42. People Care Inc. D/B/A Assisted Care, 116 West 32nd Street, 15th Floor. New York, NY 10001. Pin # 06909H068033. Contract amount: \$1,128,822
43. United Jewish Council of East Side Home Attendant Services, 500a Grand Street, New York, NY 10002. Pin # 06909H068054. Contract amount: \$4,427,577
44. Family Home Care Services Of Brooklyn and Queens Inc., 241 37th Street, Brooklyn, NY 11232. Pin # 06909H068017. Contract amount: \$2,220,766
45. Home services Systems, Inc., 3275 Steinway Street, Astoria, NY 11103. Pin # 06909H068024. Contract amount: \$6,405,883

46. Jewish Community Council Services Commission, Inc., 80 Maiden Lane, 10th Floor, New York, NY 10038. Pin # 06900H068027. Contract amount: \$3,742,069
47. People Care Inc. D/B/A Assisted care, 116 West 32nd Street, 15th Fl., New York, NY 10001. Pin # 06909H06834. Contract amount: \$743,233
48. Pomonok Home Services Inc., 61-17 190 Street, Fresh Meadows, NY 11365. Pin # 06909H068037. Contract amount: \$4,047,156
49. Prestige Home Attendant, Inc. D/B/A All Season Home Attendant, 377 Broadway, 2nd Floor, (Front) New York, NY 10013. Pin # 06909H068040. Contract amount: \$1,849,305
50. Ridgewood Bushwick Senior Citizen Council, 533 Bushwick Avenue, Brooklyn, NY 11206. Pin # 06909H068044. Contract amount: \$2,295,798
51. Rockaway Home Attendant Services, Inc., 1603 Central Avenue, Far Rockaway, NY 11691. Pin # 06909H068045. Contract amount: \$3,038,206
52. Services For The Aged, 36-36 33rd Street, Long Island City, NY 11106. Pin # 06909H068047. Contract amount: \$1,816,113
53. Social Concern Community Development Corp., 226-18 Merrick Boulevard, Laurelton, NY 11413. Pin # 06909H068049. Contract amount: \$2,844,601
54. Sunnyside Home Care Project, Inc. 4331 39th Street, Sunnyside, NY 11104. Pin # 06909H068052. Contract amount: \$4,420,901
55. Stella Orton Home Care Agency, 3155 Amboy Road, Staten Island, NY 10306. Pin # 06909H068051. Contract amount: \$5,174,898
56. VIP HC Services, 116-12 Myrtle Avenue, Richmond Hill, NY 11418. Pin # 06909H068055. Contract amount: \$984,327

This notice is for information purpose only. Vendors intersted in responding to a future solicitation for these services should call the new York City Vendor Enrollment Center at (212) 857-1680 to request an application or fill out one On-line by visiting [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

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## JUVENILE JUSTICE

### SOLICITATIONS

#### Human/Client Service

**CORRECTION: PROVISION OF NON-SECURE DETENTION CENTERS** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13007DJJ001 – DUE 11-14-08 AT 3:00 P.M. – **CORRECTION:** The NYC Department of Juvenile Justice (DJJ) is seeking one or more appropriately qualified vendors to provide non-secure detention services for youth. Services shall include, but not be limited to, custody, basic youth care, food, clothing, shelter, education, health care, recreation, court related services, social work and case management services, social skills instruction, group sessions and monitoring and supervision of these services. In addition, the contract will require that a defibrillator shall be located in each program facility and that all staff requiring CPR training shall be certified in use of said defibrillator.

Each program facility will provide at least 10 and no more than 12 beds in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq. The Department is seeking to provide services at facilities that will be operational at any time from January 1, 2007 to December 31, 2010. A vendor may submit an offer for more than one Facility Option. Current Agency vendors operating non-secure group homes that have contracts expiring in calendar year 2006 are urged to respond to this solicitation.

All program facilities shall be appropriately equipped to provide services for male or female youth as required by the Department, and be located in one of the five boroughs. The term of the contracts awarded from this solicitation will be for three years and will include an additional three-year option to renew. The anticipated maximum average annual funding available for each contract will be \$1,067,000, excluding start-up costs. Proposed start-up costs will be considered in addition to the proposed annual line item budget. Greater consideration will be given to applicants offering more competitive prices.

If your organization is interested in being considered for award of the subject contract, please hand deliver a written expression of interest addressed to my attention at 110 William Street, 13th Floor, New York, NY 10038. The expression of interest should specifically address the following:

1. Indicate each program facility for which the vendor is submitting.
2. Describe each proposed facility, its location, and proposed date of operation.
3. Attach appropriate documentation demonstrating the current use of each proposed facility and the vendor's site control of the facility for a period of at least 3 years.
4. For each proposed facility,
  - a) Indicate the number of beds to be provided and demonstrate that the facility has the capacity to provide the indicated number of beds.
  - b) Demonstrate that the facility will be appropriately equipped to provide services for male or female youth.
5. Demonstrate the vendor's organizational capability to:
  - a) Provide the indicated number of beds at each proposed facility. (If the vendor is a current provider, also demonstrate the capability to provide the indicated number of beds in addition to those already provided.)
  - b) Ensure that each proposed facility will be fully operational by required date in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq.
6. Demonstrate the quantity and quality of the vendor's successful relevant experience.
7. Attach for each proposed facility three-year annual line item operating budget. Include staffing details. Proposed start up costs should be included in addition to the proposed three-year annual line item operating budget.

All expressions of interest received in the manner set forth will be reviewed to determine if they are responsive to the material requirements of this solicitation. Expressions of interest determined to be non-responsive will not be further considered. Expressions of interest determined to be responsive will be considered in terms of the following factors:

- Appropriateness of each proposed facility.
- Demonstrated site control of each proposed facility.

- Demonstrated level of organizational capability to provide the proposed number of beds and to ensure that each proposed facility if fully operational by the applicable requisite date.

- Demonstrated quantity and quality of successful relevant experience.

- Annual budget amount and cost effectiveness of the budget.

The Department will enter into negotiations with the vendor(s) determined to be the best qualified at the time of evaluation, based on consideration of the above-cited factors. A contract will be awarded to the responsible vendor(s) whose offer(s) is/are determined to be the most advantageous to the City, taking into consideration the price and the other factors set forth in this solicitation. In the case that a vendor is eligible for award of more than one program facility, the Department reserves the right, based upon the vendor's demonstrated organizational capability and the best interest of the City, respectively, to determine how many and for which program facility(ies) the vendor will be awarded a contract.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Department of Juvenile Justice, 110 William Street  
 20th Floor, New York, NY 10038.  
 Chuma Uwechia (212) 442-7716, [cwuwechia@djj.nyc.gov](mailto:cwuwechia@djj.nyc.gov)*

n20-13

## PARKS AND RECREATION

### CONTRACT ADMINISTRATION

#### AWARDS

#### Construction/Construction Services

**RECONSTRUCTION OF THE BALLFIELD AT DEAN PLAYGROUND** – Competitive Sealed Bids – PIN# 8462007B232C01 – AMT: \$1,166,329.00 – TO: Advance Builders, Inc., 259 Newkirk Ave., Brooklyn, NY 11230. Bounded by Dean and Bergen Streets, between Sixth and Carlton Avenues, Brooklyn, known as Contract #B232-106M.

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### REVENUE AND CONCESSIONS

#### SOLICITATIONS

#### Services (Other Than Human Services)

**OPERATION OF CONCESSIONS FOR THE SALE OF CHRISTMAS TREES AND RELATED PRODUCTS** – Competitive Sealed Bids – PIN# TR2008 – DUE 07-21-08 AT 3:00 P.M. – At various locations throughout the five boroughs of New York City. Hard copies of the RFB can be obtained at no cost. The RFB is also available for download on Parks' website. To download the RFB, visit [http://www.nyc.govparks.org/sub\\_opportunities/business\\_ops/index.php?view\\_page\\_equal\\_to\\_con\\_listing\\_and\\_after\\_logging\\_in\\_click\\_on\\_the\\_download\\_link\\_that\\_appears\\_adjacent\\_to\\_the\\_RFBs\\_description](http://www.nyc.govparks.org/sub_opportunities/business_ops/index.php?view_page_equal_to_con_listing_and_after_logging_in_click_on_the_download_link_that_appears_adjacent_to_the_RFBs_description).

Telecommunication Device for the Deaf (TDD) 212-504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Parks and Recreation, The Arsenal-Central Park, Division of Revenue, 830 Fifth Avenue, Room 407, New York, NY 10065.  
 Joel Metlen, Senior Project Manager, (212) 360-1397  
[joel.metlen@parks.nyc.gov](mailto:joel.metlen@parks.nyc.gov)*

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## PAYROLL ADMINISTRATION

### CONTRACT ADMINISTRATION AND PROCUREMENT

#### VENDOR LISTS

#### Services (Other Than Human Services)

**TRANSITBENEFIT PROGRAM RFP** – The Office of Payroll Administration intends to issue an RFP to select one or more vendors to provide services to City employees in connection with the pre-tax purchase of transportation fare media (transit passes) on City subways and buses as well as other regional commuter railroads and buses. Vendors interested in receiving information about the RFP are invited to submit their company name and contact information via e-mail to [vhimelewski@payroll.nyc.gov](mailto:vhimelewski@payroll.nyc.gov) or by regular mail to Valerie Himelewski, Agency Chief Contracting Officer, Office of Payroll Administration, One Centre Street, Room 200N, New York, NY 10007. Expressions of Interest must be received by no later than July 31, 2008 at 5:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Office of Payroll Administration, 1 Centre Street, Room 200N  
 New York, NY 10007. Valerie Himelewski (212) 669-3455  
[vhimelewski@payroll.nyc.gov](mailto:vhimelewski@payroll.nyc.gov)*

j19-25

## SCHOOL CONSTRUCTION AUTHORITY

### CONTRACT ADMINISTRATION

#### SOLICITATIONS

#### Services

**PRIMAVERA SOFTWARE AND/OR PRIMAVERA CONSULTING SERVICES** – Competitive Sealed Bids – PIN# SCA08-00101R – DUE 06-24-08 AT 12:00 P.M. – Proposals will be accepted from the following firms: Capital Projects Software Inc.; Cashman Associates; Catalyst, Inc.; CDP, Inc.; Cenossystems Inc.; Corporate Computer Solutions, Inc.; Critical Business Analysis (CBA); Data Industries, Ltd.; DR McNatty and Associates, Inc.; Innovative Management Solutions, Inc.; Intermountain Project Controls; IP Systems 3, LLC; Miami Micro Data Inc.; Mid-State Solutions, Inc.; Monks Project Solutions; MWH Integrated Project Solutions; PL Logic; PM Tec, Inc.; PMOLink, Inc.; Primavera Systems, Inc.; Project Integration; Project Technologies Group, Inc.; QED National; R.K.

Software, Inc.; Router Internetworking, Inc.; Saybrook Associates, SCI Engineering, P.C.; Sharp Decisions, Inc.; Stenstrom Group, Inc.; Syscon, Inc.; Taradigm; The Simplex Group, Inc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue Long Island City, New York 11101. Narcardie Louis, Contract Negotiator, (718) 752-5851, nlouis@nyscsa.org

j12-20

## TRANSPORTATION

### INTENT TO AWARD

Services (Other Than Human Services)

**MAINTENANCE AND REPAIR TO FIRE ALARM SYSTEMS AT WHITEHALL FERRY TERMINAL** – Sole Source – Available only from a single source - PIN# 84108MBPT329 – DUE 06-25-08 AT 5:00 P.M. – The New York City Department of Transportation intends to enter into a Sole Source agreement with SimplexGrinnell, LP to obtain maintenance and repair services for the existing fire alarm systems at the Whitehall Ferry Terminal in Manhattan and the St. George Ferry Terminal and Staten Island Ferry Maintenance Facility in Staten Island in the City of New York. Both of the ferry terminals and the maintenance facility use the Simplex 4100 Fire Alarm Monitoring System. This system requires proprietary software in order to operate. SimplexGrinnell is the only authorized sales and full service provider for the devices. Use of another company's services would possibly void the system warranty if non-authorized technicians were to perform servicing on the system. Any firm which believes that it can also provide these services given the specified limitations is invited to so indicate by letter to the attention of Vincent Pullo, Agency Chief Contracting Officer, 40 Worth Street, Room 1228, New York, NY 10013 or via e-mail at vpullo@dot.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Transportation, Office of the Agency Chief Contracting Officer, 40 Worth Street, Room 1228, New York, NY 10013. Vincent Pullo (212) 839-2117, vpullo@dot.nyc.gov

j18-24

## AGENCY RULES

## BUILDINGS

### NOTICE

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING TO IMPACT RESISTANT STAIR AND ELEVATOR SHAFT ENCLOSURES

Notice is hereby given pursuant to the authority vested in the Commissioner of Buildings by section 643 of the New York City Charter, and in accordance with section 1043 of the Charter and section BC 403 of the New York City Building Code, that the Department of Buildings proposes to repeal section 32-05 of chapter 32 of Title 1 of the Rules of the City of New York and add a new Chapter 400 and a new section 403-01 to Title 1 of such Rules. Matter underlined is new.

A public hearing on the proposed rule amendment will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 3rd Floor Conference Room, New York, New York, on July 22, 2008 at 1:00 P.M. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Chief Code Counsel, New York City Department of Buildings, 280 Broadway, 7th Floor, New York, New York 10007, on or before July 22, 2008.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Commissioner, Executive Offices, Department of Buildings, 280 Broadway, 7th Floor, New York, New York 10007.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Phyllis Arnold at the foregoing address by July 4, 2008.

This rule was not included in the agency's most recent regulatory agenda.

Section 1. Section 32-05 of Chapter 32 of Title 1 of the Rules of the City of New York is REPEALED.

§ 2. Title 1 of the Rules of the City of New York is amended by adding a new chapter 400 and a new section 403-01 to read as follows:

Chapter 400  
Special Detailed Requirements Based on Use and Occupancy

#### §403-01 Impact Resistant Stair and Elevator Shaft Enclosures.

(a) Scope. This rule provides the construction requirements for impact resistant wall enclosures of exit stair and elevator shafts in high-rise buildings.

(b) Definitions. For the purposes of this section, all terms used herein shall have the same meanings as set forth in the building code.

(c) References. See sections 403.9.2 (Impact resistant elevator shafts) and 403.15 (Impact resistant stair enclosures) of the building code.

(d) Construction requirements. A compliant wall assembly shall provide an impact resistance equivalent to or exceeding the performance of a wall assembly described in paragraph (1), (2), or (3) below:

(1) Prescriptive stud and wall board assembly. An impact resistant shaft enclosure constructed as a stud and wall board assembly shall satisfy the following requirements:

(i) Materials and assemblies shall comply with the following:

(A) Materials. Impact resistant wall board sheathed on the impact face of the stair or elevator enclosure wall assembly shall be tested by an approved testing agency. The impact face shall be considered the outer surface of the stair or elevator enclosure, on all occupied sides of the building, and shall be comprised of two (2) layers of wall boards. The wall board used as the base layer on the impact face of the enclosure shall be listed by an approved agency to ASTM C1629-06, Standard Classification for Abuse-Resistant Nondecorated Interior Gypsum Panel Products and Fiber-Reinforced Cement Panels, Impact Classification Level 2, and the wall board used as the finish layer shall be a minimum 5/8 inch (16 mm) gypsum wall board (see Figure 1).

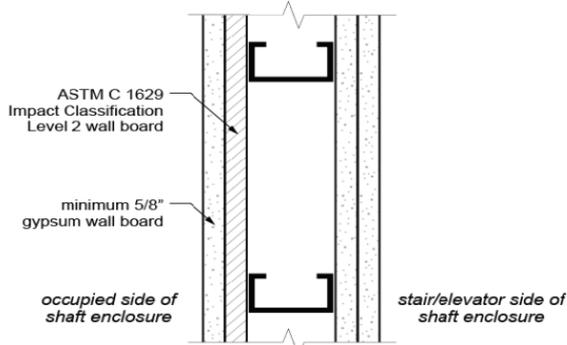


Figure 1  
section through impact resistant shaft enclosure wall

(B) Assembly. The wall assembly shall be at least two-hour fire resistance rated.

(ii) Installation shall comply with the following:

(A) Studs shall be minimum 3-1/2 inch (89 mm) depth cold-formed steel framing, at least 33 mils thick (20 gauge).

(B) Vertical studs shall be spaced at a maximum distance of 24 inches (610 mm), on center.

(C) Runners shall be securely attached at the floor and ceiling to structural element members and shall comply with the structural requirements of the building code. The installation of top and bottom runner tracks shall be subject to special inspection.

(D) Wall boards shall be attached with No. 8 self-drilling bugle-head screws, 12 inches (305 mm), on center maximum, with a minimum depth of 5/8 inch (16 mm) penetration into the wall cavity.

(E) Joints between adjoining sheets of wall board shall be staggered from the base layer with the face panel layer.

(2) Concrete or masonry walls. Concrete or masonry walls shall satisfy the impact resistance requirements of this rule provided that the shaft enclosure walls are anchored to structural members that provide lateral support as may be required by chapter 16 of the building code. The wall shall be at least two-hour fire resistance rated.

(3) Performance-based requirements. Wall assemblies not classified in paragraphs (1) or (2) of this subdivision shall comply with the following criteria:

(i) Impact face. The impact face shall be considered as the outer side of the stair or elevator enclosure, on all occupied sides of the building. Materials constituting the impact face of the stair or elevator enclosure assembly shall be tested by an approved testing agency to ASTM C1629, Hard Body Impact Classification Level 3. When more than one (1) layer of material is required to satisfy the impact resistance requirement, such layers shall be tested together.

(ii) Assembly. The wall assembly shall have a minimum two-hour fire resistance rating. The wall assembly shall be tested by an approved testing agency to ASTM C1629, Soft Body Impact Classification Level 2.

(iii) Installation. Wall assemblies shall be anchored to structural members and shall comply with the structural requirements of the building code. The installation shall be subject to special inspection.

#### STATEMENT OF BASIS AND PURPOSE

Local Law 33 of 2007 mandates that high rise buildings be built with impact resistant stair and elevator enclosures, and requires that the Commissioner of Buildings adopt a rule establishing the technical standards for their installation. Pursuant to Local Law 33 of 2007, as codified in Sections 403.9.2 and 403.15 of the Building Code, this rule establishes the technical standards for the installation of impact resistant stair and elevator shaft enclosures in compliance with that mandate. The rule supersedes Section 32-05 of Chapter 32 of Title 1 of the Rules of the City of New York, which was promulgated in response to the findings and recommendations of the World Trade Center Buildings Task Force in February 2003.

This rule promotes public safety and efficiency by continuing under the new construction codes the practice under Chapter

32 of Title 1 of the Rules of the City of New York with respect to impact resistant stair and elevator enclosures. By maintaining current standards, the proposed rule benefits the public by continuing a proven safety practice.

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#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING TO THE WAIVER OF CERTAIN DOCUMENTS REQUIRED TO BE SUBMITTED BY REGISTERED DESIGN PROFESSIONALS

Notice is hereby given pursuant to the authority vested in the Commissioner of Buildings by section 643 of the New York City Charter, and in accordance with section 1043 of the Charter and Section 28-104.6.4 and Section 28-104.7.12 of the NYC Administrative Code, that the Department of Buildings proposes to add a new Section §100-02 to Title 1 of the Official Compilation of the Rules of the City of New York. Matter underlined is new. This proposed rule was previously published on February 20, 2008, and was revised by deleting (a)(1)(ii) regarding construction operations and plumbing for temporary installations.

A public hearing on the proposed rule will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 3rd Floor Conference Room New York, New York on July 22, 2008 at 2:00 P.M. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Chief Code Counsel, New York City Department of Buildings, 280 Broadway, New York, New York 10007, on or before July 22, 2008.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Commissioner, Executive Offices, Department of Buildings.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Phyllis Arnold at the foregoing address by July 4, 2008.

This rule was not included in the agency's regulatory agenda.

Section 1. Subchapter A of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 100-02 to read as follows:

§100-02 Waiver of certain construction documents required to be submitted by registered design professionals for certain work.

(a) Pursuant to section 28-104.6.4 of the administrative code, the commissioner is authorized to allow persons other than registered design professionals to be the applicant for the approval of construction documents. Pursuant to section 28-104.7.12 of the administrative code, the commissioner is authorized to waive the submission of any of the required construction documents and other data if review of such documents is not necessary to ascertain compliance with this code or not required for the phase of work for which a permit is sought. Notwithstanding the following provisions, the commissioner reserves the right to require the filing of narratives or sketches showing compliance with the provisions of this code for the categories of work described below.

(1) Selected plumbing work. In connection with the filing of applications for construction document approval, the applicant need not be a registered design professional and required plans need not be submitted for temporary exhibits, defined for purposes of this rule as plumbing for temporary installations used for exhibition purposes when not designed for sanitary use and not directly connected to a sewerage, water supply, or water distribution system.

(2) Selected mechanical work. In connection with the filing of applications for construction document approval, the applicant need not be a registered design professional and required plans need not be submitted for the following types of mechanical applications:

(i) Fuel-oil burning equipment. Replacement of or alteration to existing fuel-oil burning equipment, provided that the applicant is a licensed oil burner-installer, the aggregate capacity of the equipment does not exceed 600,000 BTU per hour and the number of fuel-oil burning devices does not increase or decrease by more than one unit.

(ii) Fuel-oil storage tanks. Replacement of existing fuel-oil storage tanks, provided the applicant is a licensed oil burner-installer, the capacity of each replacement tank does not exceed 330 gallons and each such replacement tank meets the alternate tank design and construction standards contained in Section MC 1305.14.

(b) Work shall comply with all requirements of the applicable codes and other applicable laws and rules, including, where applicable, those imposed by other governmental agencies.

(c) Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

#### STATEMENT OF BASIS AND PURPOSE

The foregoing rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The proposed rule promotes efficiency at no expense to public safety by continuing under the new construction codes the practice under Title 27 of the Administrative Code of dispensing with certain filing requirements for selected plumbing and mechanical work. Plumbing for temporary installations used in connection with construction operations has been omitted from the exception proposed. The proposed rule benefits the public by decreasing unnecessary bureaucracy as well as the construction industry by advancing efficiency.

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## SPECIAL MATERIALS

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### NOTICE

#### OFFICIAL FUEL PRICE SCHEDULE NO. 6065 FUEL OIL AND KEROSENE

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/16/2008
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP	+1.743 GAL. 4.3280 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP	+1.743 GAL. 4.3280 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP	+1.743 GAL. 4.3630 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP	+1.743 GAL. 4.3630 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP	+1.743 GAL. 4.4280 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP	+1.743 GAL. 4.2398 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+1.677 GAL. 4.3744 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP	+1.677 GAL. 4.3047 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+1.727 GAL. 4.2782 GAL.
2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP	+1.727 GAL. 4.1962 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM	+1.753 GAL. 3.9483 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM	+1.753 GAL. 3.9481 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM	+1.753 GAL. 3.9377 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM	+1.753 GAL. 3.9812 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP.	+1.753 GAL. 3.9710 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP.	+1.736 GAL. 4.3692 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP	+1.753 GAL. 4.2238 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP.	+1.753 GAL. 4.1352 GAL.
2887106	11.0	#2DLS	CITY WIDE BY TW	METRO FUEL OIL CORP.	+1.456 GAL. 4.0475 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+1.528 GAL. 4.1315 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP	+1.528 GAL. 4.0965 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+1.505 GAL. 4.3059 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP.	+1.505 GAL. 4.6567 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+1.522 GAL. 4.1994 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP	+1.522 GAL. 4.7347 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP.	+1.522 GAL. 4.2471 GAL.
2387191	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP	+1.528 GAL. 4.2537 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM	+1.190 GAL. 3.3849 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM	+1.190 GAL. 3.3883 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM	+1.190 GAL. 3.3991 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM	+1.190 GAL. 3.4321 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP.	+1.190 GAL. 3.4039 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM	+2.148 GAL. 3.0250 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM	+2.148 GAL. 3.0250 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM	+2.148 GAL. 3.0400 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM	+2.148 GAL. 3.0760 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION	+2.148 GAL. 3.0441 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP	+1.723 GAL. 4.7304 GAL.

#### OFFICIAL FUEL PRICE SCHEDULE NO. 6066 FUEL OIL, PRIME AND START

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/16/2008
2787117	1.0	#2	MANH	PACIFIC ENERGY	+1.753 GAL. 4.0276 GAL.
2787117	79.0	#2	BRONX	PACIFIC ENERGY	+1.753 GAL. 4.0276 GAL.
2787117	157.0	#2	QNS., BROOKLYN & S.I.	PACIFIC ENERGY	+1.753 GAL. 4.0266 GAL.
2787118	235.0	#4	CITY WIDE BY TW	EAST COAST PETROLEUM	+1.990 GAL. 3.5770 GAL.
2787118	236.0	#6	CITY WIDE BY TW	EAST COAST PETROLEUM	+2.148 GAL. 3.2700 GAL.

#### OFFICIAL FUEL PRICE SCHEDULE NO. 6067 FUEL OIL AND REPAIRS

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/16/2008
2787112	1.0	#2	MANH	SJ FUEL CO. INC.	+1.753 GAL. 3.9056 GAL.
2787113	79.0	#2	BRONX	PACIFIC ENERGY	+1.753 GAL. 3.8502 GAL.
2787114	157.0	#2	QNS., BROOKLYN & S.I.	NU WAY FUEL OIL	+1.753 GAL. 4.0212 GAL.
2787115	234.0	#4	CITY WIDE BY TW	EAST COAST PETROLEUM	+1.990 GAL. 3.5330 GAL.

#### OFFICIAL FUEL PRICE SCHEDULE NO. 6068 GASOLINE

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 6/16/2008
2387191	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP	+0.0848 GAL. 3.8528 GAL.
2787192	7.0	PREM	CITY WIDE BY TW	METRO TERMINALS	+0.0848 GAL. 3.6905 GAL.
2687312	2.0	SB	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+2.069 GAL. 3.1458 GAL.
		ETH/GAS			
2387191	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP	+0.0589 GAL. 3.6638 GAL.
2387191	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP	+0.0589 GAL. 3.6188 GAL.
2387191	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP	+0.0589 GAL. 3.6188 GAL.
2387191	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP	+0.0589 GAL. 3.6188 GAL.
2387191	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP	+0.0589 GAL. 3.6188 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW	METRO TERMINALS	+0.0589 GAL. 3.4956 GAL.

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## LATE NOTICES

### HEALTH AND MENTAL HYGIENE

#### PUBLIC HEARINGS

NOTICE OF INTENTION TO AMEND ARTICLE 175 OF THE NEW YORK CITY HEALTH CODE

#### NOTICE OF PUBLIC HEARING

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 175 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A

PUBLIC HEARING ON THE PROPOSAL ON, MONDAY, JULY 21, 2008 FROM 10AM TO 12PM OIN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY FRIDAY, JULY 18, 2008 PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY MONDAY, JULY 21, 2008.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12 PM. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAILING TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) ON OR BEFORE 5PM ON MONDAY, JULY 21, 2008.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

#### STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter") and applicable state and federal law. Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate matters affecting health in New York City ("NYC"). Specifically, Section 556 (c)(11) of the Charter authorizes the Department to regulate all aspects of ionizing radiation within the 5 boroughs of New York City. Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants rule-making powers to the Department. The New York State ("NYS") Sanitary Code (i.e., 10 NYCRR §16.1(b)(3)) delegates radiation licensure regulation to those localities that have a population of more than 2,000,000, provided that said requirements are consistent with NYS Sanitary Code requirements. Section 274 of the federal Atomic Energy Act of 1954 (the Act) (codified at 42 USC §2021) authorizes "Agreement States" to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an "Agreement State" within the meaning of the Act, and the New York City Department of Health and Mental Hygiene is a component of and a party to the relevant Agreement.

#### STATEMENT OF BASIS AND PURPOSE

The Office of Radiological Health (ORH) licenses and inspects radioactive materials facilities for compliance with Article 175 of the New York City (NYC) Health Code (NYC Health Code or Health Code) for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities at frequencies of once every one, two or three years depending on the type of usage.

New York State (NYS) is an Agreement State, which means that this State and the United States Nuclear Regulatory Commission (NRC) have entered into an agreement under the Atomic Energy Act, which delegates authority to NYS to regulate radioactive material at non-reactor sites within its jurisdiction. The New York State Agreement is comprised of three regulatory programs – 1. the New York State Department of Health, 2. the New York State Department of Environmental Conservation, and 3. the New York City Department of Health and Mental Hygiene. Under this Agreement State structure, the New York City Department of Health and Mental Hygiene (Department), through the Office of Radiological Health (ORH), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

ORH licenses and inspects radioactive materials facilities for compliance with Article 175 of the New York City (NYC) Health Code (NYC Health Code or Health Code) for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities at frequencies of once every one, two or three years depending on the type of usage.

Each Agreement State program is required to maintain compatibility with the NRC regulatory program. The NRC ensures an adequate level of compatibility through its Integrated Materials Performance Evaluation Program (IMPEP) and conducts a quadrennial review of Agreement State programs. The latest IMPEP review of the NYS program took place in November of 2006.

In their November 2006 IMPEP review, the NRC evaluated each of the three components of the New York State Agreement State structure. NRC findings were presented in their Final Report, dated January 31, 2007.

The NRC IMPEP Final Report concluded that NRC requirements (Items 1 and 2 below) needed to be incorporated into Article 175 of the New York City Health Code in order to maintain appropriate compatibility with applicable federal regulations. Item 3 below is an NRC requirement that must be incorporated into the Health Code pursuant to NRC Order (EA-07-305) (72 FR 70901).

1. "Financial Assurance for Materials Licensees," (published in 68 FR 57327) that became effective on December 3, 2003 and was due for Agreement State adoption by December 3, 2006.

The NRC amended its regulations (located at 10 CFR Parts 30, 40, and 70) in 2003 for financial assurance for certain materials licensees, including all waste brokers, to bring the amount of financial assurance required more in line with current decommissioning costs. The objective of this action was to ensure that licensees maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility. Therefore, language in Health Code §175.101(n) is now being modified accordingly.

**2. “Compatibility with IAEA Transportation Safety Standards and other Transportation Safety Amendments,” (published in 69 FR 36978) that became effective on October 1, 2004 and was due for Agreement State adoption by October 1, 2007.**

The NRC amended its regulations (located at 10 CFR Part 71) in 2004 on packaging and transporting radioactive material. This rulemaking was designed to ensure that federal regulations would be compatible with the latest version of the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. Therefore, language in Health Code §§ 175.02, and 175.105 and 175.105 Appendix A is now being modified accordingly.

**3. NRC Order EA-07-305 (published in 72 FR 70901) imposing fingerprinting and criminal history records check requirements for unescorted access to certain radioactive materials that became effective for Agreement States on December 5, 2007.**

Pursuant to its Order EA-07-305, the NRC has determined that a fingerprinting and criminal history records check requirement shall be imposed on all licensees, including Agreement State Licensees, who are subject to Increased Controls (see NRC Order EA 05-090). Agreement States, and shall be completed charged with issuing their equivalent fingerprinting and criminal history records check requirements by June 52, 2008. Section 652 of the Energy Policy Act of 2005 (EPAct), which became law on August 8, 2005, amended Section 149 of the Atomic Energy Act (AEA) to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check for “any individual who is permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks.” Section 149 of the AEA also requires that “all fingerprints obtained by a licensee or applicant \* \* \* shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check.” NRC has decided to implement this requirement, prior to the completion of a future rulemaking, which will implement these provisions of the EPAct, because a deliberate malevolent act by an individual with unescorted access to these radioactive materials has the potential to result in significant adverse impacts to the public health and safety.

Pursuant to a previous NRC Order EA 05-090 (located at 70 FR 72128, December 1, 2005), the NRC ordered all licensees who, at any given time, possess certain radioactive sources in certain quantities to comply with certain Increased Controls (ICs). The purpose of the ICs Order for radioactive sources was to enhance control of radioactive material in order to reduce the risk of unauthorized use of radioactive materials, through access controls to aid prevention, and prompt detection, assessment, and response to mitigate potentially high consequences that would be detrimental to public health and safety. These ICs for radioactive sources and quantities were established to delineate licensee responsibility to maintain control of said licensed material and secure it from unauthorized removal or access.

This NRC Order EA-07-305 (72 FR 70901), imposing fingerprinting and criminal history records check requirements for unescorted access to certain radioactive materials, extends its security requirements applicable to those same IC licensees and became effective on December 5, 2007. Licensees will now be required to submit fingerprints of each individual who the licensee wishes to permit unescorted access to certain licensed materials. The fingerprints would be submitted to the NRC which would then forward them to the FBI. Results of the FBI criminal history record check would be sent to NRC which would then forward them to the licensee. Each licensee shall be responsible for determining whether to allow an individual unescorted access to radioactive materials in quantities of concern. Therefore, language is now being proposed to add these NRC security requirements to Health Code §175.101.

The proposal is as follows:

Note - Matter in brackets [ ] is to be deleted.  
Matter underlined is new.

**RESOLVED**, that subdivision (a) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on xxxxxxxxxxxxxxxx, be and the same hereby is amended to update certain definitions relating to the transportation and packaging of radioactive material, to be printed together with explanatory notes, to read as follows:

**§ 175.02. Definitions.**

(a) As used in this Code, the following definitions shall apply:

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(119) “Licensed material” means byproduct, source, or special nuclear material received, possessed, produced, used, transferred or disposed of under a general or specific license issued by the Department

or any radioactive material which is subject to the licensure requirement of this Code.

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(126) “Low specific activity (LSA) material” means radioactive material with limited specific activity which is nonfissile or is excepted under § 175.105(b)(2) that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(1) LSA-I.

(i) [Ores containing only naturally occurring radionuclides (e.g., uranium, thorium) and uranium or thorium concentrates of such ores;] Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radioactive radionuclides which are not intended to be processed for the use of these radionuclides; or

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(3) LSA-III. Solids (e.g., consolidated wastes, activated materials) excluding powders, that satisfy the requirements of § 71.77 in which:

(iii) The estimated average specific activity of the solid does not exceed  $2 \times 10^{-3}$  A2/g.

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(147) “Package” means the packaging together with its radioactive contents as presented for transport.

(1) “Fissile material package” or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(2) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with DOT regulations in 49 CFR Part 173.

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Notes: The Board of Health proposes that certain definitions contained in §175.02(a) be updated in order to maintain compatibility with NRC definitions found in 10 CFR § 71.4 relating to the transportation and packaging of radioactive material.

**RESOLVED**, that subdivisions (k) and (na) of Section 175.1021 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on xxxxxxxxxxxxxxxx, be and the same hereby is amended to impose fingerprinting and criminal history records check requirements for certain licensees for individuals allowed unescorted access to certain radioactive materials and to update requirements for financial assurance and decommissioning of licensed facilities, to be printed together with explanatory notes, to read as follows:

**§175.1021 Definitions General requirements for radioactive materials licenses.**

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(k) *Conditions of specific licenses.*

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(3) All licensees subject to the criteria to implement Increased Controls pursuant to the U.S. Nuclear Regulatory Commission (NRC) Order EA 05-090, 70 FR 72128, dated December 1, 2005, shall have as part of their Increased Control Program, a Fingerprinting and Criminal History Records Check procedure established for all individuals whom the licensee wishes to allow unescorted access to radioactive material quantities of concern. Such Fingerprinting and Criminal History Records Check procedures shall adhere to the requirements in NRC Order EA-07-305, 72 FR 70901, or any successor order, law or regulation. The requirements of this provision shall apply to all affected licensees upon its effective date.

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(n) *Financial assurance and recordkeeping for decommissioning. As used in this Code, the following definitions shall apply:*

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(1)(a) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding  $10^5$  times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by  $10^5$  is greater than one (1) (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix B to this section.”

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(1)(b) Each holder of, or applicant for, any specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in

quantities exceeding  $10^{12}$  times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The decommissioning funding plan must also be submitted when a combination of isotopes is involved [of] if R, as defined in §175.101(n)(1)(a), divided by  $10^{12}$  is greater than one (1) (unity rule), where R is defined as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix B. The decommissioning funding plan must be submitted to the Department within 2 years of the effective date of this provision.”

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(2) Each applicant for a specific license authorizing possession and use of radioactive material of half-life greater than 120 days and in quantities specified in § 175.101(n)(4) shall either:

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(ii) submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by §175.101(n)(4) using one of the methods described in §175.101(n)(6). For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued[,] but [prior to] before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph §175.101(n)(6) of this section must be submitted to the Department prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Department [As] as part of the certification, a [copy] signed original of the financial instrument obtained to satisfy the requirements of paragraph §175.101(n)(6) of this section. [is to be submitted to the Department.]”

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(3)(i) Each holder of a specific license issued on or after [August 1, 1994] July 27, 1990, which is of a type described in §175.101(n)(1) or (2), shall provide financial assurance for decommissioning in accordance with the criteria set forth [herein] in this section.”

(ii) Each holder of a specific license issued before [August 1, 1994] July 27, 1990, and of a type described in §175.101(n)(1) shall submit[, by January 1, 1995,] a decommissioning funding plan as described in §175.101(n)(5) or a certification of financial assurance for decommissioning in an amount at least equal to [\$750,000] \$1,125,000 in accordance with the criteria set forth [herein] in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan [at this time], the licensee shall include a decommissioning funding plan in any application for license renewal. Licensees required to submit the \$1,125,000 amount must do so within 1 year of the effective date of this provision.”

\*\*\*

(iii) Each holder of a specific license issued before [August 1, 1994] July 27, 1990, and of a type described in §175.101(n)(2), shall submit, by January 1, 1995, a certification of financial assurance for decommissioning or a decommissioning funding plan in accordance with the criteria set forth herein.”

(iv) Each holder of a specific license issued before July 27, 1990, and of a type described in §175.101(n)(1) or §175.101(n)(2) shall submit a decommissioning funding plan as described in §175.101(n)(5) or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.”

(4) Table of required amounts of financial assurance for decommissioning by quantity of material. Licensees required

to submit the \$1,125,000 amount must do so within 1 year of the effective date of this provision. Licensees required to submit the \$113,000 or \$225,000 amount must do so within 18 months of the effective date of this provision. Licensees having possession limits exceeding the upper bounds of this table must base financial assurance on a decommissioning funding plan.

(i) Greater than  $10^4$  but less than or equal to  $10^5$  times the applicable quantities of Appendix B to this section in unsealed form (for a combination of isotopes, if R, as defined in §175.101(n)(1)(a) [herein], divided by  $10^4$  is greater than 1, but R divided by  $10^5$  is less than or equal to 1)—[\$750,000] \$1,125,000.

(ii) Greater than  $10^3$  but less than or equal to  $10^4$  times the applicable quantities of Appendix B to this section in unsealed form (for a combination of isotopes, if R, as defined in §175.101(n)(1)(a) [herein], divided by  $10^3$  is greater than 1, but R divided by  $10^4$  is less than or equal to 1)—[\$150,000] \$225,000.

(iii) Greater than  $10^{10}$  but less than or equal to  $10^{12}$  times the applicable quantities of Appendix B to this section in sealed sources or plated foils (for a combination of isotopes, if R, as defined in §175.101(n)(1)(a) [herein], divided by  $10^{10}$  is greater than 1, but R divided by  $10^{12}$  is less than or equal to 1)—[\$75,000] \$113,000.

\*\*\*

Notes: The Board of Health proposes that new language be added to Health Code §175.101(k) pursuant to NRC Order EA-07-305 to incorporate a fingerprinting and criminal history records check requirement on licensees, who possess certain radioactive materials in quantities of concern. This requirement applies to those employees of affected licensees who are allowed unescorted access to certain radioactive materials in quantities of concern. Also, a number of definitions the Board is proposing that several provisions of §175.101(n) in Article 175 of the NYC Health Code are being proposed for inclusion and/or be amended in Section 175.02(a) and a new §175.101(n)(3)(iv) be added in order to assure compatibility with applicable federal NRC regulations concerning financial assurance and decommissioning of a licensed facility on radioactive materials, as per 10 CFR §20.1003. The NRC amended its regulations (e.g., 10 CFR §§ 30.35, 40.36, and 70.25) for financial assurance for certain materials licensees to bring the amount of financial assurance required more in line with current decommissioning costs. The objective of this action is to ensure that licensees maintain adequate financial assurance so that timely decommissioning can be carried out following shutdown of a licensed facility.

**RESOLVED**, that paragraph (2) of subdivision (m) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on xxxxxxxxxxxxxxxx, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

#### § 175.105. Transportation and Packaging of Radioactive Materials.

(a) *General Provisions.*

(1) *Purpose and Scope.*

\*\*\*

(ii) This section applies to any [person who delivers licensed material to a carrier for transport, transports the material outside the confines of the person's facility, plant or authorized site of usage, or transport that material on public highways or into any public area] licensee authorized by specific or general license issued by the Department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the Department license, or transports that material on public highways. No provision of this section authorizes possession of licensed material.

\*\*\*

(5) *Definitions.*

\*\*\*

(ii) "Certificate of Compliance (CoC)" means the certificate issued by the NRC which approves the design of a package for the transportation of radioactive material.

[(ii)] (iii) "Close reflection by water" means immediate contact by water of sufficient thickness for maximum reflection of neutrons.

[(iii)] (iv) "Containment system" means the assembly of components of the packaging intended to retain the radioactive material during transport.

(v) "Criticality Safety Index (CSI)" means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of

control of accumulation of packages containing fissile material during transportation. Determination of the criticality safety index is described in 10 CFR §§71.22, 71.23, and 71.59.

[(iv)] (vi) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than 10 days.

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[(vii)] (ix) "Optimum interspersed hydrogenous moderation" means the presence of hydrogenous material between packages to such an extent that the maximum nuclear reactivity results.

(x) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least 1 year's decay since being used as a source of energy in a power reactor, and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.

[(viii)] (xi) "Surface Contaminated Object (SCO)" means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:...

(xii) "Unirradiated uranium" means uranium containing not more than  $2 \times 10^3$  Bq of plutonium per gram of uranium-235, not more than  $9 \times 10^6$  Bq of fission products per gram of uranium-235, and not more than  $5 \times 10^{-3}$  g of uranium-236 per gram of uranium-235.

(6) *Transportation of licensed material.*

(i) Each [person] licensee who transports licensed material outside the site of usage, as specified in the license or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the USDOT regulations in 49 CFR Parts 170 through 189 appropriate to the mode of transport.

(A) The [person] licensee shall particularly note DOT regulations in the following areas:

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(b) *Exemption.*

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(2) *Exemption for low-level materials.*

(i) A licensee is exempt from all requirements of this section with respect to shipment or carriage of [a package containing radioactive material having a specific activity not greater than 70 Bq/g (0.002 ;gmCi/g).]the following low-level materials:

(A) Natural material and ores containing naturally occurring radionuclides that are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the values specified in Appendix A, Table A-2 of this section.

(B) Materials for which the activity concentration is not greater than the activity concentration values specified in Appendix A, Table A-2 of this section, or for which the consignment activity is not greater than the limit for an exempt consignment found in Appendix A, Table A-2 of this section.

\*\*\*

(3) *Exemption from classification as fissile material.*

(i) Fissile material meeting the requirements of at least one of the paragraphs of this section are exempt from classification as fissile material and from the fissile material package standards of 10 CFR §§ 71.55 and 71.59, but are subject to all other requirements of this part, except as noted.

(ii) Individual package containing 2 grams or less of fissile material

(iii) Individual or bulk packaging containing 15 grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid monticule material.

(iv) Low concentrations of solid fissile material commingled with solid nonfissile material provided that:

(A) There is a least 2000 grams of solid nonfissile material for every gram of fissile material, and

(B) There is no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material.

(C) Lead, beryllium, graphite, and hydrogenous material may be present in the package but must not be included in determining the required mass of solid nonfissile material.

(v) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with a

total plutonium and uranium-233 content of up to 1 percent of the mass of the uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass.

(vi) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2 percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of 2. The material must be contained in at least a DOT Type A package.

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(c) *General licenses.*

\*\*\*

(5) *General License: Fissile Material.*

(i) A general license is issued to any licensee of the Department to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped in accordance with this section. The fissile material need not be contained in a package which meets the standards of subparts E and F of 10 CFR 71.22; however the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a).

(ii) The general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the provisions of §175.105(e) of this part

(iii) The general license applies only when a package's contents:

(A) Contain less than a Type A quantity of fissile material; and

(B) Contains less than 500 total grams of beryllium, graphite, or hydrogenous material enriched in deuterium.

(iv) The general license applies only to packages containing fissile material that are labeled with a CSI which:

(A) Has been determined in accordance with section (5) of this section

(B) Has a value less than or equal to 10; and

(C) For a shipment of multiple packages containing fissile material, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

(v) (A) The value for the CSI must be greater than or equal to the number calculated by the following equation:

(B) The calculated CSI must be rounded up to the first decimal place;

(C) The values of X, Y, and Z used in the CSI equation must be taken from Tables-71.1 or 71.2, as appropriate;

(D) If Table 71-2 is used to obtain the value of X, then the values of for the terms in the equation for uranium-233 and plutonium must be assumed to be zero; and,

(E) Table 71-1 values for X, Y, and Z must be used to determine the CSI if:

(a) Uranium-233 is present in the package;

(b) The mass of plutonium exceeds 1 percent of the mass of uranium-235;

(c) The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or

(d) Substances having a moderating effectiveness (i.e., an average hydrogen density greater than H<sub>2</sub>O) (e.g., certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping.

(6) *General license: Plutonium/Beryllium special form material.*

(i) A general license is issued to any licensee of the Department to transport fissile material in the form of plutonium-beryllium (PU-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with this section. This material need not be contained in a package which meets the standards of subparts E and F of 10 CFR 71; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a).

(ii) The general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying § 175.105(e)(1) of this section.

(iii) The general license applies only when a package's contents:

(A) Contain less than a Type A quantity of material; and

(B) Contain less than 1000 g of plutonium, provided that: plutonium-239, plutonium-241, or any combination of these radionuclides, constitute less than 240 g of the total quantity of plutonium in the package.

(iv) The general license applies only to packages labeled with a CSI which:

(A) Has been determined in accordance with part (v) of this section;

(B) Has a value less than or equal to 100;

(C) For a shipment of multiple packages

containing Pu-Be sealed sources, the sum of the CSI must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

- (v) (A) The value for the CSI must be greater than or equal to the number calculated by the following equation:

Sum of B(i) / A1(i) <= 1

(B) The calculated CSI must be rounded up to the first decimal place.

\*\*\*

(d) Operating Controls and Procedures.

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(3) Routine determinations.

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(xii) When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have credible values that will cause the maximum neutron multiplication.

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(9) Advance notification of shipment of irradiated reactor fuel and nuclear waste.

(iii) Procedures for submitting advance notification.

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(C) A notification delivered by [messenger] any other means than mail must reach the office of the governor or of the governor's designee and the Department at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.

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Appendix A -- Determination of A1 and A2

I. Values of A1 and A2 for individual radionuclides, which are the bases for many activity limits elsewhere in this Code, are given in Table A-1. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) value. The Terabecquerel values are the regulatory standard. The curie values are for information only and are not intended to be the regulatory standard. Where values of A1 and A2 are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.

II. a. For individual radionuclides whose identities are known, but which are not listed in Table A-1, the A1 and A2 values contained in Table A-3 may be used. Otherwise, the licensee shall obtain prior Department approval of the A1 and A2 values for radionuclides not listed in Table A-1, before shipping the material.

b. For individual radionuclides whose identities are known, but which are not listed in Table A-2, the exempt material activity concentration and exempt consignment activity values contained in Table A-3 may be used. Otherwise, the licensee shall obtain prior Department approval of the exempt material activity concentration and exempt consignment activity values for radionuclides not listed in Table A-2, before shipping the material.

c. The licensee shall submit requests for prior approval, described under paragraphs II(a) and II(b) of this Appendix, to the Department.

III. In the calculations of A1 and A2 for a radionuclide not in Table A-1, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter radionuclide has a half-life either longer than 10 days, or longer than that of the parent radionuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A1 or A2 value to be applied, shall be those corresponding to the parent radionuclide of that chain. In the case of radioactive decay chains in which any daughter radionuclide has a half-life either longer than 10 days, or greater than that of the parent radionuclide, the parent and those daughter radionuclides shall be considered as mixtures of different radionuclides.

IV. For mixtures of radionuclides whose identities and respective activities are known, the following conditions apply:

a. For special form radioactive material, the maximum quantity transported in a Type A package is as follows:

Sum of B(i)/A2(i) <= 1

where B(i) is the activity of radionuclide i, and A2(i) is the A2 value for radionuclide i.

b. For normal form radioactive material, the maximum quantity transported in a Type A package is as follows:

XXXXXXXXXX

where B(i) is the activity of radionuclide i, and A2(i) is the A2 value for radionuclide i.

c. Alternatively, the A1 value for mixtures of special form material may be determined as follows:

A1 for mixture = 1 / Sum of f(i) / A1(i)

where f(i) is the fraction of activity for radionuclide i in the mixture, and A1(i) is the appropriate A1 value for radionuclide i.

d. Alternatively, the A2 value for mixtures of normal form material may be determined as follows:

A2 for mixture = 1 / Sum of f(i) / A2(i)

f(i) is the fraction of activity for radionuclide i in the mixture, and A2(i) is the appropriate A2 value for radionuclide i.

e. The exempt activity concentration for mixtures of nuclides may be determined as follows:

Exempt activity concentration for mixture = 1 / Sum of f(i) / (A1(i) \* A2(i))

where f(i) is the fraction of activity concentration of radionuclide i in the mixture, and |A| is the activity concentration for exempt material containing radionuclide i.

f. The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

Exempt consignment activity limit for mixture = 1 / Sum of f(i) / A(i)

where f(i) is the fraction of activity of radionuclide i in the mixture, and A is the activity limit for exempt consignments for radionuclide i.

V. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped, and the lowest A1 or A2 value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A1 or A2 values for the alpha emitters and beta/gamma emitters.

a. A1 and/or A2 values include contributions from daughter nuclides with half-lives less than 10 days.

b. The values of A1 and A2 in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq), (see Appendix A to §175.105 - Determination of A1 and A2, Section I).

c. The quantity may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source.

d. These values apply only to compounds of uranium that take the chemical form of UF6, UO2F2, and UO2(NO3)2 in both normal and accident conditions of transport.

e. These values apply only to compounds of uranium that take the chemical form of UO2, UF4, UCl4, and hexavalent compounds in both normal and accident conditions of transport.

f. These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.

g. These values apply to unirradiated uranium only.

h. A1 = 0.1 TBq (2.7 Ci) and A2 = 0.001 TBq (0.027 Ci) for Cf-252 for domestic use.

i. A2 = 0.74 TBq (20 Ci) for Mo-99 for domestic use.

Table A-1--A1 and A2 VALUES FOR RADIONUCLIDES

Table with columns: Symbol of radionuclide, Element and atomic number, A1 (TBq), A2 (Ci), A1 (Ci), A2 (TBq), Specific activity (TBq/g), Specific activity (Ci/g). Rows include Ac-225(a) through K-42.

Table with columns: Isotope, Element (atomic number), A1, A2, A1, A2, Specific activity (TBq/g), Specific activity (Ci/g). Rows include Cm-45 through K-42.



Cm-245		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	Nb-97		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Sr-125		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>2</sup>	2.7X10 <sup>-6</sup>
Cm-246		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>2</sup>	2.7X10 <sup>-8</sup>	Nb-147	Neodymium (60)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Sr-126		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cm-247		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	Nd-149		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Sr-82	Strontium (38)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Cm-248		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	Ni-59	Nickel (28)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>	Sr-85		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-53	Cobalt (27)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Ni-63		1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>	Sr-85m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-56		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Ni-65		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Sr-87m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-57		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Np-235	Neptunium (93)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Sr-89		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-58		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Np-236 (short-lived)		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Sr-90 (b)		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-58m		1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Np-236 (long-lived)		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-5</sup>	Sr-91		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ce-60		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Np-237 (b)		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	Sr-92		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-51	Chromium (24)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Np-239		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	TH-3	Tritium (1)	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-2</sup>
Ce-129	Cesium (55)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Oe-185	Osmium (76)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Ta-178 (long-lived)	Tantalum (73)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-131		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Oe-191		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Ta-179		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ce-132		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Oe-191m		1.0X10 <sup>3</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Ta-182		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ce-134		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Oe-193		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tb-157	Terbium (65)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Ce-134m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Oe-194		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tb-158		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-135		1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	P-32	Phosphorus (15)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Tb-160		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-136		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>2</sup>	2.7X10 <sup>-6</sup>	P-33		1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>	Tc-95m	Technetium (43)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Ce-137 (b)		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	Pr-230	Protactinium (91)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-96		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cu-64	Copper (29)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-231		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	Tc-96m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Cu-67		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-233		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Tc-97		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Dy-159	Dysprosium (66)	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Pb-201	Lead (82)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-97m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Dy-165		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pb-202		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-98		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Dy-166		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pb-203		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-99		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Er-169	Erbium (68)	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Pb-205		1.0X10 <sup>6</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Tc-99m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-171		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pb-210 (b)		1.0X10 <sup>6</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Tc-121	Tellurium (52)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Er-147	Europtium (63)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pb-212 (b)		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-5</sup>	Tc-121m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Er-148		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pd-103	Palladium (46)	1.0X10 <sup>2</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-123m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-149		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Pd-107		1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	1.0X10 <sup>8</sup>	2.7X10 <sup>-3</sup>	Tc-125m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-150 (short-lived)		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pd-109		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-127		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Er-150 (long-lived)		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-143	Promethium (61)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-5</sup>	Tc-127m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-152		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-144		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-129		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Er-152m		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-145		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Tc-129m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Er-154		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-147		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Tc-131m		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>
Er-155		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Pm-148m		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Tc-132		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Er-156		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-149		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Th-227	Thorium (90)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
F-18	Fluorine (9)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pm-151		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-5</sup>	Th-228 (b)		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Fe-52	Iron (26)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Po-210	Polonium (84)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	Th-229 (b)		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Fe-55		1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-142	Praseodymium (59)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-5</sup>	Th-230		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Fe-59		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-143		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Th-231		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>
Fe-60		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Pr-188	Platinum (78)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Th-232		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>
Ga-67	Gallium (31)	1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-191		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Th-234 (b)		1.0X10 <sup>2</sup>	2.7X10 <sup>-9</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Ga-68		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Pr-193		1.0X10 <sup>4</sup>	2.7X10 <sup>-7</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Th (nat) (b)		1.0	2.7X10 <sup>-11</sup>	1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>
Ga-72		1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>	Pr-193m		1.0X10 <sup>3</sup>	2.7X10 <sup>-8</sup>	1.0X10 <sup>7</sup>	2.7X10 <sup>-4</sup>	Ti-44	Titanium (22)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>5</sup>	2.7X10 <sup>-6</sup>
Gd-146	Gadolinium (64)	1.0X10 <sup>1</sup>	2.7X10 <sup>-10</sup>	1.0X10 <sup>6</sup>	2.7X10 <sup>-5</sup>	Pr-195m		1.0X10 <sup>3</sup>	2.7X1								

a [Reserved]

b Parent nuclides and their progeny included in secular equilibrium are listed in the following:

Sr-90	Y-90
Zr-93	Nb-93m
Zr-97	Nb-97
Ru-106	Rh-106
Cs-137	Ba-137m
Ce-134	La-134
Ce-144	Pr-144
Ba-140	La-140
Bi-212	Tl-208 (0.36), Po-212 (0.64)
Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-220	Po-216
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208(0.36), Po-212 (0.64)
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-226	Ra-226, Rn-218, Po-214
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234	Pa-234m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235	Th-231
U-238	Th-234, Pa-234m
U-nat	Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
U-240	Np-240m
Np-237	Pa-233
Am-242m	Am-242
Am-243	Np-239

c [Reserved]

d These values apply only to compounds of uranium that take the chemical form of UF<sub>6</sub>, UO<sub>2</sub>F<sub>2</sub> and UO<sub>2</sub>(NO<sub>3</sub>)<sub>2</sub> in both normal and accident conditions of transport.

e These values apply only to compounds of uranium that take the chemical form of UO<sub>3</sub>, UF<sub>4</sub>, UCl<sub>4</sub> and hexavalent compounds in both normal and accident conditions of transport.

f These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.

g These values apply to unirradiated uranium only.

TABLE A-3—GENERAL VALUES FOR A, AND A<sub>2</sub>

Contents	A <sub>1</sub>		A <sub>2</sub>		Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments (Ci)
	(Tb)	(C)	(Tb)	(C)				
Only beta or gamma emitting radionuclides are known to be present	1.1x10 <sup>2</sup>	2.7x10 <sup>2</sup>	2.1x10 <sup>2</sup>	5.4x10 <sup>2</sup>	1.1x10 <sup>2</sup>	2.7x10 <sup>2</sup>	1.1x10 <sup>4</sup>	2.7x10 <sup>4</sup>
Only alpha emitting radionuclides are known to be present	2.1x10 <sup>2</sup>	5.4x10 <sup>2</sup>	9.1x10 <sup>2</sup>	2.4x10 <sup>3</sup>	1.1x10 <sup>2</sup>	2.7x10 <sup>2</sup>	1.1x10 <sup>4</sup>	2.7x10 <sup>4</sup>
No relevant data are available	1.1x10 <sup>2</sup>	2.7x10 <sup>2</sup>	9.1x10 <sup>2</sup>	2.4x10 <sup>3</sup>	1.1x10 <sup>2</sup>	2.7x10 <sup>2</sup>	1.1x10 <sup>4</sup>	2.7x10 <sup>4</sup>

TABLE A-4—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM

Uranium Enrichment <sup>1</sup> wt % U-235 present	Specific Activity	
	TBq/g	Ci/g
0.45	1.8 x 10 <sup>-8</sup>	5.0 x 10 <sup>-7</sup>
0.72	2.6 x 10 <sup>-8</sup>	7.1 x 10 <sup>-7</sup>
1	2.8 x 10 <sup>-8</sup>	7.6 x 10 <sup>-7</sup>
1.5	3.7 x 10 <sup>-8</sup>	1.0 x 10 <sup>-6</sup>
5	1.0 x 10 <sup>-7</sup>	2.7 x 10 <sup>-6</sup>
10	1.8 x 10 <sup>-7</sup>	4.8 x 10 <sup>-6</sup>
20	3.7 x 10 <sup>-7</sup>	1.0 x 10 <sup>-5</sup>
35	7.4 x 10 <sup>-7</sup>	2.0 x 10 <sup>-5</sup>
50	9.3 x 10 <sup>-7</sup>	2.5 x 10 <sup>-5</sup>
90	2.2 x 10 <sup>-6</sup>	5.8 x 10 <sup>-5</sup>
93	2.6 x 10 <sup>-6</sup>	7.0 x 10 <sup>-5</sup>
95	3.4 x 10 <sup>-6</sup>	9.1 x 10 <sup>-5</sup>

<sup>1</sup> The figures for uranium include representative values for the activity of the uranium-234 that is concentrated during the enrichment process. (60 FR 50264, Sept. 28, 1995 as amended at 61 FR 28724, June 6, 1996; 69 FR 3800, Jan. 26, 2004).

Notes: The Board of Health proposes that multiple provisions of Health Code §175.105 be amended, including the repeal and reenactment of §175.105 Appendix A, in order to maintain compatibility with applicable NRC regulations found in various provisions of 10 CFR Part 71 relating to the transportation and packaging of radioactive material.

j20

**NOTICE OF INTENTION TO REPEAL AND REENACT ARTICLE 11 OF THE NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of such Charter, notice is hereby given of the proposed repeal and reenactment of Article 11 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 2:00 P.M. TO 4:00 P.M. ON TUESDAY, JULY 22, 2008 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. JULY 21, 2008. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5)

MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 8, 2008.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 4:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PRE-REGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH, MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO: RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ON LINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., TUESDAY, JULY 22, 2008. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

**STATUTORY AUTHORITY**

These amendments to the New York City Health Code ("Health Code" or "Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("DOHMH" or "Department") with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the DOHMH's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

**STATEMENT OF BASIS AND PURPOSE**

**INTRODUCTION**

The DOHMH proposes to update certain sections of Article 11 of the Health Code pursuant to a comprehensive review and revision of the Health Code. Several of the proposed changes are not substantive but the text has been reorganized for clarity and consistency. The revisions reflect current thinking about public health, public health law and the efficacious control of communicable diseases. The revisions also reflect the current practices of the DOHMH, enforcement needs within the Department, advances in science and technology and the continuing concerns regarding new or re-emerging pathogens and potential bioterrorism. As a result of this assessment of the Health Code, Article 11 would be repealed and re-enacted as set forth below.

**Section 11.01**

The DOHMH proposes to modernize certain of the definitions in existing §11.01. The significant changes are described below.

- "Case" would be redefined to simplify and make clear that a person with a disease or condition which is reportable pursuant to this Code or any other law, based on clinical, laboratory, and/or epidemiological evidence or other recognized public health criteria, will be recognized as a case.
- The definition of "child" would be added to clarify that a person under the age of 18 will be recognized as a child, in accordance with New York State Law.
- A new term, "condition of public health interest", would be added in recognition of the fact that Article 11 requires the reporting, and provides authority for the control, of more than communicable diseases.
- A definition of "contagious disease" would be added and would specify that it is a communicable disease which is directly or indirectly transmissible from one individual to another.
- The definition of "directly observed therapy", now applicable specifically to tuberculosis as set forth in existing § 11.47, would be moved to this general definition section. The definition would have general applicability both to tuberculosis treatment as well as to any other contagious disease situation as may become necessary.
- The definition of "exclude" would be modified to clarify that it applies to attendance at a day care, school, child care setting, worksite or other place specified in the Code or as may be directed by the Department.
- The definition of "household contact" would be

revised to clarify that a person who has significant exposure to an infected person based on residence in the same household or residential premises so as to have the potential to acquire the infection will be considered a "household contact".

- A definition of "quarantine" would be added to acknowledge that it is an available and effective method of contagious disease control, especially in light of the potential for pandemic influenza, bioterrorism and other potentially new or re-emerging contagious diseases.
- A definition of "suspect case" would be added to clarify who will be considered a suspect case by the DOHMH.

**Subdivision (a) of §11.03**

The list of reportable diseases and conditions of public health interest would be amended to ensure that it is consistent with New York State's list of reportable diseases. Several new diseases or conditions, including drownings, Lymphocytic choriomeningitis virus, and Ricin poisoning would be added to the list of reportable conditions in New York City. In addition, the disease formerly identified as Ehrlichiosis has been reclassified into two new diseases, Human Granulocytic Anaplasmosis and Human Monocytic Ehrlichiosis.

**Subdivision (b) of §11.03**

A new paragraph (b)(1) would specify which of the diseases and conditions set forth in subdivision (a) must be reported to the Department by telephone immediately, both when they are suspected and when they are confirmed. A new paragraph (b)(2) would mandate that all of the other diseases and conditions set forth in subdivision (a) be reported within 24 hours of a confirmed diagnosis.

**Subdivision (c) of § 11.03**

This subdivision (c) would be the successor provision to existing subdivision (b) and would require that outbreaks or suspected outbreaks of any disease or condition, unusual manifestations of disease or conditions, or unusual diseases — regardless of whether they are listed in subdivisions (a) or (b) — be reported to the Department immediately by telephone.

**Subdivision (d) of §11.03**

Subdivision (d) would be added to clarify and reaffirm the Department's authority to conduct Syndromic Surveillance activities. In connection with this revision, a clarifying note has been added to §11.03 defining "syndromic surveillance." The Department already conducts such activities under its existing duty to exercise due diligence to ascertain the existence of outbreaks. This provision would enhance that authority.

**Subdivision (e) of §11.03**

A new subdivision (e), derived in part from the current §11.03(b), would elaborate upon the Department's broad authority to conduct epidemiological investigations to help control the spread of disease and to prevent and mitigate morbidity or mortality. In the course of conducting an investigation to verify diagnosis, or identify additional cases, contacts or carriers, or in attempting to ascertain the sources or causes of infection, injury or illness, the Department may require additional information beyond that which is routinely reported, and may collect or require the submission of clinical and environmental specimens for examination.

**Section 11.05**

Existing §11.05 would be revised to require additional groups of persons to submit the reports required by § 11.03 (including dentists, licensed chiropractors, doctors of osteopathy, physician's assistants, nurse practitioners, persons in charge of hospitals, clinics and laboratories or their designees). By broadening the scope of persons reporting the Department would obtain a more comprehensive monitoring of reportable diseases and conditions.

**Sections 11.07 and 11.09**

These sections, providing for the reporting, respectively, of immunizations and blood lead test results and for the establishment of immunization and children's blood lead test registries, would be substantially the same as their existing Health Code sections §11.04 and §11.06.

**Section 11.11**

Proposed §11.11 (existing §11.07) would provide for the strict confidentiality of epidemiological and surveillance information which is reported to the Department, or which is obtained or generated by DOHMH in the course of its investigations. Subdivision (a) would specify that the disclosure of such information, including an individual's medical or identifying information, cannot be compelled, that such reports and records shall not be deemed public records under the New York State Freedom of Information Law, and that dissemination of such information must be as aggregated statistical data.

Subdivision (b) would allow, to the extent permissible under applicable law, persons who are the subject of epidemiological reports and records to consent to the disclosure of information that is limited to their own patient information.

Subdivision (c), similar to existing §11.07(c), would allow for the disclosure of minimally necessary identifiable information, notwithstanding subdivisions (a) and (b), when the Department determines that such is necessary for the

protection of public health.

Subdivision (d), substantially similar to existing §11.07(d), would provide for the confidentiality of the immunization and children's lead registries established by sections 11.07 and 11.09, respectively.

#### Section 11.13

Existing §11.09 would be replaced by a new §11.13, which would require physicians to advise not only cases, carriers and contacts, but to also advise a suspect case, of the applicable precautionary requirements necessary to prevent the spread of disease. It would include a reference to quarantine as a possible preventive and protective measure, should such be directed by the DOHMH in a particular case.

#### Section 11.15

The proposed sections 11.15 and 11.17, which generally relate to exclusion and isolation, respectively, would replace a number of disease-specific sections of existing Article 11.

Subdivision (a) of §11.15 would require the persons in charge of institutions to exclude from attendance certain individuals, such as cases, contacts or carriers of specified diseases, who may be food handlers or children under the age of six in a child care setting. These individuals would be excluded until the Department determines that they no longer present a risk to others.

Subdivision (b) would make it a violation of the Code for the owner or person in charge of the institutions specified in §11.15 to knowingly or negligently permit an individual to work in or attend such a place when required to be isolated or excluded pursuant to Article 11.

Subdivision (c) would provide general authority for the Department to issue exclusion orders when necessary to protect the public health. Individuals excluded pursuant to such orders would be provided with an opportunity to be heard in accordance with §11.23(k) of this article.

#### Section 11.17

Subdivision (a) would require hospitals, clinics, nursing homes or other medical facilities to isolate, in accordance with recognized infection control principles, cases, carriers and suspected cases and carriers of listed contagious diseases or of other contagious diseases, which in the opinion of the Commissioner present an imminent and significant threat to the public health.

Subdivision (b) would require the person in charge of a hospital or other medical facilities, or of a shelter, correctional facility or other places providing medical care on site, but which do not have the capability to implement appropriate isolation precautions, to isolate such cases or carriers of contagious disease as directed by the Department until the individual can be transported to an appropriate healthcare facility.

Subdivision (c) would require institutions such as schools and congregate child care settings to similarly isolate such cases and carriers as directed by the Department until the individual can be safely transported to an appropriate facility.

Subdivision (d) would authorize the Department to issue home isolation or quarantine orders to suspect or confirmed cases, carriers or contacts of contagious disease who are not hospitalized. Such persons would have an opportunity to be heard in accordance with §11.23(k) of this Article.

#### Section 11.19

Proposed §11.19 would be substantially the same as existing § 11.49, except that the requirements now apply to both typhoid and paratyphoid fever. It would update the exclusion and control measures applicable to typhoid and paratyphoid fever to reflect more modern terminology and medical practice.

#### Section 11.21

This new §11.21, providing for the reporting, examination, exclusion, removal and detention of cases and suspected cases of tuberculosis, is substantively the same as existing §11.47 of this Article. Subdivision (a) would be revised to require the submission of the telephone contact number of the case so as to enable communicating with or contacting the case as may be necessary.

In addition, the definition of "directly observed therapy" would be moved to the general definitions section (§11.01) of Article 11 and generalized to apply to both tuberculosis and other diseases as may be necessary.

#### Section 11.23

This proposed new section is derived from existing §11.55. The section would clarify that the Commissioner may issue removal and detention orders for individuals or for a group, and provides for necessary flexibility with regard to the implementation of such authority.

Included in proposed subdivision (k) would be references to the Commissioner's ability to (1) order exclusion; (2) order home isolation or quarantine; (3) order testing or medical examination of a person who may have been exposed to a contagious disease that poses a significant risk or danger to others or (4) order a person who has been exposed to a contagious disease that poses a significant risk or danger to others to complete an appropriate, prescribed course of preventive medication or vaccination or through directly observed therapy to treat the disease, and follow infection control provisions for the disease, as may be necessary to

control the spread of disease. The Commissioner's right to order a prescribed course of preventive medication, vaccination or directly observed therapy does not mean or suggest that there would be forcible administration of medication against a person's will; a court order would be obtained as necessary. As is the case under the existing Code provisions, persons who are the subject of such non-custodial orders would be afforded an opportunity to be heard.

#### Section 11.25

This proposed §11.25 is substantially similar to existing § 11.64 but would now include Rocky Mountain spotted fever and tuberculosis as reportable diseases in animals and it would allow for the possibility of reporting by telephone.

#### Section 11.27

This proposed §11.27 is substantially similar to existing §11.65 but it would include a new subdivision (h) that would allow the Commissioner to modify the application of its provisions in specific instances of undue or unreasonable hardship.

#### Section 11.29

This proposed §11.29 is substantially similar to existing §11.66 but would change the age at which a dog or a cat must be vaccinated from three to four months of age.

#### Section 11.31

This proposed new §11.31 is substantially similar to existing §11.67 but would also provide that no person shall intentionally or negligently cause or promote the spread of disease by failing to observe disease control measures including but not limited to isolation, exclusion or treatment.

**RESOLVED**, that the Introductory Notes to Title II, the list of section headings for Article 11, the Introductory Notes to Article 11 and Article 11 of the New York City Health Code be and the same hereby are repealed and reenacted, to be printed together with explanatory notes, to read as follows:

### **Title II** **Control of Disease**

#### Introductory Notes:

Title II of the New York City Health Code provides for the reporting and control of communicable diseases and other conditions. Although advances in the prevention and treatment of infectious diseases now permit the Department of Health and Mental Hygiene ("DOHMH" or "Department") to focus more attention on other areas, the control of communicable diseases remains one of its core functions. Many of the provisions in other titles of this Code reflect the policies and principles established in Title II.

Reporting of cases is the first step in the public health control of communicable disease or conditions of public health interest. Initial reporting can lead to potentially valuable public health responses: (1) the Department's laboratory facilities may be made available to confirm the diagnosis of a disease, test specimens collected from close contacts to screen for the causative organism, provide additional information of public health importance such as molecular and seroepidemiologic characteristics and antibiotic susceptibilities of the causative organism, and conduct repeat testing to determine whether persistent evidence of infection indicates that the patient has developed a carrier state; (2) epidemiologic investigations can be conducted to determine the manner of transmission and the source of infection or illness, identify others at risk who may need treatment and take measures to prevent further spread or additional cases; and (3) statistical information can be compiled and analyzed to monitor the incidence and prevalence of diseases on a city-wide basis, identify potential outbreaks and to determine the need for and assess the effectiveness of public health measures to prevent or control the disease or condition.

Article 11, Reportable Diseases and Conditions, not only contains the basic reporting requirements but also addresses the control measures that may need to be put in place with regard to suspect and confirmed cases, contacts and carriers of certain reportable diseases. The public health control measures that may be utilized include exclusion of suspect or confirmed cases, carriers or their contacts from childcare, school, work or other settings where transmission may occur; isolation of cases; screening, prophylaxis and quarantine of contacts; and supervision of convalescent and chronic carriers. The article also addresses infection control measures required in clinics treating communicable diseases; control of animals infected with communicable diseases; and a general provision prohibiting persons from intentionally or negligently spreading disease.

Article 13 regulates the public health aspects of reporting by clinical laboratories and laboratory examinations for tuberculosis.

Article 15 provides controls designed to prevent the spread of disease by persons handling pathogenic organisms.

### **Article 11** **Reportable Diseases and Conditions**

**§11.01 Definitions.**  
**§11.03 Diseases and conditions of public health interest that are reportable.**  
**§11.05 Reports.**  
**§11.07 Immunization registry.**  
**§11.09 Blood Lead Reporting and Children's Blood Lead Registry.**  
**§11.11 Confidentiality of reports and records.**  
**§11.13 Duty of physician to advise case, carrier, suspect case and contact.**

**§11.15 Control measures; duty to exclude; exclusion orders.**  
**§11.17 Control measures; duty to isolate, and isolation, quarantine, and examination orders.**  
**§11.19 Typhoid and paratyphoid fever; exclusion.**  
**§11.21 Tuberculosis; reporting, examination, exclusion, removal and detention.**  
**§11.23 Removal and detention of cases, contacts and carriers who are or may be a danger to public health; other orders.**  
**§11.25 Reports and control of animal diseases communicable to humans.**  
**§11.27 Control of animals affected with rabies.**  
**§11.29 Rabies; compulsory vaccination.**  
**§11.31 Acts likely to spread disease prohibited.**

#### Introductory Notes:

As part of a comprehensive review of the Health Code to provide adequate legal tools to address the City's public health needs, Article 11, which covers the subject matter of diseases and conditions in humans and diseases in animals that are communicable to humans, was repealed and reenacted on [ ] to improve the reporting and control of communicable diseases and other conditions of public health interest that may affect the public health of the City. To that end, Article 11 has been revised to recognize and reflect changes and advancements in science and technology, emerging pathogens and contemporary concepts in public health.

#### **§11.01 Definitions.**

##### When used in this article:

(a) "Carrier" means an individual who, without showing any evidence of clinical disease, harbors and is capable of transmitting an infectious agent and may be a potential source of infection to others.

(b) "Case" means an individual who, based on clinical, laboratory and/or epidemiologic evidence or other recognized public health criteria, has a disease or condition of public health interest that is reportable to the Department pursuant to this article or any other applicable law or regulation.

(c) "Child" means a person under the age of 18 years.

(d) "Clinical laboratory" means a facility regulated pursuant to Public Health Law, Title V, Article 5, holding a permit issued by the New York State Department of Health, and operating in the City or testing a specimen from a City resident.

(e) "Communicable disease" means an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

(f) "Condition of public health interest" or "condition" means a disease, illness, syndrome or injury, or other threat to health that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community.

(g) "Contact" means an individual who has been identified as having been exposed, or potentially exposed, to a contagious or possibly contagious disease through such close, prolonged or repeated association with another individual or animal that, in the opinion of the Department, there is a risk of such individual contracting the contagious disease. A contact can be a household or non-household contact.

(h) "Contagious disease" means a communicable disease that is transmissible from one individual to another individual by direct or indirect contact.

(i) "Directly observed therapy" means a course of treatment, or preventive treatment, for a contagious disease in which the prescribed medication is administered to the person or taken by the person under direct observation as specified by the Department.

(j) "Epidemiological and surveillance reports and records" shall mean the reports of diseases and conditions of public health interest required to be reported to the Department that are received by the Department, and records of the case and contact investigations conducted and maintained by the Department related to such reports. Epidemiological and surveillance reports and records shall not include information contained in the immunization registry nor in the children's blood lead registry created pursuant to §§11.07 and 11.09 of this Code, respectively.

(k) "Exclude" means to keep from attendance at a day care or other childcare setting, school, worksite, shelter, or other place as specified in this Code or as may be directed by the Department.

(l) "Food handler" or "food worker" means a person who works in any place where food or drink is prepared, manufactured, handled, bottled, packed, stored, offered for sale, sold or provided free of charge, whose duties or the circumstances under which the food handler works, in the opinion of the Department, involve a risk that the food handler or food worker may cause the spread of disease.

(m) "Household contact" means an individual who has been or may have been exposed to another individual or animal with a contagious disease, based on residence in the same household or residential premises, sufficient to, in the opinion of the Department, put such individual at risk for acquiring the contagious disease.

(n) "Individual" means a natural human being.

(o) "Isolate" or "isolation" means the physical separation of persons who have a contagious disease or are suspected of having a contagious disease from other persons who do not have such contagious disease.

(p) "Outbreak" means an increased incidence of a disease or condition of public health interest above the expected or baseline level for that disease or condition.

(q) "Quarantine" means the physical confinement, separation, detention, or restriction of activities, including

entry or exit to or from premises or other places, of individuals who have been or are suspected of having been exposed to a contagious disease or possibly contagious disease, from other persons who have not been exposed to that contagious disease.

(r) "Suspect case" means an individual with clinical, laboratory or epidemiologic evidence suggesting the existence of a disease or condition that is reportable to the Department pursuant to this article or any other applicable law or regulation, but which has not yet been confirmed.

### **§11.03 Diseases and conditions of public health interest that are reportable.**

(a) Cases and carriers affected with any of the following diseases and conditions of public health interest, and persons who at the time of their death were apparently so affected, shall be reported to the Department as specified in this article:

Amebiasis  
Anaplasmosis (Human granulocytic anaplasmosis)  
Animal bite, or exposure to rabies  
Anthrax  
Arboviral infections, acute (including but not limited to the following viruses:  
Chikungunya virus, dengue, Eastern equine encephalitis virus, Jamestown Canyon virus, Japanese encephalitis virus, La Crosse virus, Powassan virus, Rift Valley fever virus, St. Louis encephalitis virus, Western or Venezuelan equine encephalitis virus, West Nile virus and yellow fever)  
Babesiosis  
Botulism (including infant, foodborne and wound botulism)  
Brucellosis (undulant fever)  
Campylobacteriosis  
Chancroid  
Chlamydia trachomatis infections (genitourinary and perinatal)  
Cholera  
Creutzfeldt-Jakob Disease  
Cryptosporidiosis  
Cyclosporiasis  
Diphtheria  
Drownings, defined as the process of experiencing respiratory impairment from submersion/immersion in liquid whether resulting in death or not  
Ehrlichiosis (Human monocytic ehrlichiosis)  
Encephalitis  
Escherichia coli O157:H7 infections  
Falls from windows in multiple dwellings by children sixteen (16) years of age and under  
Food poisoning occurring in a group of three or more individuals, including clusters of diarrhea or other gastrointestinal symptoms; or sore throat which appear to be due to exposure to the same consumption of spoiled, contaminated or poisonous food, or to having eaten at a common restaurant or other setting where such food was served. Also includes one or more suspected cases of neurologic symptoms consistent with foodborne toxin-mediated, including but not limited to botulism, scombroid or ciguatera fish poisoning, or neurotoxic or paralytic shellfish poisoning.  
Giardiasis  
Glanders  
Gonococcal infection (gonorrhea)  
Granuloma inguinale  
Hantavirus disease  
Hemolytic uremic syndrome  
Hemophilus influenzae (invasive disease)  
Hepatitis A; B; C; D ("Delta Hepatitis"); E; and other suspected infectious viral hepatitis  
Herpes simplex, neonatal infections (in infants 60 days or younger)  
Hospital associated infections as defined in Title 10 New York Codes, Rules and Regulations (NYCRR) Section 2.2 (New York State Sanitary Code) or its successor law, rule or regulation  
Influenza, novel strain with pandemic potential  
Influenza, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)  
Influenza-related deaths of a child less than 18 years of age  
Kawasaki syndrome  
Legionellosis  
Leprosy  
Leptospirosis  
Listeriosis  
Lyme disease  
Lymphocytic choriomeningitis virus  
Lymphogranuloma venereum  
Malaria  
Measles (rubeola)  
Melioidosis  
Meningitis, including aseptic, viral and other bacterial causes (specify type)  
Meningococcal, invasive disease  
Monkeypox  
Mumps  
Norovirus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)  
Pertussis (Whooping cough)  
Plague  
Poisoning by drugs or other toxic agents, including lead poisoning consisting of a blood lead level of 10 micrograms per deciliter or

higher (see also §11.09(a) of this Code); carbon monoxide poisoning and/or a carboxyhemoglobin level above 10%; and including confirmed or suspected pesticide poisoning as demonstrated by:

- (1) Clinical symptoms and signs consistent with a diagnosis of pesticide poisoning; or
- (2) Clinical laboratory findings of blood cholinesterase levels below the normal range; or
- (3) Clinical laboratory findings or pesticide levels in human tissue above the normal range.

Poliomyelitis  
Psittacosis  
Q fever  
Rabies  
Respiratory syncytial virus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)  
Ricin poisoning  
Rickettsialpox  
Rocky Mountain spotted fever  
Rotavirus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)  
Rubella (German measles)  
Rubella syndrome, congenital  
Salmonellosis  
Severe Acute Respiratory Syndrome (SARS)  
Shiga toxin producing Escherichia coli (STEC) (which includes but is not limited to E. coli O157:H7)  
Shigellosis  
Smallpox (variola)  
Staphylococcal enterotoxin B poisoning  
Staphylococcus aureus, methicillin-resistant, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)  
Staphylococcus aureus, vancomycin intermediate and resistant (VISA and VRSA)  
Streptococcus, Group A (invasive infections)  
Streptococcus, Group B (invasive infections)  
Streptococcus pneumoniae invasive disease  
Syphilis, including results of non-treponemal and treponemal laboratory examinations  
Tetanus  
Toxic shock syndrome  
Trachoma  
Transmissible spongiform encephalopathy  
Trichinosis  
Tuberculosis, as demonstrated by:  

- (1) Positive culture for Mycobacterium tuberculosis complex; or
- (2) Positive DNA probe, polymerase chain reaction (PCR), or other technique for identifying Mycobacterium tuberculosis from a clinical or pathology specimen; or
- (3) Positive smear for acid-fast bacillus, with final culture results pending or not available, on either a microbiology or a pathology specimen; or
- (4) Clinically suspected pulmonary or extrapulmonary (meningeal, bone, kidney, etc.) tuberculosis, such that the physician or other health care professional attending the case has initiated or intends to initiate isolation or treatment for tuberculosis, or to continue or resume treatment for previously incompletely treated disease, or, if the patient is not available, that the physician or other health care professional would initiate isolation or treatment if the patient were available; or
- (5) Biopsy, pathology, or autopsy findings in lung, lymph nodes or other tissue specimens, consistent with active tuberculosis disease including, but not limited to presence of acid-fast bacilli, caseating and non-caseating granulomas, caseous matter, tubercles and fibre-caseous lesions; or
- (6) Positive reaction to the purified protein derivative (PPD) Mantoux test or other recognized diagnostic test in a child less than five years of age, regardless of whether such child has had a BCG vaccination.

Tularemia  
Typhoid fever  
Urethritis, non-gonococcal  
Vaccinia disease, defined as  

- (1) Persons with vaccinia infection due to contact transmission; and
- (2) Persons with the following complications from smallpox vaccination: eczema vaccinatum, erythema multiforme major or Stevens-Johnson syndrome, fetal vaccinia, generalized vaccinia, inadvertent inoculation, myocarditis or pericarditis, ocular vaccinia, post-vaccinal encephalitis or encephalomyelitis, progressive vaccinia, pyogenic infection of the vaccination site, and any other serious adverse events (i.e.,

those resulting in hospitalization, permanent disability, life-threatening illness or death)

Varicella, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code)

Vibrio species, non-cholera (including parahaemolyticus and vulnificus)

Viral hemorrhagic fever

Yersiniosis

(b)(1) Suspected and confirmed cases or carriers of the following diseases or conditions of public health interest, and cases of persons who at the time of death were apparently so affected, shall be immediately reported to the Department by telephone and immediately in writing by submission of a report form via facsimile, mail or in an electronic transmission format acceptable to the Department, unless the Department determines that a written report is unnecessary.

Animal bites, from vector species at higher risk for rabies (including raccoons, skunks, foxes and bats) or any other animal with illness suggestive of rabies

Anthrax

Acute arboviral infections, as defined in subdivision (a) of this section (other than dengue)

Botulism

Brucellosis

Carbon monoxide poisoning

Cholera

Diphtheria

Food poisoning, as defined in subdivision (a) of this section

Glanders

Hantavirus

Hepatitis A in a food handler, or in an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or any other congregate setting with children under the age of six, or in a health care practitioner in a hospital or medical facility who provides oral care, or in an inmate of a correctional facility, or in a resident of a homeless facility or any other congregate residential setting

Influenza caused by novel influenza viral strain with pandemic potential

Measles

Melioidosis

Meningococcal, Invasive disease

Monkeypox

Plague

Poliomyelitis

Q fever

Rabies

Ricin

Rubella (German measles)

SARS

Smallpox

Staphylococcal enterotoxin B poisoning

Staphylococcus aureus, vancomycin intermediate and resistant (VISA and VRSA)

Tularemia

Vaccinia disease

Viral hemorrhagic fever

Any enteric disease (amebiasis, campylobacteriosis, cryptosporidiosis, E. coli O157: H7 and other shiga toxin producing Escherichia coli (STEC) infections, giardiasis, salmonellosis, shigellosis, typhoid fever or yersiniosis) occurring in a food handler, or in an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or any other congregate setting with children under six, or in a health care practitioner in a hospital or medical facility who provides oral care, or in an inmate of a correctional facility, or in a resident of a homeless facility or any other congregate residential setting.

(2) All other diseases or conditions of public health interest that are required to be reported in subdivision (a) shall be reported to the Department within 24 hours of a diagnosis confirmed by laboratory or clinical criteria, by telephone, or in writing by submission of the appropriate Departmental report form via facsimile, mail or in an electronic transmission format acceptable to and approved by the Department.

(c)(1) An outbreak or suspected outbreak of any disease, condition of public health interest or syndrome of known or unknown etiology, that may be a danger to public health and occurs in three or more persons, or (2) any unusual manifestation of a disease or condition of public health interest in an individual or (3) an unusual disease defined as a newly apparent or emerging disease or a syndrome of uncertain etiology that could possibly be communicable, shall be reported to the Department immediately by telephone and in writing by submission of a report form via facsimile, mail or in an electronic transmission format acceptable to the Department within 24 hours after diagnosis unless the Department determines that a written report is unnecessary. An outbreak may be detected based on clinical, laboratory or epidemiologic evidence.

(d) Authority for syndromic surveillance. To ascertain the existence or monitor the progress of an outbreak, or the occurrence of unusual manifestations of disease, or of unusual diseases or conditions of public health interest, the Department may require reports by emergency

departments, urgent care facilities, hospitals and clinics, and health information organizations which are comprised of such health care providers, as such terms are defined in Article 28 of the New York State Public Health Law or regulation promulgated thereunder, of all patient visits during each 24 hour period. Such reports shall be made electronically and in a form, manner and frequency as may be specified by the Department. Reports required by this subdivision may include age, gender, date and time of visit, zip code of residence, chief complaint, diagnosis or diagnosis code, disposition, radiographic results, laboratory results and a unique identification number adequate to access the patient's medical record if deemed necessary by the Department to investigate a suspected outbreak. In the event of a suspected or confirmed outbreak, and upon request by the Department, the identity of a patient shall be promptly reported to the Department.

(e) Upon receipt of a report submitted pursuant to this section or any other provision of this article or other applicable law, the Department may conduct such surveillance, epidemiologic and laboratory investigation activities as it shall deem necessary to verify the diagnosis, ascertain the source or cause of infection, injury or illness, identify additional cases, contacts, carriers or others at risk, and implement public health measures to control the disease or condition and prevent additional morbidity or mortality. Such investigations may include, but are not limited to, collecting or requiring collection of such clinical or environmental specimens for laboratory examination as the Department considers necessary, including the collection of specimens or isolates from clinical laboratories for testing by the Department or as designated by the Department. When deemed necessary for the protection of public health, the Department may require any person required to submit a report pursuant to this article or other applicable law, or an agent of such person, to provide reasonably necessary additional information not otherwise required to be reported by this Code, including but not limited to information on household contact and non-household contact names and contact information, clinical signs and symptoms, treatment, including records of treatment, laboratory, radiological, or other diagnostic procedures as specified by the Commissioner.

#### Notes:

This section is derived from its predecessor §11.03. In addition to provisions addressing reportable diseases and conditions, Section 11.03 provides for additional methods of detection and monitoring of outbreaks, including, as necessary, syndromic surveillance pursuant to subdivision (d). "Syndromic surveillance" is the systematic ongoing collection, collation, analysis and interpretation in near real-time of existing health data essential for the planning, implementation and evaluation of public health practice and emergency response. Syndromic surveillance applies to surveillance using health-related data that provides information on clinical syndromes, such as fever, rash, gastrointestinal illness, and respiratory conditions that may precede a definitive clinical or laboratory diagnosis. If a particular clinical syndrome is increasing citywide or clustering in a specific geographic area, this may signal a sufficient probability of an outbreak to warrant further public health response. If an outbreak is suspected, syndromic surveillance data may be utilized to determine whether an outbreak may be occurring. If so, further epidemiologic investigation may be conducted to identify suspect cases and to determine the cause, sources of exposures, and recommend necessary interventions on the part of the health officer.

#### §11.05 Reports.

(a) Reports required by §11.03 shall be made by a physician; dentist; licensed chiropractor; doctor of osteopathy; physician's assistant; nurse practitioner; a person in charge of a hospital, clinic, or other institution providing care or treatment; a clinical laboratory; or such persons' designees unless otherwise specified. Individual cases of those diseases that subdivision (a) of §11.03 indicates are to be reported only through the Department's electronic reporting mechanism set forth in §13.03(c) of this Code, shall be reported by clinical laboratories only and no additional reporting pursuant to said subdivision (a) shall be required of others specified herein, unless an outbreak is suspected or confirmed.

(b) Reports required by §11.03 shall contain all the information concerning the disease or condition of public health interest and all the information concerning the case, carrier or suspect case required by the Department for the protection of public health. Reports shall be made on forms furnished by the Department and shall contain all the information required by such forms.

(c) In addition to any other requirement to report set forth in this Code, when no physician or other person specified in subdivision (a) is in attendance, it shall be the duty of the head of a private household or of the person in charge of any institution, including but not limited to a day care or other congregate care setting with children under the age of six, school, college, university, hotel, shelter, correctional facility or camp, having knowledge of an individual likely to be affected with a disease or condition reportable under §11.03 of this Code, to report the name and address of such individual to the Department.

#### §11.07 Immunization Registry.

(a)(1) All immunizations administered to any individual age eighteen and under shall be reported to the Department, within 14 days of such immunization, by any person authorized by law to administer an immunization, or a person in charge of a hospital, clinic or other institution where such immunization is administered. Upon application of a person required to report pursuant to this section, the

Department in its discretion and when deemed necessary may extend the period of time within which such a person shall report immunizations. Any person required to report pursuant to this section shall also report to the Department any occurrences or matters which are reportable to the Secretary of Health and Human Services pursuant to the Vaccine Adverse Event Reporting System established by 42 U.S.C. Section 300aa-25(b) or any successor statute and any rules adopted pursuant thereto. The reporting of such occurrences or matters to the Department shall be made at the same time as made to the Secretary of Health and Human Services.

(2) Reports submitted to the Department pursuant to this section shall contain the name, address, and any other information required by the Department for the proper identification of the individual, demographic and epidemiological information and the immunization record, including past immunizations administered to the individual, in the possession of the person required to report pursuant to this section. Such reports shall be made in an electronic transmission format acceptable to the Department or, with the specific approval of the Department, in writing on a form prescribed by the Department via facsimile or by mail.

(3) Reports of an immunization administered to any individual age nineteen and above may be submitted to the Department provided that the person administering the immunization or the person in charge of the hospital, clinic or other institution where the immunization is administered, has obtained written consent to report such immunization from the person to whom such immunization information relates

(b) All records of immunization created or received by the Department shall be maintained in an immunization registry and shall be subject to the confidentiality provisions of §11.11(d) of this Code.

#### §11.09 Blood Lead Reporting and Children's Blood Lead Registry.

(a) In addition to the reports of lead poisoning made pursuant to §11.03 of this Code, results of blood lead analyses which are less than 10 micrograms per deciliter for any resident of the City of New York shall be reported as follows:

(1) Except as provided in paragraph (2), clinical laboratories shall report blood lead test results which are less than 10 micrograms per deciliter to the Department.

(2) A clinical laboratory which reports blood lead test results less than 10 micrograms per deciliter electronically to the New York State Department of Health shall not be required to make any additional report to the Department of such test results.

(3) A person or entity who orders or performs blood lead tests but does not submit the specimen to a clinical laboratory for analysis shall report results of less than 10 micrograms per deciliter to the Department.

(4) Results required to be reported pursuant to this section shall be submitted to the Department in an electronic transmission format acceptable to the Department or in writing via facsimile or by mail, within five (5) business days after such results are known by such person or entity. Reports required pursuant to this section shall contain all the information required by the Department for the protection of public health, and shall be made on forms furnished by the Department or shall contain all the information required by such forms.

(b) Children's blood lead registry. All records of blood lead tests created or received by the Department pursuant to §11.03 and this section for children shall be maintained in a registry in accordance with and subject to the limitations on disclosure of §11.11(d) of the Code.

#### Notes:

This section is derived from its predecessor §11.06, which was originally adopted to clarify requirements for directly reporting blood lead test results under 10 mcg/dL and to establish a children's blood lead registry. Results of tests showing a blood level of 10 mcg/dL or greater must be reported to the Department pursuant to §11.03(a) of the Health Code by the persons and entities indicated in §11.05 of such Code. The additional reporting requirement in §11.09 is intended to ensure that the Department receives reports of blood lead analyses showing blood lead levels of less than 10 mcg/dL performed by or on behalf of health care providers in their office practices, or by clinical laboratories which do not report these test results electronically to the New York State Department of Health. The test results in the children's blood lead registry will be accessible to children's health care providers in accordance with §11.11(d) of the Health Code.

#### §11.11 Confidentiality of reports and records.

(a)(1) Epidemiological and surveillance reports and records of cases, contacts, carriers, suspect cases or suspect contacts of diseases and conditions of public health interest that are reported to the Department, including but not limited to additional information it may obtain, develop or prepare in the course of an epidemiological investigation, shall be confidential and shall not be subject to inspection by persons other than authorized personnel or agents of the Department. The disclosure of such reports, records or information shall not be compelled. No individual's medical or individually identifiable information shall be disclosed from any epidemiological report or record, and no disclosure thereof may be compelled, regarding any individual who is the subject of, or identified in, such a report, or regarding an individual or entity that has made such a report. No such reports and records, nor any part thereof, shall be deemed to be "public records" as that term is defined in the New York State Public Officers Law.

(2) Epidemiological or surveillance information

that is disseminated as aggregated statistical data shall be prepared as determined by the Department in a manner that does not reasonably enable re-identification of any person whose personal health or individually identifiable information is contained in such data.

(b) Notwithstanding subdivision (a) hereof, to the extent permissible under applicable law and in accordance with the provisions of §3.25 of this Code, the person to whom any such epidemiological and surveillance report or record relates, or in the case of a minor or incompetent such person's parent, legal guardian or custodial guardian, may sign a written consent authorizing the Commissioner to disclose such person's own patient information or records of diagnosis or treatment. The consensual disclosure of such information shall only be made to the person to whom the information relates, or to such person's current treating medical provider, or to a court upon receipt of such a written consent and a court order from that court. A disclosure pursuant to this subdivision shall not include the identity of persons who reported the case, investigative or epidemiological information related to the case or the identities and epidemiologic, surveillance and laboratory information on the person's contacts or other suspect or confirmed cases, contacts or carriers associated with the same epidemiologic investigation.

(c) Subdivisions (a) and (b) of this section shall not prevent the Commissioner or authorized personnel of the Department from furnishing what the Department determines to be appropriate information to a physician or institution providing examination or treatment to a person suspected of or affected with a disease or condition of public health interest, to an agency approved by the Department for prevention, treatment or social service, or to any person when necessary for the protection of public health. Only the minimum information necessary for the intended purpose shall be disclosed. A person, institution or agency to whom such information is furnished or to whom access to records has been given shall not divulge any part thereof so as to disclose the identity of the person to whom such information or record relates, except insofar as such disclosure is necessary for the treatment of a case or carrier or for the protection of the health of others.

(d)(1) Information contained in the immunization registry created pursuant to §11.07 of this Article and the children's blood lead registry established pursuant to §11.09 of this Article shall be confidential and not subject to inspection by persons other than authorized personnel or agents of the Department and persons or agencies authorized herein. The Department may disclose information contained in said immunization registry in accordance with the provisions of §2168 of the New York State Public Health Law, and the regulations promulgated pursuant thereto. Information contained in the children's blood lead registry consisting of test results and the dates of such testing may be disclosed and the Department may permit access to such information by a person, authorized by law to administer or order a blood test, who is treating or testing the individual to whom said information relates, or to a public health agency for the protection of health. The Department may also disclose what it considers appropriate and necessary information from such immunization or children's blood lead registries to a person or agency concerned with immunization or blood lead testing of children authorized by the Department when (i) such person or agency provides sufficient identifying information satisfactory to the Department to identify the individual to whom such information relates and (ii) such disclosure is in the best interests of such individual and, in the case of a child, his or her family, or will contribute to the protection of the public health. Notwithstanding the foregoing, the person to whom any immunization or blood lead test record relates, or his or her custodial parent, guardian, or other person in parental or custodial relation to such person, may, by signing a written consent, authorize the Commissioner to disclose such record.

(2) A person, institution or agency to whom such immunization or blood lead registry information is furnished or to whom access to records or information has been given, shall not divulge any part thereof so as to disclose the identity of the person to whom such information or record relates, except insofar as such disclosure is necessary for the protection of the health of the person or other person.

#### §11.13 Duty of physician to advise case, suspect case, carrier, suspect carrier and contact.

A physician who attends a case, carrier or suspect case shall inform the case, carrier or suspect case and the case, carrier or suspect case's contacts of the applicable requirements of isolation, exclusion, quarantine, screening, treatment or prophylactic measures and other precautions necessary to prevent the spread of disease.

#### §11.15 Control measures; duty to exclude; exclusion orders.

(a) Any individual required to be isolated pursuant to provisions of this Article, and certain cases, suspect cases, contacts and carriers, as indicated in this subdivision, shall be excluded by the operator, employer or person in charge of the applicable institution, facility or place as set forth in this subdivision.

(1) A case or carrier of the diseases listed in this paragraph who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to

others; provided that, if the patient has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:

Campylobacteriosis  
Cholera  
*E. coli* O157:H7 and other Shiga toxin producing  
*Escherichia coli* (STEC) infections  
Salmonellosis (other than typhoid)  
Shigellosis  
Yersiniosis.

(2) A case or carrier of the diseases listed in this paragraph who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until three negative stool samples, taken no less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided that, if the patient has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:

Amebiasis  
Cryptosporidiosis  
Giardiasis

(3) A case or household contact of Hepatitis A who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until determined by the Department to no longer be a risk to others.

(b) An owner or person in charge of a work place, school, day care, camp or other congregate setting with children under the age of six, shelter or other congregate residential setting, or any other institution, facility or place specified in this section or this article, shall not knowingly or negligently permit a case, suspect case, contact or carrier to work in or attend such place when required by this article to be isolated or excluded.

(c) The Department may, in accordance with the provisions of subdivision (k) of § 11.23 of this Article, order any case, contact, or carrier, or suspected case contact or carrier of a contagious disease to be excluded from any setting when necessary for the protection of public health.

#### **§11.17 Control measures; duty to isolate; and isolation, quarantine and examination orders.**

(a) In a hospital, clinic, nursing home or other medical facility a case, carrier, suspect case or suspect carrier of diphtheria, rubella (German measles), influenza with pandemic potential, invasive meningococcal disease, measles, monkeypox, mumps, pertussis, poliomyelitis, pneumonic form of plague, SARS, vancomycin intermediate or resistant *Staphylococcus aureus* (VISA/VRSA), smallpox, tuberculosis (active), vaccinia disease, viral hemorrhagic fever or any other contagious disease that in the opinion of the Commissioner may pose an imminent and significant threat to the public health, shall be isolated in a manner consistent with recognized infection control principles and isolation procedures.

(b) The attending physician or other person in charge of a hospital, clinic, nursing home, shelter, group residence, correctional facility, or other place providing medical care on site, but not capable of implementing appropriate isolation precautions for the specific disease, upon discovering a case, carrier, suspect case or suspect carrier of a contagious disease of the kind as set forth in subdivision (a) shall mask such person, if indicated, isolate the individual by placing him or her in a single room as instructed by the Department until such time as the case, carrier, suspect case or suspect carrier can be transported to an appropriate healthcare facility that is capable of implementing appropriate isolation precautions for the specific disease.

(c) The person in charge of a school, day care facility, camp or other congregate care setting with children under the age of six, homeless shelter, correctional facility, group residence or other congregate residential setting providing care or shelter shall, upon discovering a case, carrier, suspect case or suspect carrier of a contagious disease set forth in subdivision (a) shall mask such person, if indicated, and isolate the individual by placing him or her in a single room as instructed by the Department until the person can be safely transferred to an appropriate medical facility for evaluation.

(d) A case, contact, carrier or suspect case, contact or carrier of a contagious disease set forth in subdivision (a) who is not hospitalized may, in accordance with the provisions of subdivision (k) of §11.23 of this Article, be ordered by the Department to remain in isolation or quarantine at home or other residence of his or her choosing that is acceptable to the Department, under such conditions and for such duration as the Department may specify to prevent transmission of the disease to others.

#### **§11.19 Typhoid and paratyphoid fever; exclusion.**

(a) A case of typhoid or paratyphoid fever who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; a health care practitioner in a hospital or medical facility who provides oral

care, a resident of a congregate homeless facility or shelter or any other congregate residential setting; or any other person who in the opinion of the Department represents a risk to the health of the public, shall be excluded until the end of the febrile period and until four stool specimens are submitted to the Department, found to be free of typhoid and paratyphoid bacteria, and until released from exclusion by the Department. Stool specimens shall be submitted as specified herein. The initial two specimens shall be taken no less than 48 hours after the cessation of antibiotic therapy and 24 hours apart. A second set of two specimens shall be taken thirty (30) days later, and no less than 24 hours apart. The case shall be instructed not to prepare food for other members of the household or others, nurse the sick, or care for children until it is determined that the patient is non-infectious and a non-carrier as per subdivision (c) of this section. Members of the household shall be advised by the physician in attendance of precautions to be taken to prevent further spread of the disease and shall be informed as to the appropriate specific preventive measures.

(b) A household contact who is a food handler; an enrollee or attendee under the age of six or staff member of a school, day care facility or other congregate care setting with children under the age of six; a health care practitioner in a hospital or medical facility who provides oral care; or any other person who in the opinion of the Department represents a risk to the health of the public, shall be excluded until two successive stool specimens, taken no less than 24 hours apart are examined by the Department and found free of typhoid and paratyphoid bacilli.

(c) If the initial four stool specimens obtained pursuant to subdivision (a) of this section are negative for typhoid and paratyphoid bacteria, no further stool specimens shall be required, and the case shall be released from exclusion. If any of the four stool specimens obtained pursuant to subdivision (a) of this section are positive for typhoid or paratyphoid bacteria, then the case shall be recommended for further treatment which may include a longer course of an antibiotic to which the bacterial isolate is sensitive or surgery to remove the nidus of infection (e.g., the gallbladder). After completion of this treatment, such a case of typhoid or paratyphoid fever shall continue to submit to the Department two stool specimens taken no less than 48 hours after repeat antibiotic treatment or gallbladder removal and then one specimen taken no less than 30 days apart for three successive months. If all five stools are free of typhoid and paratyphoid bacilli, he or she shall be considered non-infectious and a non-carrier. If any of the stool specimens submitted contains typhoid or paratyphoid bacilli, he or she shall be considered to be a typhoid or paratyphoid carrier and, the convalescent typhoid or paratyphoid carrier shall comply with paragraphs (d)(1) through (6) of this section.

(d) A chronic typhoid or paratyphoid carrier is a person who has not shown clinical evidence of typhoid or paratyphoid fever within a period of 12 months, or who has never shown clinical evidence of typhoid or paratyphoid fever, but who continues to harbor typhoid bacilli, as determined by examination by the Department pursuant to subdivision (c) of this section. A household contact who tests positive for typhoid or paratyphoid bacilli, however, shall not be considered a chronic typhoid or paratyphoid carrier if the household contact no longer lives in the same household as the case or carrier and if, after two months of ceasing to live in the same household, the contact tests negative for typhoid and paratyphoid bacilli on two successive stool specimens taken no less than 48 hours after completion of an appropriate course of therapy with an antibiotic to which the bacterial isolate was sensitive and no less than 24 hours apart. A chronic typhoid carrier shall:

(1) Submit specimens of his or her stool or urine whenever the Department requires;

(2) Report his or her address, occupation and place of employment, in person or in writing, whenever the Department requires;

(3) Promptly notify the Department of any temporary or permanent change of address or place of employment;

(4) Refrain from cooking or handling any food, drink or eating utensils to be eaten or used by others, and refrain from nursing the sick or from caring for children;

(5) Clean toilet seats used by him or her immediately after use; and

(6) Thoroughly wash his or her hands with soap and water after using the toilet.

(e) Supervision by the Department of a chronic typhoid or paratyphoid carrier shall end:

(1) In the instance of a chronic carrier who underwent surgery to remove a nidus of typhoid or paratyphoid infection, or who has completed an appropriate course of therapy to eradicate the carrier state with an antibiotic to which the bacterial isolate was sensitive, when two successive stool specimens, taken no less than 48 hours after surgery or completion of antibiotic treatment, followed by three successive stool specimens taken no less than 30 days apart, are examined by the Department and found free of typhoid and paratyphoid bacilli; or

(2) In the instance of a chronic carrier who has not undergone surgery to remove a nidus of typhoid or paratyphoid infection, or who has not completed an appropriate course of therapy to eradicate the carrier state with an antibiotic to which the bacterial isolate was sensitive, when six successive stool specimens, taken no less than 30 days apart, are examined by the Department and found free of typhoid and paratyphoid bacilli; or

(3) In the instance of a carrier other than the fecal type, when evidence is furnished which satisfies the Department that he or she is no longer a carrier.

#### **§11.21 Tuberculosis; reporting, examination, exclusion, removal and detention.**

(a) A physician who attends a case of active

tuberculosis, or the person in charge of a hospital, dispensary or clinic giving out-patient treatment to such a case, shall report to the Department at such times that the Department requires. The report shall state whether the case is still under treatment, the address of the case, the telephone contact number(s) of the case, the stage, clinical status and treatment of the disease and the dates and results of sputum and X-ray examinations and any other information required by the Department. The physician who attends the case or the person in charge of a hospital, dispensary or clinic giving out-patient care to such a case shall report promptly to the Department when the case ceases to receive treatment and the reason for the cessation of treatment.

(b) A physician who attends a case of active tuberculosis shall examine or cause all household contacts to be examined or shall refer them to the Department for examination. The physician shall promptly notify the Department of such referral. When required by the Department, non-household contacts and household contacts not examined by a physician shall submit to examination by the Department. An examination required by this section shall include such tests as may be necessary to diagnose the presence of tuberculosis, including but not limited to tuberculin tests, serologic tests for tuberculosis infection, and where indicated, laboratory examinations, and x-rays. If any suspicious abnormality is found, steps satisfactory to the Department shall be taken to refer the person promptly to a physician or appropriate medical facility for further investigation and, if necessary, treatment. Contacts shall be re-examined at such times and in such manner as the Department may require. When requested by the Department, a physician shall report the results of any examination of a contact.

(c) A person with active tuberculosis that is infectious shall be excluded from attendance at the workplace or school. Such person may also be excluded from such other premises or facilities as the Department determines cannot be maintained in a manner adequate to protect others against spread of the disease.

(d) Where the Commissioner determines that the public health or the health of any other person is endangered by a case of tuberculosis or a suspect case of tuberculosis, the Commissioner may issue any orders he or she deems necessary to protect the public health or the health of any other person, and may make application to a court for enforcement of such orders. In any court proceeding for enforcement, the Commissioner shall demonstrate the particularized circumstances constituting the necessity for an order. Such orders may include, but shall not be limited to:

(1) An order authorizing the removal to and/or detention in a hospital or other treatment facility for appropriate examination for tuberculosis of a person who has active tuberculosis or who is suspected of having active tuberculosis and who is unable or unwilling voluntarily to submit to such examination by a physician or by the Department;

(2) An order requiring a person who has active tuberculosis to complete an appropriate prescribed course of medication for tuberculosis and, if necessary, to follow required contagion precautions for tuberculosis;

(3) An order requiring a person who has active tuberculosis and who is unable or unwilling otherwise to complete an appropriate prescribed course of medication for tuberculosis to follow a course of directly observed therapy;

(4) An order for the removal to and/or detention in a hospital or other treatment facility of a person (i) who has active tuberculosis that is infectious or who presents a substantial likelihood of having active tuberculosis that is infectious, based upon epidemiologic evidence, clinical evidence, x-ray readings or laboratory test results; and (ii) where the Department finds, based on recognized infection control principles, that there is a substantial likelihood such person may transmit to others tuberculosis because of his or her inadequate separation from others; and

(5) An order for the removal to and/or detention in a hospital or other treatment facility of a person (i) who has active tuberculosis, or who has been reported to the Department as having active tuberculosis with no subsequent report to the Department of the completion of an appropriate prescribed course of medication for tuberculosis; and (ii) where there is a substantial likelihood, based on such person's past or present behavior, that he or she can not be relied upon to participate in and/or to complete an appropriate prescribed course of medication for tuberculosis and/or, if necessary, to follow required contagion precautions for tuberculosis. Such behavior may include, but is not limited to, refusal or failure to take medication for tuberculosis, or refusal or failure to keep appointments for treatment of tuberculosis, or refusal or failure to complete treatment for tuberculosis, or disregard for contagion precautions for tuberculosis.

(e) The Commissioner may remove to or detain in a hospital or other place for examination or treatment a person who is the subject of an order of removal or detention issued pursuant to subdivision (d) of this section without prior court order; provided however that when a person detained pursuant to subdivision (d) of this section has requested release, the Commissioner shall make an application for a court order authorizing such detention within three (3) business days after such request by the end of the first business day following such Saturday, Sunday or legal holiday, which application shall include a request for an expedited hearing. After any such request for release, detention shall not continue for more than five (5) business days in the absence of a court order authorizing detention. Notwithstanding the foregoing provisions, in no event shall any person be detained for more than sixty (60) days without a court order authorizing such detention. The Commissioner shall seek further court review of such detention within ninety (90) days following the initial court order authorizing detention and thereafter within ninety (90) days of each subsequent court review. In any court proceeding to enforce a

Commissioner's order for the removal or detention of a person issued pursuant to this subsection or for review of the continued detention of a person, the Commissioner shall prove the particularized circumstances constituting the necessity for such detention by clear and convincing evidence. Any person who is subject to a detention order shall have the right to be represented by counsel and upon the request of such person, counsel shall be provided.

(f)(1) An order of the Commissioner issued pursuant to subdivision (d) of this section shall set forth:

(i) the legal authority pursuant to which the order is issued, including the particular sections of this Article or other law or regulation;

(ii) an individualized assessment of the person's circumstances and/or behavior constituting the basis for the issuance of such orders; and

(iii) the less restrictive treatment alternatives that were attempted and were unsuccessful and/or the less restrictive treatment alternatives that were considered and rejected, and the reasons such alternatives were rejected.

(2) In addition, an order for the removal and detention of a person shall:

(i) include the purpose of the detention;

(ii) advise the person being detained that he or she has the right to request release from detention by contacting a person designated on the Commissioner's order at a telephone number stated on such order, and that the detention shall not continued for more than five (5) business days after such request in the absence of a court order authorizing such detention;

(iii) advise the person being detained that, whether or not he or she requests release from detention, the Commissioner must obtain a court order authorizing detention within sixty (60) days following the commencement of detention and thereafter must further seek court review of the detention within ninety (90) days of such court order and within ninety (90) days of each subsequent court review;

(iv) advise the person being detained that he or she has the right to arrange to be represented by counsel or to have counsel provided, and that if he or she chooses to have counsel provided, that such counsel will be notified that the person has requested legal representation;

(v) be accompanied by a separate notice which shall include but not be limited to the following additional information: (A) that the person being detained has the right to request release from detention by contacting a person designated on the Commissioner's order at a telephone number stated on such order, and that the detention shall not continue for more than five (5) business days after such request in the absence of a court order authorizing such detention; (B) that he or she has the right to arrange to be advised and represented by counsel or to have counsel provided, and that if he or she chooses to have counsel provided, that such counsel will be notified that the person has requested legal representation; and (C) that he or she may supply the addresses and/or telephone numbers of friends and/or relatives to receive notification of the person's detention, and that the Department shall, at the patient's request, provide notice to a reasonable number of such people that the person is being detained.

(g) Notwithstanding any inconsistent provision of this section:

(1) A person who is detained solely pursuant to paragraph one of subdivision (d) of this section shall not continue to be detained beyond the minimum period of time required, with the exercise of all due diligence, to make a medical determination of whether a person who is suspected of having tuberculosis has active tuberculosis or whether a person who has active tuberculosis is infectious. Further detention of such person shall be authorized only upon the issuance of a Commissioner's order pursuant to paragraph four or paragraph five of subdivision (d) of this section.

(2) A person who is detained pursuant to this section solely for the reasons described in paragraph four of subdivision (d) of this section shall not continue to be detained after he or she ceases to be infectious or after the Department ascertains that changed circumstances exist that permit him or her to be adequately separated from others so as to prevent transmission of tuberculosis after his or her release from such place of detention as designated by the Commissioner pursuant to this section.

(3) A person who is detained pursuant to this section for the reasons described in paragraph five of subdivision (d) of this section shall not continue to be detained after he or she has completed an appropriate prescribed course of medication.

(h) Where necessary, language interpreters and person skilled in communicating with vision and hearing impaired individuals shall be provided in accordance with applicable law.

(i) The provisions of this section shall not be construed to permit or require the forcible administration of any medication without a prior court order.

(j) For the purposes of this section, a person has active tuberculosis when (A) a sputum smear or culture taken from a pulmonary or laryngeal source has tested positive for tuberculosis and the person has not completed an appropriate prescribed course of medication for tuberculosis, or (B) a smear or culture from an extra-pulmonary source has tested positive for tuberculosis and there is clinical evidence or clinical suspicion of pulmonary tuberculosis disease and the person has not completed an appropriate prescribed course of medication for tuberculosis. A person also has active tuberculosis when, in those cases where sputum smears or cultures are unobtainable, the radiographic evidence, in addition to current clinical evidence and/or laboratory tests, is sufficient to establish a medical diagnosis of pulmonary tuberculosis for which treatment is indicated. A person who has active tuberculosis shall be considered infectious until three consecutive sputum smears from a pulmonary or laryngeal source collected on separate days at medically appropriate intervals have tested negative for tuberculosis and the clinical symptoms of tuberculosis have resolved or significantly improved.

Notes:

This section is derived without substantive change from its predecessor §11.47of the Code This section details the compulsory measures available to the Department to control the spread of tuberculosis and infection of new cases; to articulate the standards by which the Department will be guided in exercising compulsory measures; to ensure that the framework in which the Department acts is governed and guided by sound principles of procedural due process; and to modernize the medical elements and terminology for evaluation of patients for tuberculosis. To that end, the Board has adopted the following, continuing resolution:

**Resolution and Finding of the Board of Health of the Department of Health of the City of New York:** Whereas the Board of Health recognizes that the City of New York is in the midst of an epidemic of tuberculosis; that this epidemic is characterized by strains of tuberculosis resistant to therapeutic drugs; and that tuberculosis is an airborne disease contracted from prolonged exposure to persons who have active infectious pulmonary tuberculosis; and whereas, the Board of Health further recognizes that the failure of a tuberculosis patient to complete an effective course of therapy creates the likelihood of relapse into infectiousness and, in addition, facilitates the development of drug resistance strains of tuberculosis and the infection of previously uninfected persons with multi-drug resistant tuberculosis; now, therefore, be it resolved, that the Board of Health finds that the potential reactivation of tuberculosis and the development and spread of drug resistant tuberculosis caused by the failure of tuberculosis patients, whether or not infectious, to complete a course of anti-tuberculosis therapy create a significant threat to the public health. Transmitted to the City Council March 25, 1993.

Courts have upheld the Department's authority to detain a person who was shown by clear and convincing evidence to be unable to comply with prescribed course of treatment for tuberculosis. See *Best v. St. Vincent's Hospital*, 2003 U.S. Dist. LEXIS 11354 (S.D.N.Y. 2003), *complaint dsmd. at Best v. Bellevue*, 2003 U.S. Dist. LEXIS 13188 (S.D.N.Y. 2003); *City of New York v. Doe*, 205 A.D.2d 469; 614 N.Y.S.2d 8 (1st Dept. 1994); *In the Matter of City of New York v. Antoinette R.*, 165 Misc. 2d 1014; 630 N.Y.S.2d 1008 (Sup. Ct. Qns. Cty. 1995).

**§11.23 Removal and detention of cases, contacts and carriers who are or may be a danger to public health; other orders.**

(a) Upon determining by clear and convincing evidence that the health of others is or may be endangered by a case, contact or carrier, or suspected case, contact or carrier of a contagious disease that, in the opinion of the Commissioner, may pose an imminent and significant threat to the public health resulting in severe morbidity or high mortality, the Commissioner may order the removal and/or detention of such a person or of a group of such persons by issuing a single order, identifying such persons either by name or by a reasonably specific description of the individuals or group being detained. Such person or group of persons shall be detained in a medical facility or other appropriate facility or premises designated by the Commissioner and complying with subdivision (d) of this section.

(b) A person or group removed or detained by order of the Commissioner pursuant to subdivision (a) of this section shall be detained for such period and in such manner as the Department may direct in accordance with this section.

(c) Notwithstanding any inconsistent provision of this section:

(1) A confirmed case or a carrier who is detained pursuant to subdivision (a) of this section shall not continue to be detained after the Department determines that such person is no longer contagious.

(2) A suspected case or suspected carrier who is detained pursuant to subdivision (a) of this section shall not continue to be detained after the Department determines, with the exercise of due diligence, that such person is not infected with or has not been exposed to such a disease, or if infected with or exposed to such a disease, no longer is or will become contagious.

(3) A person who is detained pursuant to subdivision (a) of this section as a contact of a confirmed case or a carrier shall not continue to be detained after the Department determines that the person is not infected with the disease or that such contact no longer presents a potential danger to the health of others.

(4) A person who is detained pursuant to subdivision (a) of this section as a contact of a suspected case shall not continue to be detained:

(i) after the Department determines, with the exercise of due diligence, that the suspected case was not infected with such a disease, or was not contagious at the time the contact was exposed to such individual; or

(ii) after the Department determines that the contact no longer presents a potential danger to the health of others.

(d) A person who is detained pursuant to subdivision (a) of this section shall, as is appropriate to the circumstances:

(1) have his or her medical condition and needs assessed and addressed on a regular basis, and

(2) be detained in a manner that is consistent with recognized isolation and infection control principles in order to minimize the likelihood of transmission of infection to such person and to others.

(e) When a person or group is ordered to be detained pursuant to subdivision (a) of this section for a period not exceeding three (3) business days, such person or member of such group shall, upon request, be afforded an opportunity to be heard. If a person or group detained pursuant to subdivision (a) and this subdivision needs to be detained beyond three (3) business days, they shall be provided with an additional Commissioner's order pursuant to subdivisions (f) and (g) of this section.

(f) When a person or group is ordered to be detained pursuant to subdivision (a) of this section for a period exceeding three (3) business days, and such person or member of such group requests release, the Commissioner shall make an application for a court order authorizing such detention within three (3) business days after such request by the end of the first business day following such Saturday, Sunday, or legal holiday, which application shall include a

request for an expedited hearing. After any such request for release, detention shall not continue for more than five (5) business days in the absence of a court order authorizing detention. Notwithstanding the foregoing provisions, in no event shall any person be detained for more than sixty (60) days without a court order authorizing such detention. The Commissioner shall seek further court review of such detention within ninety (90) days following the initial court order authorizing detention and thereafter within ninety (90) days of each subsequent court review. In any court proceeding to enforce a Commissioner's order for the removal or detention of a person or group issued pursuant to this subdivision or for review of the continued detention of a person or group, the Commissioner shall prove the particularized circumstances constituting the necessity for such detention by clear and convincing evidence.

(g)(1) A copy of any detention order of the Commissioner issued pursuant to subdivision (a) of this section shall be given to each detained individual; however, if the order applies to a group of individuals and it is impractical to provide individual copies, it may be posted in a conspicuous place in the detention premises. Any detention order of the Commissioner issued pursuant to subdivision (a) of this section shall set forth:

(i) the purpose of the detention and the legal authority under which the order is issued, including the particular sections of this article or other law or regulation;

(ii) a description of the circumstances and/or behavior of the detained person or group constituting the basis for the issuance of the order;

(iii) the less restrictive alternatives that were attempted and were unsuccessful and/or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected;

(iv) a notice advising the person or group being detained that they have a right to request release from detention, and including instructions on how such request shall be made;

(v) a notice advising the person or group being detained that they have a right to be represented by legal counsel and that upon request of such person or group access to counsel will be facilitated to the extent feasible under the circumstances; and

(vi) a notice advising the person or group being detained that they may supply the addresses and/or telephone numbers of friends and/or relatives to receive notification of the person's detention, and that the Department shall, at the detained person's request and to the extent feasible, provide notice to a reasonable number of such people that the person is being detained.

(2) In addition, an order issued pursuant to subdivisions (a) and (f) of this section, requiring the detention of a person or group for a period exceeding three (3) business days, shall:

(i) advise the person or group being detained that the detention shall not continue for more than five (5) business days after a request for release has been made in the absence of a court order authorizing such detention;

(ii) advise the person or group being detained that, whether or not they request release from detention, the Commissioner must obtain a court order authorizing detention within sixty (60) days following the commencement of detention and thereafter must further seek court review of the detention within ninety (90) days of such court order and within ninety (90) days of each subsequent court review; and

(iii) advise the person or group being detained that they have the right to request that legal counsel be provided, that upon such request counsel shall be provided if and to the extent possible under the circumstances, and that if counsel is so provided, that such counsel will be notified that the person or group has requested legal representation.

(h) A person who is detained in a medical facility, or other appropriate facility or premises, shall not conduct himself or herself in a disorderly manner, and shall not leave or attempt to leave such facility or premises until he or she is discharged pursuant to this section.

(i) Where necessary and feasible under the circumstances, language interpreters and persons skilled in communicating with vision and hearing impaired individuals shall be provided.

(j) The provisions of this section shall not apply to the issuance of orders pursuant to §11.21 of this article.

(k) In addition to the removal or detention orders referred to in subdivision (a) of this section, and without affecting or limiting any other authority that the Commissioner may otherwise have, the Commissioner may, in his or her discretion, issue and seek enforcement of any other orders that he or she determines are necessary or appropriate to prevent dissemination or transmission of contagious diseases that may pose a threat to the public health including, but not limited to, orders requiring any person or persons who are not in the custody of the Department to be excluded; to remain isolated or quarantined at home or at a premises of such person's choice that is acceptable to the Department and under such conditions and for such period as will prevent transmission of the disease; to require the testing or medical examination of persons who may have been exposed to or infected by a contagious disease; to require an individual who has been exposed to or infected by a contagious disease to complete an appropriate, prescribed course of treatment, preventive medication or vaccination, including directly observed therapy to treat the disease and follow infection control provisions for the disease. Such person or persons shall, upon request, be afforded an opportunity to be heard, but the provisions of subdivisions (a) through (j) of this section shall not otherwise apply.

(l) The provisions of this section shall not be construed to permit or require the forcible administration of any medication without a prior court order.

Notes:

This section is derived from its predecessor §11.55 of the Code. It authorizes the removal and detention of an individual who is a confirmed case, a contact or a carrier, or of a suspect case or suspected contact of a suspect case of any contagious disease that, in the opinion of the Commissioner, may pose an imminent and significant threat to the public health. This section now contemplates the removal and detention of a group of such individuals, and provides greater

flexibility with regard to its implementation. The detention of persons for the control of contagious diseases, other than tuberculosis, is an extremely rare event. However, with the concern over new and re-emerging diseases, as well as with bioterrorism and pandemic influenza, it is a contingency for which public health officials must be prepared. This section also clarifies the Commissioner's power to issue and seek enforcement of orders, other than orders referred to in subdivision (a) of this section, to control the spread of disease, including non-custodial orders requiring a person or persons to remain at home or other mutually agreed upon premises. In addition, the other provisions of the section do not apply to such non-custodial orders.

#### **§11.25 Reports and control of animal diseases communicable to humans.**

(a) Diseases reportable.

(1) Animals infected with or suspected of having any of the following diseases shall be reported to the Department immediately both by telephone and in writing within 24 hours of diagnosis by submission of a report form via facsimile, mail or electronic transmission acceptable to the Department unless the Department determines that a written report is unnecessary:

Anthrax  
 Brucellosis  
 Glanders  
 Influenza caused by novel influenza viral strain with pandemic potential  
 Monkeypox  
 Plague  
 Q Fever  
 Severe Acute Respiratory Syndrome (SARS)  
 Tularemia

(2) Animals infected with any of the diseases set forth in this paragraph shall be reported to the Department within 24 hours of confirmed diagnosis by telephone or in writing by submission of a report form via facsimile, mail or in an electronic transmission acceptable to the Department:

Arboviral Encephalitis, acute, (including but not limited to the following viruses:  
 Eastern equine encephalitis virus,  
 Jamestown Canyon virus, La Crosse virus,  
 Powassan virus, Rift Valley fever,  
 St. Louis encephalitis virus, Western equine encephalitis virus, West Nile virus and yellow fever)  
 Avian Chlamydiosis (Psittacosis)  
 Leptospirosis  
 Rocky Mountain spotted fever  
 Tuberculosis

(3) Rabies. An animal infected with or suspected of having rabies, or an animal capable of contracting rabies which has been bitten by, exposed to, or has been kept together with a rabid animal, shall be reported to the Department immediately by telephone and the report shall be confirmed in writing, either by mail, facsimile or electronic transmission acceptable to the Department, within 24 hours after diagnosis unless the Department determines that a written report is unnecessary.

(4) An outbreak or suspected outbreak of any disease, condition or syndrome, of known or unknown etiology, that may be a danger to public health and that occurs in three or more animals, or (b) any unusual manifestation of a disease in an individual animal, shall be reported to the Department immediately by telephone, and confirmed in writing, either by mail, facsimile or electronic transmission acceptable to the Department, within 24 hours after diagnosis unless the Department determines that a written report is not necessary.

(b) Reports.

(1) Reports required by this section shall be made by a veterinarian or veterinary technician, a person in charge of an animal hospital, rehabilitation facility, animal shelter, zoological park, other institution or facility providing or responsible for animal care or treatment, a veterinary diagnostic laboratory, or such persons' designees.

(2) In addition to the institutions and persons required to report the diseases specified in this section, every person having knowledge of the existence of an animal exhibiting clinical signs suggestive of rabies or knowledge of an animal which has died or is suspected of having died of rabies, or which was killed because it was suspected of being rabid, shall immediately report to the Department by telephone the existence of the animal, the current location of the animal or where it was kept or seen, the owner's name, if known, and such other information as may be required by the Department.

(3) Reports required by this section shall contain all the information concerning the disease, and all information regarding the infected animal and its owner, required by the Department for the protection of public health. Information shall include, but not be limited to, name of the disease, type of animal involved, location of the animal and the name, telephone number and address of the owner. Such reports shall be prepared using forms furnished by the Department and contain all the information required by such forms.

(c) Infected and exposed animals prohibited. No person shall bring into the City, or keep, or cause or allow to be kept an animal infected with or exposed to any of the diseases listed in this section, other than for the purpose of receiving care by a licensed veterinarian or animal hospital, unless such animal is used for scientific research in a laboratory approved pursuant to §504 of the New York State Public Health Law.

(d) Investigation and management.

(1) Upon receiving a report required by this section, the Department shall make such investigation as the Department considers necessary for the purpose of verifying diagnosis, ascertaining source of infection and discovering other animals and humans exposed to the animal which is the subject of the report. The Department may collect or require to be collected for laboratory examination such specimens as the Department considers to be necessary to assist in diagnosis or ascertaining the source of infection, and shall order the owner or other person harboring or having control of the animal to take such measures as may be

necessary to prevent further spread of the disease and to reduce morbidity and mortality in animals and humans.

(2) An animal infected with or suspected of having any disease listed in this section may be seized or impounded by the Department, a peace officer or other authorized person or agency and be ordered held or isolated at the owner's expense under such conditions as may be specified by the Department. Where the Department has determined that an animal presents an imminent and substantial threat to the public health, such animal may be humanely destroyed immediately upon the order of the Commissioner, sent for necropsy and pathologic examination, and its body, and any specimens derived from it, shall be disposed of in a manner approved by the Department.

(e) Confidentiality of reports and records. Reports and records on animals affected with or suspected of having any disease required to be reported to the Department in accordance with this section shall not be subject to inspection by persons other than authorized personnel of the Department. The owner of the animal to whom any such record relates or the owner's legal representative may, however, by signing a written consent, authorize disclosure of the record to identified individuals or entities. This section shall not prevent authorized personnel of the Department from furnishing appropriate information to a veterinarian, physician or institution providing examination or treatment to a person or animal suspected of or infected with a disease, to an agency approved by the Department for prevention or treatment, or to any person when necessary for the protection of public health and safety. A person, institution or agency to whom such information is furnished or to whom access to records has been given, shall not divulge any part thereof so as to disclose the identity of the person or institution to whom such information or record relates, except insofar as such disclosure is necessary for the treatment of persons or animals or for the protection of human and animal health.

#### **§11.27 Control of animals affected with rabies.**

(a) Definitions. As used in this article with regard to animals:

(1) "Actively vaccinated" or "currently vaccinated" animal shall mean an animal which has received a rabies vaccine approved by the United States Department of Agriculture (U.S.D.A.) for interstate sale and use in a particular animal species and administered according to the manufacturer's instructions by or under the direct supervision of a duly licensed veterinarian. Active vaccination may be the result of primary and/or revaccinations administered in accordance with the vaccine manufacturer's recommended revaccination schedule.

(2) "Primary" vaccination shall mean the first administration of an approved rabies vaccine.

(3) "Revaccination" or "booster vaccination" shall mean a vaccination administered no later than one year after the primary vaccination and revaccinations administered at intervals thereafter, in accordance with the recommendations of the manufacturer of a U.S.D.A. approved rabies vaccine intended to maintain active immunization.

(4) "Exposure" to rabies shall mean introduction of the rabies virus into the body of a human or animal by a skin-piercing bite or by scratch, abrasion, open wound, or contamination of mucous membranes with saliva, or other potentially infectious material from a rabid animal, or as otherwise defined in the New York State Sanitary Code, 10 N.Y.C.R.R. §2.14, or successor rule.

(5) "Isolate" or "isolation" shall mean the physical separation of animals which have, or are suspected of having, a zoonotic disease communicable to humans from humans or other animals which do not have that disease.

(b) Reports by owners, exposed persons and others. When a person, or an animal capable of contracting rabies, is bitten by a dog, cat or other animal capable of transmitting rabies, or is otherwise exposed to the rabies virus, such person, his or her parent or guardian if he or she is a minor; the person who owns, possesses or controls the biting animal; the person who owns, possesses or controls the animal bitten or exposed to the rabies virus; and any other person having knowledge of the bite or other exposure shall immediately notify the Department by telephone.

(c) Surrender of suspected rabid animals. An animal which, upon examination by a licensed veterinarian, is found to be rabid or is suspected of being rabid, or the body of an animal that died or is suspected of having died of rabies or which was killed because it was suspected of being rabid, shall be surrendered to the Department by the person who owns, possesses or controls it.

(d) Management of exposed animals. A dog, cat, domestic livestock as defined in the New York State Sanitary Code, 10 N.Y.C.R.R. §2.14, or successor rule, or other animal capable of contracting rabies, which has been bitten by, has been exposed to or has been kept together with a known or suspected rabid animal, and where the animal which inflicted the bite or is the source of exposure is not available for observation or testing, shall be managed as follows:

(1) Unvaccinated animals. An animal which is not currently vaccinated as defined herein shall be kept isolated, at the owner's expense, in a manner prescribed by the Department in a veterinary hospital or other place approved by the Department, under daily veterinary supervision, for a period of 6 months, and shall be vaccinated against rabies upon entry into isolation or one month prior to release, or shall be surrendered to the Department and destroyed with the owner's consent or by order of the Commissioner.

(2) Actively vaccinated animals. An animal over four months of age which is actively vaccinated against rabies as defined herein shall be immediately revaccinated and shall be closely observed by its owner for a period of forty-five (45) days, and while in public, prevented from having physical contact with other animals or persons.

(e) Management of biting animals. The person who owns, possesses or controls a dog, cat, a ferret permissible under this Code, or domestic livestock as defined in the New York State Sanitary Code, 10 N.Y.C.R.R. §2.14, or successor rule, that has bitten or may have otherwise exposed another animal or a person to rabies shall closely observe the animal in his or her custody for a period of ten (10) days, and a person who owns, possesses or controls any other biting animal capable of transmitting rabies shall follow the directions of the Department with regard to observation or with regard to surrendering the biting animal for humane destruction and testing. During such period of observation, if any, a report must be made to the Department as specified herein:

(1) If the animal dies during this period, the owner shall immediately telephone the Department and immediately cause the animal's remains to be delivered to the Department's Public Health Laboratory, or other facility designated by the Department, for rabies examination.

(2) If the animal exhibits symptoms of illness or distress during this period, the owner shall immediately telephone the Department and follow the Department's instructions to either:

(i) transport the animal to the Department or place designated by it; or

(ii) transport the animal to a private licensed veterinarian, who shall immediately report his or her findings to the Department by telephone, and confirm such findings in writing to the Department within 24 hours.

(3) If the animal escapes custody during this period, the owner shall immediately telephone the Department.

(4) If the animal appears normal and healthy on the final day of the observation period required by this subdivision, the owner shall immediately telephone the Department and return the Department-supplied postcard stating that the animal is alive and presents no indication of disease.

(f) Management of unowned biting animals. If no owner can be identified for a biting dog, cat, ferret or domestic livestock capable of transmitting rabies, such animal may be held at a place designated by the Department for ten (10) days, or may be ordered humanely destroyed after being held for two days. Any other biting animals capable of transmitting rabies whose owners cannot be identified may be immediately humanely destroyed. The remains of animals humanely destroyed pursuant to this subdivision prior to expiration of the ten-day observation period specified herein shall be transported to the Department's Public Health Laboratory, or other facility designated by the Department, for rabies examination.

(g) Impoundment. When the Commissioner determines that the potential for rabies epizootic exists in any area, the Commissioner may declare that a dog, cat or other animal capable of transmitting rabies that has bitten a human being or any dog found unrestrained or restrained by a chain or leash exceeding six feet in length on any street or in any public park or place or on any open, unfenced area or lot abutting upon a street, public park or place within such area shall be impounded by the Department, a police officer or other authorized person or agency and managed in accordance with subsection (d) of this section.

(h) When the strict application of any provision of this section presents undue, unusual or unreasonable hardships the Commissioner may, in a specific instance and in his or her discretion, modify the application of such provision consistent with the general purpose and intent of this section and upon such conditions as in his or her opinion are necessary to protect the public health.

#### **§11.29 Rabies: compulsory vaccination.**

(a) Any person who owns or harbors in New York City a dog or cat four months of age or older, other than a dog or cat exempt from vaccination requirements pursuant to subdivision (d) of this section, shall have such animal actively vaccinated against rabies, as defined in §11.27 of this Article.

(b) The veterinarian either administering the vaccine or responsible for supervising the vaccination shall give to the dog or cat's owner a rabies vaccination certificate. Within five days of performing a vaccination, the veterinarian shall report such vaccination to the Department by forwarding to the Department a completed form designed by the Commissioner via facsimile, mail or electronic transmission acceptable to the Department. In the case of a dog or cat whose health would be adversely affected as a result of a vaccination, the veterinarian shall give to the dog or cat's owner a signed and dated statement indicating this. In addition, the veterinarian shall, on a form prescribed by the Commissioner, report this information to the Department via facsimile, mail or electronic submission acceptable to the Department within five days of having determined that the administration of a vaccine would adversely affect the health of the dog or cat.

(c) The rabies vaccination certificate and the form prescribed by the Commissioner to be forwarded to the Department shall be dated and signed by the veterinarian and shall include the following information: a description of the dog or cat, its age, color, sex, and breed; the dog's license number; the name and address of the owner; whether the dog or cat was vaccinated or exempted from vaccination by reason of the adverse effect such vaccination would have on the health of such dog or cat, and, if vaccinated, the type of vaccine injected, its duration of immunity, the amount and manner of injection, the name of the manufacturer, and the lot number and expiration date of the vaccine. The vaccination certificate shall be effective for the duration of immunity. Upon the expiration of the certificate, the owner shall have his or her dog or cat revaccinated in accordance with this section.

(d) Active vaccination against rabies shall not be required for dogs or cats actually confined to the premises of incorporated societies, devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals, or confined for the purposes of research to the premises of colleges or other educational or research institutions, or for dogs or cats actually confined to the premises of a person, firm or corporation actually engaged in the business of breeding or raising dogs or cats for profit and are so licensed as a class A dealer under the Federal Laboratory Animal Welfare Act or if such vaccination would adversely affect the health of the dog or cat as determined by a duly licensed veterinarian.

#### **§11.31 Acts likely to spread disease prohibited.**

(a) No person shall intentionally or negligently cause or promote the spread of disease:

(1) By failure to observe, or by improper observance of, applicable requirements of isolation, quarantine, exclusion, treatment or other preventive measures, or by failing to take other precautions in caring for cases or carriers, or suspect cases or carriers of a contagious disease; or

(2) By unnecessarily exposing himself or herself to other persons, knowing himself or herself to be a case or carrier, or suspect case or carrier of a contagious disease; or,

(3) By unnecessarily exposing a person in his or her charge or under his or her care, knowing such person to be a case or carrier or suspect case or carrier of a contagious disease, to other persons; or,

(4) By unnecessarily exposing a person in his or her charge or under his or her care to another person who is known to be a case or carrier, or suspect case or carrier of a contagious disease; or,

(5) By unnecessarily exposing the remains of a person in his or her charge or under his or her care, knowing such person to have been a case or carrier or suspect case or carrier of a contagious disease at the time of his or her death, to other persons.

(b) Nothing contained in this section shall prevent the exposure of a child to specific contagious diseases under such conditions and safeguards as the Department may specify, when there is adequate medical reason for such exposure.

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#### NOTICE OF INTENTION TO AMEND ARTICLE 115 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 115 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 2:00 P.M. TO 4:00 P.M. ON MONDAY, JULY 21, 2008 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. FRIDAY, JULY 18, 2008. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 7, 2008.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAILING TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) ON OR BEFORE 5:00 P.M., MONDAY, JULY 21, 2008.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET.

ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

#### STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

#### STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on October 24, 2007, adopted a resolution repealing and reenacting Article 115 of the New York City Health Code (Prescription Formula Preparation Facilities). The Department's Bureau of Food Safety and Community Sanitation (BFSCS) requests that the Board further amend §115.17 (g) and §115.21(f) of the Health Code to enable prepared powdered infant formula to be held in storage at temperatures of 40°F or lower.

The Production and Clinical Services Department of Food and Nutrition, Presbyterian Hospital, has brought to the attention of the BFSCS that Article 115's required temperature for holding prepared powdered infant formula at 37°F is lower than that prescribed by the American Dietetic Association's guidelines. The Administrator of Presbyterian's Department of Food and Nutrition wrote that:

Our clinical care practice needs to be evidence based. The major reference we have used is the 2004 publication by the American Dietetic Association Infant Feedings: Guidelines for Preparation of formula and Breastmilk in Health care Facilities. This reference states in Chapter 4 - Formula Preparation and Handling: Dedicated refrigerators with adequate chill capacity (4°C, 40°F) for infant feedings in the formula room and on the patient care units are recommended. This reference also states: Care should be taken to avoid freezing temperatures (0°C, 32°F) or excessive heat

(35°C, 95°F) in stock storage areas. While the code addresses mixed infant formula (not shelf stable products) we have found that attempting to maintain refrigerators at <37°F has resulted in freezing of the mixed formula in our refrigerators.

Further review by the Department discloses that both the ADA guidelines and the UN Food and Agriculture Organization and World Health Organization recommendations for cooling and maintaining reconstituted powdered infant formula to prevent infection with certain microorganisms, including, but not limited to, *E. sakazakii*, are to initially cool prepared powdered formula to 35°F to 40°F (2°C to 4°C) within one hour of preparation, and then to store formula under refrigeration at temperatures below 41°F (5°C). Refrigerated storage, at temperatures lower than 41°F (5°C), is sufficient to prevent or slow growth of harmful bacteria.

Currently, Health Code §115.21(f) provides that "prescription infant formula prepared from a powdered food base shall be cooled to 37 degrees Fahrenheit (2.8 degrees Celsius) within one hour of preparation, and maintained at 37 degrees Fahrenheit (2.8 degrees Celsius)." In addition, labeling requirements in Health Code §115.17(g) provide that prescription formula be labeled with information that it be kept "under refrigeration at or below 40 degrees Fahrenheit (4.4 degrees Celsius), except that prescription formula for infants prepared with a powdered food base shall be maintained at temperatures below 37 degrees Fahrenheit (2.8 degrees Celsius)..."

Accordingly, to be consistent with WHO and ADA guidelines, and to maintain nutritional quality of prepared formula, BFSCS requests that the Board amend the required holding temperature for prepared powdered formula from 37°F (2.8°C) to 40°F (4°C). Amending the holding temperature requirement will continue to promote a safe and nutritional product.

#### References:

*Infant Feedings: Guidelines for Preparation of Formula and Breastmilk in Health Care Facilities*, Robbins, Beker, ed.; Pediatrics Nutrition Practice Group, American Dietetic Association, 2004.

*Safe Preparation, Storage, and Handling of Powdered Infant Formula*. World Health Organization with Food and Agriculture Organization of the United Nations, 2007.

International Food Safety Authorities Network, *INFOSAN Information Note No. 1/2005-Enterobacter sakazakii, Enterobacter sakazakii in powdered infant milk formula*

US Centers for Disease Control and Prevention, *MMWR*, April 12, 2002/51(14); 298-300: Enterobacter sakazakii Infections Associated with the Use of Powdered Infant Formula—Tennessee, 2001.

#### Statement Pursuant to Charter §1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:  
Matter underlined is new  
Matter to be deleted is indicated by [brackets].

RESOLVED, that subdivision (g) of §115.17 of Article 115 (Prescription Formula Preparation Facilities) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the twenty-fourth of October, two thousand seven, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

**§115.17 Labeling of containers.** Each container of prepared prescription formula for an individual shall be labeled with the following information:

\* \* \*

(g) A statement that the prescription formula shall be kept under refrigeration at or below 40 degrees Fahrenheit (4.4 degrees Celsius), except that prescription formula for infants prepared with a powdered food base shall be maintained at temperatures below 37 degrees Fahrenheit (2.8 degrees Celsius);

\* \* \*

Notes: Subdivision (g) of §115.17 was amended by resolution adopted on xxxx deleting the labeling requirement for holding prepared powdered formula at temperatures lower than other prepared formula.

RESOLVED, that subdivision (f) of §115.21 of Article 115 (Prescription Formula Preparation Facilities) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the twenty-fourth of October, two thousand seven, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

**§115.21 Packaging and sterilization.**

\* \* \*

(f) Prepared infant prescription formula shall be properly cooled to and maintained at or below 40 degrees Fahrenheit (4.4 degrees Celsius) within one hour of preparation, except that prescription infant formula prepared from a powdered food base shall be cooled to 37 degrees Fahrenheit (2.8 degrees Celsius) within one hour of preparation, and maintained at [37 degrees Fahrenheit (2.8 degrees Celsius)] or below 40 degrees Fahrenheit (4.4 degrees Celsius).

Notes: Subdivision (f) of §115.21 was amended by resolution adopted on xxxx deleting the requirement for holding prepared powdered formula at temperatures lower than other prepared formula.

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## EDUCATION

### DIVISION OF CONTRACTS AND PURCHASING

#### ■ SOLICITATIONS

##### Services

**LITERACY PROFESSIONAL DEVELOPMENT – RFP – PIN# R0688040 – DUE 07-11-08 AT 5:00 P.M. –** To all vendors: This solicitation is open immediately. All proposals should be submitted to New York City Department of Education, Division of Contracts and Purchasing, 65 Court Street, Room 1201, Brooklyn, NY 11201, Attn: Instructional Services Procurements Unit. To download, please go to <http://schools.nyc.gov/offices/dcp/vendor/pqs/default.htm>. If you cannot download the documents, please contact the Vendor Resources Hotline at (718) 935-2300. The New York City Department of Education (NYCDOE) is seeking proposals from organizations and individuals experienced in providing professional development in literacy services, which will result in high quality implementation of the New York City Department of Education's comprehensive standards based approach to balanced literacy program to all students K-12. There will be a pre-proposal conference on June 23, 2008 at 10:00 A.M. at Brooklyn Borough Hall (Court Room), 209 Joralemon Street, Brooklyn, New York 11201.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
NYCDOE, Division of Contracts and Purchasing, Room 1201 65 Court Street, Brooklyn, NY 11201, (718) 935-2300  
<http://schools.nyc.gov/dcp>

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## PARKS AND RECREATION

### ■ JOINT PUBLIC HEARING

**NOTICE OF A JOINT PUBLIC HEARING** of the Franchise and Concession Review Committee and the New York City Department of Parks and Recreation to be held on Monday, July 7, 2008 at 22 Reade Street, Borough of Manhattan, commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession the renovation, operation and maintenance of two (2) snack bars adjacent to Conservatory Waters in Central Park, Manhattan, New York, for a permit term of twelve (12) years, to Knish Nosh, whose address is 100-30 Queens Blvd., Forest Hills, New York 11375. Compensation to the City will be as follows: in each operating year of the permit, permittee shall pay the City a permit fee consisting of an annual fee (Year 1: \$75,000; Year 2: \$82,500; Year 3: \$90,750; Year 4: \$100,000; Year 5: \$130,000; Year 6: \$136,500; Year 7: \$143,325; Year 8: \$150,491; Year 9: \$158,016; Year 10: \$165,917; Year 11: \$174,212; Year 12: \$182,923) plus 3% percent of the gross receipts in excess of \$1,000,000 for each year.

LOCATION: A draft copy of the agreement may be reviewed or obtained at no cost, commencing Wednesday, June 25, 2008 through Monday, July 7, 2008, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays at the NYC Department of Parks and Recreation, located at 830 Fifth Avenue, Room 313, New York, NY 10065.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115.

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**NOTICE OF A JOINT PUBLIC HEARING** of the Franchise and Concession Review Committee and the New York City Department of Parks and Recreation to be held on Monday, July 7, 2008 at 22 Reade Street, Borough of Manhattan, commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession the renovation, operation, and management of the Michael Friedsam Memorial Carousel for all Children and the operation of up to four pushcarts for the sale of food and merchandise in Central Park, Manhattan, New York, for a license term of ten (10) years, to New York One, LLC, whose address is 349 West 37th Street, New York, New York 10018. Compensation to the City will be as follows: in each operating year of the license, licensee shall pay the City a license fee consisting of the higher of the minimum annual fee (Year 1: \$248,500; Year 2: \$248,500; Year 3: \$248,500; Year 4: \$248,500; Year 5: \$248,500; Year 6: \$300,000; Year 7: \$300,000; Year 8: \$300,000; Year 9: \$300,000; Year 10: \$300,000) or 20% percent of the gross receipts for that year.

LOCATION: A draft copy of the Agreement may be reviewed or obtained at no cost, commencing Wednesday, June 25, 2008 through Monday, July 7, 2008, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays at the NYC Department of Parks and Recreation, located at 830 Fifth Avenue, Room 313, New York, NY 10021.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115.

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# READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

### NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

### CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

### VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at [NYC.gov/selltonyc](http://NYC.gov/selltonyc)
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

### Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application. If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

### SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

### PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

### NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

### PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

### ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

### PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

### PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://NYC.GOV.Selltonyc>

### COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB ..... Acceptable Brands List
- AC ..... Accelerated Procurement
- AMT ..... Amount of Contract
- BL ..... Bidders List
- CSB ..... Competitive Sealed Bidding (including multi-step)
- CB/PQ ..... CB from Pre-qualified Vendor List
- CP ..... Competitive Sealed Proposal (including multi-step)
- CP/PQ ..... CP from Pre-qualified Vendor List
- CR ..... The City Record newspaper
- DA ..... Date bid/proposal documents available
- DUE ..... Bid/Proposal due date; bid opening date
- EM ..... Emergency Procurement
- IG ..... Intergovernmental Purchasing
- LBE ..... Locally Based Business Enterprise
- M/WBE ..... Minority/Women's Business Enterprise
- NA ..... Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB ..... Procurement Policy Board
- PQ ..... Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE ..... Service Contract Short-Term Extension
- DP ..... Demonstration Project
- SS ..... Sole Source Procurement
- ST/FED ..... Subject to State &/or Federal requirements

### KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB ..... **Competitive Sealed Bidding** (including multi-step)  
*Special Case Solicitations / Summary of Circumstances:*
- CP ..... **Competitive Sealed Proposal** (including multi-step)
- CP/1 ..... Specifications not sufficiently definite
- CP/2 ..... Judgement required in best interest of City
- CP/3 ..... Testing required to evaluate
- CB/PQ/4 ....
- CP/PQ/4 .... **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP ..... Demonstration Project
- SS ..... **Sole Source Procurement/**only one source
- RS..... Procurement from a Required Source/ST/FED
- NA..... Negotiated Acquisition
- For ongoing construction project only:*
- NA/8 ..... Compelling programmatic needs

- NA/9 ..... New contractor needed for changed/additional work
- NA/10 ..... Change in scope, essential to solicit one or limited number of contractors
- NA/11 ..... Immediate successor contractor required due to termination/default  
*For Legal services only:*
- NA/12 ..... Specialized legal devices needed; CP not advantageous
- WA ..... **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 ..... Prevent loss of sudden outside funding
- WA2 ..... Existing contractor unavailable/immediate need
- WA3 ..... Unsuccessful efforts to contract/need continues
- IG ..... **Intergovernmental Purchasing** (award only)
- IG/F ..... Federal
- IG/S ..... State
- IG/O ..... Other
- EM ..... **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A ..... Life
- EM/B ..... Safety
- EM/C ..... Property
- EM/D ..... A necessary service
- AC ..... **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE ..... **Service Contract Extension/**insufficient time; necessary service; fair price  
*Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason* (award only)
- OLB/a ..... anti-apartheid preference
- OLB/b ..... local vendor preference
- OLB/c ..... recycled preference
- OLB/d ..... other: (specify)

### HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM** – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

### NUMBERED NOTES

**Numbered Notes are Footnotes.** If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.