



NEW YORK CITY COMPTROLLER
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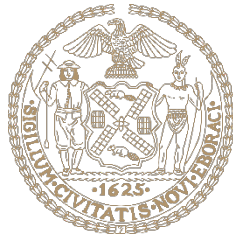
Annual Summary Contracts Report for the City of New York

Fiscal Year 2022

BUREAU OF CONTRACTS ADMINISTRATION

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Annual Summary Contracts Report for the City of New York, Fiscal Year 2022

A Message from the New York City Comptroller

Dear New Yorkers,

It is my pleasure to share with you the Annual Summary Contracts Report for the City of New York covering Fiscal Year (FY) 2022, which began in July 2021 and ran through June 2022. New York City remains one of the largest contracting jurisdictions in the country, procuring \$43.23 billion worth of goods, services, and construction, while also entering into revenue agreements worth \$112.82 million in FY 2022.

This Report provides the public with an essential overview of the goods, services, and construction that NYC has purchased in the previous fiscal year. Procurements are one of the primary tools used by city government to serve the public, enabling our City agencies to provide critical health and safety services, facilitate infrastructure improvements, and promote opportunities for local businesses. New Yorkers may recognize many of these investments in the programs, parks, and playgrounds New Yorkers enjoy, as well as in the City's efforts to address the ongoing impact of COVID-19 and other evolving needs. We can also see examples of where the City has moved to take advantage of emerging opportunities in technology services and infrastructure improvements.

The ways in which the City makes its purchases can be as important as what it buys, and the Report details the procurement methods utilized by agencies to keep the City's wheels turning. My office, along with our partners in the Adams administration, is committed to fostering a contracting ecosystem that generates the best value for NYC residents and reflects our ideals of fairness, integrity, and equity. Through our [Joint Task Force to Get Nonprofits Paid on Time](#) and the [Capital Process Reform Task Force](#) we have already taken the first steps on an unprecedented collaborative effort to advance substantial reforms to the procurement system. These reforms will address outdated and lengthy procurement processes and aim to deliver faster, more cost-effective, high-quality goods and services to New Yorkers.

My office is also committed to prioritizing these needed reforms in a way that increases investments to Minority and Women-Owned Business Enterprises (M/WBEs) and reduces barriers to the participation and inclusion of these businesses in City contracting. As part of this effort, my office will be releasing an in-depth analysis on the state of our City's contracting portfolio that will highlight key findings and recommendations to create more opportunity for M/WBEs.

In the meantime, I hope you will find the information in this Annual Report to be both interesting and useful!

-Brad

I. Executive Summary

The City’s procurement system encompasses tens of thousands of transactions each year. The supplies, services, and construction purchased by the City and the revenue agreements it enters into enable agencies and elected officials to serve the public, address critical challenges, and encourage growth.

In accordance with section 6-116.2 of the New York City Administrative Code (Administrative Code), the Comptroller’s Office is required to publish an annual summary report of contracts and agreements assumed by New York City during the previous FY.¹ This “Annual Summary Contracts Report” (or Report) aims to provide better transparency into City’s contracts that were registered in FY22, and how these agreements are entered into.

The content in this Report that is specifically mandated by the Administrative Code includes detail for:²

1. All franchises, concessions, or goods and services contracts valued at more than \$10K (or more than \$15K for construction contracts);
2. The types and dollar amounts of each contract from the previous FY;
3. The agency, affiliated agency, elected official, or City Council that entered into each contract, franchise, or concession;
4. The vendors associated with each contract, franchise, or concession entered into with the City; and
5. How the City selected the contractor, franchisee, or concessionaire.

While not related to City contracting actions, this Report also contains data required by sections 6-109 and 6-130 of the Administrative Code, relating to the Comptroller’s enforcement of certain living and prevailing wage requirements.³

Role of the Comptroller’s Office

Under the New York City Charter (“Charter”), the Comptroller’s Office is responsible for reviewing and approving city contracts and agreements before they are legally effective, unless this authority has been delegated to City agencies or is otherwise not legally required.⁴ During a

¹ Fiscal Year 22, or FY22, refers to the period between July 1, 2021 through June 30, 2022

² NYC Administrative Code §6-116.2(a)

³ NYC Administrative Code §6-109, §6-130

⁴ NYC Charter §328(a) and §328(d).

review period lasting no more than 30 calendar days by law, the Comptroller's Office ensures that appropriate funds exist for the City to make payments to vendors, confirms that the contracting agency followed proper procurement rules, and that there was no corruption in the decision-making process. The Comptroller's Office also ensures that contracting agencies have vetted vendors looking to do business with the City and verified that they are operating in good standing and eligible to be awarded City contracts.

Operating within guidelines set forth by the Charter and Administrative Code, the Comptroller's Office achieves the functions outlined above by:⁵

1. Encumbering funds to contracts for use in payments for goods and services;
2. Maintaining a registry of City contracts and agreements;
3. Presenting objections if the Comptroller's review process yields sufficient concern that there was corruption in the awarding of a new contract, or that an agency failed to sufficiently review an awarded vendor; and
4. Tracking expenditures and revenues associated with registered contracts and agreements.

The Comptroller's registration authority is separate and distinct from decisions relating to the necessity of new procurements or revenue opportunities, which vendors are selected for City contracts, how contracted goods or services will be provided, and, besides checking for cases of corruption or debarment, whether specific vendors are fit to contract with the City.⁶ Each of these processes may be managed by different partners across the City, and can take a considerable amount of time to advance. Accordingly, the Comptroller remains committed to working with the Mayor's Administration to streamline outdated and lengthy processes in City contracting so that:

- Needed goods, services, and construction can be brought to bear more quickly;
- Vendors doing business with the City, including nonprofits and M/WBE vendors, can get paid more quickly for the goods, services, and construction they are providing; and
- The City can save time and money by realizing greater efficiencies in the contracting process.

⁵ PPB Rules §1-01(e)

⁶ In certain circumstances, Franchises and Concessions are also subject to the approval of the Franchise and Concession Review Committee (FCRC). The FCRC is comprised of the following officials or their designees: the Mayor; the Director of the Office of Management and Budget; the Corporation Counsel; the Comptroller; and one additional appointee of the Mayor. The Borough Presidents also serve as members of the FCRC. Each member of the FCRC holds one vote, except for the Borough Presidents, who share one vote, which is determined according to the location of the Concession and/or Franchise at issue.

The Joint Task Force to Get Nonprofits Paid on Time and the Capital Process Reform Task Force, which this Report discusses in greater detail, are just two examples of ways that the Comptroller is working to advance substantial reforms to the City’s procurement system.

Additional Reporting Sections

This Report expands on FY22 procurement data mandated by the Administrative Code in order to provide more context around City contracting activities. Later Sections of this Report present information on the following topics:

1. Real property transactions
2. Contract modifications (including construction change orders)
3. Task Orders registered under agency master agreements
4. Purchase Orders
5. An explanation of emergency procurements (including contracts registered by the Mayor’s Office of Contract Services pursuant to recent Emergency Executive Orders)
6. Contract registrations with applied industry classifications
7. Contract registrations by agency type
8. Retroactive registration data (i.e. contracts registered after their start dates)

Source Data

In order to accomplish these aims, this Report draws extensively from data stored in the City’s Financial Management System (FMS), a computerized database jointly administered by the Mayor and the Comptroller and maintained by Financial Information Services Agency (FISA).⁷ Each agency, affiliated agency, elected official, and the City Council, is required to enter information in FMS for every franchise and concession, as well as every contract for goods or services worth more than \$10K (or \$15K if the contract is related to construction, repair, rehabilitation, or alteration).

Information in Section X of this Report relating to the Comptroller’s enforcement of certain living and prevailing wage requirements was provided by the Comptroller’s Bureau of Labor Law, rather than FMS.

The city tracks data in FMS using a variety of identifiers that reflect vital contract information. Two of the most prominent identifiers for the purposes of this report are “Contract Type” and

⁷ NYC Administrative Code §6-116.2

“Award Method.”⁸ To better track expenses and revenues, agencies are required to specifically identify the type of contract submitted for registration by selecting from a list of predetermined contract type codes in FMS. Award Method categories indicate how the City selects vendors for a particular contract. This Report also references “Industry classifications” which are not entered by agencies into FMS but are instead derived from various FMS data points to reveal procurement trends by sector.

All data used for this Report is available to readers in Section XII – Appendices.

Topline Citywide Numbers for FY22

A total of 17,832 new procurement and revenue contracts were registered in FY22 for a total value of \$43.54 billion⁹. The contracts in this report reflect binding agreements between the City and another entity, or sometimes between two City agencies, which contain the terms and conditions to be performed by both parties as well as the terms of payment (as applicable). This Report broadly organizes contracts into procurements (where the City is contracting for goods, services, or construction), and revenues (where the City is a recipient of funds from another entity).¹⁰ The 17,832 figure does not include registered Real Property Transactions, which are discussed in Section II of this Report. While constituting newly registered agreements in FY22, they are not covered by the reporting requirements outlined for this report under the Administrative Code.

Table 1 below illustrates that the vast majority of registered contract volume, by both the number of actions and total value, is driven by procurement actions. Registrations for procurement contracts reflect City investments in renewable energy, economic development projects, climate resiliency, and long-term upgrades to the City’s homeless shelter services. Over 17,600 procurement actions were registered in FY22, with a total value exceeding \$43.2 billion across the duration of their contract terms.

Table 1: FY22 New Contract Registrations at a Glance

Category	# of Actions	Value of Actions
Total Registered Contract Actions	17,832	\$43,543,808,789
Total Registered Procurement Actions	17,626	\$43,221,714,151
Total Registered Revenue Actions	206	\$322,094,637

⁸ Tables outlining Contract Types and Award Methods, as well as their corresponding FMS codes, can be found in Section XII - Appendices

⁹ For the purposes of this Report, the term “new contracts” include Renewal and Assignment contracts, which are set forth per the terms of a prior contract. Renewals And assignment contracts are discussed in more detail in Section II of this report.

¹⁰ Note: revenue actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts)

FY22 Procurement Contracts at a Glance

Over 82% of the City’s FY22 procurement dollar values can be attributed to activities under ten City agencies. The Department of Education (DOE) leads the pack in this regard with most of its new contract value being driven by multi-year agreements for food, classroom supplies, and bussing services. Table 2 presents the top ten agencies by registered procurement value in FY22.

Table 2: Top Ten Agencies by Registered Procurement Value: FY22¹¹

Row Labels	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Registered Contract Value
DOE	8858	50.26%	\$9,574,329,471.73	22.15%
DCAS ¹²	513	2.91%	\$7,942,663,823.58	18.38%
DSS/DHS	171	0.97%	\$6,350,516,249.25	14.69%
DDC	290	1.65%	\$3,820,753,678.73	8.84%
EDC ¹³	3	<.1%	\$2,106,604,422.00	4.87%
DOHMH	754	4.28%	\$1,687,752,307.32	3.90%
DEP	226	1.28%	\$1,374,529,477.58	3.18%
MAYOR ¹⁴	228	1.29%	\$1,214,645,147.97	2.81%
DSS/HRA	506	2.87%	\$1,160,480,468.24	2.68%
DOT	229	1.30%	\$987,108,807.51	2.28%

The ten contracts with the largest registered procurement values account for \$12.27 billion, which is more than a quarter (28%) of the City’s overall procurement value in FY22. These contacts are displayed below in Table 3. Note that this table includes information on contract end-dates to draw attention to the fact that many of these top-ten procurements are for goods, services, or construction that will be provided over the course of decades. For instance, this top

¹¹ New procurement contracts include supplemental contracts, as defined in section II, such as Renewals and Assignments

¹² Department of Citywide Administrative Services (DCAS) numbers include contracts registered under DCAS and the DCAS Municipal Supply Services

¹³ The contracts in this table that are attributed to the NYC Economic Development Corporation (EDC) were actually registered to the Department of Small Business Services (SBS). EDC is a nonprofit organization incorporated under the Not-for-Profit Corporation Law of the State of New York. SBS contracts with and retains EDC to function as a development consultant and provide economic development-related services on behalf of the City.

¹⁴ Various offices operate under the Mayor to support administrative and policy functions. Contracts entered into by these offices are tracked under the umbrella of the Mayoral agency code in FMS.

ten lists include a number of contracts registered to the New York City Department of Homeless services (DHS) for shelter services that will run through the 2050s and 2060s.

Table 3: Top Ten FY22 Registered Procurement Contracts by Value

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
20225400436	DCAS	New York State Energy	Purchase and sale of renewable energy certificates in furtherance of renewable energy consumption	\$6,000,000,000	12/31/2055	New
20228803716	SBS ¹⁵	New York City Economic Development Corporation	Citywide Economic Development Services	\$1,636,287,422	6/30/2022	New
20221402086	DDC	IPC Resiliency Partners	East Side Coastal Resiliency project including but not limited to flood protection, sewer, pedestrian bridges, park, buildings and ground improvement.	\$1,272,221,100	8/13/2026	New
20219178455	DOE	NYC School Bus Umbrella Services Inc	To provide school busing services via a newly created nonprofit.	\$890,369,361	6/30/2026	New

¹⁵ As noted above, SBS contracts with and retains EDC to function as a development consultant and provide economic development-related services on behalf of the City.

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
20228804220	DHS	Project Renewal Inc	Provision of temporary housing and housing support to eligible homeless adults at a specific location.	\$498,154,047	6/30/2060	New
20228803717	SBS	New York City Economic Development Corporation	Citywide Economic Development Services primarily related to maritime, aviation, rail freight, market and intermodal transportation development.	\$435,317,000	6/30/2022	New
20228807361	DHS	Help Social Service Corporation	Provision of temporary housing and housing support, as well as services to help secure and maintain independent living arrangements to eligible homeless families with children at a specific location.	\$432,342,596	6/30/2055	New
20228807358	DHS	Bowery Residents' Committee, Inc.	Provision of temporary housing and housing support to eligible homeless adults at a specific location.	\$384,852,679	6/30/2064	New

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
20228804001	DOT	American Traffic Solutions, Inc.	Maintain and operate red light and bus lane speed cameras.	\$367,163,436	12/31/2024	Renewal
20228807648	DHS	Care For The Homeless	Provision of temporary housing and housing support to eligible homeless adults at a specific location.	\$349,001,558	6/30/2053	New

FY22 Revenue Contracts at a Glance

In addition to procurement agreements, City agencies also contract with private entities for the right to use NYC-owned property in exchange for payment, services, or both. The City derives hundreds of millions of dollars in revenue from such contracts each year. Over 200 revenue actions were registered in FY22 for a total value of \$322 million, but a significant portion of this value can be attributed to Corpus Funded contracts. Corpus Funded contracts are related to the City's pension management expenses, and while they are currently recorded as revenue transactions, they do not actually generate revenue for the City.

Excluding Corpus Funded contracts, the City registered 168 revenue contracts in FY22 for a total value of \$112,823,039. Table 4 below contains the top ten revenue contracts that were registered in FY22, by value.

Table 4: Top Ten FY22 Registered Revenue Contracts by Value (Excluding Corpus Funded)¹⁶

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
20228200316	DPR	Wollman Park Partners LLC	Operation and maintenance of the Woolman Ice Rink in Central Park, including a pro shop, food service	\$16,576,894	8/31/2026	New

¹⁶ For the reasons explained above, this table does not reflect Corpus Funded contracts

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
			facility, and events and programming.			
20228200886	DOT	Jamestown OTS LP	Revenue contract to construct, maintain and use entrance details and an overhead projection around a building for a limited time.	\$13,171,567	6/30/2032	New
20228201861	DPR	APQ Mineral Springs Ny LLC	License to renovate, operate and maintain an outdoor café in Central Park.	\$10,003,329	5/13/2037	New
20229297551	DOE	CC Vending Inc	Revenue contract to provide beverage vending machines in DOE schools	\$8,950,000	8/31/2023	New
20228201471	DPR	Pier I Cafe Inc	Renovation, operation and maintenance of an outdoor café with the option to operate up to two mobile food units at Pier I at W. 70th Street, Riverside Park South.	\$6,751,772	3/31/2040	New
20228200676	DPR	Statue Cruises, LLC	Operation and maintenance of a commercial ferry service to the Statue of Liberty National Monument and Ellis Island from Battery Park.	\$6,041,667	2/29/2024	New
20228200631	DPR	LPQ Sailboat Pond Inc	Renovation, operation and maintenance of an outdoor café and snack bar at the conservatory water in Central Park.	\$5,340,641	11/4/2036	New
20198201546	DPR	Marina Hospitality LLC	Renovation, maintenance and operation of a waterfront restaurant and catering facility at the World's Fair Marina at Flushing Meadows Corona Park.	\$5,168,073	1/2/2036	New

Contract #	Agency	Vendor Legal Name	Contract Purpose	Registered Amount	Contract End Date	New Or Renewal
20228201966	DPR	Prospect Park Alliance Inc	Operation, maintenance and management of a year-round tennis facility at the Parade Ground in Prospect Park, Brooklyn.	\$4,669,222	10/12/2035	New
20218201816	DOC	Compass Group USA, Inc.	Installation, Operation & Maintenance of beverage, snack and food Vending Machines at various locations for the Department of Correction	\$3,004,263	1/14/2026	Renewal

How to Navigate This Report

In order to satisfy the conditions set forth in Section 6-116.2 of the Administrative Code, and meet the diverse interests of the public, this Report will present FY22 procurement data across the following domains:

Section II – NYC Contracting Primer: This Section will provide an overview of the NYC contracting process, and vendor selection methods, building context for readers on **how** the City contracts with vendors for goods, services, and construction. Vendor selection methods will be grouped by the following categories largely derived from FMS Award Method categories:

1. Competitive Methods
2. Limited or Non-Competitive Methods
3. Transactions not subject to PPB Rules
4. Supplemental Contracts Revenue Contracts
5. Revenue Contracts

Section II also provides an overview of contract actions beyond the scope of Section 6-116.2 of the Administrative Code, including Real Property Transactions, Contract Modifications and administrative actions, and emergency procurements.

Section III – New Contract Action Trends: Section III will present data trends for the contract categories defined in Section II.

Section IV – Real Property Transactions: While not covered under the Administrative Code’s scope for this Report, the City also enters into contracts relating to Real Property Transactions each year. Mostly consisting of lease agreements, Section IV will review data trends for these contracts.

Section V – Contract Modifications and Administration: While not explicitly called for inclusion in this Report by the Administrative Code, Section V delves into trends relating to actions undertaken against existing contracts in FY22. Broadly speaking, these actions fall into one of the following categories:

1. Actions taken by the City to encumber funds, or to otherwise modify some aspect of an active contract
2. Processing Task Orders (TOs) against existing Master Award contracts
3. Executing purchase orders for goods, services, or construction (generally under small purchase limits)

Section V displays trends for FY22 contract modifications, construction change orders (which are a subset of contract modifications), task orders, and purchase orders.

Section VI – Emergency Procurements: Section VI provides additional data regarding methods used by the City to facilitate quick responses to unforeseen crises such as unplanned building demolitions or the COVID-19 response.

Section VII – Procurement Actions by Industry: Section VII presents FY22 contract data through the lens of industry classifications, which are used by the City to support analysis of procurement trends. Industry classifications are defined in this section for vendors seeking to do business with the city.

Section VIII – Procurements by Agency Type: Section VIII provides information regarding the volume, value, and industry of procurement contracts registered to each agency in FY22.¹⁷

Section IX – Retroactive Contract Registrations: Section IX examines FY22 retroactive contract trends, where contracts are legally implemented after the first day of their term.

Section X – Bureau of Labor Law – Living and Prevailing Wage Cases: Section X summarizes the Comptroller’s enforcement of certain living and prevailing wage standards, as required under sections 6-109 and 6-130 of the Administrative Code.

Section XI – Glossary of Terms: The glossary defines relevant City procurement and contract registration terminology.

Section XII – Appendices: This Section contains complete supporting data sets for the interposed tables as well as other data points required by the Administrative Code that are not specifically referenced in this report

¹⁷ A list of agencies with at least one registered contract in FY22, inclusive of FMS code, agency short name, and agency type, can be found in Section XII – appendices, appendix 18.

Resources to Supplement this Report

While not used to generate data for this Report, readers may find the following resources useful for learning more about city contracting and financial trends.

Checkbook NYC

In July of 2010 the Comptroller’s Office launched Checkbook NYC, an online transparency tool that for the first time placed the City’s day-to-day spending in the public domain.¹ Using an intuitive dashboard approach that combines a series of graphs and user-friendly tables, Checkbook NYC provides up-to-date information about the City’s financial condition.

Checkbook NYC has been ranked the top transparency tool in the nation for tracking government spending by the United States Public Interest Research Group and was named New York City 2013 “Best External Application” by Government Technology Magazine.

Checkbook NYC also contains a majority of the City’s contract data. This tool enables users to examine data on its “Contracts” tab by fiscal year (or other date ranges), procurement category, contract types, and more.

PASSPort Public

Procurement and Sourcing Solutions Portal (PASSPort) is the City of New York’s end-to-end digital procurement platform that manages every stage of the procurement process from vendor enrollment to the solicitation of goods and services, to contract registration and management. PASSPort Public refreshes data periodically from PASSPort such that the public can derive insight into the City’s procurement system.¹⁸²

Agency Procurement Plans (LL1 and LL63)

Under Local Law 1, SBS and the Mayor’s Office of Contract Services (MOCS) are required to publish an annual plan and schedule listing anticipated contracting opportunities for the coming fiscal year. These plans include the following information for each solicitation: the specific type and scale of the services to be procured, the term of the proposed contract, the method of solicitation the agency intends to utilize, and the anticipated fiscal year quarter of the planned solicitation.

Similarly, under Local Law 63 of 2011, MOCS is required to publish a plan and schedule detailing the anticipated contract actions (for certain categories of procurement) of each City agency for

¹⁸ The information in PASSPort public only represents a portion of total city contracts as the data sourced within PASSPort (Procurement Solutions and Strategic Sourcing Portal) has only been available in the system since January 2020.

the upcoming fiscal year. This requirement applies to contracts valued at more than \$200K providing standard or professional services, including against agency task orders.³

City Record Online

The City Record Online (CROL) is a fully searchable database of notices published in the City Record newspaper which includes but is not limited to: public hearings and meetings, public auctions and sales, solicitations and awards and official rules proposed and adopted by city agencies.⁴

Annual Report on Capital Debt and Obligations

This report, released in December, 2022, assesses the current state of the City's debt burden compared to its tax base, the statutory debt limit, and other U.S. cities. It contains information regarding the amount of debt the City may incur for capital projects during FY23 and each of the three succeeding fiscal years.⁵

Popular Annual Financial Report (PAFR)

This report, released in November of 2022, aims to give New Yorkers insight into NYC finances, including the state of the local economy, and how public dollars are spent to provide City services. The PAFR contains interactive data on economic indicators as well as revenues and expenses from all active contracts (rather than just newly registered contracts).⁶

II. NYC Contracting: A Primer

This Section of the Report provides a general overview of City contracting processes. Understanding the frameworks behind why and how the City contracts for goods, services, and construction, as well as what happens during the term of a contract, can be helpful context when reviewing the broader contracting trends this Report covers. While the Comptroller’s office plays an important role in City contracting, it is also often the last in a series of steps along the way. Processes for planning, procurement, administration, and even aspects of oversight, are managed by the Mayor’s office or the equivalent for “Non-Mayoral” and “Other Agencies”.¹⁹

The last half of Section II gives particular attention to explaining contract categories and subgroups, which form the basis of this Report’s data trends in Section III and beyond. Additional topics related to City contracting that exceed the Administrative Code’s requirements for this Report are also discussed. Readers are invited to read about a particular set of contracts in Section II, and then turn to later Sections of this Report to review corresponding data trends.

Key Entities in City Contracting

Below are several entities that play a role in the City’s contract process at various, and in some instances multiple stages. This list is not intended to be an exhaustive accounting of every contracting agency or oversight body, but rather a preview of individuals and entities that are often referenced in this Report.

Procurement Policy Board (PPB)

The PPB is the governing entity that is responsible for the promulgation of the City’s procurement rules. These rules inform the City’s procurement activities, including how the City solicits bids and proposals from vendors and how contracts are awarded. The PPB consists of five members, three of who are appointed by the mayor, and two of whom are appointed by the Comptroller. Besides making the rules that govern the City’s contracting process, the PPB has no authority with respect to the award or administration of any particular contract.

Franchise and Concession Review Committee (FCRC)

The FCRC establishes rules that govern the City’s entry into Franchise and Concession contracts. It is also responsible for approving Franchise and Concession selections made by City agencies. The FCRC is comprised of the Mayor and a mayoral appointee, the Director of the Office of Management and Budget, the City’s Corporation Counsel, Borough Presidents, and the

¹⁹ See Section VIII for agency category definitions

Comptroller. Each member of the FCRC holds one vote, except for the Borough Presidents, who share one vote.

Office of the Mayor

The Mayor's Office is responsible for managing the City's procurement functions, including those relating to organization, personnel and structure. The Charter affords the Mayor with powers to approve the use of alternative procurement procedures, permission agencies to procure contracts by methods other than competitive sealed bidding, and maintain information regarding City contracts and contractors in a manner that is reasonably available for public inspection.²⁰

City Chief Procurement Officer (CCPO)

The City Chief Procurement Officer is also the Director of the Mayor's Office of Contract Services (MOCS). In this role, the CCPO exercises Mayoral procurement process powers, including those granted by the Charter, the Administrative Code, and the PPB Rules. Pursuant to Executive Order 121 (2008), the CCPO has been delegated powers under the Mayor's Office to establish procurement procedures, lead public hearings, and manage various contracting plans. The CCPO is responsible for the coordination and oversight of procurement activity for all Mayoral agency staff, including all Agency Chief Contracting Officers. Specifically, this oversight entails ensuring agency compliance with applicable rules, laws, and procedures so that certifications of procedural requisites are completed timely and accurately.

Agency Chief Contracting Officer (ACCO)

Each contracting agency has an ACCO that is responsible for overseeing procurement functions on behalf of their agency, in conjunction with the CCPO. ACCO functions include, but are not limited to; developing solicitation materials; ensuring the selection of the appropriate procurement method; ensuring the integrity of the vendor selection process; vetting a vendor background and making an affirmative determination of responsibility; and ensuring that vendor performance is evaluated throughout the life of a contract. ACCOs also advise agency staff on matters pertaining to procurement matters, Local Laws, and administrative requirements. ACCOs additionally serve as liaisons to MOCS.

Corporation Counsel

The Corporation Counsel is nominated by the Mayor and is subject to confirmation by the City Council. The Counsel functions to certify the City's legal authority for, and approve, all "contracts,

²⁰ NYC Charter §322, §327, and §334

leases and other legal papers.”²¹ As discussed later in this Report, the Corporation Counsel must also give prior approval to advance Emergency Procurement requests.²²

Office of Management and Budget (OMB)

OMB is the City’s chief financial agency, responsible for developing City budgets and overseeing the budgets of nearly 90 agencies and related entities. OMB approval may be required during various stages throughout the contracting process. The OMB Director also sits on the FCRC. OMB conducts a separate contract review on behalf of the Financial Control Board for consistency with the terms of the Financial Emergency Act.

Department of Investigation (DOI)

DOI is responsible for the investigation and referral of criminal prosecution for cases involving fraud, corruption, and unethical conduct among all persons and entities that receive City funds, including City employees and contractors. Among other tasks, DOI runs checks on individuals and/or vendors that are awarded contracts with the City to determine if they have been previously investigated by DOI.

Small Business Services (SBS)

SBS is mandated by the Charter to manage the City’s operations relating to business and economic development, the enhancement of economic development and financial opportunity for minority and women owned business enterprises, and the realization of equal employment opportunities by City contractors. SBS also contracts with and retains the New York City Economic Development Corporation to function as a development consultant, and to provide economic development-related services on behalf of the City.

Establishing Needs for Contracts

Contracts are a tool that enables the City to power its agencies and to provide critical services for the public. An agency may determine that a new contract is needed to procure goods and services that are essential to its operations (e.g. securing office supplies or IT services for its staff). In other cases, an agency may need to use contracts as a mechanism to fulfill certain policy initiatives like expanding 5G access. The processes behind how the City decides that a good, service, or construction is needed, and where and how they are delivered, are varied and beyond the scope of this Report. Instead, this

²¹ NYC Charter §327(b), 394(b)

²² NYC Charter §315

Report’s primary focus is on procurements, which are the buying, purchasing, or acquisition of goods, services, or construction, after a need has been established.²³

The PPB Rules, combined with relevant Executive Orders, Local Laws and other applicable rules and laws, set forth the procedural requirements for each procurement method discussed in this Report. While the individual requirements vary based on the method, there are some overarching milestones discussed in this Section that are common across most contracting processes.

Pre-Solicitation

Actions for the pre-solicitation phase (PSR), as defined by PPB rules, include assessing the existing market for the good, service, or construction; estimating the expected cost; and selecting the most appropriate procurement method for City’s need.²⁴ Once the PSR is complete, the ACCO creates a summary of this information inclusive of the proposed procurement method. Depending on the procurement method, the expected cost, the type of good or services, and other factors, MOCS and OMB may be required to approve the plan and certify that it complies with all applicable rules.

Agencies may only commence the procurement process once the ACCO has received all necessary approvals. Although the next step varies depending on the chosen procurement method, agencies must generally solicit quotes, bids or proposals from prospective vendors. The selected sourcing method also determines the level of competition and the way that an agency solicits interest from vendors. In some cases, the procurement method dictates that the agency must make the opportunity public to everyone. In other instances, the agency is given discretion as to how many vendors, or even from which singular vendor, it will solicit for a good, service, or construction.

Procurement methods are discussed in greater detail under “New Contract Categories Overview” in this Section.

Evaluation of Submissions

Procurement methods also drive the way in which an agency is required to select the vendor for a particular contract award. Selections may be based on price alone, or they may include qualitative factors as well. Some procurement methods don’t require the agency to make a substantive evaluation, however in most instances, a selected vendor must be found by the

²³ 9 RCNY §1-01 (e).

²⁴ PPB Rules §2-02(a). Note that this Section also sets forth exclusions to the PSR.

agency to have been responsive to all material terms and conditions of a solicitation, and to all specified requirements.²⁵

Vendors that were found by an agency to not be responsive, and were therefore not awarded a contract, have the right to appeal. Unsuccessful vendors can also request that the agency meet to discuss the reasons that led to the non-award determination. Information learned from such debriefing sessions can better prepare a vendor to submit more successful bids or proposals in the future.

Award Process

Regardless of the method of selection or evaluation, the City can only make purchases from, and award contracts to, responsible vendors.²⁶ There are various tools and resources used by agencies when conducting a vendor background check to determine if the vendor is responsible.

In most instances where an agency selects a vendor for a new contract award, the vendor must submit disclosures into PASSPort pertaining to the organization's history and its principal owners and officers.²⁷ Required disclosures include any adverse information relating to the organization, its principal owners, affiliated entities, and government contracts held by the organization or its affiliates, within relevant timeframes. If the disclosed information or concurrent agency background checks raise questions about the vendor's business integrity, or the vendor's ability to meet the contract's requirements in a way that cannot be adequately addressed, the agency may find the vendor to not be responsible.

Only once an agency determines that a responsive vendor is also responsible may it then move forward with awarding and executing a contract. Prior to the final execution of a contract, the award process may include additional steps, including public hearings, as well as many of the same internal and outside oversight approvals that are required during the PSR stage. Depending on the nature and dollar value of the final award, additional oversight approval from the Financial Control Board or one of the Deputy Mayors may be required. Once all procedural requisites are finalized, the agency can move the contract to the next and final stage of the process.

Contract Registration

The Comptroller's Bureau of Contracts Administration (BCA) is responsible for the review and registration of all City procurement and revenue contracts, real property transactions, contract

²⁵ PPB Rules §2-07(a)

²⁶ PPB Rules §2-08(a)

²⁷ PASSPort is the City of New York's end-to-end digital procurement platform that manages every stage of the procurement process from vendor enrollment, to the solicitation of goods and services, to contract registration and management.

modifications, and task orders pursuant to the Charter, unless otherwise delegated.²⁸ Although coming towards the end of the City’s contracting cycle, these reviews ensure that public dollars are being used in accordance with applicable law. BCA specifically checks that the procedural requisites and required certifications discussed above have been followed, that there was no corruption in the letting of the contract, and that the awarded vendor has not been debarred.

Without sacrificing the integrity of these reviews, BCA works to complete them in a timely manner so that vendors can be paid for the goods, services, or construction being provided and to reduce risk of interruption to New Yorkers that may depend on a contract’s activities. Under the Charter, BCA must complete all registration reviews within 30 calendar days following an agency filing.²⁹ This is the only step in the contracting milestones outlined in Section II that has a required timeline for completion.

Table 6 below displays the total number of contracts, contract modifications, and task orders subject to BCA registration in FY22, along with the average number of calendar days per review.

Table 6 – BCA Reviewed and Registered New Contracts, Modifications, and Task Orders: FY20-FY22

Measure	FY22
# of items Reviewed and Registered by BCA	19,456
Avg BCA Review Time (Calendar Days)	16.30 Days

BCA conducts parallel reviews (under the same 30 calendar-day timeframe) with the Comptroller's Bureau of Accountancy (BOA) for contracts processed from the City's Capital Projects Fund. Contracts produced out of the Capital Projects Fund are funded by capital dollars as opposed to expense funds, because they produce assets that provide an economic benefit to the City over a future period of time, greater than one year; meaning they are long-lived assets.

Capital projects funded by capital dollars lead to the creation of various types of capital assets, which includes land, buildings, equipment (including software), lease assets and infrastructure. As part of the capital registration process, BOA reviews the Fixed Asset Intent document (FN) processed in FMS to verify, at a minimum, the accuracy of the following information with respect to the capital project: asset class, useful life, capitalization trigger, and compliance with certain requirements of Comptroller's Directives no. 10 and 30. The purpose of BOA's review is to allow the City's audited financial statements presented in the form of the Annual Comprehensive

²⁸ In addition to exclusions listed in NYC Charter §328(d), agencies have been delegated authority to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

²⁹ NYC Charter §328(a)

Financial Report (ACFR) to adequately report the City's capital assets in accordance with generally accepted accounting principles (GAAP).³⁰

Post-Registration

Once a contract has been registered, the agreement is legally implemented, and the agency can pay vendors for the goods, services, or construction being provided. Agencies are required to monitor the performance of contracted vendors and to take action if vendors are no longer able to meet the terms of the contract; or if a vendor integrity issue is discovered that could lead to a non-responsibility determination. Finally, agencies are authorized to change certain aspects of registered agreements through the modification process, which is discussed later in this Section.³¹

New Contract Categories Overview

New contract actions are an essential vehicle for the City to meet its needs. This Report categorizes and defines new contract actions registered in FY22 (CT1s, RCT1s, MA1s, and MMA1s) into five groups to enable further analysis, including: competitive methods; limited or non-competitive methods: transactions that are not subject to Procurement Policy Board (“PPB”) rules; supplemental contracts; and revenue contracts.³²³³³⁴ This Report primarily derived contract groupings from FMS Award Method codes, which reflect different ways that the City solicits proposals and bids.

Agencies select award methods based on guiding procurement rules (most often set by the PPB), and with an eye towards maximizing value for a particular need.³⁵ For instance, competitive methods are designed to secure the best value by measure of price or quality, and PPB rules note that there is a preference for awarding contracts by competitive sealed bidding.³⁶ However, there are often situations where other value interests may supersede open competition, such as when

³⁰ NYC Charter §93(n)

³¹ See “Modifications” under “Additional Contract Processes” in this Section for more information.

³² CT1 is a general contract used for both expense and capital contracts; RCT1 is a revenue contract; MA1 is a master agreement and MMA1 is a multiple master award contract used when more than one contract will be awarded to a vendor.

³³ The Procurement Policy Board (PPB) is the governing entity that is responsible for the promulgation of the City’s procurement rules. These rules inform the city’s procurement activities, including how the City solicits bids and proposals from vendors and how contracts are awarded. The PPB consists of five members, three of who are appointed by the mayor, and two of whom are appointed by the Comptroller.

³⁴ Since the award methods used to for Revenue Actions overlap with the awards methods listed in the other contract groups, the transactions in contract Group 5 are identified by FMS Transaction Code RCT1.

³⁵ Or other applicable procurement rules, like the DOE’s Procurement Policy and Procedures (PPP).

³⁶ See PPB Rules §3-01(b).

services need to be procured quickly in response to an emergency, or when only one vendor provides a good or service.

Table 5 below provides a summary of the contract groups and subgroups that are defined in this Section. Section III of this report will provide data trends based on these contract groups.

Table 5: Breakdown of Contract Groups

Contract Groups	New Contract Subgroups ³⁷
Group 1: Competitive Method Contracts	Competitive Sealed Bid Contracts
	Competitive Sealed Proposal Contracts
	Accelerated Procurement Contracts
Group 2: Limited or Non-Competitive Method Contracts	Buy-Against Procurement Contracts
	Demonstration Project Contracts
	Determined by Government Mandate Contracts
	Discretionary (Line Item) Contracts
	Emergency Procurement Contracts
	Government-to-Government Contracts
	Innovative Procurement Contracts
	Intergovernmental Procurement Contracts
	Micropurchase Contracts
	Negotiated Acquisition Contracts
	Small Purchase Contracts - General
	Small Purchase Contracts – M/WBE
Sole Source Contracts	
Group 3: Transactions not subject to PPB Rules	Force Account Contracts
	Grant Agreements
	Miscellaneous Contracts
	Professional Membership Negotiation Contracts

³⁷ Each subgroup is comprised of one or more award methods or contract types. See Appendix 24 in Section XII of this Report for a breakdown of award methods or contract types within each subgroup.

Contract Groups	New Contract Subgroups ³⁷
	Regulated by Government Commission
	Subscription Contracts
Group 4: Supplemental Contracts	Renewals
	Assignments
Group 5: Revenue Contracts³⁸	Franchise Agreements
	Concession Agreements
	Revocable Consents
	Corpus Funded agreements
	Other Revenue

Group 1: Competitive Method Contracts

Of all five contract groups, competitive methods account for the largest share of new registered value in FY22 at roughly \$19.69 billion. As noted above, the award methods that comprise this contract group are designed to help the City obtain the highest value based on price or quality.

The PPB also provides the City with opportunities to consider which offer for goods or services represents the “best value” to the City under competitive award methods. “Best Value” is a basis for awarding contracts, which allows agencies to consider objective and quantifiable analysis of factors, aside from price alone, to optimize quality, cost, and efficiency. Since the original Best Value rule was introduced in 2013, the City has expanded on it to support increased utilization of M/WBEs. For example, amendments adopted into the PPB rules in January of 2020 allow City agencies to weigh a vendor’s M/WBE status in Best Value considerations when evaluating bids and proposals.³⁹

For the purposes of this Report, competitive methods include registered contract actions that were awarded via competitive sealed bids and competitive sealed proposals, including from a prequalified vendor list (PQVL), and accelerated procurements.

³⁸ Since the award methods used to enter into Revenue Actions may overlap with the awards methods listed in the other Contract Group, the transactions in Contract Group 5 are identified by FMS Transaction Code RCT1. The subcategories denoted in Contract Group 5 reflect contract type categories, rather than award methods.

³⁹ See PPB Rules §1-01(e), 3-02(o)(1)(iv), 3-03(a)(1), 3-03(g), and 3-03(g)(6)

Competitive Sealed Bid Contracts

Competitive Sealed Bid (CSB) is a default award method under the PPB rules, General Municipal Law (GML) 103 and most other municipal procurement rules.⁴⁰ It functions to award contracts to responsive and responsible vendors that provide the lowest price point for a particular good, service, or construction while still meeting the agency’s programmatic requirements and needs. Agencies must specify their requirements and criteria for vendors, which may include contractual terms and conditions, as well as minimum qualifications that must be met by the vendor, by issuing an invitation for bid (IFB).⁴¹ CSBs are most often used for contracts pertaining to goods and construction. In fact, absent specific directives from other legal authority, CSBs are the required method for any contracts pertaining to public works contracts.⁴²

Agencies may also solicit CSBs by sending notice to a PQVL. Agencies may establish PQVLs for multiple different types or sizes of projects. While opportunities for vendors to join an agency’s prequalified group must be continuously available to the public, and notice placed at least annually in the City Record, these lists are intended to save time by ensuring that prospective vendors are known to hold the requisite experience or meet other needs set forth by the City.⁴³ While all vendors must still be found responsible by an agency before being awarded a new CSB contract, agencies can conduct a preliminary background check on PQVL vendors to reduce the risk of a non-responsibility determination.

One example of an agency entering into a contract with a vendor through a PQVL is the Housing and Preservation Department (HPD). In FY22, HPD entered into a \$82,500 contact with Honey Construction NY Inc for planned demolition services, which was solicited through a PQVL.⁴⁴

Competitive Sealed Proposal Contracts

Competitive Sealed Proposals (“CSP”) are another competitive method whereby agencies solicit goods, services, or construction-related services via a Requests for Proposal (“RFP”). RFPs are generally used when the scope of a need is not well defined, and an agency needs to understand an applicant vendor’s approach to make the best award determination. Agencies must award proposals that are determined to be the most advantageous to the City, and may take into consideration price, but also other criteria and set forth in the RFP, such as a vendor’s technical approach, organizational capability, organizational capacity, and MWBE status.⁴⁵ Other factors outside of the RFP cannot be considered by agencies when making award decisions, although

⁴⁰ GML §103 and applicable sections of the Code of Federal Regulations (CFR)

⁴¹ NYC Charter §313(b)

⁴² GML §100(5)

⁴³ NYC Charter §324

⁴⁴ Contract number 20221401669

⁴⁵ PPB Rules §3-03(a)

there are generally multiple rounds of evaluation, and opportunities for vendors to interview or present their proposal to an agency.⁴⁶ Like with CSBs, agencies can also issue an RFP notice to a PQVL list.

The largest share of FY22 contracts procured via a CSP method were registered under the Department of Education (1,206 actions out of 1,698 total CSPs – 70.97%). Many of these contracts were for Birth to Five or Head Start services relating to the City’s universal childcare program, solicited through a PQVL.⁴⁷ The DOE’s Division of Early Childhood Education received proposals from thousands of community-based day cares to meet community demands for services. Respondents were evaluated based on criteria pertaining to their ability to provide safe, quality, and developmentally appropriate instruction.

Accelerated Procurement Contracts

Accelerated Procurements enable agencies to fast track the bidding process for commodity purchases such as fuel that must be obtained quickly due to shortages or rapid price fluctuations. Pursuant to the PPB Rules, contracts procured under this method are not required to be registered, but agencies must file all required documents with the Comptroller within 30 calendar days.⁴⁸ Accelerated Procurements are also exempt from public hearing requirements, but agencies must make contract award decisions based solely on which responsive and responsible vendor offers the best price⁴⁹. Agencies may only use this method for commodities that have been determined eligible for Accelerated Procurement by the City Chief Procurement Officer (CCPO). Eligible commodities are typically those at risk of falling into short supply or those that are subject to short-term price fluctuations.

The Department of Citywide Administrative Services (DCAS) was responsible for all 106 contracts registered via the Accelerated Procurement method in FY22, for a total value of \$206,175,232. Absent directives to delegate this authority, DCAS is mandated under the Charter to purchase, inspect, store and distribute all goods, supplies, materials, equipment and other personal property required by any City agency.⁵⁰ Many of these contracts were for food supplies, but the largest contracts by value were for heating oil and diesel.⁵¹

⁴⁶ NYC Charter §319

⁴⁷ Using award method code 22 - RFP FROM A PQVL

⁴⁸ PPB Rules §3-07(e)(3)

⁴⁹ NYC Charter §326(a)

⁵⁰ NYC Charter §823(a)

⁵¹ Contract numbers 20211201996 and 20228808157

Group 2: Limited or Non-Competitive Methods

There are many circumstances where price and quality considerations still play a driving force in award decisions but are nonetheless qualified by other value interests. Agencies may use limited or non-competitive procurement methods for circumstances when full competition is neither practical nor possible. These circumstances include, but may not be limited to:

1. **Time-sensitivity:** The City may need to preserve continuity of services if a vendor contract is terminated for any reason.
2. **Market constraints:** The number of vendors who are able to provide a particular good or service may be limited.
3. **Legal or statutory guidelines:** Directives from legislation or federal grants may inform how a selection process can be managed.

While responsible for less registered contract value than competitive methods in FY22 (\$17.02 billion, rather than \$19.69 billion), limited or non-competitive procurement methods were responsible for the largest share of new procurement contracts (13,818 actions or 78.40%).

Buy-Against Contracts

Buy-Against procurements are used by City agencies to preserve the continuity of goods or service provision after a vendor defaults on their contract, or following the termination of a vendor's contract because of a material breach to the agreement.⁵² The new contract cannot exceed the term remaining on the contract that was defaulted or terminated.⁵³ Only three contracts procured through the Buy-Against method were registered in FY22 for a total of \$5,000,140. For example, JCC Construction Group was procured by the Department of Parks and Recreations (DPR) to continue construction services at the Canarsie Comfort Station after the previous vendor defaulted on its contract.⁵⁴

Demonstration Project Contracts

Demonstration Project procurements are for short-term, carefully planned, pilot exercises designed to test and evaluate the feasibility and application of a new product, approach or technology that is not already used in the City.⁵⁵ This method allows agencies to evaluate the effectiveness, efficiency, and the reliability of a new product or service without committing a large amount of resources. Agencies may solicit vendors for such projects, or they can award

⁵² PPB Rules §1-01(e)

⁵³ PPB Rules §4-07(a)

⁵⁴ Contract number 20221410997

⁵⁵ PPB Rules §3-11(a)

Demonstration Project contracts in response to an unsolicited proposal. In order to use this procurement method, agencies must demonstrate that:

- Testing is needed to evaluate the service or product
- The service or product cannot be reasonably acquired through a competitive solicitation
- The product or service is not currently in use by the City
- Results of the project will be documented and made publicly available
- The product or service will be procured competitively going forward if testing supports continued use.
- Any outside funding used to justify the demonstrated project award is appropriately documented.

There were 24 Demonstration Project Contracts registered in FY22 for a total value of \$47,038,890. The largest of these contracts were awarded by the Department of Health and Mental Hygiene (DOHMH) to local mental health centers to participate in a new mental health program called Continuous Engagement between Community and Clinic Treatment (CONNECT). DOHMH is using these contracts to evaluate whether the CONNECT model can improve access, engagement, and retention of patients in clinical and non-clinical services, while reducing mental health emergencies and the need for inpatient and mobile crisis utilization.

Determined by Government Mandate Contracts

This procurement method must be used when terms set by a non-City funding source, a statute or rule, a court order or consent decree, or some other applicable law dictates that an agency must use a particular method or source for procuring goods and services.⁵⁶ For example, Section 162 of New York State Finance Law allocates a preferred source status to vendors which exempts them from competitive procurement requirements in the interest of advancing special social and economic goals.⁵⁷ Alternatively, agencies may apply for federal funds to provide goods and services to city residents which, if granted, necessitate that the agency contract with a particular vendor.

153 contracts were registered under the Determined by Government Mandate method in FY22 for a total of \$903,755,222. The largest of these contracts, and nearly half the total number overall, were procured by DOHMH for supportive housing services.

⁵⁶ 9 RCNY §1-02(d)

⁵⁷ STF Chapter 56, Article 11

Discretionary (Line-Item Appropriation) Contracts

Discretionary procurements reflect agreements between City agencies and nonprofit organizations, or public service providers, that have been selected by City elected officials other than the Mayor and the Comptroller, or allocated through line-item appropriations in the city budget.⁵⁸ While the vast majority of elected official selections are made through the City Council, the list of elected officials that are able to enter into discretionary contracts also includes the five Borough Presidents.

2,594 Discretionary contracts were registered in FY22 for a total value of \$335,157,051. The largest of these contracts, valued at \$9.72 million, was awarded to the Legal Aid Society by the City Council to provide civil legal services including, but not limited to, housing and foreclosure prevention, elder law, consumer law, immigration, and child social services.⁵⁹

Emergency Procurement Method: Pursuant to Procurement Rules

The Charter and PPB rules define an emergency condition as “an unforeseen danger to life, safety, property, or a necessary service” which creates an immediate and serious need for goods, services, or construction that cannot be met quickly enough through normal procurement methods.⁶⁰ Agencies seeking to utilize this procurement method must solicit and receive prior approval from the Comptroller’s Office and Corporation Council. They must also seek to obtain as much competition in vendor selection as is possible and practical given the conditions of the emergency.

Agencies then submit a formal emergency declaration to the Comptroller’s Office and Corporation Counsel for approval, and to the City Council for notice. The emergency declaration must include information about the emergency itself, the goods or services or construction needed, the projected cost, the vendor selected in the emergency procurement, and basis of the awarded vendor’s selection. While work can begin under the framework of the emergency declaration prior to a contract’s registration, agencies must still submit contract packages to the Comptroller’s Office for registration before funds are made available to pay vendors.

The City registered 302 contracts via the Emergency Procurement method in FY22 for a total value of \$1,021,393,747. The DOE alone accounts for 41.72% of Emergency Procurement contracts, with the vast majority of actions being driven by the Learning Bridges Program.⁶¹ Learning Bridges offered childcare as well as a learning environment to support children ages 3-

⁵⁸ 9 RCNY §1-02(e)

⁵⁹ Contract number 20228805614

⁶⁰ NYC Charter §315 and PPB §3-06

⁶¹ Per the DOE’s Procurement Policy and Procedures (PPP), DOE emergency contracts do not require Comptroller approval or registration to implement.

K to 8th grade on weekdays when DOE schools were closed. It operated on a blended learning schedule in response to COVID-19.

Other drivers of Emergency Procurement Contracts in FY22 included items relating to emergency demolitions by the Housing and Preservation Department (HPD) and DOHMH for COVID-19 vaccination sites. Outside of the COVID and Rikers emergencies, which are discussed next, emergency demolitions through HPD are the most frequent type of emergency procurement.

Emergency Procurement Method: Pursuant to Emergency Executive Order

During a state of emergency and in limited circumstances the Mayor has the ability to suspend local laws and regulations, subject to review and renewal every five days. During his tenure, Mayor Bill de Blasio issued several emergency executive orders (E.E.O.) suspending procurement law and rules, including but not limited to E.E.O. 101 and E.E.O. 241.

On March 17, 2020, in response to the COVID-19 pandemic, Mayor Bill de Blasio issued E.E.O. 101, modifying the PBB's emergency procurement method by suspending the Comptroller's prior approval and registration for emergency contracting. On July 16, 2021, the Mayor revoked E.E.O. 101's suspension of the rules and laws related to procurement, effectively restoring the Comptroller's oversight powers.

Separately, on September 15, 2021, in response to the ongoing crisis at Rikers Island, Mayor de Blasio issued E.E.O. 241.⁶² E.E.O. 241 states in relevant part:

"§6. During the State of Emergency, and to the extent such laws and rules may be suspended consistent with State law, the following laws and regulations related to procurement are suspended with respect to any procurement of goods, services or construction when the Commissioner of Correction determines in writing that the procurement is necessary to respond to the emergency: Chapter 13 of the New York City Charter; Title 9 of the Rules of the City of New York (Procurement Policy Board Rules); and Sections 6-101 through 6-107.1, 6-108.1 through 6-121, and 6-124 through 6-129 of the New York City Administrative Code.

⁶² In 2011, a class action lawsuit was brought against the City of New York and Department of Corrections ("DOC") alleging that DOC officers routinely inflicted wanton physical violence on prisoners and deliberately falsified records to prevent discovery of their illegal actions. *Nuñez v. City of New York*, 11 Civ. 5845 (LTS). In 2015, a consent agreement was reached by the parties requiring the City to implement reforms with an appointed monitor evaluating progress. The most recent monitor report found, "conditions in the jail remain dangerously unsafe and the Monitoring Team remains gravely concerned about the alarming number of in-custody deaths, violence among people in custody, lack of an effective restrictive housing model, and various facets of the Department's use of force practices and operational practices." *Second Status Report on DOC's Action Plan by the Nunez Independent Monitor* dated October 28, 2022.

Nothing herein shall preclude the DOC from complying with any portions of such laws or rules to the extent that the Commissioner determines that compliance will not interfere with the agency's emergency response."

Mayor Eric Adams extended E.E.O. 241 of 2021 by E.E.O. 124 of 2022, which as of the writing of this report continues to be renewed every five days. Although, expanded authority under E.E.O. 241 (and successor orders) remains active, the Adams' administration has not yet used this procurement method to award or register any contracts, in this manner.⁶³

The City registered 55 contracts pursuant to an E.E.O. in FY22 for a total value of \$431,938,448. The bulk of these contracts (52.73%) were administered by DOHMH, largely to support mobile vaccination sites. The last contracts registered under this authority were enacted on Feb 11, 2022.

Since March 2020 the Mayor's office (mostly under the de Blasio administration) has used this authority to enact over 1,736 COVID-19 contract actions for procurements relating to homeless shelters, emergency hotels, staffing, personal protective equipment ("PPE"), food, supplies, testing services, and ventilators. Across FY20-22, 886 new contracts were enacted for a total value exceeding \$6.24 billion. Additionally, 774 contract modifications and 96 TOs were processed under this expanded authority since March of 2020.

From March 2020 through FY22, just ten City agencies accounted for over 90% of the contract actions registered pursuant to E.E.O.s. DCAS was the most prolific agency, accounting for 18.84% of the total contracts processed, with procurements largely being driven by PPE-related goods.

Additional data trends for Emergency Procurements can be found in Section VI of this Report.

Government-to-Government Contracts

Government-to-Government contracts are used in circumstances where agencies determine that it is in the City's best interest to procure goods, services, construction, or construction-related services from another governmental entity.⁶⁴ In such cases, the accepted price, terms, and conditions of the contract is negotiated between the agency and the governmental entity. The agency's Chief Accounting Officer (ACCO) must cite the reasons why procurement through another government agency is in the city's best interest in a written determination, which is subject to approval by the CCPO.⁶⁵

⁶³ E.E.O. 317 was signed by Mayor Adams on Jan 20, 2023, further extending emergency registration powers pursuant to E.E.O. 241 and its successors.

⁶⁴ 9 RCNY §3-13

⁶⁵ PPB Rules §3-13(c)

There were 46 contracts registered in FY22 via the Government-to-Government procurement method for a total value of \$6,853,011,472. The biggest share of these contracts was administered by the City University of New York (CUNY) for campus-related construction and renovation projects. However, the largest Government-to-Government contract from FY22 was registered by DCAS to the New York State Energy Research and Development Authority for \$6 billion.⁶⁶ Through 2055, this contract will fund the City’s shift to 100% clean energy and carbon neutrality by supporting the development of renewable energy sources.

Innovative Procurement Contracts

An Innovative Procurement is a way for the City to test and evaluate the feasibility and application of new procurement methods that are not yet authorized by the PPB Rules.⁶⁷ No later than eight months following the registration of a contract procured via an Innovative Procurement method, the CCPO must submit a report recommending whether or not it would be in the City’s best interests to codify the new procurement method going forward.⁶⁸ In FY22, 103 contracts were registered using an Innovative Procurement method for a total value of \$570,888,020.

The Innovative Procurement method has also advanced the City’s use of the “Design-Build” project delivery method, which is intended to expedite the completion of major public works projects. Design Build uses a two-step qualifications-based procurement process to select a single team of designers and builders to support public works projects from start to finish . The use of this method allows City agencies to make a contract award to a single vendor, on the basis of Best Value, that will be responsible for overseeing all phases of the project, including design and construction. By going through a single vendor, Design Build is ultimately intended to reduce costs and expedite project completion while ensuring quality control and compliance.

The passage of the New York City Public Works Investment Act (PWIA) in December 2019 authorized the Department of Design and Construction (DDC), Department of Transportation (DOT), Department of Parks and Recreation (DPR), Department of Environmental Protection (DEP), School Construction Authority (SCA), New York City Housing Authority (NYCHA), and Health and Hospitals Corporation (HHC)—to use Design Build method as described above.⁶⁹⁷⁰ However, as the current PPB Rules do not contemplate a process to procure both design and construction services in the same contract, these City agencies must leverage the Innovative Procurement method to operationalize the PWIA authority under New York State law.

⁶⁶ Contract number 20225400436

⁶⁷ 9 RCNY §3-12(a)

⁶⁸ 9 RCNY §3-12(f)

⁷⁰ A7636B §2(a)

Design Build Contracts registered in FY22 are connected to a variety of ongoing projects, including:

- BBJ Program: The goal of this program is to close Rikers Island and build four modern jail facilities in Brooklyn, Queens, Manhattan, and the Bronx by 2026.
- NYCHA Modernization Program: Design-build projects are being procured for NYCHA developments to replace central steam plants and domestic hot water production with electricity powered systems, while maintaining these systems uninterrupted throughout the project implementation, to reduce greenhouse gas emissions by 40% by 2030 and 80% by 2050 from a 2005 baseline.

Intergovernmental Procurement Contracts

Intergovernmental Procurement contracts are used by agencies looking to procure goods, services, or construction by tapping into a contract held by another government agency. Under PPB rules, a City agency can procure through the United States General Services Administration or any other federal agency or the New York State Office of General Services or any other State agency if the price for goods is lower than the prevailing market rate and the costs for services or construction are reasonable.⁷¹ This process can save the City time, and help it to realize significant cost savings stemming from volume discounts set forth in the parent contract.

405 contracts were registered in FY22 under the Intergovernmental Procurement method for a total of \$1,082,313,496. Approximately a quarter of these contracts were for Information technology services. The largest of these contracts was procured by the Office of Technology and Innovation (OTI) for \$347 million, to centralize IT spending for the city under World Wide Technology LLC (WWT).⁷² Through this new contract, OTI intends to expedite the delivery of IT-related goods and services to city agencies, and to better track line-item expenditures to inform future purchase needs by centralizing the City's IT spend. WWT will manage the City's IT service and related products, with the ability to add other manufactures over time.

Micropurchases

Micropurchases are used to buy goods and services up to \$20,000 for most services, or up to \$35,000 for construction services.⁷³ As long as these thresholds are not surpassed, including through any future contract modifications, agencies may buy from any available and responsible vendor at a fair price, without any competition. Agencies making Micropurchases must ensure that such purchases are distributed appropriately, including to Minority and Women-Owned Business Enterprises (M/WBE). Agencies are prohibited from engaging in the practice of contract

⁷¹ PPB Rules §3-09(a)

⁷² Contract number 20238806967

⁷³ 9 RCNY §3-11(a)

splitting, whereby the full value of a project is artificially divided in order to fall under the allowable threshold.

213 new contracts were registered in FY22 via the Micropurchase method for a total value of \$2,814,054, but this figure does not reflect the total amount of Micropurchase actions undertaken by the City. Agencies may also make Micropurchases via purchase order, which this Report will discuss in greater detail in Section V. Over two-thirds of Micropurchase contracts (67.65%) were procured by just three agencies: DCAS, The Administration for Children’s Services (ACS), and the Department of Health and Mental hygiene (DOHMH). Most of these contracts were for goods and IT-related services.

Negotiated Acquisition Contacts

Under section 3-04 of the PPB rules, agencies can move to limit competition via a negotiated acquisition procurement when the ACCO determines, with CCPO approval, that:

1. There is a time-sensitive situation where a vendor must be retained quickly to meet the terms of a court order or consent decree, to avoid loss of available funding, to ensure continuity of services, or similar.
2. There are a limited number of vendors available and able to perform required work.
3. There is a compelling need to extend a contract beyond the typical twelve-month limit
4. There is a need to procure legal services or consulting services in support of current or anticipated litigation, investigative or confidential services.
5. There are previously unforeseen or unforeseeable construction-related service needs, typically after construction has begun, that cannot be addressed by a change order or other contract modification.

NAEs are typically used when agencies have exhausted all contractual renewals, as well as contract extensions permitted by other sections of the PPB Rules, because goods or services were needed for a longer time than originally anticipated, or because the agency has not been able to procure a replacement contract in a timely manner.

There were 1,028 negotiated acquisitions registered in FY22 for a total value of \$3,185,698,675. Over half of these contracts (58.85%) were negotiated acquisition extensions (NAE), consistent with scenario three above, administered by DYCD for services relating to the Comprehensive Afterschool System of NYC (COMPASS) program. Comprised of over 890 programs throughout the city, COMPASS offers academic, recreational, enrichment, and cultural activities for children in grades K-12.

Small Purchase Contracts – General

Small Purchase procurements enable the City to procure goods, services, and construction above the Micropurchase limit without competition or public advertisement as long as the amount of

the contract is below a “small purchase limit” set by the PPB and the City Council.⁷⁴ The current small purchase limit is generally \$100,000, however the threshold for the M/WBE Non-Competitive Small Purchase method is higher. Like Micropurchases, agencies cannot surpass the threshold, including through future contract modifications, and must ensure that the value of purchases are not artificially divided to fall under the threshold.

PPB Rules outline a competition objective for the Small Purchase contracts, currently known as the “5+10” method.⁷⁵ Specifically, agencies are required to solicit bids from a list of five randomly selected vendors and at least ten randomly selected City-certified M/WBE vendors when making awards for goods and services (over \$20,000) as well as construction (over \$35,000), as long as the total value of the contract does not exceed \$100,000. Vendors are randomly selected from the citywide bidders list based on FMS commodity codes that are inputted into the system by an agency. Agencies can proceed without competition if only one responsive bid or offer is received as long as the ACCO determines the price to be fair and reasonable, and that other vendors had an opportunity to respond.

Small Purchase contracts account for a large share of registered procurement actions in FY22, but not much of the City’s contract value. The 7,316 registered contact actions make up over 41% of new procurement contracts for a total of \$181,964,601 (just under half a percent of the City’s total registered value for procurement contracts in FY22).

Small Purchase Contracts - M/WBE Non-Competitive

Due to historic racial wealth gaps, and other systemic factors, M/WBE vendors are underrepresented in City contracting. The M/WBE Non-Competitive Small Purchase (NCSP) method was established in 2017 to increase the participation of M/WBE vendors doing business with the city by streamlining aspects of the contracting process.

The PPB rules were amended in 2017 to allow the City to purchase goods, standard services, and professional services from any City-certified M/WBE valued over \$20K (or \$35K for construction) up to and including \$150,000 without a formal competitive process.⁷⁶ In November 2019, PPB unanimously voted to amend PPB Rule 3-08 again to increase this dollar threshold up to \$500K, consistent with Chapter 98 of the laws of 2019. Once again, on October 6, 2022, New York State enacted legislation that increases the dollar threshold for the M/WBE NCSP method from \$500K

⁷⁴ PPB Rules §3-08(a)

⁷⁵ PPB Rules§3-08(c)

⁷⁶ Micropurchases are used to buy goods and services up to \$20,000 for most services, or up to \$35,000 for construction services (9 RCNY § 3-11(a)) As long as these thresholds are not surpassed, including through any future contract modifications, agencies may buy from any available vendor at a fair price, without any competition.

to \$1 million.⁷⁷ The City’s Procurement Policy Board (PPB) convened in the winter of 2022 to begin the process of concurrently amending PPB rules to match this new threshold.⁷⁸

In an effort to further reduce delays for agencies and M/WBE vendors, the Comptroller’s office signed a delegation and approval document allowing agencies to self-register contracts procured under this method in exchange for certain reporting requirements. Under the terms of this delegation, documentation must still be filed with the Comptroller’s Office within 30 calendar days of self-registration consistent with requirements outlined in the Charter.

961 M/WBE Non-Competitive Small Purchase contracts, valued at \$129,422,285, were registered by city agencies in FY22, surpassing both totals from FY21. Recognizing this historic opportunity, the Comptroller’s Office urged the PPB to convene for the first time in three years in order to swiftly enact the amendment. As a result, the PPB convened in December 2022 and began the process of amending the Rules to raise the noncompetitive small purchase threshold for M/WBEs to align with the State legislative authority. Once codified, the method will be a critical tool to increase the number of M/WBE firms contracting with the City, as well as the value and volume of those awards

Additional analysis on the City’s utilization of M/WBE vendors, and recommendations to increase M/WBE participation in City contracting, will be presented in a forthcoming report by the Comptroller’s Office.

Sole Source Contracts

Sole Source procurements are used when only one vendor is capable of producing, or able to provide, a required good, service or construction.⁷⁹ Whenever an agency determines that there is only a single source, it must publish notice in the City Record (CR) and solicit the application of vendors qualified to provide the required good or service in the future.⁸⁰ The agency must also file its Sole Source determination with the Comptroller’s Office.⁸¹

FDNY entered into a Sole Source contract with a vendor called KFT Fire Trainer LLC (KFT) for \$381.74 million to engage in maintenance activities relating to live-fire training simulators.⁸² KFT is the designer, manufacturer, and installer of the FireTrainer® T2000, T1000, and O250, which are used by the FDNY training academy on Randall’s Island. In its Sole Source determination,

⁷⁷ Assembly Bill A10459

⁷⁸ As noted previously, the PPB is comprised of five members, two of whom are appointed by the Comptroller. Until such time that the increase is permanently codified under the PPB rules, City agencies can procure contracts under the higher threshold using the Innovative Procurement method discussed above.

⁷⁹ 9 RCNY §1-01(e)

⁸⁰ NYC Charter §321

⁸¹ PPB Rules: §3-05(b)

⁸² Contract number 20228804765

FDNY determined that no other vendors are equipped or authorized to conduct maintenance or repairs on these trainers.

Group 3: Transactions Not Subject to PPB Rules

The contracts in Group 3 reflect transactions that are either not mentioned in the PPB rules or are otherwise explicitly excluded in Section 1-02(f). With just 308 registered actions in FY22, totaling \$378.54 million, this group makes up a relatively small share of the City's contracting footprint.

Force Account Negotiation Contracts

A Force Account is the use of a grantee's own labor force to carry out a capital project. Force Account agreements enable City agencies to enter into contracts with various railroad agencies and companies, such as the New York City Transit Authority, the Metropolitan Transit Authority, and the Long Island Rail Road, when rehabilitation and reconstruction work must be performed on City-owned property (including bridges and streets, which are above or adjacent to train traffic). Payments made under Force Account contracts are typically used towards labor, material, and equipment.

34 Force Account contracts were registered in FY22 for a total value of \$27,019,718. Half of these contracts were administered by the Department of Design and Construction (DDC), while others were managed through DOT and the Department of Parks and Recreation. The largest of these contracts (\$7.50 million) was awarded by DDC to the New York City Transit Authority to support safety improvements along 4th avenue in Brooklyn, over the D, N, and R subways.⁸³

Grants Agreements

A "Grant" is a cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization, or an individual, for use by the recipient in accomplishing objectives established by the recipient.⁸⁴ This contrasts with typical procurement methods where a government entity is seeking the delivery of a specified end-product like a good or service. Grantees must often meet specific parameters in order to be eligible for a grant, but they are not bound by a contract for services.

30 Grant Agreements were registered in FY22 for a total value of \$36,116,061. The largest of these was a \$16.35 million grant issued to the Brooklyn Library via the Department of Cultural

⁸³ Contract number 20211425220

⁸⁴ 9 RCNY §1-02(f)

Affairs Cultural Capital Grant Program.⁸⁵ The Brooklyn Library intends to use these funds to fit-out their branch located at 280 Cadman Plaza West, which it has occupied since 1962.

Miscellaneous Contracts

The award methods in this group are generally used by agencies for contracts that don't fall squarely into any other category. In FY22, a significant portion of these contracts were administered by CUNY for billing and accounting services, by the Mayor's office for insurance premiums, and by DCAS to facilitate reimbursements to non-public school for school security services. For the latter group of contracts, DCAS established a memorandum of understanding (MOU) to reimburse qualifying non-public schools for the cost of procuring security services, under a program established by the Mayor's Office in 2016.⁸⁶

The Comptroller's office also registered two public finance (PFI) contracts under miscellaneous methods.⁸⁷ PFIs are exempted from PPB rules under NY Local Finance law.⁸⁸ Altogether there 71 miscellaneous contracts registered in FY22 for a total of \$37,490,706.

Professional Membership Contracts

Agencies use Professional Membership contracts to establish or renew memberships for agency personnel in professional associations.⁸⁹ Examples include bar associations, government groups, or other industry associations.

The largest Professional Membership contract registered in FY22 was for \$91,478 in dues to the New York State Association of Counties (NYSAC).⁹⁰ NYSAC was established in 1925 and represents all 62 counties in New York State. NYSAC works to educate, train and provide research on public policy to Federal, State and Local around issues important to counties.⁷ A total of 25 Professional Membership agreements were registered in FY22 for a total of \$581,516.

Regulated by Government Commission

This category includes contracting methods for Public Utility and Cable Service contracts.

⁸⁵ Contract number 20211426237

⁸⁶ Local Law 2 of 2016 established a program to reimburse qualifying non-public schools for the costs of procuring security services pursuant to Administrative Code §10-172 and RCNY Title 44, Chapter 14

⁸⁷ Contract numbers 202221402987 and 20221402986

⁸⁸ NY Local Finance Law §54.10

⁸⁹ 9 RCNY §1-02(f)(4)

⁹⁰ Contract number 20221411566

Agencies use Public Utility methods when entering into agreements with public utilities regulated by the NYS Public Service Commission (“NYSPSC”), where rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.⁹¹ Such services typically include local telephone services, as well as purchases relating to electricity, gas, water, and steam.

Agencies may use a Cable Service procurement method when contracting for cable television services or other public services that are similarly regulated by the NYSPSC.⁹² It is also used to cover contracts with utilities regulated by the Federal Energy Regulatory Commission or the Federal Communications Commission.

There were 51 contracts registered via these methods in FY22 for a total value of \$270,634,231. The largest of these contracts (for \$95.48 Million and \$79.39 Million) were administered by DCAS to procure gas from CON-ED and the Brooklyn Union Gas Company respectively.⁹³ The vast majority of Cable Service contracts were administered by ACS for local radio advertisements.

Subscriptions Contracts

Agencies use this method to purchase hard copy or paper-subscriptions to magazines, periodicals, or off-the-shelf training series.⁹⁴ Certain software licenses may also be procured via Subscription contracts. Agencies do not need to engage in a competitive search for subscription services as this method falls outside of the PPB rules, and because there is often only one provider for a desired subscription.

\$6.70 million in Subscriptions were registered by the City in FY22 across 97 separate contracts. The largest Subscription Contract was between the Department of Environmental Protection (DEP) and the Water Research Foundation (WRF), which conducts research relating to drinking water quality, treatment, and utility infrastructure.⁹⁵ According to WRF, more than 950 utilities, manufacturers, and consultants subscribe to their research.

Group 4: Supplemental Contracts

The contracts in Group 4 reflect new agreements whose terms were set forth by a preceding contract. They are distinct from modifications to existing contracts, which this Report will discuss in greater detail in this Section under “Additional Contracting Processes”. Group 4 contracts

⁹¹ 9 RCNY §1-02(f)(2)

⁹² 9 RCNY §1-02(f)(3)

⁹³ Contract numbers 20235000060 and 20235000062 respectively

⁹⁴ 9 RCNY §1-02(f)(5)

⁹⁵ Contract number 20228805165

accounted for 1,140 registered contracts in FY22, totaling over \$6 billion in value. This reflects almost 15% of the total procurement value registered in FY22.

Renewals

Agencies use Renewals to continue the provision of goods, services, or construction with the same vendor following the expiration of a prior base contract. Under the terms of PPB rules, the Renewal contract must have substantially the same terms and conditions as the original contract, but may possibly have revised quantities, lists, or schedules of items to be supplied which do not alter the scope of the contract.⁹⁶ Renewal options are established in the base contract and are used at the sole discretion of the City agency. Vendors receive notice about renewal options during the original solicitation and are obligated to comply if the agency elects to exercise a renewal. Contracts may have one or multiple renewal options.

Over a quarter of all Renewal contracts registered in FY22 (268 of 1,051) were administered by the DOE, largely toward the continuation of special education services. The Renewal contract registered in FY22 with the largest overall value, \$367.16 million, was administered by the DOT to American Traffic Solutions, Inc. for the provision of traffic cameras.⁹⁷ As noted earlier in the report, this DOT contact was one of the largest contracts by value that was registered in FY22.

Assignments

Assignments are used by the City to transfer some or all of the terms of an existing contract to a different vendor by means of a new contract. Agencies can choose to approve a vendor's request to assign their contract so as to preserve the continuity of good and services. Assignments are typically associated with situations where a vendor has merged with another business entity or sold their business.

There were 89 registered Assignment contracts in FY22, totaling \$816.12 million in value. The Comptroller's office administered one such assignment contract, transferring services relating to the maintenance of its Omnibus Automated Image Storage and Information System ("OASIS") from Northrup Grumman Systems Corporation to Peraton Inc., following Peraton's acquisition of Northrup Grumman's federal IT Mission Support Services Business.

Group 5: Revenue Contracts

This group of contracts generally reflect agreements that endow vendors with the right to use the City's property in exchange for payment or for the provision of public services. Since agencies may use procurement methods discussed above, like CSBs or CSPs, to procure revenue contracts,

⁹⁶ PPB Rules §4-04(a)

⁹⁷ Contract number 20228804001

the agreements making up Group 5 were isolated based on the RCT1 transaction code, which is used in FMS to record and track revenue agreements.

As noted above, there were 206 registered revenue contracts in FY22, totaling over \$322 million in value. The definitions and guidelines pertaining to the first three types of revenue contracts outlined under Group 5; Franchises, Concessions, and Revocable Consents, are defined in Chapter 14 of the Charter. With limited exceptions, all monies generated from these revenue agreements are deposited into the City's General Fund.⁹⁸

Group 5 also includes Corpus Funded agreements, which relate to the City's asset management activities. Corpus Funded agreements are currently recorded in FMS as revenue transactions, but they do not actually generate revenues for the City.

Franchise Agreements

Under terms set forth in the Charter, agencies can endow vendors with the right to occupy or use City property to provide a public service.⁹⁹ These agreements are subject to review and approval by the City's Franchise and Concession Review Committee (FCRC), which is comprised of the Mayor and a mayoral appointee, the Director of the Office of Management and Budget, the City's Corporation Counsel, and the Comptroller.

Franchises have been recently used for the development of broadband internet services by private companies, via City public rights-of-way. The Office of Technology and Innovation (OTI) administered ten of the eleven Franchise Agreements registered in FY22 for this very purpose. The total value of all registered Franchises in FY22 was \$4,981.505.

Concession Agreements

Agencies use Concession Agreements to bestow vendors with the ability to privately use City-owned property.¹⁰⁰ Most NYC residents and visitors would recognize examples of Concessions such as the pushcarts in City parks, various outdoor markets and cafes located on City land, or among the City's golf courses. Like Franchises, Concession Agreements are also subject to oversight by the FCRC. In exchange for use of City-owned property, the agencies typically generate revenue from vendors in the form of guaranteed annual fees or a gross share of sales.

There were 104 Concession Agreements registered in FY22 for a total value of \$87,273,010. Over 98% of these agreements were administered by DPR and the DOT. The largest of these contracts (\$16.58 Million) went to the Wollman Park Partners LLC for the operation and maintenance of the Wollman Ice skating rink in Central Park, which has been in operation for more than 70

⁹⁸ NYC Charter §109

⁹⁹ NYC Charter §362(b)

¹⁰⁰ NYC Charter §362(a)

years.¹⁰¹ Wollman Park Partners LLC was awarded this Concession following the expiration of the City's previous Concession Agreement with Wollman Rink Operations LLC in April 2021, which was owned by the Donald J. Trump Revocable Trust.

Revocable Consent Agreements

Revocable Consent Agreements enable the city to permit applicants to engage in construction projects, for private use and benefit, on or around City-owned property.¹⁰² As its name suggests, these agreements may be granted for a fixed term, and are revocable at any time by the administering City agency. Common examples of revocable consents include things like the placement of pipes under city property by a gas company, or the construction of sidewalk cafes.

The City entered into a \$13.17 million Revocable Consent Agreement with Jamestown OTS LP for construction relating to the refurbishment of LED advertising signs at the One Times Square building, over property owned by the City.¹⁰³ 51 Revocable Consent contracts were registered in FY22 for a total value of \$19,689,437.

Corpus Funded Agreements

The Comptroller serves as the fiduciary for New York City's five pension funds, investing responsibly to ensure long term returns from, and growth of, retirement funds for City employees with NYC values at heart. In 2022, Comptroller Lander established a new office under the Bureau of Asset Management to integrate Environment, Social, and Governance (ESG) considerations into our overall investment and engagement strategies. There is urgency to engage on this topic now because systemic risks such as climate change, inequality and discrimination, if unaddressed, potentially have a negative impact on global markets, reducing returns for all investors with exposure to global markets. These risks affect large institutional investors as well as individual IRAs invested in index funds.⁸

Corpus Funded Agreements function as a mechanism to finance investment management services related to the City's five pension funds. The Comptroller administered and registered 38 Corpus Funded Agreements in FY22, for a total value of \$209,271,598. The \$209 million figure reflects funds paid from the corpus of City pension funds, rather than revenues generated as a result of these agreements.

The public can view updates relating to assets under management anytime on the Comptroller's website.⁹

¹⁰¹ Contract number 20228200316

¹⁰² NYC Charter §362(d)

¹⁰³ Contract number 20228200886

Other Revenue Contracts

The City registered two additional revenue contracts that do not fall into one of the Group 5 categories above. The first of these contracts was awarded by the Comptroller's office to Cox Castle & Nicholson, LLP. (for \$500K) to continue investment services relating to the Corpus Funded activities described above.¹⁰⁴ DCAS awarded the other of these two contracts to Emmons Avenue Marina LLC (for \$379K) for use of the Emmons Avenue Marina in Sheepshead Bay, Brooklyn.¹⁰⁵ The combined value of these two contracts was \$879,086.

Additional Contracting Processes

This Section provides additional context around contracting actions that are generally not covered under the New Contract Categories Overview or included in Administrative Code's required subject matter for this Report.¹⁰⁶ These items are included in the Report anyway because they reflect a significant portion of the City's contracting activity.

While new contract data-trends are captured in Section III of this report, data for the items below can be found in subsequent Sections.

Real Property Transactions

Real Property Transactions are non-revenue contracts that are also not defined as procurements in either Chapter 13 of the Charter or in the PPB rules. Although not subject to reporting requirements outlined in section 6-116.2 of the Administrative Code, these transactions are included in this Report to provide a more complete picture of the City's contract registrations in FY22. There were 81 Real Property Transactions registered in F22 for a total value of \$592,039,927. These transactions are spread across Lease Agreements, Real Estate Sales and Purchase Agreements, and Watershed Agreements.

Data Trends for Real Property Transactions can be found in Section IV of this report.

Lease Agreements

The City frequently enters in to Lease Agreements with private landlords in order to secure use of Real Property for agency business or as a means to facilitate other public services. These agreements are not subject to competitive bidding requirements. There were 66 Lease Agreements registered in FY22 accounting for over 99% of the contract value for all Real Property transactions. The two largest Lease Agreements registered in FY22 were administered by DCAS

¹⁰⁴ Contract number 20218201922

¹⁰⁵ Contract number 20228200706. This contract was approved by the Franchise and Concession Review Committee.

¹⁰⁶ Data on FY22 procurements registered under Emergency methods is captured in Section III of this Report, but additional detail about this method is provided below and in Section VI.

for use by the NYPD at 521-533 West 57th Street, and by ACS at 2199 Bartow Avenue.¹⁰⁷ Both leases extend past 2040.

Real Estates Sales and Purchase Agreements

Agencies can use this method to purchase property from a seller, or to reimburse a property owner for the use of their space. The City only registered 3 real estate sales and purchase agreements in FY22 for a total value of \$139,500.¹⁰⁸

Watershed Agreement

The NYC Watershed consists of the Catskills, Delaware and Croton waterway systems. According to the NY Department of State, it spans 2,000 square miles and contains 19 reservoirs.¹⁰ The NYC Watershed serves 9 million New Yorkers with 1.3 billion gallons of water daily, and the City's Watershed Agreement, which was signed in January 1997, grants New York City Department of Environmental Protection (DEP) authority to manage the City's watershed properties. DEP is also responsible for the operation of the City's water assets through service contracts.

\$4,913,982 in contract value was registered through 15 Watershed Agreements in FY22 under DEP.

Modifications

Agencies are authorized to change certain aspects of existing registered agreements, such as:¹⁰⁹

- Updating contract amounts to reflect additional authorized or omitted work
- Extending the duration of a contract for good and sufficient cause (generally not for longer than an additional year)
- Administrative reasons, such as encumbering funds to expense contracts or revising commodity and accounting lines

Any change that requires a material alteration to the scope of work outlined in an initial contract's terms cannot be resolved by a modification. The agency must instead procure a new contract in such cases.

Registration authority for most administrative modifications, as well as modifications adjusting the amount of an underlying contract by less than 10% of its original value, is typically delegated to City agencies. Modifications that encumber funds against capital contracts, as well as

¹⁰⁷ Contract numbers 20225400752 and 20225400676 respectively

¹⁰⁸ Contract number 20211425128 for \$122K, 20221404351 for \$9,500, and 20221403931 for \$7,500

¹⁰⁹ 9 RCNY §4-02

modifications that change the duration of a contract are typically subject to review and registration by the Comptroller.¹¹⁰ BCA, on behalf of the Comptroller, reviewed and registered 10,367 such modifications in FY22.

Modifications extending the underlying duration of a contract also typically add funds in order to finance the continuation of the good or service provision. However, modifications can also be used to reduce the amount of funds associated with an underlying contract in some cases. Of the 6,335 total BCA-registered actions modifying the amount of an underlying contract 1,103 of them (17.41%) lowered the underlying contract value. Nonetheless, the average change in amount for BCA-registered modifications in FY22 was an increase of \$1.01 million.

Data trends for BCA-Registered FY22 Modifications can be found in Section V of this report.

Construction Change Orders

Construction change orders (CCO) reflect a subset of the modifications discussed above. They are typically used to authorize non-material additional labor and/or equipment needed to complete a construction project. CCO conditions are often categorized as follows: scope change (non-material only); administrative change; design omission; field condition or a design error. In addition, there may be other changes that don't fit within the above categories but still require a modification to the construction contract, such as extra work; Comptroller dispute determinations; and no-cost change orders.

Due to the unpredictable nature of New York City construction, as well as lengthy CCO approval process, the Comptroller's Office held discussions with DDC, the Office of Management and Budget (OMB), and the Law Department, before ultimately authorizing DDC to use an Expanded Work Allowance (EWA) on all contracts. EWA provides for a funded, pre-registered allowance in a construction contract that can be accessed as a project progresses to enable faster payments to contractors when certain types of common, but unanticipated, project conditions arise (i.e. the "known" unknowns). EWA has resulted in a significant reduction in the time between the discovery of an eligible project condition and the issuance of additional payment. In light of this success, the Comptroller's Office is working with other City construction agencies to expand use of the EWA program.¹¹

There were 3,192 CCOs registered in FY22, of which 44.17% involved some kind of change in amount modification. Nearly nine-of-ten CCOs were administered by just five agencies in FY22. While agencies still process a CCO (and obtain required approvals) to leverage EWA funds for an eligible project condition, a separate contract registration is not necessarily required because EWA is a fully funded and pre-registered allowance. In light of this, the data in this Report only includes modifications of an existing contract that would reflect the addition of a fully funded EWA allowance.

¹¹⁰ Excluding cases where authority has been delegated to City agencies or is otherwise not legally required

Data trends for Construction Change Orders can be found in Section V of this report.

Task Orders

Task Orders (TO) are used by agencies to procure particular goods or services under terms that have already been established under an existing “master agreement” contract.¹¹¹ The registration value of a master contract reflects the maximum amount the city may need to spend, but funds are actually issued to vendors via TOs. Both master agreements and TOs must be registered in order to be legally implemented.

The City may use a master agreement and TO framework when it’s unclear how frequently the good or service may be needed. Agencies can issue a task order to an awarded vendor under the terms of a registered master agreement on an as-needed basis. This framework can enable City agencies to jointly realize cost savings by volume that wouldn’t otherwise be accessible if the good or service was procured by a single agency via a general contract. Master awards can also be awarded to multiple vendors, so that agencies can procure services through a “mini-bid” or “mini-proposal” competition, or on a rotational basis.¹¹²

DDC administered 18 registered TOs under a single master contract in FY22.¹¹³ These TOs were awarded to JPC Logistics LLC to conduct various inspection services around the City.

Additional data trends for Task Orders can be found in Section V of this report.

Purchase Orders

Purchase Orders (PO) are an official document of the City notifying the successful vendor of authority to supply goods or services. A PO formalizes a purchase transaction with a vendor at or below small purchase limits unless the order is being placed against an existing contract.¹¹⁴ Agencies approve purchase orders for a good or service at a given value, and then issue payments up to that maximum value as the good or service is provided..

This Report examined FMS data for all POs, including their “Actual Amount,” “Obligation Amount Adjusted for Outyear,” and “the Available to Obligate Amount” that were recorded in FY22.¹¹⁵

¹¹¹ The data provided in this section is limited to TOs/CTA1s issued pursuant to master agreements registered using the Transaction Code “MMA1.” It does not include instances where agencies purchase goods using a Direct Order (“DO”) issued through master agreements registered using the Transaction Code “MA1.”

¹¹² PPB Rules §3-02(t), (j)).

¹¹³ Master Award Contract number 20186201996

¹¹⁴ PPB Rules §1-01

¹¹⁵ For the purposes of this report “Actual Amount” = the maximum value of the PO, “Obligation Amount Adjusted for Outyear” = the value of the PO issued to a vendor for goods and services, and “Available to Obligate Amount” = the amount of value remaining to be issued against the approved Actual Amount.

Additional POs may still be issued against FY22 services in FY23, but these payments are not captured here. The data below reflects the following PO classifications:

- PODs (Commodity Purchase Orders - Micropurchases) – typically limited to 20K
- POC (Commodity Purchase Orders – Small Purchases) – typically limited to 20K¹¹⁶
- PCC1s (Commodity Purchase Orders - Small Purchase Construction) – typically limited to 35K

Data trends for Purchase Orders can be found in Section V of this report.

Emergency Procurement Method: Pursuant to Emergency Executive Order

During a state of emergency and in limited circumstances the Mayor has the ability to suspend local laws and regulations, subject to review and renewal every five days. During his tenure, Mayor Bill de Blasio issued several emergency executive orders (E.E.O.) suspending procurement law and rules, including but not limited to E.E.O. 101 and E.E.O. 241.

On March 17, 2020, in response to the COVID-19 pandemic, Mayor Bill de Blasio issued E.E.O. 101, modifying the PBB’s emergency procurement method by suspending the Comptroller’s prior approval and registration for emergency contracting. On July 16, 2021, the Mayor revoked E.E.O. 101’s suspension of the rules and laws related to procurement, effectively restoring the Comptroller’s oversight powers.

Separately, on September 15, 2021, in response to the ongoing crisis at Rikers Island, Mayor de Blasio issued E.E.O. 241.¹¹⁷ E.E.O. 241 states in relevant part:

"§6. During the State of Emergency, and to the extent such laws and rules may be suspended consistent with State law, the following laws and regulations related to procurement are suspended with respect to any procurement of goods, services or construction when the Commissioner of Correction determines in writing that the procurement is necessary to respond to the

¹¹⁶ 15 HPD Purchase orders superseded the 20K limit for POCs.

¹¹⁷ In 2011, a class action lawsuit was brought against the City of New York and Department of Corrections (“DOC”) alleging that DOC officers routinely inflicted wanton physical violence on prisoners and deliberately falsified records to prevent discovery of their illegal actions. *Nuñez v. City of New York*, 11 Civ. 5845 (LTS). In 2015, a consent agreement was reached by the parties requiring the City to implement reforms with an appointed monitor evaluating progress. The most recent monitor report found, “conditions in the jail remain dangerously unsafe and the Monitoring Team remains gravely concerned about the alarming number of in-custody deaths, violence among people in custody, lack of an effective restrictive housing model, and various facets of the Department’s use of force practices and operational practices.” *Second Status Report on DOC’s Action Plan by the Nunez Independent Monitor* dated October 28, 2022.

emergency: Chapter 13 of the New York City Charter; Title 9 of the Rules of the City of New York (Procurement Policy Board Rules); and Sections 6-101 through 6-107.1, 6-108.1 through 6-121, and 6-124 through 6-129 of the New York City Administrative Code. Nothing herein shall preclude the DOC from complying with any portions of such laws or rules to the extent that the Commissioner determines that compliance will not interfere with the agency's emergency response.”

Mayor Eric Adams extended E.E.O. 241 of 2021 by E.E.O. 124 of 2022, which as of the writing of this report continues to be renewed very five days. Although, expanded authority under E.E.O. 241 (and successor orders) remains active, the Adam's administration has not yet used this procurement method to award or register any contracts, in this manner.¹¹⁸

The City registered 55 contracts pursuant to an E.E.O. in FY22 for a total value of \$431,938,448. The bulk of these contracts (52.73%) were administered by DOHMH, largely to support mobile vaccination sites. The last contracts registered under this authority were enacted on Feb 11, 2022.

Since March 2020 the Mayor's office (mostly under the de Blasio administration) has used this authority to enact over 1,736 COVID-19 contract actions for procurements relating to homeless shelters, emergency hotels, staffing, personal protective equipment (“PPE”), food, supplies, testing services, and ventilators. Across FY20-22, 886 new contracts were enacted for a total value exceeding \$6.24 billion. Additionally, 774 contract modifications and 96 TOs were processed under this expanded authority since March of 2020.

From March 2020 through FY22, just ten City agencies accounted for over 90% of the contract actions registered pursuant to E.E.O.s. DCAS was the most prolific agency, accounting for 18.84% of the total contracts processed, with procurements largely being driven by PPE-related goods.

Additional data trends for Emergency Procurements can be found in Section VI of this Report.

¹¹⁸ E.E.O. 317 was signed by Mayor Adams on Jan 20, 2023, further extending emergency registration powers pursuant to E.E.O. 241 and its successors.

III. New Contract Actions Trends

Section III presents data trends for the contract categories defined in Section II. Readers are advised to flip back and forth between Section II and Section III for context about the City’s contracting trends by volume and value.

Overview

Table 7 below provides a breakdown of new procurement and revenue agreements by contract group. Subsequent tables provide details about the distribution of subgroups, as defined in Section II, by volume and value.

Table 7: New Procurement and Revenue Contracts by Category¹¹⁹

Contract Category	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Group 1: Competitive Method Contracts	2360	13.23%	\$19,693,693,781	45.23%
Group 2: Limited/Non-Competitive Method Contracts	13818	77.49%	\$17,021,768,867	39.09%
Group 3: Not Subject to PPB Rules	308	1.73%	\$378,546,086	0.87%
Group 4: Supplemental Contracts	1140	6.39%	\$6,127,705,416	14.07%
Group 5: Revenue Contracts	206	1.16%	\$322,094,637	0.74%
Grand Total	17832	100.00%	\$43,543,808,789	100.00%

Group 1: Competitive Method Contracts¹²⁰

As discussed in Section II of this report, Competitive Method contracts are designed to help the City obtain the highest value based on price or quality. Table 8 provides a breakdown of competitive method subgroups by volume and value.

¹¹⁹ See Appendix 6 for additional contract information summarized by this table

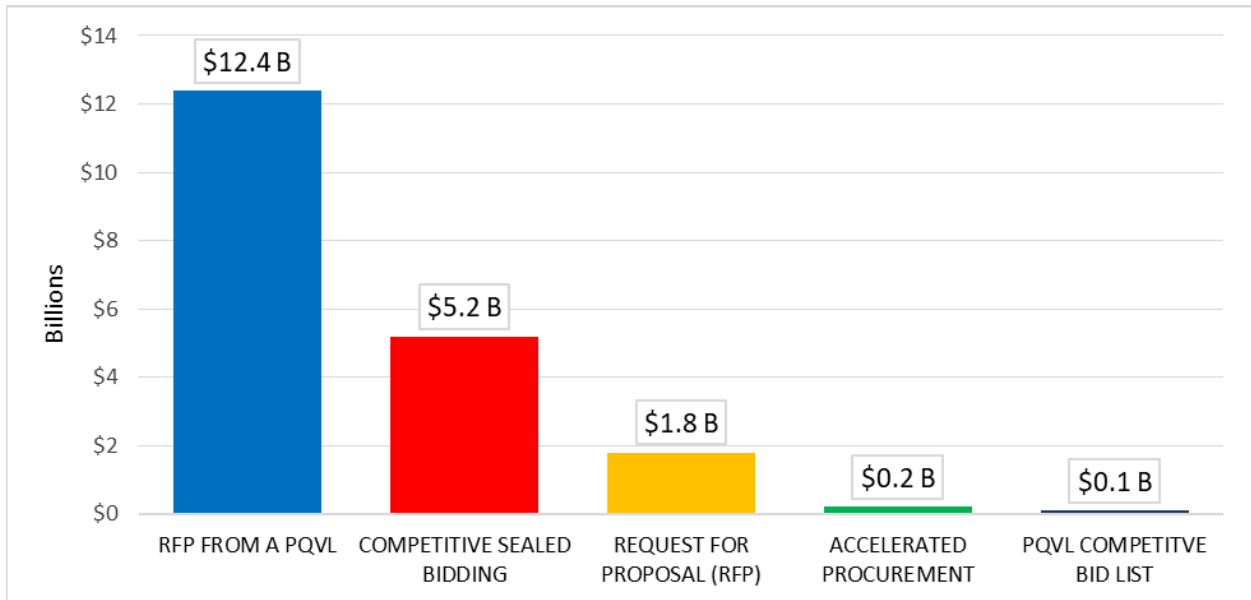
¹²⁰ See Appendix 1 for additional details regarding the contracts in Group 1

Table 8: Competitive Methods Contracts by Subgroup

Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Competitive Sealed Bid Contracts	556	23.56%	\$5,296,581,582	26.89%
Competitive Sealed Proposal Contracts	1698	71.95%	\$14,190,936,966	72.06%
Accelerated Procurement Contracts	106	4.49%	\$206,175,233	1.05%
Grand Total	2360	100.00%	\$19,693,693,781	100.00%

Chart 1 illustrates FY22 registered contract value under each competitive award method in Group 1.

Chart 1: FY22 Registered Contract Value by Award Method – Group 1



Group 2: Limited or Non-Competitive Methods¹²¹

Limited or Non-Competitive procurement methods were responsible for the largest share of new procurement contracts (13,818 actions or 78.40%). Table 9 provides a breakdown of subgroups under Group 2 by volume and value.

Table 9: Limited/Non-Competitive Methods Contracts by Subgroup

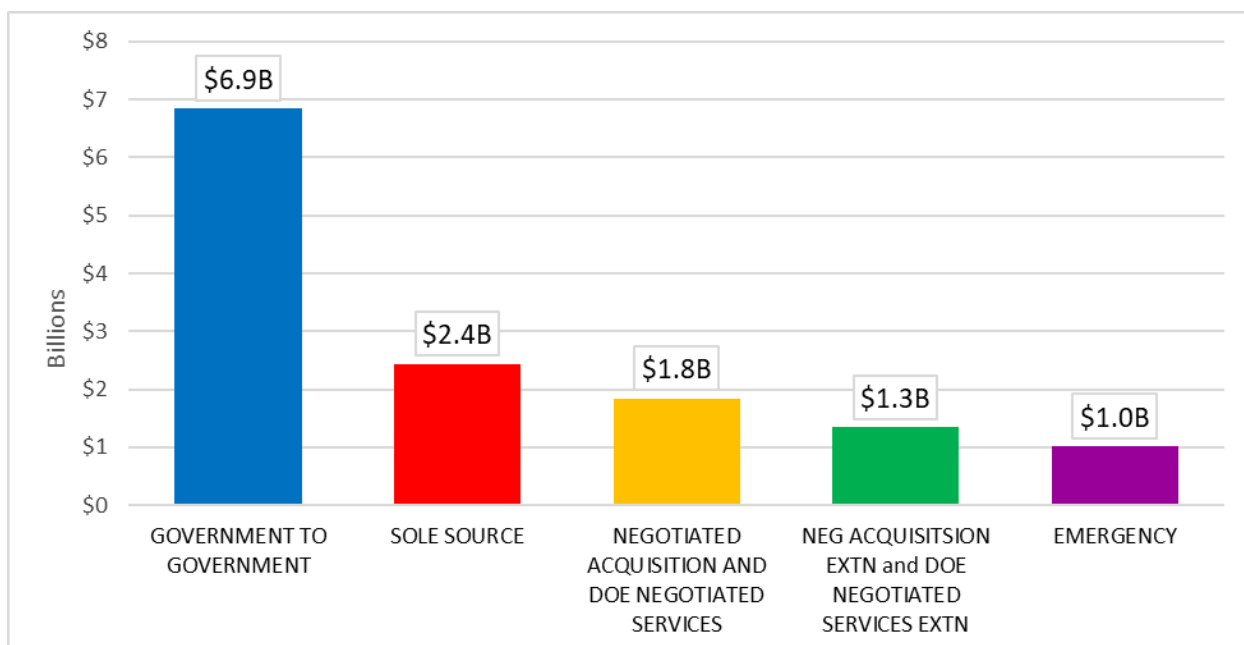
Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Buy-Against Procurement Contracts	3	>.1%	\$5,000,140	>.1%
Demonstration Project Contracts	24	0.17%	\$47,038,890	0.28%
Determined by Government Mandate Contracts	153	1.11%	\$903,755,222	5.31%
Discretionary (Line Item) Contracts	2594	18.77%	\$335,157,052	1.97%
Emergency Procurement Contracts	302	2.19%	\$1,021,393,748	6.00%
Government to Government Contracts	46	0.33%	\$6,853,011,473	40.26%
Innovative Procurement Contracts	103	0.75%	\$570,888,020	3.35%
Intergovernmental Procurement Contracts	405	2.93%	\$1,082,313,496	6.36%
Micropurchase Contracts	213	1.54%	\$2,814,054	>.1%
Negotiated Acquisition Contracts	1028	7.44%	\$3,185,698,675	18.72%
Small Purchase Contracts - General	7873	56.98%	\$223,630,479	1.31%
Small Purchase Contracts - M/WBE	961	6.95%	\$129,422,286	0.76%
Sole Source	113	0.82%	\$2,661,645,331	15.64%

¹²¹ See Appendix 2 for additional details regarding the contracts in Group 2

Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Grand Total	13818	100.00%	\$17,021,768,868	100.00%

Chart 2 illustrates the total registered value for each of the top five award methods captured under Group 2.

Chart 2: FY22 Registered Contract Value by Top Five Award Methods – Group 2



Buy-Against Contracts

Table 10 below displays information on the three buy-against contracts registered in FY22.

Table 10: FY22 Registered Buy-Against Contracts

Contract #	Agency	Vendor Legal Name	Contract Purpose	Contract Registered Amount	Contract End Date
20221410997	DPR	JCC Construction Corp.	Construction of a new comfort station in Canarsie Park, Brooklyn.	\$3,176,029	9/5/2023

Contract #	Agency	Vendor Legal Name	Contract Purpose	Contract Registered Amount	Contract End Date
20221412693	DHS	Riverdale Painting Corp.	On-call painting city-wide including preparation and painting of walls, doors, ceilings, floors, and scaffolding.	\$1,751,736	4/30/2023
20225400061	DCAS	Summit Paper Company	Delivery of absorbent compound for oil and water to DCAS Central Store House.	\$72,374	9/15/2022

Group 3: Transactions Not Subject to PPB Rules¹²²

With just 308 registered actions in FY22, totaling \$378.54 million, Group 3 makes up a relatively small share of the City’s contracting footprint. Table 11 provides a breakdown Group 3’s subgroups by volume and value.

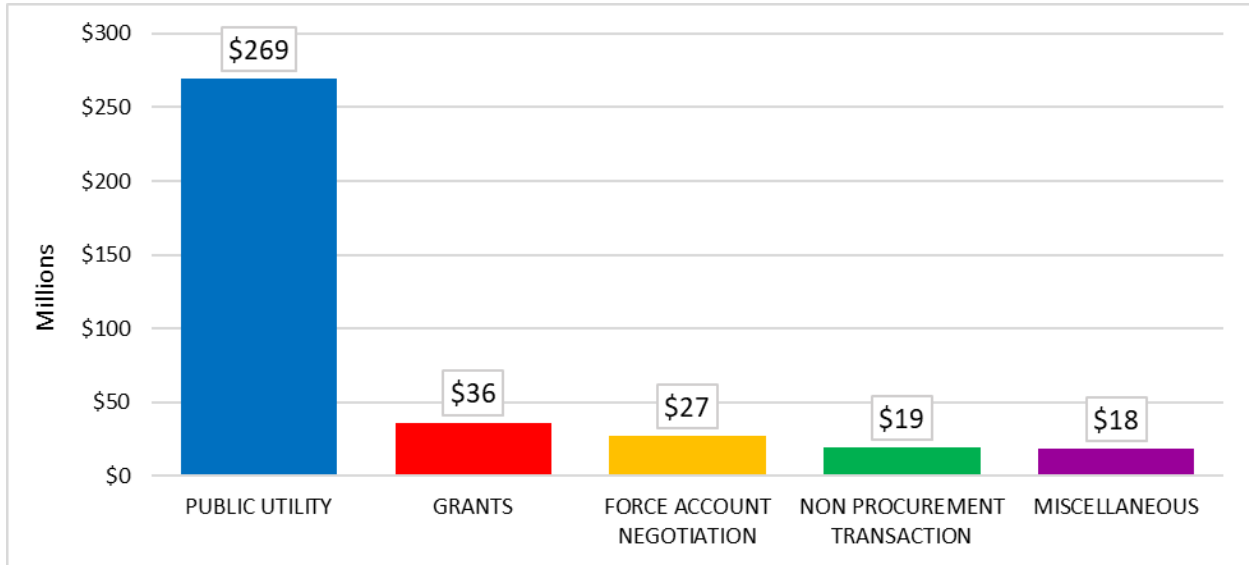
Table 11: Transactions Not Subject to PPB Rules by Subgroup

Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Force Account Contracts	34	11.04%	\$27,019,718	7.14%
Grant Agreements	30	9.74%	\$36,116,061	9.54%
Miscellaneous Contracts	71	23.05%	\$37,490,707	9.90%
Professional Membership Negotiation Contracts	25	8.12%	\$581,517	0.15%
Regulated by Government Commission	51	16.56%	\$270,634,231	71.49%
Subscription Contracts	97	31.49%	\$6,703,852	1.77%
Grand Total	308	100.00%	\$378,546,086	100.00%

Chart 3 illustrates the total registered value for each of the top-five award methods captured under Group 3.

¹²² See Appendix 3 for additional details regarding the contracts in Group 3

Chart 3: FY22 Registered Contract Value by Top Five Award Methods – Group 3



Group 4: Supplemental Contracts¹²³

Group 4 contracts accounted for 1,140 registered contracts in FY22, totaling over \$6 billion in value. This reflects almost 15% of the total procurement value registered in FY22. Table 12 provides a breakdown of Group 4’s subgroups by volume and value.

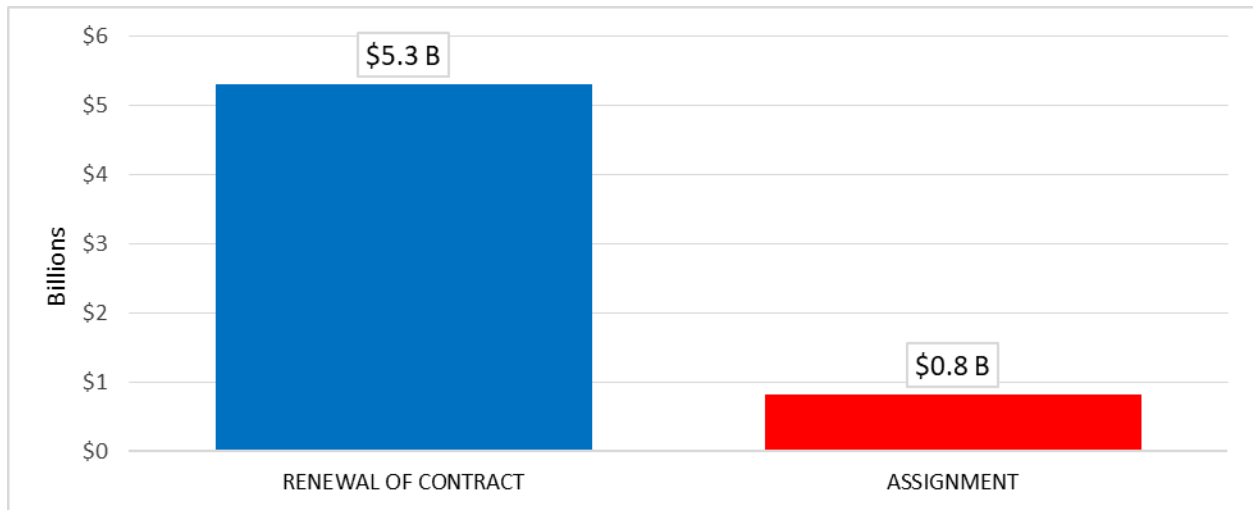
Table 12: Supplemental Contracts by Subgroup

Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Assignments	89	7.81%	\$816,121,806	13.32%
Renewals	1051	92.19%	\$5,311,583,611	86.68%
Grand Total	1140	100.00%	\$6,127,705,417	100.00%

Chart 4 illustrates the total registered value for each award method captured under Group 4.

¹²³ See Appendix 4 for additional details regarding the contracts in Group 4

Chart 4: FY22 Registered Contract Value by Award Method – Group 4



Group 5: Revenue Contracts¹²⁴

As noted in Section II, there were 206 registered Revenue contracts in FY22, totaling over \$322 million in value. Group 5 also includes Corpus Funded agreements, which relate to the City’s asset management activities. Corpus Funded contracts are currently recorded in FMS as revenue transactions, but they do not actually generate revenues for the City. Table 13 provides a breakdown Group 5’s subgroups by volume and value.

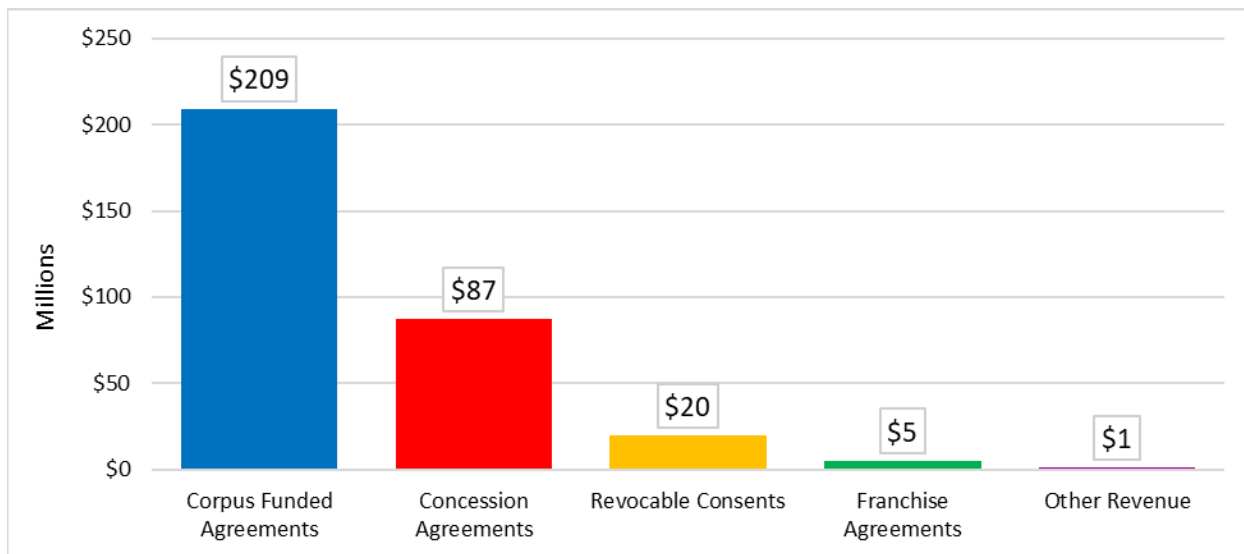
Table 13: Revenue Contracts by Subgroup

Subgroup	# of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Franchise Agreements	11	5.34%	\$4,981,505	1.55%
Concession Agreements	104	50.49%	\$87,273,011	27.10%
Revocable Consents	51	24.76%	\$19,689,437	6.11%
Corpus Funded Agreements	38	18.45%	\$209,271,598	64.97%
Other Revenue	2	0.97%	\$879,086	0.27%
Grand Total	206	100.00%	\$322,094,637	100.00%

¹²⁴ See Appendix 5 for additional details regarding the contracts in Group 5

Chart 5 illustrates the total registered value for each of Group 5’s subgroups. Award methods are not isolated in this chart since agencies may also use procurement methods discussed above, like CSBs or CSPs, to procure revenue contracts. Instead, chart 5 reflects Revenue contract types reflected in FMS.¹²⁵

Chart 5: FY22 Registered Contract Value by Subgroup Under Group 5



Revenue Contracts by Agency

Excluding the Comptroller Office’s Corpus Funded agreements, six City agencies administered registered revenue contracts in FY22 for a total value of \$112.32 million. Table 14 displays information on the number of new revenue contracts registered to each agency.

Table 14: FY22 Registered Revenue Contracts by Agency (Excluding Corpus Funded)¹²⁶

Agency	# of Revenue contracts	Total Revenue Contract Value	% Share of Revenue contract Value
DCAS	1	\$379,086	0.34%
DOE	1	\$8,950,000	7.97%
DOC	1	\$3,004,263	2.67%

¹²⁵ See appendix 20 for a full list of contract type names and FMS codes

¹²⁶ This table excludes contract number 20218201922. While not processed under the Corpus Funded contract type in FMS, it is considered to be a Corpus Funded contract for the purposes of this Report.

Agency	# of Revenue contracts	Total Revenue Contract Value	% Share of Revenue contract Value
OTI	10	\$4,643,092	4.13%
DOT	86	\$21,821,745	19.43%
DPR	68	\$73,524,852	65.46%
Grand Total	167	\$112,323,039	100.00%

IV. Real Property Transactions Trends

Section IV presents data trends relating to Real Property Transactions discussed under “Additional Contracting Processes” in Section II. These transactions are non-revenue contracts that are also not defined as procurements in either Chapter 13 of the City Charter or in the PPB rules. There were 81 Real Property contracts registered in F22 for a total value of \$592,039,927. Table 15 illustrates the number and volume of Real Property contracts registered in FY22 by award method.

Table 15: FY22 Registered Real Property Contracts by Award Method

Award Method	Number of Contracts	% Share of Contracts	Total Registered Contract Value	% Share of Contract Value
Lessee Negotiation	63	77.78%	\$586,986,445	99.15%
Real Estate Sales and Purchases	3	3.70%	\$139,500	>.1%
Watershed Land Negotiation	15	18.52%	\$4,913,982	0.83%
Grand Total	81	100.00%	\$592,039,927	100.00%

Real Property Transactions by Agency

20 City agencies administered real property transactions in FY22 for a total value of \$592.03 million. Table 16 displays information on the number of new real property contracts by agency.

Table 16 – FY22 New Real Property Transactions by Agency

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Total Contract Value
ACS	1	1.23%	\$22,169,688	3.74%
BKCB16	1	1.23%	\$32,150	>.1%
BXCB9	1	1.23%	\$667,059	0.11%
CC	12	14.81%	\$1,344,657	0.23%
CUCF	6	7.41%	\$3,403,385	0.57%

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Total Contract Value
CUNY	1	1.24%	\$7,951,932	1.34%
DCAS	7	8.64%	\$274,332,471	46.34%
DEP	19	23.46%	\$6,678,207	1.13%
DFTA	2	2.47%	\$15,046,562	2.54%
DOB	1	1.23%	\$816,516	0.14%
DOC	1	1.23%	\$165,000	>.1%
DOE	4	4.94%	\$81,767,862	13.81%
DOHMH	1	1.23%	\$5,743,336	0.97%
DOP	5	6.17%	\$587,059	0.10%
DOT	2	2.47%	\$45,028,574	7.61%
DSNY	2	2.47%	\$28,894,925	4.88%
DSS/HRA	3	3.70%	\$65,019,680	10.98%
EDC	1	1.23%	\$2,629,204	0.44%
LAW	3	3.70%	\$19,410,333	3.28%
MCB11	1	1.23%	\$340,300	>.1%
NYPD	7	8.64%	\$10,011,028	1.69%
Grand Total	81	100.00%	\$592,039,927	100.00%

V. Contract Modifications and Administration Trends

Section V presents data trends relating to modification and contract administration trends discussed under “Additional Contracting Processes” in Section II.

Modifications

As noted in Section II, agencies are authorized to change certain aspects of existing registered agreements, such as:¹²⁷

- Updating contract amounts to reflect additional authorized or omitted work
- Extending the duration of a contract for good and sufficient cause (generally not for longer than an additional year)
- Administrative reasons, such as encumbering funds to expense contracts or revising commodity and accounting lines

Any change that requires a material alteration to the scope of work outlined in an initial contract’s terms cannot be resolved by a modification. The agency must instead procure a new contract in such cases.

Table 17 below presents the share of modifications registered by the Comptroller by category.

Table 17 – FY22 BCA-Registered Modifications Category

Modification Category	Total # of Registered Modifications	% Share of Registered Modifications
Change in Amount Only	4,602	44.39%
Change in Duration Only	1	<.01%
Change in Both Term & Amount	1,733	16.72%
Administrative Change Only	4031	38.88%
TOTAL	10,367	100%

¹²⁷ 9 RCNY §4-02

FY22 BCA-Registered Contract Modifications by Agency

Nearly 80% of the modifications that BCA registered in FY22 were administered by just ten agencies. DDC and DYCD modified the most BCA-registered contracts with 1,741 and 1,461 actions respectively. Table 18 below displays the top ten agencies by volume of BCA registered actions.

Table 18 – Top Ten Agencies with BCA-Registered Modifications in FY22

Agency	# of Modifications	% Share of Modifications
DDC	1741	16.79%
DYCD	1461	14.09%
DPR	1155	11.14%
DFTA	776	7.49%
DEP	587	5.66%
DCAS ¹²⁸	580	5.59%
DOE	555	5.35%
DOT	475	4.58%
DOHMH	405	3.91%
DSS/HRA	349	3.37%

When isolating change-in-amount modifications, DYCD was the source of the most BCA-registered modifications with 1,448. Most of DYCD’s modifications were registered against COMPASS programs which were discussed in Section II of this Report. Table 19 displays the top ten agencies administering Change in Amount modifications registered in FY22.

Table 19 – Top Ten Agencies with BCA-Registered Change-In-Amount Modifications

Agency	# of BCA-Registered Modifications	% Share of BCA-Registered Modifications
DYCD	1448	22.86%

¹²⁸ DCAS #s include contracts registered under its Municipal Supply Service

Agency	# of BCA-Registered Modifications	% Share of BCA-Registered Modifications
DDC	985	15.55%
DPR	526	8.30%
DOE	509	8.03%
DFTA	509	8.03%
DEP	271	4.28%
ACS	220	3.47%
DOHMH	215	3.39%
DSS/HRA	187	2.95%
HPD	160	2.53%

Construction Change Orders

Construction change orders (CCO) reflect a subset of the modification data discussed above, although the data below includes additional CCOs that were not registered by the Comptroller's office. They are typically used to authorize non-material additional labor and/or equipment needed to complete a construction project. Table 20 reflects the top-five agencies using CCOs by volume.

Table 20 – Top Five Agencies with FY22 Registered CCOs

Agency	# of Registered CCOS	% Share of FY22 Registered Modifications
DDC	1023	32.05%
DPR	799	25.03%
HPD	523	16.38%
DEP	322	10.09%
DOT	139	4.35%

Similarly, table 21 displays the top five agencies using CCOs that changed the underlying contact amount.

Table 21 – Top Five Agencies with Change in Amount CCOs

Agency	# of Registered CCOs	Average Original Contract Value	Average Revised Contract Value
DDC	654	\$26,168,742	\$29,453,576
DPR	299	\$5,578,247	\$6,537,372
DEP	161	\$82,571,939	\$91,516,388
HPD	114	\$3,938,683	\$3,691,614
DOT	53	\$92,123,648	\$104,309,897

Task Orders

Agencies registered 1,009 TOs in FY22, against just 305 master award contracts, for a total value of \$1,524,024,402. The most TOs registered against a single master award contact in FY22 was 119 by SBS, on behalf of EDC.¹²⁹ The top five agencies based on the volume of registered TOs account for over 70% of all TOs registered in FY22, and 86.60% of total registered value. Table 22 below displays registered TOs administered by these agencies by volume and total value.

Table 22 – Top Five Agencies by Volume of Registered FY22 TOs

Agency	# of Registered TOs	Total of FY22 Registered TO Value
SBS	254 ¹³⁰	\$846,623,319
DDC	167	\$239,667,933
HPD	158 ¹³¹	\$91,079,576
DPR	98	\$73,135,546
HHC	149	\$69,235,980

¹²⁹ Contract number 20228803716

¹³⁰ 249 of these task orders were registered to the EDC. SBS contracts with and retains EDC to function as a development consultant and provide economic development-related services on behalf of the City.

¹³¹ 138 of these task orders were registered to The New York City Housing Authority (NYCHA). NYCHA registered contracts and TOs under the same agency code as HPD.

Purchase Orders

118,643 POs were recorded in FY22 for a total value exceeding \$1.3 billion. Table 23 displays the number and value of POs issued in FY22 by category.

Table 23 – FY22 PO Records by Category

PO Type	Total # of POs	Actual Amount	Obligation Amount Adjusted for Outyear	Available to Obligate Amount
PCC1s	13,737	\$20,099,255	\$20,090,418	\$8,836
PODs	88,248	\$1,224,355,579	\$1,223,678,271	\$677,307
POCs	16,658	\$94,426,472	\$92,966,924	\$1,459,548
Grand Total	118,643	\$1,338,881,306.81	\$1,336,735,614	\$2,145,692

The top-five agencies using POs in FY22, by volume, accounted for over 87% of the total share of POs processed by the City. Table 24 displays the volume and value of POs across each of these agencies.

Table 24 – Top Five Agencies by Volume of Recorded POs in FY22

Agency	# of Recorded POs	Total Value PO Actual Amount
DOE	84,325	\$180,807,024
HPD	13,632	\$996,754,996
CUNY	2,489	\$15,695,044
NYPD	1,726	\$17,071,632
DEP	1,648	\$10,103,550

VI. Emergency Procurement Trends

Section VI presents data trends relating to procurement methods used by the City to respond quickly in the event of emergencies. See Section II, under “Additional Contracting Processes” for more information.

Emergency Procurement Method: Pursuant to Procurement Rules

The City registered 302 contracts via the Emergency Procurement method in FY22 for a total value of \$1,021,393,747. Table 25 displays the top five agencies by volume of new emergency procurement contracts, including those registered pursuant to E.E.Os.

Table 25 – Top Five Agencies by Volume of New Registered Emergency Procurements in FY22

Agency	# of Registered Contracts	Share of FY22 Registered Contracts
DOE	126	41.72%
HPD	63	20.86%
DOHMH	47	15.56%
HHC	13	4.30%
DYCD	11	3.64%

Relatedly, table 26 displays the top five agencies by value of registered Emergency Procurements in FY22.

Table 26 – Top Five Agencies by Value of New Registered Emergency Procurements in FY22

Agency	# of Registered Contracts	Value of Registered Contracts
DDC	6	\$231,434,033
DOHMH	47	\$222,756,070
NYCEM	4	\$162,612,295
SBS	2	\$142,500,000
DOE	126	\$96,220,354

Table 27 provides a breakdown of modifications registered in FY22 against emergency contracts. The vast majority of these modifications were for administrative changes, in connection with contracts for COVID-related activities.

Table 27 – FY22 Modifications to Registered Emergency Contracts

Modification Category	Total # of Registered Modifications	% Share of Registered Modifications
Change in Amount Only	46	3.85%
Change in Duration Only	0	0
Change in Both Term & Amount	92	7.71%
Administrative Change Only	1,056	88.44%
TOTAL	1,194	100%

Emergency Procurement: Pursuant to E.E.Os

Table 28 provides a breakdown of new contracts, TOs, and modifications registered pursuant to an E.E.O by fiscal year.

Table 28 – Contract Actions Registered Pursuant to E.E.Os, by Fiscal Year¹³²

Contract Action	# of Actions - FY20	# of Actions - FY21	# of Actions - FY22
New Contracts	462	349	55
Task Orders	30	63	3
Modifications	95	604	75

Table 29 provides a breakdown of the top-ten agencies to administer emergency contracts registered pursuant to E.E.O. authority, by volume, from FY20-22.

Table 29 – Top Ten Agencies with New Contracts Registered Pursuant to E.E.Os: FY20-22

Agency	# of Actions -	% Share of All Contract Actions
DCAS	327	18.84%
DSNY	260	14.98%
DOHMH	217	12.50%
DYCD	200	11.52%
DDC	188	10.83%
DHS	125	7.20%
NYCEM	105	6.05%
OTI	76	4.38%
Mayor	68	3.92%
FDNY	53	3.05%

¹³² Note: this data is a subset of new contract, task order, and modification numbers presented in Sections III and V.

Table 30 only displays contracts registered pursuant to E.E.O. authority in **FY22 only**, by agency.

**Table 30 – New Contracts Registered Pursuant to E.E.Os, by Agency:
FY22 only**

Agency	# of Actions	% Share of All Contract Actions
DOHMH	29	\$179,716,479
HRA	14	\$33,846,000
DEP	3	\$1,641,724
DYCD	3	\$658,175
DCAS	2	\$19,597,200
SBS	2	\$35,000,000
TLC	1	\$1,078,869
DFTA	1	\$500,000
NYCEM	1	\$159,900,000

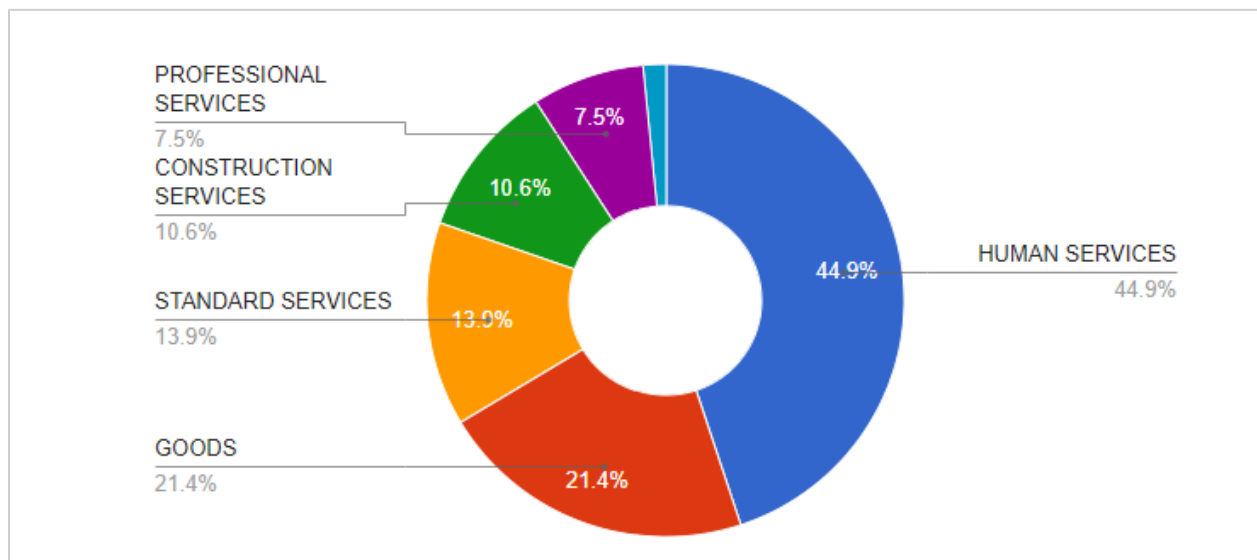
VII. Procurement Actions by Industry

PPB Rules, and other applicable procurement rules, define several industries that are frequently used by the City to support the analysis of procurement trends. Industry classifications provide another perspective to understand where the City is investing its resources. Section VII of this Report examines FY22 procurements (as defined in Section II’s Contract Groups 1-4) across the following industries:

1. Construction Services
2. Goods
3. Human Services
4. Professional Services
5. Standard Services

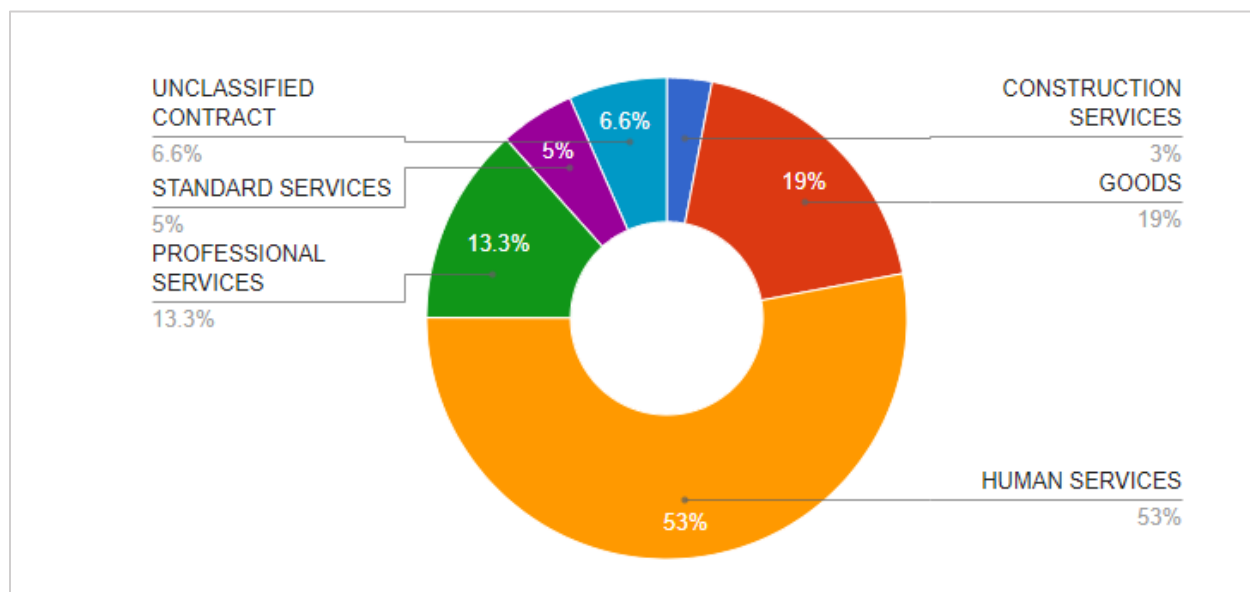
Agencies are not required to enter industry classifications in FMS. Accordingly, the data in this Section uses rules employed by Checkbook NYC to assign industry classifications based on contract characteristics such as award category, contract type, and expense category. 16,459 procurement contracts were mapped to one of the above industries classifications using Checkbook NYC’s rules for a total value of \$42.55 billion. Additionally, 1,167 procurement contracts, with a total registered value of \$676.64 million, could not be classified into an industry group. Chart 6 below provides a comparison of registered contract value by industry.

Chart 6 – Share of Registered New Procurement Contract Value by Industry



Relatedly, chart 7 lays out the volume of new procurement contracts by industry. The Construction and Standard Service industries make up a greater share of registered procurement value than they do of the city’s procurement volume, indicating that their contracts tend to be larger in value relative to the contracts in other industries.

Chart 7 – Share of Registered New Procurement Contract Volume by Industry



Construction Services

PPB Rules define the construction service industry as dealing in the planning, design, or construction of real property or other public improvements.¹³³ In addition to engineering and construction work, this industry also includes contracts for painting, carpentry, plumbing and electrical installation, asbestos and lead abatement, carpet installation and removal, and demolition.

The Comptroller’s Office has been working alongside City Hall as a part of the Capital Process Task Force to undertake a comprehensive review of the City’s capital process and advocate for recommendations to streamline the city’s procurement of construction (and other capital funded) services. The recommendations of this task force aim to reduce timelines for capital project completion, achieve taxpayer savings, enhance vendor participation and inclusion in the construction industry, and increase the City’s capacity to address emerging needs. Additionally,

¹³³ RCNY §1-01(e)

as previously described in Section 5, the Comptroller’s Office is working with several City construction agencies to allow for broader usage of the EWA, which is a funded, pre-registered allowance in a construction contract that leads to shorter CCO processing times and the ability to make faster payments to contractors.¹³⁴

The 533 new procurement contracts registered in FY22 under the Construction Services industry accounts for only 3.24% of procurement contracts by volume, but the \$4,568,940,845 associated with these contracts makes up 10.74% of the total registered procurement value in FY22. The largest contract registered under the construction industry (\$1.27 billion), and third largest new contract registered in FY22 overall, was awarded to IPC Resiliency Partners as part of the East Coast Resiliency (ESCR) Project. ESCR aims to provide 2.4 miles of coastal protection through a series of berms and walls along the east side of Manhattan from E. 25th to Montgomery Street.¹²

Table 31 provides a list of the top ten contracts registered in FY22 by value.

Table 31 - FY22 Top Ten Construction Service Industry Procurement Contracts, by Value

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20221402086	DDC	IPC Resiliency Partners	Competitive Sealed Bidding	East Side Coastal Resiliency project including but not limited to flood protection, sewer, pedestrian bridges, park, buildings and ground improvement.	\$1,272,221,100	8/13/2026
20228805328	DEP	Skanska RJ Industries HPWWTP JV	Competitive Sealed Bidding	Construction of new Anaerobic Digester Facilities at the Hunts Point Wastewater Treatment Plan.	\$309,375,000	3/1/2026
20228803599	DCAS	Technico Construction Services Inc.	Competitive Sealed Bidding	Relocation of Kings County Civil Courts including interior	\$187,231,000	10/31/2024

¹³⁴ See the discussion of Construction Change Orders in Section II for more information on EWA

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
				renovations and upgrades to mechanical, electrical, HVAC, plumbing, fire and other systems.		
20228808374	DDC	NYCC JPL JV	Competitive Sealed Bidding	East Side Coastal Resiliency project including but not limited to interceptor gates and gate houses, street lighting and traffic work.	\$154,991,054	6/28/2026
20221419322	DDC	State Of New York	Government To Government	Repair work related to the Van Wyck Expressway capacity and access improvement to JFK airport including, but not limited to, road widening, ramp relocation / reconstruction, utility work.	\$135,034,934	3/31/2023
20228806452	DOT	Bove Industries Inc	Competitive Sealed Bidding	Structural minor rehabilitation and other miscellaneous work on the Brooklyn Queens Expressway between Atlantic Avenue and Sands Street.	\$122,000,040	3/19/2025
20221417329	HHC	Consigli Construction Co Inc	Request For Proposal (RFP)	Outposted Therapeutic Housing Unit project at NYC Health + Hospitals/Bellevue	\$110,320,780	3/31/2023

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
				including construction, initial outfitting and design.		
20228803922	DDC	Padilla Construction Services, Inc. PCS	Emergency	Rikers Island emergency work to address, among other items, HVAC issues, renovation of young adult units, mental health observation units and sewer infrastructure of women's facility.	\$104,166,273	8/30/2022
20211425292	DDC	Inter Laperuta JV	Competitive Sealed Bidding	Construction of storm sewers, sanity/combined sewers, water mains, and incidental work in and around the Whitestone, Queens Expressway service road.	\$55,639,533	7/22/2024
20228805486	DDC	Halcyon Construction Corp	Emergency	Emergency reconstruction of the Regulator Chamber and Diversion by O'Brien Avenue, Sound View Avenue and White Plains Road, and incidental work in the Bronx.	\$52,372,068	2/13/2025

Goods

The Goods industry is made up of contracts for physical items and personal property, including but not limited to equipment, materials, printing, and insurance.¹³⁵ Procurements related to consumables such as food and fuel may also fall into goods industry. Under the Charter, DCAS is responsible for procuring all goods, supplies, materials, equipment, and other personal property on behalf of city agencies, unless such authority has been otherwise delegated.¹³⁶ On occasion, DCAS delegates the procurement of a specific good to a particular agency when it's in the City's best interests, subject to the approval of the DCAS Commissioner and the Comptroller.¹³⁷ For example, DCAS authorized agencies to make goods purchases using the M/WBE Noncompetitive Small Purchase method of up to \$1 million to allow agencies to encourage greater M/WBE participation on contracts.

In FY22, 3,348 contracts (20.24% of all procurement contracts) were registered within the Goods industry for a total value of \$9,270,246,169. This accounts for 21.79% of the total registered contract value in FY22. Three of the largest registered contracts by value have already been discussed in earlier Sections of this report:

- DCAS is administering a \$6 billion contract with the New York State Energy Research Association through 2055 for the purchase of renewable energy commodities. Refer back to Section II under Government-to-Government procurement methods for additional information.
- New York City Emergency Management (NYCEM) awarded a \$159 million contract utilizing an emergency procurement method to secure at-home COVID rapid antigen tests to support the City's COVID-19 response.¹³⁸ Refer back to Section IV on Emergency Procurements for more information.
- The DOE's \$142 million contract with Lenovo for \$142 million for IT hardware, including desktops, notebooks, and mobile computers was discussed in Section II as an example of a renewal procurement.¹³⁹

¹³⁵ 9 RCNY §1-01(e)

¹³⁶ NYC Charter §823

¹³⁷ NYC Charter §329(e)

¹³⁸ Contract number 20221411986

¹³⁹ Contract number 20229270500

Table 32 provides a list of the top ten goods contacts, by value.

Table 32 - FY22 Top Ten Goods Industry Procurement Contracts, by Value

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20225400436	DCAS	New York State Energy	Government To Government	To provide renewable energy certificates and related goods and services to implement a renewable program and clean energy standard City-wide.	\$6,000,000,000	12/31/2055
20221411986	NYCEM	NJF Worldwide	Emergency	Provision of at-Home Rapid Antigen test kits for COVID-19.	\$159,900,000	6/30/2022
20229270500	DOE	Lenovo, Inc	Renewal Of Contract	Desktop, notebooks, and mobile computers.	\$142,958,169	7/24/2023
20239370400	DOE	SDI Inc	Competitive Sealed Bidding	Repair, replace or install products and services for all DOE schools or other facilities related to mechanics materials (heaters, lighting, electric, plumbing, etc.).	\$137,779,985	6/30/2029
20229277100	DOE	Savvas Learning Company LLC	DOE Listing Application	Textbooks and ancillary materials across many disciplines.	\$126,900,847	9/30/2028
20229275452	DOE	Presidio Networked Solutions Group LLC	Renewal Of Contract	Instructional technology hardware – computer instructional aids and training devices.	\$109,636,383	2/28/2023

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20235000060	DCAS	Consolidated Edison Company Of New York Inc	Public Utility	Purchase of natural gas on behalf of various City agencies for heating and other use in public buildings and vehicles.	\$95,483,000	6/30/2023
20228802560	DCAS	C L Consulting And Management Corp	Competitive Sealed Bidding	Procurement of asphalt cement, bulk delivery for NYC DOT and other City agencies.	\$95,343,790	10/14/2026
20228801231	OTI	International Business Machines Corp	Intergovernmental Procurement	Mainframe, hardware, software and related maintenance support and services.	\$86,804,714	12/31/2025
20228803537	DEP	Tully Environmental Inc	Negotiated Acquisition	Transportation and beneficial reuse of biosolids at a wastewater resource recovery facility.	\$81,000,938	10/31/2026

Human Services

The Human Services Industry encompasses services that are provided directly to clients in various at-need groups. Examples of human services include but are not limited to: day care, foster care, mental health treatment, operation of senior centers, home care, employment training, homeless assistance, preventive services, health maintenance organizations, and youth services.¹⁴⁰ Vendors in this category are primarily nonprofit although services like home and early childcare providers also have for-profit businesses.

The Comptroller's office is participating in a Joint Task Force to Get Non-Profits Paid on Time, which has developed five recommendations to reform the City's procurement process and ensure that nonprofits are paid on time, in full, and with certainty so they can keep doing their

¹⁴⁰ 9 RCNY §1-01(e)

jobs of meeting the needs of New Yorkers. These recommendations will be discussed in more detail in Section VIII.

Human Service Industry contracts made up the largest share by both volume of contracts and contract value in FY22. The 9,346 Human Service contracts accounted for 53.02% of all registered procurements and amounted to \$19,417,948,416 in total value. The largest Human Service Industry Contract registered in FY22 (\$498 million) was awarded to Project Renewal Inc. to provide shelter services at a facility located at 537 W. 59th Street.¹⁴¹ Table 33 provides a list of the top 10 Human Service Industry Contracts, by value.

Table 33 – FY22 Top Ten Human Services Industry Procurement Contracts, by Value

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20228804220	DHS	Project Renewal Inc	RFP From a PQVL	Prov. of Shelter Facilities for Homeless SA at 537 W. 59 th St	\$498,154,047	6/30/2060
20228807361	DHS	Help Social Service Corporation	RFP From a PQVL	Shelter Facilities for Homeless FWC- Logan Fountain Family.	\$432,342,596	6/30/2055
20228807358	DHS	Bowery Residents' Committee, Inc.	RFP From a PQVL	Shelter Facilities for Homeless SA 13-12 Beach Channel Dr.	\$384,852,679	6/30/2064
20228807648	DHS	Care For The Homeless	RFP From a PQVL	Prov. of Trans. Shelter Facilit. for Homeless SA Blondell Av	\$349,001,558	6/30/2053

¹⁴¹ Contract number 20228804220

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20221406243	MAYOR	The Legal Aid Society	Renewal Of Contract	Criminal Trial Indigent Defense - Citywide	\$342,162,559	6/30/2023
20228803428	DHS	Westhab, Inc.	RFP From a PQVL	Prov. of Shelt. Facilit. for Homeless Single Ad.- Briarwood	\$316,891,854	6/30/2053
20228802263	DHS	Urban Resource Institute	RFP From a PQVL	Shelter Facilities for Homeless FWC at St. Johns Place	\$308,494,954	6/30/2052
20228808184	DHS	Westhab, Inc.	RFP From a PQVL	Prov. of Shelter Svcs. for Homeless FWC at Queens Blvd.	\$278,756,888	6/30/2055
20228803527	DHS	Bowery Residents' Committee, Inc.	RFP From a PQVL	Shelter Facilities for Homeless Single Adults - 3966 10th Ave	\$231,947,185	6/30/2054
20221403002	DHS	Center For Urban Community Services Inc	RFP From a PQVL	Shelter Srvs for Hmlss Sngl Adlts @Washington St Safe Haven	\$204,657,581	6/30/2052

Professional Services

The Professional Services industry includes contracts for the provision of various kinds of expert advice and consulting, including legal services, medical services and information technology and construction-related consulting.¹⁴²

¹⁴² 9 RCNY §1-01(e)

2,344 contacts associated with the Professional Services industry were registered in FY22, accounting for 13.30% of all registered procurements. Their cumulative \$3,259,491,395 in contract value was only 7.54% of the total for FY22 procurements. The largest of these contracts (\$347 million awarded to World Wide Technology LLC for centralized IT services) was already referenced in Section II of this report as an example of an intergovernmental procurement.¹⁴³

Table 34 provides a list of the top 10 Professional Service Industry Contacts, by value.

Table 34 - FY22 Top Ten Professional Services Industry Procurement Contracts, by Value

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20238806967	OTI	World Wide Technology LLC	Intergovernmental Procurement	Citywide IT Purchasing Contract	\$347,237,000	6/30/2027
20221419171	OTI	Brooklyn Ny li SGF LLC	Assignment	11 Metrotech Center Lease.	\$174,498,444	3/5/2030
20228803296	SBS	B S D Capital Inc	Emergency	Administer COVID recovery grant program.	\$107,500,000	12/31/2022
20228805928	NYPD	International Business Machines Corp	Intergovernmental Procurement	Support to NYPD's data architecture and warehousing, data orchestration, applications and NYPD reports, intelligence analytics, operations and infrastructure, and cybersecurity.	\$78,636,765	12/31/2025
20228800038	DOHMH	Fund For Public Health In New York Inc	Negotiated Acquisition	Improving access to care, promoting health equity, improving effectiveness of existing public health initiatives and supporting public health infrastructure.	\$60,000,000	6/30/2024
20228802225	HRA	Accenture Federal Services, LLC	Intergovernmental Procurement	Systems Integration Services for ACCESS HRA.	\$45,000,000	6/30/2024
20226200121	DDC	STV - Velez	Request For Proposal (RFP)	On-call emergency contracts for construction work for disaster recovery, including but not limited to, critical public building	\$36,000,000	4/1/2023

¹⁴³ Contract number 20238806967

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
				restoration, debris removal, and building demolition.		
20226200226	DDC	Jacobs Project Management Co	Request For Proposal (RFP)	On-call emergency contracts for construction work for disaster recovery, including but not limited to, critical public building restoration, debris removal, and building demolition.	\$36,000,000	4/1/2023
20238800146	OTI	Vesta Solutions Inc	Renewal Of Contract	Maintenance and support of existing 911 call routing system, including maintenance of the related hardware and software.	\$35,253,686	6/30/2024
20228800152	DSNY	Aptim Environmental & Infrastructure Inc	Renewal Of Contract	Operation, maintenance and facility management of the landfill gas production and purification facilities at Fresh Kills landfill and the gas production facility at the Edgemere landfill.	\$32,518,206	6/30/2024

Standard Services

The Standard Services industry is composed of services other than Professional Services and Human/Client Services such as custodial services, security guard services, stenography services and office machine repair.¹⁴⁴ There were 888 contracts registered under the Standard Service industry in FY22, comprising just 5.40% of all procurement contracts. With \$6,028,444,261 in value however, these contracts accounted for 13.95% of all FY22 registered procurement value.

Table 35 provides a list of the top 10 Standard Service Industry Contacts, by value.

¹⁴⁴ 9 RCNY §1-01(e)

Table 35 - FY22 Top Ten Standard Services Industry Procurement Contracts, by Value

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20228803716	SBS ¹⁴⁵	New York City Economic Development Corporation	Sole Source	Citywide Economic Development Services	\$1,636,287,422	6/30/2022
20219178455	DOE	NYC School Bus Umbrella Services Inc	Negotiated Acquisition and DOE Negotiated Services	To provide school busing services	\$890,369,361	6/30/2026
20228803717	SBS	New York City Economic Development Corporation	Sole Source	Citywide Economic Development Services primarily related to maritime, aviation, rail freight, market and intermodal transportation development.	\$435,317,000	6/30/2022
20228804001	DOT	American Traffic Solutions, Inc.	Renewal Of Contract	Maintain and operate red light camera, bus lane camera and speed camera, Citywide.	\$367,163,436	12/31/2024
20221403406	TRANSIT	Metropolitan Transportation Authority	Government To Government	Comprehensive rehab of stations on Flushing and Jamaica, Queens train lines including but not limited to street and platform stairs, structural columns and beams, and lighting.	\$340,054,074	6/30/2024

¹⁴⁵ The New York City Economic Development Corporation (“EDC”) is a nonprofit organization incorporated under the Not-for-Profit Corporation Law of the State of New York. SBS contracts with and retains EDC to function as a development consultant and provide economic development-related services on behalf of the City

Contract #	Agency	Vendor Legal Name	Award Method	Contract Purpose	Contract Registered Amount	Contract End Date
20228804516	SBS	Governors Island Corporation	Sole Source	Maintenance, operation, preservation, economic development and capital improvement services on Governors Island including but not limited to, grounds maintenance, repairs and public access.	\$196,982,708	6/30/2025
20221403228	TRANSIT	Metropolitan Transportation Authority	Government To Government	Replace switches, locomotive conversion & ADA station work	\$193,744,665	3/31/2027
20221406259	ACS	12 MTC Owner LLC	Assignment	Lease Assignment at 12 Metro Tech Center	\$188,969,477	10/14/2041
20221400032	DEP	Waste Management Of New York LLC	Negotiated Acquisition	Transportation and beneficial use via composting of biosolids generated at a wastewater resource recovery facility.	\$142,235,553	8/16/2031
20228804963	DDC	J Kokolakis Contracting Inc	Innovative Procurement	Design and build Mary Cali Dalton Recreation Center	\$84,553,649	9/1/2025

VIII. Procurements by Agency Type

City agencies, affiliated agencies, elected officials, and the City Council all take part in the contracting process. While contracts were registered to 71 separate entities agencies in FY22, only 68 of them administered new procurements in FY22.¹⁴⁶ Section VII of this report examines contracting trends by industry and contract group for each of the 68 procuring entities. It also compares new procurement contracts registered to entities operating under the Mayor’s Office (Mayoral Agencies), independent City agencies (Non-Mayoral Agencies), and a collection of state agencies, authorities, boards, libraries, and other corporations that perform public functions in NYC (Other Agencies).¹⁴⁷

With 52.22% (9,205 of 17,626) of all new procurement contracts, Other Agencies were the biggest driver of new contract registrations in FY22. However, Mayoral Agencies accounted for nearly three-quarters of FY22 procurement contract value (\$32.23 billion out of \$43.22 billion).

Table 36 displays new procurements, by volume and value, across agency type.

Table 36 – FY22 New Procurement Contracts by Agency Type

Agency Type	# of Contracts	% of Contracts	Total Registered Contract Value	% Share Of Registered Contract Value
City - Mayoral Agency	7885	44.74%	\$32,226,503,733	74.56%
City - Non-Mayoral	536	3.04%	\$188,252,408	0.44%
Other Agency	9205	52.22%	\$10,806,958,010	25.00%
Grand Total	17626	100.00%	\$43,221,714,152	100.00%

¹⁴⁶For the purposes of this section, contracts registered to DCAS (agency code 856), and the DCAS Municipal Supply Service (agency code 857), are both attributed to DCAS. Similarly, both of HRA’s agency codes (69 and 96), are attributed to HRA. NYCHA and HPD both register contracts under the same agency code, but we have separated them out for the purposes of this Report. Finally, this Section also reflects TO data registered to EDC as distinct from the contract activity of SBS.

¹⁴⁷ A list of agencies with at least one registered contract in FY22, inclusive of FMS code, agency short name, and agency type, can be found in Appendix 18

City Mayoral Agencies

Every Mayoral Administration directly oversees and appoints department heads for a number of City agencies. Table 37 displays information on new procurement contracts registered to each Mayoral Agency.

Table 37 – FY22 New Procurement Contracts by Mayoral Agency

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
ACS	350	4.44%	\$812,832,891	2.52%
BIC	5	>.1%	\$123,168	>.1%
CCHR	5	>.1%	\$270,000	>.1%
CCRB	22	0.28%	\$581,205	>.1%
DCAS	513	6.51%	\$7,942,663,824	24.65%
DCLA	18	0.23%	\$3,183,674	>.1%
DCP	11	0.14%	\$559,122	>.1%
DCWP	13	0.16%	\$66,124,400	0.21%
DDC	290	3.68%	\$3,820,753,679	11.86%
DEP	226	2.87%	\$1,374,529,478	4.27%
DFTA	650	8.24%	\$858,984,114	2.67%
DOB	27	0.34%	\$8,904,342	>.1%
DOC	104	1.32%	\$81,297,922	0.25%
DOF	53	0.67%	\$112,058,389	0.35%
DOHMH	754	9.56%	\$1,687,752,307	5.24%
DOI	27	0.34%	\$5,750,491	>.1%
DOP	95	1.20%	\$28,998,497	>.1%
DORIS	4	>.1%	\$195,854	>.1%
DOT	229	2.90%	\$987,108,808	3.06%
DPR	322	4.08%	\$585,214,909	1.82%
DSNY	114	1.45%	\$159,837,315	0.50%

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
DSS/DHS	171	2.17%	\$6,350,516,249	19.71%
DSS/HRA	506	6.42%	\$1,160,480,468	3.60%
DVS	4	>.1%	\$2,106,000	>.1%
DYCD	1946	24.68%	\$665,548,842	2.07%
FDNY	133	1.69%	\$279,528,826	0.87%
HPD ¹⁴⁸	286	3.63%	\$110,669,666	0.34%
LAW	35	0.44%	\$42,646,576	0.13%
LPC	1	>.1%	\$22,500	>.1%
MAYOR	228	2.89%	\$1,214,645,148	3.77%
NYCEM	66	0.84%	\$212,595,546	0.66%
NYPD	296	3.75%	\$263,143,866	0.82%
OTI	164	2.08%	\$858,081,527	2.66%
SBS	207	2.63%	\$2,459,841,501	7.63%
TLC	10	0.13%	\$68,952,628	0.21%
Grand Total	7885	100.00%	\$32,226,503,733	100.00%

Administration for Children’s Services (ACS)

The Administration for Children’s Services (ACS) protects and promotes the safety and well-being of New York City’s children, young people, families, and communities by providing child welfare, juvenile justice, foster care, early care, and education services.

¹⁴⁸ HPD totals do not include NYCHA contracts, which are registered under HPDs agency code. More information on NYCHA contracts can be found in the “other agencies” portion of this Section.

Chart 8 – Share of Contracts, by Industry: ACS

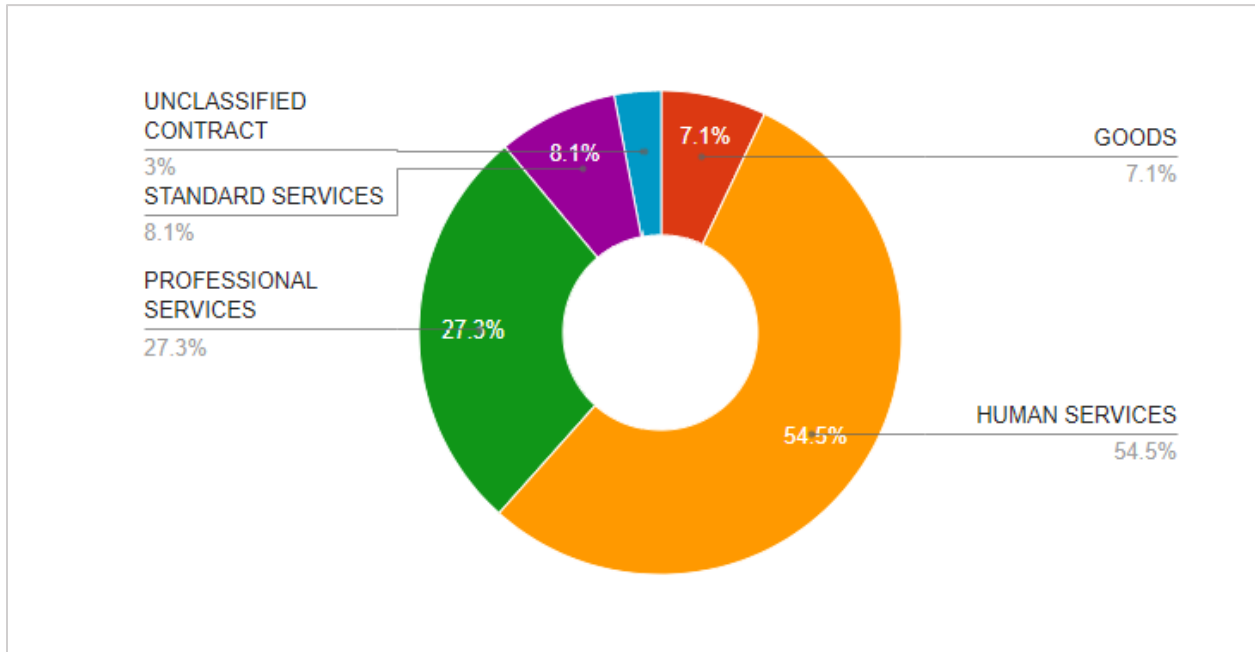
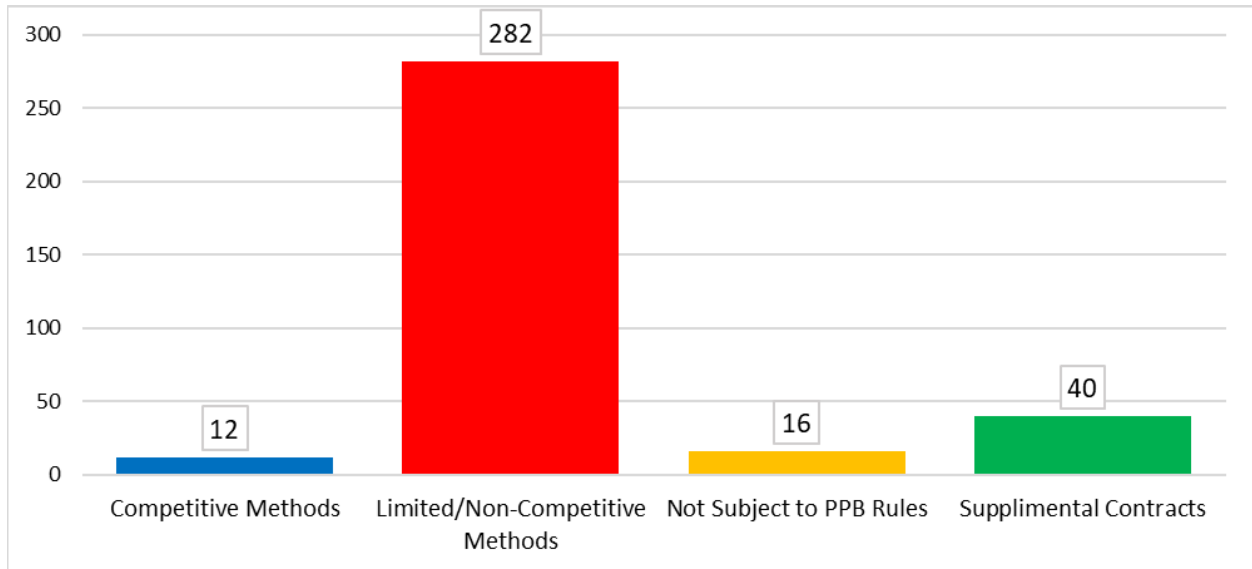


Chart 9 – Number of Contracts, by Contract Group, ACS



Business Integrity Commission (BIC)

The Business Integrity Commission (BIC) is a law enforcement and regulatory agency charged with oversight of the private carting industry throughout the five boroughs, the city's public

wholesale markets and the shipboard gaming industry. BIC investigates applicants, issue licenses and registrations, conduct criminal and regulatory investigations, enforce applicable laws, and promulgates rules and regulations that govern the conduct of the businesses it oversees.

Chart 10 – Share of Contracts, by Industry: BIC

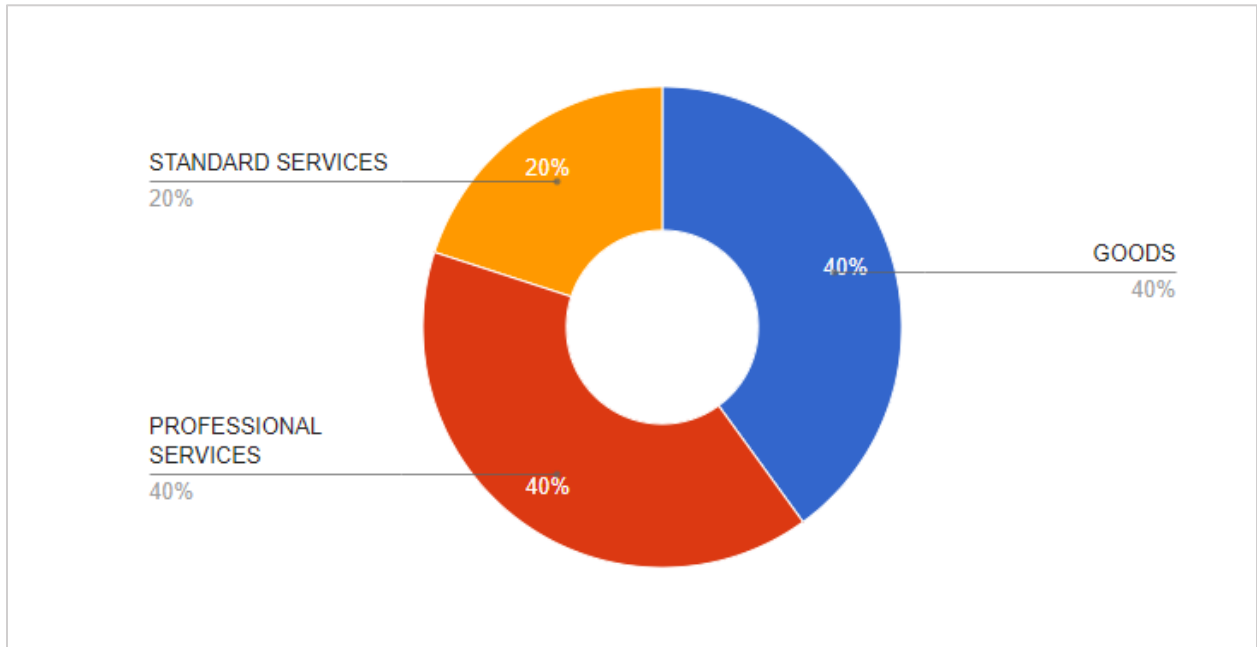
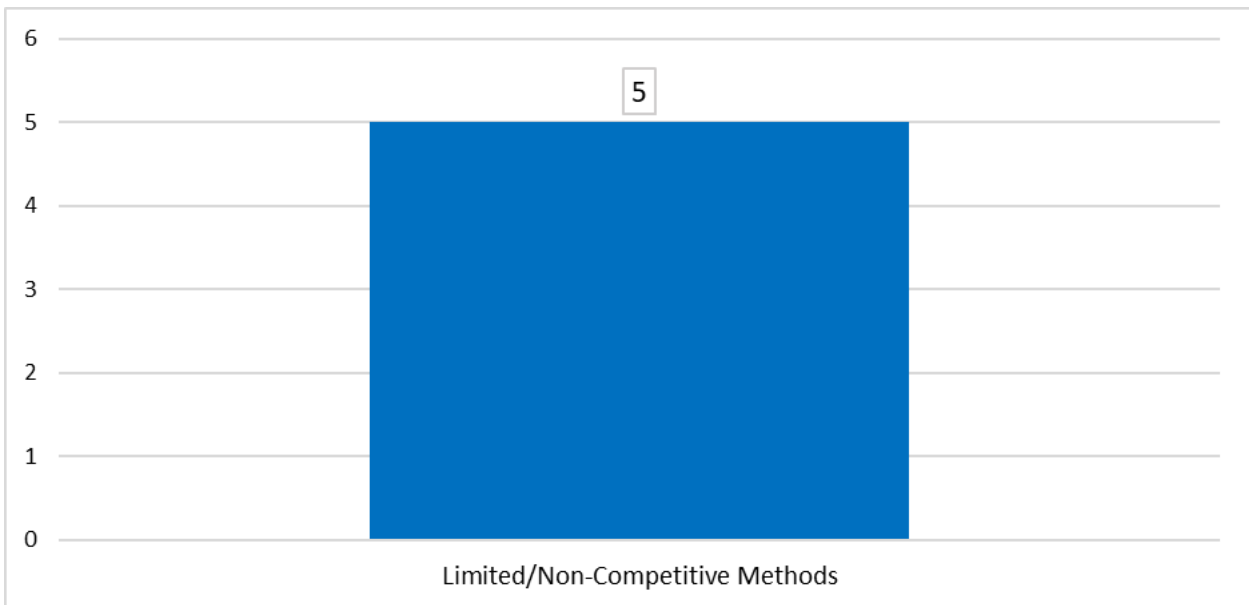


Chart 11 – Number of Contracts, by Contract Group: BIC



Commission on Human rights (CCHR)

The City Commission on Human Rights (CCHR) is responsible for enforcing the City’s Human Rights Law, which prohibits discrimination in employment, housing, and public accommodations among other areas. CCHR is also dedicated to educating the public about their rights and promoting positive community relations.

Chart 12 – Share of Contracts, by Industry: CCHR

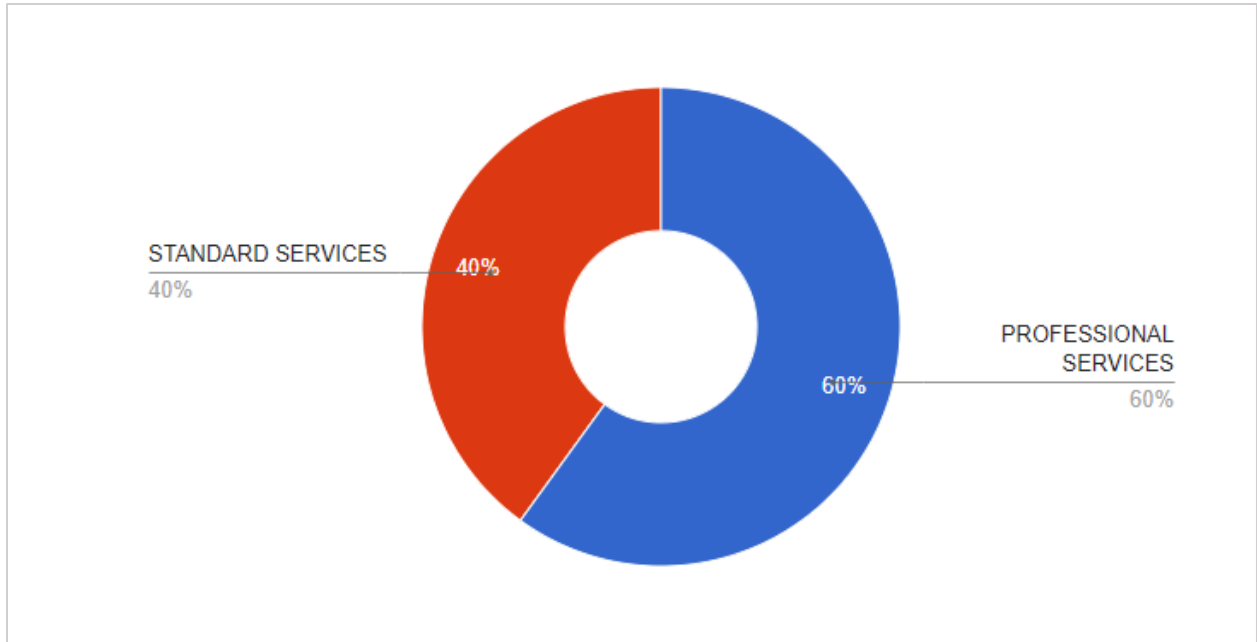
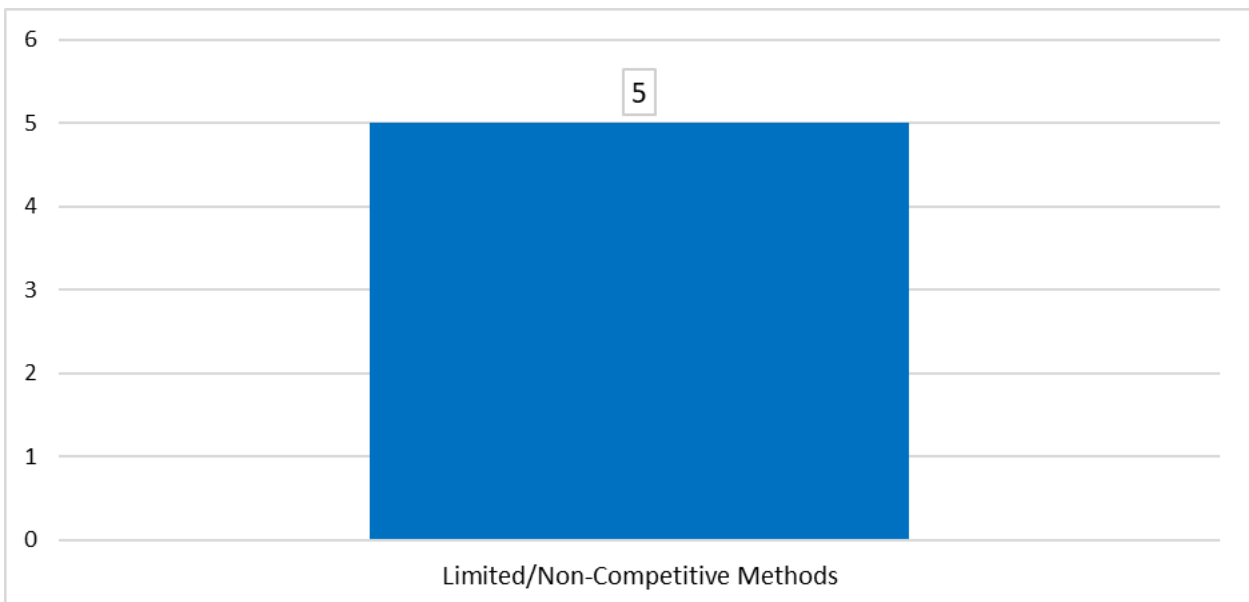


Chart 13 – Number of Contracts, by Contract Group: CCHR



Civilian Complaint Review Board (CCRB)

The Civilian Complaint Review Board (CCRB) is charged with investigating and mediating complaints filed by members of the public against New York City police officers involving the use of force, abuse of authority, discourtesy, or offensive language. CCRB consists of 13 members appointed by the Mayor, the City Council, and the Police Commissioner. It is the largest police oversight agency in the United States.

Chart 14 – Share of Contracts, by Industry: CCRB

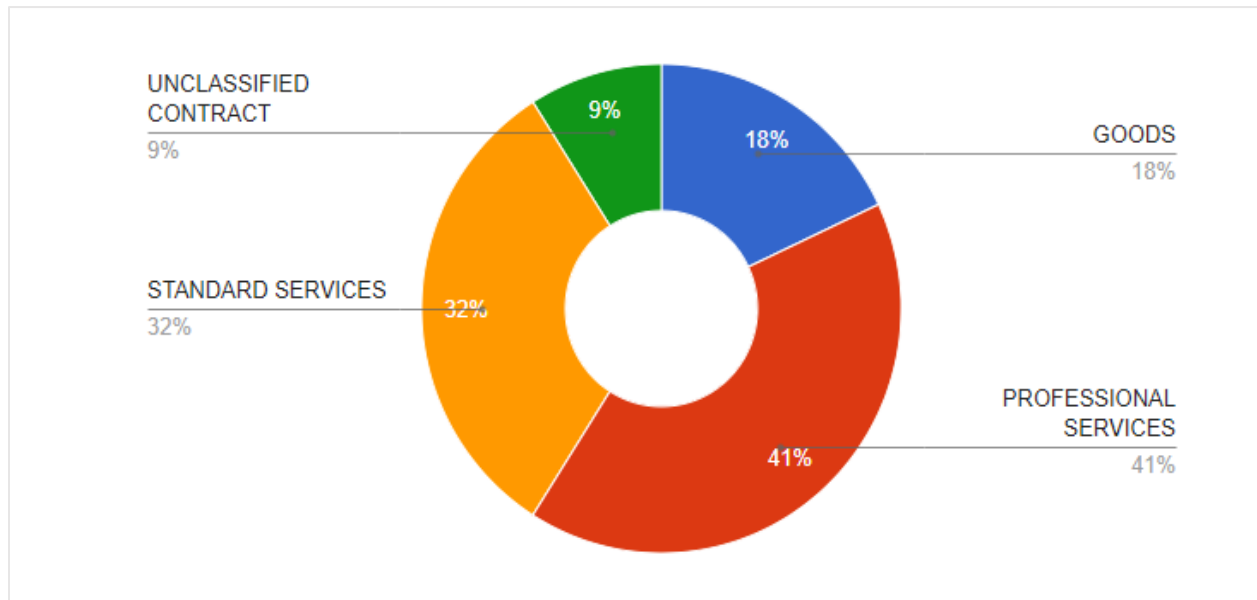
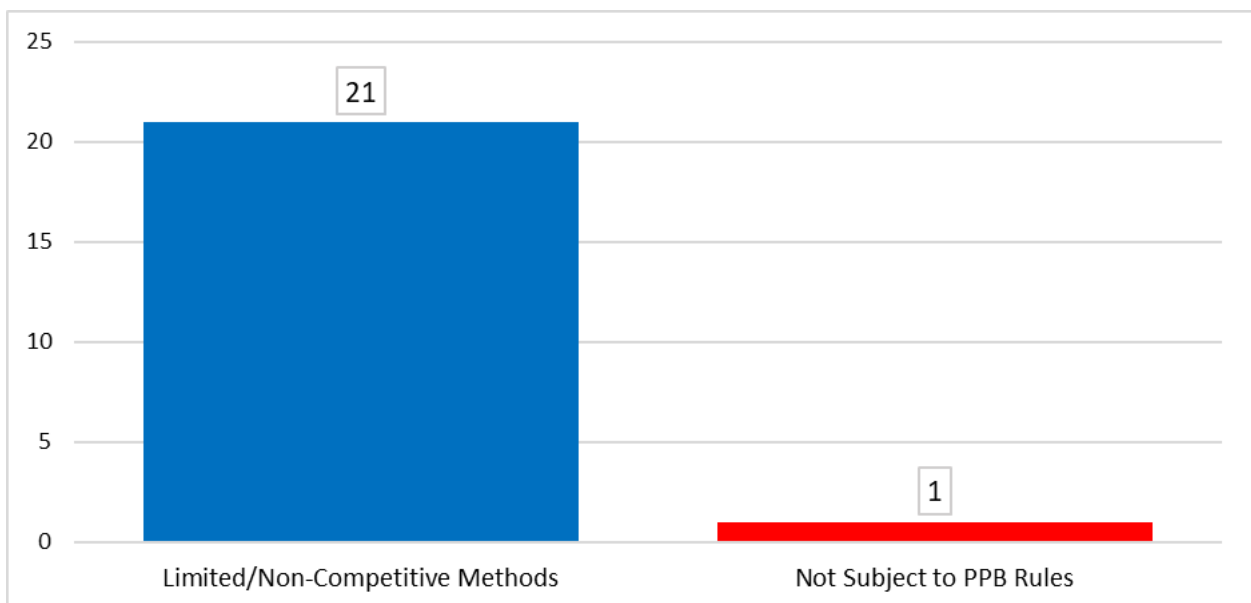


Chart 15 – Number of Contracts, by Contract Group: CCRB



Department of Citywide Administrative Services (DCAS)

The Department of Citywide Administrative Services (DCAS) is responsible for supporting City agencies in hiring and training City employees, leasing and managing facilities, workforce recruitment, inspection and distribution of supplies and equipment, and implementation of energy conservation programs throughout City-owned facilities. Additionally, the DCAS Division of Municipal Supply Service operates as a centralized procurement office for New York City's agencies for goods and services. Its mission is to provide high-quality, cost-effective goods and services that support the long-term strategic and environmental goals of the City.

Chart 16 – Share of Contracts, by Industry: DCAS

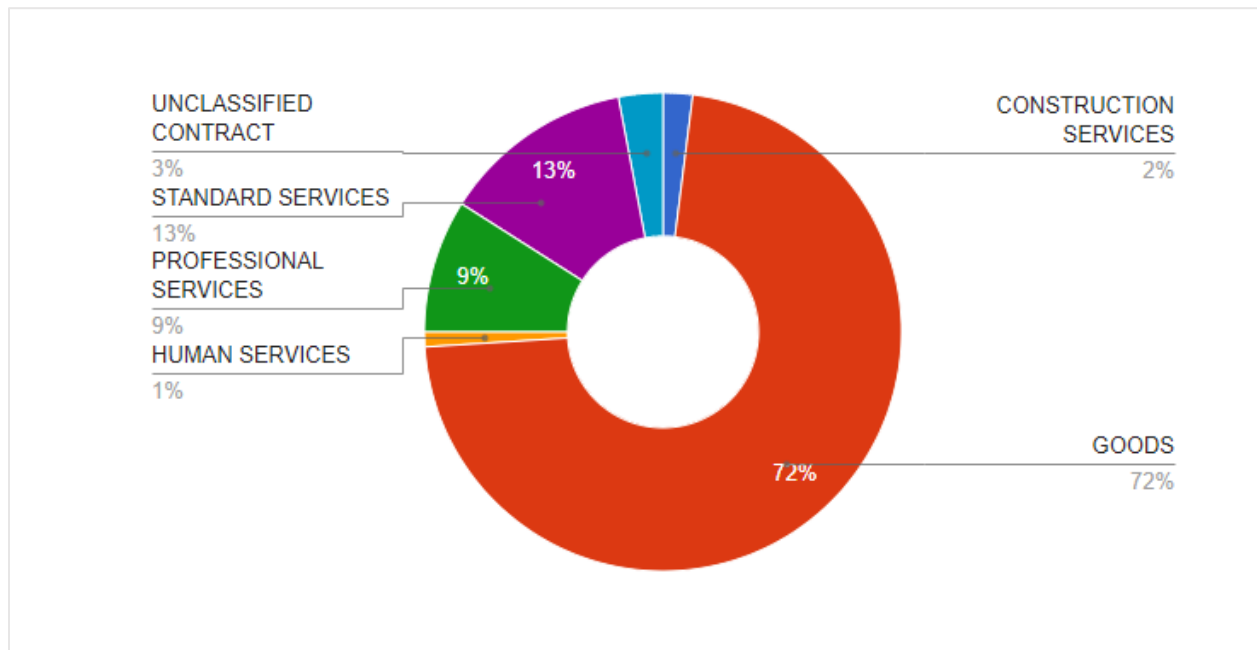
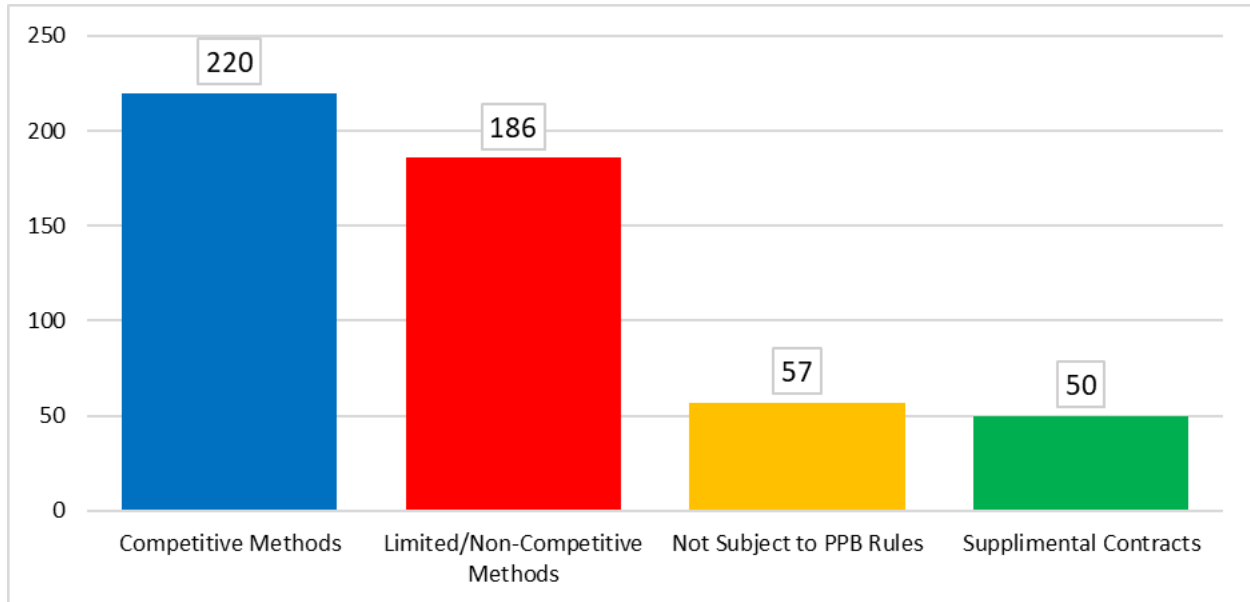


Chart 17 – Number of Contracts, by Contract Group: DCAS



Department of Cultural Affairs (DCLA)

The New York City Department of Cultural Affairs is dedicated to supporting and strengthening New York City’s vibrant cultural life. DCLA provides public funding for nonprofit cultural organizations throughout the five boroughs and provides advocacy around matters relating to the City’s cultural institutions. The agency represents and serves nonprofit cultural organizations involved in the visual, literary and performing arts; public-oriented science and humanities institutions including zoos, botanical gardens and historic and preservation societies; and creative artists in all disciplines who live and work within the City’s five boroughs. DCLA also provides donated materials for arts programs offered by the public schools, cultural, social service groups, and commissions works of public art at City funded construction projects throughout the City.

Chart 18 – Share of Contracts, by Industry: DCLA

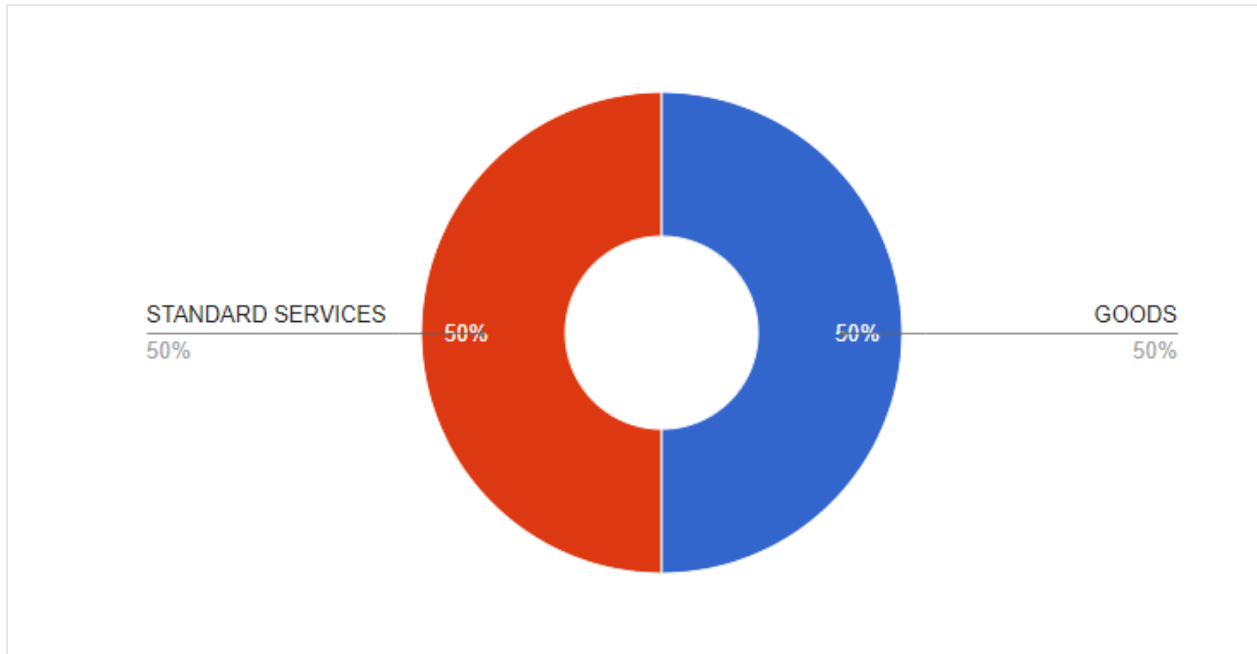
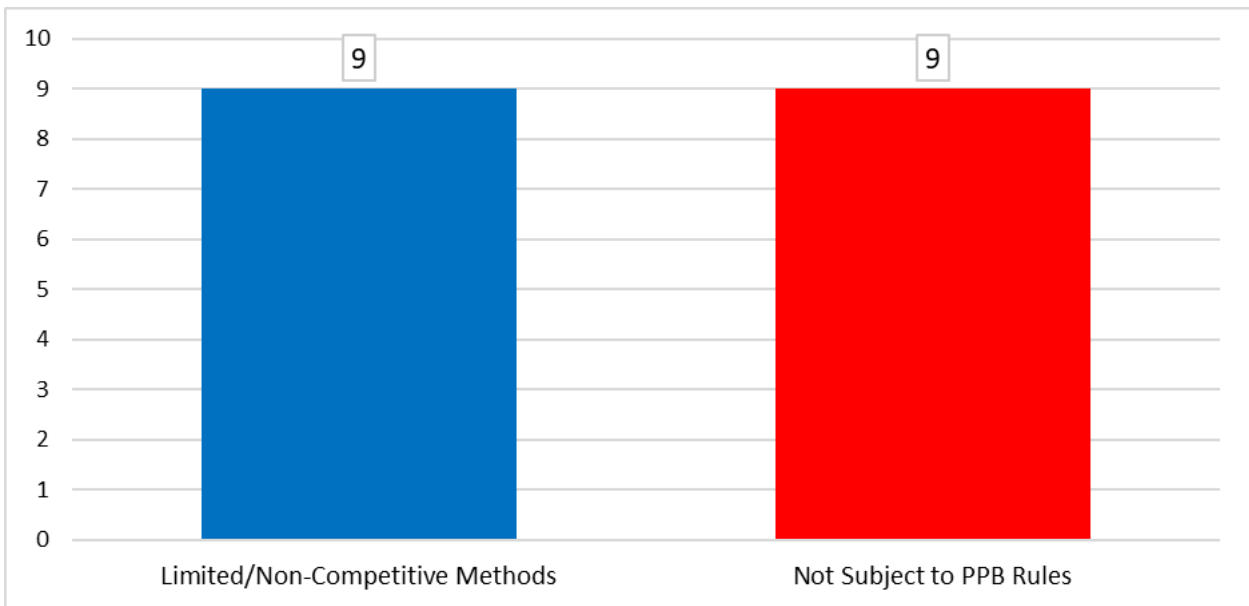


Chart 19 – Number of Contracts, by Contract Group: DCLA



Department of City Planning (DCP)

The Department of City Planning (DCP) promotes housing production and affordability, fosters economic development by coordinating investments in infrastructure and services, and supports resilient and sustainable communities across the five boroughs for a more equitable New York

City. In addition, DCP also provides public access to planning resources including land use, housing, and population data through its online Community Portal.

Chart 20 – Share of Contracts, by Industry: DCP

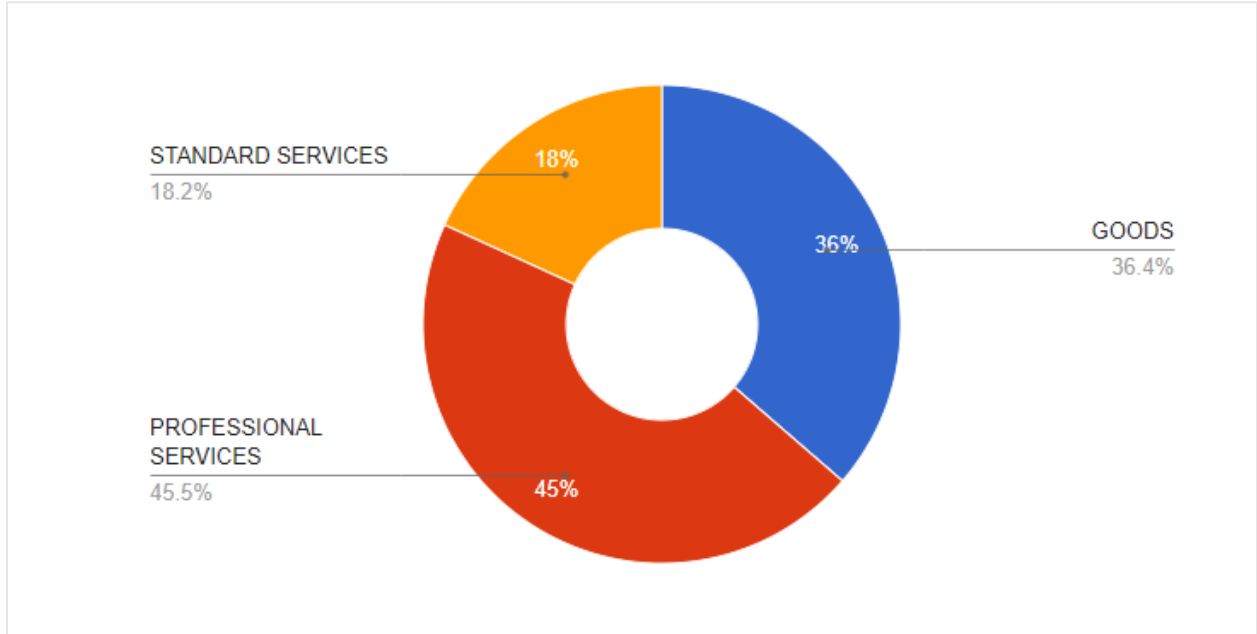
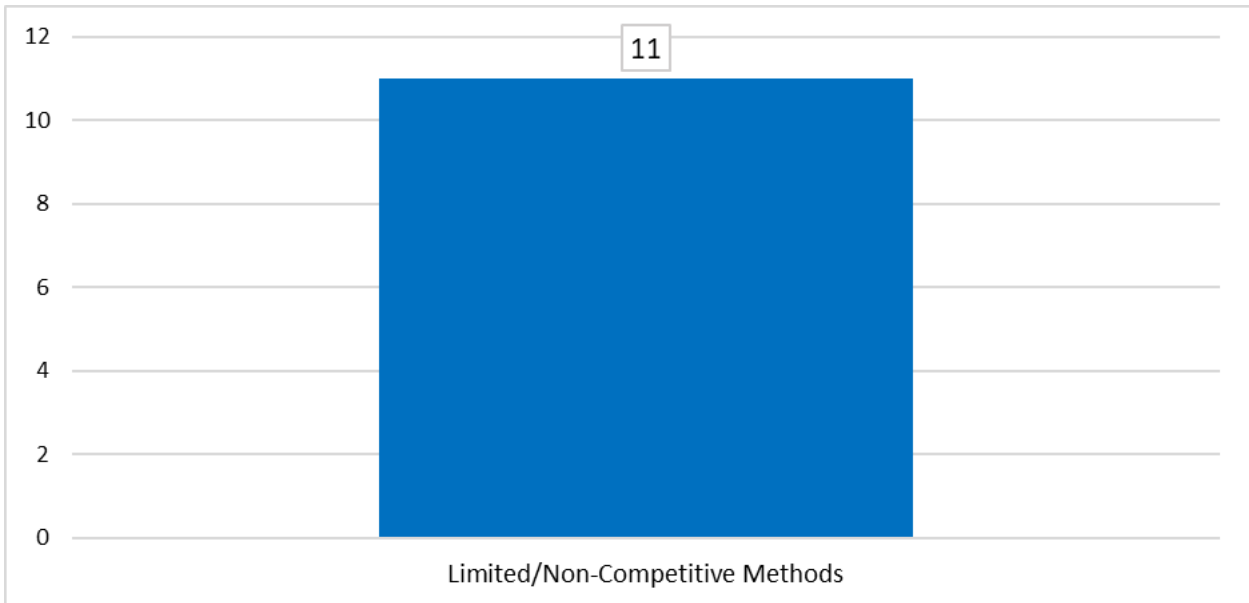


Chart 21 – Number of Contracts, by Contract Group: DCP



Department of Consumer and Worker Protection (DCWP)

The Department of Consumer and Worker Protection (DCWP) licenses, inspects, and educates businesses; assists and informs consumers; and offers free financial counseling and safe banking products to New Yorkers. DCWP licenses approximately 80,000 businesses in 55 different industries. The DCWP also enforces New York City’s Consumer Protection, Paid Sick Leave, and Commuter Benefits laws, as well as other related business laws throughout New York City.

Chart 22 – Share of Contracts, by Industry: DCWP

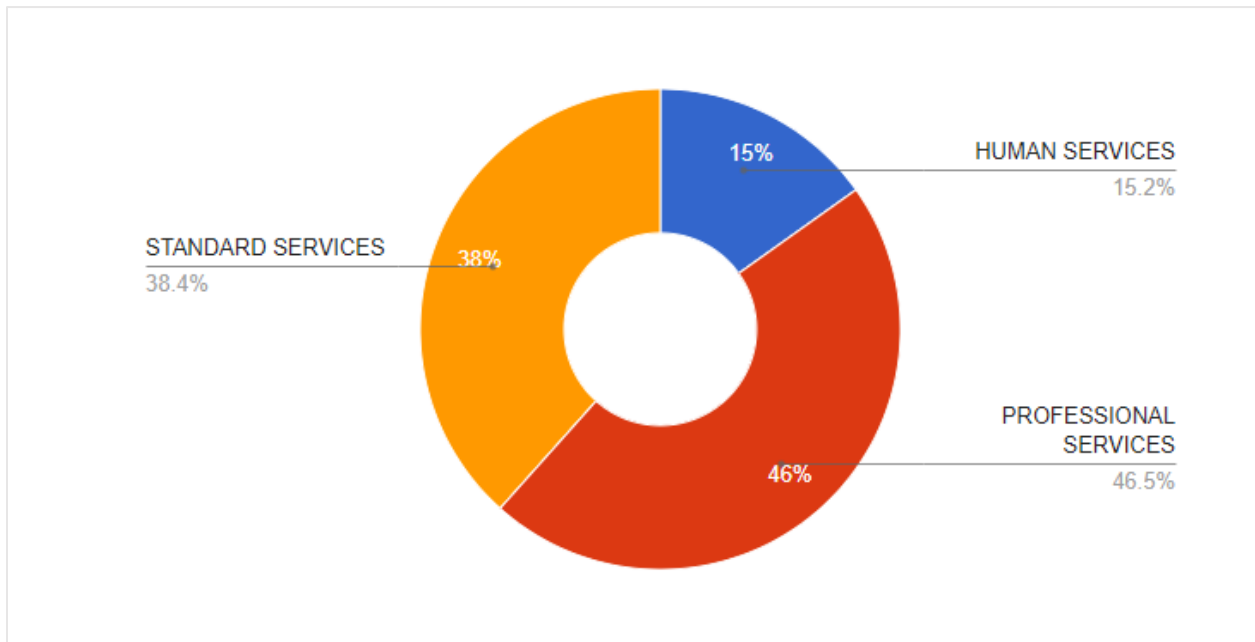
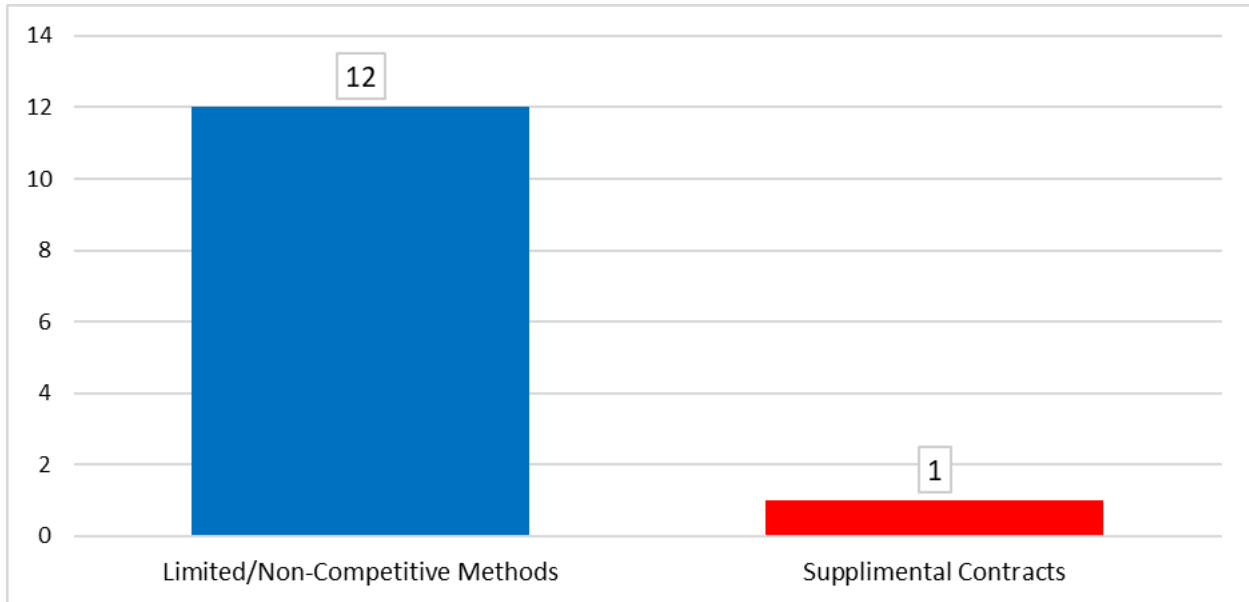


Chart 23 – Number of Contracts, by Contract Group: DCWP



Department of Design and Construction (DDC)

The Department of Design and Construction (DDC) is the City's primary capital construction project manager. DDC provides communities with new or renovated public buildings such as such as firehouses, libraries, police precincts, and new or upgraded roads, sewers and water mains in all five boroughs.

Chart 24 – Share of Contracts, by Industry: DDC

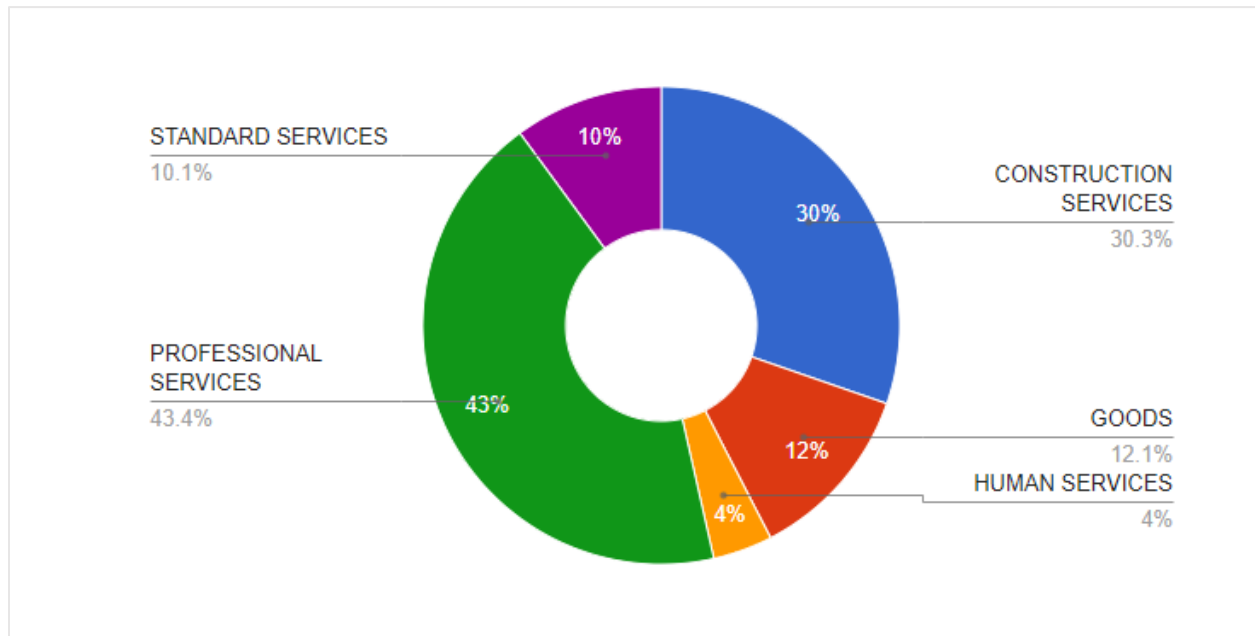
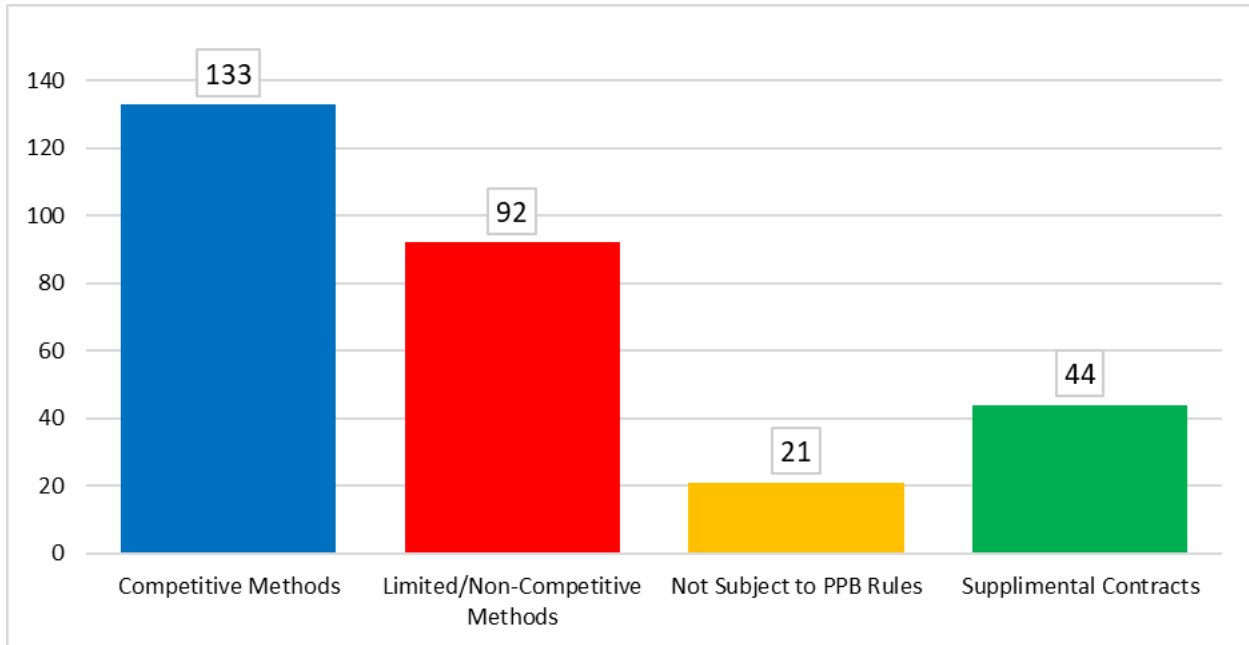


Chart 25 – Number of Contracts, by Contract Group: DDC



Department of Environmental Protection (DEP)

The Department of Environmental Protection (DEP) is responsible for managing and conserving the water supply for more than nine million people in New York City and one million upstate New Yorkers. DEP distributes more than one billion gallons of clean drinking water and collects 1.3 billion gallons of wastewater on a daily basis through a vast network of pipes, regulators, and pumping stations. DEP’s work is critical to the continued remediation of New York’s waterways and ensures the harbor continues to be a safe place for recreation for New Yorkers. In order to protect water coming in and out of the City, DEP oversees one of the largest capital construction programs in the region, which includes new water tunnels from upstate reservoirs and new treatment plants. DEP is also responsible for reducing air, noise, and hazardous materials pollution.

Chart 26 – Share of Contracts, by Industry: DEP

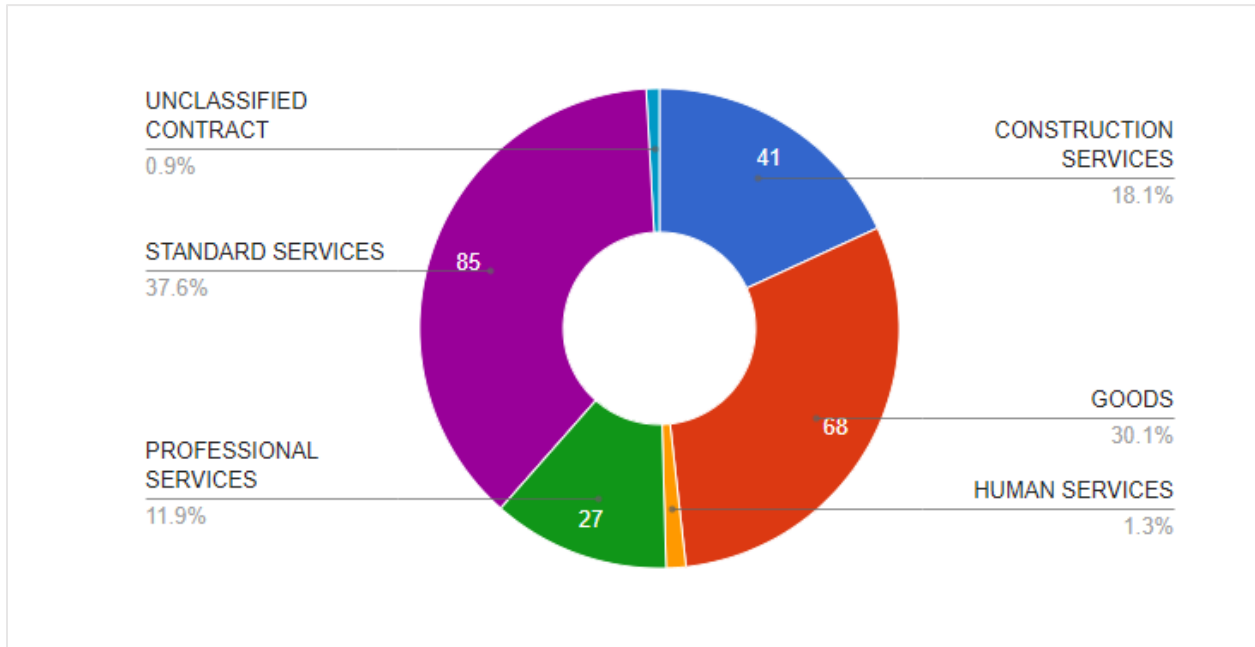
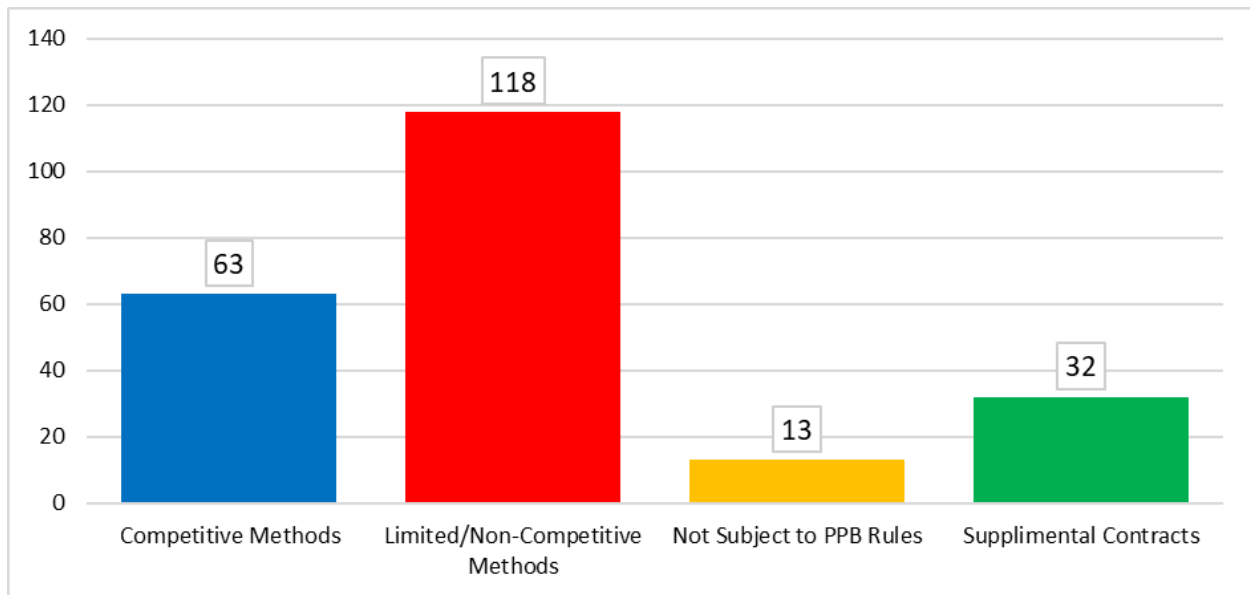


Chart 27 – Number of Contracts, by Contract Group: DEP



Department For the Aging (DFTA)

The Department for the Aging (DFTA) receives local, state, and federal funds to provide essential services for seniors. These services include case management, transportation, free legal assistance, and home meal delivery. Funds are also awarded to community-based and citywide

organizations to operate Senior Centers throughout the five boroughs which provide sites for seniors to socialize and access services.

Chart 28 – Share of Contracts, by Industry: DFTA

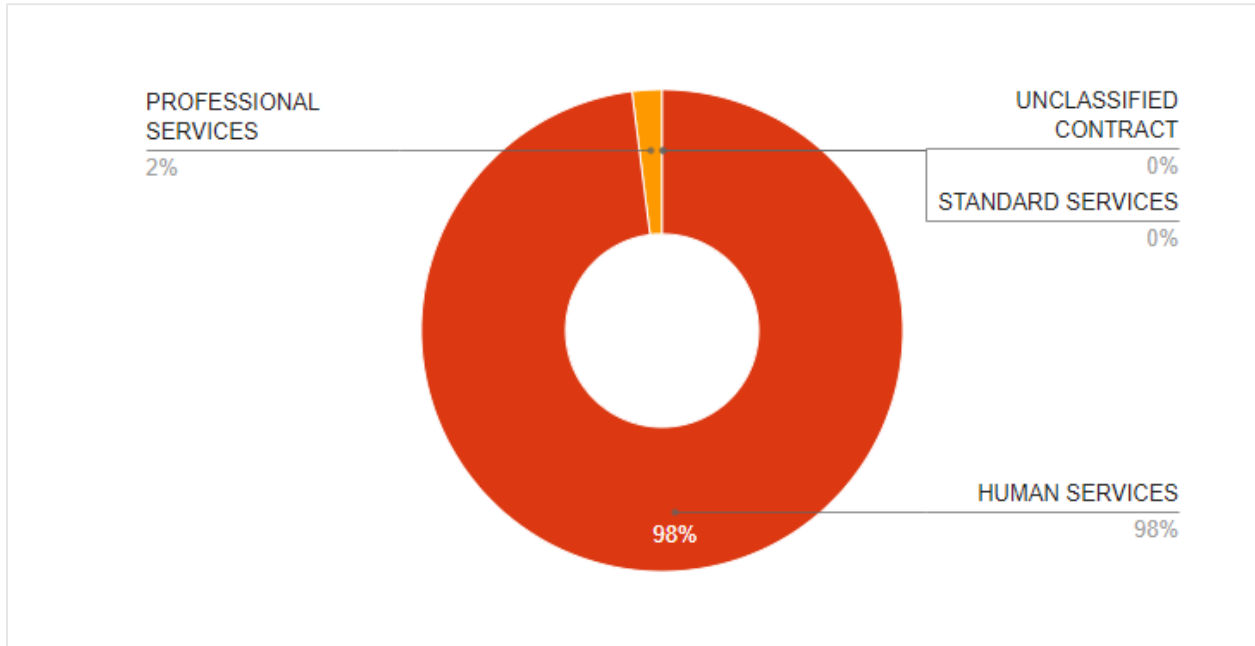
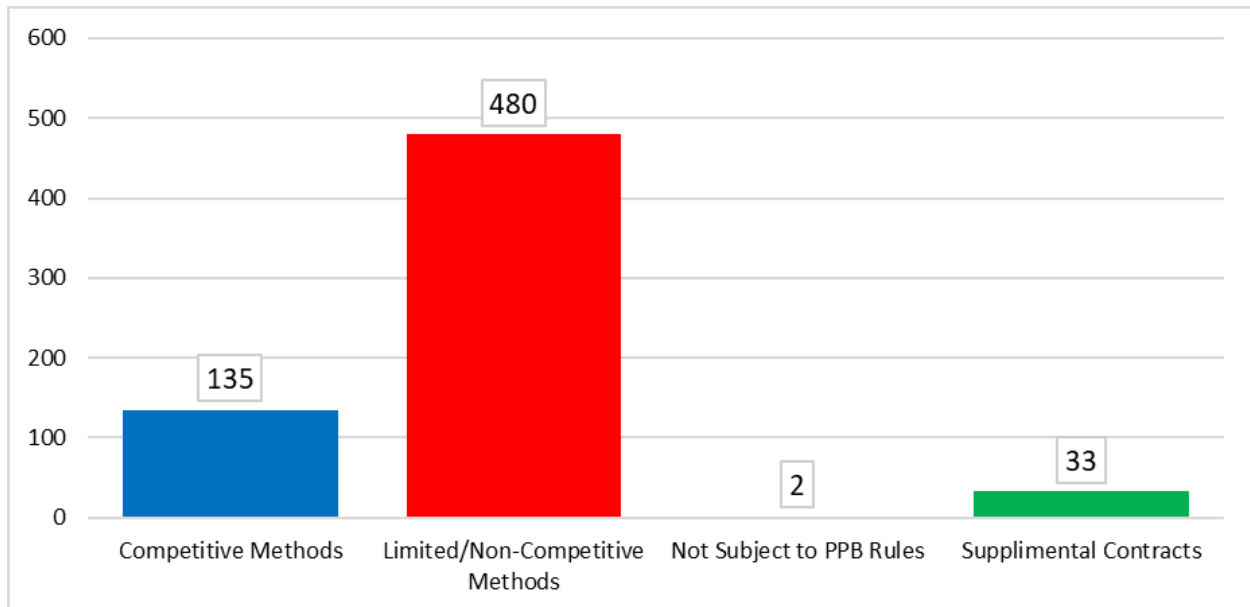


Chart 29 – Number of Contracts, by Contract Group: DFTA



Department of Buildings (DOB)

The Department of Buildings (DOB) ensures the safe and lawful use of more than a million buildings and properties in the City by enforcing the City's Building Code, Electrical Code, Zoning Resolutions, certain New York State Labor Laws and the New York State Multiple Dwelling Law. DOB's main activities include performing plan examinations, issuing construction permits, inspecting properties, and licensing tradespeople.

Chart 30 – Share of Contracts, by Industry: DOB

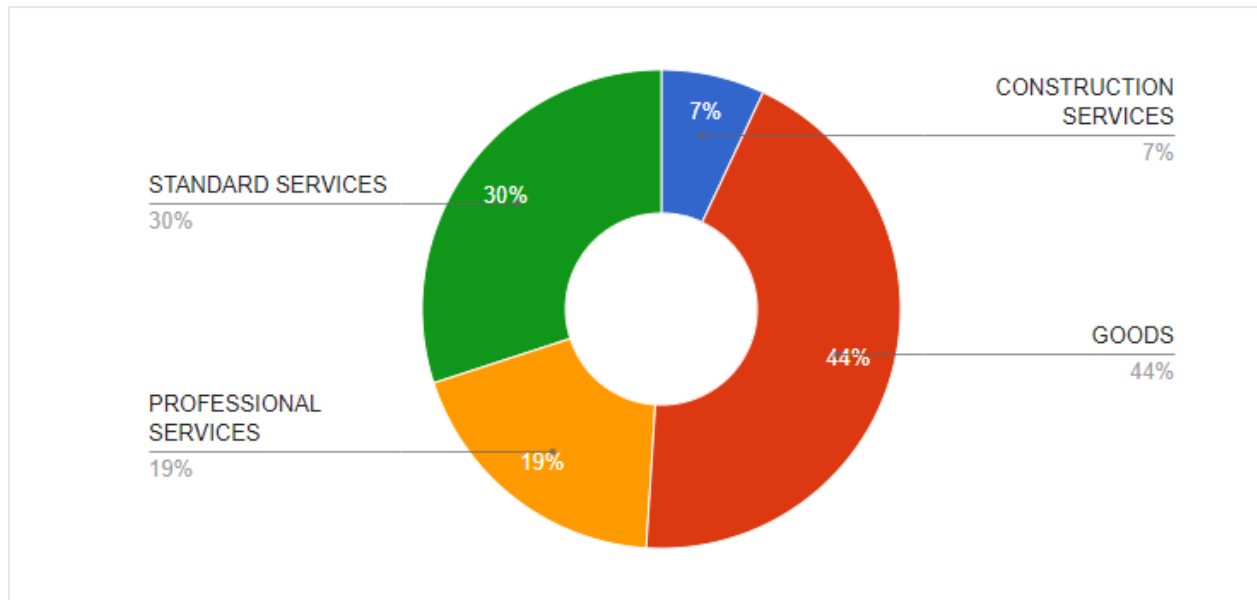
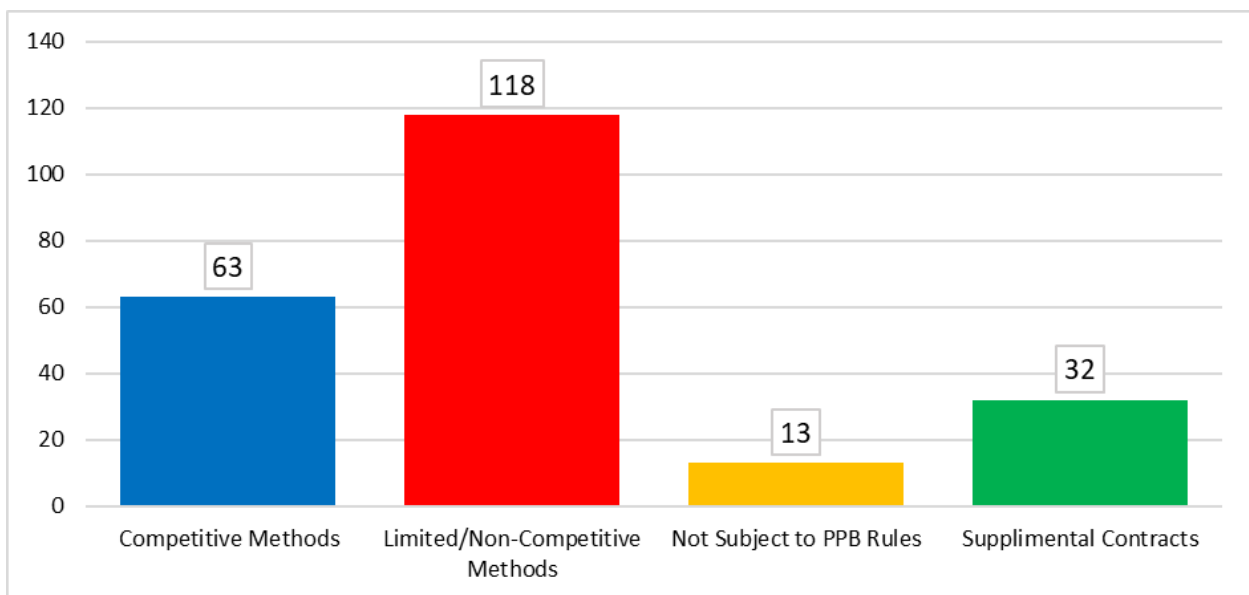


Chart 31 – Number of Contracts, by Contract Group: DOB



Department of Corrections (DOC)

The Department of Correction (DOC) provides for the care, custody, and control of persons accused of crimes or convicted and sentenced to up to one year of jail time. DOC operates 11 inmate facilities; eight of which are located on Rikers Island. In addition, DOC operates two hospital prison wards and court holding facilities in Criminal, Supreme, and Family Courts in each borough.

Chart 32 – Share of Contracts, by Industry: DOC

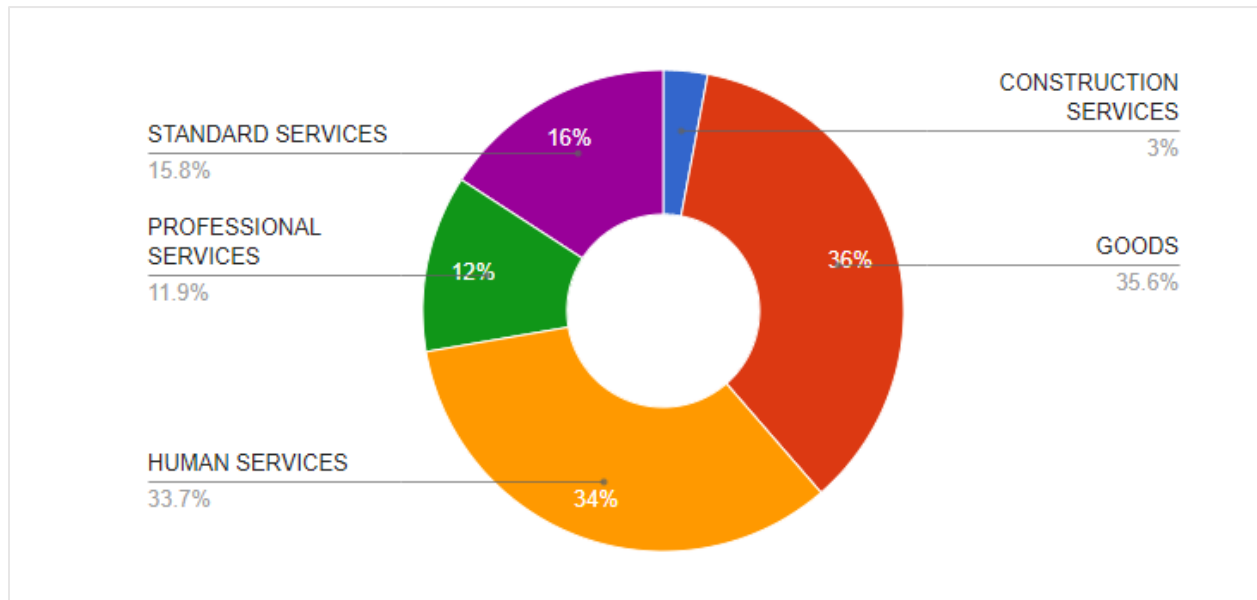
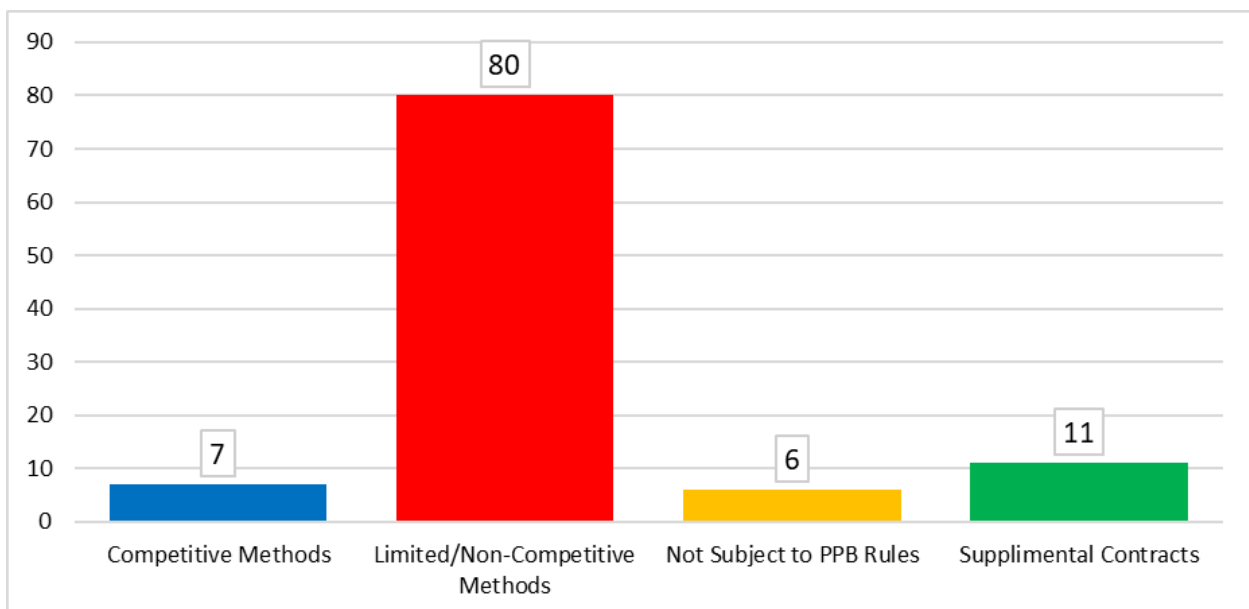


Chart 33 – Number of Contracts, by Contract Group: DOC



Department of Finance (DOF)

The Department of Finance (DOF) oversees and administers the tax and revenue laws of the City; receives and accounts for City revenues; and provides customer service to taxpayers.

Chart 34 – Share of Contracts, by Industry: DOF

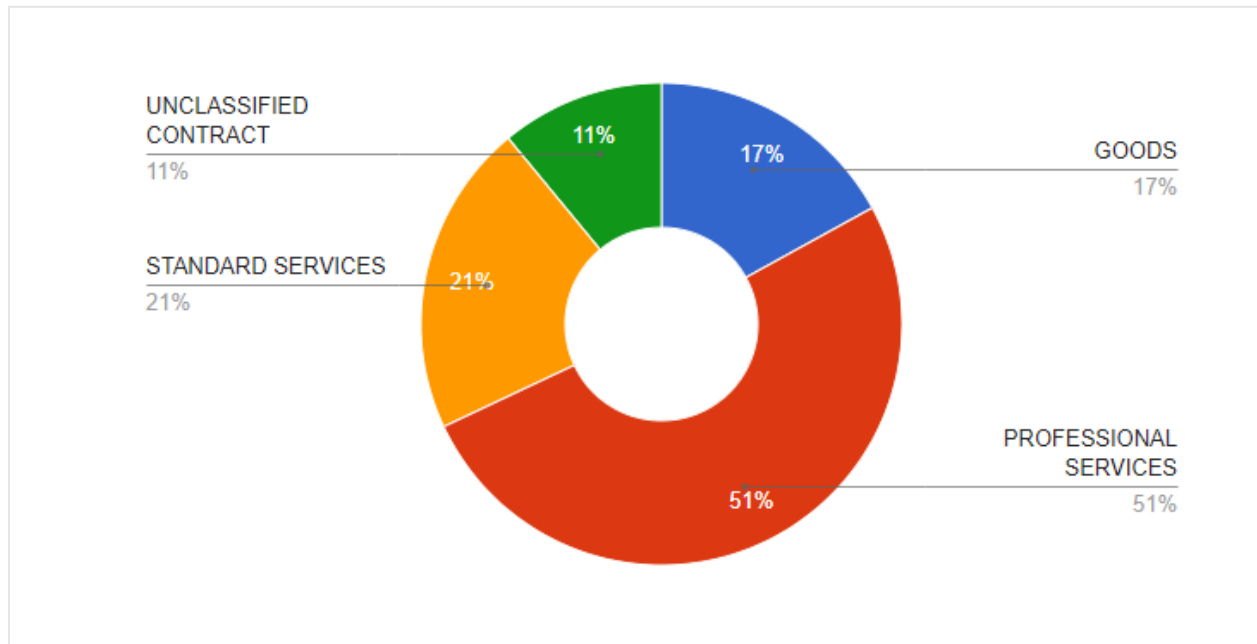
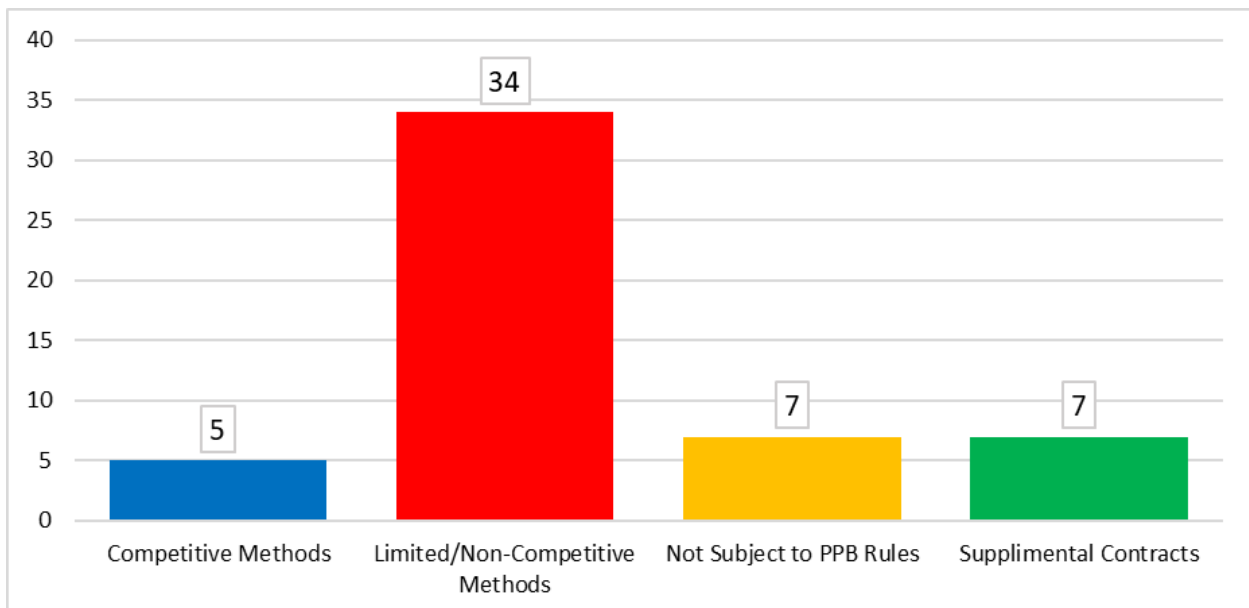


Chart 35 – Number of Contracts, by Contract Group: DOF



Department Health and Mental Hygiene (DOHMH)

The Department of Health and Mental Hygiene (DOHMH) protects and promotes the health and well-being of all New Yorkers. The Department engages with communities to develop and implement robust public health programming and policy recommendations, enforces health regulations, responds to public health emergencies, and provides limited direct health services.

Chart 36 – Share of Contracts, by Industry: DOHMH

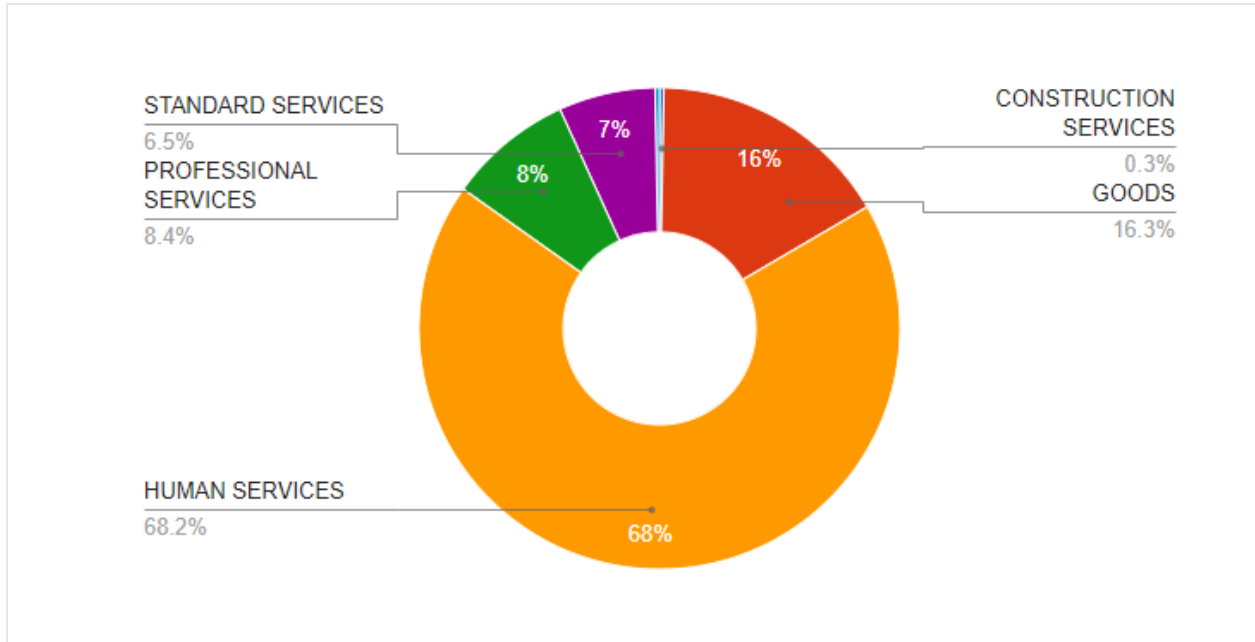
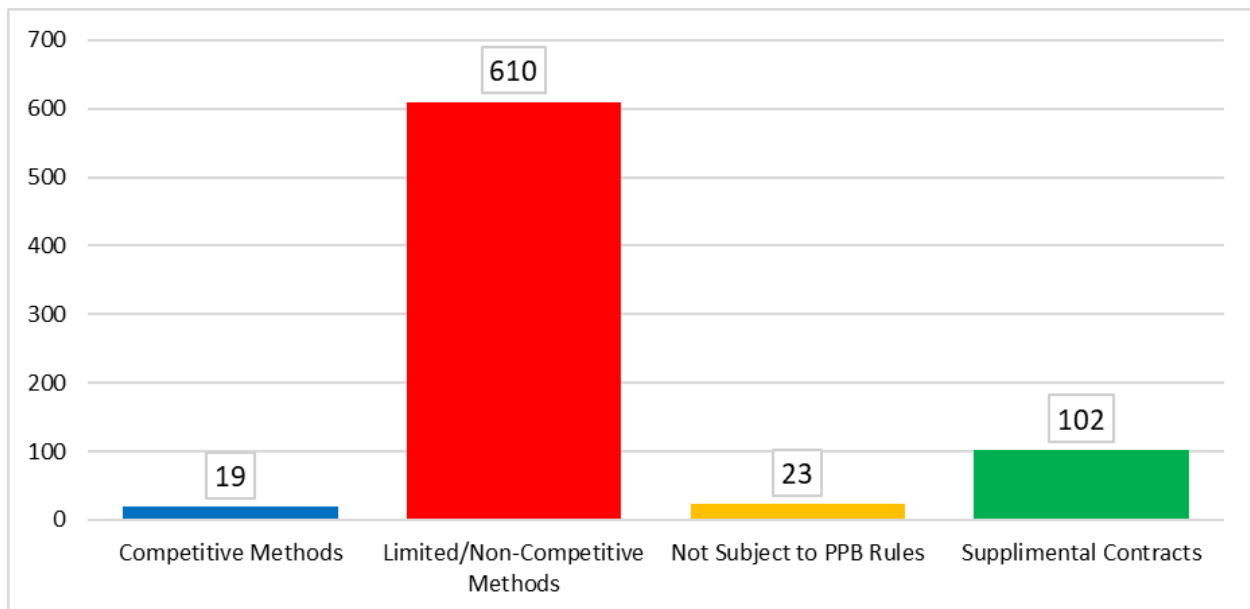


Chart 37 – Number of Contracts, by Contract Group: DOHMH



Department of Investigation (DOI)

The Department of Investigation (DOI) is responsible for the investigation and referral of criminal prosecution of cases involving fraud, corruption, and unethical conduct among all persons and entities that receive City funds, including the City's more than 300,000 employees and contractors. DOI is also charged with studying agency procedures to identify corruption risks and recommending improvements to reduce the City's vulnerability to fraud, waste, and corruption. In addition, DOI conducts investigations into the backgrounds of persons selected to work in decision-making or sensitive City jobs and checks on those who are awarded contracts with the City to determine if they are suited to serve the public trust.

Chart 38 – Share of Contracts, by Industry: DOI

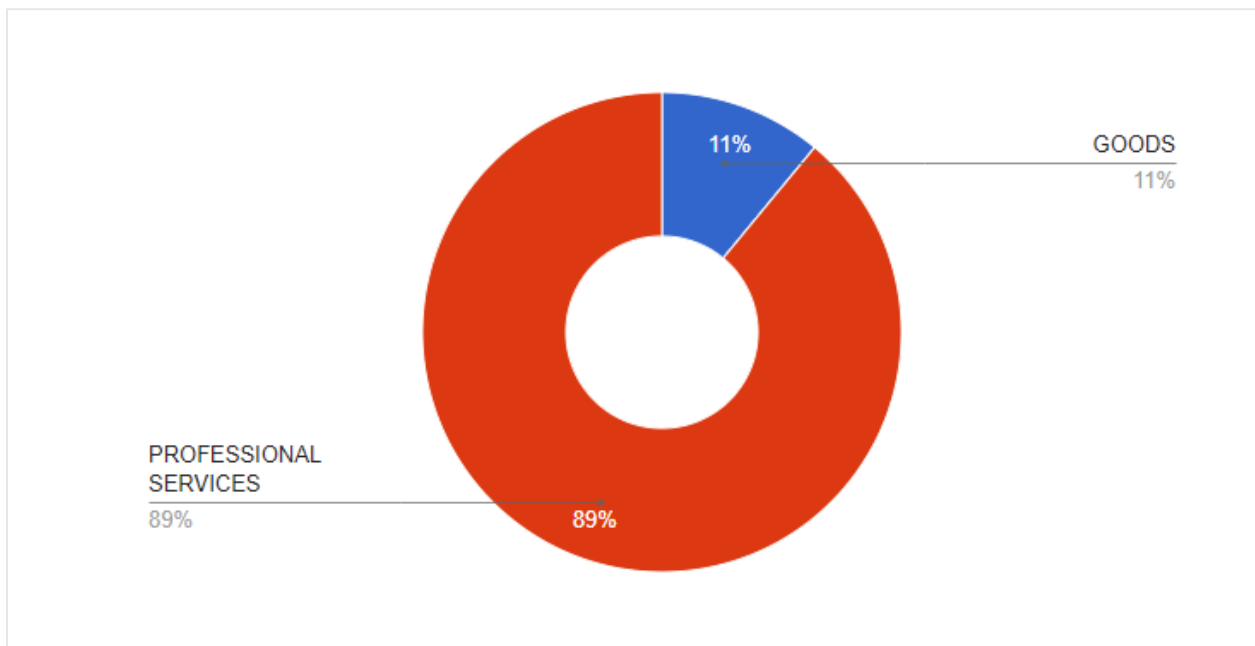
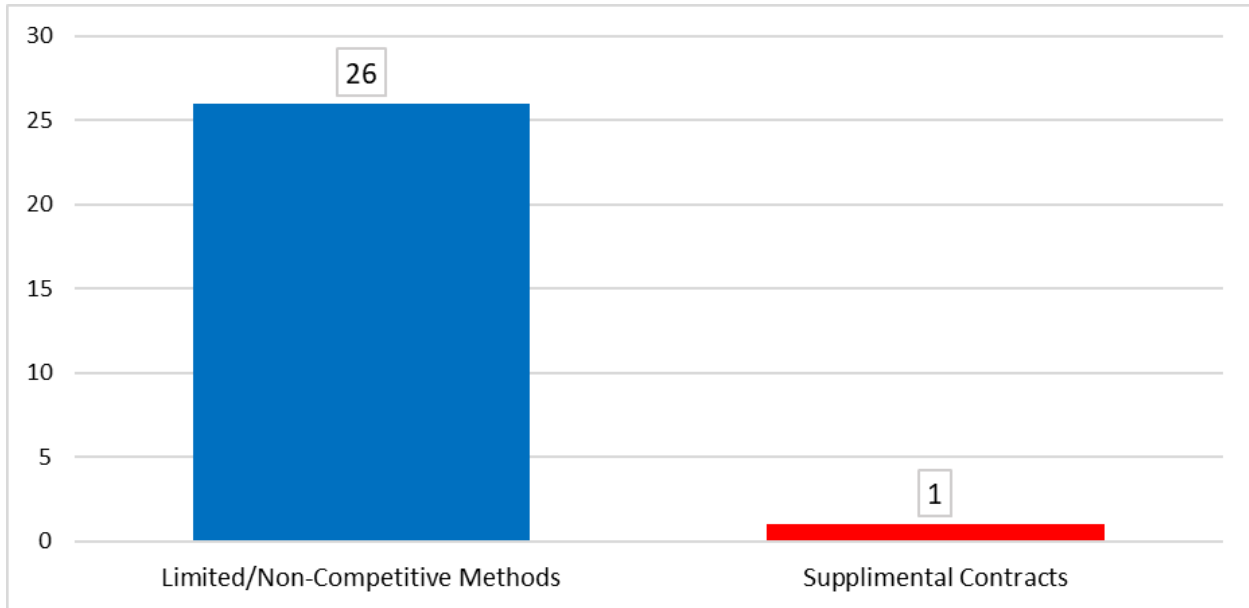


Chart 39 – Number of Contracts, by Contract Group: DOI



Department of Probation (DOP)

The Department of Probation (DOP) is responsible for the supervising clients on probation throughout the five boroughs. DOP helps build stronger and safer communities by working with and supervising people on probation, fostering positive change in their decision-making and behavior, and expanding opportunities for them to move out of the criminal and juvenile justice systems through meaningful education, employment, health services, family engagement and civic participation.

Chart 40 – Share of Contracts, by Industry: DOP

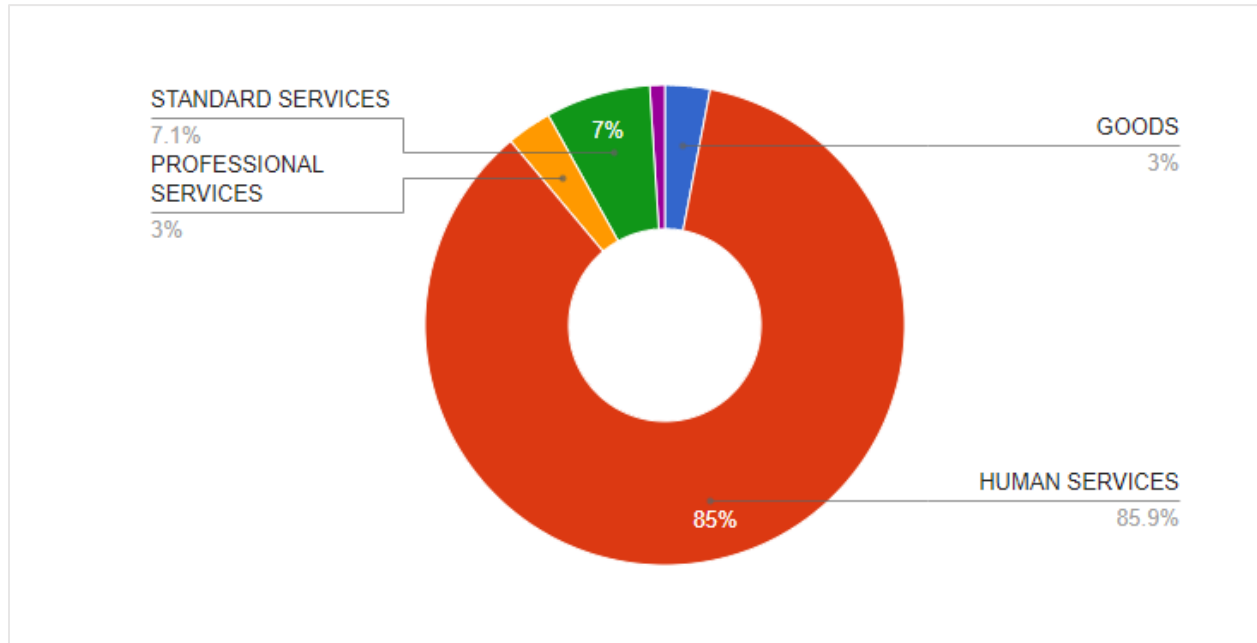
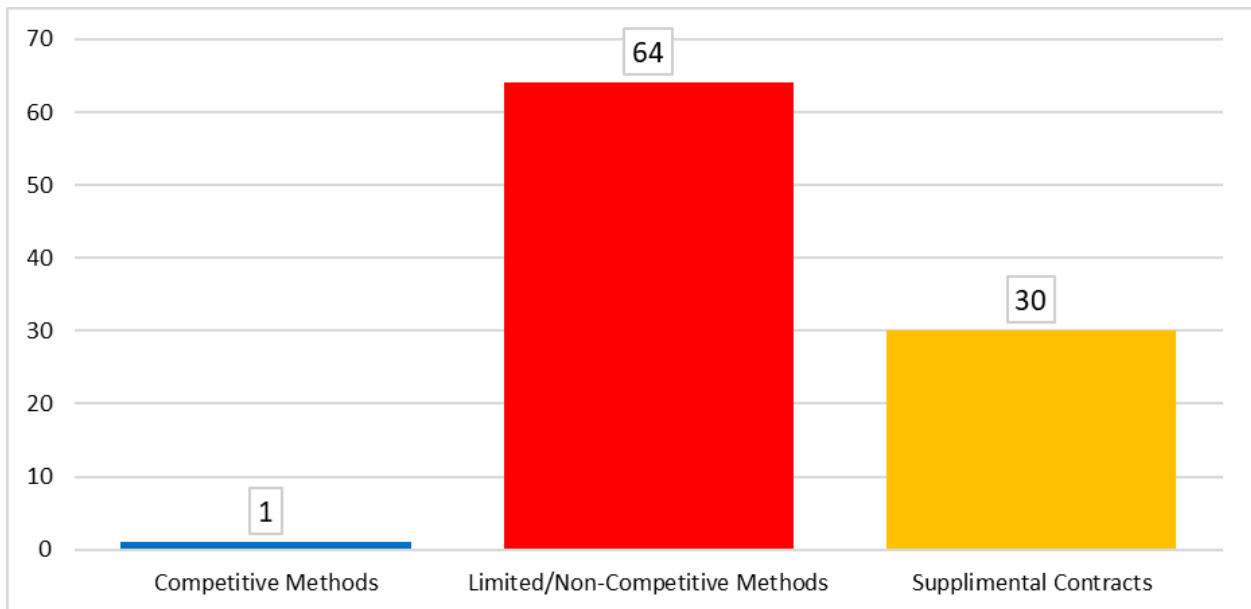


Chart 41 – Share of Contracts, by Contract Group: DOP



Department of Records and information Services (DORIS)

The Department of Records & Information Services (DORIS) preserves and provides access to the historical and contemporary records of New York City government both online and in-person at the Municipal Library, Archives and Visitor Center. DORIS operates record storage facilities in two

locations with a combined capacity of 738,000 cubic feet, and provides records management services to 50 City agencies, ten courts, and the five District Attorneys' offices.

Chart 42 – Share of Contracts, by Industry: DORIS

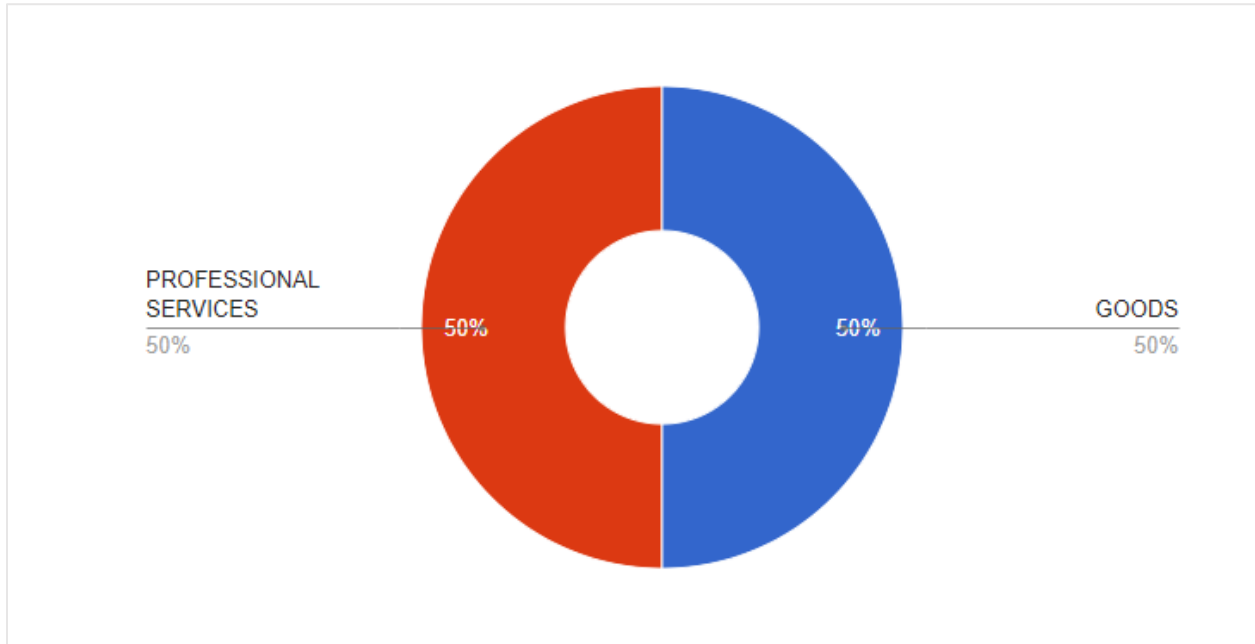
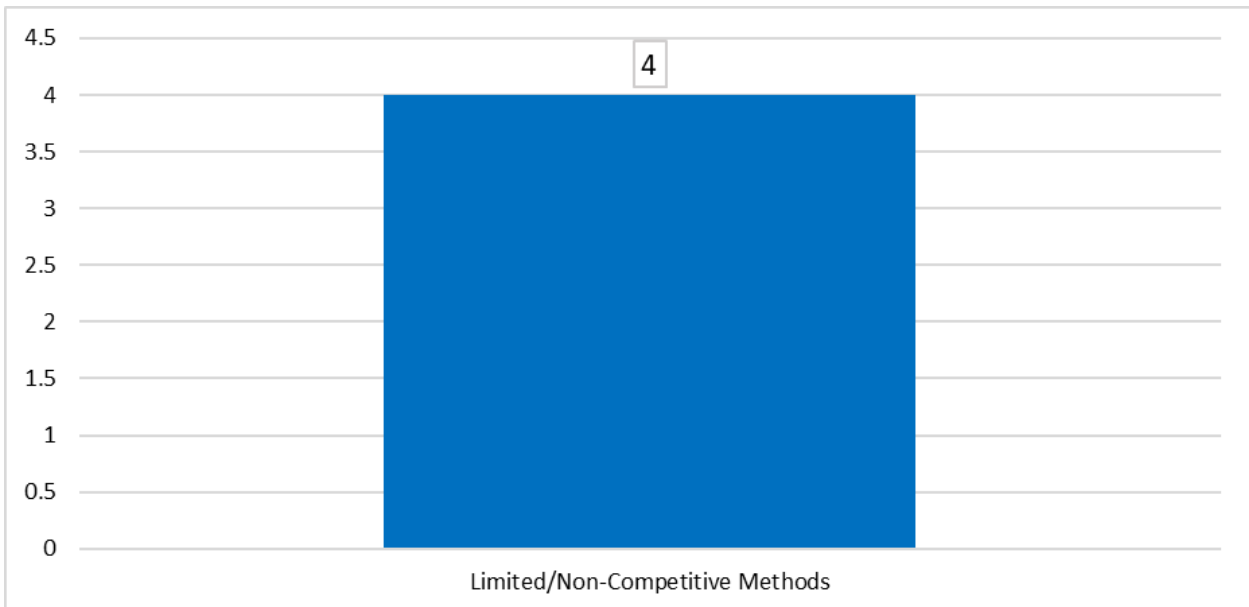


Chart 43 – Number of Contracts, by Contract Group: DORIS



Department of Transportation (DOT)

The Department of Transportation (DOT) rehabilitates and maintains the City's transportation infrastructure including bridges, tunnels, streets, sidewalks, and highways. DOT also encourages the use of mass transit and sustainable transportation, and conducts traffic safety programs, such as the Vision Zero initiative to reduce fatalities and serious injuries. Overall, DOT's work maintains and enhances the transportation infrastructure crucial to the City's economic vitality and quality of life for all City residents.

Chart 44 – Share of Contracts, by Industry: DOT

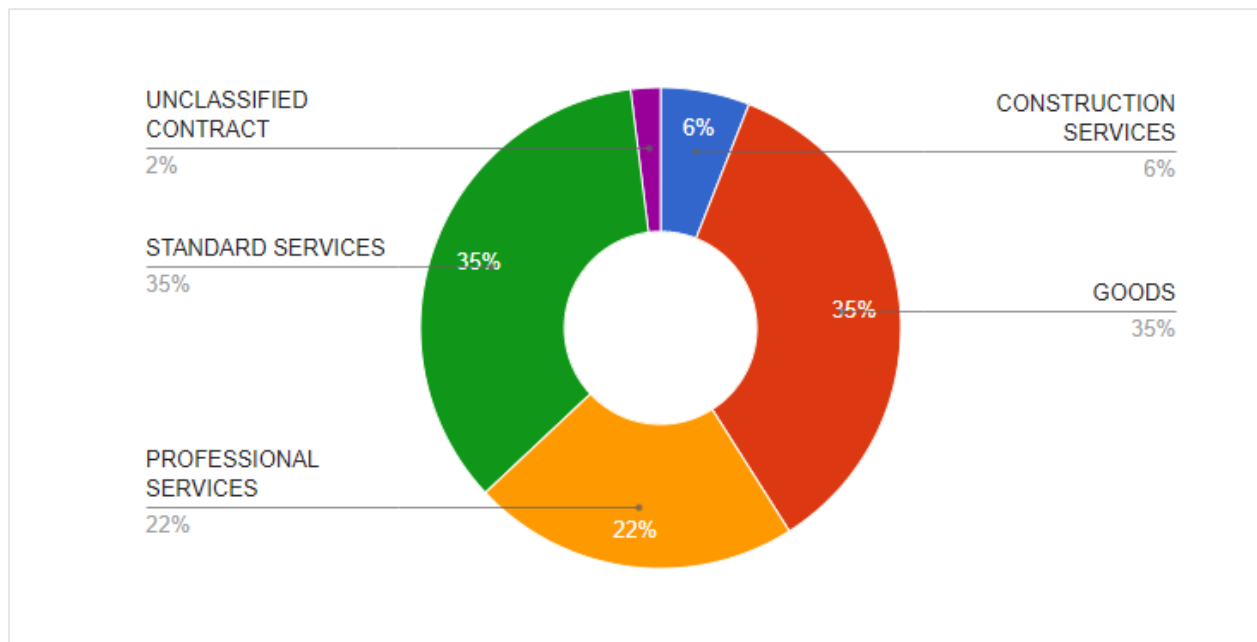
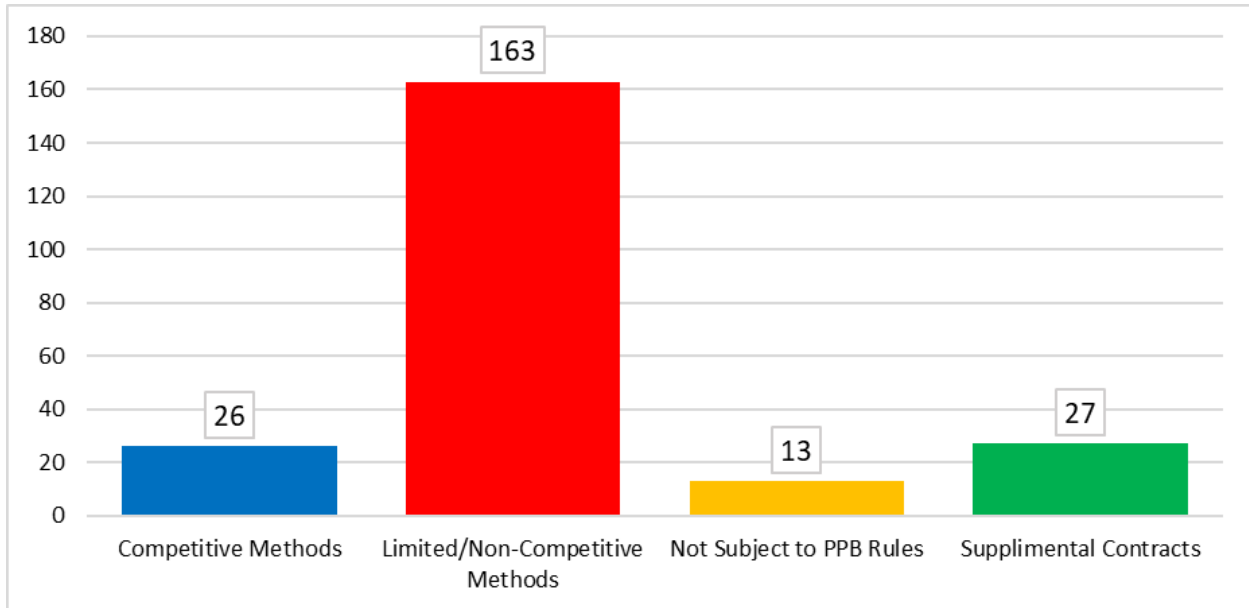


Chart 45 – Number of Contracts, by Contract Group: DOT



Department of Parks and Recreation (DPR)

The Department of Parks and Recreation is the City agency responsible for the protection and care of more than 5,000 individual properties on over 30,000 acres. These range from large-scale properties like Central Park and Coney Island Beach, to small community gardens and greenstreets. NYC Parks operates nearly 1,000 playgrounds, more than 800 athletic fields, 65 public pools and 51 recreational facilities, available to all New Yorkers citywide. NYC Parks also looks after 600,000 street trees, and two million more trees in parks.

Chart 46 – Share of Contracts, by Industry: DPR

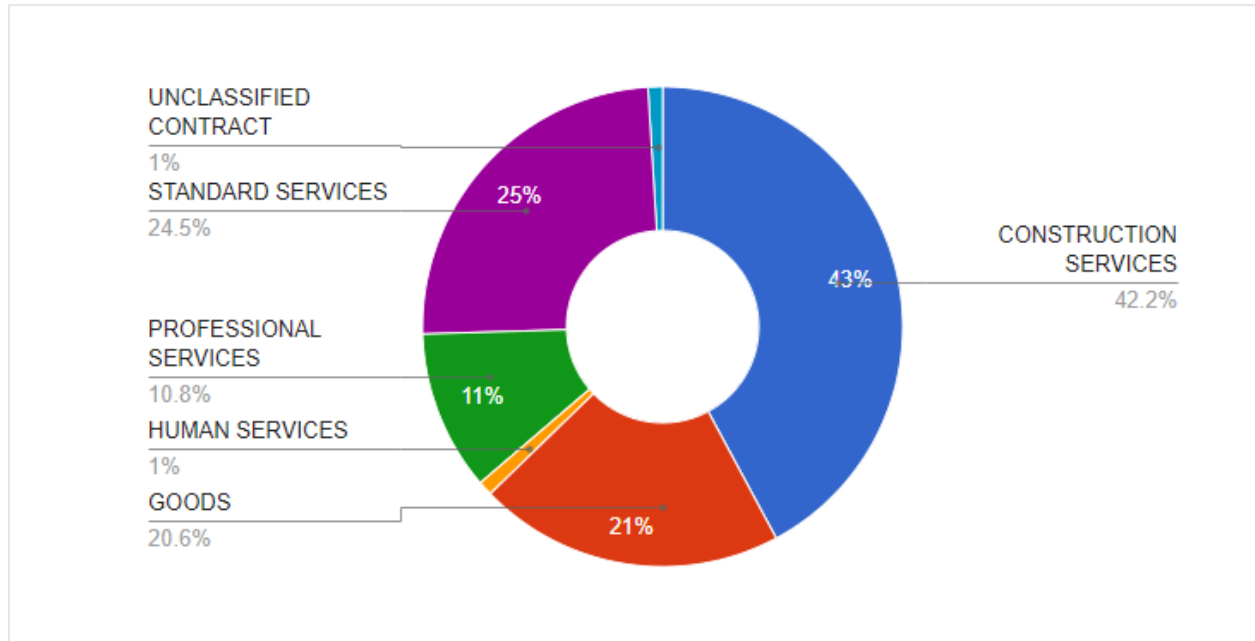
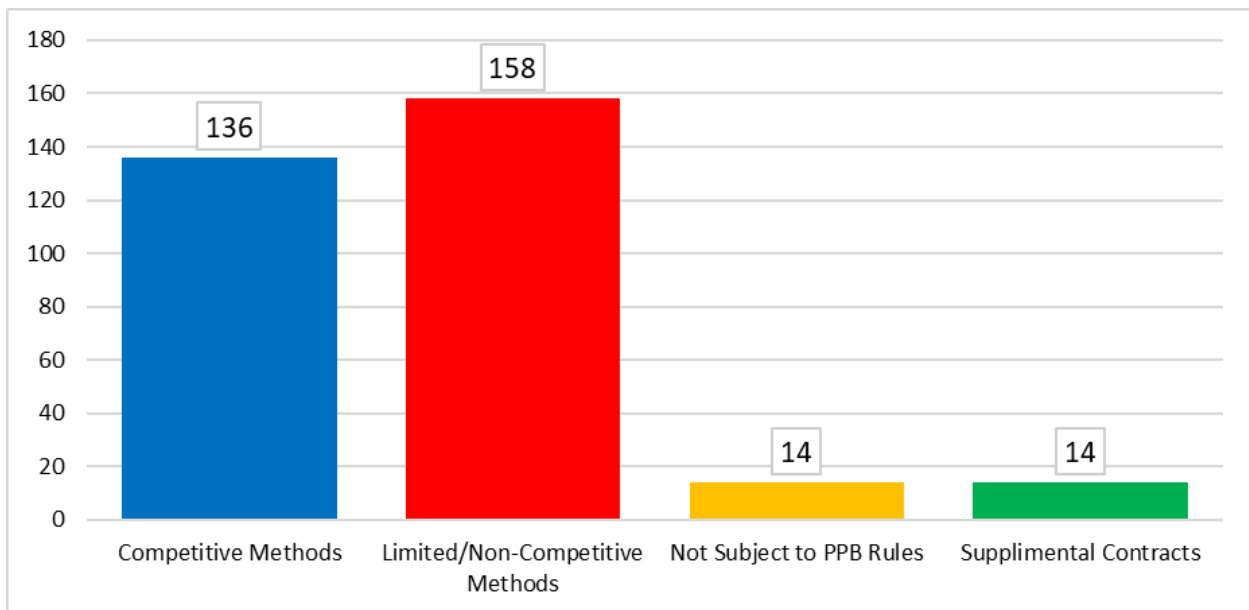


Chart 47 – Number of Contracts, by Contract Group: DPR



Department of Sanitation (DSNY)

The NYC Department of Sanitation is the world's largest sanitation department. DSNY collects more than 10,500 tons of residential and institutional garbage and 1,760 tons of the recyclables – each day. It also manages solid waste and clears litter or snow from 6,300 miles of streets.

Chart 48 – Share of Contracts, by Industry: DSNY

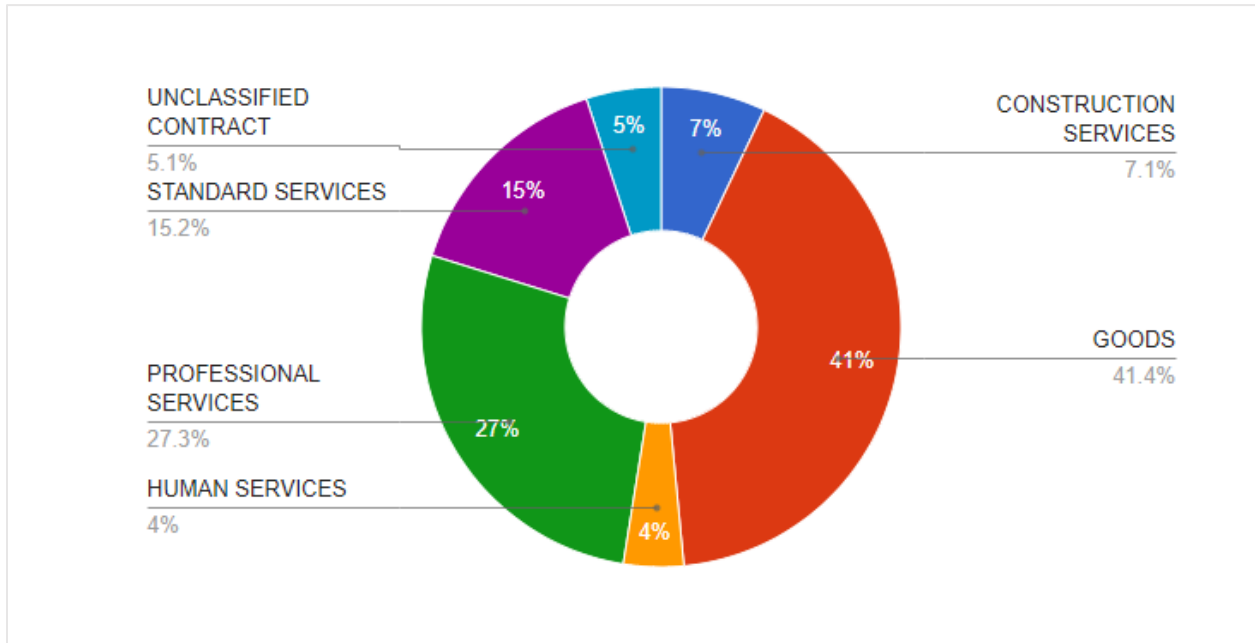
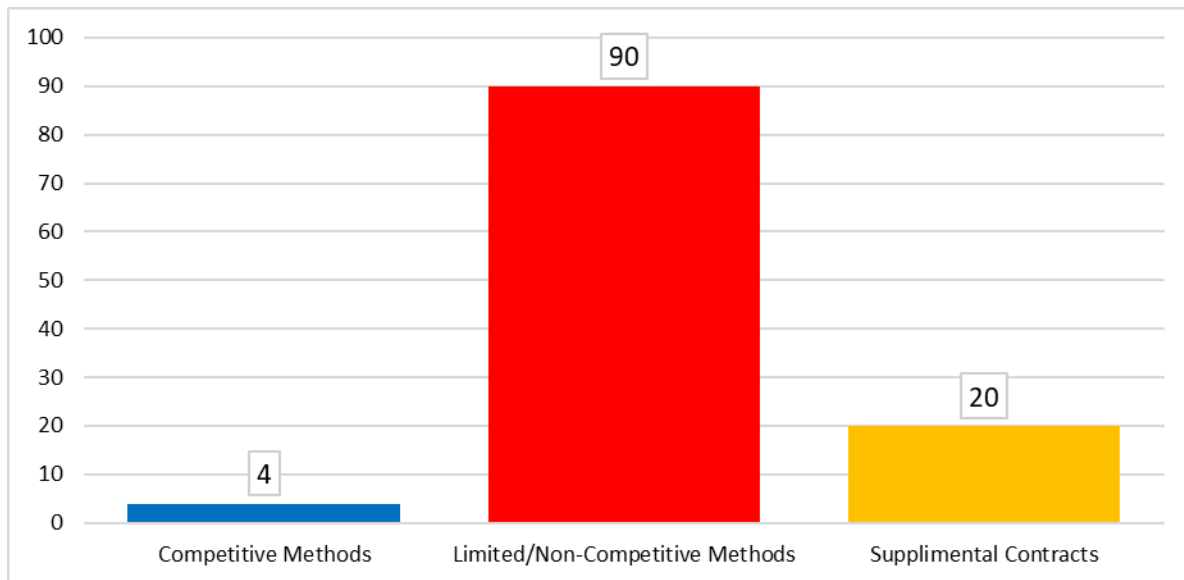


Chart 49 – Number of Contracts, by Contract Group: DSNY



Department of Homeless Services (DSS/DHS)

The Department of Homeless Services collaborates with nonprofit partners to provide temporary shelter and services that homeless New Yorkers need to achieve and maintain housing permanency.

Chart 50 – Share of Contracts, by Industry: DHS

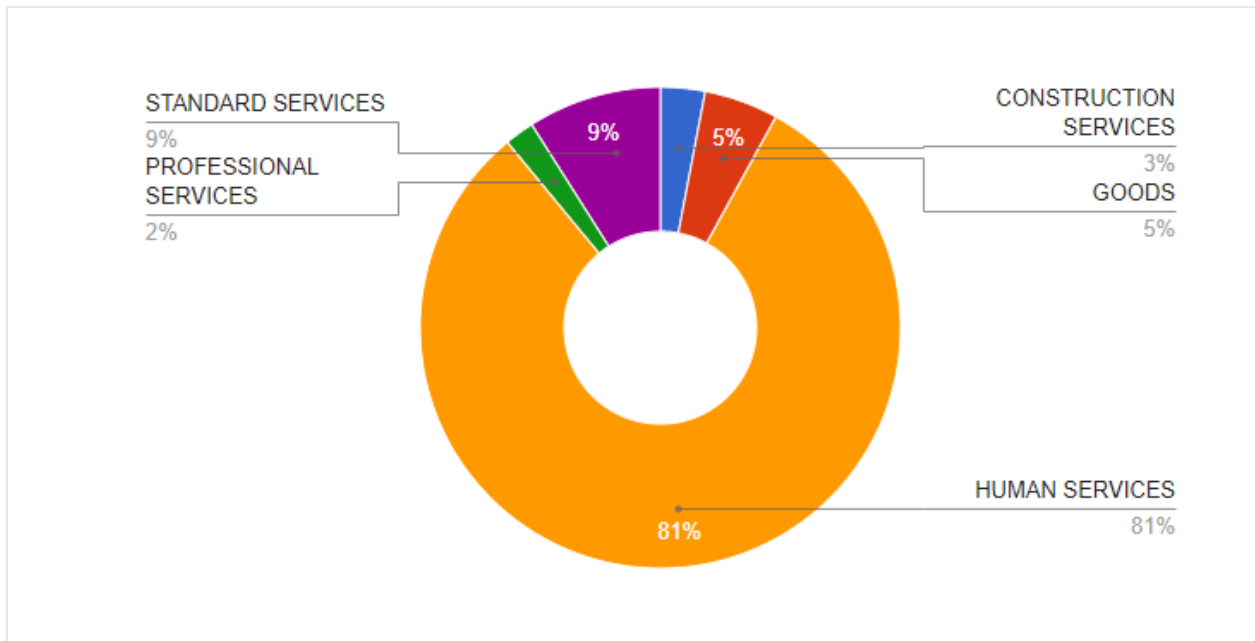
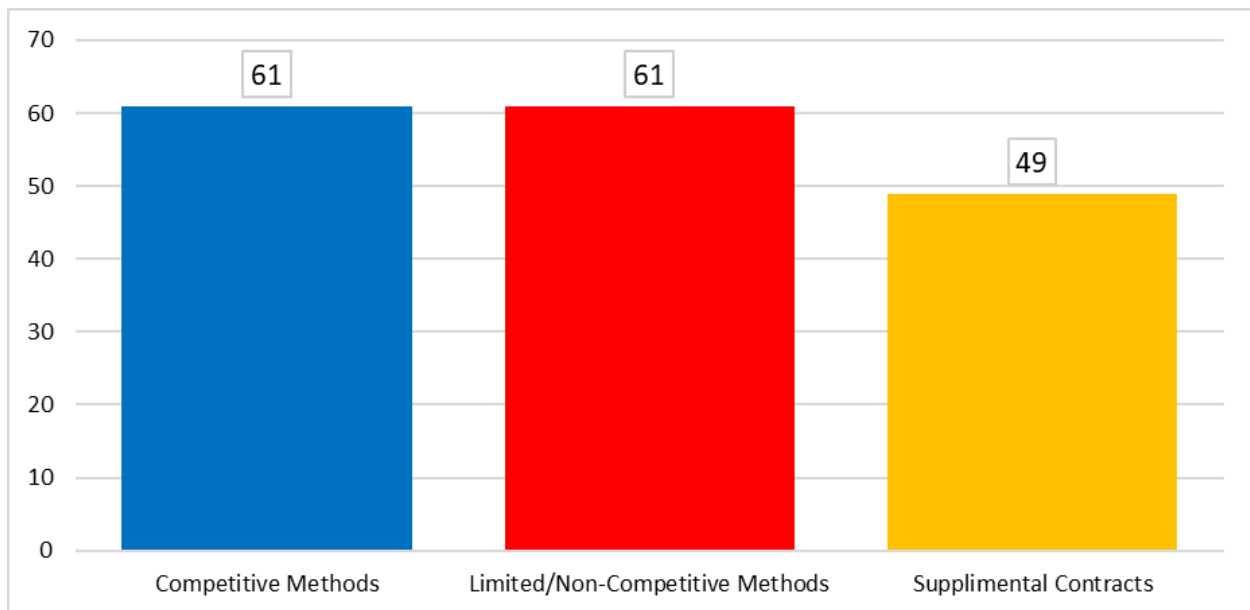


Chart 51 – Number of Contracts, by Contract Group: DHS



Human Resources Administration (DSS/HRA)

The Department of Social Services/Human Resources Administration (DSS/HRA) provides New Yorkers in need with essential benefits, such as food assistance, employment services, and emergency rental assistance. As the largest municipal social services agency in the country,

DSS/HRA helps more than 3 million New Yorkers through the administration of more than 12 major public assistance programs.

Chart 52 – Share of Contracts, by Industry: DSS/HRA

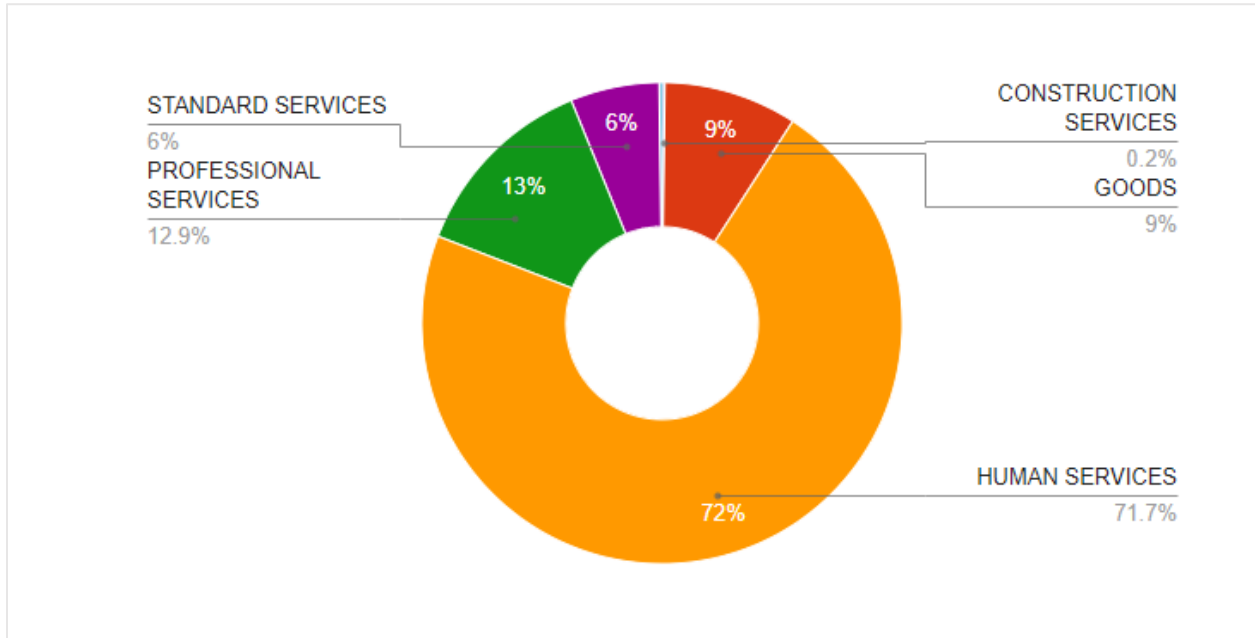
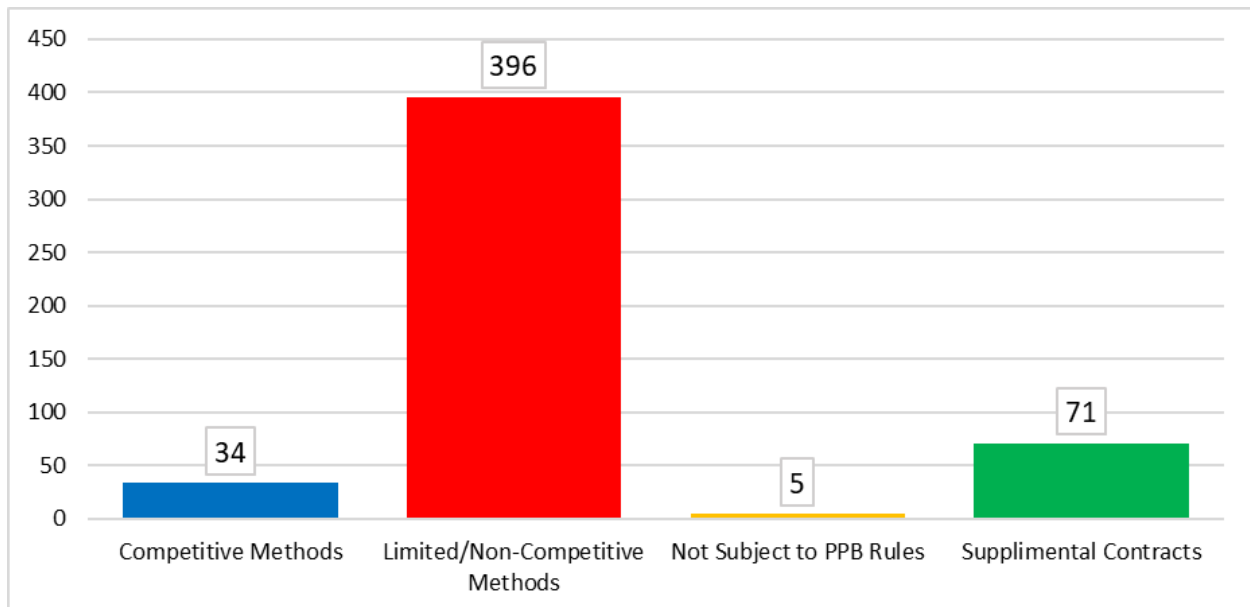


Chart 53 – Number of Contracts, by Contract Group: DSS/HRA



Department of Veterans Services (DVS)

The Department of Veterans' Services (DVS) was created in 2016 as the first standalone City agency in the country dedicated to serving Veterans and their families. DVS provides New York City's Veterans with essential services and programs relating to economic empowerment, housing security, benefits, health and wellness, and culture.

Chart 54 – Share of Contracts, by Industry: DVS

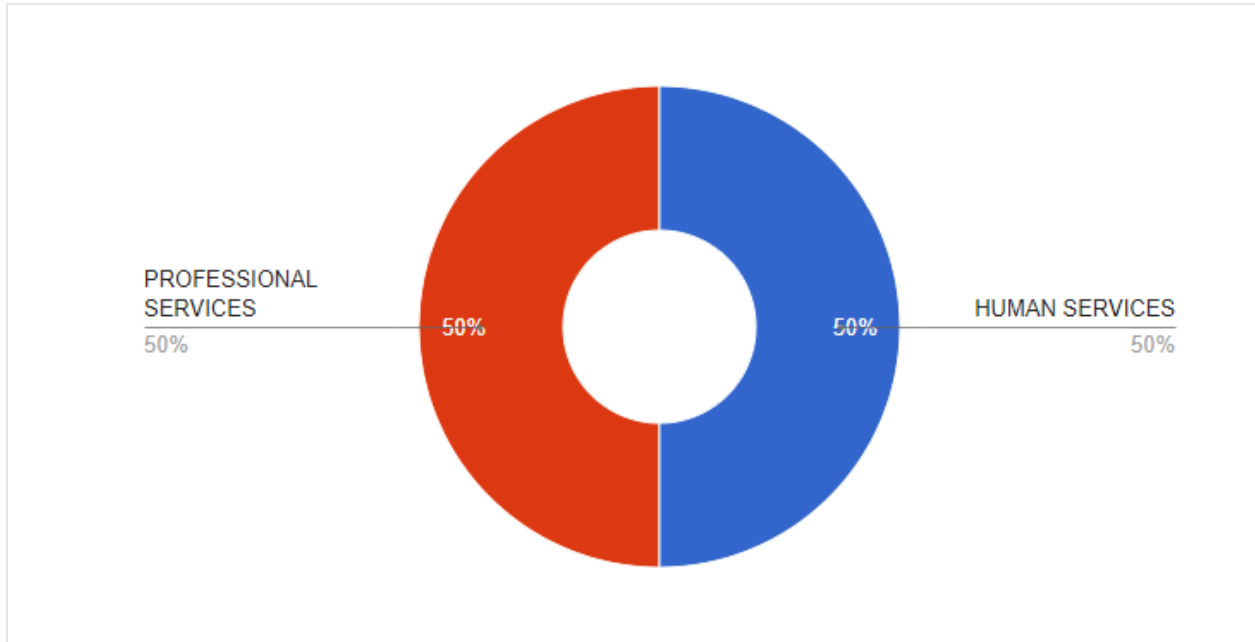
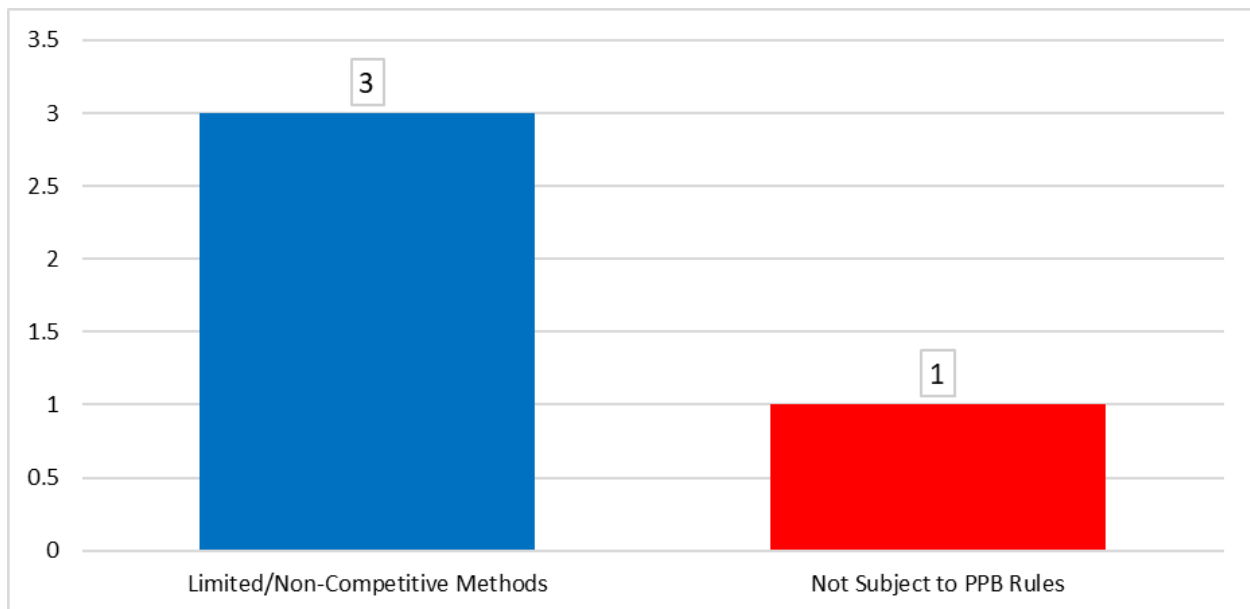


Chart 55 – Number of Contracts, by Contract Group: DVS



Department of Youth and Community Development (DYCD)

The New York City Department of Youth and Community Development (DYCD) invests in a network of community-based organizations and programs to alleviate the effects of poverty and to provide opportunities for New Yorkers and communities to flourish.

DYCD supports New York City youth and their families by funding a wide range of high-quality youth and community development programs, including After School, Community Development, Family Support, Literacy Services, Youth Services, and Youth Workforce Development.

Chart 56 – Share of Contracts, by Industry: DYCD

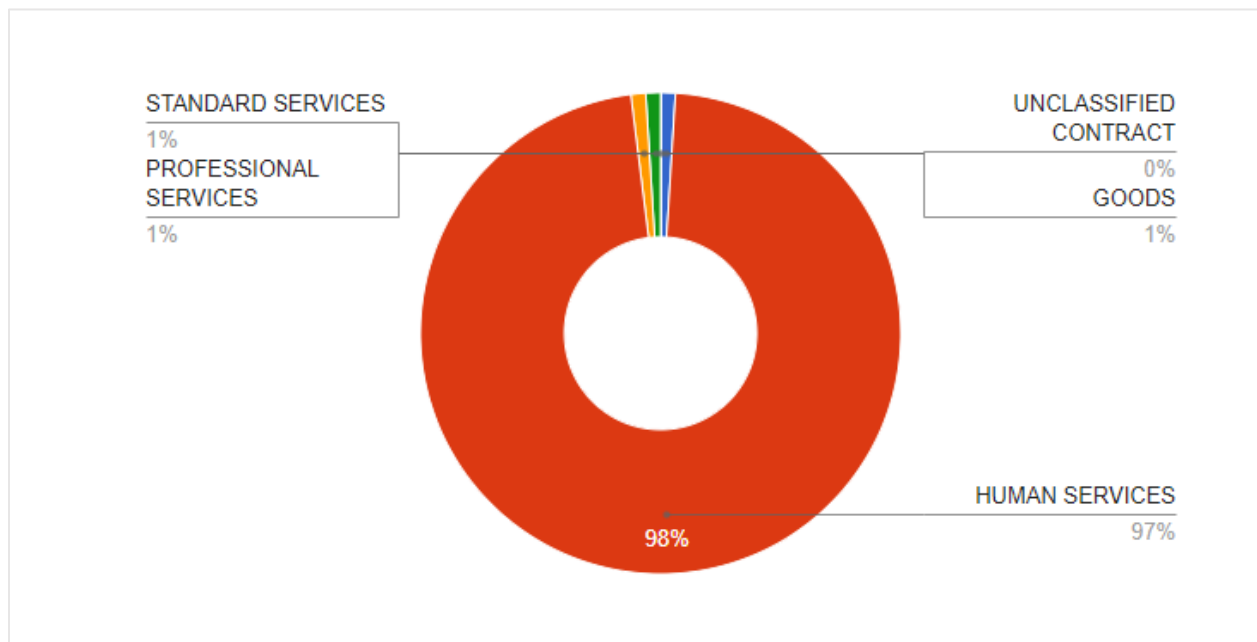
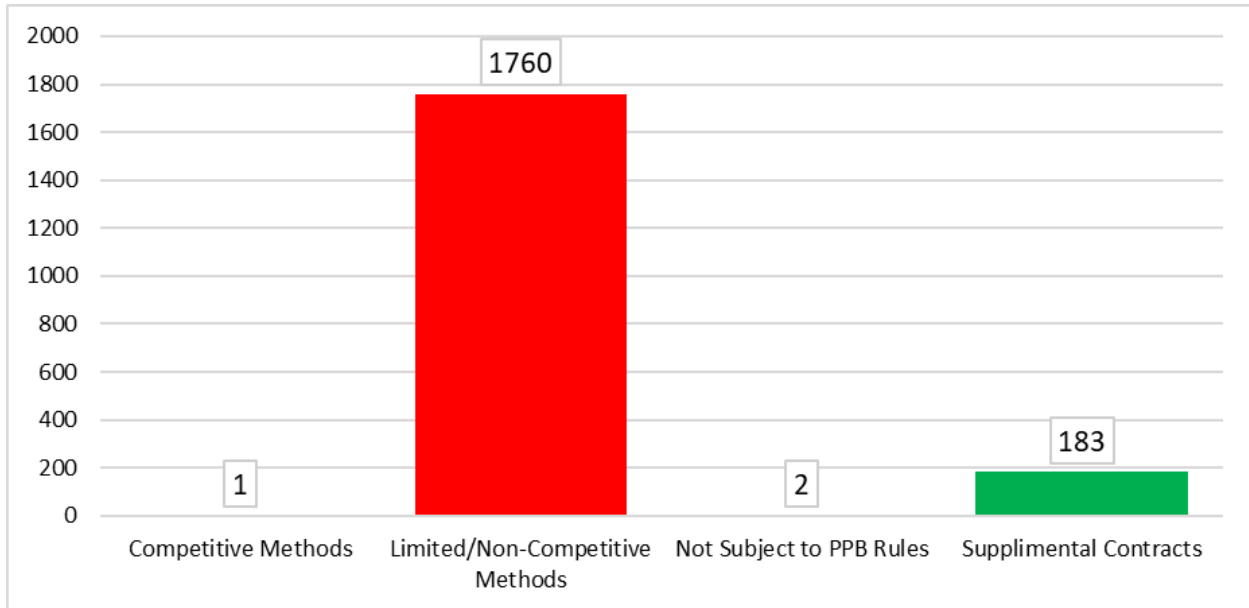


Chart 57 – Number of Contracts, by Contract Group: DYCD



Fire Department (FDNY)

The Fire Department of the City of New York (FDNY) is the largest Fire Department in the United States. The Department's main goal is to provide fire protection and other critical public safety services to residents and visitors in the five boroughs. The Department also works to continually educate the public in fire, life safety and disaster preparedness, along with enforcing public safety codes.

Chart 58 – Share of Contracts, by Industry: FDNY

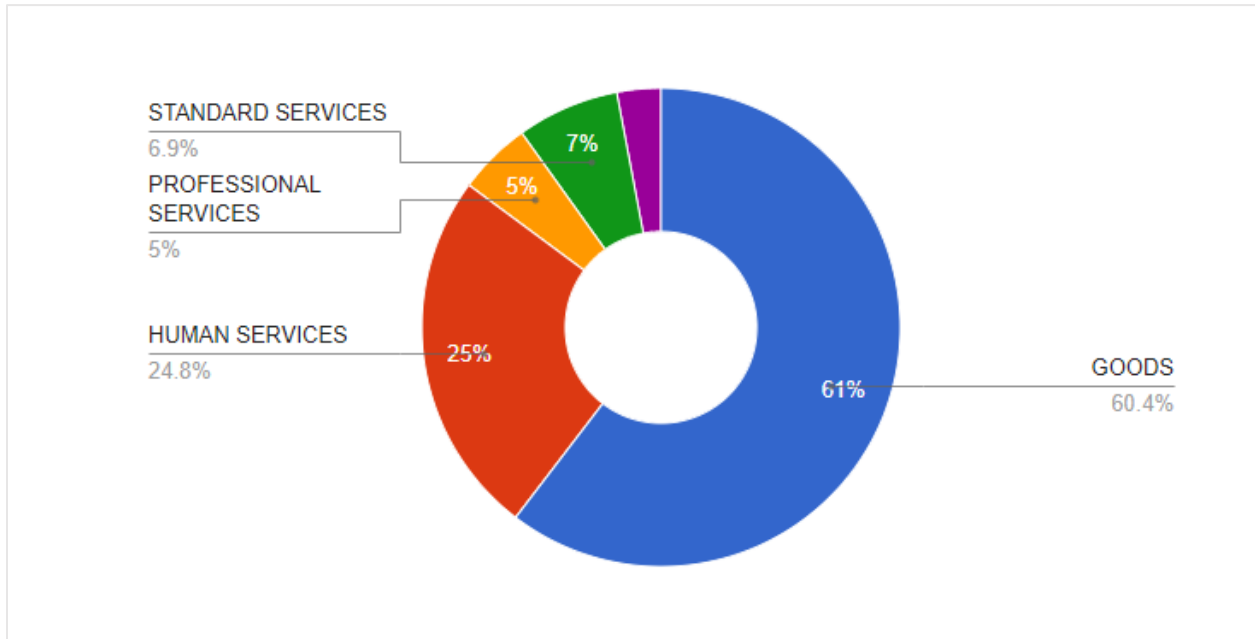
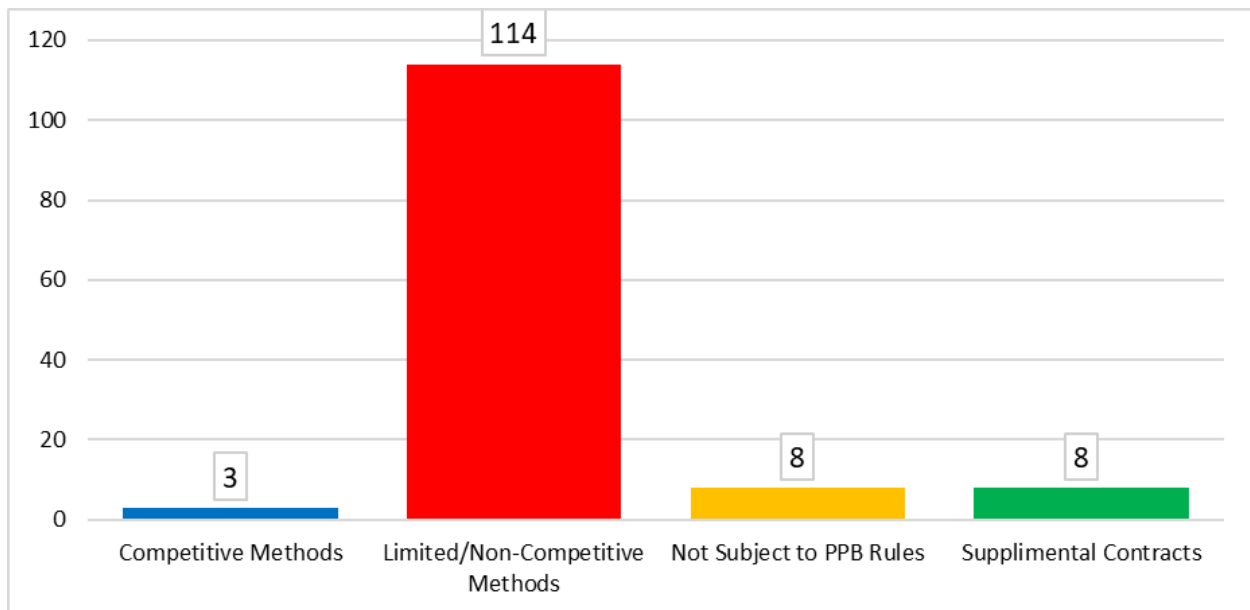


Chart 59 – Number of Contracts, by Contract Group: FDNY



Housing and Preservation Department (HPD)

The Department of Housing Preservation and Development (HPD) is the largest municipal housing improvement agency in the United States, developing and preserving affordable housing in every borough. HPD enforces housing quality standards, finances affordable housing development, and preserves existing affordable housing. HPD also manages the City's affordable

housing stock for the benefit of low- and moderate-income families. Additionally, HPD monitors and tracks incidents that result in mass displacement of residential and commercial tenants.

Chart 60 – Share of Contracts, by Industry: HPD

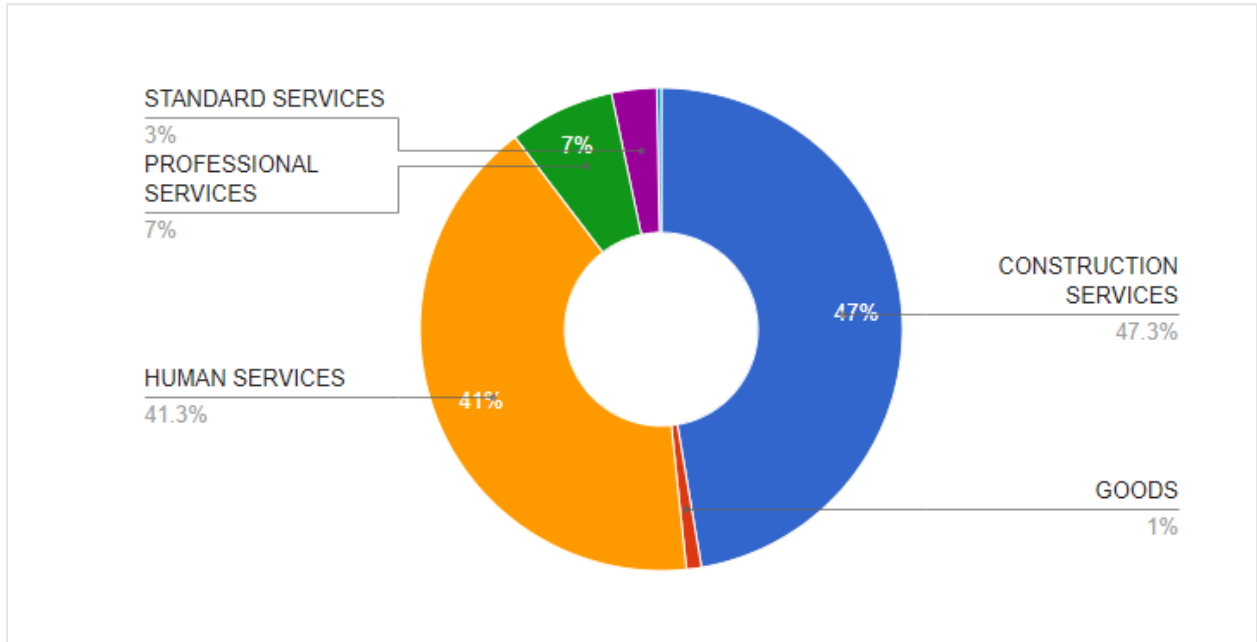
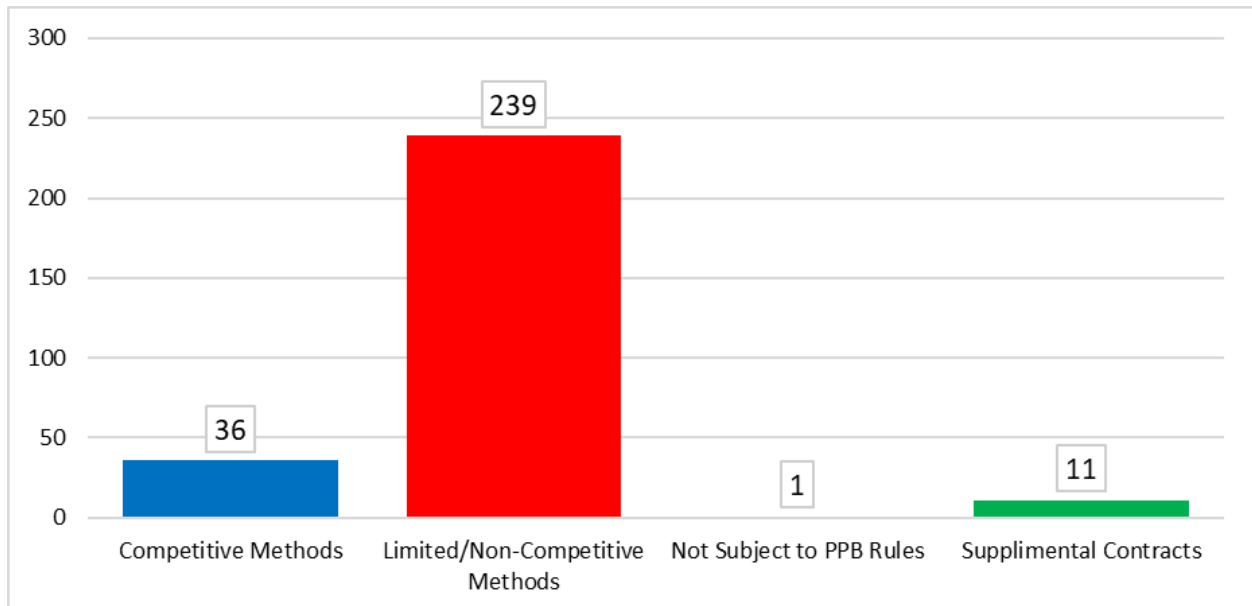


Chart 61 – Number of Contracts, by Contract Group: HPD



Law Department (LAW)

The Law Department represents the City, the Mayor, other elected officials, and the City's many agencies in all affirmative and defensive civil litigation, juvenile delinquency proceedings brought in Family Court, and Administrative Code enforcement proceedings brought in Criminal Court. The Law Department attorneys draft and review State and local legislation, real estate leases, contracts, and financial instruments for the sale of municipal bonds. The agency also provides legal counsel to City officials on a wide range of issues such as immigration, education, and environmental policy.

Chart 62 – Share of Contracts, by Industry: LAW

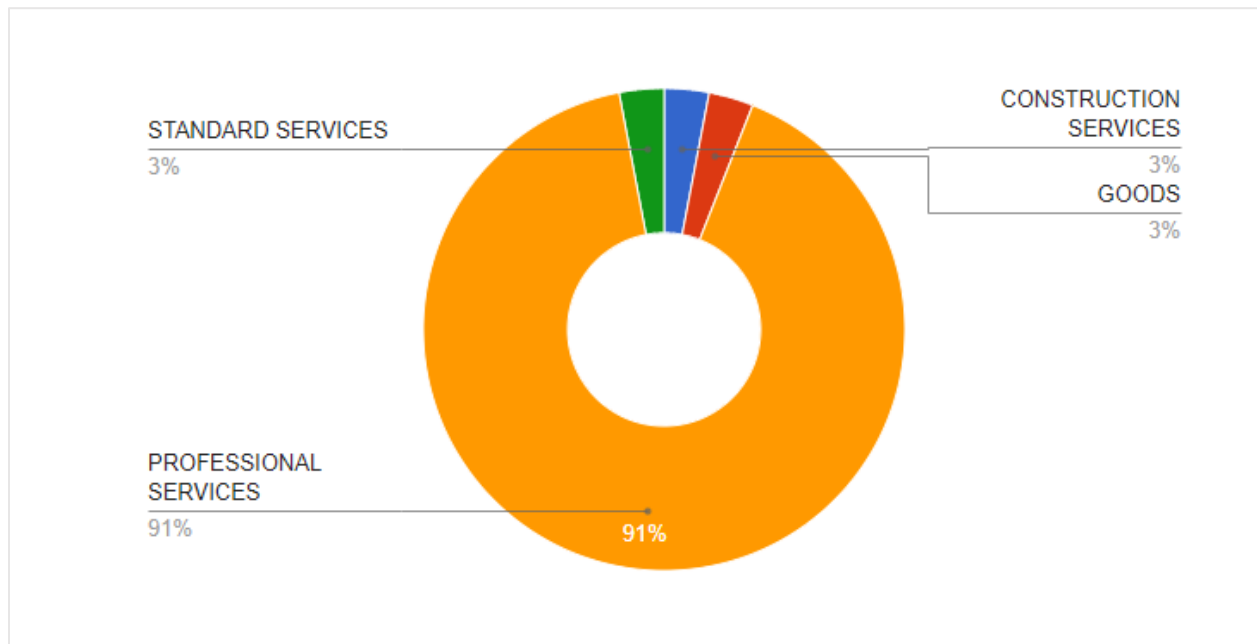
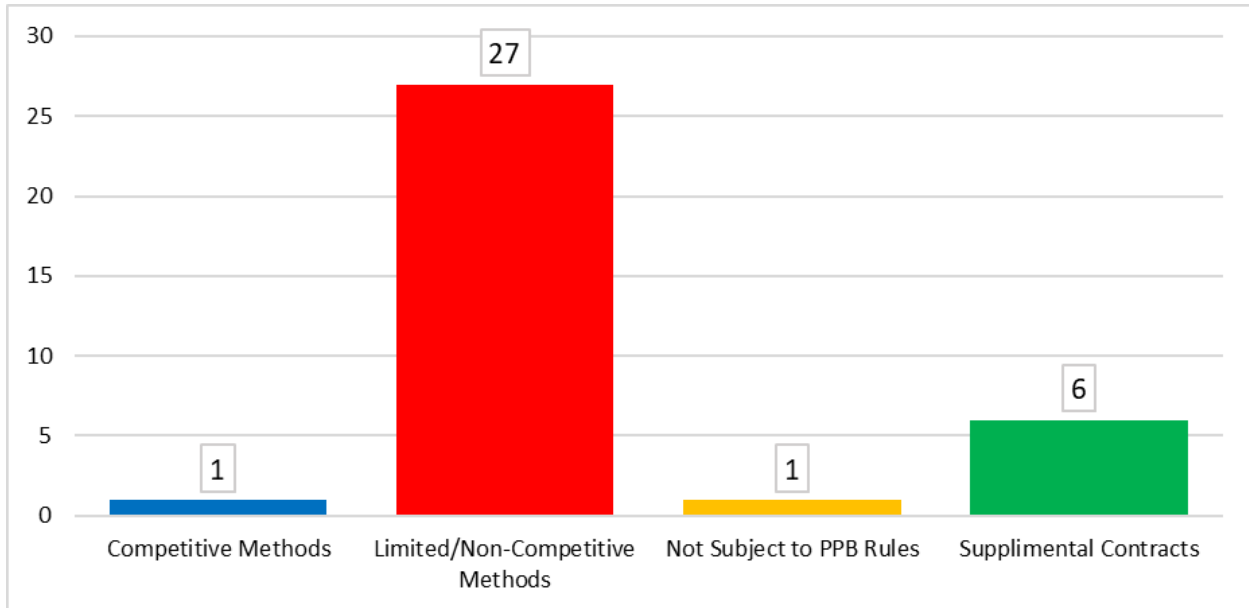


Chart 63 – Number of Contracts, by Contract Group: LAW



Landmarks Preservation Commission (LPC)

The Landmarks Preservation Commission (LPC) designates, regulates, and protects the City's architectural, historic, and cultural resources. This includes 1,412 individual landmarks and more than 36,000 properties in 144 historic districts and extensions. The Commission reviews applications to alter landmark structures, investigates complaints of illegal work, and initiates actions to compel compliance with the Landmarks Law.

Chart 64 – Share of Contracts, by Industry: LPC

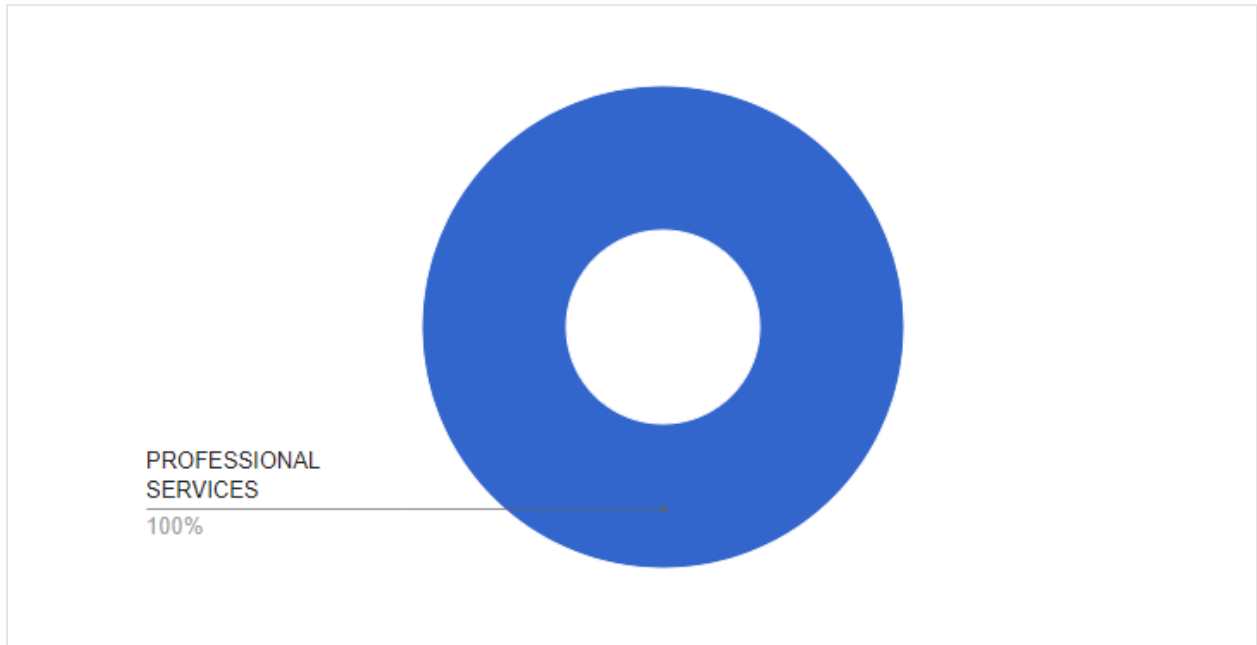
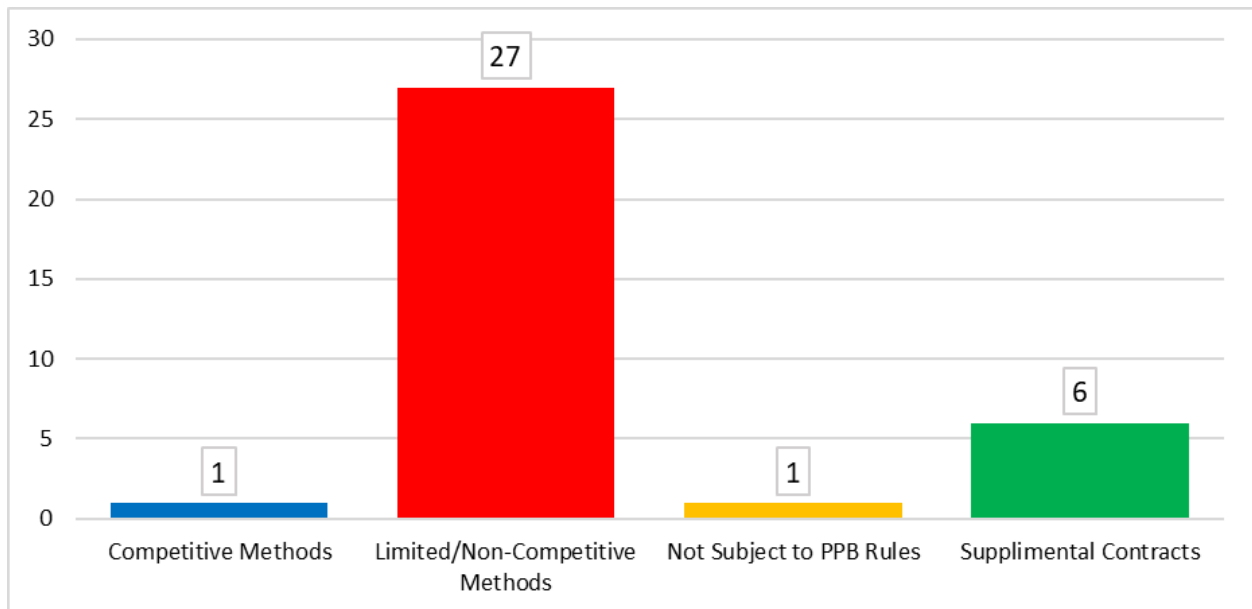


Chart 65 – Number of Contracts, by Contract Group: LPC



Mayoralty (MAYOR)

The Mayor is the City's chief executive officer, setting the agenda for the City and its finances and appointing Deputy Mayors and heads of agencies to carry out policies. Various offices operate under the Mayor to support numerous administrative and policy functions.

Chart 66 – Share of Contracts, by Industry: MAYOR

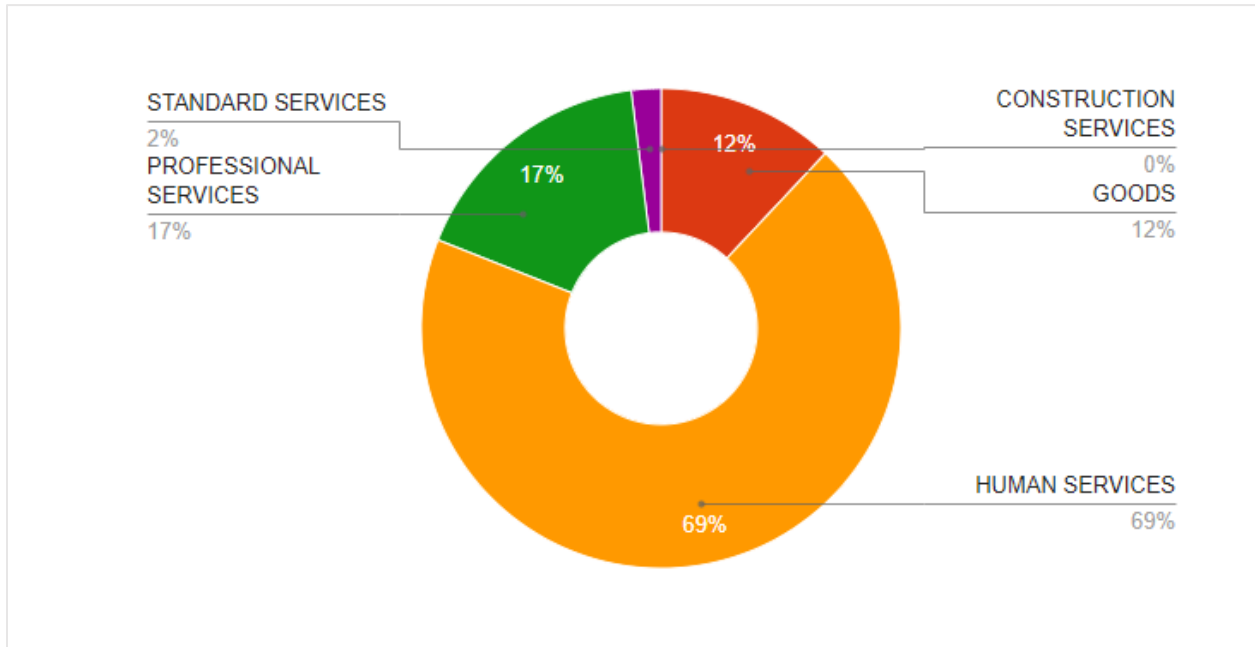
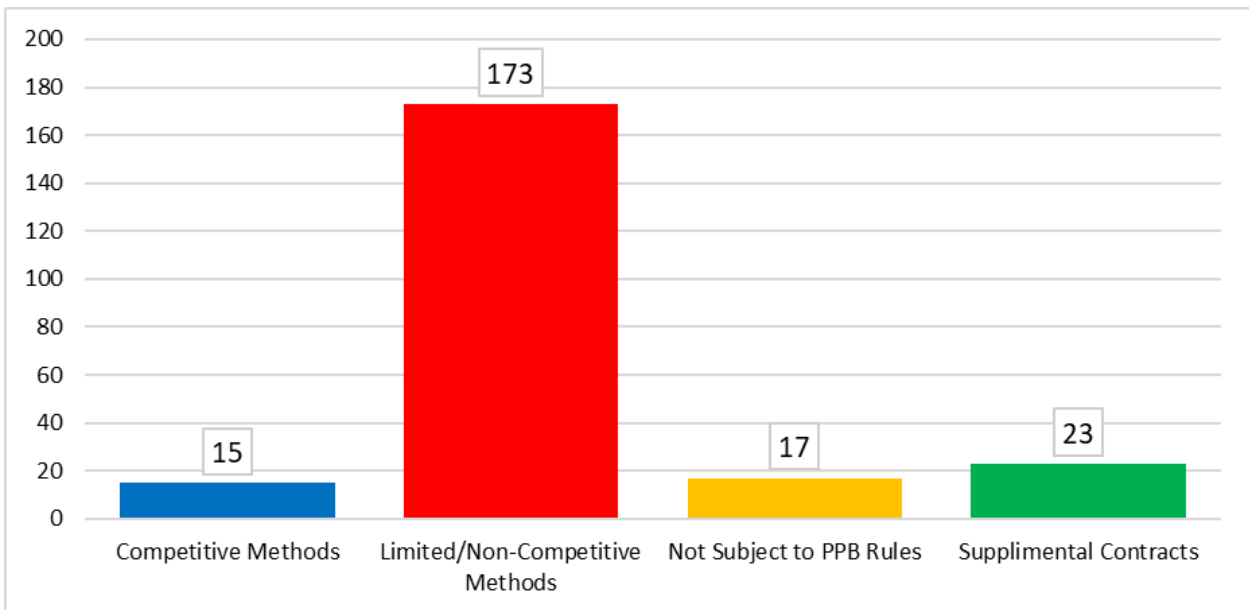


Chart 67 – Number of Contracts, by Contract Group: Mayor



New York City Emergency Management (NYCEM)

New York City Emergency Management (NYCEM) is responsible for coordinating citywide emergency planning and response for all types and scales of emergencies.

Chart 68 – Share of Contracts, by Industry: NYCEM

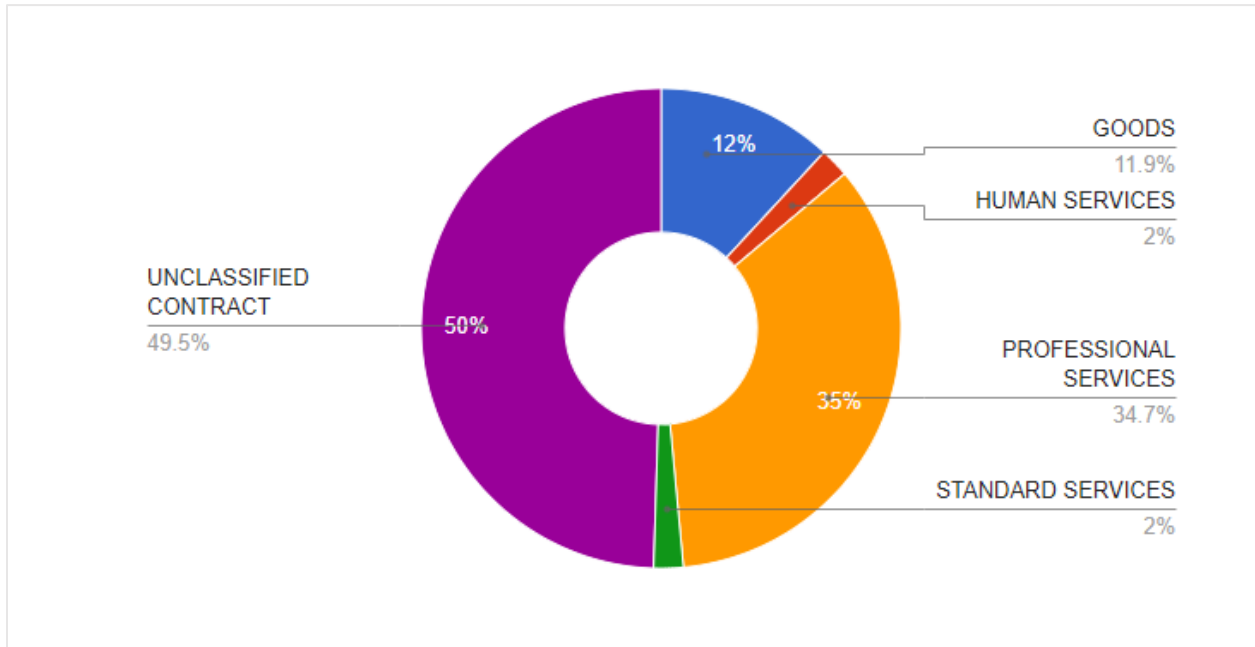
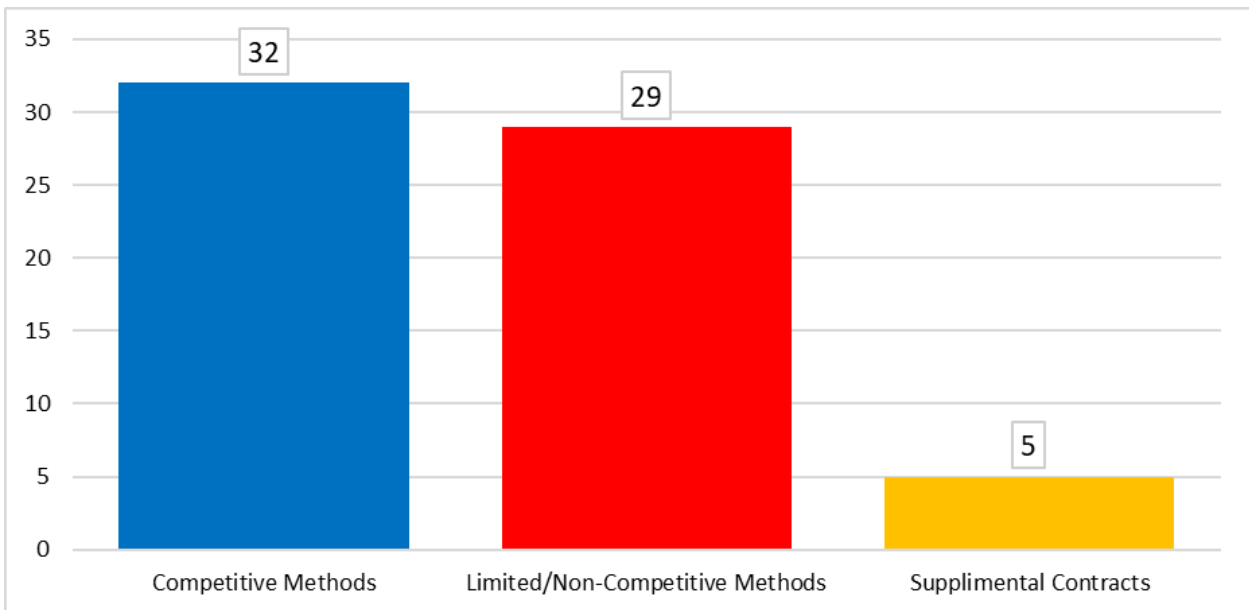


Chart 69 – Number of Contracts, by Contract Group: NYCEM



New York City Police Department (NYPD)

The New York City Police Department (NYPD) is tasked with enforcing City and State laws, preserving the peace, and providing a safe environment for all New Yorkers. The NYPD deploys more than 30,000 uniformed officers across 77 precincts, 12 transit bureaus, nine New York City

Housing Authority (NYCHA) Police Service Areas, and in specialized units such as the Intelligence, Counterterrorism, Aviation, Marine, and Organized Crime Control.

Chart 70 – Share of Contracts, by Industry: NYPD

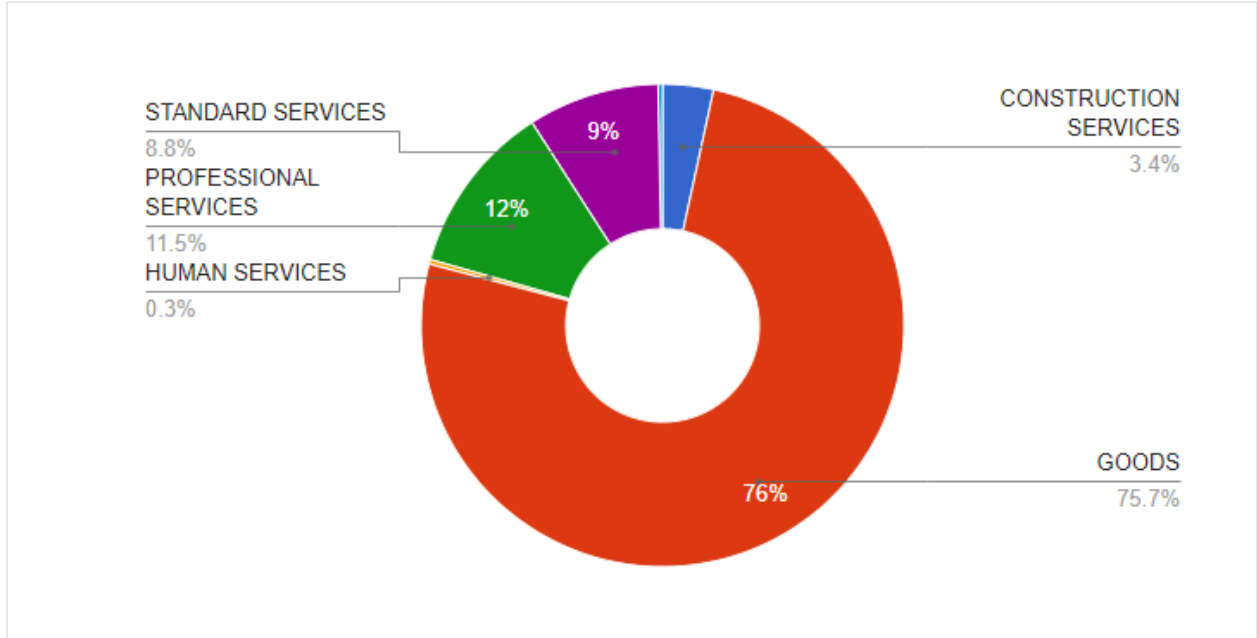
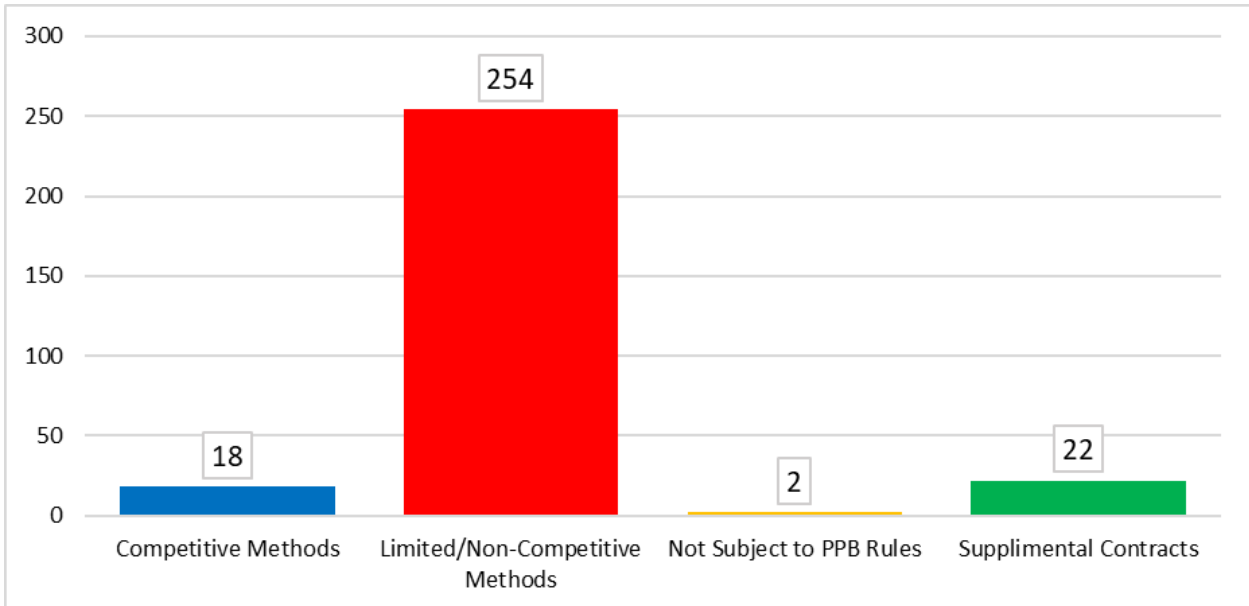


Chart 71 – Number of Contracts, by Contract Group: NYPD



Office of Technology Innovation (OTI)

OTI works with over 100 City offices and agencies to deliver technology solutions support. OTI establishes the strategic direction for citywide IT operations and leverages the City's buying power to make it easier for City agencies to acquire IT goods and services through requirement contracts with vendors.

Chart 72 – Share of Contracts, by Industry: OTI

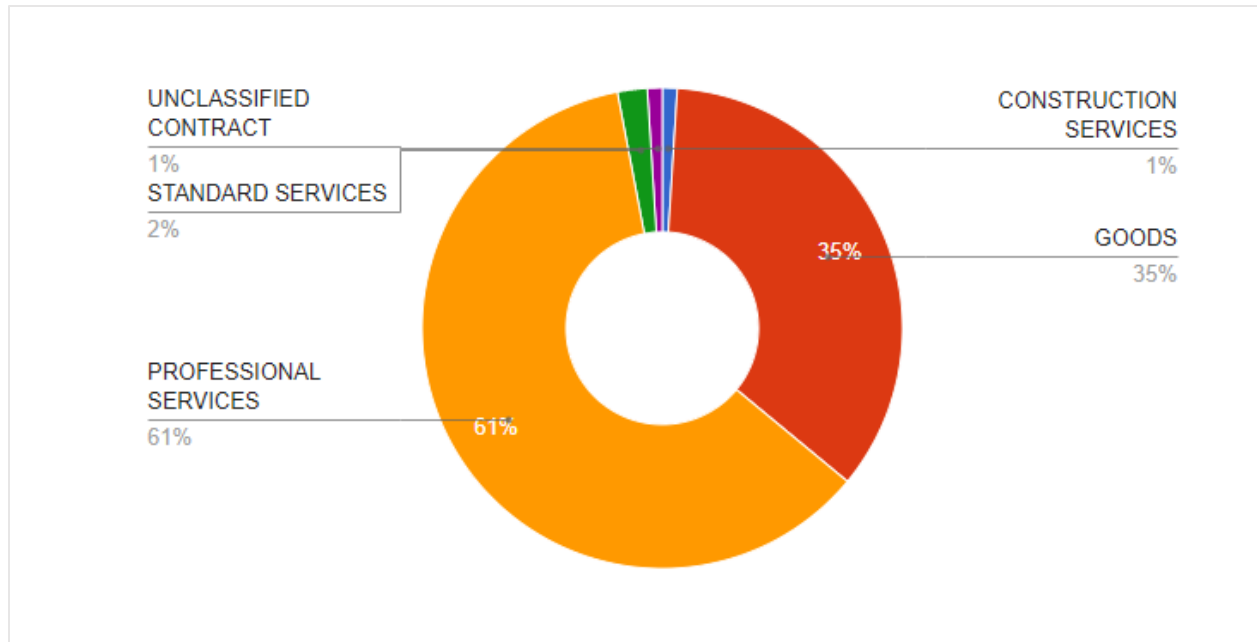
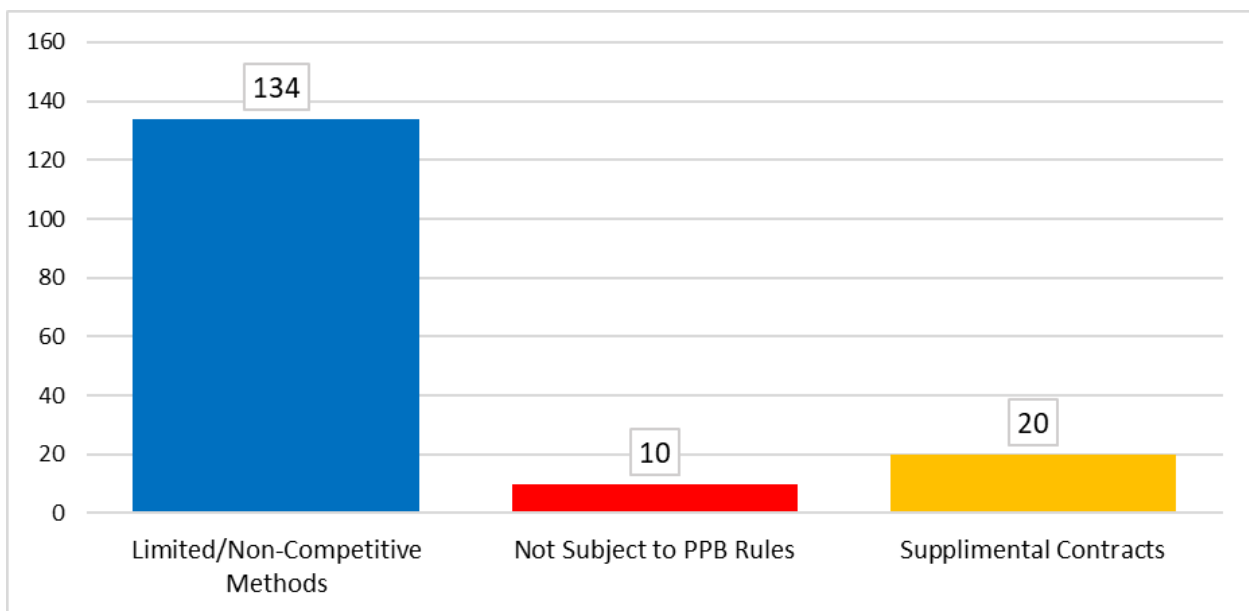


Chart 73 – Number of Contracts, by Contract Group: OTI



Small Business Services (SBS)

Small Business Services (SBS) is dedicated to providing direct assistance to business owners and fostering neighborhood development in commercial districts. SBS also links employers to a skilled and qualified workforce in New York City. Working in coordination with the Office of M/WBE and MOCS, SBS implements the M/WBE program to continue to promote diversity, fairness, and equity in the City's procurement processes.

Chart 74 – Share of Contracts, by Industry: SBS

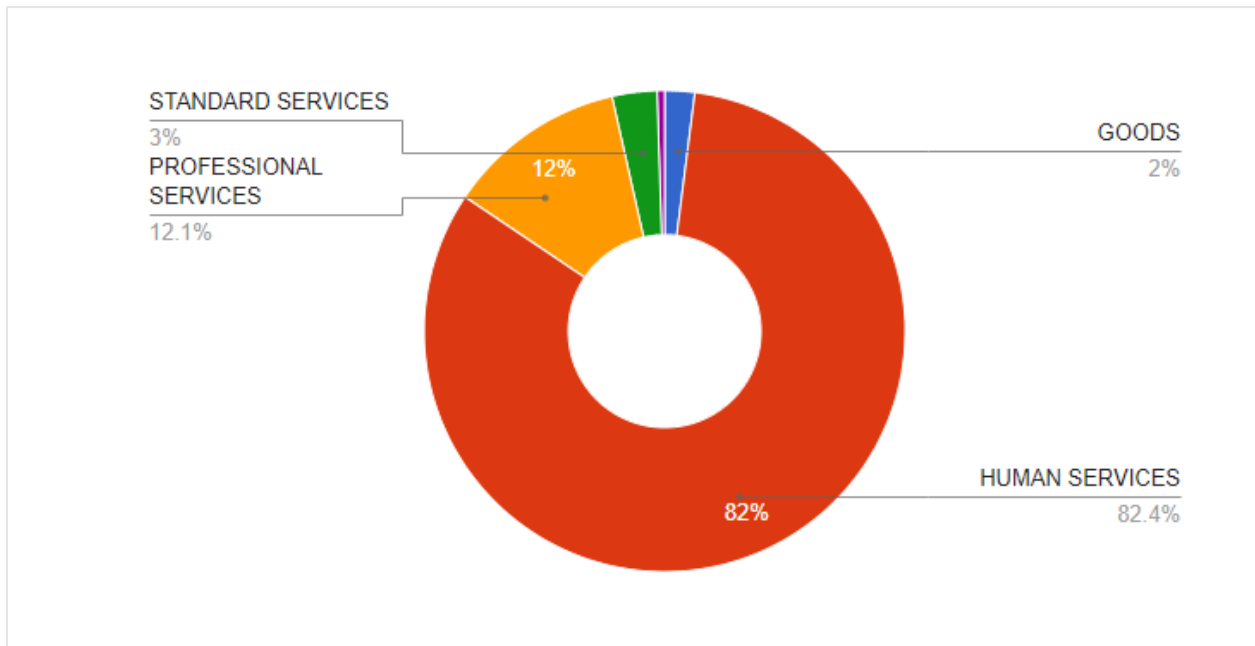
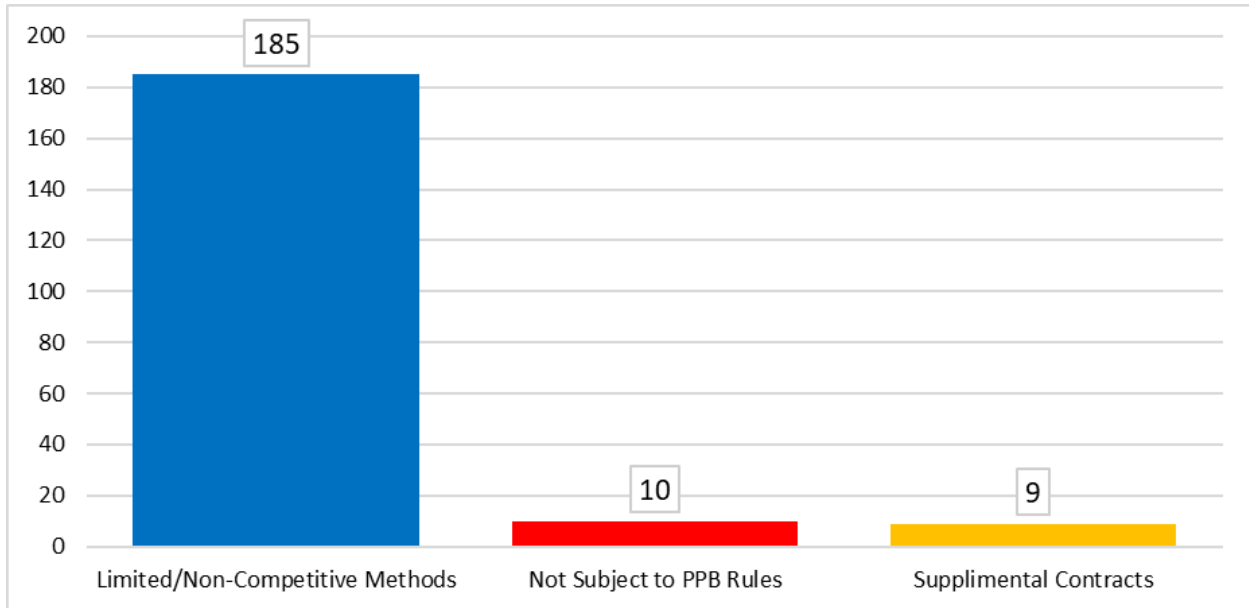


Chart 75 – Number of Contracts, by Contract Group: SBS



Taxi and Limousine Commission (TLC)

The Taxi and Limousine Commission (TLC) is the agency responsible for licensing and regulating New York City’s medallion taxicabs, for-hire vehicles, commuter vans, paratransit vehicles, and certain luxury limousines. TLC licenses and regulates more than 130,000 vehicles and approximately 180,000 drivers, and performs safety and emissions inspections of the 13,587 medallion taxicabs three times each year, as well as biennial inspections of all TLC-licensed For-Hire vehicles.

Chart 76 – Share of Contracts, by Industry: TLC

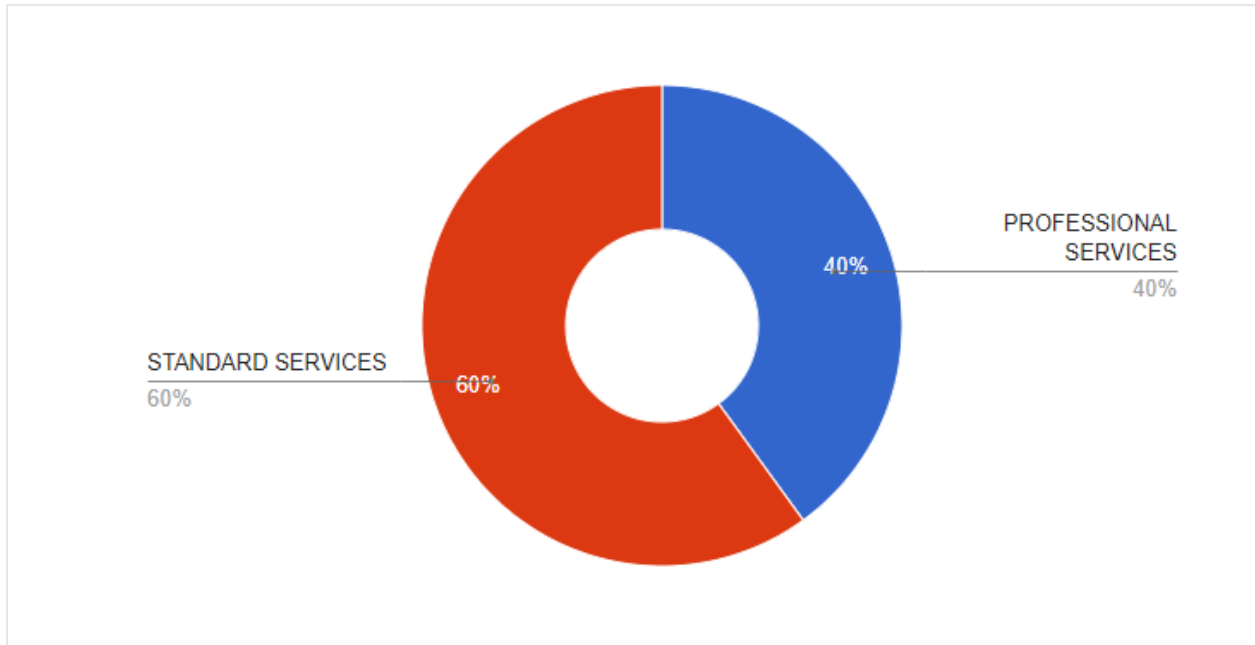
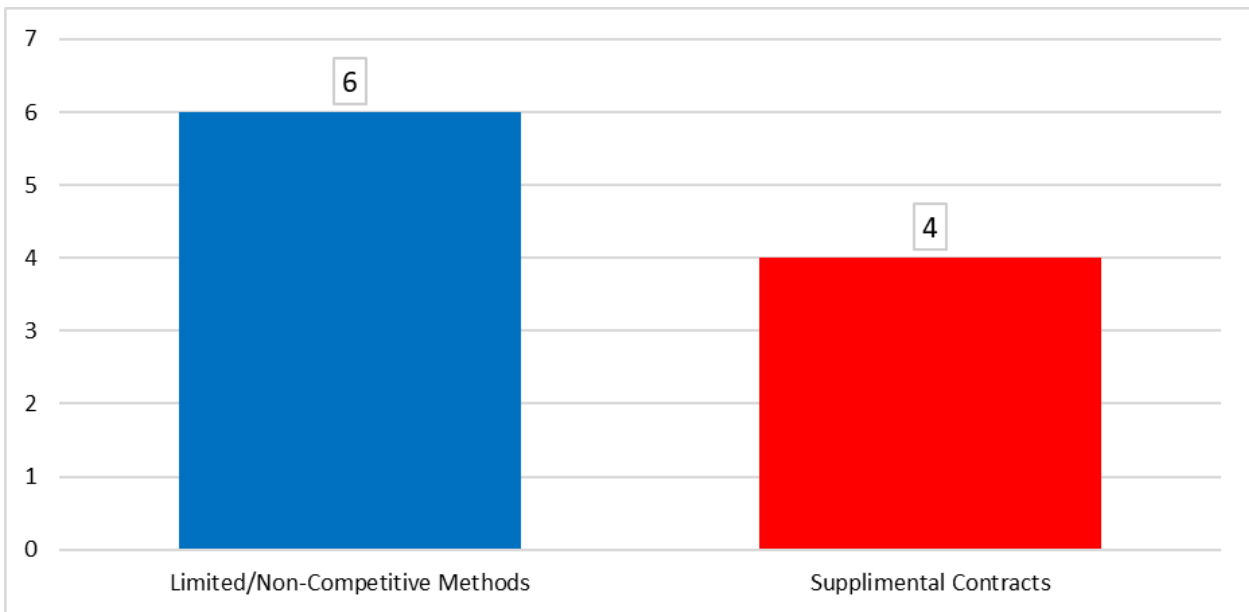


Chart 77 – Share of Contracts, by Contract Group: TLC



Non-Mayoral Agencies

Non-Mayoral Agencies include agencies headed by boards, commissions, or other multi-member bodies (whether appointed by the mayor or otherwise), elected officials (including the

Comptroller, City Council, Borough Presidents, and Community Boards), and agencies for which the heads are appointed by officials other than the mayor or by multi-member bodies.¹⁴⁹

25 Non-Mayoral Agencies, inclusive of the Comptroller, City Council and other elected officials administered procurement contracts registered in FY22 for a total value of \$188.25 million (less than half a percent of the City’s overall procurement value). Table 38 displays information on the number of new procurement contracts registered to each non-mayoral entity.

Table 38 – FY22 New Procurement Contracts by Non-Mayoral Agency

Agency	# of Procurement Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
BOE	51	9.51%	\$115,088,971	61.14%
BKBP	3	0.56%	\$648,141	0.34%
BXBP	2	0.37%	\$611,972	0.33%
MBP	3	0.56%	\$83,378	>.1%
QBP	87	16.23%	\$459,150	0.24%
SIBP	143	26.68%	\$1,649,257	0.88%
CC	44	8.21%	\$2,374,728	1.26%
CFB	16	2.99%	\$16,347,428	8.68%
COIB	1	0.19%	\$8,625	>.1%
COMP	43	8.02%	\$27,338,211	14.52%
DABX	8	1.49%	\$523,843	0.28%
DAKINGS	5	0.93%	\$310,881	0.17%
DANY	51	9.51%	\$6,666,739	3.54%
DAQ	8	1.49%	\$463,286	0.25%
DARICH	5	0.93%	\$598,595	0.32%
FISA-OPA ¹⁵⁰	46	8.58%	\$9,982,176	5.30%

¹⁴⁹ New York City Charter §385(a)

¹⁵⁰ FISA-OPA are two agencies that share an executive director. The majority of procurements are managed under FISA. For the purposes of this Section, we are reflecting the data for these agencies together.

Agency	# of Procurement Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
OATH	12	2.24%	\$1,573,123	0.84%
OCB	1	0.19%	\$49,500	>.1%
OOP-SN	4	0.75%	\$92,350	>.1%
OTA	2	0.37%	\$600,700	0.32%
SICB3	1	0.19%	\$2,781,355	1.48%
Grand Total	536	100.00%	\$188,252,408	100.00%

Board of Elections (BOE)

The Board of Elections in the City of New York is an administrative body of ten Commissioners, two from each borough upon recommendation by both political parties and then appointed by the City Council for a term of four years. The Commissioners appoint a bipartisan staff to oversee the daily activities of its main and five borough offices.

Chart 78 – Share of Contracts, by Industry: BOE

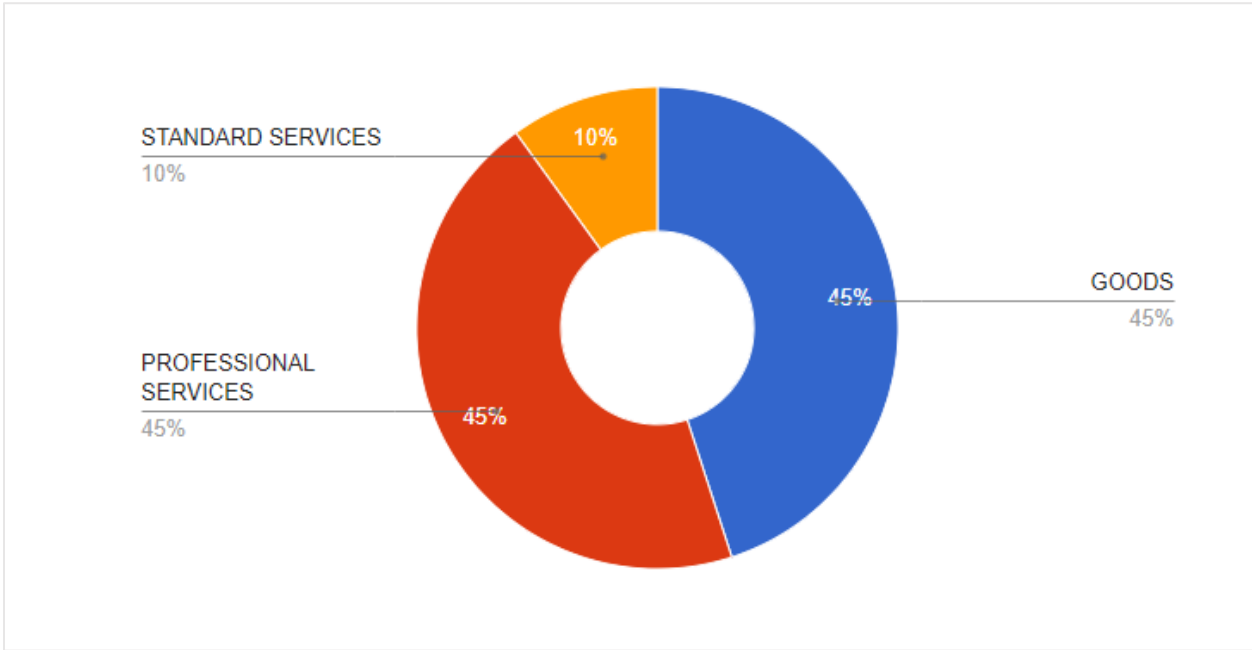
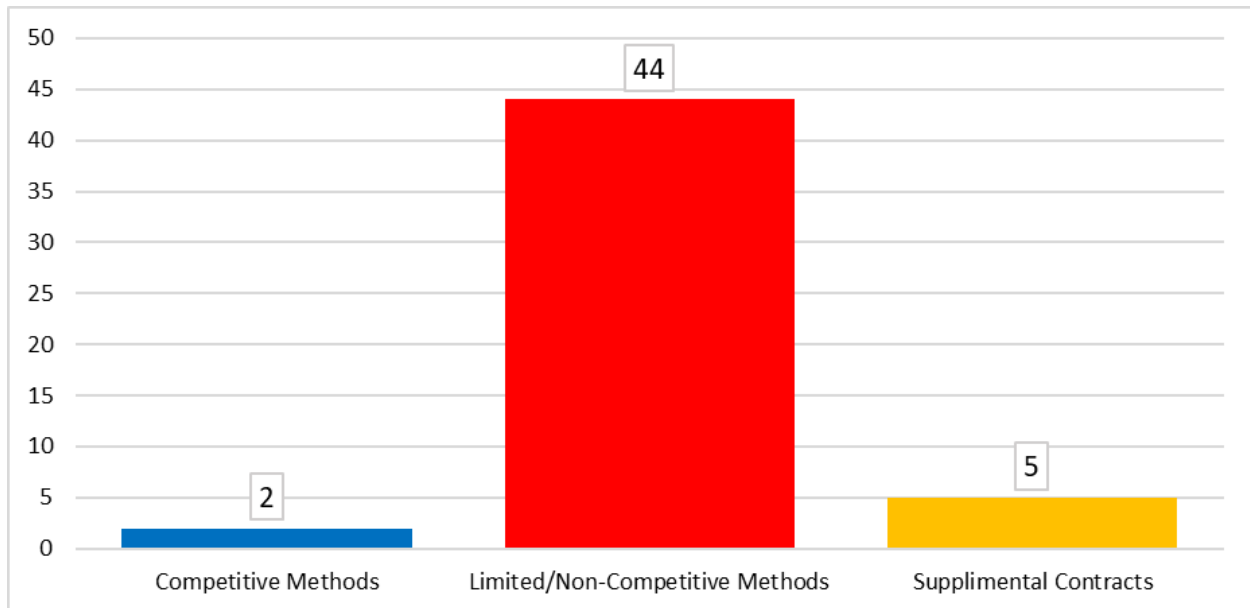


Chart 79 – Number of Contracts, by Contract Group: BOE



Borough Presidents – Brooklyn (BKBP), Bronx (BXBP), Manhattan (MBP), Queens (QBP), and Staten Island (SIBP)

The Borough Presidents are the executive officials of each borough. The City Charter gives them authority to: work with the Mayor in preparing the annual executive budget submitted to the City Council and to propose borough budget priorities directly to the council; review and comment on major land use decisions and propose sites for city facilities within their respective boroughs; monitor and modify the delivery of city services within their boroughs; and engage in strategic planning for their boroughs.¹⁵¹

¹⁵¹ NYC Charter §82

Chart 80 – Share of Contracts, by Industry: BKBP

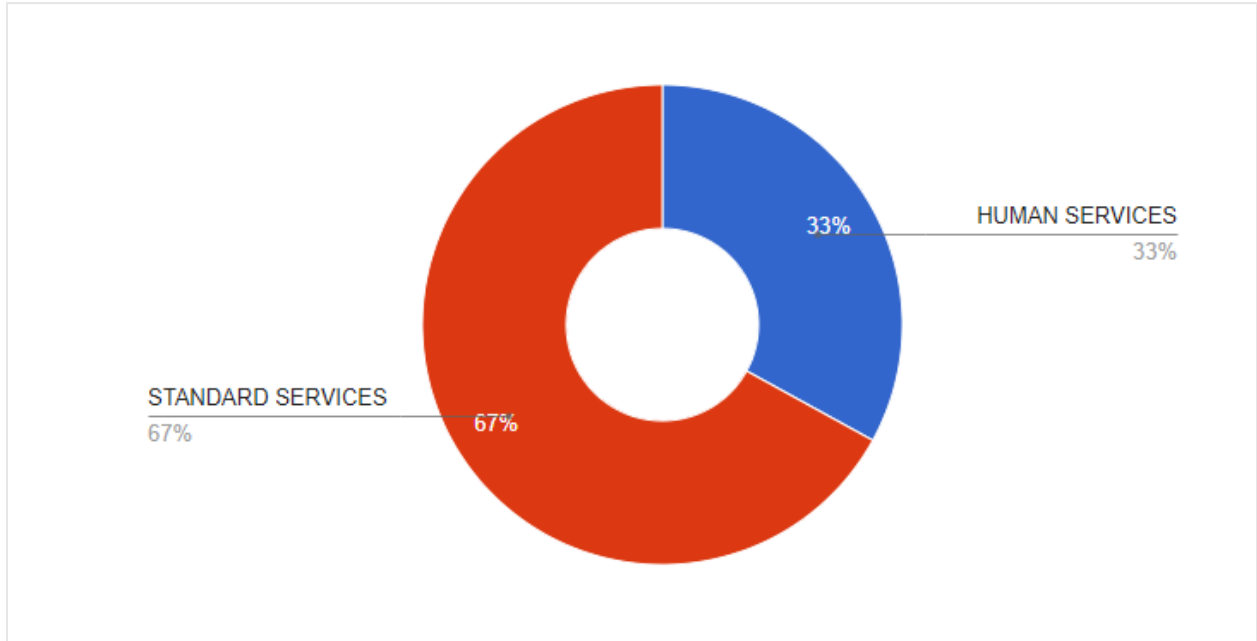


Chart 81 – Number of Contracts, by Contract Group: BKBP

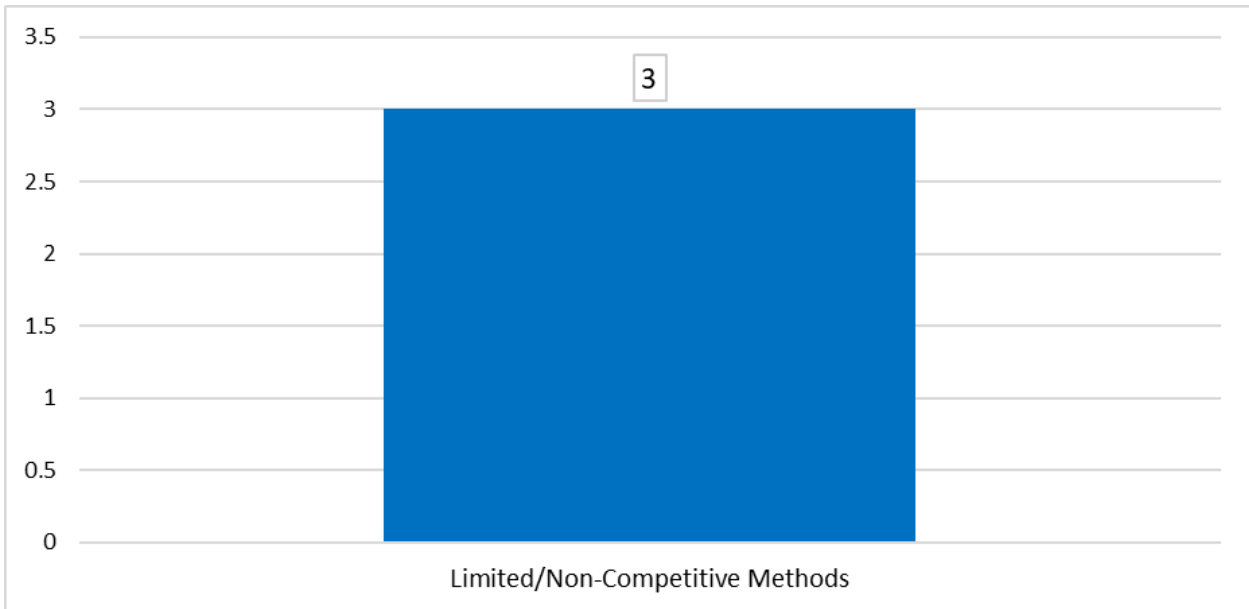


Chart 82 – Share of Contracts, by Industry: BXBP

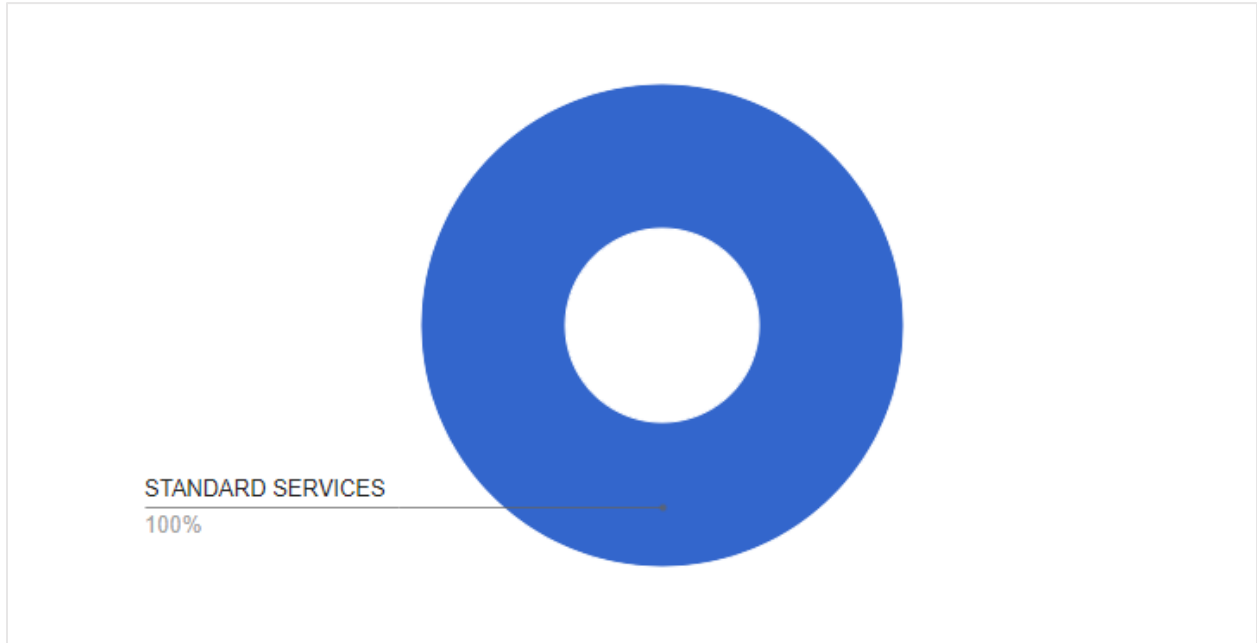


Chart 83 – Number of Contracts, by Contract Group: BXBP

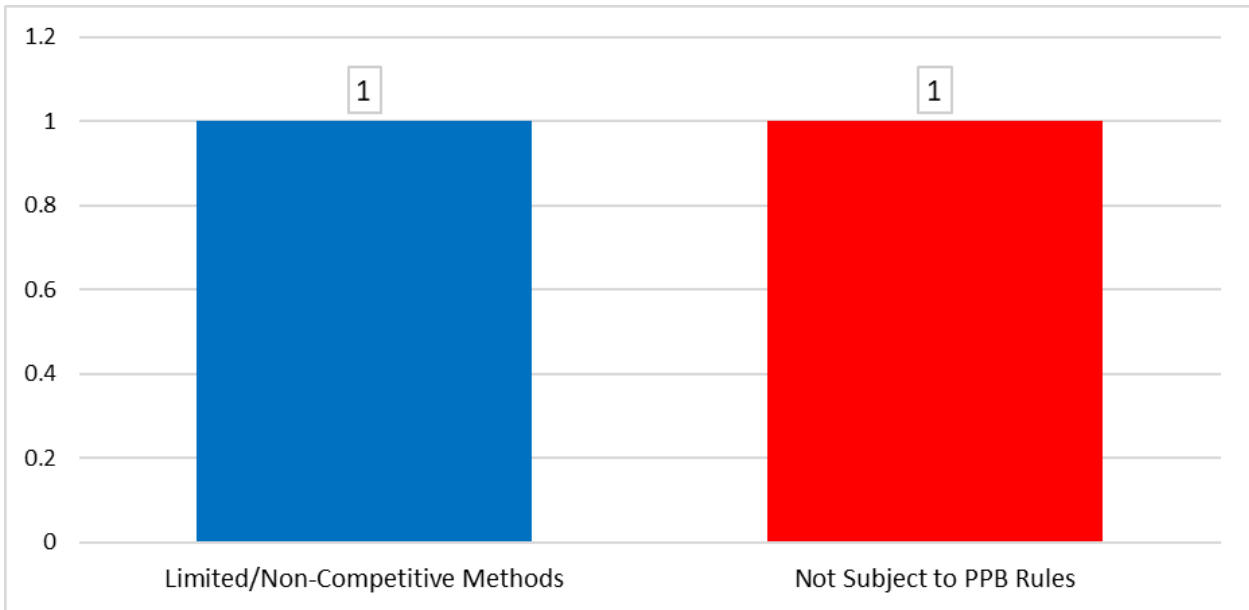


Chart 84 – Share of Contracts, by Industry: MBP

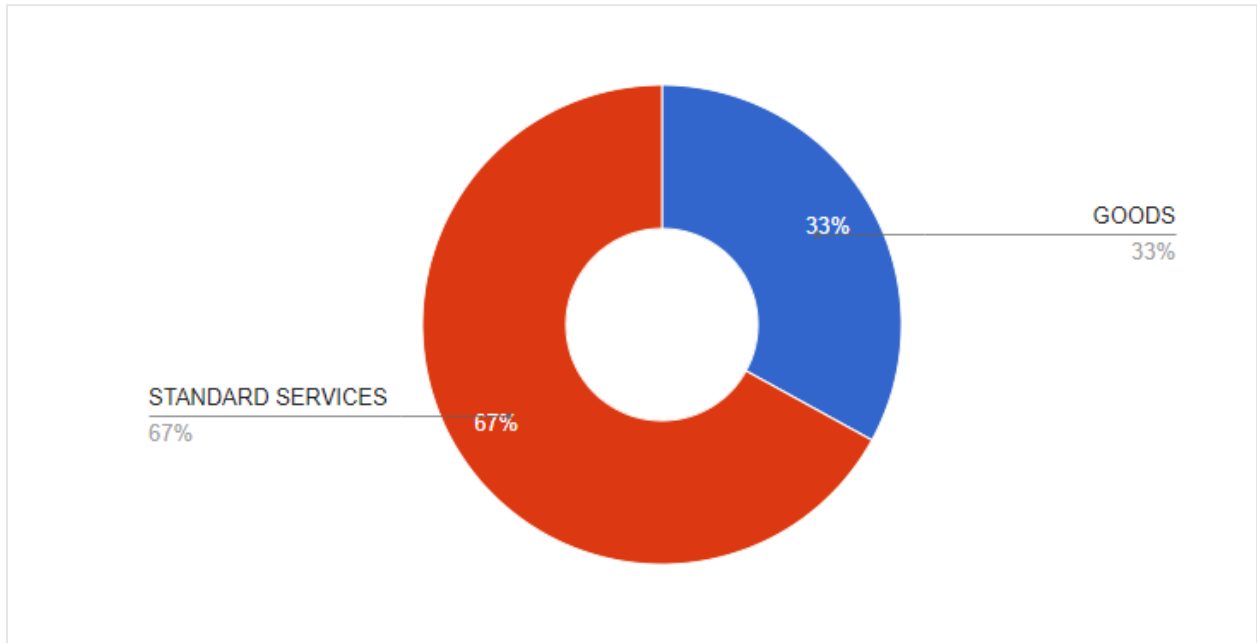


Chart 85 – Number of Contracts, by Contract Group: MBP

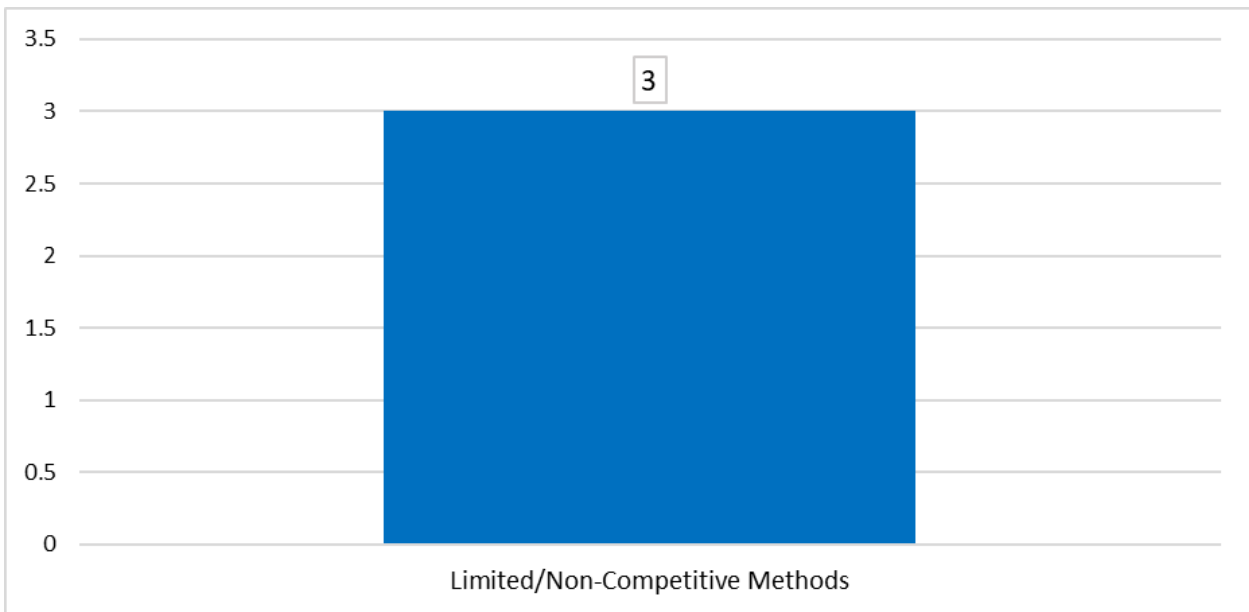


Chart 86– Share of Contracts, by Industry: QBP

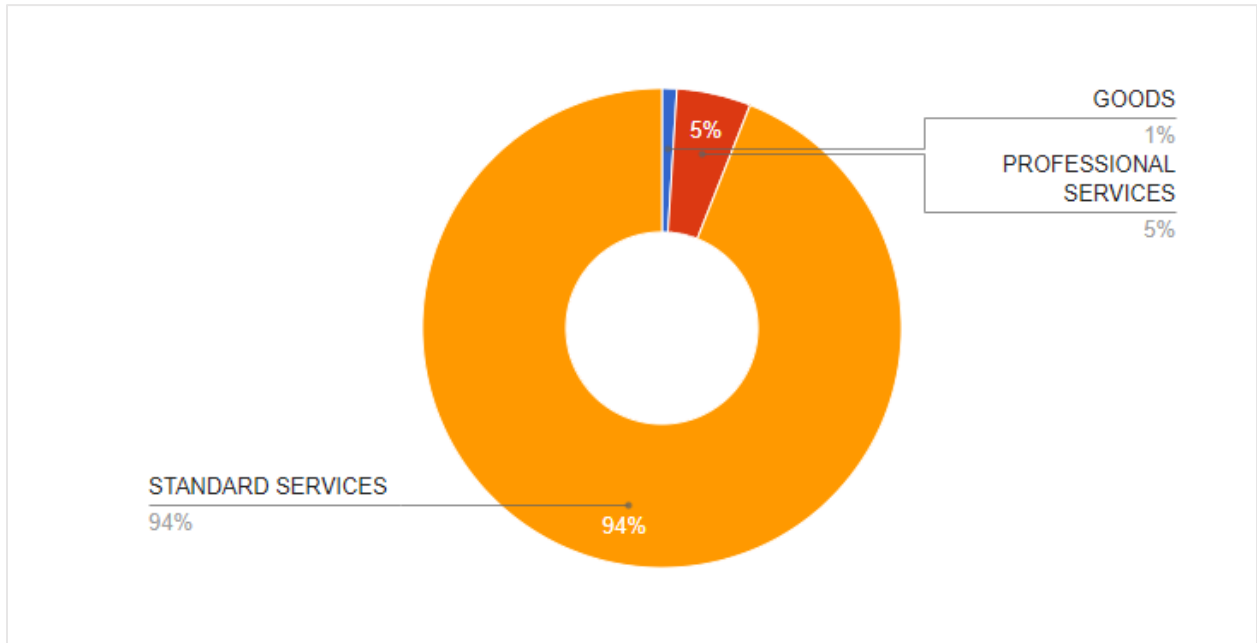


Chart 87 – Number of Contracts, by Contract Group: QBP

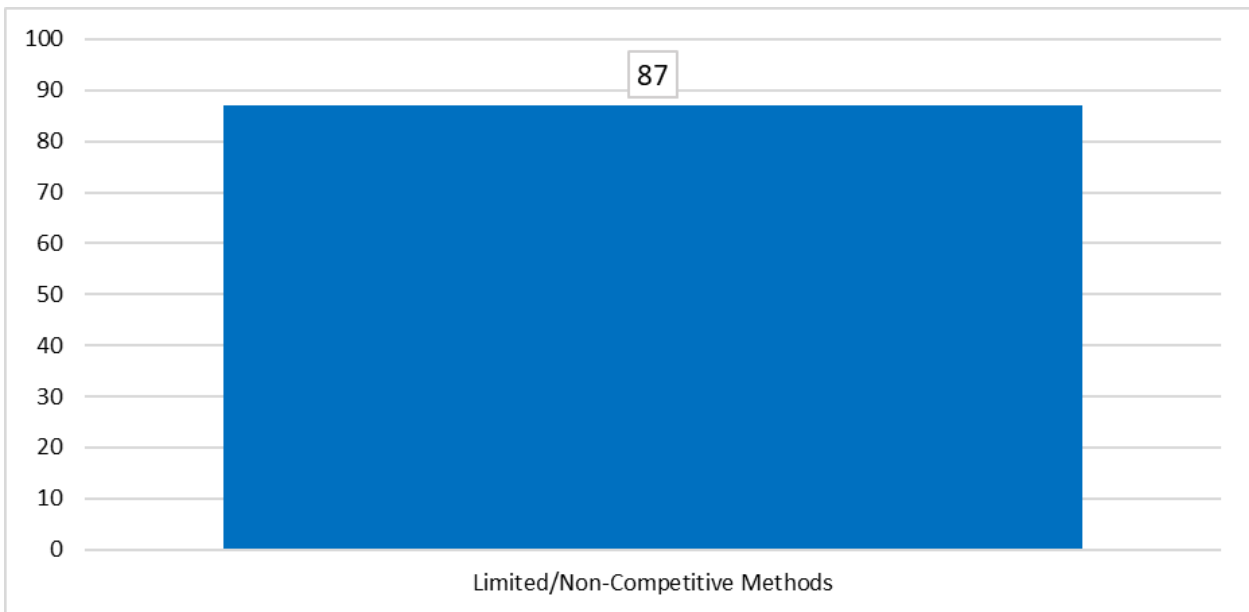


Chart 88 – Share of Contracts, by Industry: SIBP

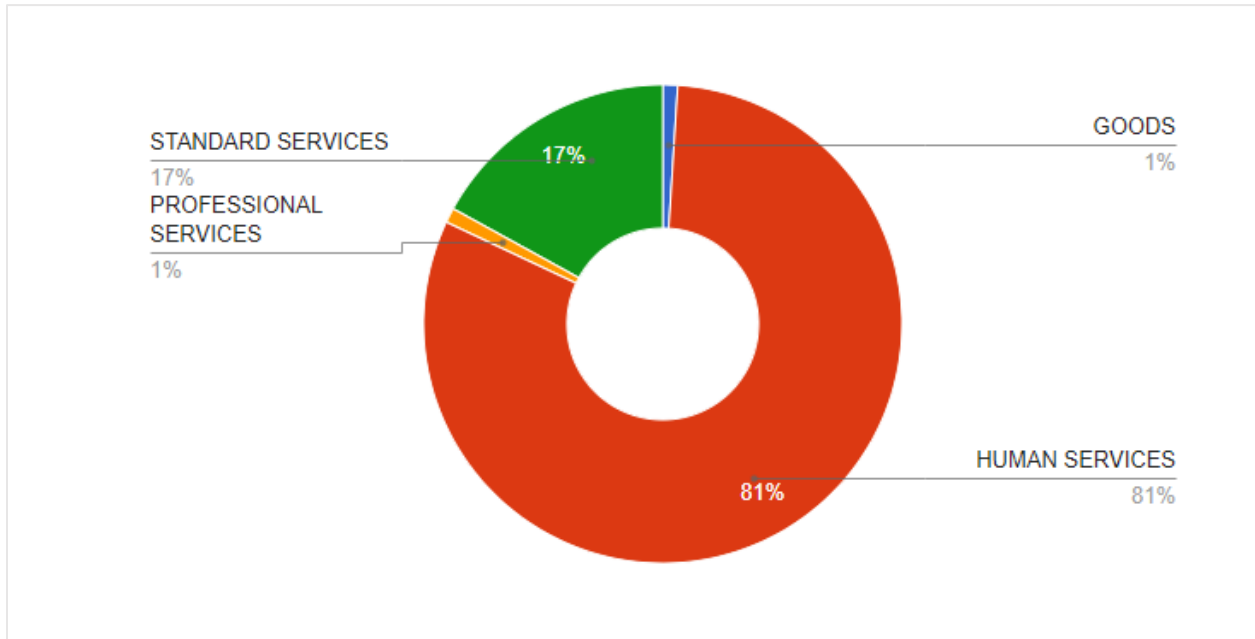
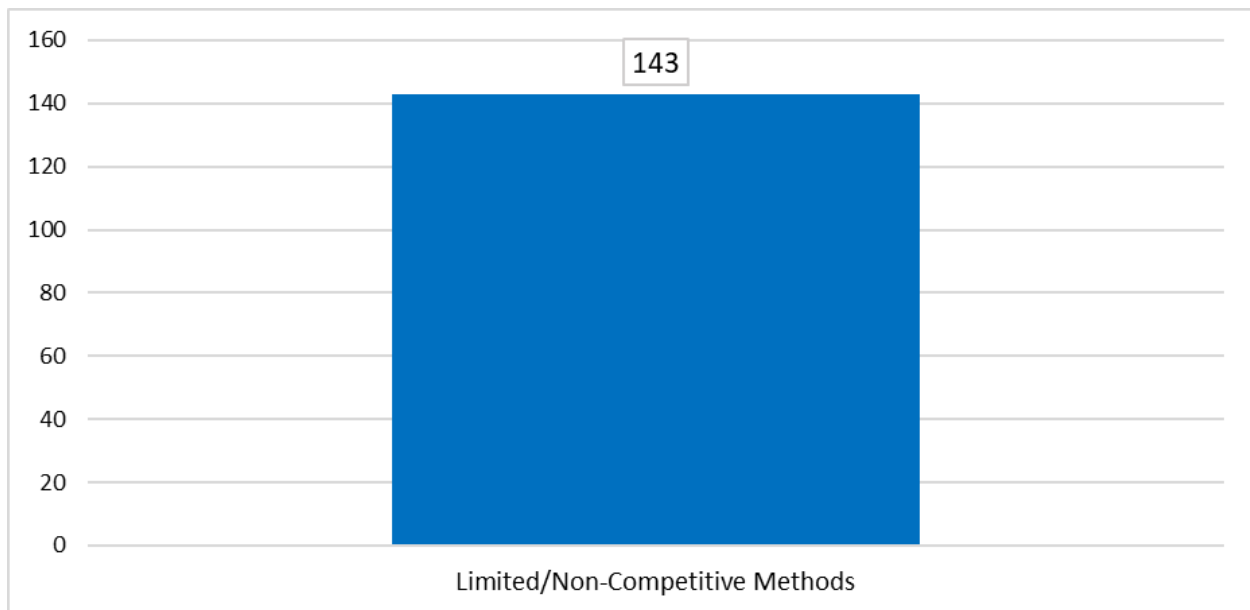


Chart 89 – Number of Contracts, by Contract Group: SIBP



City Council (CC)

The City Council is NYC's legislative body. There are 51 elected members, one from each council district. Besides enacting legislation, the Council approves the City's budget and has oversight powers for the activities of City agencies. The Council monitors the operation and performance of city agencies, makes land use decisions and has sole responsibility for approving the City's

budget. It also legislates on a wide range of other subjects. The Council is an equal partner with the Mayor in the governing of New York City.

Chart 90 – Share of Contracts, by Industry: CC

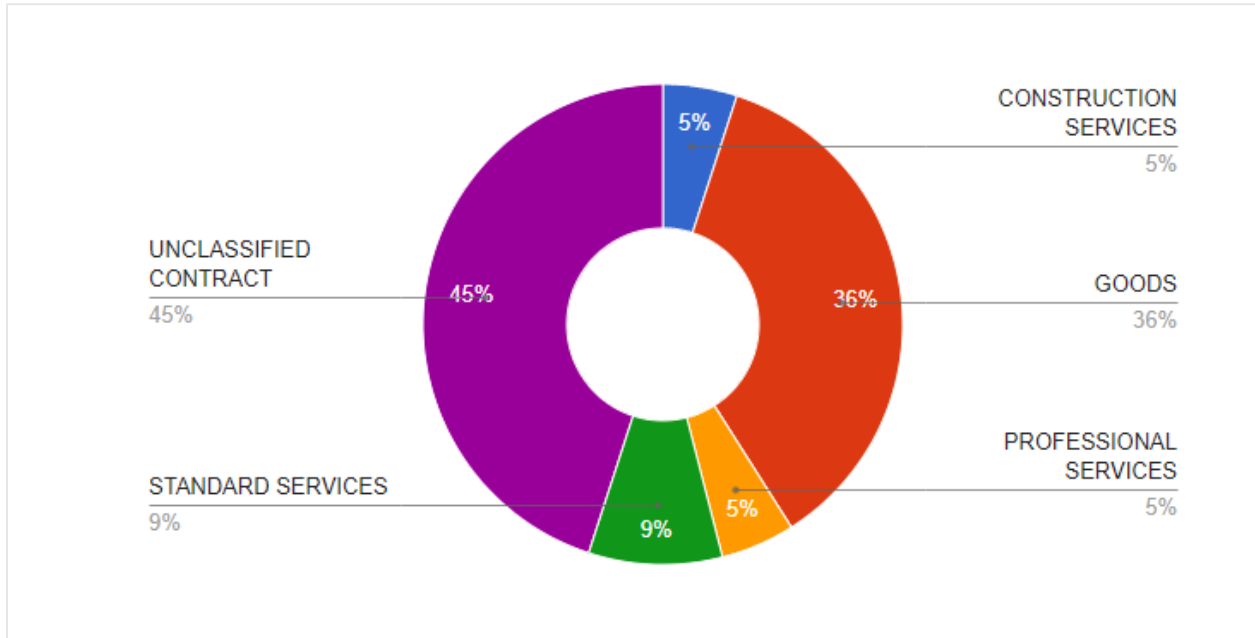
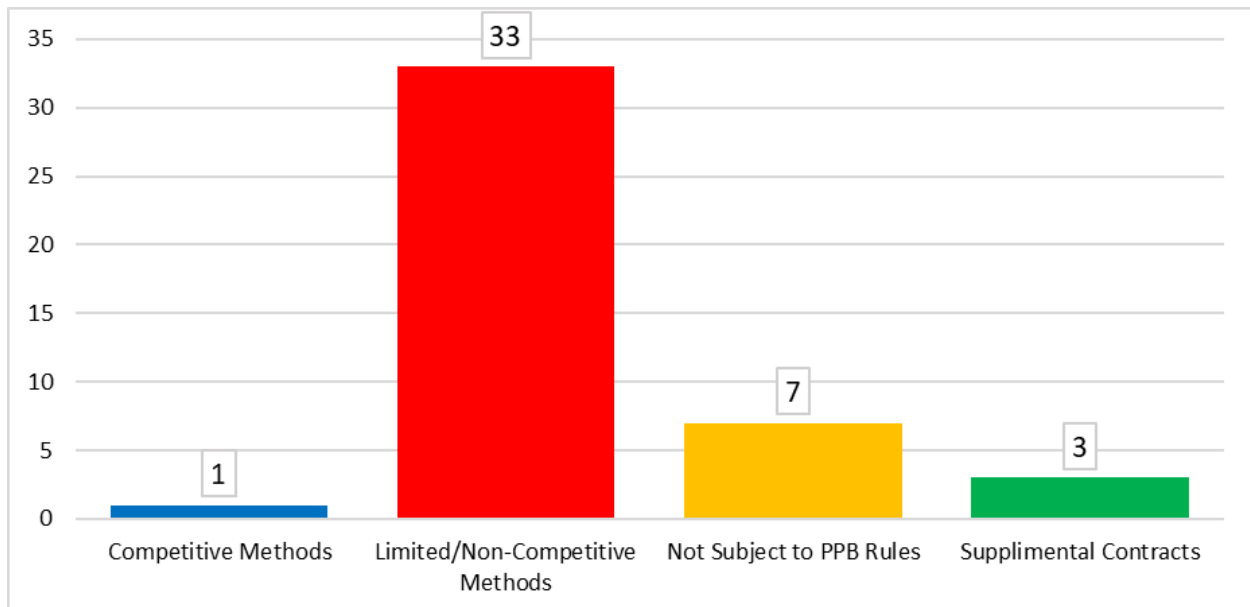


Chart 91 – Number of Contracts, by Contract Group: CC



Campaign Finance Board (CFB)

In 1989, NYC voters approved a Charter revision establishing the Campaign Finance Board (CFB). The independent, nonpartisan agency is charged with limiting the role and influence of private money in the political process by providing public matching funds to candidates running for city office. The CFB is also mandated to publish a voter guide and provide public disclosure of campaign finance information.

Chart 92 – Share of Contracts, by Industry: CFB

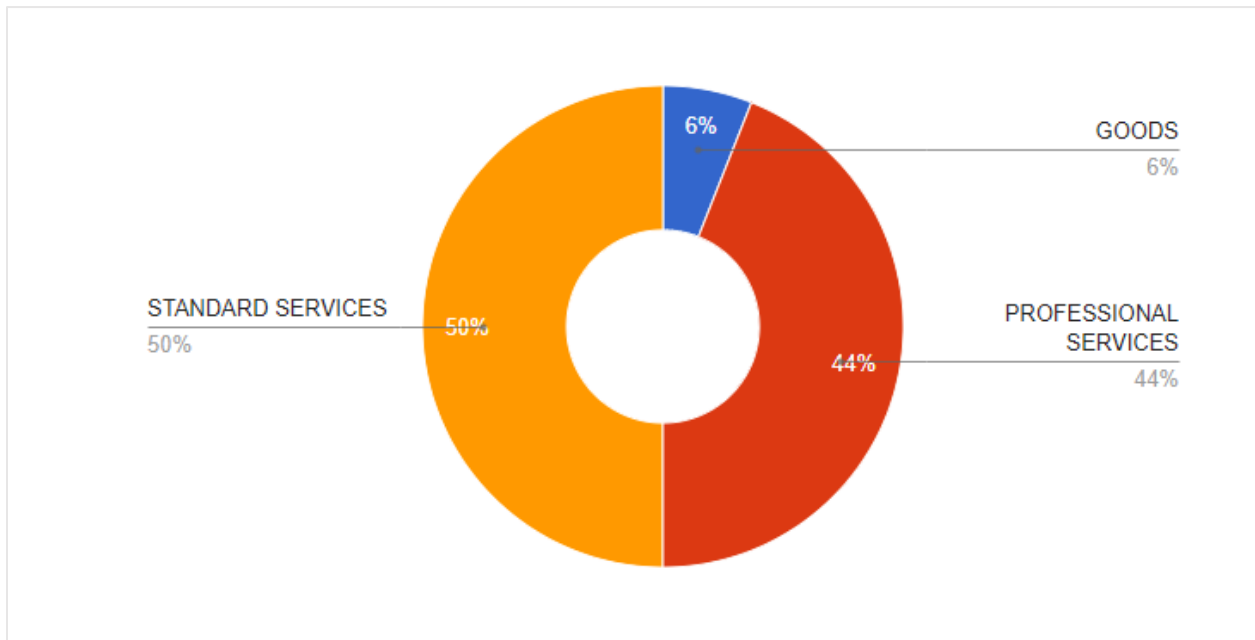
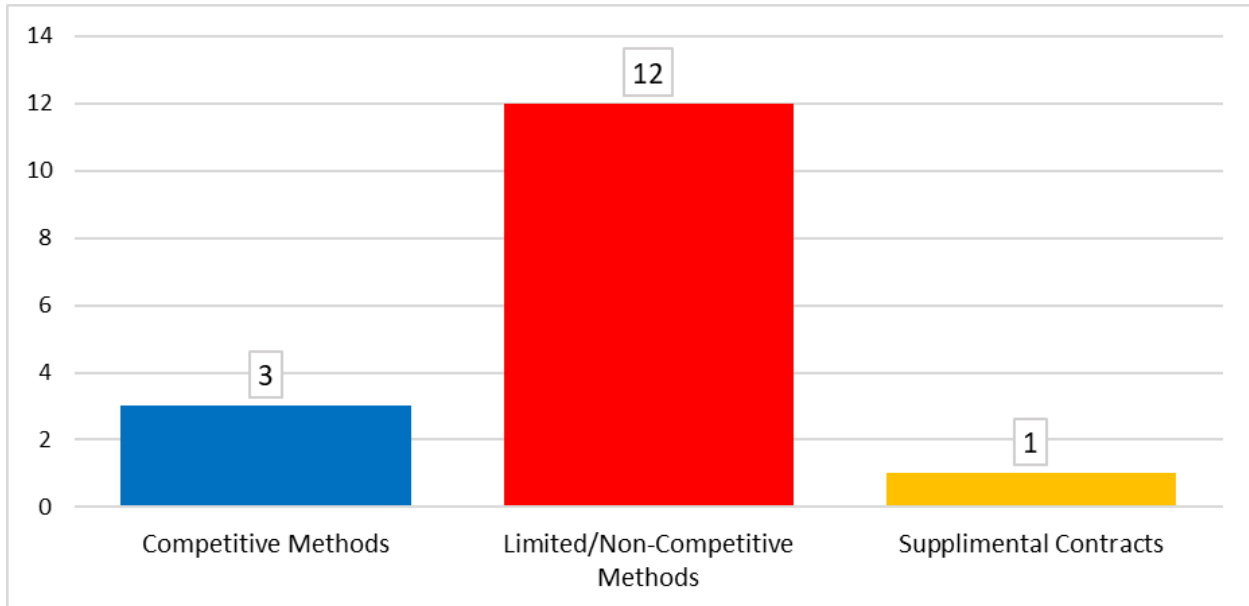


Chart 93 – Number of Contracts, by Contract Group: CFB



Conflicts of Interests Board (COIB)

The Conflicts of Interest Board is the independent New York City agency tasked with administering, enforcing and interpreting Chapter 68 of the New York City Charter, the City's Conflicts of Interest Law, and Section 12-110 of the Administrative Code, the City's Annual Disclosure Law.

Chart 94 – Share of Contracts, by Industry: COIB

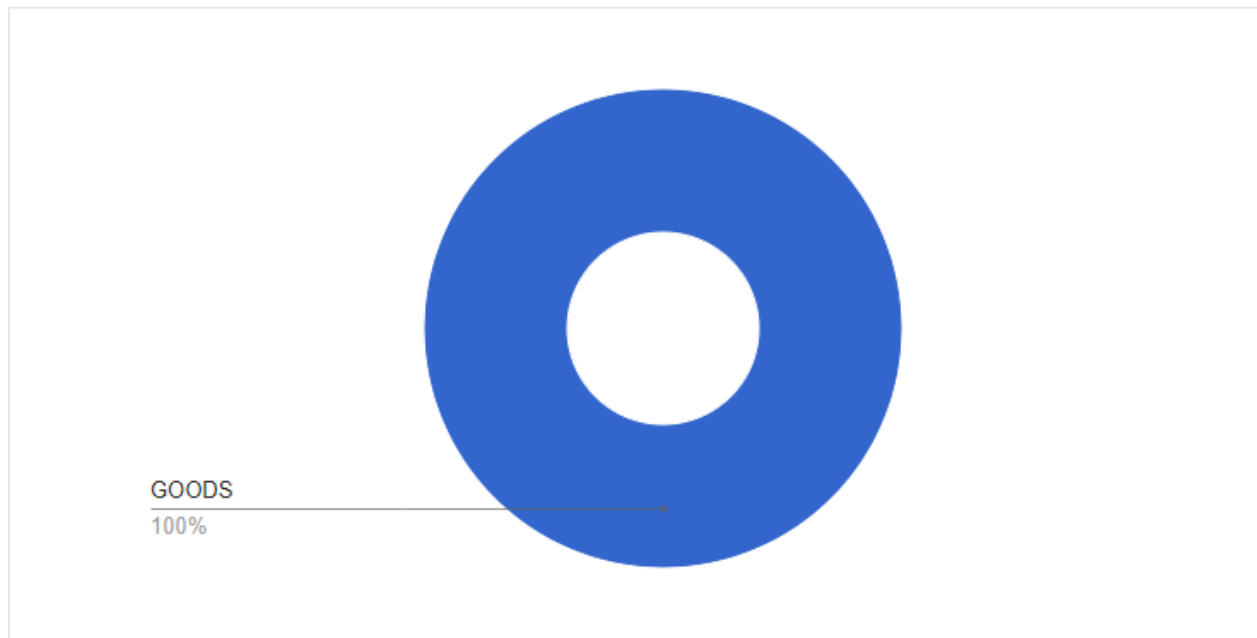
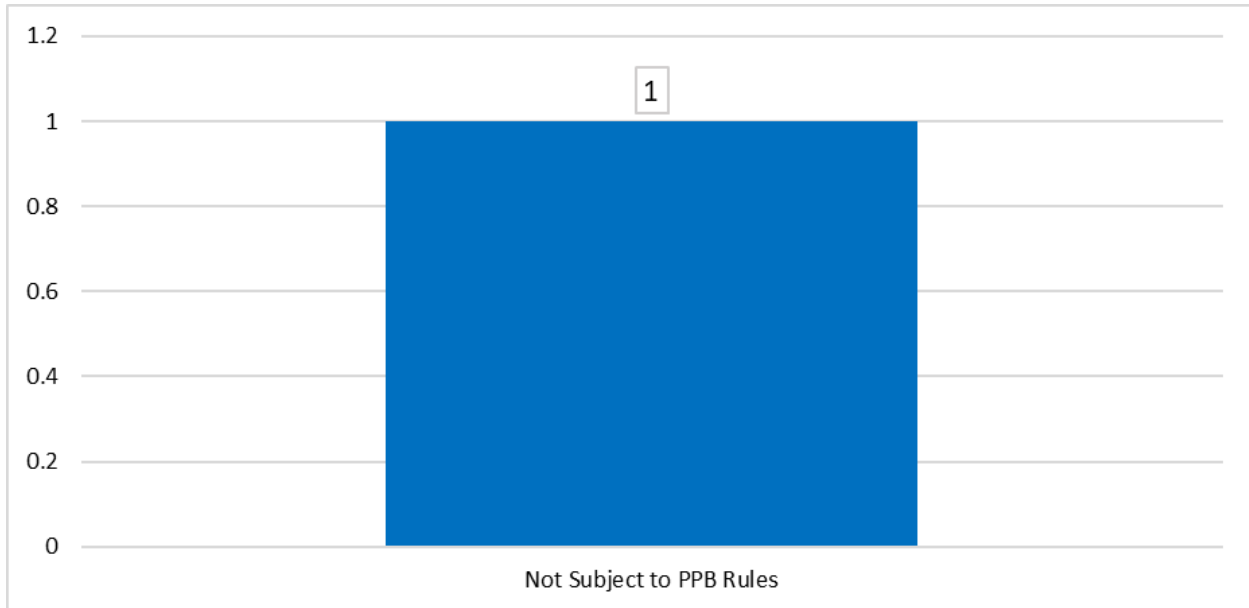


Chart 95 – Number of Contracts, by Contract Group: COIB



Office of the Comptroller (COMP)

The New York City Comptroller’s office works to promote the financial health, integrity, and effectiveness of New York City government, in order to strengthen trust, secure a thriving future for all New Yorkers, and build a more just, equitable, and resilient city. Led by an independently-elected citywide official, the Comptroller’s office provides checks and balances needed to hold City government accountable for budgeting wisely, investing responsibly, operating efficiently, acting fairly, living up to its obligations and promises, and paying attention to the long-term challenges we face together.

Chart 96 – Share of Contracts, by Industry: COMP

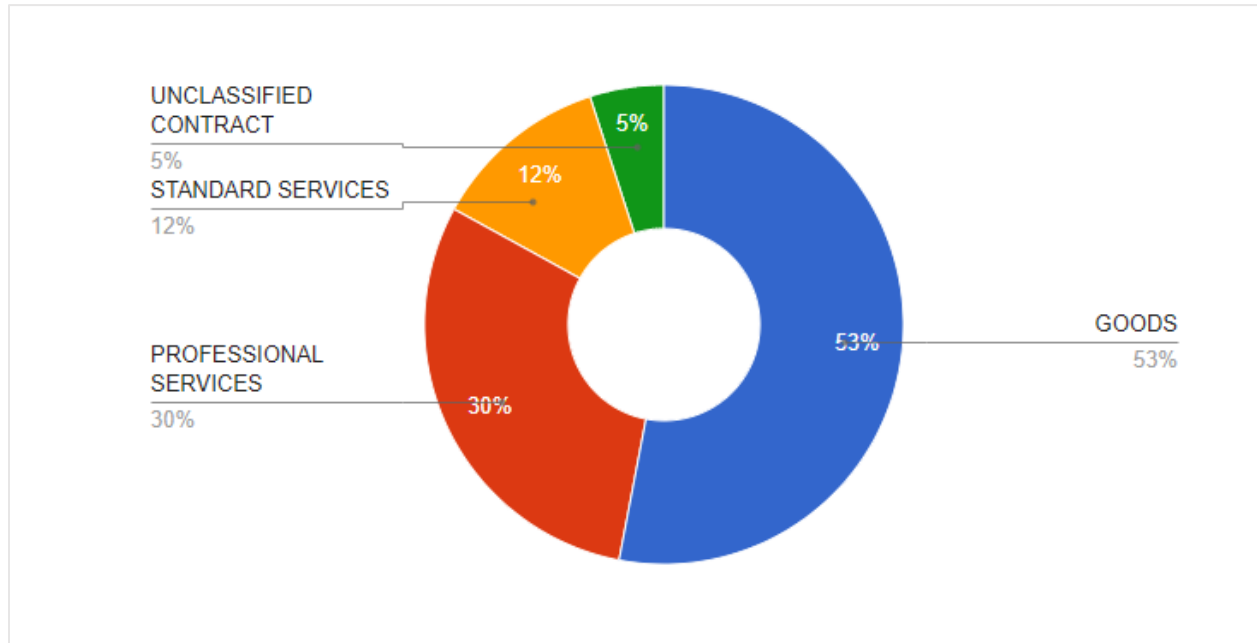
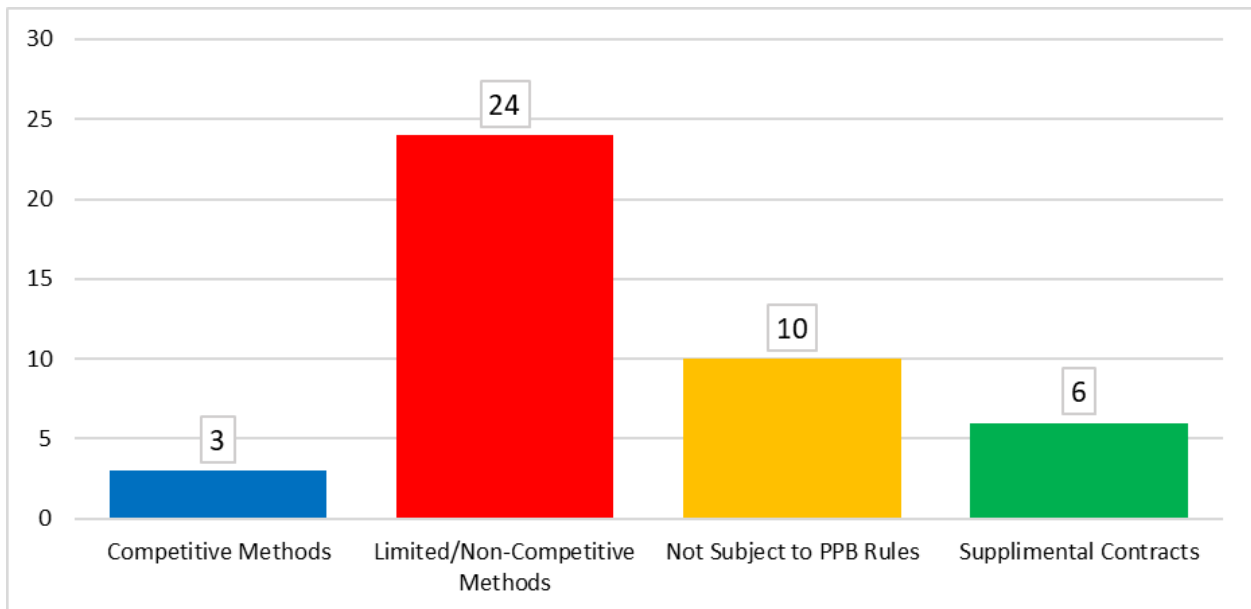


Chart 97 – Number of Contracts, by Contract Group: COMP



District Attorneys – Bronx (DABX), Kings (DAKINGS), New York (DANY), Queens (DAQ), Richmond (DARICH)

All 62 counties in New York State have an elected District Attorney. District Attorneys’ offices are responsible for the prosecution of violations of New York state laws.

Chart 98 – Share of Contracts, by Industry: DABX

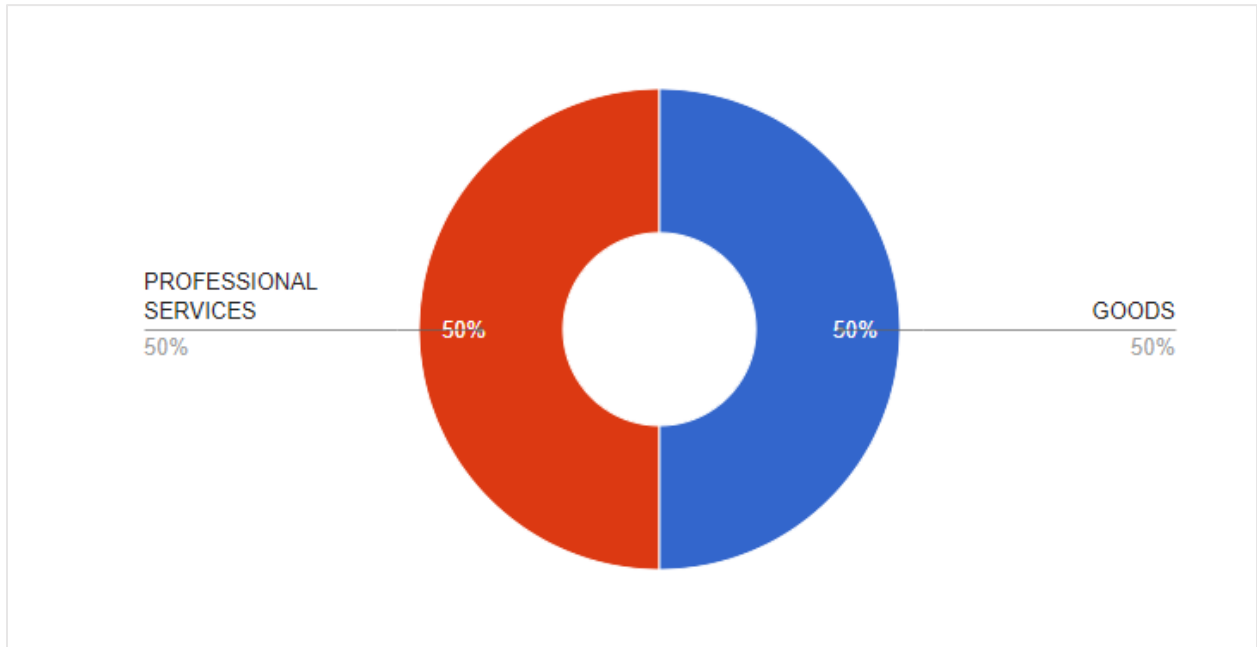


Chart 99 – Number of Contracts, by Contract Group: DABX

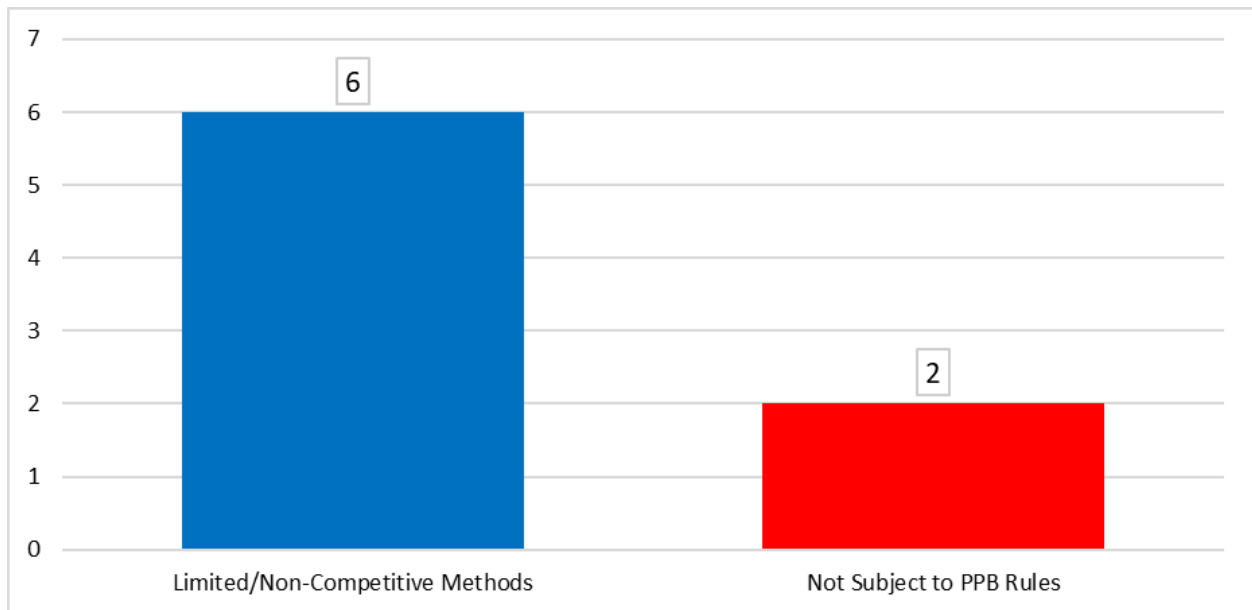


Chart 100 – Share of Contracts, by Industry: DAKINGS

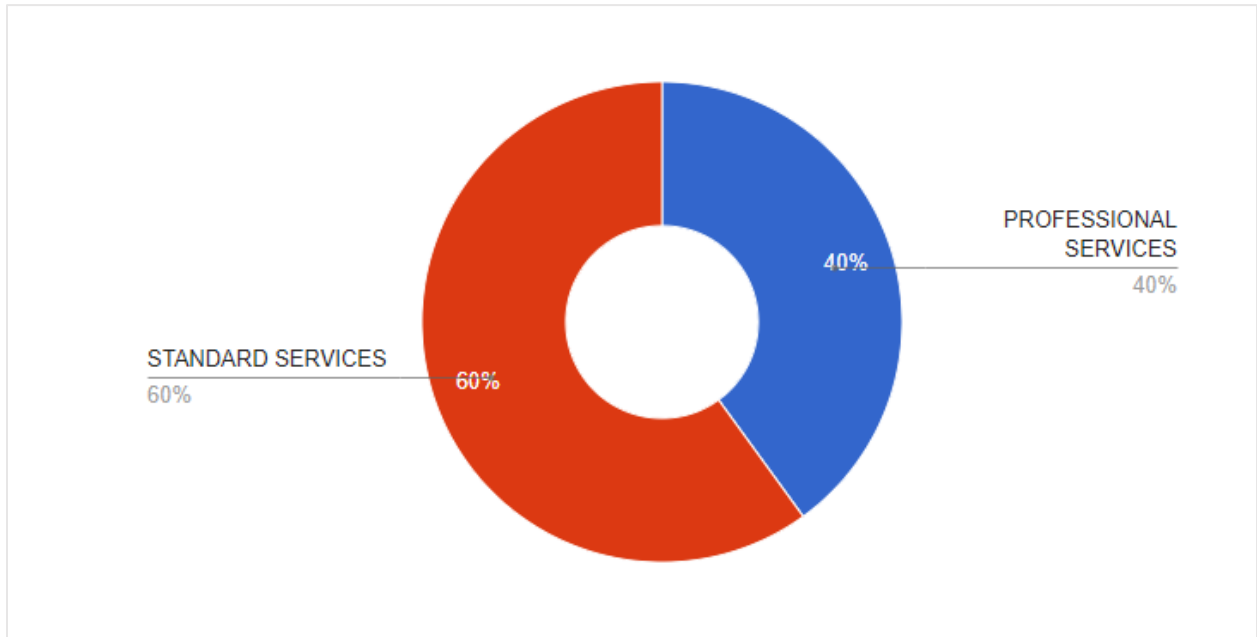


Chart 101 – Number of Contracts, by Contract Group: DAKINGS

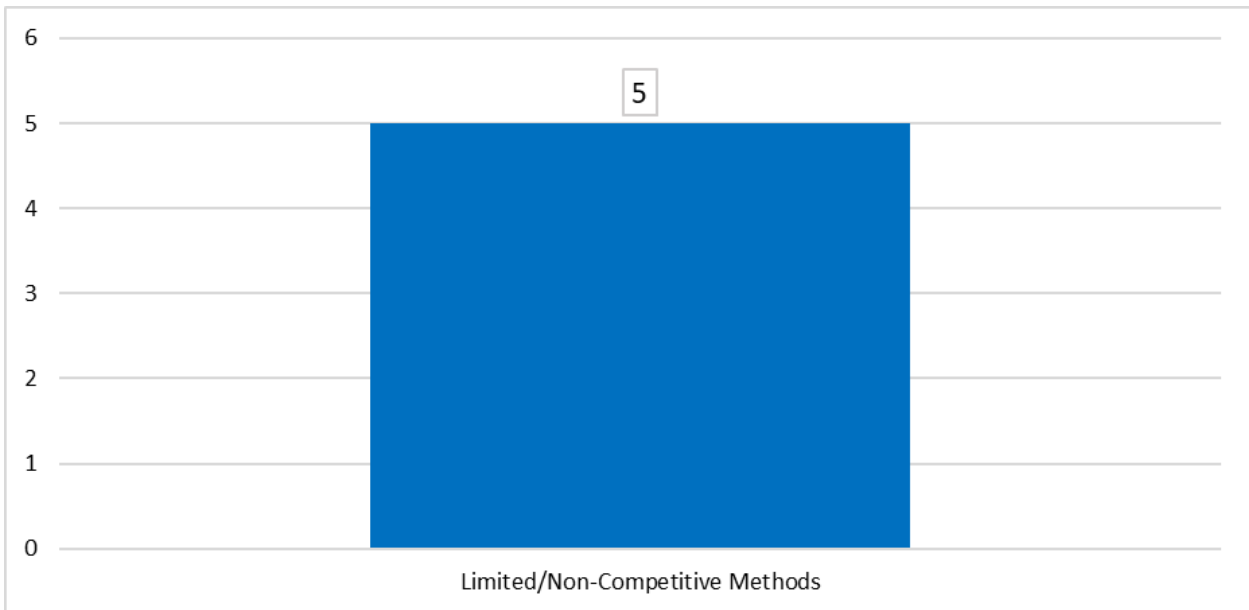


Chart 102 – Share of Contracts, by Industry: DANY

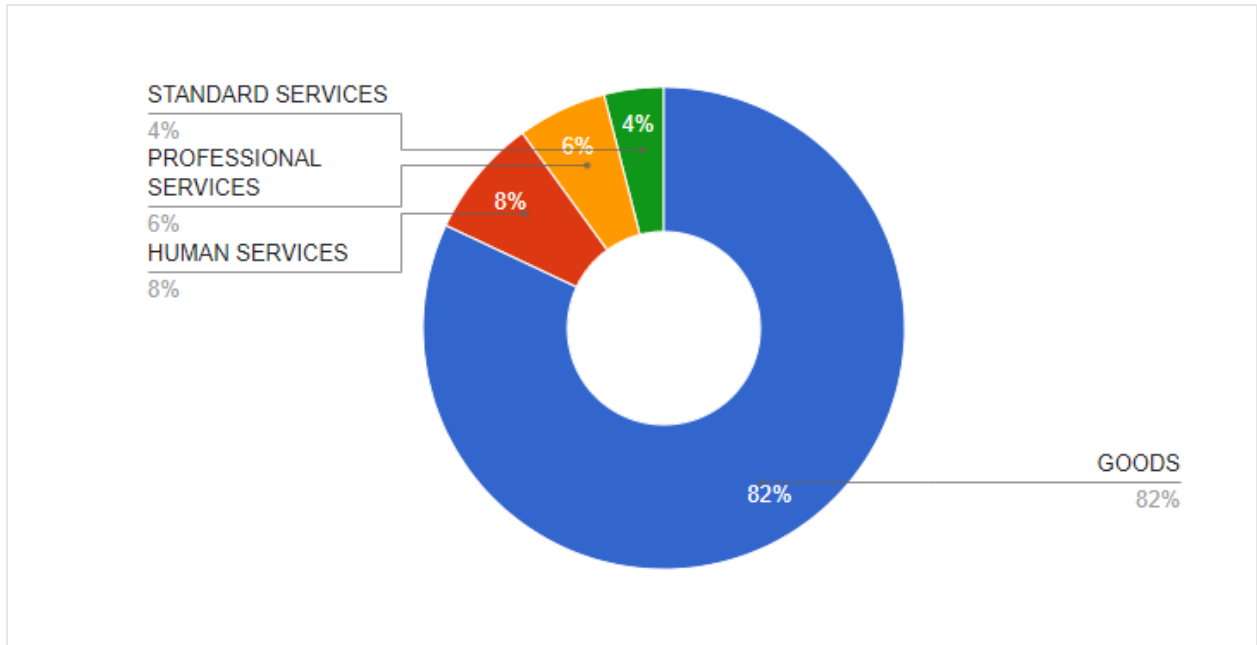


Chart 103 – Number of Contracts, by Contract Group: DANY

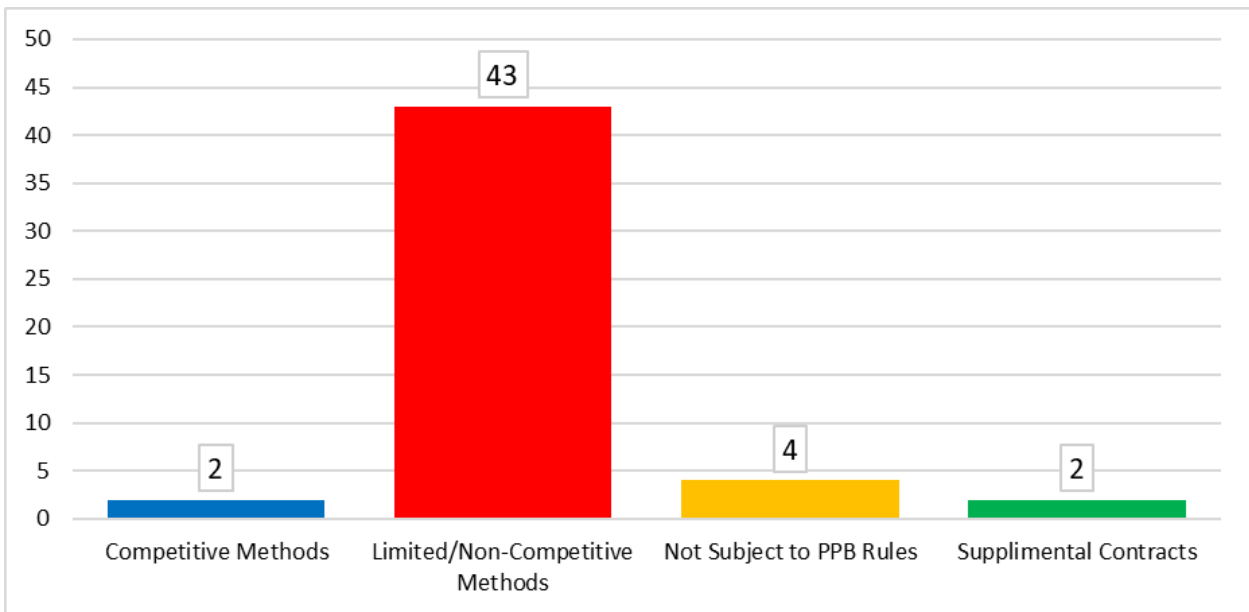


Chart 104 – Share of Contracts, by Industry: DAQ

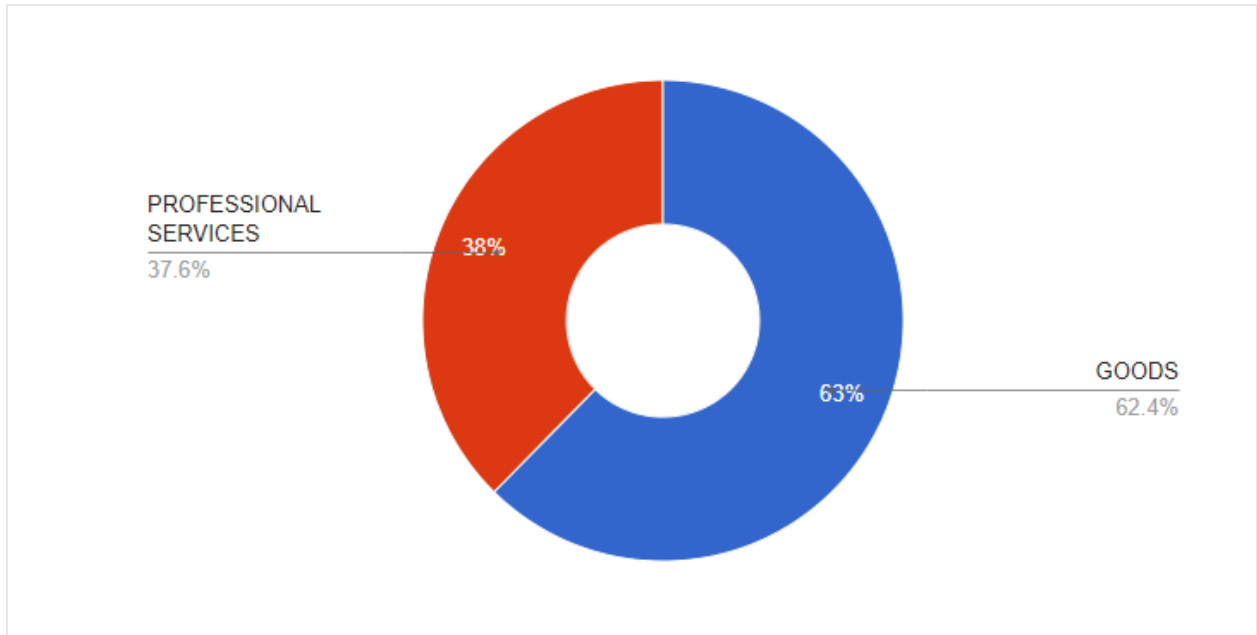


Chart 105 – Number of Contracts, by Contract Group: DAQ

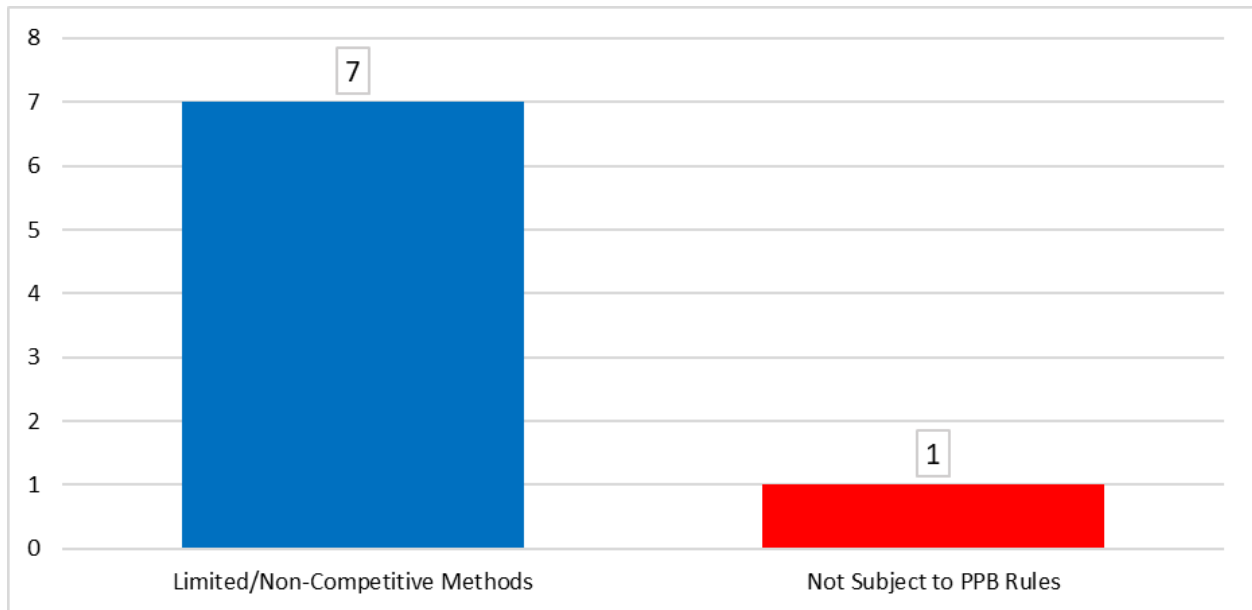


Chart 106 – Share of Contracts, by Industry: DARICH

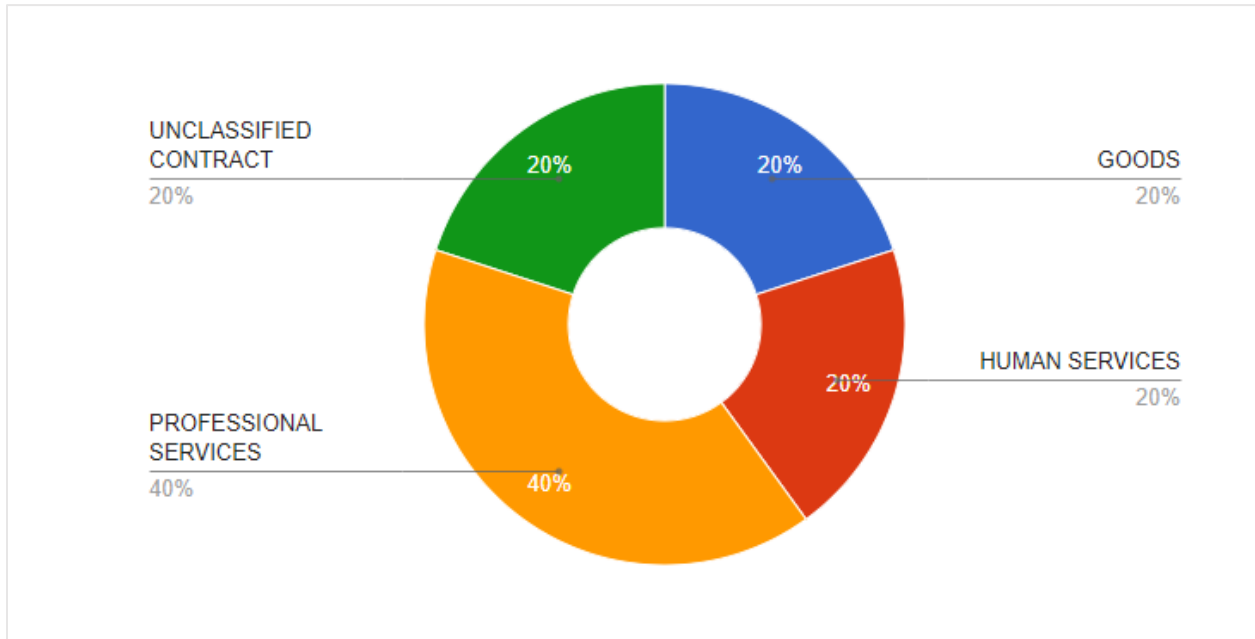
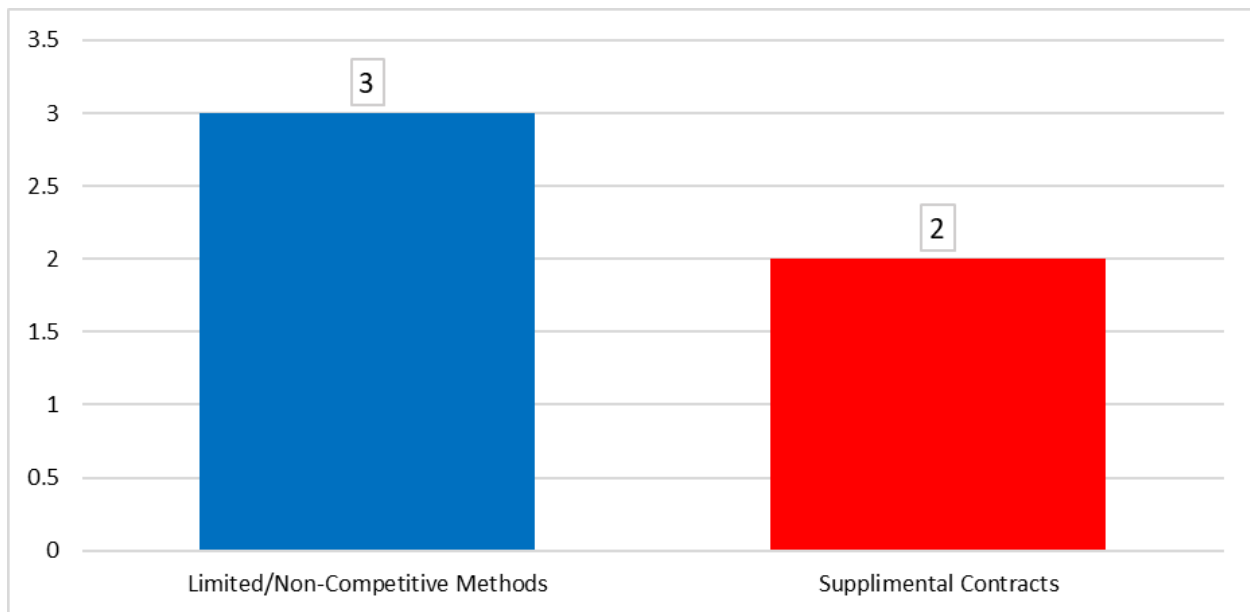


Chart 107 – Number of Contracts, by Contract Group: DARICH



Financial Information Services Agency & Office of Payroll Administration (FISA-OPA)

FISA is a joint agency of the Mayor and Comptroller’s offices. FISA’s Board of Directors consists of a representative of the Mayor, a representative of the Comptroller, and a member of the private sector, appointed on the recommendation of the Mayor and Comptroller’s offices. It

operates citywide financial, employee and retiree payroll, and human resources applications used by City officials to carry out their charter mandated activities related to financial planning, budgeting, accounting, procurement, payroll, pension, and personnel functions.

The office of Payroll Administration (OPA) manages payroll check, pension check, and direct deposit distributions to all City of New York employees and retirees. It also funds and reconciles payrolls, distributes payrolls to City agencies, and reports wages and tax information to federal, state, and local tax authorities. Finally, OPA analyzes labor agreements for pay/leave impact, ensures compliance with ordered deductions, collects and remits employee voluntary deductions, administers the City of New York’s commuter benefits program, and provides union services for collection and reporting of member dues and voluntary political contributions in accordance with mayoral executive orders.

Chart 108 – Share of Contracts, by Industry: FISA-OPA

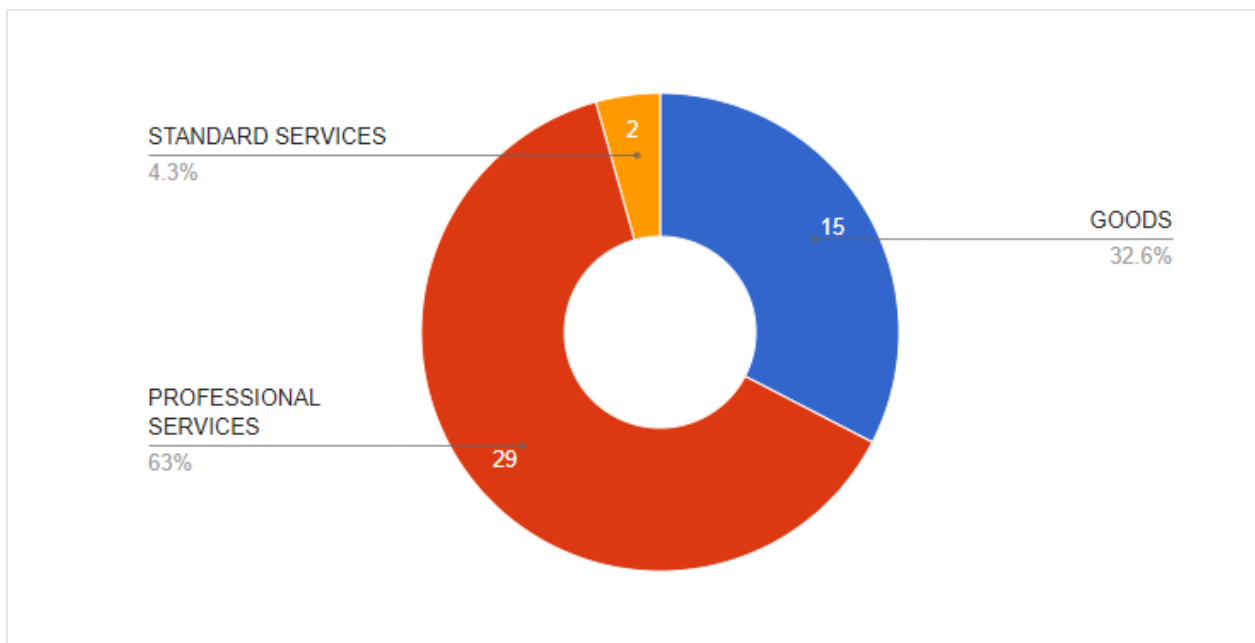


Chart 109 – Number of Contracts, by Contract Group: FISA-OP



Office of Administrative Trials and Hearings (OATH)

OATH is an independent administrative tribunal that oversees cases involving employee discipline and disability hearings for civil servants, and Conflicts of Interest Board and City Human Rights Commission cases. OATH also holds hearings on summonses issued by 25 different City enforcement agencies for alleged violations of law or City rules.

Chart 110 – Share of Contracts, by Industry: OATH

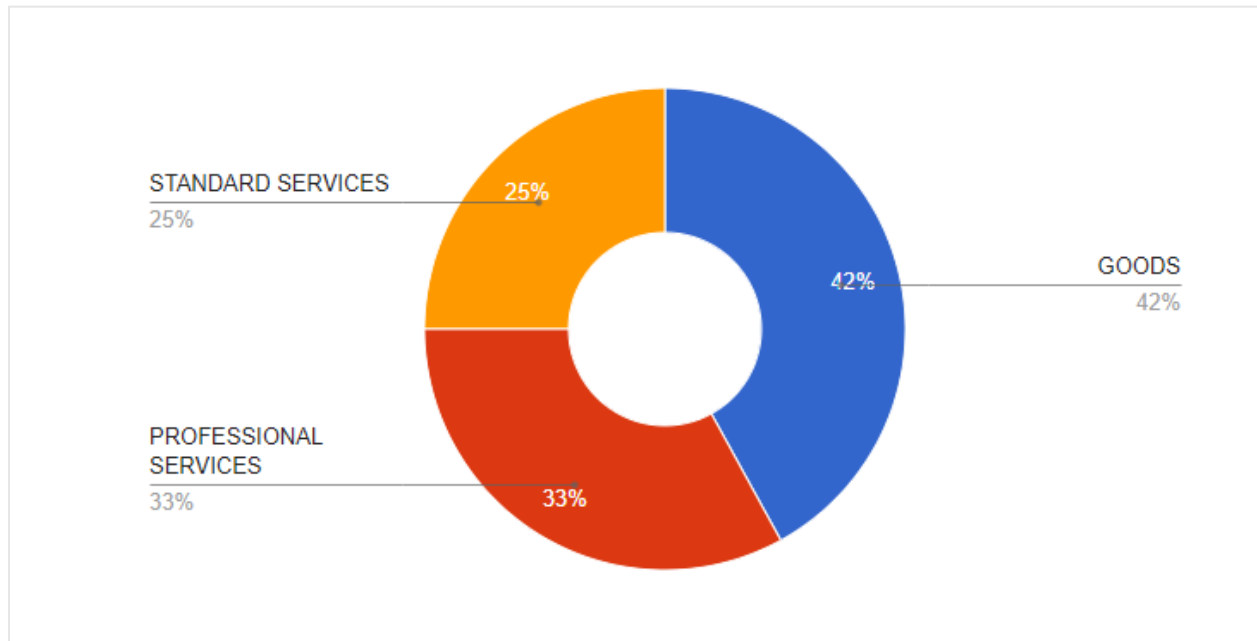
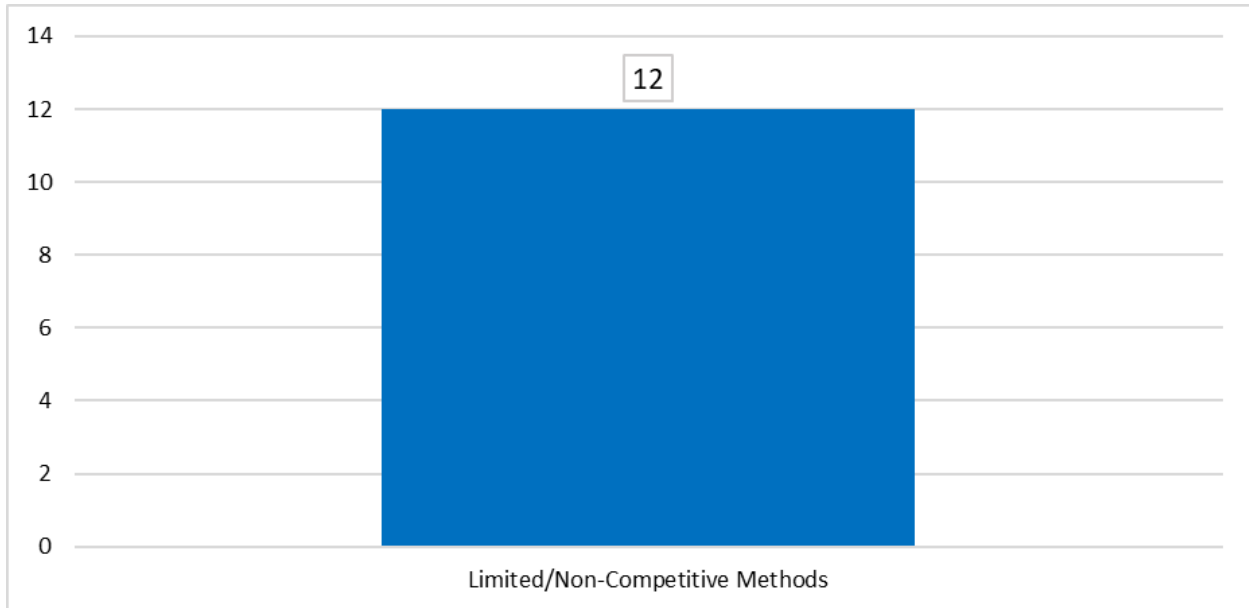


Chart 111 – Number of Contracts, by Contract Group: OATH



Office of Collective Bargaining (OCB)

The NYC Office of Collective Bargaining (OCB) was created with the enactment of the New York City Collective Bargaining Law (NYCCBL) in 1967. OCB is a neutral agency authorized to resolve questions concerning union representation (certifications), and adjudicate issues concerning collective bargaining, retaliation or discrimination based on union activity, and the union's duty of fair representation. Decisions on these issues are rendered by either the Board of Collective Bargaining or the Board of Certification. OCB also conducts mediations to resolve improper practice claims, representation disputes, and disputes over terms of collective bargaining agreements. In addition, OCB administers the statutory impasse and grievance arbitration process.

Chart 112 – Share of Contracts, by Industry: OCB

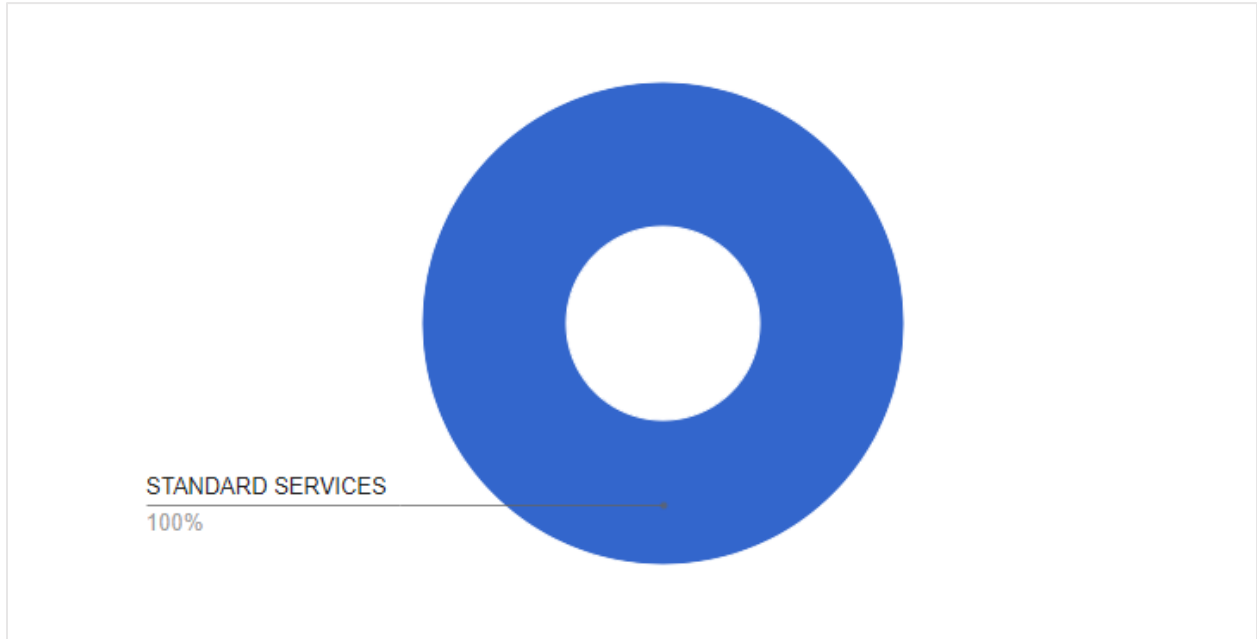
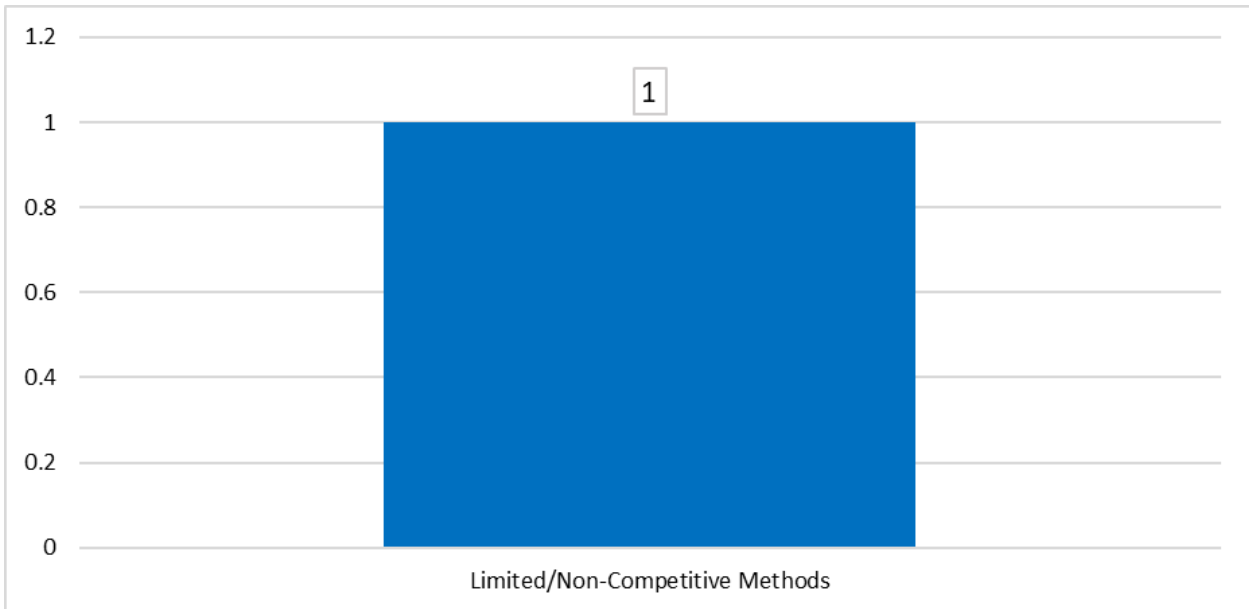


Chart 113 – Number of Contracts, by Contract Group: OCB



Office of Special Prosecution – Special Narcotics (OOP-SN)

The Office of the Special Narcotics Prosecutor (OOP-SN) works collaboratively with New York City’s elected District Attorneys to investigate and prosecute felony narcotics cases across all five boroughs of the City.

Chart 114 – Share of Contracts, by Industry: OOP-SN

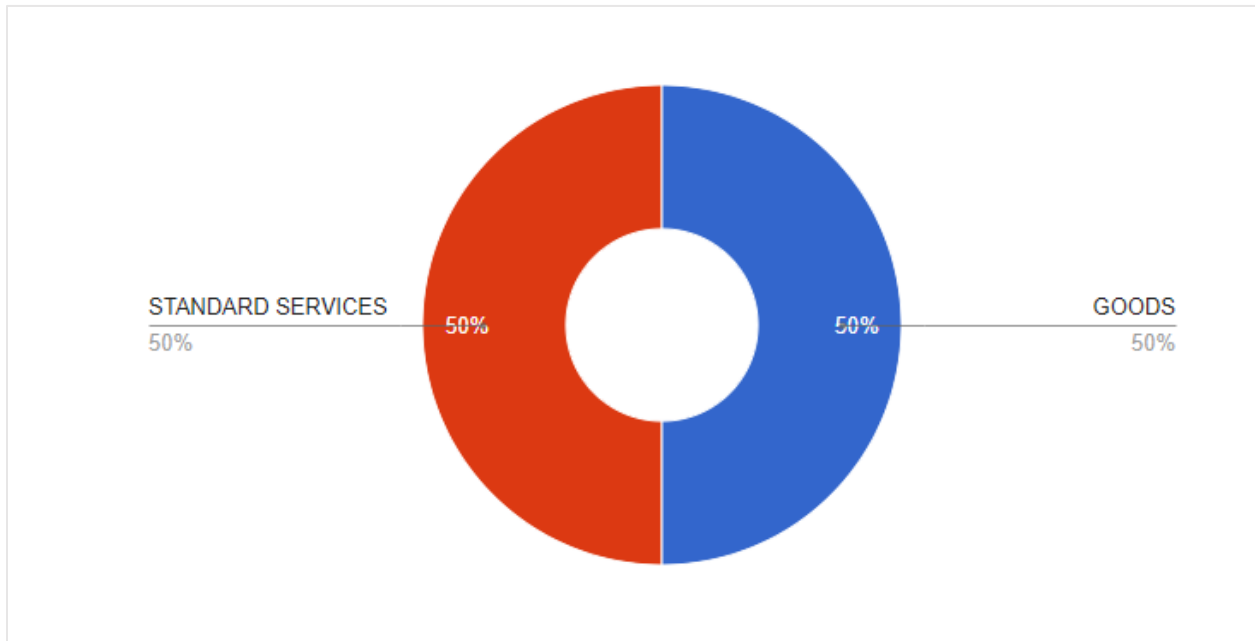
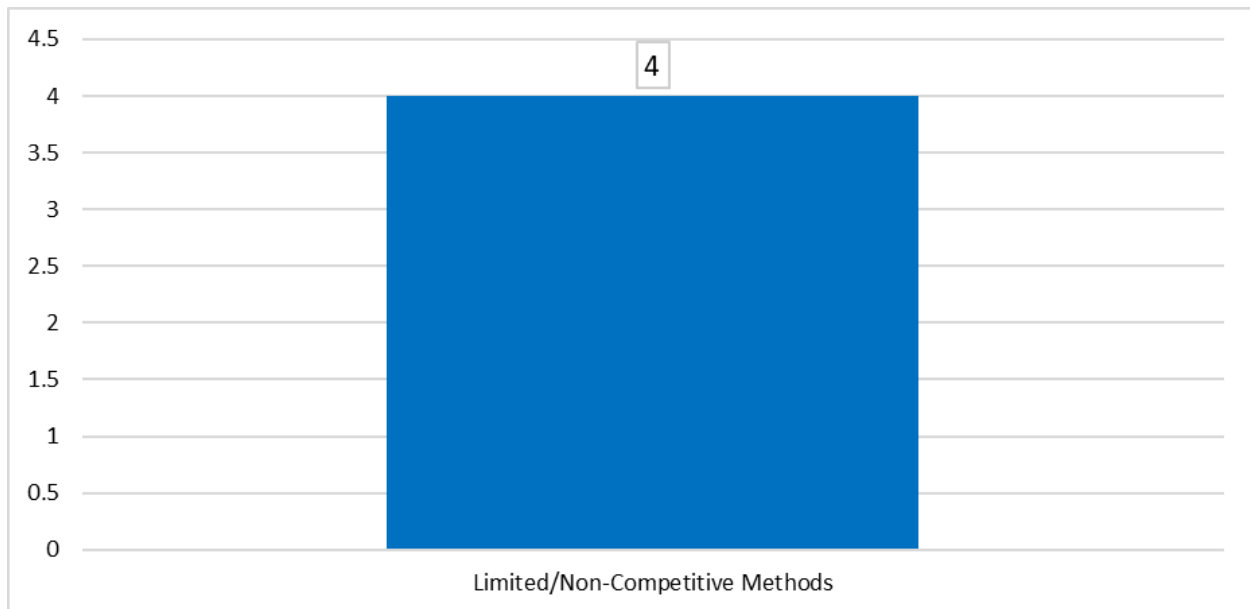


Chart 115 – Number of Contracts, by Contract Group: OOP-SN



Office of the Actuary (OTA)

The New York City Office of the Actuary (OTA), a non-mayoral agency, provides actuarial information and services for the five major actuarially-funded New York City Retirement Systems and Pension Funds, collectively called the NYCERS, resulting in an annual determination of New York City's contributions to these retirement systems and pension funds. This information is provided to the Boards of Trustees and staff of the NYCERS, to the City and other employers and labor organizations whose employees participate in the NYCERS, to fiscal oversight entities, to City and State legislators, and to other parties interested in the NYCERS.

Chart 116 – Share of Contracts, by Industry: OTA

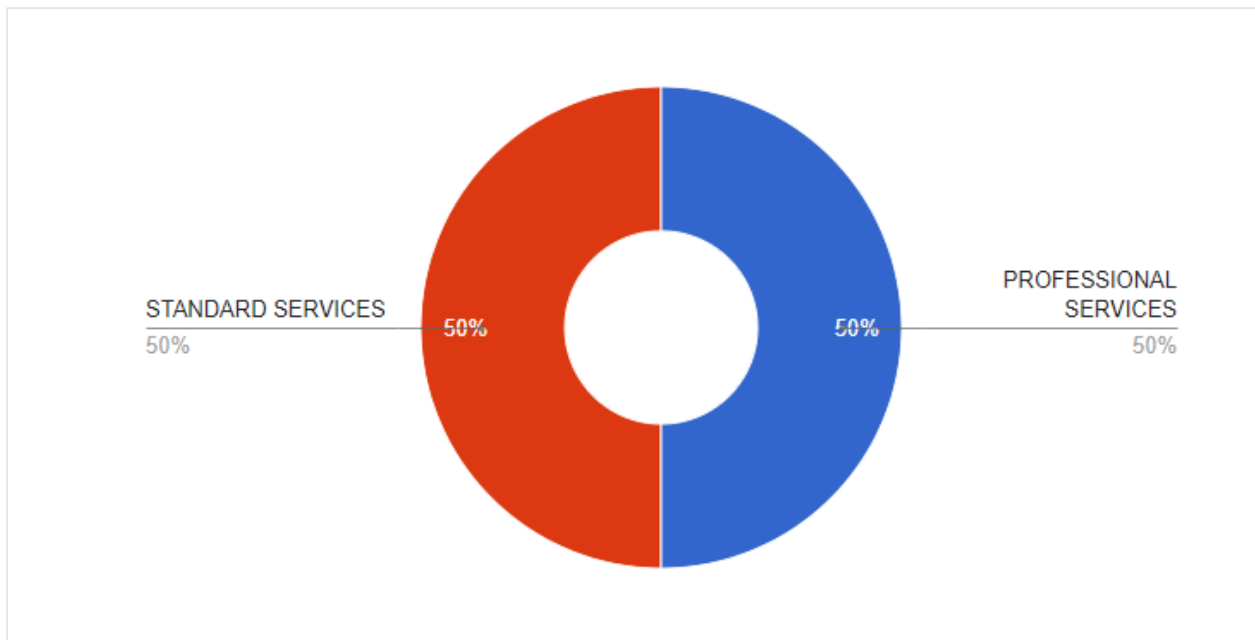
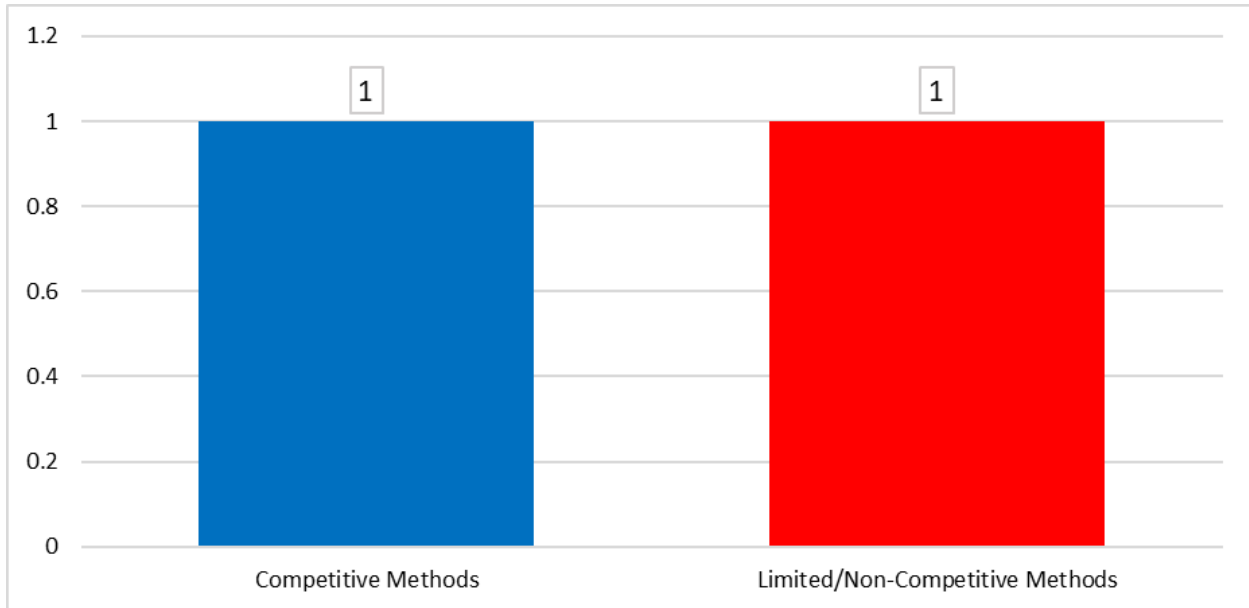


Chart 117 – Number of Contracts, by Contract Group: OTA



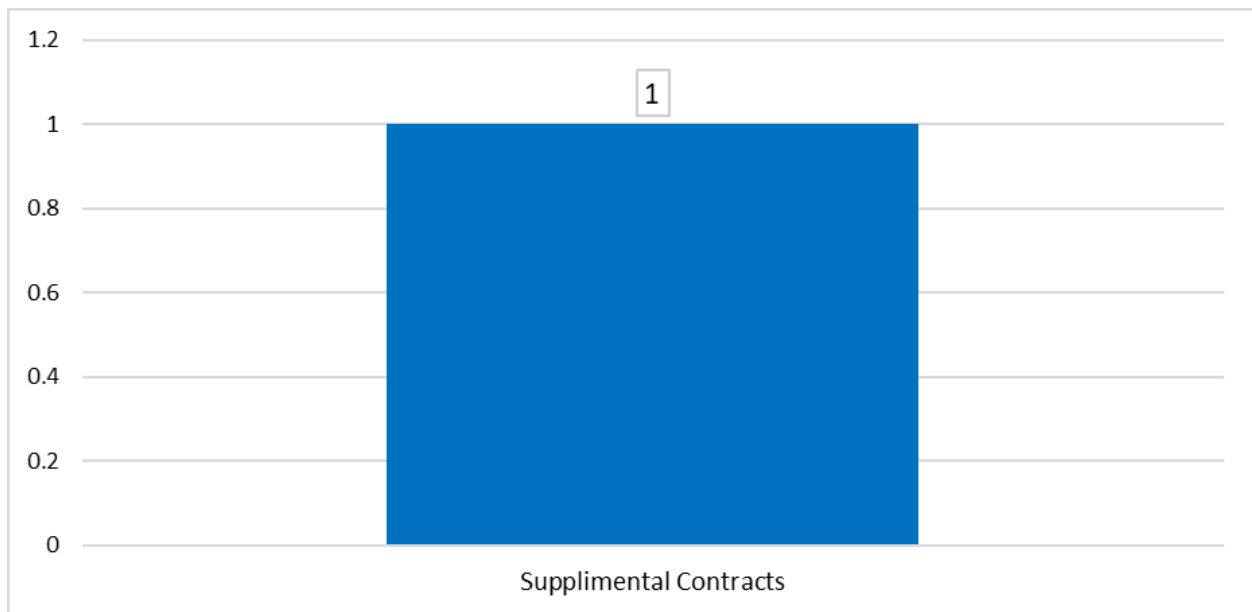
Staten Island Community Board # 3 (SICB3)

Community boards are local representative bodies. There are 59 community boards throughout the City, and each one consists of up to 50 unsalaried members, half of whom are nominated by their district's City Council members. Board members are selected and appointed by Borough Presidents from among active, involved people of each community and must reside, work, or have some other significant interest in the community. SICB3 represents the south shore of Staten Island.

Chart 118 – Share of Contracts, by Industry: SICB3



Chart 119 – Number of Contracts, by Contract Group: SICB3



Other Agencies

Other Agencies consists of state agencies, authorities, boards, libraries, and other corporations that perform public functions in NYC. This group also includes the DOE despite the fact that the New York State Legislature has granted control of the City schools to the Mayor’s Office since 2002. Other Agencies may not be subject to, or only partially subject to, City procurement rules

since New York State law may preempt them. For example, the DOE’s procurement activities are governed by NYS Education Law (not the PPB Rules), which mandated the creation of administrative rules known as the Procurement Policy and Procedures (PPP).¹⁵²

The City registered procurement contracts under 12 Other Agencies in FY22, for a total value of \$12.91 billion. The vast majority by both contract volume and value was driven by the Department of Education, which registered \$9.57 billion in new procurement contracts. Table 39 displays information on the number of new procurement contracts registered to each Other Agency.

Table 39 – FY22 New Procurement Contracts by Other Agency

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
BPL	4	<.1%	\$1,973,112	<.1%
CUCF	35	0.37%	\$22,257,106	0.19%
CUNY	17	93.71%	\$29,681,421	0.25%
DOE	8858	0.18%	\$9,574,329,472	82.16%
EDC ¹⁵³	248	2.62%	\$845,934,277	7.26%
HHC	199	2.11%	\$342,553,316	2.94%
IBO	7	<.1%	\$2,157,584	<.1%
NYCHA	64	0.68%	\$223,623,227	1.92%
NYRL	1	<.1%	\$276,110	<.1%
QBPL	13	0.14%	\$564,923	<.1%
TRANSIT	7	<.1%	\$609,541,740	5.23%
Grand Total	9453	100.00%	\$11,652,892,287	100.00%

¹⁵² NYS Education Law §2590-g.

¹⁵³ Data on TOs registered to EDC are reflected in this table, but not in the in the totals in Table 36. Due to the nature of EDC’s relationship with SBS, the overwhelming majority of its contact actions are processed via TO. The data trends presented in this section reflect EDC TO activity in FY22.

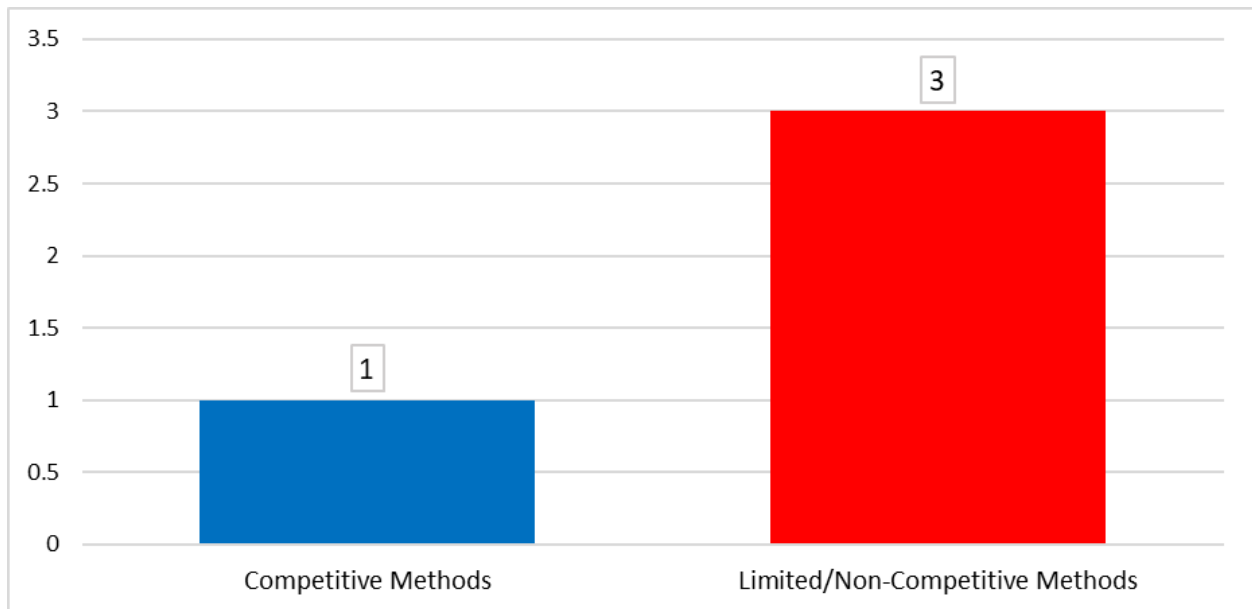
Brooklyn Public Library (BPL)

Established in 1896, the Brooklyn Public Library (BPL) is one of the nation's largest public library systems and currently has more than 850,000 active cardholders. BPL maintains a branch library within a half-mile of the majority of Brooklyn's 2.7 million residents.

Chart 120 – Share of Contracts, by Industry: BPL



Chart 121 – Number of Contracts, by Contract Group: BPL



City University Construction Fund (CUCF)

The CUCF is a public benefit corporation established in 1966 by the New York State Legislature, known as the City University Construction Fund Act. The Mission of CUCF is to manage the resources necessary for the design and construction of space required to support the educational mandate of the City University of New York. A seven-member Board of Trustees governs the CUCF's programs.

Chart 122 – Share of Contracts, by Industry: CUCF

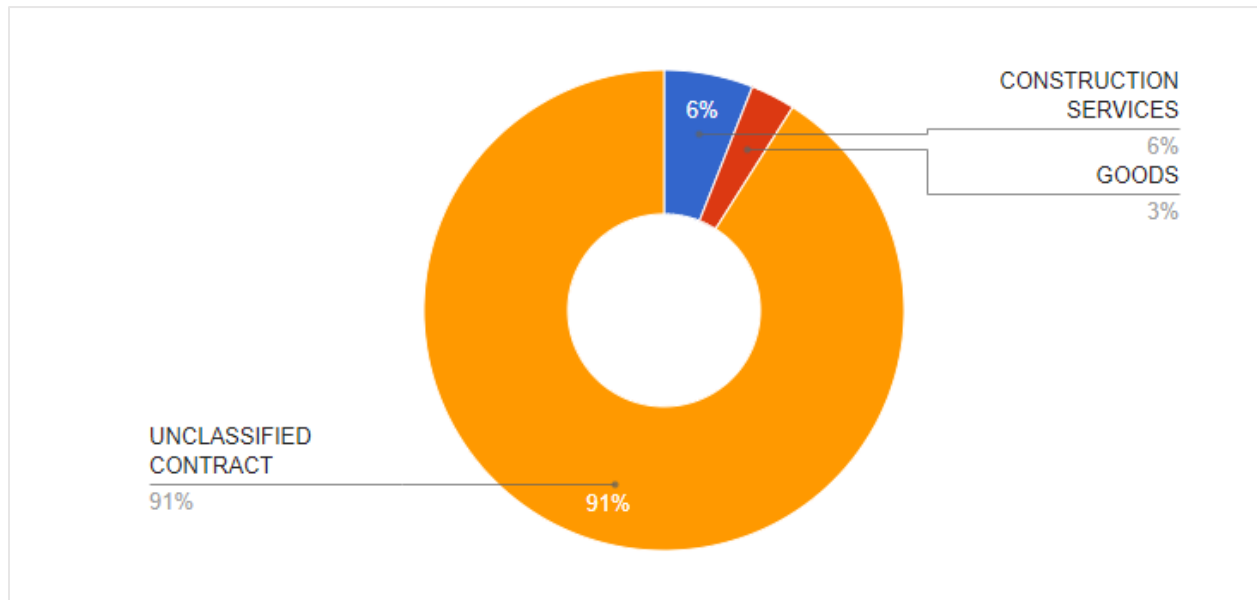
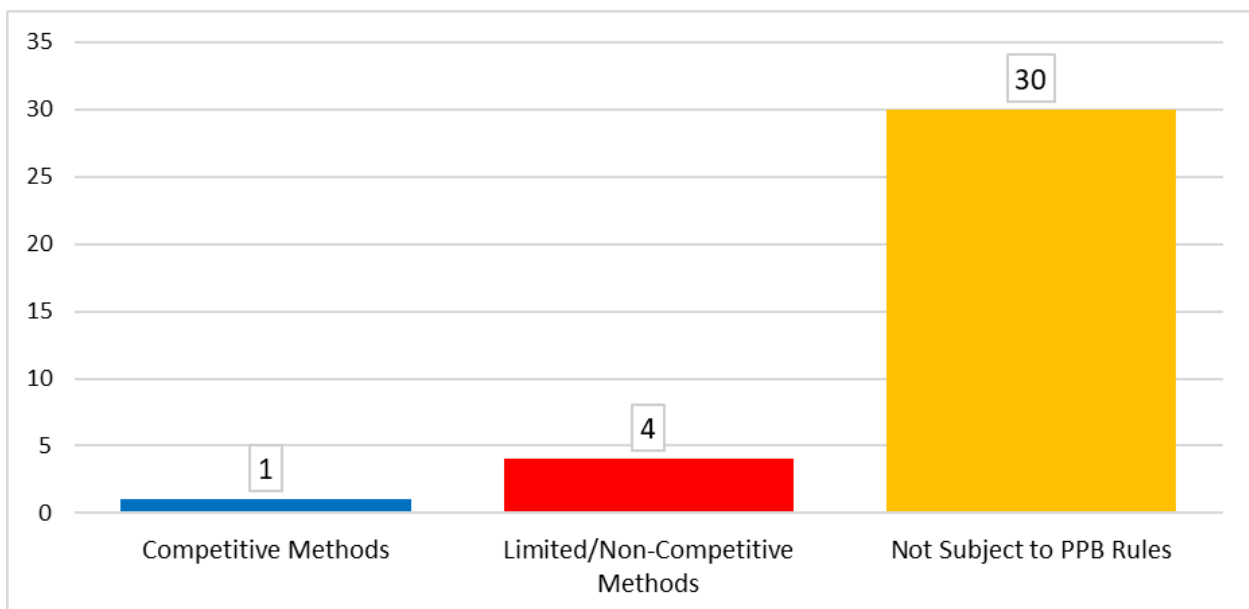


Chart 123 – Number of Contracts, by Contract Group: CUCF



City University of New York (CUNY)

Under State Education law, the City University of New York (CUNY) is an independent system of higher education governed by its own board of trustees responsible for the governance, maintenance, and development of both senior and community college units of the city university. Founded in 1847 as the nation's first free public institution of higher education, CUNY currently has 25 colleges spread across New York City's five boroughs.

Chart 124 – Share of Contracts, by Industry: CUNY

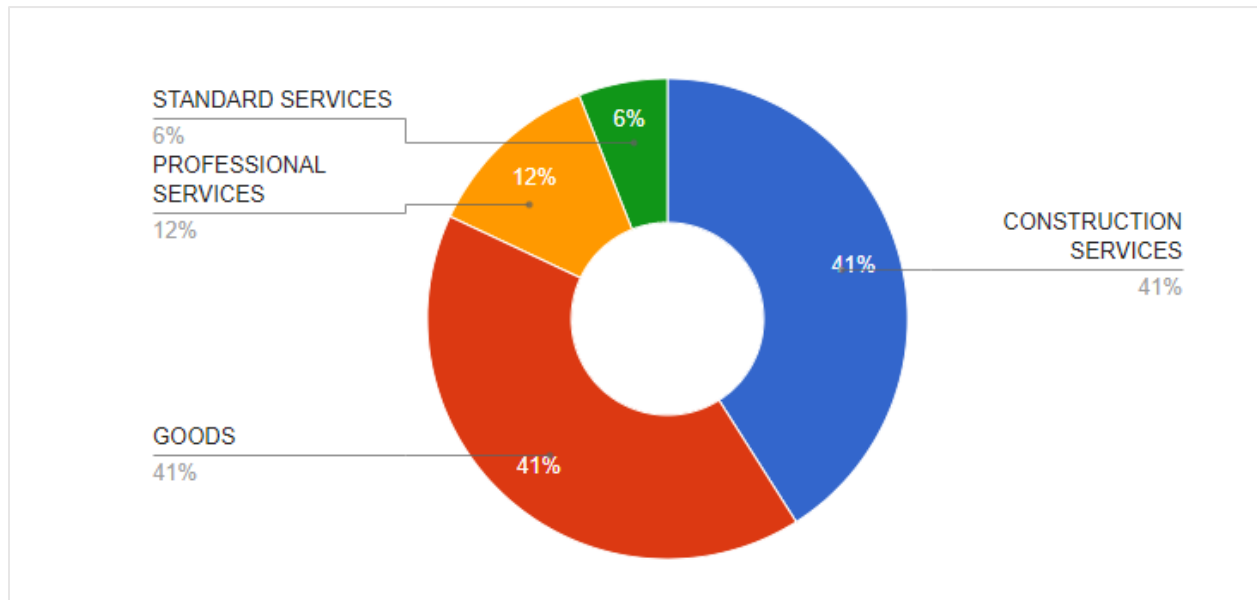
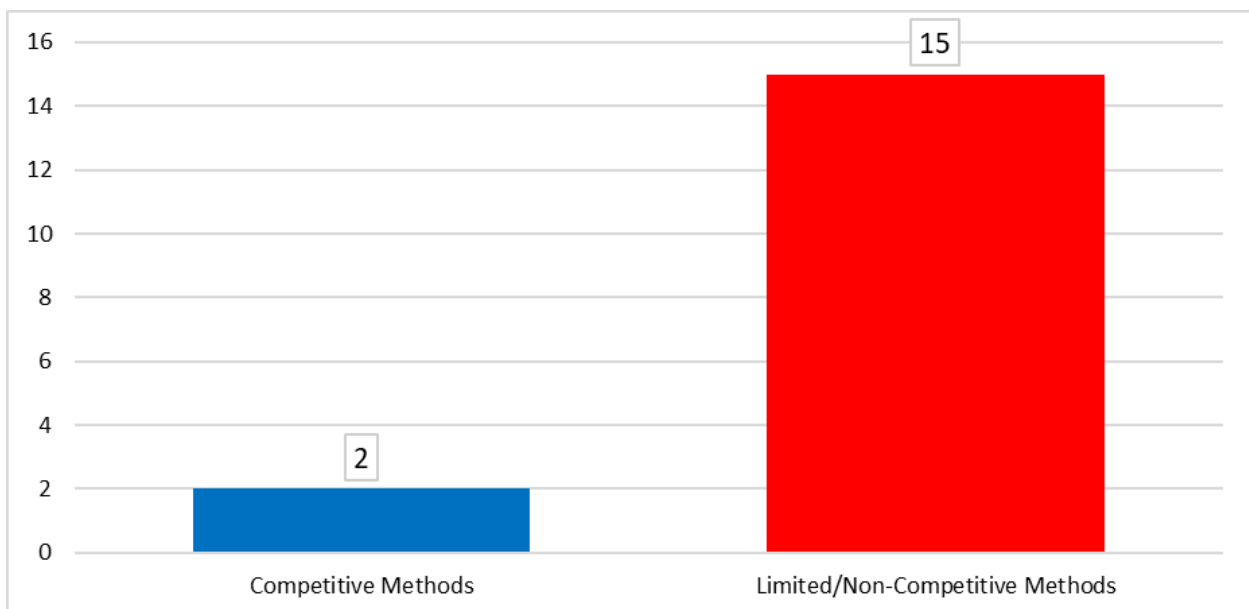


Chart 125 – Number of Contracts, by Contract Group: CUNY



Department of Education (DOE)

The New York City Department of Education (DOE) is the largest school district in the U.S. and is responsible for educating 1.1 million students in over 1,800 public schools. It has an internal Division of Contracts and Purchasing that is responsible for overseeing DOE's procurement activities. As noted above, DOE contracts are governed by the PPP rules.

Chart 126 – Share of Contracts, by Industry: DOE

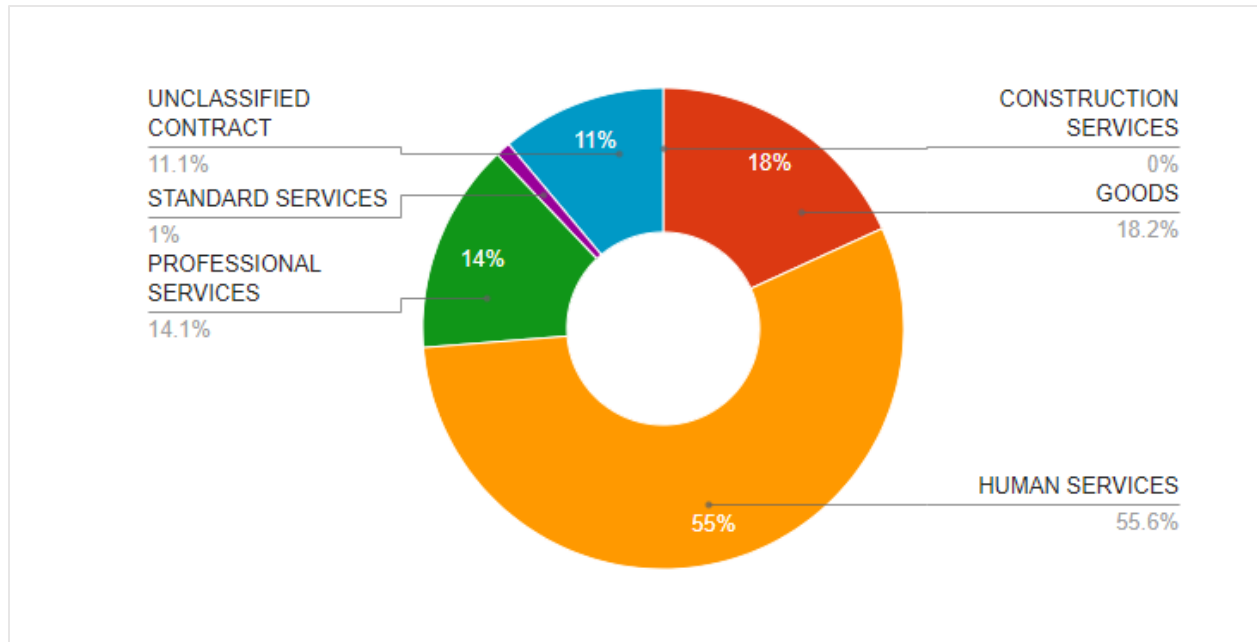
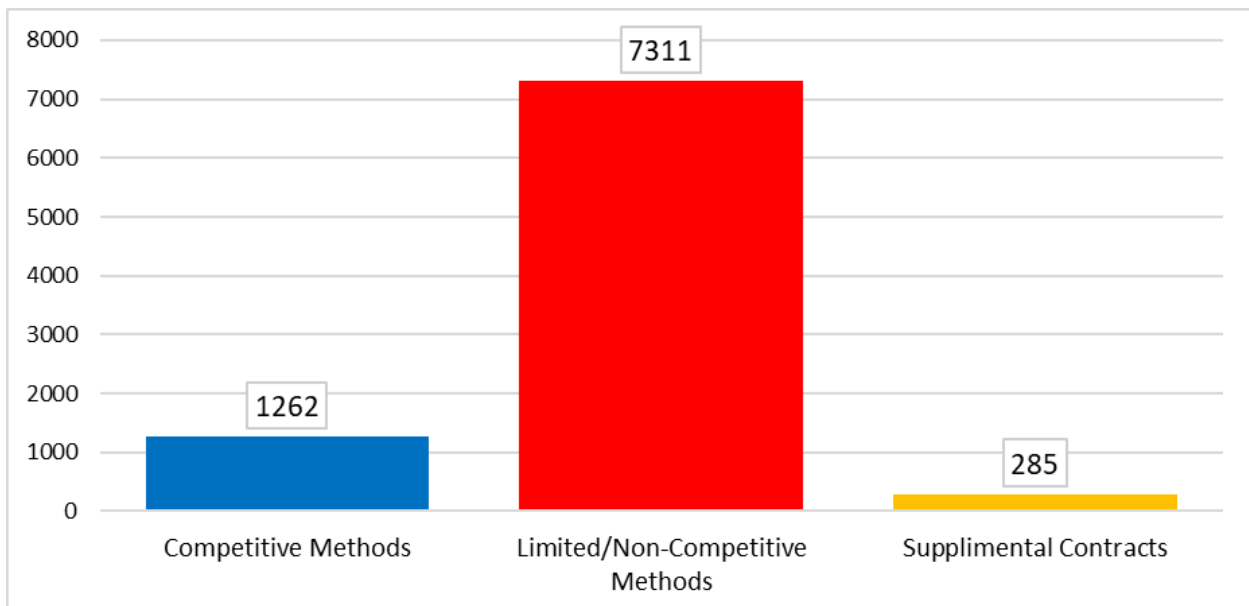


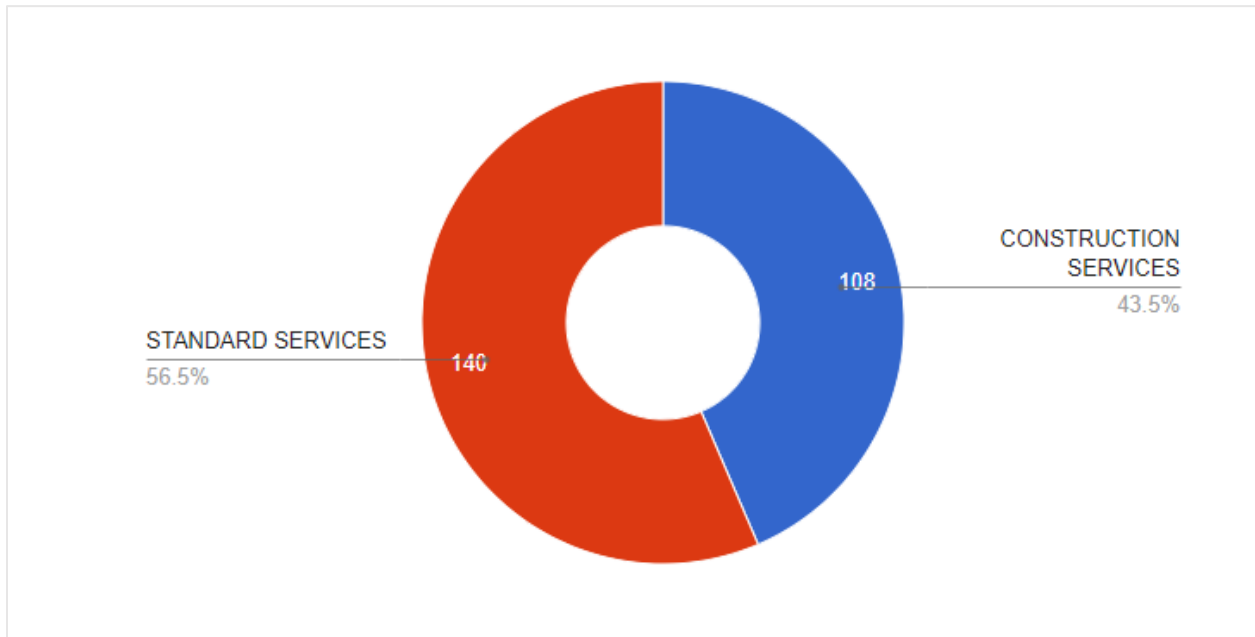
Chart 127 – Number of Contracts, by Contract Group: DOE



NYC Economic Development Corporation (EDC)

The New York City Economic Development Corporation (EDC) is a nonprofit organization incorporated under the Not-for-Profit Corporation Law of the State of New York. SBS contracts with and retains EDC to function as a development consultant and provide economic development-related services on behalf of the City. Since the vast majority of EDC's contract actions were processed as TOs registered under SBS Master Awards, the table below reflect industry trends by TOs.¹⁵⁴ TOs are not reflected in Section II contract groups.

Chart 128 – Share of TOs, by Industry: EDC¹⁵⁵



¹⁵⁴ There were 248 TOs registered to EDC in FY22 under Master Award contracts registered in FY22 and before. To avoid double counting these totals were not reflected in Table 36

¹⁵⁵ 247 Task Orders were registered to EDC in FY22. The breakdown of TOs by industry is presented here since this is how EDC processes the majority of its contracts.

Health and Hospitals Corporation (HHC)

NYC Health and Hospitals (HHC) is a public benefits corporation and the nation's largest municipal health care delivery system in the United States. HHC operates the City's public hospitals and clinics.

Chart 129 – Share of Contracts, by Industry: HHC

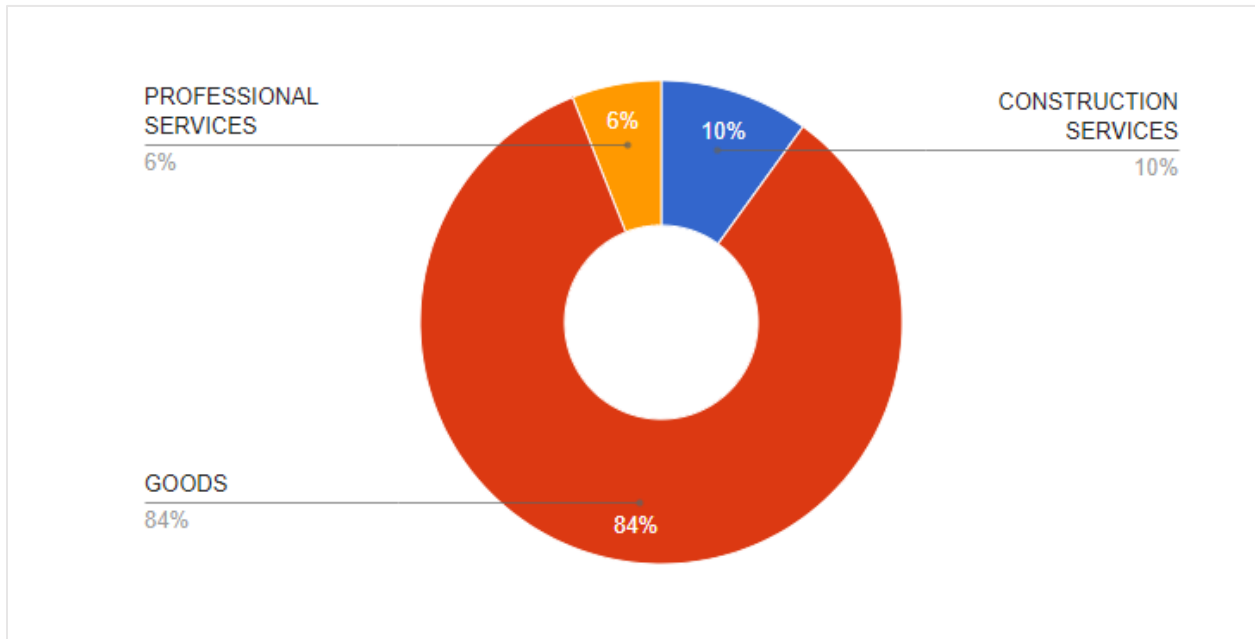
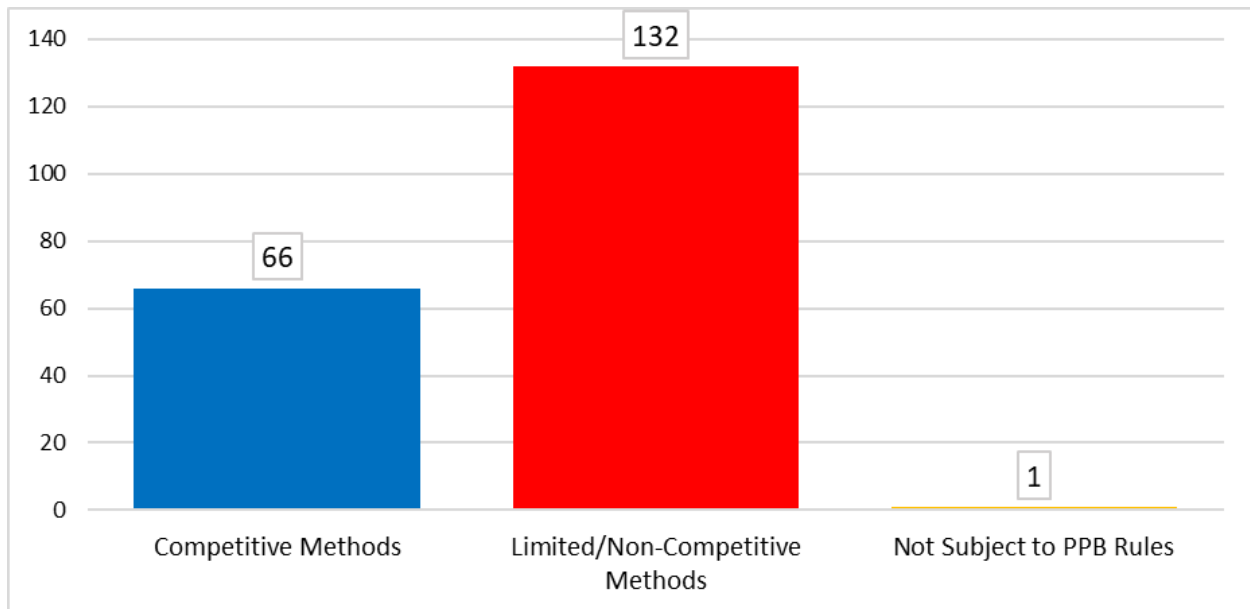


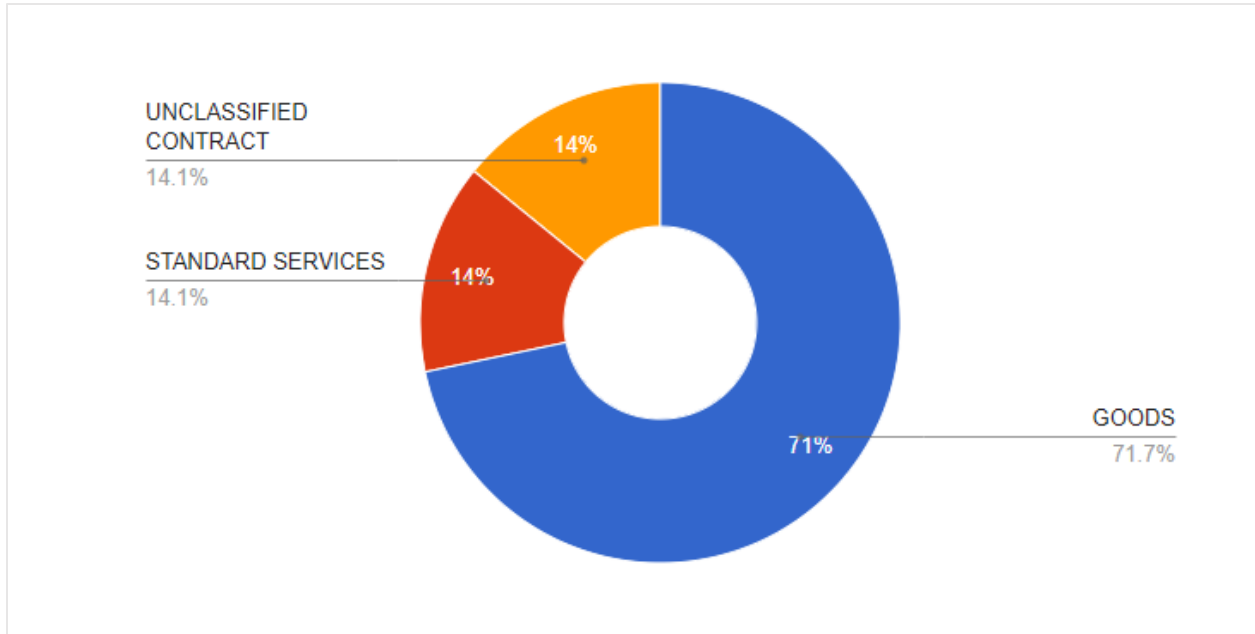
Chart 130 – Number of Contracts, by Contract Group: HHC



Independent Budget Office (IBO)

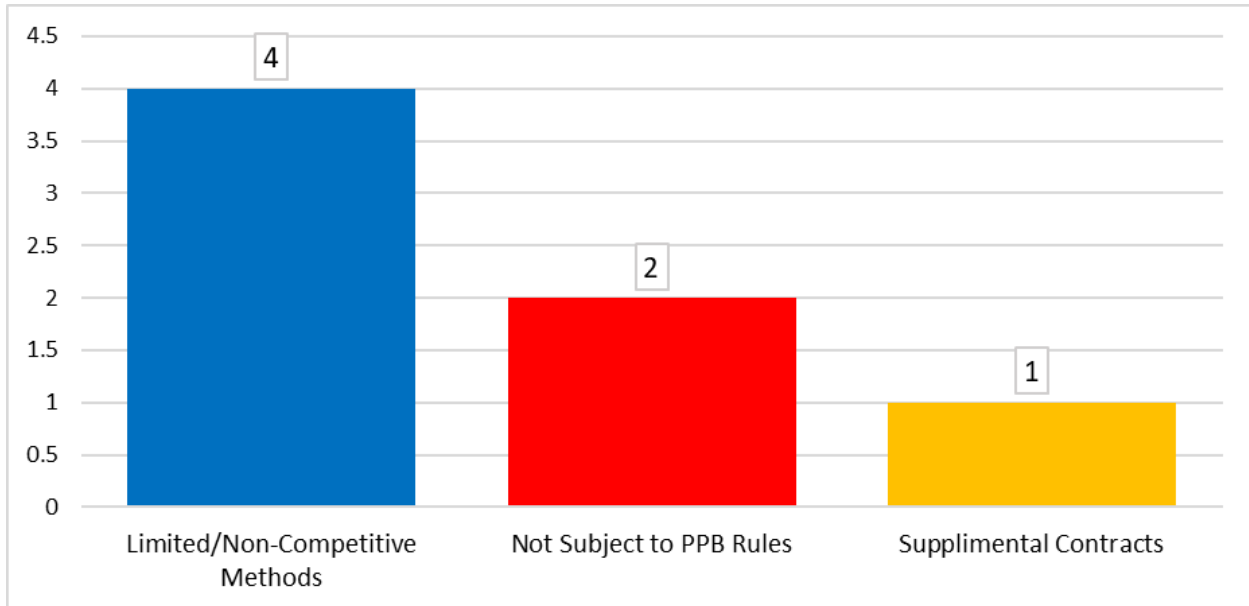
Established under chapter 11 of the Charter, the Independent Budget Office (IBO) provides the Comptroller, the President of the City Council, the members and committees of the Council, the Borough Presidents, and City Community Boards with information to assist them in the discharge of their responsibilities which are related to the budgetary process.¹⁵⁶

Chart 131 – Share of Contracts, by Industry: IBO



¹⁵⁶ NYC Charter §259 and §260

Chart 132 – Number of Contracts, by Contract Group: IBO



New York City Housing Authority (NYCHA)

The New York City Housing Authority (NYCHA) is a public development corporation that was created in 1935 to provide decent, affordable housing for low- and moderate-income New Yorkers. Today it is the largest public housing authority in North America.

Chart 133 – Share of Contracts, by Industry: NYCHA

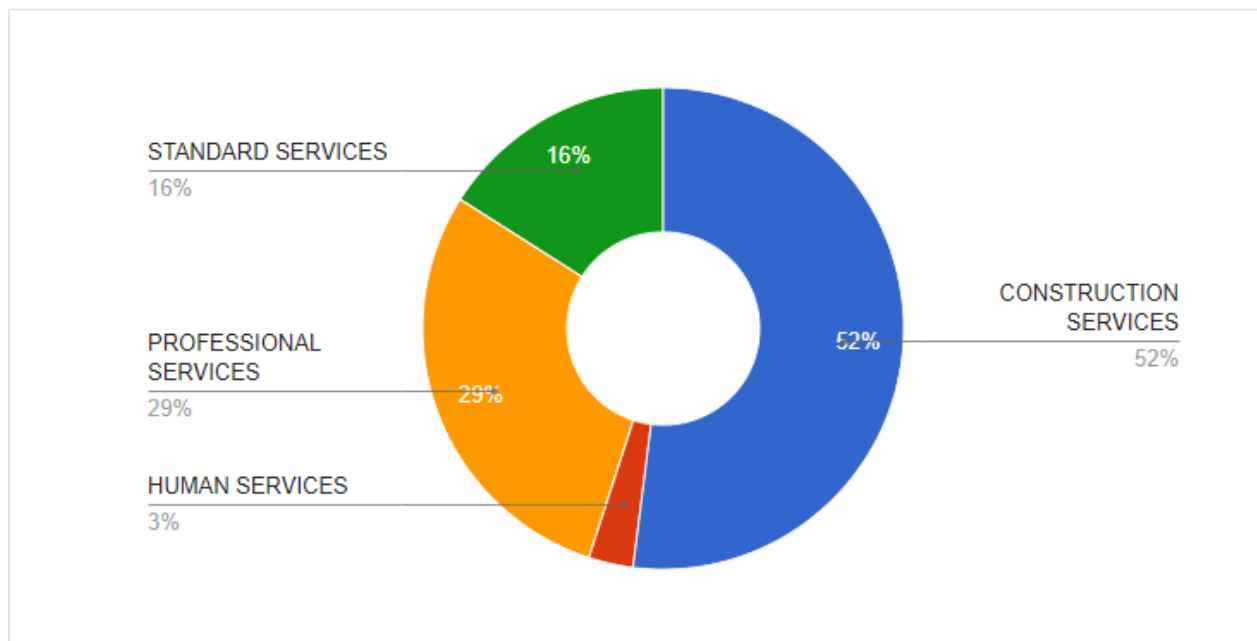


Chart 134 – Number of Contracts, by Contract Group: NYCHA

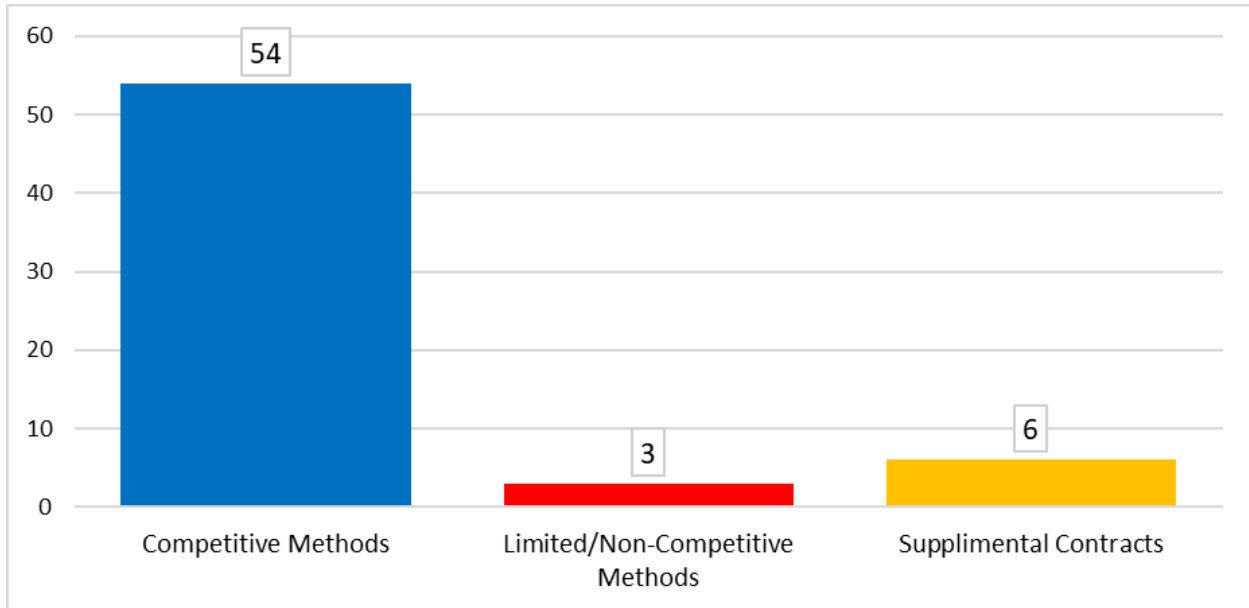
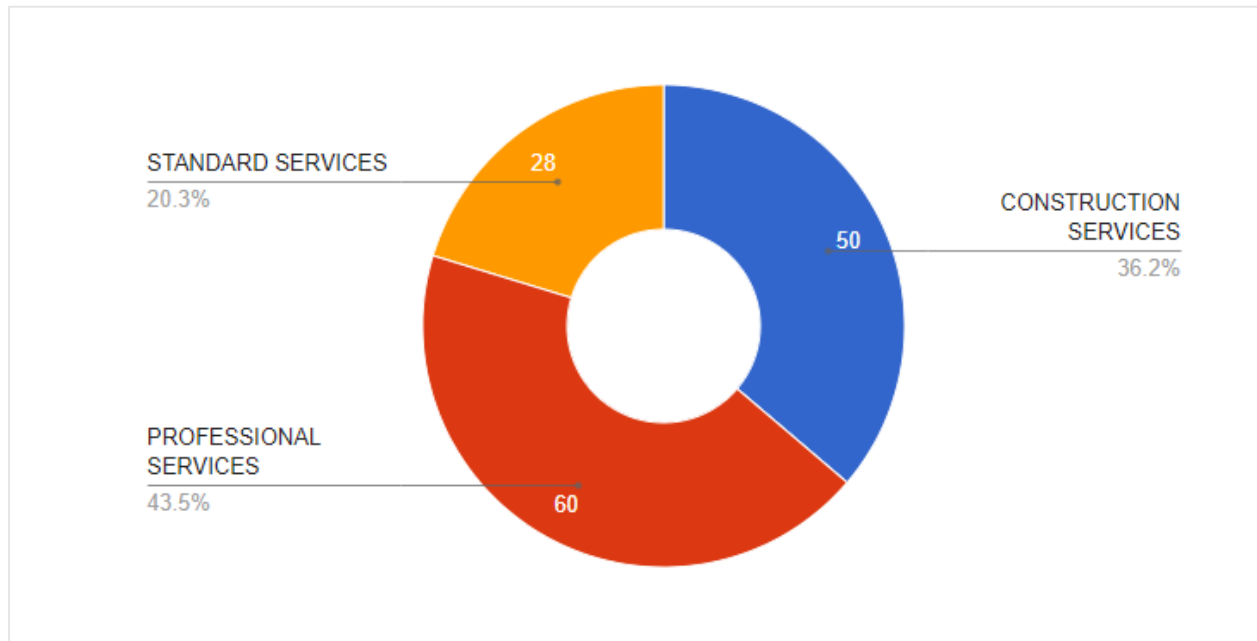


Chart 135 – Share of TOs, by Industry: NYCHA ¹⁵⁷



¹⁵⁷ 138 Task Orders were registered to NYCHA in FY22. These TOs are not reflected in chart 135. The breakdown of TOs by industry is presented here since this is how NYCHA processes many of its contracts.

New York Research Library (NYRL)

The New York Research Library is a subset of libraries in the New York Public Library system. Its four research libraries are the Library for the Performing Arts located at Lincoln Center, the Schomburg Center for Research in Black Culture located in Harlem, the Science, Industry and Business Library in Midtown and the main library on 5th Avenue and 42nd Street (Humanities and Social Science).

Chart 136 – Share of Contracts, by Industry: NYRL

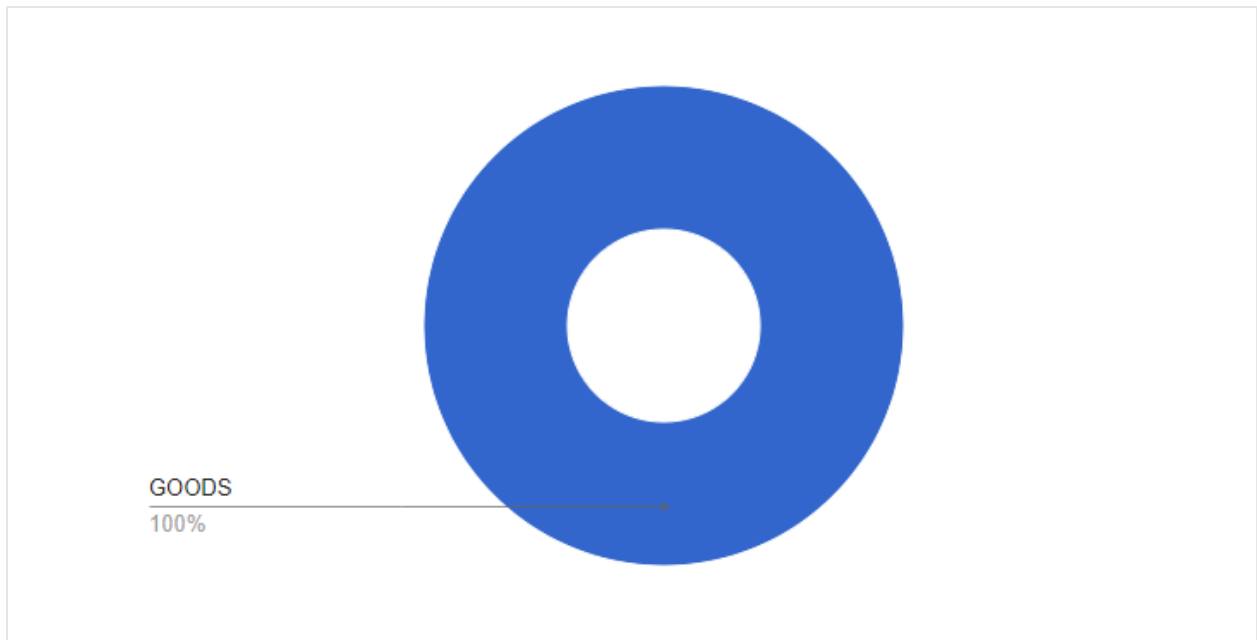
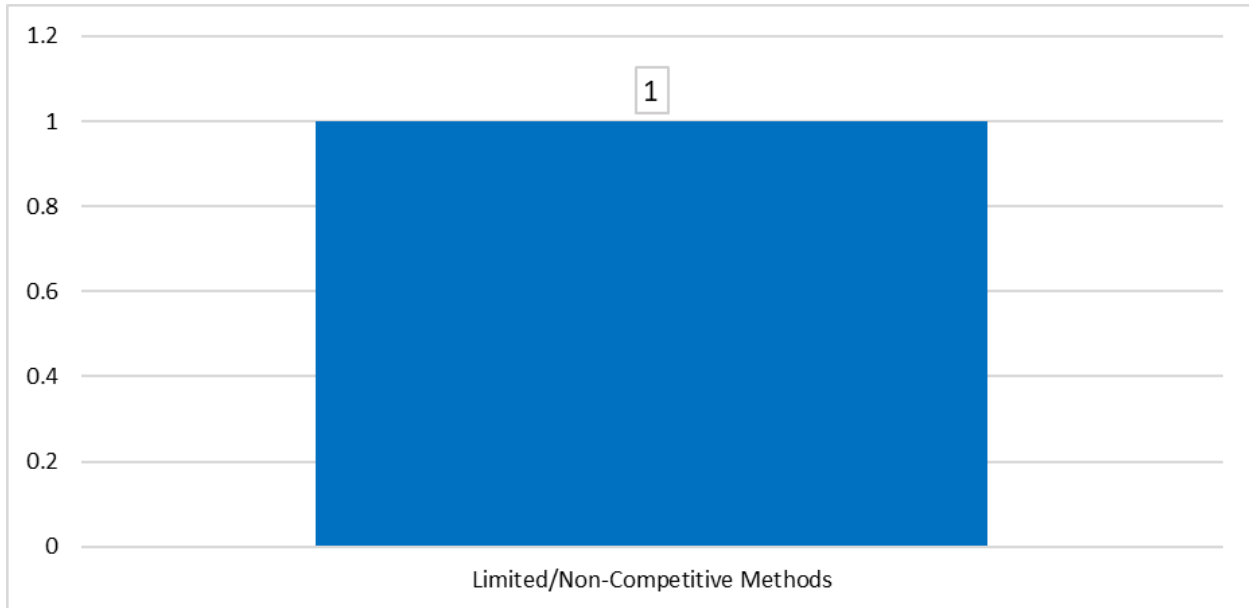


Chart 137 – Number of Contracts, by Contract Group: NYRL



Queens Borough Public Library (QBPL)

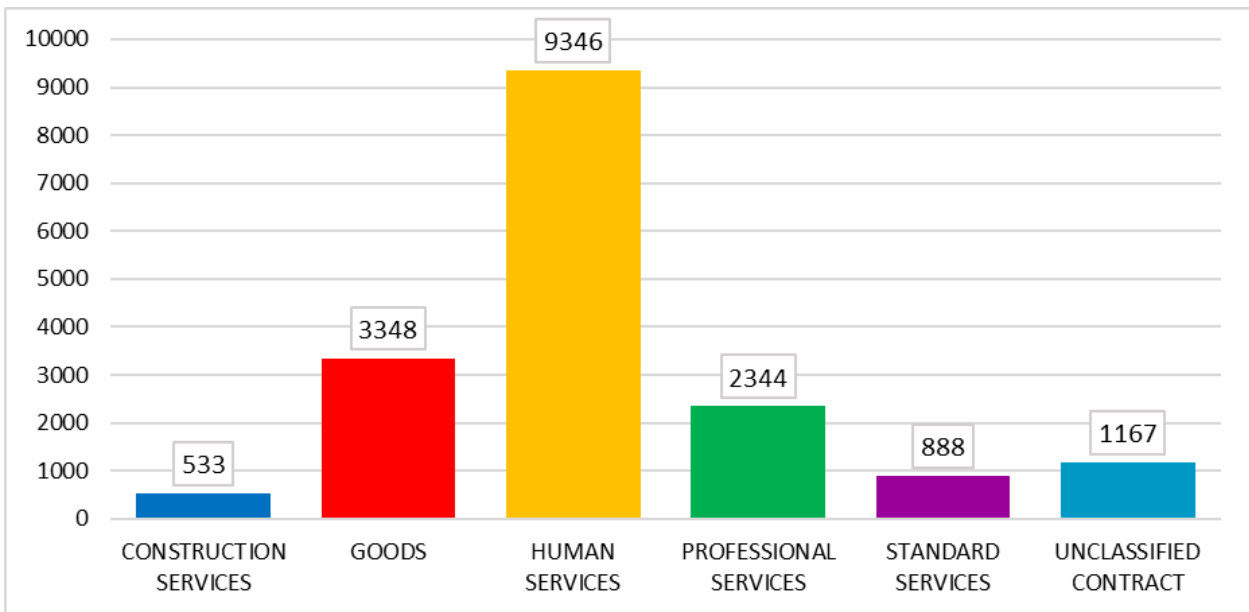
An independent, nonprofit organization founded in 1896, Queens Borough Public Library (QBPL) offers free access to a collection of more than 5 million books and other materials in multiple languages, technology and digital resources, and more than 87,500 educational, cultural, and civic programs a year.

It consists of 66 locations, including branch libraries, a Central Library, seven adult learning centers, a technology center, two universal pre-kindergartens, and two teen centers.

Chart 138 – Share of Contracts, by Industry: QBPL



Chart 139 – Number of Contracts, by Contract Group: QBPL



Transit Authority (Transit)

The Transit Authority (Transit) encompasses the Metropolitan Transportation Authority and The New York City Transit Authority. The Transit Authority is a public benefit corporation with board members appointed by NYC and suburban counties.

Chart 140 – Share of Contracts, by Industry: Transit

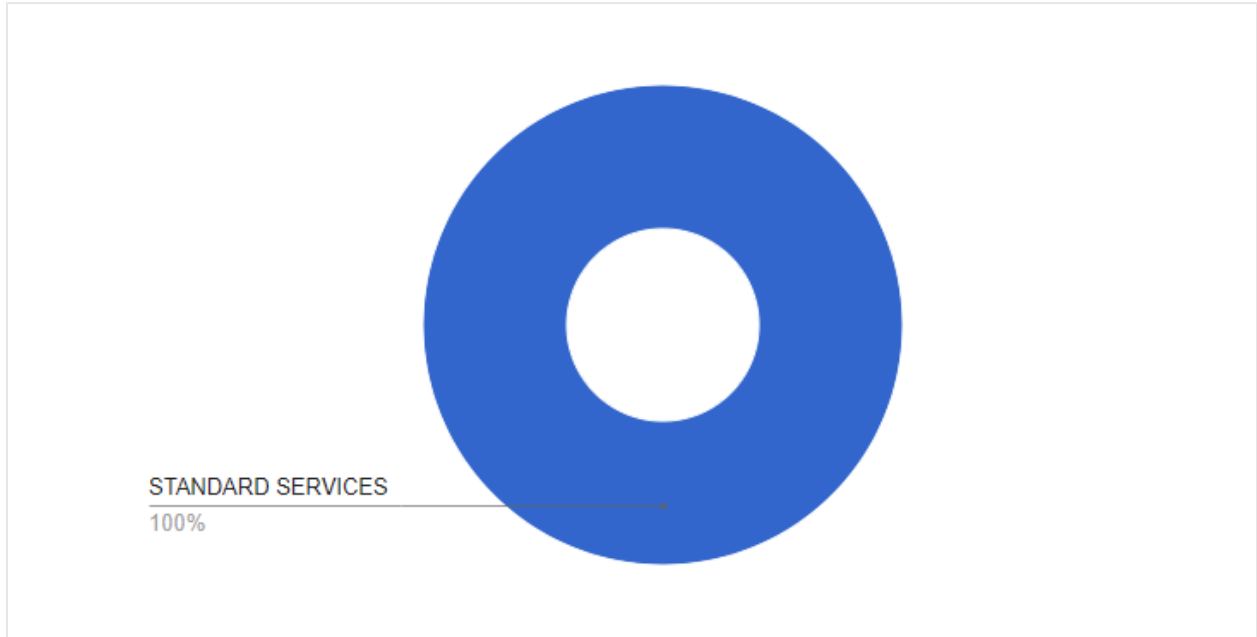
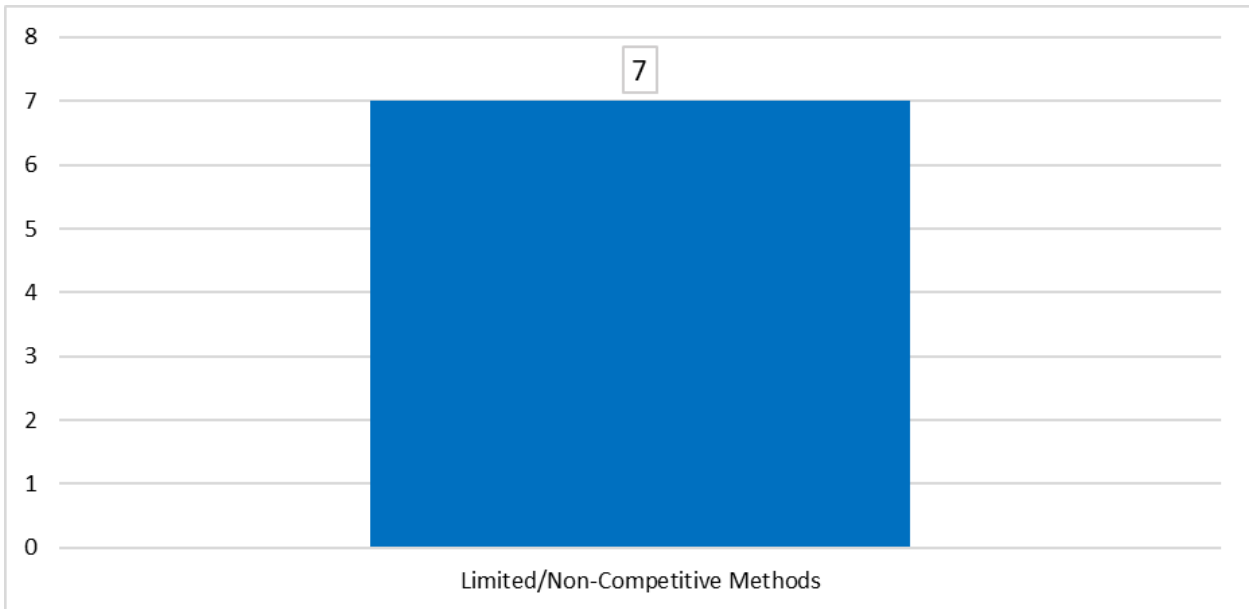


Chart 141 – Number of Contracts, by Contract Group: Transit



IX. Retroactive Contract Registrations

The vendors referred to in this Report provide essential services to millions of New Yorkers each year. For years, the City’s onerous and slow procurement process has created considerable registration delays that hinder the ability of businesses, especially nonprofits and M/WBEs, to get paid on time and sustain and grow their businesses. The current Comptroller and Mayoral administrations have created task forces to develop critical reforms needed to address components of contracting systems as a part of the Joint Task Force to Get Non-Profits Paid and the Capital Reform Task Force.

The Capital Process Task Force has undertaken a comprehensive review of the City’s capital process and begun to advocate for recommendations to streamline the city’s procurement of construction (and other capially funded) services. The recommendations of this task force are designed to reduce timelines for capital project completion, achieve taxpayer savings, enhance participation and inclusion in this process, and increase the City’s capacity to address emerging needs.

The Joint Task Force to Get Non-Profits Paid on Time developed five recommendations to reform the City’s procurement process and ensure that nonprofits are paid on time, in full, and with certainty so they can keep doing their jobs of meeting the needs of New Yorkers. The Task Force recommends that the City:

1. Create new processes and routines to hold City stakeholders accountable for timely procurement and contracting procedures and make information about the process transparent to nonprofit providers and the public.
2. Establish new processes to streamline and modernize the procurement and contracting process to reduce inefficiencies and
3. Increase fairness and equity by reducing costs incurred by nonprofits when contracting with the City.
4. Establish leadership and management practices at the highest levels of city government to demonstrate a renewed commitment to timely nonprofit contracting and
5. Strengthen the capacity of nonprofit organizations’ administrative and contracting capabilities and enhance the skills of the City’s contracting workforce.

As a part of this Task Force, the joint administrations led a 12-week “Clear the Backlog Initiative” to clear a backlog of unregistered, retroactive contracts and amendments to nonprofits. This initiative cleared over 2,600 previously unregistered contract actions, releasing \$4.3 billion in contractual dollars to over 450 providers as of August of 2022.¹³

To evaluate the scope of this problem among FY22 procurement actions, Section VIII of this report examines retroactivity information as derived by comparing FMS registration dates against contract start dates. Retroactive contracts are those that are registered after the start

date listed in its terms. 9,317 new procurement and revenue contracts (52.25% by volume) were registered retroactively. Notably, 84.87% of the City’s new procurement and revenue contracts value is attached to retroactively registered contracts.

Table 40 displays contract retroactivity for procurement and revenue contracts registered in FY22.

Table 40 – FY22 Contract Retroactivity for New Procurements and Revenue Contracts

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	8515	47.75%	\$6,588,501,635	15.13%
Late - Within 30 Days	1643	9.21%	\$5,167,326,013	11.87%
Later - Between 31-180 Days	3756	21.06%	\$23,726,769,149.	54.49%
Very Late - Between 181-365 Days	1954	10.96%	\$7,136,188,302	16.39%
Latest - More Than 1-Year	1964	11.01%	\$925,023,689	2.12%
Grand Total	17832	100.00%	\$43,543,808,789	100.00%

Retroactive Procurement Contracts

While 52.10% of new procurement contracts were registered late, these contracts account for 84% of the City’s procurement value. Most of the City’s FY22 procurement value was associated with contracts registered between 31 and 180 days late. Table 41 below displays a breakdown of procurement contracts by category of lateness.

Table 41 – FY22 Procurement Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	8443	47.90%	\$6,550,831,067	15.16%
Late - Within 30 Days	1629	9.24%	\$5,133,933,532	11.88%
Later - Between 31-180 Days	3702	21.00%	\$23,578,265,599	54.55%

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
Very Late - Between 181-365 Days	1933	10.97%	\$7,075,970,114	16.37%
Latest - More Than 1-Year	1919	10.89%	\$882,713,839	2.04%
Grand Total	17626	100.00%	\$43,221,714,152	100.00%

Retroactive Procurements by Industry

For contracts within the Human Services industry, which is overwhelmingly made up of nonprofit vendors, the retroactivity rate is 62.13%. The Standard Services industry has the highest retroactivity rate, with 78.04% of procurement contracts registered after their start dates. Chart 142 displays the total number of new procurement contracts by industry. For comparison, table 42 displays contract retroactivity by industry type.

Chart 142 – Number of New Retroactive Procurement Contracts by Industry

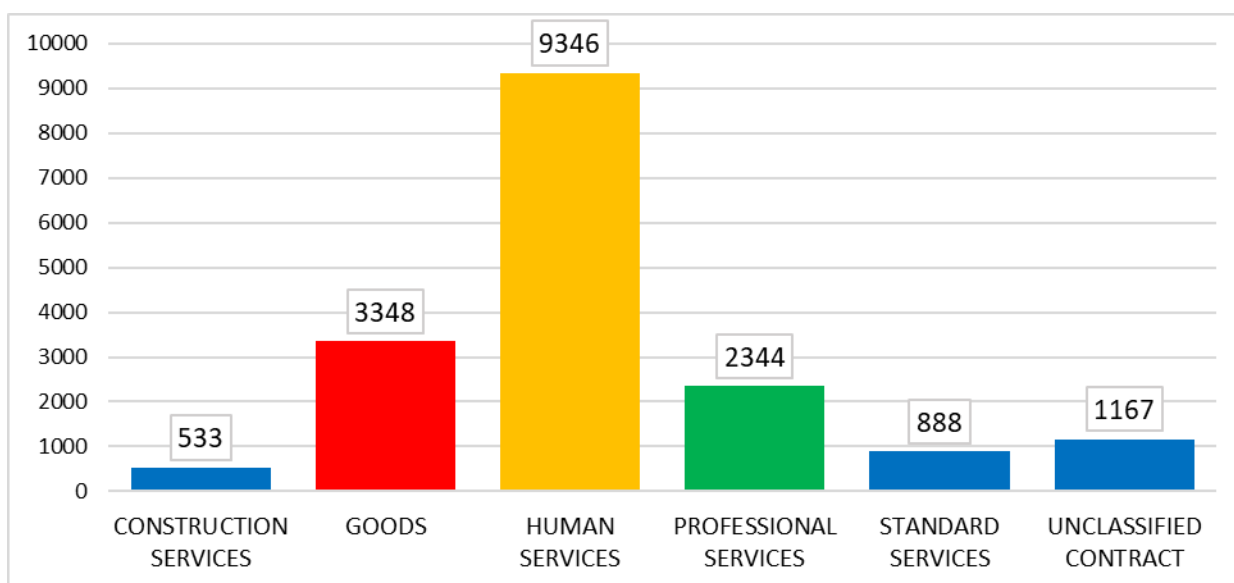


Table 42 – FY22 Contract Retroactivity by Industry

Retroactive Category	Construction Services	Goods	Human Services	Professional Services	Standard Services	Unclassified Contracts
On Time or Early	43.15%	61.77%	37.87%	58.87%	21.96%	88.35%

Retroactive Category	Construction Services	Goods	Human Services	Professional Services	Standard Services	Unclassified Contracts
Late - Within 30 Days	11.26%	17.71%	5.48%	10.58%	19.03%	4.03%
Later - Between 31-180 Days	32.83%	15.89%	23.65%	19.71%	28.27%	6.17%
Very Late - Between 181-365 Days	9.19%	2.42%	15.47%	6.27%	22.41%	0.94%
Latest - More Than 1-Year	3.56%	2.21%	17.54%	4.56%	8.33%	0.51%
Grand Total	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Retroactive Procurements by Agency

Contract retroactivity can be challenging for vendors that don't have cash on hand, or access to capital, to cover costs while they wait for payment by the City. Table 43 below lists the top ten agencies based on volume of retroactive procurement contracts. DYCD registered the most retroactive contracts in FY22, with many of these associated with their COMPASS programs.

Table 43 – FY22 Top Ten Agencies by Volume of Retroactive Procurement Contracts

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
DYCD	1927	20.98%	\$653,992,360	1.78%
DOE	1902	20.71%	\$9,152,348,991	24.96%
DFTA	620	6.75%	\$779,407,066	2.13%
DOHMH	609	6.63%	\$1,006,137,830	2.74%
DSS/HRA	463	5.04%	\$1,080,292,730	2.95%

Agency	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
DCAS ¹⁵⁸	364	3.96%	\$7,235,923,035	19.73%
HPD	281	3.06%	\$98,817,343	0.27%
NYPD	227	2.47%	\$82,899,506	0.23%
MAYOR	216	2.35%	\$1,198,823,421	3.27%
ACS	212	2.31%	\$375,191,477	1.02%

Retroactive Procurements – M/WBEs

By a measure of contract volume, the City registered more M/WBE procurement contracts after their start dates (55.28%) than non-M/WBE vendors (51.25%). Table 44 presents a breakdown of M/WBE procurement contracts by category of lateness. For comparison, table 45 presents a breakdown of Non-M/WBE procurement contracts by category of lateness.

Table 44 – FY22 M/WBE Procurement Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	1193	44.72%	\$621,227,332	27.64%
Late - Within 30 Days	606	22.71%	\$392,544,775	17.47%
Later - Between 31-180 Days	674	25.26%	\$1,030,573,447	45.85%
Very Late - Between 181-365 Days	130	4.87%	\$135,353,991	6.02%
Latest - More Than 1-Year	65	2.44%	\$67,886,883	3.02%
Grand Total	2668	100.00%	\$2,247,586,428	100.00%

¹⁵⁸ DCAS includes contracts registered to the DCAS Municipal Supply Service

Table 45 – FY22 Non-M/WBE Procurement Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	7250	48.47%	\$5,929,603,735	14.47%
Late - Within 30 Days	1023	6.84%	\$4,741,388,757	11.57%
Later - Between 31-180 Days	3028	20.24%	\$22,547,692,152	55.03%
Very Late - Between 181-365 Days	1803	12.05%	\$6,940,616,122	16.94%
Latest - More Than 1-Year	1854	12.39%	\$814,826,957	1.99%
Grand Total	14958	100.00%	\$40,974,127,724	100.00%

The largest share of M/WBE procurement contracts were registered via the M/WBE non-competitive small purchase method (35.38%) but these contracts only accounted for 5.6% of M/WBE total procurement value. This method was designed to reduce delays in the contracting process by allowing agencies to contract with City-certified M/WBE vendors for up to \$500,000 without competition. However, the majority of M/WBE non-competitive small purchase contracts were registered late. The pending increase to a \$1 million threshold is intended to increase the utilization of this award method, but more work is needed before the City can realize its intended efficiency.

Table 46 displays the breakdown of M/WBE non-competitive small purchase contracts by retroactive category.

Table 46 – FY22 M/WBE Non-Competitive Small Purchase Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	26.59%	251	\$31,218,862	24.51%
Late - Within 30 Days	35.49%	335	\$38,222,414	30.01%
Later - Between 31-180 Days	32.10%	303	\$48,317,876	37.94%
Very Late - Between 181-365 Days	5.30%	50	\$8,923,518	7.01%

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
Latest - More Than 1-Year	0.53%	5	\$669,623	0.53%
Grand Total	100.00%	944	\$127,352,292	100.00%

Retroactive Revenue Contracts

A higher share of value associated with revenue contracts was registered on time in FY22 than among procurement contracts (33.39% for revenues vs 15.16% for procurements).¹⁵⁹ Whereas the majority of procurement contract value is registered between 31-180 days after the contract start date, the City registered a majority of its revenue contract value within 30 days of the associated contract's start date. Table 47 below displays a breakdown of revenue contracts by category of lateness.

Table 47 – FY22 Revenue Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	72	42.86%	\$37,670,568	33.39%
Late - Within 30 Days	14	8.33%	\$33,392,481	29.60%
Later - Between 31-180 Days	33	19.64%	\$9,660,550	8.56%
Very Late - Between 181-365 Days	10	5.95%	\$4,323,563	3.83%
Latest - More Than 1-Year	39	23.21%	\$27,775,877	24.62%
Grand Total	168	100.00%	\$112,823,039	100.00%

Retroactive Real Property Transactions

As discussed in Section IV of this report, 20 City agencies administered Real Property Transactions in FY22 for a total value of \$592.03 million. The share of retroactive registrations for Real Property

¹⁵⁹ This analysis did not include Corpus Funded contracts. Corpus Funded contracts are currently recorded in FMS as revenue transactions, but they do not actually generate revenues for the City.

Transactions, by both contract volume and value, is higher than the rate for new procurement and revenue contracts.

The biggest bucket of these contracts are Lease Agreements with private landlords, which secure the use of real property for agency business or as a means to facilitate other public services. Leases must be registered in order for building owners to be paid and to secure terms for needed construction or renovation projects. Accordingly, delays in the registration of Lease Agreements can negatively impact spaces utilized by city services, including day care to senior care programs, that are run out of city-leased buildings.

Table 48 below displays a breakdown of Real Property contracts by category of lateness.

Table 48 – FY22 Real Property Contracts by Retroactivity Category

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	5	6.17%	\$17,985,224	3.04%
Late - Within 30 Days	9	11.11%	\$1,545,500	0.26%
Later - Between 31-180 Days	48	59.26%	\$282,041,936	47.64%
Very Late - Between 181-365 Days	9	11.11%	\$259,656,278	43.86%
Latest - More Than 1-Year	10	12.35%	\$30,810,990	5.20%
Grand Total	81	100.00%	\$592,039,927	100.00%

Retroactive Task Orders

Task Orders (TO) are used by agencies to procure particular goods or services from one or more vendors under terms that have already been established under an existing “master agreement” contract.¹⁶⁰ While this structure should allow City agencies to process TOs more quickly than new contracts, the share of TOs registered late (71.35%) is significantly higher than it is for new procurement contracts (52.10%). Table 49 below presents a breakdown of TO registrations by retroactive category.

¹⁶⁰ The data provided in this section is limited to TOs/CTA1s issued pursuant to master agreements registered using the Transaction Code “MMA1.” It does not include instances where agencies purchase goods using a Direct Order (“DO”) issued through master agreements registered using the Transaction Code “MA1.”

Table 49 – FY22 Registered TOs by Retroactivity Category¹⁶¹

Retroactive Category	# of Contracts	% Share of Contracts	Total Contract Value	% Share of Contract Value
On Time or Early	218	28.65%	\$163,086,472	24.05%
Late - Within 30 Days	152	19.97%	\$152,809,297	22.54%
Later - Between 31-180 Days	207	27.20%	\$227,630,525	33.57%
Very Late - Between 181-365 Days	91	11.96%	\$44,563,493	6.57%
Latest - More Than 1-Year	93	12.22%	\$90,000,336	13.27%
Grand Total	761	100.00%	\$678,090,125	100.00%

¹⁶¹ These numbers do not include TOs registered under EDC.

X. Bureau of Labor Law – Living and Prevailing Wage Cases

The Comptroller is required to submit annual reports to the Mayor and to City Council summarizing and assessing the implementation and enforcement of sections 6-109 and 6-130 of the Administrative Code which require that:

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50; and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.¹⁶²

The required reporting information is presented for below.

- **Section 6-109 of the Admin Code:** In FY 2022, as of 7/1/21, the Bureau of Labor Law (BLL) had three pending cases under §6-109 of the Admin Code. All three cases concerned temporary office services. BLL also opened two new cases concerning home care services. BLL closed one case involving temporary office services with a finding of a non-willful violation.
- **Section 6-130 of the Admin Code:** In FY 2022, BLL opened three new cases under §6-130 of the Admin Code involving building services.

Finally, with the passage of Local Law 87 in 2021, human service vendors doing business with NYC above small purchase limits are now required to submit an attestation or certification, relating to labor peace agreements (LPA) with labor organizations, as a condition for a new contract award or renewal. LPAs are agreements between employers and labor organizations that are designed to ensure the uninterrupted flow of goods and services. The new law requires the Comptroller to provide annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement during the preceding year.¹⁶³ In FY22, BLL began to establish protocols for receiving complaints and investigating potential violations

¹⁶² NYC Administrative Code §6-109

¹⁶³ NYC Administrative Code §6-145(d)(4)

XI. Glossary of Terms

Accelerated Procurement: An accelerated procurement is a procurement of commodities that is required to be made quickly due to markets experiencing significant shortages and/or short-term price fluctuations. Such markets must be identified by specific rule of the PPB. Accelerated procurement shall only be authorized when the CCPO determines those specific commodities subject to accelerated procurement, *i.e.*, chemicals, energy, food, etc. (9 RCNY § 3-07).

ACCO: An acronym that stands for Agency Chief Contracting Officer. Position delegated authority by the Agency Head to organize and supervise the procurement activity of subordinate agency staff in conjunction with the CCPO. (9 RCNY § 1-01 (e)).

Agency Head: A term referring to heads of City, country, borough, or other office, administration, department, division, bureau, board, or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the City treasury. (9 RCNY § 1-01 (e)).

Amendment: Modification or adjustments made to an existing contract. (9 RCNY § 4-02).

Amendment Extension: A contract amendment that allows for an extension of a contract term for good and sufficient cause for a cumulative period not to exceed one year from the date of expiration of the current contract. (9 RCNY § 4-02(b)(iii)).

Buy-Against: The process by which, as part of contract administration, an agency obtains goods and services to fulfill its requirements after a vendor defaults or fails to fulfill its contract responsibilities. (9 RCNY § 1-01(e)).

Capital Project (budget, or funding): Capital projects or contracts are funded with monies from the Capital budget typically for the purposes of funding physical infrastructure. Capital projects are at least \$35,000 and have a life of five years.

Change Order: Any alteration, change, amendment, or modification to any contract or agreement approved as required by law or rule. (9 RCNY § 1-01(e)).

CCPO: An acronym that stands for City Chief Procurement Officer. Position delegated authority by the Mayor to coordinate and oversee the procurement activity of Mayoral agency staff, including the ACCOs. (9 RCNY § 1-01(e)).

Charter: The New York City Charter. (9 RCNY § 1-01(e)).

City: City of New York. (9 RCNY § 1-01(e)).

Competitive Sealed Bidding (CSB): The source selection method in which sealed bids are publicly solicited and opened and a contract is awarded to the lowest responsive, responsible bidder. (9 RCNY § 1-01(e)).

Competitive Sealed Proposals (CSP): The source selection method in which a solicitation is made to potential vendors, and between receipt of proposals and award, discussions with vendors may take place to resolve uncertainties in the proposal, advise vendors of deficiencies in meeting the agency's requirements, allow for resulting price changes, etc. (9 RCNY § 1-01(e)).

Concession: A grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs, except that concessions shall not include franchises, revocable consents and leases. (NYC Charter § 362(a)).

Construction: The process of constructing, reconstructing, demolishing, excavating, renovating, altering, improving, rehabilitating, or repairing any building, facility, or physical structure of any kind, excluding the performance of routine maintenance. (9 RCNY § 1-01(e)).

Construction Management Contract: A form of construction contract that provides the vendor is to furnish management and supervisory services necessary for the construction of facilities that may also include construction services and the ability to award the underlying construction contract. (9 RCNY § 1-01(e)).

Construction-Related Services: Those services that may reasonably be required in the planning, design, or construction of real property or other public improvements. Such services shall include, but not be limited to, engineering, construction supervision, construction management, testing and investigation. (9 RCNY § 1-01(e)).

Contract: A written agreement between the City and a vendor in an amount generally in excess of the small purchase limits that gives rise to obligations that are enforced and recognized by law. (9 RCNY § 1-01(e)).

Contractor: Any person having a contract with a governmental body. (9 RCNY § 1-01(e)).

Cost Analysis: The process of examining the reasonableness of a vendor's price by evaluation of the separate cost elements and proposed profit in part on the basis of cost data supplied and certified by the vendor. Cost analysis is used on contract actions (including change orders) where price cannot be determined as fair and reasonable by using price analysis alone. (9 RCNY § 1-01(e)).

Demonstration Project: A short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City. Demonstration projects may be proposed for goods, services or

construction. They allow the City to observe and analyze effectiveness and efficiency without a large commitment of resources. (9 RCNY § 3-11(a)).

Emergency: An unforeseen danger to life, safety, property, or a necessary service. (9 RCNY § 1-01(e)).

Emergency Procurement: Method of procurement for goods when there is an unforeseen danger to life, safety, property, or a necessary service, the existence of which creates an immediate and serious need for goods, services, or construction that cannot be met through normal procurement methods. (9 RCNY § 3-06(a)).

Encumbrance: An action to set aside or reserve all, or a portion, of an appropriation of funds for the payment of future expenses such as payments for the receipt of goods, services or construction pursuant to a contract or agreement. (NYS Office of the State Comptroller Guide to Financial Operations Chapter XI.2.C.).

Expense Contract (budget, or funding): An expense contract is sourced with funding from the expense budget that has the explicit function of funding present City operations.

Fiscal Year: Unless otherwise indicated, the word “year” as it related to terms of contracts shall mean the City’s fiscal year. (9 RCNY § 1-01(e)). For the purpose of this *Report*, the fiscal year covered is Fiscal Year 2022 which runs from July 1, 2021 through June 30, 2022.

FMS: An acronym that stands for Financial Management System. (9 RCNY § 1-01(e)).

Franchise: A grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service. (NYC § 362(b)).

Franchise and Concession Review Committee (FCRC): The FCRC consists of six members: the Mayor who serves as chair, the director of the Office of Management and Budget (OMB), the Corporation Counsel, the Comptroller and one additional appointee of the Mayor. The FCRC is primarily responsible for the establishment of rules for the granting of concessions to ensure a competitive and fair process. Each member of the FCRC is entitled to one vote, with the exception of the borough president who collectively share a single vote. Franchises require at least five votes to be approved whereas applicable concession awards typically require four votes. (NYC Charter § 373).

Goods: All personal property, including but not limited to equipment, materials, printing, and insurance, excluding land or a permanent interest in land. (9 RCNY § 1-01(e)).

Government-to-Government Procurement: Purchases made when it is in the City’s best interest to procure from another governmental entity goods, services, construction, or construction-related services where the accepted price, terms and conditions are achieved through negotiation between the agency and the governmental entity. (9 RCNY § 3-13(a)).

Grant: A cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization, or an individual, for use by the recipient in accomplishing objectives established by the recipient. A grant is permissible only to accomplish a public purpose authorized by federal, state, or City law. A grant may be conditional, although awarded without other consideration. Federal and state grants are identified specifically by formula or specific allocations in law or in the annual operating budget act, bond authorizations, or other acts of Congress or the state legislature. Grants can be distinguished from procurement contracts, which call for the vendor to produce specific end products or to deliver specific goods or services. While there are requirements under a grant that result in an executed agreement between the grantor and grantee, this document is not a contract for services. (9 RCNY § 1-01(e)).

Human/Client Services: Programs contracted for by the City of New York on behalf of third-party clients, including programs to provide social services, health or medical services, housing and shelter assistance services, legal services, employment assistance services, and vocational, educational or recreational programs. Agencies whose mission involves the award and administration of such contracts, or provisions of the same or similar services by agency staff are sometimes known as “Human Services agencies.” Examples of human services include but are not limited to: day care, foster care, mental health treatment, operation of senior centers, home care, employment training, homeless assistance, preventive services, health maintenance organizations, and youth services. (9 RCNY § 1-01(e)).

IFB: An acronym that stands for Invitation for Bids. (9 RCNY § 1-01(e)).

Information Technology: Systems or components thereof including, but not limited to, hardware, software, firmware, and telecommunications that integrate and process data; and services including, but not limited to, planning, consulting, project managing, developing requirements definitions, analyzing, designing, programming, testing, training, implementing, as well as conversion capacity management and quality assurance for the purpose of using, creating, maintaining, operating, or repairing computer systems or networks or computer systems or components thereof. (9 RCNY § 1-01(e)).

Innovative Procurement: Prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently used by the City or provided for under the PPB rules. (9 RCNY § 3-12 (a)).

Intergovernmental Purchase: The issuance of a purchase order or contract to procure goods, services, or construction through the United States General Services Administration, any other federal agency, the New York State Office of General Services, any other state agency or in cooperation with another public agency subject to the rules set forth under the PPB rules. (9 RCNY § 1-01(e)).

Line-Item Appropriation: Method of procurement in which contract awards are made from line items appropriations and/or discretionary funds to community-based nonprofit organizations

or other public service organizations identified by elected City officials other than the Mayor and the Comptroller. Public officials that are able to designate awards for discretionary funding include the Public Advocate, individual members of the City Council, the City Council Speaker, and the Borough Presidents. These contract awards are typically designated by an elected official and are then administered and processed by a Mayoral agency. (9 RCNY § 1-02(e)).

Master Service Agreement: A Master Agreement (or Multiple Award Task Order Contract) may be awarded for standard services or multiple award purchase order contracts for goods upon a determination by the ACCO that it is in the best interest of the City to award multiple contracts for goods or standard services to multiple contractors and to allocate work among such contractors through a task order or purchase order system. Master Service Agreements can be awarded through either CSBs or CSPs. Once a master contract is set up, individual task orders are issued for the specific amount of the goods and or services. Task orders are typically assigned by rotation though they can also be awarded through a mini-bid or competition. These types of contracts (typically for standard services) are commonly set up by DCAS and can be utilized by other City agencies. (9 RCNY §§ 3-02(t), (j)).

Microurchases: Procurements of which the value is \$20,000 or less where no competition is required except that in making purchases below the limit, contracting officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. (9 RCNY§ 3-08(c)(1)(ii)).

M/WBE: An acronym that stands for Minority and/or Women-owned Business Enterprise; a business authorized to do business in the state, including sole proprietorships, partnerships, and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are (a) either minority group members or (b) women, (ii) the ownership interest of such person is real, substantial, and continuing, and (iii) such persons have and exercise the authority to control independently the day to day business decisions of the enterprise. (9 RCNY § 1-01(e)).

Negotiated Acquisition: A method of source selection under which procurements can be made through negotiation due to circumstances and subject to conditions, as specified in these rules, in which it is not practicable and/or advantageous to the City to make the procurement through competitive sealed bidding or competitive sealed proposals. The use of negotiated acquisition requires CCPO approval. (9 RCNY § 1-01(e)).

Negotiated Acquisition Extension: A form of contract extension in which an existing contract regardless of the original procurement method, can be extended one or more times beyond the now permissible cumulative twelve-month limit, provided that the vendor's performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan, and the extension(s) is for the minimum time necessary to meet the need. (9 RCNY § 3-04(b)(2)(iii)).

PASSPort: A computerized Citywide system providing new comprehensive contract management information and historical data migrated from VENDEX.

Person: Any business, individual, partnership, corporation, union, firm, company, committee, club, other organization, governmental body, or group of individuals. (9 RCNY § 1-01(e)).

Prequalification: The screening of potential vendors in which a purchaser may consider factors such as financial capability, reputation, and management in order to develop a list of prospective vendors qualified to be sent invitations to bid or requests for proposals. (9 RCNY § 1-01(e)).

Procurement: Buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, or construction. It also includes all functions that pertain to the obtaining of any good, service, or construction, including planning, description of requirements, solicitation and selection of sources, preparation and award of contract, and all phases of contract administration, including receipt and acceptance, evaluation of performance, and final payment. (9 RCNY § 1-01(e)).

Procurement Policy Board (PPB): The PPB is the governing entity responsible for the promulgation of the City's procurement rules. Members of the PPB set forth rules that include but are not limited to: the use of different types of procurements, how bids and proposals may be solicited, the award and administration of contracts and the resolving of contract disputes. The PPB consists of five members, three of whom are appointed by the Mayor and two of whom are appointed by the Comptroller. The PPB is required to assess and review its rules, policies and procedures annually and report to the Mayor, Comptroller and City Council on recommendations to make procurement more efficient. (NYC Charter § 311).

Professional Services: Services other than human/client services that require specialized skills and the exercise of judgment, including but not limited to: (i) accountants, (ii) lawyers, (iii) doctors, (iv) computer programmers and consultants, (v) architectural and engineering services, and (vi) construction management services. (9 RCNY §1-01(e)).

Proposer: A person submitting a proposal in response to a Request for Proposal. (9 RCNY § 1-01(e)).

Protest: A complaint about a governmental action or decision concerning procurement brought by an interested party to the appropriate administrative section with the intention of achieving a remedial result. (9 RCNY § 1-01(e)).

Purchase Order: An official document of the City directing the vendor to perform. A purchase order formalizes a purchase transaction with a vendor for purchases generally at or below the small purchase limits unless the purchase order is placed against an existing contract. (9 RCNY § 1-01(e)).

Registration: The process through which the Comptroller (1) encumbers funds to insure that monies are available to pay vendors upon the satisfactory completion of contract work; (2) maintains a registry of City contracts and agreements; (3) presents objections, if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity, and (4) tracks City expenditures and revenues associated with those contracts and agreements. No contract or agreement (including agreements memorializing the terms of franchises, revocable consents or concession) will be executed pursuant to the NYC City Charter or other law shall be implemented until (1) a copy has been filed with the Comptroller and (2) either the Comptroller has registered it or thirty days have elapsed from the date of filing, whichever is sooner. Registration authority for contracts, franchises and concessions are derived from the NYC City Charter. (9 RCNY § 1-01(e); NYC City Charter §§ 328, 375).

Renewals: Re-registration of previous contracts with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists or schedules or items to be supplied. (9 RCNY §4-04(a)).

Required Method/Preferred Source: Method of procurement in which the PPB rules do not apply to procurements to the extent that a source of funds outside the City of New York, a Federal or State statute or rule, the terms of a court order or consent decree, or other applicable law expressly authorizes or requires otherwise. (9 RCNY § 1-02 (d)(1)).

Required Authorized Source: Method of procurement in which the source selection requirements of the PPB rules do not apply to procurements where a source of funds outside the City of New York, a Federal or State statute or rule, the terms of a court order or consent decree, or other applicable law expressly authorizes or requires that a procurement be made from a specified source. (9 RCNY § 1-02 (d)(2)).

Requirement Contract: Contract for standard services or multiple award purchase order contracts for goods that are awarded when it is determined by the ACCO that it is in the best interests of the City to award multiple contracts for goods or standard services to multiple contractors and to allocate work among such contractors through a task order or purchase order system. (9 RCNY § 3-02(t)(1)).

Responsible Bidder or Proposer: A vendor who has the capability in all respects to perform in full the contract requirements, and the business integrity and reliability that will assure good faith performance. (9 RCNY § 1-01(e)).

Responsive Bidder or Proposer: A vendor whose bid or proposal conforms to the terms set out by the City in the solicitation. (9 RCNY § 1-01(e)).

Revocable Consent: A grant of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to

a tenant of real property to use adjacent inalienable property, or (3) to a public service corporation for facilities ancillary to, but not within a franchise granted prior to July 1, 1990. (NYC Charter § 362 (d)).

RFP: An acronym that stands for Request for Proposals. All documents, whether attached or incorporated by reference, used for soliciting competitive proposals. (9 RCNY § 1-01(e)).

Service Contract: A contract that calls for a vendor’s time and effort rather than for delivery of goods and construction. The term as defined here does not include employment agreements or collective bargaining agreements. (9 RCNY § 1-01(e)).

Small Purchases: Any procurement at or below the small purchase limit. The small purchase limit is currently set as \$100,000. (9 RCNY §§ 1-01(e), 3-08(a)).

Sole Source: An award of a contract for a good, service, or construction to the only source for the required good, service, or construction. (9 RCNY § 1-01(e)).

Special Case: A situation in which it is either not practicable or not advantageous to the City to use competitive sealed bidding as defined in § 312 of the NYC Charter. (9 RCNY § 1-01(e)).

Solicitation: The process of notifying prospective vendors that a governmental body wishes to receive bids or proposals for furnishing goods, services, or construction. The process may consist of public advertising, mailing invitations for bids or requests for proposals, posting notices, telephone or facsimile messages to prospective vendors, or all of these. (9 RCNY § 1-01(e)).

Subscription: A method of transaction in which there is a subscription or continuing need to renew including electronic subscriptions, for magazines and periodicals, orders for books and “off-the-shelf” training videotapes, and attendance at standard commercially available training seminars. (9 RCNY § 1-02(f)(5)).

Standard Services: Services other than professional services and human/client services such as custodial services, security guard services, stenography services and office machine repair. (9 RCNY § 1-01(e)).

Task Order: An agreement that defines the requested scope of work and price under the parameters issued via a master services contract. (9 RCNY § 3-02(t)).

Vendor: An actual or potential contractor. (9 RCNY § 1-01(e)).

XII. Appendices

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Appendix 18 – Agency Codes

Agency Code	Agency	Agency Short Name	Agency Type
002	Mayoralty	MAYOR	City - Mayoral Agency
003	Board of Elections	BOE	City - Non-Mayoral
004	Campaign Finance Board	CFB	City - Non-Mayoral

Agency Code	Agency	Agency Short Name	Agency Type
008	Office of the Actuary	OTA	City - Non-Mayoral
010	Borough President - Manhattan	MBP	City - Non-Mayoral
011	Borough President - Bronx	BXBP	City - Non-Mayoral
012	Borough President - Brooklyn	BKBP	City - Non-Mayoral
013	Borough President - Queens	QBP	City - Non-Mayoral
014	Borough President - Staten Island	SIBP	City - Non-Mayoral
015	Office of the Comptroller	COMP	City - Non-Mayoral
017	New York City Emergency Management	NYCEM	City - Mayoral Agency
025	Law Department	LAW	City - Mayoral Agency
030	Department of City Planning	DCP	City - Mayoral Agency
032	Department of Investigation	DOI	City - Mayoral Agency
035	New York Research Libraries	NYRL	Other Agency
038	Brooklyn Public Library	BPL	Other Agency
039	Queens Borough Public Library	QBPL	Other Agency
040	Department of Education	DOE	Other Agency
042	City University of New York	CUNY	Other Agency
043	City University Construction Fund	CUCF	Other Agency
054	Civilian Complaint Review Board	CCRB	City - Mayoral Agency
056	New York City Police Department	NYPD	City - Mayoral Agency

Agency Code	Agency	Agency Short Name	Agency Type
057	Fire Department	FDNY	City - Mayoral Agency
063	Department of Veteran Services	DVS	City - Mayoral Agency
068	Administration for Children's Services	ACS	City - Mayoral Agency
069	Human Resources Administration (Department of Social Services)	DSS/HRA	City - Mayoral Agency
071	Department of Homeless Services	DSS/DHS	City - Mayoral Agency
072	Department of Correction	DOC	City - Mayoral Agency
096	Human Resources Administration	DSS/HRA	City - Mayoral Agency
102	City Council	CC or COUNCIL	City - Non-Mayoral
125	Department for the Aging	DFTA	City - Mayoral Agency
126	Department of Cultural Affairs	DCLA	City - Mayoral Agency
127	Financial Information Services Agency	FISA	City - Non-Mayoral
131	Office of Payroll Administration	OPA	City - Non-Mayoral
132	Independent Budget Office	IBO	Other Agency
136	Landmarks Preservation Commission	LPC	City - Mayoral Agency
156	Taxi and Limousine Commission	TLC	City - Mayoral Agency
226	Commission on Human Rights	CCHR	City - Mayoral Agency
260	Department of Youth and Community Development	DYCD	City - Mayoral Agency

Agency Code	Agency	Agency Short Name	Agency Type
312	Conflicts of Interest Board	COIB	City - Non-Mayoral
313	Office of Collective Bargaining	OCB	City - Non-Mayoral
351	Manhattan Community Board # 11	MCB11	City - Non-Mayoral
389	Bronx Community Board # 9	BXCB9	City - Non-Mayoral
486	Brooklyn Community Board # 16	BKCB16	City - Non-Mayoral
493	Staten Island Community Board # 3	SICB3	City - Non-Mayoral
781	Department of Probation	DOP	City - Mayoral Agency
801	Department of Small Business Services	SBS	City - Mayoral Agency
801a	New York City Economic Development Council	EDC	Other Agency
806	Housing Preservation and Development	HPD	City - Mayoral Agency
806a	New York City Housing Authority	NYCHA	Other Agency
810	Department of Buildings	DOB	City - Mayoral Agency
816	Department of Health and Mental Hygiene	DOHMH	City - Mayoral Agency
819	Health and Hospitals Corporation	HHC	Other Agency
820	Office of Administrative Trials and Hearings	OATH	City - Non-Mayoral
826	Department of Environmental Protection	DEP	City - Mayoral Agency
827	Department of Sanitation	DSNY	City - Mayoral Agency
829	Business Integrity Commission	BIC	City - Mayoral Agency

Agency Code	Agency	Agency Short Name	Agency Type
836	Department of Finance	DOF	City - Mayoral Agency
841	Department of Transportation	DOT	City - Mayoral Agency
846	Department of Parks and Recreation	DPR	City - Mayoral Agency
850	Department of Design and Construction	DDC	City - Mayoral Agency
856	Department of Citywide Administrative Services	DCAS	City - Mayoral Agency
857	DCAS Division of Municipal Supply Service	DCAS (DMSS)	City - Mayoral Agency
858	Office of Technology and Innovation	OTI	City - Mayoral Agency
860	Department of Records and Information Services	DORIS	City - Mayoral Agency
866	Department of Consumer and Worker Protection	DCWP	City - Mayoral Agency
901	District Attorney - New York County	DANY	City - Non-Mayoral
902	District Attorney - Bronx County	DABX	City - Non-Mayoral
903	District Attorney - Kings County	DAKINGS	City - Non-Mayoral
904	District Attorney - Queens County	DAQ	City - Non-Mayoral
905	District Attorney -Richmond County	DARICH	City - Non-Mayoral
906	Office of Prosecution – Special Narcotics	OOP-SN	City - Non-Mayoral
998	Transit Authority	TRANSIT	Other Agency

Appendix 19 – Award Method Codes

Award Method Code	FMS Award Method Description
1	COMPETITIVE SEALED BIDDING
2	REQUEST FOR PROPOSAL (RFP)
3	PQVL COMPETITIVE BID LIST
5	SOLE SOURCE
6	EMERGENCY
7	LESSEE NEGOTIATION
10	RENEWAL OF CONTRACT
12	BORO NEEDS/DISCRETIONARY FUND
13	PETITION PRIVATE USE/FRANCHISE
14	CONCESSIONAIRE BY PROCEDURE
15	RENEWAL FRANCHISE/CONCESSION
17	GOVERNMENT TO GOVERNMENT
18	NON PROCUREMENT TRANSACTION
20	INNOVATIVE PROCUREMENT
21	NEGOTIATED ACQUISITION AND DOE NEGOTIATED SERVICES
22	RFP FROM A PQVL
23	DEMONSTRATION PROJECT
25	INTERGOVERNMENTAL PROCUREMENT
26	DETERMINED BY GOV'T MANDATE
27	ACCELERATED PROCUREMENT
28	BUY-AGAINST
29	ASSIGNMENT
30	MICROPURCHASE - NOT EXCEEDING \$35,000
31	SMALL PURCHASE - ORAL SOLICITA

Award Method Code	FMS Award Method Description
32	Small Purchase - Written
35	Small Purchase - Publicly Let
36	Small Purchase - RFP
37	Small Purchase - PQVL Comp Bid
38	Micropurchase Council & BP Needs
40	Dept Of Ed Listing Application
41	Cable Service Negotiation
42	Prof. Membership Negotiation
43	Subscription Etc Per PPB
44	Public Utility
45	Small Purchase-Public Utility
51	Grants
62	Small Purchase - Intergov't
68	Force Account Negotiation
72	M/WBE Purchase-Not Exceeding \$1m
78	Real Estate Sales And Purchases
79	Watershed Land Negotiation
99	Miscellaneous
100	Small Purch -Subscription Etc
101	Sm. Purchase -Prof. Membership
103	Sm. Purchase - Gov't To Gov't
109	Small Purchase - Info Tech
111	Small Purch - It- 25 K To 100k
112	Sm Purch Goods Services 100k
113	Sm Purch Constr - 50k To 100k

Award Method Code	FMS Award Method Description
211	Neg Acquisition Extn And DOE Negotiated Services Extn
251	Intergovernmental Procurement Renewal

Appendix 20 – Contract Type Codes

Contract Type Code	Contract Type Description
5	Construction
10	Consultant
15	Franchises
17	Revocable Consents
18	Permits
20	Concessions
25	Corpus Funded
29	Other Expense Contr Or Revenue Relatd
30	Misc Revenue-No Expense
35	Lessee
36	Miscellaneous Property Rental
40	Lessor - Accounting Lines Exist
41	Cable Service
42	Professional Membership
43	Subscriptions
44	Public Utility
45	Requirements
46	Requirements-Goods
47	Requirements-Services

Contract Type Code	Contract Type Description
48	Requirements-Construction
50	Work/Labor
51	Supplies/Materials/Equipment
52	Construction Mgmt/Build
53	Design Build
65	Loans
68	Force Account Agreement
70	Programs
72	Programs (Not Tax Levy Funded)
78	Real Estate Sales And Purchases
79	Watershed Land Acquisition
80	OTI-Requirements Contract (RC)
81	DMS-Requirements Contract (RC)
85	Intra-Agency Fund Agreements
86	Dept Of Ed-Requirement Contract
88	New York City Bond Financing
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Appendix 21 – Key Sections from NYC Charter:

Chapter 5: Section 93. Powers and Duties (p)

No contract or agreement executed pursuant to this charter or other law shall be implemented until (1) a copy has been filed with the comptroller and (2) the comptroller has registered it in accordance with sections [three hundred twenty-eight](#) and [three hundred seventy-five](#) of the charter.

Chapter 13: Section 314. Small Purchases

a. Notwithstanding any other provision of this charter, the procurement policy board and the council may, by concurrent action, establish dollar limits for procurement of goods, services, construction, or construction-related services that may be made without competition or without public advertisement. Awards pursuant to this section shall be made in accordance with rules of the procurement policy board.

b. On or before September thirtieth, two thousand and three, and on or before the last day of every quarter thereafter, the mayor or his or her designee shall submit to the council and the comptroller a report detailing each small purchase award made pursuant to this section during the quarter that ended three months before such report is due and for which information is required to be contained in the computerized data base maintained pursuant to subdivision a of section [6-116.2](#) of the administrative code. Such report shall provide the name of the vendor selected to fulfill the requirements of each such small purchase award, the date and dollar amount of each such small purchase award and the type of goods or services provided.

Chapter 13: Section 315. Emergency Procurement

Notwithstanding the provisions of section [three hundred twelve](#) of this chapter, in the case of unforeseen danger to life, safety, property or a necessary service, an emergency procurement may be made with the prior approval of the comptroller and corporation counsel, provided that such procurement shall be made with such competition as is practicable under the circumstances, consistent with the provisions of section [three hundred seventeen](#) of this chapter. A written determination of the basis for the emergency and the selection of the contractor shall be placed in the agency contract file, and shall further be submitted to the council no later than fifteen days following contract award, and the determination or summary of such determination shall be included in the notice of the award of contract published pursuant to section [three hundred twenty-five](#) of this chapter.

Chapter 13: Section 316. Intergovernmental Procurement

Notwithstanding any other requirement of this chapter,

a. any goods may be procured, ordered or awarded through the United States General Services Administration, or any other federal agency if the price is lower than the prevailing market price; any services or construction may be procured, ordered or awarded through the United States General Services Administration, or any other federal agency if the price is fair and reasonable, and

b. any goods may be procured, ordered or awarded through the New York State office of general services, or any other state agency, if the price is lower than the prevailing market price; any services or construction may be procured, ordered or awarded through the New York State office of general services, or any other state agency, if the price is fair and reasonable.

Chapter 13: Section 317. Alternatives to competitive sealed bidding

a. If, in accordance with section [three hundred twelve](#), an agency determines that the use of competitive sealed bidding is not practicable or not advantageous to the city, the agency shall select the most competitive alternative method of procurement provided for by sections [three hundred eighteen](#) through [three hundred twenty-two](#) which is appropriate under the circumstance. Each agency contract file shall contain documentation of such determination and of the basis upon which each contract is awarded, as is required by the procurement policy board.

b. Each contract for goods, services or construction in value of more than five million dollars proposed by an agency to be awarded which is let by other than (i) competitive sealed bidding, (ii) competitive sealed

bids from prequalified vendors, or (iii) competitive sealed proposals, where the weight assigned to each of the factors or criteria to be considered in selecting the proposal most advantageous to the city was set forth in a writing filed in the agency contract file prior to the opening of proposals, shall require the approval of the mayor prior to its execution. Notwithstanding the preceding sentence, the mayor may, where the mayor has determined that it is appropriate, exclude an agency's contracts or a particular category of contracts from the approval requirement of this subdivision.

Chapter 13: Section 319. Competitive sealed proposals

In accordance with section [three hundred seventeen](#), proposals may be solicited through a request for proposals with award to the responsible offeror whose proposal is determined to be the most advantageous to the city, taking into consideration the price and such other factors or criteria as are set forth in the request for proposals. No other factors or criteria shall be used in the evaluation and award of the contract except those specified in the request for proposals. Discussions may be conducted with responsible offerors who submit proposals, provided that offerors shall be accorded fair treatment with respect to any opportunity for discussion and revision of the proposals.

Chapter 13: Section 321. Sole Source

a. In accordance with section [three hundred seventeen](#), a contract may be awarded for a good, service or construction without competition when an agency determines, pursuant to rules promulgated by the procurement policy board, that there is only one source for the required good, service or construction. The agency contract file shall contain the agency's determination that only a single source is available for the required good, service or construction, including the process by which the agency made such determination. Copies of such notice shall be filed with the comptroller.

b. Whenever an agency determines that there is only a single source for a good, service or construction, an agency shall give immediate notice in the City Record of such determination and shall in such notice solicit the application of vendors qualified to provide such good, service or construction, or interested in providing such good service or construction in the future. The procurement policy board shall by rule define the timing and duration of such notification to ensure that vendors qualified to provide such good, service or construction have sufficient opportunity to express their interest to the agency prior to the initiation of any sole source negotiation; provided, however, that if the agency has determined that it should not reveal to the vendor with whom it is negotiating that it is doing so on a sole source basis under circumstances defined by rule of the procurement policy board, the notice required by this subdivision shall be made upon the completion of such negotiations or the award of the contract. Vendors interested in providing such good, service or construction in the future shall be prequalified in accordance with section [three hundred twenty-four](#), or shall be included for receipt of notice in accordance with subdivision a of section [three hundred twenty-five](#).

Chapter 13: Section 328. Registration of contracts by the comptroller

a. No contract or agreement executed pursuant to this charter or other law shall be implemented until (1) a copy has been filed with the comptroller and (2) either the comptroller has registered it or thirty days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed pursuant to subdivision c of this section, or the comptroller has grounds for not registering the contract under subdivision b of this section.

b. Subject to the provisions of subdivision c of this section, the comptroller shall register a contract within thirty days unless the comptroller has information indicating that:

i. there remains no unexpended and unapplied balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the officer making the same;

ii. that a certification required by section [three hundred twenty-seven](#) of this chapter has not been made; or

iii. the proposed vendor has been debarred by the city in accordance with the provisions of section [three hundred thirty-five](#).

c. The comptroller may, within thirty days of the date of filing of the contract with the comptroller's office, object in writing to the registration of the contract, if in the comptroller's judgment there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity. Such objection shall be delivered within such thirty day period to the mayor setting forth in detail the grounds for the comptroller's determination. After the mayor has responded to the comptroller's objections in writing, indicating (i) the corrective actions if any, that have been taken or will be taken in response to the comptroller's objections, or (ii) the reasons why the mayor disagrees with the comptroller's objections, the mayor may require registration of the contract despite the comptroller's objections. Such response by the mayor shall not serve as the basis for further objection by the comptroller, and the comptroller shall register the contract within ten days of receipt of the mayor's response.

d. The requirements of this section shall not apply to

(1) an emergency contract awarded pursuant to section [three hundred fifteen](#) or to an accelerated procurement as defined under section [three hundred twenty-six](#), provided that the agency shall, as soon as is practicable, submit any such contract to the comptroller for an audit of the procedures and basis for the determination of the need for an emergency or accelerated procurement, or

(2) a contract awarded pursuant to this chapter for the provision of goods, services or construction that is not to be paid for out of the city treasury or out of moneys under the control of the city, provided that the board of the entity awarding such a contract shall within ten days of awarding contract, file a copy of such contract and any related materials specified by the mayor, with the mayor or the mayor's designee for purposes of section [three hundred thirty-four](#) of this charter.

Chapter 14: Section 363. Franchises

a. Franchises shall be awarded only in accordance with the provisions of an authorizing resolution adopted by the council pursuant to the provisions of this section.

b. An initial determination of the need for franchises of a particular type shall be made by the head of the agency designated by the mayor as having the primary expertise and responsibility in the policy area covered by that type of franchise. Upon making such a determination, such agency, with the advice of the corporation counsel and such other agencies as the mayor shall determine, shall prepare a proposed authorizing resolution for that type of franchise and shall submit such proposed authorizing resolution to the mayor. Such a proposed authorizing resolution shall set forth the nature of the franchise or franchises to be granted, the public service to be provided, the terms and conditions of the franchise or franchises, including any subsidies that will be given to a franchisee, the method by which proposals will be solicited for the franchise or franchises and the criteria to be used in evaluating the proposals submitted in response to such a solicitation.

c. The mayor may submit such a proposed authorizing resolution to the council. Promptly upon submission to the council, the text of any such authorizing resolution shall be published in the City Record. Within ninety days of receiving such a proposed resolution, the council or a committee of the council shall hold a public hearing on such resolution. The council may approve, approve with modifications or disapprove such resolution by majority vote. Any action of the council approving a modification to a proposed authorizing resolution or disapproving a proposed authorizing resolution shall be subject to the disapproval of the mayor in the same manner as a local law which is passed by the council, and any such

disapproval shall be subject to reconsideration, repassing and adoption, notwithstanding the objections of the mayor, in the same manner as a local law which is disapproved by the mayor. The council may on its own initiative amend an authorizing resolution. The procedure for council review and approval of such a proposed amendment shall be the same as for an authorizing resolution.

d. No authorizing resolution or other action of the council may provide for any involvement by the council or any member of the council in the selection of a franchise pursuant to such resolution.

e. Pursuant to an authorizing resolution adopted by the council, the responsible agency may issue one or more requests for proposals or other solicitations of proposals, provided that (1) the corporation counsel shall have determined that the request for proposals is consistent with the provisions of the authorizing resolution and (2) no such request or solicitation shall be issued unless either the department of city planning has determined that the proposed franchise would not have land use impacts or implications or such request or solicitation has been reviewed and approved pursuant to section [one hundred ninety-seven-c](#) and section [one hundred ninety-seven-d](#). A community board may waive a public hearing and the preparation of a written recommendation with respect to any such request for proposals or solicitation which in its judgment does not involve a substantial land use interest. Any such request for proposals or solicitation issued in accordance with this subdivision shall set forth the criteria and procedures to be utilized in evaluating the proposals submitted in response to such request or solicitation.

f. The selection of a franchisee shall be in accordance with the provisions of the authorizing resolution covering franchises of the type involved. Each such selection and each franchise agreement shall be subject to the review and approval of the franchise and concession review committee pursuant to sections [three hundred seventy-one](#), [three hundred seventy-two](#) and [three hundred seventy-three](#).

g. Nothing in this section shall preclude any agency, prior to proposing an authorizing resolution, from issuing one or more requests for information or other solicitations of information regarding the availability of potential franchisees with expertise in the subject matter of a proposed type of franchise, suggestions regarding the appropriate terms and conditions which should be contained in an authorizing resolution for that type of franchise or any other information which would assist the agency in determining how to proceed with regard to the public service involved.

h. All franchises shall be consistent with the following requirements:

(1) Every grant of a franchise or modification thereof must be by written agreement approved by the franchise and concession review committee and executed by the responsible agency under the authority of an authorizing resolution adopted by the council in accordance with the provisions of this chapter.

(2) No such agreement shall be for a longer period than twenty-five years except that in the case of a tunnel railroad it may be for a period not exceeding fifty years.

(3) The agreement may, at the option of the city, provide for giving to the grantee the right of renewals not exceeding in the aggregate twenty-five years on a fair redetermination of the compensation to the city to be made upon standards and methods as therein specified.

(4) At the termination of such agreement all the rights or property of the grantee in the inalienable property of the city to which the franchise relates shall cease without compensation.

(5) Any such agreement may provide that upon its termination the property, plant and equipment of the grantee shall, to the extent therein specified, thereupon be and become the property of the city, either without compensation to the grantee or on payment to the grantee of the fair value thereof as property, to be determined as provided in the contract, but excluding any value derived from the franchise. The city shall have the option either to take and operate on its own account the property, plant and equipment when so acquired, or to lease the same for a term not exceeding twenty years or to require that the property of the city be restored to its condition prior to the granting of the franchise.

(6) Every agreement granting a franchise for the performance of any public service shall contain an agreement by the grantee to recognize the right of its employees to bargain collectively through representatives of their own choosing, and at all times to recognize and deal with the representatives duly

designated or selected by the majority of its employees for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment and not to dominate, interfere with or participate in the management or control of or give financial support to any union or association of its employees. This subdivision shall not apply to a contract providing for a modification or amendment of or extension of service under a franchise not containing a similar provision, provided that the term of such franchise is not extended thereby.

Chapter 14: Section 364. Revocable consents

- a. A revocable consent shall not be granted for a use that would interfere with the use of inalienable property of the city for public purposes, nor shall a revocable consent be granted for a purpose for which a franchise may be granted.
- b. All revocable consents shall be revocable at any time by the responsible agency, shall be granted for a fixed term, and shall provide for adequate compensation to be annually provided to the city during the continuance of the consent.
- c. Revocable consents, other than for telecommunications purposes, may be granted by the department of transportation with respect to property under its jurisdiction or by such other agency as may be authorized by law to grant revocable consents. Revocable consents for telecommunications purposes may be granted by the department of information technology and telecommunications. All revocable consents shall require the approval of the department of transportation.
- d. Every petition for the grant of a revocable consent shall be filed with the department of transportation. Each petition shall state the location of the proposed revocable consent and shall be in such form and contain such other information as the department of transportation and other responsible agencies, if any, shall require by rule. Petitions for each type of revocable consent shall be distributed to and reviewed by the agencies required to do so by local law or executive order of the mayor. If, in the judgment of the department of city planning, a proposed revocable consent has land use impacts or implications, the petition for the proposed revocable consent shall be subject to review and approval pursuant to section [one hundred ninety-seven-c](#) and section [one hundred ninety-seven-d](#).
- e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to subchapter six of [chapter two of title twenty](#) of the administrative code.

Chapter 14: Section 374. Concessions

- a. No city agency shall grant a concession without either complying with the procedures established by the franchise and concession review committee or obtaining the approval of the committee prior to granting the concession.
- b. The city planning commission shall adopt rules that either list major concessions or establish a procedure for determining whether a concession is a major concession. A "major concession" shall mean a concession that has significant land use impacts and implications, as determined by the commission, or for which the preparation of an environmental impact statement is required by law. All major concessions shall be subject to review and approval pursuant to section [one hundred ninety-seven-c](#) and section [one hundred ninety-seven-d](#).

Chapter 35: Section 824. Real Property

With respect to real property, the commissioner shall have the following powers and duties:

- (a) to purchase, lease condemn or otherwise acquire real property for the city, subject to the approval of the mayor, and to sell, lease, exchange or otherwise dispose of real property of the city, subject to the

requirements of section [three hundred eighty-four](#) and subject to review and approval either pursuant to section [one hundred ninety-five](#), if applicable, or pursuant to sections [one hundred ninety-seven-c](#) and [one hundred ninety-seven-d](#). No such purchase, lease, condemnation or other acquisition shall be authorized until a public hearing has been held with respect to such acquisition after the publishing of notice in the City Record at least ten days but not more than thirty days in advance of such hearing; provided, however, that in the case of an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease. Before submitting an application pursuant to section [one hundred ninety-seven-c](#) for an acquisition or a disposition pursuant to this section, the commissioner shall take into consideration the criteria for location of city facilities established pursuant to section [two hundred three](#). If two years, not including time spent in litigation, have elapsed between (1) the final approval of a disposition or acquisition pursuant to section [one hundred ninety-seven-c](#) and section [one hundred ninety-seven-d](#) and (2) execution of an agreement in connection with such disposition or acquisition, a public hearing shall be held on the proposed acquisition or disposition after the publishing of notice in the City Record at least forty-five days in advance of such hearing;

(b) to assign and reallocate to city agencies space and real property owned or leased by the city, to establish comprehensive and continuing programs and standards for utilization of space owned or leased by the city and to conduct surveys of space utilization;

(c) to manage all real property of the city not used for public purposes, including real property acquired for a public purpose and not being currently utilized for such purpose, except wharf property or other real property under the jurisdiction of the department of small business services, the department of housing preservation and development, the New York city transit authority, and the New York city housing authority by virtue of an authorization granted by the mayor pursuant to the provisions of subdivision three of section one hundred twenty-five of the public housing law, or except as otherwise provided by law, real property under the jurisdiction of the triborough bridge and tunnel authority; provided, that the commissioner shall be responsible for the management, leasing or permitting of any parcels of wharf property and water front property as provided in any designation made by the commissioner of small business services pursuant to paragraph b of subdivision two of section [thirteen hundred one](#) of this charter;

(d) to exercise and perform such other powers and duties as may be prescribed by law or delegated to the commissioner in relation to the acquisition, disposition, management, site selection, assignment, demolition or other treatment of real property of the city;

(e) to employ, where desirable, managing agents to manage city properties and collect rents therefrom and pay bills;

(f) to keep, maintain and annually update a master list of leases wherein the city or its agencies is a tenant. Such master list shall contain at least the following information: name and address of lessor, location wherein lease property is situated, base rent, square footage, escalation provisions, and any other information which the department deems necessary and appropriate.

Appendix 22 – Key Sections from the NYC Administrative Code

Title 6, Chapter 1, Section 6-109(d)

(1) *Coordination by the Comptroller.* The comptroller shall monitor, investigate, and audit the compliance by all contracting agencies, and provide covered employers and employees with the information and assistance necessary to ensure that the section is implemented.

(a) The mayor or his or her designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. The comptroller shall be responsible for publishing the living wage and for calculating and publishing all applicable prevailing wage and health benefits supplement rates. The comptroller shall annually publish the adjusted rates. The adjusted living wage and health benefits supplement rate shall take effect on July 1 of each year, and the adjusted prevailing wage rates shall take effect on whatever date revised prevailing wage rates determined under section 230 of the state labor law are made effective. At least 30 days prior to their effective date, the relevant contracting agencies, shall provide notice of the adjusted rates to city service contractors, which shall in turn provide written notification of the rate adjustments to each of their covered employees, and to any city service subcontractors, which shall in turn provide written notification to each of their covered employees. Covered employers shall make necessary wage and health benefits adjustments by the effective date of the adjusted rates.

(b) The comptroller and the mayor shall ensure that the information set forth in the certifications (including annual updated certifications and alternatives to certifications authorized for city service contractors providing homecare, day care, or head start services or services to persons with cerebral palsy) required to be submitted under paragraph 2 of subdivision c of this section is integrated into and contained in the city's contracting and financial management database established pursuant to section [6-116.2](#) of the administrative code. Such information shall to the extent permitted by law be made available to the public. Provided, however, that the comptroller and the mayor may agree to restrict from disclosure to the public any information from the certifications required under paragraph 2 of subdivision c of this section that is of a personal nature.

(c) The comptroller shall submit annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement of this section during the preceding year, and include such information in the summary report on contracts required under section [6-116.2](#) of the administrative code.

(2) Implementation by Contracting Agencies.

(a) Contracting agencies shall comply with and enforce the requirements of this section. The requirements of this section shall be a term and condition of any city service contract. No contracting agency may expend city funds in connection with any city service contract that does not comply with the requirements of this section.

(b) Every city service contract shall have annexed to it the following materials which shall form a part of the specifications for and terms of the city service contract:

(i) A provision obligating the city service contractor to comply with all applicable requirements under this section;

(ii) The certification required under paragraph 2 of subdivision c of this section;

(iii) A schedule of the current living wage and health benefits supplement rates, a schedule of job classifications for which payment of the prevailing wage is required under this section together with the applicable prevailing wage rates for each job classification, as determined by the comptroller and notice that such rates are adjusted annually; and

(iv) A provision providing that:

(a) Failure to comply with the requirements of this section may constitute a material breach by the city service contractor of the terms of the city service contract;

(b) Such failure shall be determined by the contracting agency; and

(c) If, within thirty days after or pursuant to the terms of the city service contract, whichever is longer, the city service contractor and/or subcontractor receives written notice of such a breach, the city service contractor fails to cure such breach, the city shall have the right to pursue any rights or remedies available under the terms of the city service contract or under applicable law, including termination of the contract.

Title 6, Chapter 1, Section 6-116.2 (a)-(f)

a. The comptroller and the mayor shall jointly maintain, at the financial information services agency, a computerized data base. Such data base shall contain information for every franchise and concession and every contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, entered into by an agency, New York city affiliated agency, elected official or the council, including, but not limited to:

(1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire where available in accordance with applicable law;

(2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures;

(3) the type of goods or services to be provided pursuant to the contract;

(4) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized;

(5) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller;

(6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder; and

(7) the date of any public hearing held with respect to the contract and the date and agenda number of action taken with respect to a concession or franchise by the franchise and concession review committee; and

(8) [Reserved.]

(9) the contract budget category to which the contract is assigned, where applicable.

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different,

B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site,

C. any other names under which the contractor has conducted business within the prior five years, and

D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years;

(2) the dun & bradstreet number of the contractor, if any;

(3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract;

(4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation;

(5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years;

(6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers;

(7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractors;

(8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers;

(9) the principal owners and officers of every subcontractor;

(10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section;

(11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending;

(13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract;

(14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending;

(15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor;

(16) whether city of New York income tax returns, where required, have been filed for the past five years;

(17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city;

(18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity;

(19) criminal proceedings pending against the contractor and any principal owner or officer of such contractor;

(20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status;

(21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates; (22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending;

(23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract.

(ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official.

(iii) Information required from a contractor consisting of a contractor's social security number shall be obtained by the agency, elected official or the council entering into a contract as part of the administration of the taxes administered by the commissioner of finance for the purpose of establishing the identification of persons affected by such taxes.

(iv) In the event that procurement of goods, services or construction must be made on an emergency basis, as provided for in section [three hundred fifteen](#) of the charter, on an accelerated basis as provided for in section [three hundred twenty-six](#) of the charter, or expedited action is required due to urgent circumstances, or in such other circumstances as may be determined by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement, where it is not feasible to submit the information required by subdivision b prior to contract award, the required information may be submitted after award of the contract. However, all of the information required by subdivision b herein shall be submitted no later than thirty days from the date of the award. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on or otherwise be awarded a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement.

(v) Where a contractor or subcontractor becomes obligated to submit information required by this subdivision by reason of having been awarded a contract or subcontract, the value of which, when aggregated with the value of all other contracts or subcontracts awarded to that contractor or subcontractor during the immediately preceding twelve-month period, is valued at \$250,000, or more, such information shall be submitted no later than thirty days after registration of the contract which resulted in the obligation to submit such information. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement.

(vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph i and on or after June 30, 1994, subcontractors shall be subject to paragraph i in its entirety.

(vii) This subdivision shall not apply to any New York city affiliated agency, except that such New York city affiliated agency shall report cautionary information and the name and telephone number of the employee responsible for responding to inquiries concerning such information.

c. The information maintained pursuant to subdivision b shall be made accessible to the computerized data system established pursuant to subdivision a of this section in a form or format agreed upon by the mayor and the comptroller. The information contained in these computerized data systems shall be made available to any other data retrieval system maintained by an agency, New York city affiliated agency, elected official or the council for the purpose of providing information regarding contracts, franchises and concessions awarded and the contractors, franchisees and concessionaires to which they were awarded. The information concerning the past performance of contractors that is contained in a computerized data base maintained pursuant to section [6-116.1](#) of this code for such purposes shall be made available to these data systems.

c-1. The information required to be provided by contractors or subcontractors pursuant to subdivision b of this section shall be submitted electronically in such form and manner as the mayor may determine. For good cause, the mayor may waive the requirement of electronic submission and permit such information to be submitted in another manner.

d. All of the information as required by subdivisions a and b contained in these computerized data bases shall be made available on-line in read-only form to personnel from any agency or New York city affiliated agency, elected officials, members of the council and council staff, and shall be made available to members of the public, in accordance with sections [three hundred thirty four](#) and [one thousand sixty four](#) of the charter and article six of the public officers law.

e. No contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, franchise or concession shall be let by an agency, elected official or the council, unless the contract manager or other person responsible for making the recommendation for award has certified that these computerized data bases and the information maintained pursuant to section [6-116.1](#) of this code have been examined. This shall be in addition to any certifications required by [chapter thirteen](#) of the charter, the rules of the procurement policy board, where applicable, or any rules of the council relating to procurement.

f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to:

(1) the types and dollar amount of each contract, franchise or concession entered into during the previous fiscal year;

(2) the registration number assigned by the comptroller, if any;

(3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession;

(4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract;

(5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section [312](#) of the charter, where applicable; and

(6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder. For franchises, this information shall also include whether the authorizing resolution of the council was complied with.

Title 6, Chapter 1, Section 6-130(d)

(1) The mayor or his or her designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. Beginning twelve months after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement of this section during the preceding year.

(2) In addition to failure to comply with subdivisions b and c of this section, it shall be a violation of this section for any covered lessor, covered developer or protected developer to discriminate or retaliate against any building service employee who makes a claim that he or she is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this section.

(3) The comptroller shall monitor covered lessors', covered developers' and protected developers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a building service employee, a former building service employee, or a building service employee's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section 235 of the labor law, request that the relevant contracting agency or entity withhold any payment due to the covered lessor, covered developer or protected developer in order to safeguard the rights of the building service employees.

(4) The comptroller shall report the results of such investigation to the mayor or his or her designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered lessor, covered developer or protected developer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the mayor, or his or her designee, impose the following on the covered lessor, covered developer or protected developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the building service employee, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than six percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages or protected wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, the mayor, or his or her designee, may impose a civil penalty in an amount not exceeding 50 percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered lessor, covered developer or protected developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered lessor, covered developer or protected developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

(5) In addition to the provisions provided in subparagraph a of this paragraph, in the case of a covered developer, based upon the investigation provided in this paragraph, the comptroller shall also report the results of such investigation to the city economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.

(6) Before issuing an order, determination, or any other disposition, the mayor, or his or her designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor, or his or her designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such person or covered lessor, covered developer or protected developer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

(7) When a final disposition has been made in favor of a building service employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the mayor, or his or her designee, as applicable, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the mayor, or his or her designee, as applicable, shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor, or his or her designee, as applicable, in the same manner and with like effect as that prescribed by the state civil practice law and rules for the enforcement of a money judgment.

(8) In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or his or her designee, as applicable, shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

(9) The mayor, or an agency designated by the mayor shall promulgate a rule establishing a standard by which to calculate an increase in the rate of wages to account for any change in the cost of living and a standard by which to calculate any increase in the cost of benefits to account for changes in the cost of such benefits.

Appendix 23 – Key Sections from Comptroller Directive 24

4.1 Requisition Documents

Generally, agencies begin the purchasing process by creating a Requisition in FMS to pre-encumber funds from the agency's budget. Agencies should use Requisition Documents to pre-encumber funds for purchases from external vendors. A Requisition is entered by an agency to pre-encumber funds for purchases before an order is placed with an external vendor. In order to maintain adequate internal controls, FMS has built-in segregation of duty and approval parameters. Agencies must ensure that this segregation is well documented, and an agency's IT Security Officer should maintain a list of the agency's personnel's system authorizations. In order to maintain adequate internal control, only those employees who do not prepare or approve other Purchasing Documents should be authorized to enter Requisitions.

4.2 Purchase Order Documents

A Purchase Order Document must be entered into FMS to close or clear the Requisition associated with the purchase before an order is placed with an external vendor. Besides closing

or clearing Requisitions, Purchase Order Documents also reserve or encumber funds from the purchasing agency's budget and reclassify the pre-encumbrance as an encumbrance.

This section of the Directive focuses on the PON1 document, since the PON1 poses a potential risk of being entered erroneously or misused.

4.2.1 Appropriate Uses of PON1 Documents

The use of the PON1 document should be strictly limited. A PON1 should be used only as a general agency encumbrance for special, non-procurement expenditures for which a contract or other Purchase Order Document does not apply or, due to the timeliness of the payment, is not possible. Appropriate uses of the PON1 document are limited to the following:

- (a) U.S. Postal Services – payments made to USPS or a commercial vendor such as Pitney Bowes.
- (b) Federal, State, and City legally-mandated or court-ordered payments, as well as arbitration-related fees and awards that a City agency must pay pursuant to the terms of a City-registered contract or agreement. Where a payment is being made pursuant to a Federal, State, or City law, a citation to the relevant law must be included in the PON1 document. Where a payment is being made pursuant to a court or arbitration order, a copy of the court or arbitrator's order and, in the case of arbitration, a copy of the contract and a citation to the relevant section of the contract requiring the payment of arbitration-related fees, must be included as an attachment to the PON1 document.
- (c) Health insurance companies.
- (d) Major cultural institutions, i.e. payments processed by the Department of Cultural Affairs.
- (e) Pension funds.
- (f) Union welfare funds.
- (g) Members of City Boards and Commissions – statutory per-diem payments.
- (h) Required payments under union contracts.
- (i) Metro Cards and E-Z Passes – specifically for the direct operations of a City program.

All other uses of the PON1 document require the submission and approval of an Application for Waiver from Requirements of the Comptroller's Internal Control and Accountability Directives. Instructions on the Waiver process and a link to the Waiver Application can be found on the Comptroller's Website: [Comptroller's Directives and Memoranda](#).

4.2.2 Inappropriate Uses of PON1 Documents

Inappropriate uses of the PON1 document include, but are not limited to:

- (a) Using a PON1 document for any vendor payment other than those specifically listed in Section 4.2.1, above.

(b) Splitting payments using multiple PON1 documents when a contract is required per PPB Rules. Intentionally splitting a purchase to circumvent law, rules, regulations, or Comptroller's Directives is a prohibited violation thereof, whether using a PON1 document or any other FMS document.

(c) If an agency currently has a registered contract with a vendor, increases and decreases to that contract must be made by amending the contract.

(d) If the City has a Master Agreement (represented in FMS as an MA1 document), it is not permissible to use a PON1 document for the acquisition. In these instances, the FMS Master Agreement document must be used to record the transaction in FMS. If the Master Agreement is for goods, then the appropriate FMS document must be used to encumber funds for vendor payment. Refer to the Citywide FMS Training manual on Contract Processing.

4.2.3 Purchase Order Document Approvals

Purchase Order Documents require the approval of the purchasing Agency's Chief Contracting Officer (ACCO) or designee. FMS does not allow approval of a Payment Request Document (discussed in Section 4.3, below) by the same individual who approved the Purchase Order Document.

4.3 Payment Request Documents

Payment Request Documents referencing a contract document or a Purchase Order Document liquidate the encumbrance and record the expenditure. As a result, the agency can tender payment to the vendor against the liability.

A Payment Request Document must be approved in FMS before a payment can be issued. Payment requests must be recorded in FMS in the fiscal year for which the associated expenditure was incurred. For contracts requiring registration, no payment request can be made without the contract first being registered.

Payment Request Documents require two approvals by FMS users as assigned by the agency. Each approver acts as a check on the other's decisions; therefore, appropriate consideration must be made when assigning employees approval authority. FMS users may either enter or approve Payment Requests. FMS does not allow the same user to enter and approve a Payment Request.

Payment Request Document approvers are responsible for, among other information, ensuring that:

(a) The correct payment type is being used.

(b) Supporting documentation (including the invoice) is attached to the Payment Request Document.

(c) The corresponding referenced encumbrance document on the Payment Request Document, is appropriate.

- (d) The document description field of the Payment Request Document clearly describes the purpose of the payment.
- (e) All required contact information for the agency is entered.
- (f) The goods or services have been received, and the receipt has been signed or approved by an authorized person.
- (g) The goods or services are of a type and in a quantity normally ordered (unless a special need has been cited on the Purchase Order Document).
- (h) The appropriate invoice is being paid.
- (i) The appropriate accounting and budget structures are being charged. This includes charging the correct unit of appropriation and the correct object code and budget code, within that unit of appropriation.
- (j) Invoice gross amounts are entered, taking any applicable discounts into consideration.
- (k) All unit prices and totals are accurate.
- (l) Taxes from which the City is exempt are not included (such as New York State sales tax).

This Directive focuses on the Miscellaneous Payment Request (PRM1) document, since this document poses a greater risk to be entered erroneously or misused.

4.3.1 Appropriate Uses of Miscellaneous Payment Request Documents The use of the PRM1 should be strictly limited. PRM1 should be used only when estimated or actual future liability is not determinable, or when encumbering funds is not required or applicable. PRM1 should be used for one-time payments, not repeated payments for which an encumbrance or contract should be established. Permissible uses of PRM1 documents are limited to:

- (a) For agencies without an imprest fund, all imprest fund type expenditures under \$250 (examples include small purchases of supplies, materials, and equipment).
- (b) Reimbursements, increases, and advances to agency demand accounts.
- (c) Payments for accrued leave and death benefit payments to beneficiaries of City employees.
- (d) Payments to court appointed attorneys who handle cases for indigent individuals.
- (e) Reimbursements to employees for out-of-pocket expenses, including carfare, tolls, telephone, mileage and out-of-City travel costs.
- (f) Real estate tax payments to a municipality other than the City.
- (g) Payments to providers of medical examinations for Uniformed Employees' Line of Duty Injury (LODI) claims.

- (h) Miscellaneous payments for Social Services when paid to an individual receiving assistance; not for use in making payment to provider agencies (not-for-profit vendors).
- (i) Miscellaneous payments for Fixed and Miscellaneous Charges, recorded within the Object Class 700 series.
- (j) Miscellaneous payments for Transfers for Debt Service, recorded within the Object Class 800 series.

All other uses of the PRM1 document require the submission and approval of an Application for Waiver from Requirements of the Comptroller's Internal Control and Accountability Directives. Instructions on the Waiver process and a link to the Waiver Application can be found on the Comptroller's Directives page of the Comptroller's website

4.3.2 Non-Permissible uses of a PRM1 document include, but are not limited to:

- (a) Any payment not listed in Section 4.3.1 above.
- (b) Payment for any purchase for which a PON1 may be used (see Section 4.2.1 above).
- (c) The purchase of supplies, equipment, materials and services for which a contract and/or Purchase Order Document is required.
- (d) Monthly rent payable on lease or license agreements or other uses of real property.
- (e) Payments to postal and phone service providers.
- (f) Union welfare and annuity contributions and payments.
- (g) Payments to pension funds.
- (h) Monthly advances to libraries and major cultural institutions.
- (i) Internal payments.
- (j) Reimbursements to Imprest Funds. For detailed information on FMS Purchasing-related documents, including how to process these documents and definitions for most of the documents, refer to the FMS Training Section of the FISA Applications Portal

Appendix 24 – New Contract Categories with Corresponding Award Method and Contract Type Codes

Contract Groups	Award Methods	Award Method Codes
Group 1: Competitive Method Contracts	Competitive Sealed Bid Contracts	1, 3
	Competitive Sealed Proposal Contracts	2, 22
	Accelerated Procurement Contracts	27
Group 2: Limited or Non-Competitive Method Contracts	Buy-Against Procurement Contracts	28
	Demonstration Project Contracts	23
	Determined by Government Mandate Contracts	26
	Discretionary (Line Item) Contracts	12, 38
	Emergency Procurement Contracts	6
	Government-to-Government Contracts	17, 103
	Innovative Procurement Contracts	20
	Intergovernmental Procurement Contracts	25, 62, 251
	Micropurchase Contracts	30
	Negotiated Acquisition Contracts	21, 211
	Small Purchase Contracts - General	31, 32, 35, 36, 37, 109, 111, 112, 113
	Small Purchase Contracts – M/WBE	72
	Sole Source Contracts	5, 40
Group 3: Transactions not subject to PPB Rules	Force Account Contracts	68
	Grant Agreements	51
	Miscellaneous Contracts	18, 99
	Professional Membership Negotiation Contracts	42, 101
	Regulated by Government Commission	41, 44, 45
	Subscription Contracts	43, 100

Contract Groups	Award Methods	Award Method Codes
Group 4: Supplemental Contracts	Renewals	10
	Assignments	29
Group 5: Revenue Contracts¹⁶⁴	Franchise Agreements	CT - 15
	Concession Agreements	CT - 20
	Revocable Consents	CT - 17
	Corpus Funded agreements	CT - 25
	Other Revenue	CTs – 10, 18

¹⁶⁴ Since the award methods used to enter into Revenue Actions may overlap with the awards methods listed in the other Contract Group, the transactions in Contract Group No. 5 are identified by FMS Transaction Code RCT1. The subcategories denoted in group 5 reflect contract type categories, rather than award methods.

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Endnotes

¹ To view NYC Checkbook, visit: https://www.checkbooknyc.com/spending_landing/yeartype/B/year/124

² To view PASSPort Public, visit: <https://a0333-passportpublic.nyc.gov/>

³ These plans are available on the MOCS website. Visit: <https://nyc.gov/site/mocs/reporting/local-law-1-procurements.page>

⁴ The City Record print edition and The City Record Online are produced by the NYC Department of Citywide Administrative Services. To view, visit: <https://a856-cityrecord.nyc.gov/>

⁵ Bastien, Kettly et al. Office of the Comptroller 2022. "Annual Report on Capital Debt and Obligations, Fiscal year 2023" : <https://comptroller.nyc.gov/wp-content/uploads/documents/Annual-Report-on-Capital-Debt-and-Obligations-Fiscal-Year-2023.pdf>

⁶ Office of the Comptroller, November 21, 2022. "Popular Annual Financial Report (PAFR), For the Fiscal Year Ended June 30, 2022": <https://comptroller.nyc.gov/reports/popular-annual-financial-reports/>

⁷ N.d. New York State Association of Counties: <https://www.nysac.org/>

⁸ Office of the Comptroller, December 21, 2022. "Shareholder Initiatives Postseason Report 2022": <https://comptroller.nyc.gov/reports/shareholder-initiatives-postseason-report/>

⁹ To view the Comptroller's Pension and Assets Under Management Tracker, visit: <https://comptroller.nyc.gov/services/financial-matters/pension/asset-under-management/>

¹⁰ N.d. New York Department of State: <https://dos.ny.gov/new-york-city-watershed-program>

¹¹ See recently published recommendations from the New York City Capital Process Reform Task Force here for more information: <https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2022/CP-Reform-Task-Force.pdf>

¹² City of New York. *East Side Coastal Resiliency*. <https://www1.nyc.gov/site/escr/index.page>

¹³ NYC Office of the Mayor. July 29, 2022. <https://www.nyc.gov/office-of-the-mayor/news/552-22/mayor-adams-city-has-unlocked-more-4-2-billion-contractual-dollars-for#/0>





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