



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660
Printed on paper containing 30% post-consumer material

VOLUME CXLVII NUMBER 166

WEDNESDAY, AUGUST 26, 2020

Price: \$4.00

TABLE OF CONTENTS

PUBLIC HEARINGS AND MEETINGS

City Planning Commission 3305

Citywide Administrative Services 3307

Equal Employment Practices

Commission 3308

Franchise and Concession Review

Committee 3309

Office of Labor Relations 3309

PROPERTY DISPOSITION

Citywide Administrative Services 3309

Office of Citywide Procurement 3309

Housing Preservation and Development . . 3309

Police 3309

PROCUREMENT

Comptroller 3310

Health and Mental Hygiene 3310

Human Resources Administration 3310

Office of Management and Budget 3310

Parks and Recreation 3310

Youth and Community Development . . . 3311

Procurement 3311

AGENCY RULES

Conflicts of Interest Board 3311

Housing Preservation and Development . . 3315

SPECIAL MATERIALS

City Planning 3316

Mayor's Office of Contract Services 3318

LATE NOTICE

NYC Health + Hospitals 3319

Metroplus Health Plan 3319

THE CITY RECORD

BILL DE BLASIO

Mayor

LISETTE CAMILO

Commissioner, Department of Citywide
Administrative Services

JANAE C. FERREIRA

Editor, The City Record

Published Monday through Friday except legal holidays by the New York City Department of Citywide Administrative Services under Authority of Section 1066 of the New York City Charter.

Subscription \$500 a year, \$4.00 daily (\$5.00 by mail). Periodicals Postage Paid at New York, NY
POSTMASTER: Send address changes to
THE CITY RECORD, 1 Centre Street,
17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes:
The City Record, 1 Centre Street, 17th Floor,
New York, NY 10007-1602 (212) 386-0055

Visit The New City Record Online (CROL)
at www.nyc.gov/cityrecord for a
searchable database of all notices published
in the City Record.

PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold a remote public hearing, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, September 2, 2020, regarding the calendar items listed below.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/286903/1>.

Members of the public should observe the meeting through DCP's website.

Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: **618 237 7396**

[Press # to skip the Participation ID]

Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage.

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to AccessibilityInfo@planning.nyc.gov or made by calling [212-720-3508]. Requests must be submitted at least five business days before the meeting.

CITYWIDE

No. 1

RIKERS ISLAND PUBLIC PLACE MAPPING

CITYWIDE

C 200143 MMY

IN THE MATTER OF an application submitted by the New York City Department of Correction, The Mayor's Office of Criminal Justice and New York City Council Speaker Corey Johnson pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of Public Place on Rikers Island within the area bounded by the U.S. Pierhead and Bulkhead line;

in accordance with Map No. C.P.C. 200143 MMY dated November 27, 2019 and signed by the Director of the Department of City Planning.

BOROUGH OF BROOKLYN

Nos. 2, 3 & 4

312 CONEY ISLAND AVENUE REZONING

No. 2

CD 7

C 200092 ZMK

IN THE MATTER OF an application submitted by 312 Coney Island Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

- changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and
- establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-555.

No. 3

CD 7

N 200093 ZRK

IN THE MATTER OF an application submitted by 312 Coney Island Avenue LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

ARTICLE XI

Special Purpose Districts

Chapter 3

Special Ocean Parkway District

* * *

113-12

Special Front Yard Regulations

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13

Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) may be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to the maximum #building# height.

113-20

SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

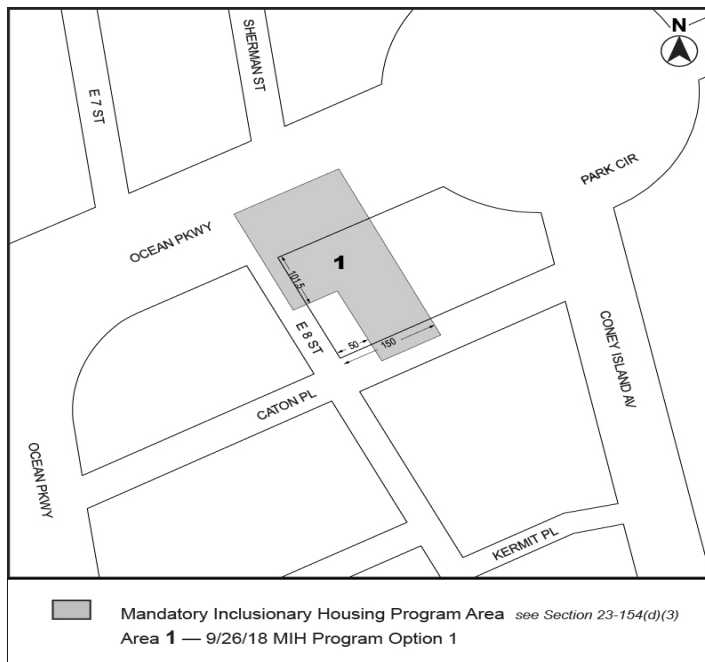
BROOKLYN

Brooklyn Community District 7

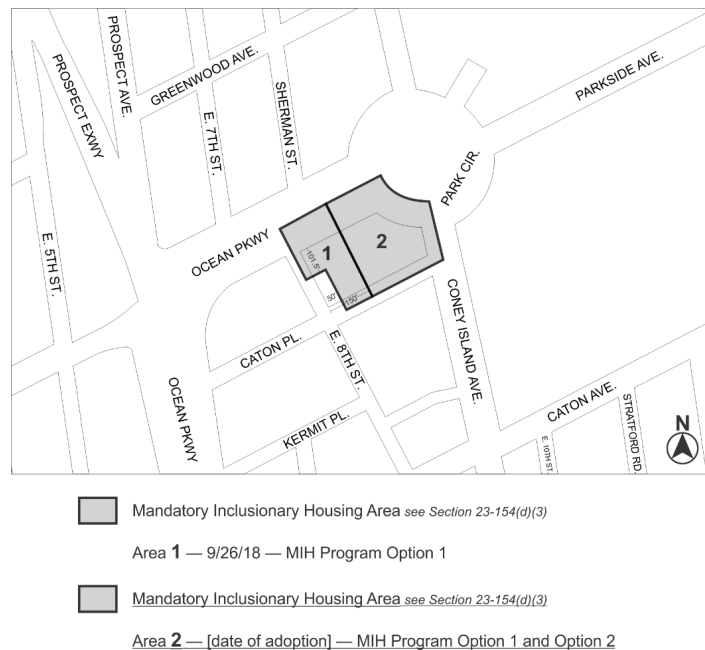
* * *

Map 3- [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



Portion of Community District 7, Brooklyn

* * *

No. 4

CD 7

C 200094 ZSK

IN THE MATTER OF an application submitted by 312 Coney Island Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 312 Coney Island Avenue

(Block 5322, Lots 10 and 20), in an R8A/C2-4* District, within the Special Ocean Parkway District.

* Note: The site is proposed to be rezoned by changing an existing C8-2 District to an R8A District, and establishing within the proposed R8A District a C2-4 District, under a concurrent related application for a Zoning Map change (C 200092 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 5

DEKALB COMMONS CITY

CD 3

C 200155 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lot 43) as an Urban Development Action Area; and
 - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of three buildings containing an approximate total of 84 affordable residential units and commercial space.

No. 6

DCAS OFFICE SPACE

CD 16

N 210008 PXK

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 2440 Fulton Street (Block 1554, Lot 16) (Human Resources Administration offices).

BOROUGH OF QUEENS

Nos. 7 & 8

110-40 SAUTTELL AVENUE REZONING

No. 7

CD 4

C 200103 ZMQ

IN THE MATTER OF an application submitted by Tuchman Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, by changing from an R6B District to an R6 District property bounded by the southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Sauttell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Sauttell Avenue and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

No. 8

CD 4

N 200104 ZRQ

IN THE MATTER OF an application submitted by Tuchman Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *

Queens Community District 4

Map 1 - [date of adoption]



■ Mandatory Inclusionary Housing Area see Section 23-154(d)(3)

Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 4, Queens

* * *

No. 9

SANITATION GARAGE & SALT SHED FACILITY

CD 1

C 200238 PCQ

IN THE MATTER OF an application submitted by the Department of Sanitation (DSNY) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 31-11 20th Avenue (Block 850, p/o Lot 350) and 19th Avenue (Block 826, Lot 42) for a sanitation garage and salt shed facility.

BOROUGH OF THE BRONX

No. 10

MANIDA STREET HISTORIC DISTRICT

CD 2

N 210006 HKX

IN THE MATTER OF a communication dated July 2, 2020, from the Executive Director of the Landmarks Preservation Commission regarding the Manida Street Historic District, designated by the Landmarks Preservation Commission on June 23, 2020 (Designation List 517/LP-2644), which consists of the properties bounded by a line beginning on the eastern curbline of Manida Street at a point on a line extending westerly from the northern property line of 870 Manida Street, and extending easterly along said line and along the northern property line of 870 Manida Street, southerly along the eastern property lines of 870 to 814 Manida Street, westerly along the southern property line of 814 Manida Street to the eastern curbline of Manida Street, northerly along said curbline to a point on a line extending easterly from the southern property line of 819 Manida Street, westerly along said line across Manida Street and along the southern property line of 819 Manida Street, northerly along the western property lines of 819 to 861 Manida Street, easterly along the northern property line of 861 Manida Street and across Manida Street to its eastern curbline, and northerly along said curbline to the point of beginning.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370

a19-s2

CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held, on September 9th, 2020, at 10:00 A.M., via Conference Call No. 1-646-992-2010, Access Code 717-876-299.

IN THE MATTER OF a lease for the City of New York, as tenant, of space on part of the 15th floor and the entire 16th floor of the building, located, at 16 Court Street (Block 250, Lot 44), in the Borough of

Brooklyn, for the Department of Transportation, to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine, subject to exclusions set forth in the lease.

The proposed lease shall be for a period of twenty (20) years from rent commencement. Rent shall commence eight (8) months following the substantial completion of alterations and improvements. The base annual rent shall be \$963,300.00, for the first five (5) years from rent commencement, \$1,055,925.00 for the following five (5) years, \$1,148,550.00 for the following five (5) years and \$1,241,175 for the last five (5) years, payable in equal monthly installments, at the end of each month.

The lease, may be terminated by the tenant in whole, or in part with respect to either the partial 15th floor premises, or the entire 16th floor premises only, effective as of the 5th anniversary of the rent commencement date, or at any time thereafter, provided the tenant gives the Landlord eighteen (18) months' prior written notice. In the event the lease is terminated by the tenant, the tenant shall pay to the landlord the unamortized portion of the landlord's contribution, all as more specifically set forth in the lease.

The tenant shall have the right to renew the lease, for a period of five (5) years at 95% of fair market rental value.

The landlord shall prepare final architectural plans and engineering plans and make alterations and improvements, in accordance with preliminary architectural plans and specifications, which are attached to the lease. The alterations and improvements consist of base building work, which the landlord shall provide at its sole cost and expense, and tenant work. The landlord shall contribute \$926,250, and if any of Landlord's contribution is not used for the tenant work, the tenant shall receive a rent credit in the amount of the difference between the landlord's contribution and the final cost of the tenant work, all as more specifically set forth in the lease.

Further information, including public inspection of the proposed lease, may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (917) 968-8345.

In order to access the Public Hearing and testify, please call 1-646-992-2010, Access Code: 717-876-299, no later than 9:55 A.M. If you need further accommodations, please let us know, at least five business days in advance of the Public Hearing, via email, at DisabilityAffairs@mocs.nyc.gov.

IN THE MATTER OF a renewal of the lease for the City of New York, as tenant, constituting the entire 3rd floor space, of 75-01 Broadway, in the Borough of Queens (Block 1486, Lot 13), for the Department for the Aging, to use as a senior center, or for such other use as the Commissioner of the Department of Citywide Administrative Services, may determine.

The proposed renewal of lease shall be from Lease Execution to the fifteen (15th) anniversary date of Substantial Completion of alterations and improvements, at an annual rent of from Lease Execution to Substantial Completion of \$728,000.00, \$877,500.00 from Substantial Completion to year five, \$957,000.00 for the following five (5) years, and \$1,044,450.00, for the last five (5) years, payable in equal monthly installments at the end of each month.

The renewal of the lease may be terminated by the Tenant at any time after the fifth (5th) year, or at any time thereafter, provided the Tenant gives the Landlord one hundred eighty (180) days prior written notice. In the event that the lease is terminated by the Tenant, the Tenant shall pay to the Landlord the unamortized portion of Landlord's cost for the alterations and improvements.

The Tenant shall have the right to renew the lease for a period of five (5) years at an annual rent at ninety percent (90%) of the Fair Market Value Rental, but no lower than most recent Base Rent plus ten percent (10%) escalation.

The Landlord shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance with preliminary architectural plans and specifications which are attached to the lease. The alterations and improvements consist of Base Building Work, which the landlord shall provide, at its sole cost and expense.

Further information, including public inspection of the proposed lease may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (917) 968-8345.

In order to access the Public Hearing and testify, please call 1-646-992-2010, Access Code: 717-876-299, no later than 9:55 A.M. If you need further accommodations, please let us know, at least five business days in advance of the Public Hearing, via email, at DisabilityAffairs@mocs.nyc.gov.

IN THE MATTER OF a lease for the City of New York, as tenant, on the first and second floors of the building, located at 974 Morris Park Avenue (Block 4101, Lot 1), in the Borough of Bronx for the Division of

Child Protection unit of Administration for Children's Services, to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services, may determine.

The proposed lease shall be for a period of five (5) years from lease execution, at an annual rent of \$382,806.00, increasing by two percent (2%) each July 1 (starting on July 1, 2021), payable in equal monthly installments at the end of each month. Upon Lease execution, Tenant shall pay a lump sum of (i) \$51,300.00, representing the delta between (a) \$375,300.00 and (b) the amount paid by Tenant, under the preexisting license agreement for the period commencing July 1, 2019 and ending June 30, 2020, plus (ii) the delta between (a) \$1,048.78 multiplied by the number of days in the period commencing on July 1, 2020, and ending on the day preceding lease execution and (b) the total payments made by Tenant under the preexisting license agreement, for the same period.

The lease may be terminated by the Tenant at any time after 8/31/2022, provided the Tenant gives the Landlord 180 days prior written notice. In the event that the lease is terminated by the Tenant, the Tenant shall pay to the Landlord the unamortized portion of \$54,000.00 (representing the cost of the landlord's fit-out work), based on a 60-month amortization schedule.

The Landlord shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance with preliminary architectural plans and specifications, which are attached to the lease at its sole cost and expense.

Further information, including public inspection of the proposed amendment, may be obtained at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (917) 968-8345.

In order to access the Public Hearing and testify, please call 1-646-992-2010, Access Code: 717-876-299, no later than 9:55 A.M. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing, via email, at DisabilityAffairs@mocs.nyc.gov.

◀ a26

EQUAL EMPLOYMENT PRACTICES COMMISSION

■ MEETING

Notice of NYC Equal Employment Practices Commission Meeting (Open to the Public)

When and where is the Commission Meeting? The Equal Employment Practices Commission's upcoming Commission Meeting, will take place, at 10:30 A.M., on Thursday, August 27, 2020. The meeting will be conducted by video conference, via WebEx, using the details below:

Meeting number (event number): 129 866 3820

Meeting password: qrAq5iUjK62

- **Join by internet**
[Click to join meeting](#)
- **Join by phone**
(408) 418-9388 United States Toll
- **Join by video system or application**
Dial [1298663820@webex.com](tel:1298663820)
You can also dial 173.243.2.68 and enter your meeting number.

How do I ask questions during the Commission meeting?

Anyone can ask questions during the Commission meeting by:

- **WebEx.** You can submit your questions directly through the chat panel of the WebEx, once joined, via the internet option above.
- **Email.** You can email questions, to mpinckney@eepc.nyc.gov.

Is there a deadline to submit questions? Yes, you must submit all questions during the meeting session, on August 27, 2020.

Can I review the recording of the Commission Meeting? Yes, you can review the recorded Commission meeting, which will be made available online, by going to the Equal Employment Practices Commission's YouTube page, <https://www.youtube.com/channel/UCdgAeD4p-esdjymDTdGScfA/featured>, a few days after the meeting.

a20-27

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee, will hold a remote public meeting on Wednesday, September 9, 2020, at 2:30 P.M., via WebEx dial-in. The dial-in information is below:

Dial-in #: +1-408-418-9388
Access Code: 129 100 5151
Press # on further prompts

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email at DisabilityAffairs@mocs.nyc.gov, or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public meeting should contact MOCS at least five (5) business days in advance of the meeting to ensure availability.

a19-s9

OFFICE OF LABOR RELATIONS

■ MEETING

The New York City Deferred Compensation Board, will hold its next meeting, on Wednesday, September 2, 2020, from 10:00 A.M. to 12:00 P.M. The meeting will be held remotely, via conference call. Please visit the below link, to access the audio recording of the Board meeting, or to access archived Board meeting audio/videos: <https://www1.nyc.gov/site/olr/deferred/dcp-board-webcasts.page>.

a26-s2

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person at:
Insurance Auto Auctions, North Yard
156 Peconic Avenue, Medford, NY 11763
Phone: (631) 294-2797

No previous arrangements or phone calls are needed to preview.
Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

s4-f22

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the Internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j2-d31

POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants:

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

PROCUREMENT

"Compete To Win" More Contracts!

Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and Women-Owned Businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

● **Win More Contracts, at nyc.gov/competetowin**

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed, at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

Administration for Children’s Services (ACS)
Department for the Aging (DFTA)
Department of Consumer Affairs (DCA)
Department of Corrections (DOC)
Department of Health and Mental Hygiene (DOHMH)
Department of Homeless Services (DHS)
Department of Probation (DOP)
Department of Small Business Services (SBS)
Department of Youth and Community Development (DYCD)
Housing and Preservation Department (HPD)
Human Resources Administration (HRA)
Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator

COMPTROLLER

■ AWARD

Services (other than human services)

MICROSOFT PREMIER SUPPORT - Intergovernmental Purchase - PIN#01520BIST48549 - AMT: \$121,840.00 - TO: Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

☛ a26

HEALTH AND MENTAL HYGIENE

■ AWARD

Human Services/Client Services

TRANS EQUITY PROGRAMS INITIATIVE - BP/City Council Discretionary - PIN#20DP045701R0X00 - AMT: \$500,000.00 - TO: Gay Mens Health Crisis Inc, 307 West 38th Street, New York, NY 10018.

☛ a26

HUMAN RESOURCES ADMINISTRATION

■ AWARD

Human Services/Client Services

NON-EMERGENCY SCATTER-HOUSING AND SUPPORT FOR PLWA - 46 UNITS - Negotiated Acquisition - Judgment required in evaluating proposals - PIN#06907P0027CNVN005 - AMT: \$1,362,695.00 - TO: Harlem United Community Aids Center Inc., 306 Lenox Avenue, 3rd Floor, New York, NY 10027.

Contract Term 7/1/2020 - 6/30/2021.

☛ a26

Services (other than human services)

IT CONSULTING SERVICES FROM RCI TECHNOLOGIES, INC. - Intergovernmental Purchase - PIN#09620G0027001 - AMT: \$134,000.00 - TO: RCI Technologies Inc, 1133 Green Street, Iselin, NJ 08830.

Term: 7/1/2019 - 6/30/2022.

☛ a26

■ INTENT TO AWARD

Services (other than human services)

OUTFRONT MEDIA GROUP LLC SOLE SOURCE CONTRACT - Sole Source - Available only from a single source - PIN#09621S0003 - Due 8-27-20 at 2:00 P.M.

Human Resources Administration, Public Engagement Unit, is requesting a Sole Source contract, with OutFront Media Group LLC, (OutFront), for \$60,610.00, for services rendered from 10/7/2019 - 11/3/2019. OutFront provided subway card production and placement of advertisement throughout the MTA subway system, for the Voter Registration, in the run-up to the November elections. Services were procured, due to the urgency and time sensitive nature of the message around Voter Registration, in the run-up to November elections.

EPIN: 09621S0003. Contract Term: 10/7/2019 - 11/3/2019. Contract Amount: \$60,610.00.

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

Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Jacques Frazier; frazierjac@dss.nyc.gov

a20-26

OFFICE OF MANAGEMENT AND BUDGET

■ AWARD

Services (other than human services)

VALUE ENGINEERING SERVICES - Renewal - PIN#00216P0001005R001 - AMT: \$2,600,000.00 - TO: Faithful and Gould Inc, 11 East 26th Street, 18th Floor, New York, NY 10010.

☛ a26

PARKS AND RECREATION

■ VENDOR LIST

Construction Related Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION (“DPR”) AND/OR “PARKS”) PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.

NYC DPR is seeking to evaluate and pre-qualify a list of general contractors (a “PQL”) exclusively to conduct non-complex general construction site work involving the construction and reconstruction of NYC DPR parks and playgrounds projects not exceeding \$3 million per contract (“General Construction”).

By establishing contractor’s qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks,

playgrounds, beaches, gardens and green-streets. NYC DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL, will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

NYC DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at:
<http://a856-internet.nyc.gov/nycvendoronline/home.asap>;
<http://www.nycgovparks.org/opportunities/business>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Parks and Recreation, Olmsted Center Annex, Flushing Meadows – Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925;
 Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov

j2-d31

YOUTH AND COMMUNITY DEVELOPMENT

PROCUREMENT

■ INTENT TO AWARD

Human Services/Client Services

FY21 NEGOTIATED ACQUISITION FOR COMPREHENSIVE SERVICES FOR IMMIGRANT FAMILIES - Negotiated Acquisition - Specifications cannot be made sufficiently definite - PIN#260210776205 - Due 8-31-20 at 9:00 A.M.

In accordance with Section 3-04(b) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD), intends to enter into negotiations with the contractor listed below, to provide Comprehensive Services for Immigrant Families. Comprehensive Services for Immigrant Families helps identify the complex and multiple needs of newly-arrived immigrant families with limited English proficiency (LEP), and, in collaboration with a network of community-based providers, ensure they gain access to relevant services that will help them prosper and become self-sufficient. Each enrolled family will build self-advocacy skills and gain the knowledge to enable them to address specific challenges and navigate key systems that impact their lives (for example, the education, healthcare, housing, benefits, tax, workplace, and legal and immigration systems). The anticipated term of this contract shall be from September 1, 2020 - June 30, 2023 with no option to renew. Contractor: Queens Community House, Inc., Contract Address: 108-25 62nd Drive, Forest Hills, NY 11375. Contract Amount: \$360,000.00. If you are interested in receiving additional information regarding this procurement or any future procurements, please send an email to Acco@Dycd.nyc.gov.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007. Renise Ferguson (646) 343-6320; referguson@dycd.nyc.gov

a24-28

FY21 NEGOTIATED ACQUISITION FOR ESOL/CIVICS PROGRAM SERVICES - Negotiated Acquisition - Specifications

cannot be made sufficiently definite - PIN#260210077200 - Due 8-31-20 at 9:00 A.M.

In accordance with Section 3-04(b) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD), intends to enter into negotiations with the contractor listed below, to provide ESOL/Civics Program Services. ESOL/Civics instruction will allow immigrants to become fully integrated in public life and place them on the path to U.S. citizenship. The anticipated term of this contract shall be from September 1, 2020 - June 30, 2021 with no option to renew. Contractor: SCO Family of Services Contract, Address: 1 Alexander Place, Glen Cove, NY 11542. Contract Amount: \$51,897.00. If you are interested in receiving additional information regarding this procurement or any future procurements, please send an email to Acco@Dycd.nyc.gov.

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

Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007. Renise Ferguson (646) 343-6320; referguson@dycd.nyc.gov

a24-28

AGENCY RULES

CONFLICTS OF INTEREST BOARD

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding Post-Employment Restrictions

What are we proposing? The Conflicts of Interest Board is proposing to establish rules governing the issuance of waivers of the post-employment restrictions and the definition of terms related to those restrictions.

When and where is the Hearing? The Conflicts of Interest Board will hold a public hearing on the proposed rule. The public hearing will take place by videoconference at 11:00 a.m. on Monday, September 28, 2020, and is accessible by:

- **Internet Video and Audio.** To access the hearing by Zoom, use the following URL: <https://us02web.zoom.us/j/85617801987?pwd=MW5KU1VMaTUvdHJhY0RlRV1hWUzZkZ09>.
- **Telephone.** To access the hearing by telephone, dial (929) 436-2866. When prompted, use the following meeting ID 856 1780 1987 and password 969232.

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

- **Website.** You can submit comments to the Conflicts of Interest Board through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to Chad H. Gholizadeh at Rules@COIB.nyc.gov
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above. It is recommended, but not required, that commenters sign up prior to the hearing by contacting the Conflicts of Interest Board by phone at (212) 437-0730 or by email at lee@coib.nyc.gov.

Is there a deadline to submit comments? Yes, you must submit written comments by Monday, September 28, 2020.

Do you need assistance to participate in the hearing? You must tell the Conflicts of Interest Board if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter or simultaneous transcription. You can advise us by email, at lee@coib.nyc.gov or by telephone at (212) 437-0730. You must tell us by Thursday, September 24, 2020.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on the Conflicts of Interest Board's website (<https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-hearings.page>) as soon as practicable.

What authorizes the Conflicts of Interest Board to make this rule? Sections 1043, 2603(a), and 2603(c)(4) of the City Charter authorize the Conflicts of Interest Board to promulgate this proposed rule.

Where can I find the Conflicts of Interest Board's rules? The Conflicts of Interest Board's rules are in Title 53 of the Rules of the City of New York. The proposed rule was included in the agency's FY '21 Regulatory Agenda.

What rules govern the rulemaking process? The Conflicts of Interest Board must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

STATEMENT OF BASIS AND PURPOSE

The post-employment restrictions of Chapter 68 of the City Charter, contained in Charter § 2604(d), seek to balance two competing City interests:

(1) the need to recruit to public service talented individuals who may wish to return to or pursue private sector employment after their City service, and

(2) the need to prevent public servants from trading on connections made in City government service or using confidential City information for the benefit of themselves or future employers.

See Volume I, *Report of the New York City Charter Revision Commission, December 1986 – November 1988*, at 28-29; see also Advisory Opinions ("A.O.") Nos. 1993-11 at 6, 1993-12 at 4, 1994-15 at 11-12, and 1996-1 at 7.

Since it was established in 1989, the Board has issued 31 advisory opinions, totaling 210 pages, providing guidance on the application of the post-employment restrictions set forth in Charter § 2604(d) and on how the Board has considered requests for waivers of those restrictions. Because of the limited scope and duration of the post-employment restrictions, requests for waivers of Charter § 2604(d) are never merely technical, and the Board has engaged in a detailed review of the competing interests at issue in each request. With the benefit of almost 30 years of experience in evaluating requests for post-employment waivers, and in fulfillment of the mandate of Charter § 2603(c)(4) to determine which of its advisory opinions "has interpretative value in construing provisions of this chapter," the Board proposes to codify:

- Definitions of terms within Charter § 2604(d), such as "agency served" and "termination of service."
- A new "totality of the circumstances" standard with a non-exclusive list of four factors, drawn from advisory opinions, the Board will consider when evaluating requests for waivers of the post-employment restrictions.
- The standard, also drawn from advisory opinions, for evaluating a unique type of post-employment work: consulting for one's former City agency, known as "consulting back."

The proposed rule addresses the following 22 advisory opinions:

A.O. No. 1991-8, A.O. No. 1991-19, A.O. No. 1992-13, A.O. No. 1992-17, A.O. No. 1992-37, A.O. No. 1992-38, A.O. No. 1993-11, A.O. No. 1993-12, A.O. No. 1993-18, A.O. No. 1993-30, A.O. No. 1994-15, A.O. No. 1994-19, A.O. No. 1994-22, A.O. No. 1995-1, A.O. No. 1996-1, A.O. No. 1998-11, A.O. No. 2000-2, A.O. No. 2008-1, A.O. No. 2008-4, A.O. No. 2009-5, A.O. No. 2012-2, and A.O. No. 2019-1.

Certain post-employment issues considered by the Board are not the subject of this rulemaking, specifically the advisory opinions interpreting Charter § 2604(d)(6), which the Board reserves for the subject of possible future rulemaking. See A.O. No. 1993-13, A.O. No. 1994-7, A.O. No. 1994-21, A.O. No. 1997-1, and A.O. No. 1999-3. The Board is not adopting A.O. Nos. 1989-1, 1992-2, 1992-32, and 2007-1, which apply only to the public servants who requested those opinions.

1. Definitions

a. Post-Employment Appearances

Proposed Board Rules § 1-07(a)(1) would codify the Board's long-standing interpretation that the prohibitions in Charter §§ 2604(d)(2), 2604(d)(3), and 2604(d)(4) against a former public servant appearing before or communicating with a former agency or branch

of government served include appearances before or communications with representatives of that agency or branch serving on a City board or commission. For example, an employee of the New York City Department of Housing Preservation and Development ("HPD") would be prohibited by Charter § 2604(d)(2) from appearing at a meeting of the board of the New York City Housing Development Corporation ("HDC") within the former HPD employee's first post-employment year if the HPD representative sitting on the HDC board is participating in that meeting. See A.O. No. 2008-1 (advising that when a public servant simultaneously holds positions at multiple City agencies the post-employment appearance restriction of Charter § 2604(d)(2) applies to each position); see also *COIB v. Sirefman*, COIB Case No. 2007-847 (2009) (fining the former Interim President of the New York City Economic Development Corporation ("EDC") \$1,500 for appearing before the Hudson Yards Development Corporation ("HYDC") within one year of his resignation from EDC because the current EDC President was present at a meeting attended by the former Interim President in the EDC President's capacity as an *ex-officio* Member and Director of HYDC). By contrast, a former HPD employee would not be prohibited from communicating with other employees of HDC, nor would the former employee be prohibited from communicating with or appearing before meetings of the HDC board from which the HPD representative was absent or recused.

Proposed Board Rules § 1-07(a)(2) would codify the Board's interpretation that the appearance and communication restrictions of Charter § 2604(d) exclude appearances and communications related to non-City matters. In particular, the Board has advised public servants that the following communications are not prohibited by Charter § 2604(d): (1) social communications; (2) soliciting a public servant's personal legal business or other types of personal services; and (3) seeking an endorsement for a run for political office. See A.O. No. 2009-5 (advising a former public servant that the post-employment appearance restriction did not prohibit communication with a current public servant in their private capacity, such as reaching out to perform personal legal work, asking them to leave City employment to join the former public servant's new firm, or soliciting a political endorsement).

b. Date of Termination of City Service

To advise a public servant about the applicability of Charter § 2604(d), the Board must determine when the public servant's City service ended. In proposed Board Rules § 1-07(b)(1), the Board would incorporate the method of calculating the date of a public servant's termination from City service set forth in A.O. Nos. 1998-11 and 2019-1: that is, the later of either the last day a former public servant performed official City duties or the last day the public servant received benefits conditioned upon current City employment after resigning, retiring, or being terminated. The one-year appearance prohibition of Charter § 2604(d)(2) would run from that date.

In proposed Board Rules § 1-07(b)(2), the Board would retain the substance of existing Board Rules § 1-07 and would codify A.O. No. 2008-1 for public servants who serve multiple City agencies. See also A.O. No. 1993-30 (providing advice on the tolling dates of the one-year appearance restriction to a public servant who served two agencies in succession before leaving City service). The proposed rule would clarify that a former public servant who has served more than one City agency, concurrently or sequentially, is prohibited from appearing before each such agency for one year after the termination of service, as determined by proposed Board Rules § 1-07(b)(1), with each such agency.

2. Otherwise Prohibited Conduct

a. Waivers of the Post-Employment Restrictions

In contrast to the broad prohibitions against full-time public servants having ownership interests in or positions at firms that do business with any City agency, for the vast majority of public servants, the post-employment appearance restrictions apply only to a former public servant's communications with their former employing City agency or branch of government and only for one year after leaving City service. Similarly, the lifetime post-employment particular matter restriction applies only to a narrow set of matters (as defined in Charter § 2601(17)) on which a former public servant worked personally and substantially while in City service. See, e.g., A.O. No. 1992-38 (advising that a public servant was not prohibited from working on a project where her involvement had been personal but not substantial).

However, because public servants requesting waivers of the post-employment restrictions are seeking to engage in conduct in which the relationships developed in their former City position may influence decision-making by their former City agency, or that may put them in a position to utilize their superior familiarity with, and ability to navigate, the subtle culture of their former agency to achieve preferential treatment for their private employer, or involve the exact particular matters on which the former public servant personally and substantially worked while in City service, the Board has analyzed requests for waivers of the post-employment restrictions differently from waivers of other provisions of Chapter 68.

In evaluating the many requests for waivers it has received, the Board has sought to balance adhering to the post-employment restrictions of the Charter with the asserted need for a particular former public servant to engage in otherwise prohibited conduct to further an identified City interest. In A.O. No. 1991-8, the Board announced that it would issue waivers of Chapter 68's post-employment restrictions "sparingly, and only in exigent cases." A.O. No. 1991-8 at 2-3; see also A.O. No. 1992-13 (declining to issue a waiver to a public servant seeking to communicate with their former branch of government on behalf of a private employer).

The Board has traditionally considered four factors when evaluating requests for post-employment waivers:

- (1) the relationship between the City and the public servant's private employer;
- (2) the benefits to the City (as opposed to the public servant) if the waiver were granted;
- (3) the likelihood of harm to other organizations similar to, or in competition with, a public servant's prospective employer if the waiver were granted; and
- (4) the extent to which the public servant has unique skills or experience suited to the particular position that the prospective employer would be hard-pressed to find in another person (see, e.g., A.O. No. 2012-2).

In applying this long-utilized test, the Board has determined that, when the former public servant's private employer was a not-for-profit organization working in a public-private partnership with the City in which the private employer and the City share an identity of interest, all four factors "need not be satisfied." A.O. No. 2000-2 at 4; see A.O. No. 2008-4. The Board has further explained that, for private employers that devote substantial private resources to support the work of a City agency but which do not meet the standard of a public-private partnership, requests for waivers will "be analyzed in light of [the private employer's] hybrid status." A.O. No. 2008-4 at 10.

Since 1991, the Board has grappled with articulating and applying a standard to requests for waivers of the post-employment restrictions while also addressing the needs of City agencies and the City's changing relationship with not-for-profit partners. Over the course of these years, it has become clear that the Board would benefit from the consideration of a more complete set of circumstances. Proposed Board Rules § 1-07(c)(1) would codify a new "totality of the circumstances" standard for determining whether a waiver of the post-employment restrictions would conflict with the purposes and interests of the City. As part of how the Board would evaluate the totality of the circumstances, proposed Board Rules § 1-07(c)(1) would include a non-exhaustive list of four factors drawn from the Board's past deliberations on post-employment waivers.

Proposed Board Rule § 1-07(c)(1)(i): When a former public servant's work for a private employer involves furthering an interest identical to that of the City, there are diminished concerns about such former public servant using their special access or knowledge to the detriment of the City's interests. Therefore, the Board has historically been more likely to grant requests for waivers for former public servants who work for entities that the City controls or effectively controls. See A.O. 2008-4 (observing that the Board would look favorably upon requests to work for City-affiliated not-for-profits when those entities were created by City agencies and had a governing structure that involved public officials as officers or board members). Additionally, in the past the Board has granted waivers in situations where the former public servant's private employer operates as a public-private partnership with the City and devotes substantial private resources to support the work of a City agency. See A.O. No. 2008-4 (stating that, "[w]hen the City and [a private employer] share an 'identity of interest,' the City benefits from encouraging former City employees to effectively remain in public service" by working for that private employer); A.O. No. 1994-22 (granting a waiver for a public servant to take a position at a bio-medical facility which operated as a joint venture between the City, the State, and a university).

Proposed Board Rule § 1-07(c)(1)(ii): When a former public servant is uniquely suited to perform work that would benefit the City, rather than their private employer, the proposed post-employment activities do not conflict with the purposes and interest of the City. See A.O. No. 2012-2 (stating that, in evaluating a request for a waiver of the post-employment restrictions, "the Board looks for a demonstration of the benefit to the City, not to the new employer") (emphasis in original). The potential benefit to the City has been articulated in two ways: either by virtue of the former public servant's unique technical or professional expertise or because at a small not-for-profit, there is no other employee able to do the prohibited work. See A.O. No. 1992-17 (granting a public servant a waiver of the post-employment restrictions to work for an entity when his expertise would help remedy contractual disputes between the entity and the agency); A.O. No. 1994-19 (granting a waiver of Charter § 2604(d)(3) when a public

servant's proposed communications on behalf of a not-for-profit entity would primarily benefit the City).

Proposed Board Rule § 1-07(c)(1)(iii): Because public servants who have worked for the City for brief periods of time are less likely than those who served for extended periods of time in City government to have developed the type of connections that could afford them undue influence or unfair access, the Board has issued post-employment waivers for these public servants more readily. See COIB Case No. 2019-463 (40 days); COIB Case No. 2017-790 (36 days); COIB Case No. 2017-214 (38 days); COIB Case No. 2015-646 (40 days); COIB Case No. 2013-381 (granting a waiver for a former paid summer intern). Additionally, public servants whose City service was part-time on a consultative body have been granted post-employment waivers more frequently in light of the limited role they played in City government.

Proposed Board Rule § 1-07(c)(1)(iv): A former public servant communicating with their former agency on behalf of a private employer shortly after departing may pose a risk of harm to firms similar to or in competition with that private employer, given the former public servant's familiarity with, and ability to navigate, the processes of their former agency. To mitigate this risk, the Board would continue to disfavor requests in which the former public servant proposes to communicate with units or divisions at the former agency with which he or she worked regularly. See A.O. No. 1993-8 (stating that one of the purposes of the post-employment restrictions was to prevent the exertion of special influence on government decision-making by, among other things, preventing contact with former City colleagues on behalf of a new employer); A.O. No. 1994-15 (granting a waiver of the one-year appearance restriction for a public servant working for a unique not-for-profit created by New York State to communicate with a unit of his former City agency other than the one for which he worked). Additionally, the Board would continue to disfavor requests for waivers for former public servants who wish to communicate with their former agencies to seek new business for their private employers in the forms of licenses, permits, grants, or contracts. Compare A.O. No. 1992-17 (granting a waiver of the post-employment restrictions to a public servant when her work at a private employer "would help remedy pending contractual disputes between the entity and the agency") with A.O. No. 1993-18 (declining to grant a waiver to a public servant whose work at his private employer would focus, in part, on encouraging the participation of his private employer's clients in programs run by his former City agency); see also A.O. No. 1991-19 (prohibiting a public servant making an otherwise ministerial FOIL request from bypassing normal procedures to contact individuals directly).

Additionally, in proposed Board Rules § 1-07(c)(2), the Board would establish two procedural requirements for waivers of the post-employment restrictions. First, the Board would decline to issue waivers when the request is made after undue delay. In considering such requests, the Board's decision-making is hindered by a lack of time to evaluate the specific circumstances of the request as well as the complications that, in the Board's experience, often accompany such requests, most commonly the former public servant having already accepted (or started) a job that requires otherwise prohibited communications. The Board has emphasized this factor to ensure that self-created exigencies do not take precedence over other relevant factors. See A.O. No. 2012-2 (advising that request for waivers of the post-employment restrictions should be submitted in advance of departure from City service); A.O. No. 1992-37 (noting with disapproval that a former public servant did not request a waiver prior to having accepted the position with a private employer).

Second, the Board would decline to issue waivers when a former public servant has, in the course of soliciting employment, violated Charter § 2604(d)(1), which requires recusal from any particular matters involving a private employer while soliciting or negotiating for a position with that employer. See A.O. No. 1992-37 (observing that a former public servant's solicitation and negotiation for a position with a private employer that had business dealings with her own agency raised the possibility that a violation of Charter Section 2604(d)(1) had occurred).

3. Consulting for a Former City Agency

As part of its experience applying the post-employment restrictions, the Board has also considered how those restrictions impact the City's ability to retain the expertise held by retiring and departing City employees. The Board's approach to this issue has been informed by Charter § 2604(d)(6), the so-called "government-to-government" exception, which provides that the post-employment restrictions "shall not apply to positions with or representation on behalf of any local, state or federal agency." Historically, the Board has determined that a City agency's consulting agreement with a former employee falls within the government-to-government exception when: (1) the former agency has a pressing need for the former employee's services, (2) the former agency contracts directly with the former employee, not through a firm employing the former public servant, and (3) the contracting compensation is comparable to that of the employee's salary at the time he or she left the agency. See A.O. Nos. 1993-12; 1995-1. Proposed Board Rules § 1-07(d)(1) would provide a new set of five more specific and detailed conditions which, if met,

would permit a former public servant to be retained directly, rather than through an employer, as a consultant by the City agency for which he or she worked with the written approval of the agency head. Such written approval must then be provided to the Board, which will post that information on its website.

The Board has also reviewed matters where, for reasons of administrative convenience, a City agency seeks to employ a former employee as a consultant through an intermediary entity, rather than directly as a consultant. This often arises when a City agency seeks to retain a public servant as a consultant through a temporary staffing agency with which the agency already has a staffing contract. In this case, because the former public servant would be an employee of the temporary staffing agency or other intermediary entity, the "government-to-government" exception of Charter §2604(d)(6) would not apply. However, because in many circumstances the consulting arrangement is motivated by the same City purpose that motivates direct consulting arrangements, the Board has often issued waivers to public servants whose former City agencies seek to employ them in this manner when it has determined there is no likelihood that the intermediary entity may reap disproportionate benefits from the City agency's need to retain its former employee. See A.O. No. 1995-1 at 6. In proposed Board Rules §1-07(d)(2) the Board articulates a standard that such waivers must meet, incorporating the requirements of proposed Board Rules §1-07(d)(1), but also requiring that the intermediary entity is selected by the City rather than by the public servant.

New material is underlined.

Section 1. Section 1-07 of Chapter 1 of Title 53 of the Rules of the City of New York is REPEALED and a new Section 1-07 is added to read as follows:

§1-07 Post-Employment

(a) Post-Employment Appearances

- (1) For the purposes of the restrictions set forth in Charter §2604(d) on appearances by a former public servant before their former City agency or branch of City government, or the City, such prohibited appearances include compensated communications with representatives of that former agency or branch of City government sitting as members of City boards, commissions, or other governmental entities.
- (2) The restrictions set forth in Charter §2604(d) on appearances by a former public servant do not include appearances related to non-City matters.

(b) Date of Termination of City Service

- (1) For purposes of Charter §2604(d)(2), the date of termination of a former public servant's City service is the later of the last day a former public servant performed official City duties or the last day they received benefits conditioned upon current City employment.
- (2) A former public servant who has served more than one City agency within one year prior to the termination of such public servant's service with the City may not appear before each such City agency for a period of one year after the termination of service from each such agency.

(c) Waivers of the Post-Employment Restrictions

- (1) In determining whether to issue a waiver pursuant to Charter §2604(e) of the post-employment restrictions of Charter §2604(d) the Board will consider the totality of the circumstances, including, but not limited to:
 - (i) whether the City shares an identity of interest with, or controls or effectively controls, the former public servant's private employer;
 - (ii) whether the former public servant is uniquely suited to perform work that would benefit the City because:
 1. the private employer has no other employees able to engage in the proposed appearances or work; or
 2. the former public servant has rare or unique technical or professional expertise necessary to engage in the proposed appearances or work;
 - (iii) whether the former public servant is unlikely to exercise undue influence on government decision-making because they were a public servant for only a short period of time; and
 - (iv) whether the former public servant's proposed appearances or work do not pose a risk of harm to firms similar to, or in competition, with the former public servant's private employer.
- (2) The Board will not grant requests for waivers of Charter §2604(d);

- (i) made after undue delay; or
- (ii) for former public servants who were not fully and formally recused from all particular matters involving the private employer from the time of soliciting or negotiating for employment with the private employer through the termination of their City service.

(d) Consulting for a Former City Agency

- (1) Pursuant to Charter §2604(d)(6), with the written approval of the agency head, a former public servant may be directly retained by their former City agency as a consultant within one year of the termination of their City service, and may work on particular matters with which they were personally and substantially involved, provided that:
 - (i) the consulting arrangement is made for the purpose of continuing or completing work left unfinished by the former public servant at the time their City service terminated, or for training their replacement, or for filling a vacancy until a replacement can be hired;
 - (ii) the duration of the consulting arrangement is no longer than reasonably necessary;
 - (iii) the former public servant has technical, professional, or other subject-matter expertise or skills not otherwise available among the agency's employees;
 - (iv) the compensation is comparable to what the former public servant last earned at the agency; and
 - (v) within 30 days the written approval of the agency head is disclosed to the Conflicts of Interest Board, which approval will be posted on the Board's website.
- (2) Where a proposed consulting arrangement between a City agency and a former public servant does not meet all of the requirements set forth in paragraph (1) of this subdivision and is therefore not covered by Charter §2604(d)(6), a waiver may be sought for such a proposed arrangement pursuant to Board Rules §1-07(c).
- (3) Pursuant to Charter §2604(e), a consulting arrangement between a former public servant and their former agency that meets the requirements of paragraph (1) of this subdivision but under which the former public servant is retained through a private firm for the administrative convenience of the City may be entered into if:
 - (i) the former public servant played no role in the recommendation or selection of the private firm in his or her work as a public servant; and
 - (ii) after receiving written approval of the head of the City agency, the Board determines that the proposed consulting arrangement would provide a benefit to the City distinct from the benefit to the former public servant or to the private firm.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Amendment of Rules Governing Post-Employment Restrictions

REFERENCE NUMBER: 2020 RG 036

RULEMAKING AGENCY: Conflicts of Interest Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 18, 2020
(revised)

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

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

RULE TITLE: Amendment of Rules Governing Post-Employment Restrictions

REFERENCE NUMBER: COIB-16

RULEMAKING AGENCY: Conflicts of Interest Board

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 18, 2020
Date

Accessibility questions: Julia Lee (212) 437-0730, lee@coib.nyc.gov, by: Thursday, September 24, 2020, 5:00 P.M.



• a26

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

Notice of Adoption of Rules Regarding Installation of Internet Capable Temperature Reporting Devices

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development ("HPD") by sections 1043 and 1802 of the New York City Charter, and Administrative Code sections 27-2090 and 27-2033.1, HPD is adopting rules regarding installation of internet capable temperature reporting devices in certain multiple dwellings. A notice of proposed rulemaking was published in the City Record on July 10, 2020. A virtual public hearing was held on August 13, 2020.

Statement of Basis and Purpose

The rules implement Local Law #18 of 2020 (Administrative Code section 27-2033.1) which requires the installation of internet capable temperature reporting devices (heat sensors) in certain multiple dwellings with a history of heat violations and complaints. The heat sensors will be installed in and monitor the temperature in individual apartments. Owners and tenants with internet connection will have access to the heat sensors' data (tenants with no internet connection must receive data from the owner when requested).

Beginning on July 1, 2020, the Department of Housing Preservation and Development (HPD) will select 50 class A multiple dwellings every two years to participate in the heat sensor program. An owner whose building is selected will participate in the program for four years unless the building is discharged sooner as a result of not having been issued any heat violations in the immediately preceding heat season, or having demonstrated that permanent action has been taken to provide heat for the next heat season.

The rules set forth the criteria under the law for the selection of the buildings, which include the number of heat violations issued to the building and the number of heat complaints received from occupants of more than one dwelling unit in the building during the previous two heat seasons. The rules also exclude certain buildings that are already participating in other HPD programs that address heat violations and conditions in such buildings.

Owners of buildings selected for the program must notify all tenants regarding the requirement to install and maintain heat sensors. Tenants may refuse, in writing, to have a heat sensor placed in their apartment. Owners are required to keep records of such refusals, in addition to maintaining other records prescribed by the law and rules. Owners must submit temperature records to HPD periodically, and provide this data to tenants upon request.

New material is underlined.

Section one. Title 28 of the rules of the City of New York is amended by adding a new Chapter 56 to read as follows:

Chapter 56

Internet Capable Temperature Reporting Devices

§ 56-01. Definitions. For purposes of this chapter, the following terms have the following meanings:

a. Heat Season. Heat season means the period of time beginning on October first of one year, and ending on May 31st of the following year.

b. Internet Capable Temperature Reporting Device. Internet Capable Temperature Reporting Device means a device that is capable of measuring the indoor air temperature not less than once per hour and recording such temperature, along with the date and time of such reading, for a period of time not less than the immediately preceding 90 days. Such device must be capable of making such information available through an ordinary internet connection or through other means when no such connection is present. Such information must be accessible to property owners and any tenant of the unit in which such device is placed.

§ 56-02. Criteria.

a. No later than July 1, 2020, and every two years thereafter, the department will select 50 class A multiple dwellings for installation by the owner of one Internet Capable Temperature Reporting Device in each dwelling unit in the selected multiple dwelling. The department will select such buildings using criteria, including, but not limited to the following:

(1) the multiple dwelling was issued violations of administrative code section 27-2029(a) or 27-2028 for each of the past two Heat Seasons as set forth in these rules; and

(2) the multiple dwelling has been the subject of a heat-related complaint from two or more distinct dwelling units in each of the last two heat seasons as set forth in these rules.

b. Notwithstanding the criteria set forth in subdivision a of this section, a multiple dwelling that is participating in the Alternative Enforcement Program pursuant to administrative code section 27-2153, or that has an Article 7A administrator appointed pursuant to real property actions and proceedings law article 7A, or that has been the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to administrative code section 11-421.1 within the prior five years, shall not be included among the multiple dwellings selected pursuant to subdivision a of this section.

c. For purposes of selecting 50 class A multiple dwellings for installation of Internet Capable Temperature Reporting Devices, such multiple dwellings having the greatest number of violations of sections 27-2029(a) and 27-2028 of the administrative code, and at least four violations of such sections for the past two Heat Seasons shall be selected. Where more than one multiple dwelling has the same number of violations and would result in more than 50 multiple dwellings being selected, the multiple dwellings with the highest percentage of dwelling units with heat-related complaints in the last two Heat Seasons shall be selected first.

§ 56-03. Notices.

a. The owner of a multiple dwelling that is selected pursuant to section 56-02 of these rules shall provide a notice to each dwelling unit as provided in Appendix A of these rules by mail or email regarding the requirements of this chapter and administrative code section 27-2033.1. Such notice shall be provided by such owner before August first following notification by the department of selection of the multiple dwelling. Such notice shall also be posted in the common area of the multiple dwelling within 15 days of notification to the owner by the department of selection for required installation of Internet Capable Reporting Devices.

§ 56-04. Installation.

a. Upon notification by the department of selection of a multiple dwelling for required installation of Internet Capable Reporting Devices, an owner must install one device in each dwelling unit in such multiple dwelling, except those units in which a tenant provides written refusal of installation of such device, or those units to which the owner is unable, after documented reasonable efforts, to obtain access to install such device. The Internet Capable Reporting Devices must be installed in accordance with the manufacturer's recommendation.

b. Such owner must complete such installation on or before October first of the year in which the notification from the department is received, and provide an affidavit of installation in a form required by the department on or before October first.

§ 56-05. Record Keeping.

a. An owner of a multiple dwelling selected for installation of Internet Capable Temperature Reporting Devices must maintain the following

records while such dwelling is required to provide and maintain such devices, and for one additional year after the multiple dwelling is no longer subject to the installation requirement, and make such records available to the department upon request, consistent with applicable law:

(1) identification of each dwelling unit in which a device was installed;

(2) identification of each dwelling unit in which a device was not installed, including the reason for failure of installation;

(3) the date of each installation, identification of manufacturer of the device installed; and the individual serial number for each device installed including any device that is installed as a replacement;

(4) written refusal of installation of a device if the tenant refused such installation in writing;

(5) record of refusal or no response, if the tenant did not provide access or respond to the notification in writing required by section 56-03 of these rules, and, in the case of no response, a record of the reasonable efforts made to gain access to the unit to install the device; and

(6) temperature readings for each dwelling unit in which a device was installed, including hourly temperature, date, and time, for the entire time period that the multiple dwelling is participating in the program.

b. An owner must submit to the department all data readings from each Internet Capable Temperature Reporting Device installed in the multiple dwelling at least every 90 days, for as long as the multiple dwelling continues to be subject to the requirements of administrative code section 27-2033.1. The department will notify owners of selected buildings regarding submission of such data.

§56-06. Discharge.

a. An owner may apply to the department to have a multiple dwelling discharged from the requirement to install and maintain Internet Capable Temperature Reporting Devices in less than four years if no violations of administrative code sections 27-2028 or 27-2029(a) have been issued during the immediately preceding Heat Season, or the owner has demonstrated to the department's satisfaction that he or she has taken permanent action to address providing heat for the next Heat Season.

APPENDIX A INSTALLATION OF INTERNET CAPABLE TEMPERATURE REPORTING DEVICES

Please be advised that (address) has been selected by the City of New York Department of Housing Preservation and Development for participation in a program which requires installation of internet capable temperature reporting devices (heat sensors) in dwelling units in this building, under Administrative Code section 27-2033.1. The owner is required to install one heat sensor in each dwelling unit. The heat sensor will measure indoor air temperature and record the temperature, date, and time of the reading. This information will be available to tenants and to the owner through an internet connection. If you do not have an internet connection, and a heat sensor is installed in your unit, the owner will make the information from your unit available to you upon request.

You may refuse, in writing, to have a heat sensor installed in your unit (see form below).

You will not be charged for original installation of the heat sensor, or for replacement due to wear or malfunction. You will not be charged for a replacement if a prior tenant removed or damaged the heat sensor, or if the heat sensor becomes inoperable due to a manufacturing defect or improper installation. You should inform the owner within 30 days if the heat sensor becomes inoperable.

If the heat sensor is installed in your dwelling unit, you must not damage it, turn it off, or otherwise make it inoperable. If the heat sensor is stolen, removed, found missing, or is made inoperable by you during your lease term, the owner may replace the heat sensor and charge you a maximum of \$50.00 for its replacement.

Please complete the form below, and return it to the owner within ten days of receipt of this notice.

PLEASE CHECK ONE, SIGN, AND FILL IN THE INFORMATION REQUESTED BELOW. PLEASE RETURN THIS PART OF THE FORM WITHIN TEN DAYS TO THE OWNER/MANAGING AGENT AS DIRECTED BELOW, AND KEEP A COPY FOR YOUR RECORDS.

- ☐ I DO NOT want an internet capable temperature reporting device installed in my unit; OR
- ☐ I DO want an internet capable temperature reporting device installed in my unit.

TENANT SIGNATURE: _____ Date: _____

PRINT TENANT'S NAME, ADDRESS, AND APARTMENT NUMBER:

RETURN THIS FORM TO:

OWNER/MANAGING AGENT NAME:

ADDRESS:

• a26

SPECIAL MATERIALS

CITY PLANNING

■ NOTICE

NOTICE OF COMPLETION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

Industry City

Project Identification

CEQR No. 18DCP034K
ULURP Nos. C190296 ZMK, N190298 ZRK,
C190297 ZSK and
C160146 MMK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Contact Person

Olga Abinader, Director (212) 720-3493
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS), has been prepared for the action described below. Copies of the FEIS are available for public inspection, at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York, pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS), was held on February 19, 2020. Written comments on the DEIS were requested and were received by the Lead Agency, until March 2, 2020. This FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

The co-applicants, 1-10 Bush Terminal Owner LP and 19-20 Bush Terminal Owner LP (collectively, the "Applicant"), seeks a series of discretionary actions to facilitate the redevelopment and re-tenanting of Industry City (the Project Area), with a mixed-use project containing manufacturing, commercial, retail, hospitality, academic and other community facility uses (the Proposed Project). The area affected by the Proposed Actions (the Directly Affected Area), includes the Project Area and the Rezoning Area. The Directly Affected Area, is located in the Sunset Park neighborhood of Brooklyn, in Community District 7, and is bound by 32nd and 37th Streets between 2nd and 3rd Avenues, as well as 39th and 41st Streets between the waterfront and 2nd Avenue. The Project Area includes Industry City (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lot 1 and 44; Block 695, Lots 1, 20, and 43; Block 706, Lots 1, 24, and 101; and Block 710, Lot 1) and certain adjacent properties that the Applicant plans to acquire (Block 695, Lots 37-42; and Block 706, Lot 20). The Rezoning Area, would affect three additional lots (Block 691, Lots 45 and 46; and a portion of Block 662, Lot 1) which are neither owned by the Applicant, nor does the Applicant plan to acquire these lots.

The Applicant, is requesting a Zoning Text amendment, to the Zoning Resolution (ZR), to establish the Special Industry City District (SICD); a Zoning Map amendment to map the SICD and to change a portion of the Directly Affected Area from an M3-1 to an M2-4 district; a Special Permit, pursuant to newly created ZR Section 129-21 to modify use, bulk and parking regulations, and a change to the City Map to demap 40th Street between 1st Avenue and 2nd Avenue (the Proposed Actions).

As a component of the Special Permit, the Applicant will record against its property, a Restrictive Declaration (RD), to memorialize the development, that may be permitted at Industry City. The proposed actions would also include recordation of an (E) Designation (E-527) related to hazardous materials, air quality, and noise, to commit future development of the Affected Area in accordance with any necessary conditions identified through the environmental review.

The Proposed Actions are subject to the Uniform Land Use Review Procedure (ULURP) and City Environmental Quality Review (CEQR). In conformance with CEQR, the EIS has been prepared to analyze the potential impacts of the Proposed Actions. The New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC), is the lead agency for the environmental review.

In order to assess the possible effects of the Proposed Actions, three Reasonable Worst Case Development Scenarios (RWCDS) were composed for the future With Action condition: the Baseline Scenario, the Density-Dependent Scenario, and the Overbuild Scenario. The Baseline Scenario indicates what is currently contemplated by the Applicant, the other two scenarios provide alternative development scenarios that would be permitted under the Proposed Actions, to present a reasonable and conservative analysis. The Density-Dependent Scenario considers a land use mix that results in a higher density of workers for CEQR analysis categories where density is a key consideration (e.g. Transportation); the Overbuild Scenario considers a maximized bulk and massing envelope, for conservative assessment of CEQR analysis categories related to the envelope of future development (e.g. Shadows). Overall, the Proposed Actions would facilitate a proposal by the Applicant to re-tenant a substantial portion of the approximately 5.3 million gross square feet (gsf) of existing structure and the development of 1.46 million gsf in new construction buildings or enlargements of existing structures. In total, the Proposed Actions could result in an approximately 6.6 million-gsf (4.96 FAR) mixed-use complex consisting of a combination of manufacturing, commercial, retail, hospitality, academic and other community facility uses.

It is anticipated that the Proposed Project would be in place by 2027.

The FEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The FEIS identifies potential significant adverse impacts related to historic and cultural resources, transportation (traffic, transit, pedestrian), air quality, noise and construction (noise). Mitigation measures have been identified to address those impacts, where feasible and/or practical. As discussed below in more detail, if no possible mitigation has been identified, an unavoidable significant adverse impact would result.

Historic and Cultural Resources: A detailed analysis finds that the Proposed Actions would result in significant adverse impacts to architectural resources. The three-story factory (116 39th Street, Block 706, Lot 20) building that would be demolished in the Baseline and Overbuild Scenarios is considered to be a contributing building to the Bush Terminal Historic District. Therefore, demolition of this building would constitute a significant adverse impact on the Bush Terminal Historic District. Mitigation, developed in consultation with the New York City Landmarks Preservation Commission (LPC) will comprise Historic American Buildings Survey (HABS) Level II documentation of the factory building.

In addition, the scale of the proposed Gateway Building and Building 11 would result in a contextual impact to the neighboring Finger Buildings within the Bush Terminal Historic District. At such time that specific designs for the proposed Gateway Building and/or Building 11 are advanced, the Applicant will share with LPC design plans of the proposed building(s). If, following review, LPC staff determine, that the scale and/or design of the proposed buildings are still out of context with the neighboring Finger Buildings, within the Bush Terminal Historic District, the impact would remain unmitigated.

To avoid inadvertent demolition and/or construction-related damage from ground-borne construction period vibrations, falling debris, collapse, etc., a Construction Protection Plan (CPP) would be developed in coordination with LPC.

Transportation: The Proposed Actions are expected to result in significant adverse transportation impacts related to traffic, transit, and pedestrian elements.

Traffic: Of the 41 intersections analyzed, the Proposed Project would create significant impacts at 15 intersections during the weekday A.M. peak hour, 15 intersections during the weekday midday peak hour, 22 intersections during the weekday P.M. peak hour, and 14 intersections during the Saturday peak hour. The major overall finding of the traffic mitigation analysis is that the vast majority of the intersections analyzed would either not be significantly impacted or could be fully mitigated with readily implementable traffic improvement measures described in this chapter. The traffic analysis studied 41 intersections over 4 peak time periods, for a total of 164 "intersection analysis scenarios." Of the 164 intersection analysis scenarios, 134 revealed either no significant impacts or impacts that could be fully mitigated. The mitigation measures identified in the FEIS — such as signal

phasing and timing modifications, and selected parking regulation changes to add a travel lane at intersections, where necessary, and others — represent some of the standard traffic capacity improvements that are typically implemented by DOT. Implementation of the recommended traffic engineering improvements is subject to review and approval by NYCDOT.

Subway Transit: Nine subway station elements at the 36th Street subway station were analyzed based on the CEQR Technical Manual's screening assessment, and subway line-haul analyses were conducted for three subway lines that serve this station (the D, N, and R). The Proposed Project would result in significant subway transit impacts at the S3 surface stairway along the west side of 4th Avenue between 35th Street and 36th Street down into the station, and for the P3 and P4 platform stairways (which connect the mezzanine to the station platforms), within the station during the weekday A.M. and P.M. peak hours. The M1A/M1B mezzanine level stairways (located between the S1 and S3 stairways and the fare control area), would also be impacted during the weekday P.M. peak hour. Subway line-haul conditions would continue to operate below capacity during the peak hours and would not be significantly impacted.

Between the Draft EIS and the Final EIS, mitigation measures for the impact at the 36th Street station were studied in conjunction with NYCT. Potential mitigation measures considered to mitigate the impacts of the Proposed Project include widening of the S3 stairway from 70 to 120 inches, widening of the M1A/M1B stairways, and extension of the platform to accommodate new platform-level stairways. Each of these potential mitigation measures would need to be preceded by construction of ADA-compliant elevators. NYCT has performed studies which confirm the feasibility of the S3 and M1A/M1B stair widening mitigation measures at a conceptual engineering level. The S3 and M1A/M1B stairway widenings would need to be funded by the Applicant following completion of the ADA accessibility improvements. The cost of implementing the S3 and M1A/M1B stairway widenings are estimated by NYCT at approximately between 5 and 12 million dollars. Without the stairway widenings, passengers would need some additional time entering or exiting the station, but subway train operations into and out of the station would not be adversely affected. Adverse effects the mitigation options could have on traffic and pedestrian operations include: substantial additional construction disruptions subsequent to NYCT's ADA improvements, which would include temporary closure of both surface stairways on the west side of Fourth Avenue closest to Industry City; reduction of pedestrian circulation around the stairway; and the potential to limit flexibility for future roadway and bicycle lane improvements. Therefore, implementing the potential S3 and M1A/M1B stair widening mitigation measures described above has been determined to be not practicable, and thus the projected impact for these stairways would be unmitigated. The extension of the existing platform and construction of additional stairs from the mezzanine to the platform, was determined to be physically impracticable due to the station's vertical constraints. Therefore, the adverse impact to the P3 and P4 stairways would remain unmitigated. Nonetheless, in an effort to redistribute future Industry City subway ridership to other nearby stations and lessen the potential impact on the 36th Street station, the Applicant would commit to expanding the free subway shuttle bus service it currently provides to the 36th Street station, to the adjacent subway stops at 25th Street and 45th Street.

Bus Transit: The Proposed Project would result in a capacity shortfall of five passengers on the westbound B70 bus route during the weekday A.M. peak hour. This impact could be mitigated by the addition of one standard bus along the westbound B70 bus route in the weekday A.M. peak hour. The general policy of NYCT is to provide additional bus service where demand warrants, taking into account financial and operational constraints. In addition, new bus shelters with real-time bus arrival information would be installed at two B35/B70 eastbound bus stops located along 39th Street: one located between 1st Avenue and 2nd Avenue, and one located at the southeast corner of 2nd Avenue and 39th Street.

Pedestrians: Pedestrian analyses were performed for 24 sidewalk elements, 34 crosswalk elements, and 10 corner elements during the weekday A.M., midday P.M., and Saturday peak hours. Eight additional pedestrian elements at the intersection of 1st Avenue and 39th Street (four crosswalks and four corners) were included as part of the With Action analysis to assess pedestrian levels of service at this intersection which would be signalized as part of the project improvements to facilitate vehicle and pedestrian traffic. Of the 77 pedestrian elements analyzed, the Proposed Project would result in significant adverse impacts at six pedestrian elements during the weekday A.M. peak hour, 14 pedestrian elements during the weekday midday peak hour, 18 pedestrian elements during the weekday P.M. peak hour, and 12 pedestrian elements during the Saturday peak hour.

Air Quality: The mobile source analyses determined that in the With Action condition, the Proposed Project could result in a significant adverse air quality impact at the intersection of 1st Avenue and 39th Street, 2nd Avenue and 39th Street, and 3rd Avenue and 39th Street, which are each predicted to exceed the annual PM_{2.5} de minimis

criterion for PM_{2.5} of 0.1 µg/m³. As discussed in the FEIS, the results of a mobile source analysis with the proposed traffic mitigation measures that were developed to reduce congestion and increase speeds along 39th Street as well as other locations in the affected area indicate that the maximum annual incremental concentrations of PM_{2.5} would be significantly lower than the With Action condition, and would not exceed the de minimis criteria for PM_{2.5}. Therefore, no unmitigated significant adverse air quality impacts would remain upon incorporation of the traffic mitigation measures.

Noise: A significant adverse noise impact is predicted to occur at the residential building on 41st Street between 1st and 2nd Avenues (166 41st Street). This impact would be fully mitigated by making window air conditioning units available to apartments that do not already have an alternate means of ventilation. This commitment will be recorded in the RD. With the existing insulated glass windows and the provided alternate means of ventilation, interior noise levels would be below 45 dBA L10, which would be considered acceptable for residential use according to CEQR noise exposure guidance. Therefore, the provision of window air conditioning units by the applicant would fully mitigate the significant adverse noise impacts predicted to occur at this building.

Construction Noise: Significant adverse noise impacts are predicted to occur at the residential building at 968 3rd Avenue as a result of construction of the proposed Gateway Building and at Industry City Buildings 9 and 10 as a result of construction of the proposed Building 11. To mitigate the significant adverse noise impacts at 968 3rd Avenue, window air conditioning units would be made available by the Applicant to apartments that do not already have an alternate means of ventilation, which would allow for the maintenance of a closed-window condition providing approximately 25 dBA of window/wall attenuation. To mitigate the significant adverse noise impacts at this Industry City Buildings 9 and 10, a minimum of 28 dBA window/wall attenuation would be provided for newly introduced academic spaces in these buildings, along with an alternate means of ventilation. The provision of this level of window/wall attenuation by the Applicant would partially mitigate the significant adverse noise impacts predicted to occur at these locations. These measures will be incorporated as project commitments in the RD.

The FEIS also considered two alternatives, the No Action Alternative and the No Unmitigated Impact Alternative. The significant adverse impacts related to historic resources, transportation, air quality, and noise that would occur with the Proposed Actions would not occur with the No Action Alternative. Although some retreating with conforming uses would be expected to occur at Industry City in the No Action Alternative, the Applicant believes that this alternative would not meet the goals and objectives of the Proposed Actions due to the limited mix of allowable uses under existing zoning. The Proposed Project is anticipated to have unmitigated significant adverse impacts related to historic and cultural resources, transportation, and construction-period noise. As described in detail in the Alternatives Chapter of the FEIS, no reasonable alternative could be developed which eliminates the unmitigated impacts without substantially compromising the stated goals of the Proposed Project.

Copies of the FEIS may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Olga Abinader, Director (212) 720-3493; and on the New York City Department of City Planning's website, located at <https://www1.nyc.gov/site/planning/applicants/env-review/industry-city.page>.

• a26

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Department of Design and Construction
Description of services sought: Design Services QTIP - Queens Theatre in the Park Boiler
Start date of the proposed contract: 11/1/2020
End date of the proposed contract: 6/30/2025
Method of solicitation the agency intends to utilize: RFP
Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative City Planner, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape

Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Environmental Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern

Headcount of personnel in substantially similar titles within agency: 679

Agency: Department of Design and Construction
Description of services sought: Construction Management QTIP - Queens Theatre in the Park Boiler

Start date of the proposed contract: 11/1/2020

End date of the proposed contract: 6/30/2025

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor

Headcount of personnel in substantially similar titles within agency: 763

Agency: Department of Design and Construction
Description of services sought: Resident Engineering Inspection Services QTIP - Queens Theatre in the Park Boiler

Start date of the proposed contract: 11/1/2020

End date of the proposed contract: 6/30/2025

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor

Headcount of personnel in substantially similar titles within agency: 763

Agency: Department of Design and Construction
Description of services sought: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, QTIP - Queens Theatre in the Park Boiler

Start date of the proposed contract: 11/1/2020

End date of the proposed contract: 6/30/2025

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern, Senior Estimating Mechanical, Senior Estimator-General Construction, Supervisor of Electrical Installations & Maintenance

Headcount of personnel in substantially similar titles within agency: 847

Agency: Department of Design and Construction
Description of services sought: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, QTIP - Queens Theatre in the Park Boiler

Start date of the proposed contract: 11/1/2020

End date of the proposed contract: 6/30/2025

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Asbestos Hazard Investigator, Geologist, Assistant Chemical Engineer, Surveyor, Industrial Hygienist, Engineering Technician, Assistant Mechanical Engineer, Supervisor of Electrical Installations & Maintenance, Quality Assurance Specialist, Highways and Sewers Inspector, Research Assistant

Headcount of personnel in substantially similar titles within agency: 93

Agency: Department of Design and Construction

Description of services sought: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, QTIP - Queens Theatre in the Park Boiler

Start date of the proposed contract: 11/1/2020

End date of the proposed contract: 6/30/2025

Method of solicitation the agency intends to utilize: RFP

Personnel in substantially similar titles within agency: Accountant, Administrative Accountant, Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Construction Project Manager Intern, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Intern, Project Manager, Project Manager Intern, Senior Estimating Mechanical, Senior Estimator-General Construction, Supervisor of Electrical Installations & Maintenance

Headcount of personnel in substantially similar titles within agency: 847

• a26

Notice of Intent to Extend Contract(s) Not Included in FY 2021 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2021 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: DDC

FMS Contract #: CT185020191410833

Vendor: Prutech Solutions, Inc

Description of services: DDC Benchmark Expansion

Award method of original contract: Intergovernmental

FMS Contract type: Consultant

End date of original contract: 12/21/2020

Method of renewal/extension the agency intends to utilize: Amendment Extension

New start date of the proposed renewed/extended contract: 12/22/2020

New end date of the proposed renewed/extended contract: 12/21/2021

Modifications sought to the nature of services performed under the contract: Post-implementation Maintenance and Support

Reason(s) the agency intends to renew/extend the contract: Continuity of Service

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative City Planner, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Environmental Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern

Headcount of personnel in substantially similar titles within agency: 679

Agency: DDC

FMS Contract #: CTA185020197208316

Vendor: Unique Comp Inc

Description of services: Systems Integration Services- Payment

Administration System Payment Administration System

Award method of original contract: Task Order

FMS Contract type: Consultant

End date of original contract: 9/5/2020

Method of renewal/extension the agency intends to utilize: Amendment Extension

New start date of the proposed renewed/extended contract: 9/6/2020

New end date of the proposed renewed/extended contract: 9/5/2021

Modifications sought to the nature of services performed under the contract: Post-implementation Maintenance and Support

Reason(s) the agency intends to renew/extend the contract: Continuity of Service

Personnel in substantially similar titles within agency: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Construction Project Manager NM, Administrative City Planner, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Environmental Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern

Headcount of personnel in substantially similar titles within agency: 679

• a26

LATE NOTICE

NYC HEALTH + HOSPITALS

METROPLUS HEALTH PLAN

■ SOLICITATION

Services (other than human services)

DRG VALIDATION SERVICES - Request for Proposals - PIN# 1001 - Due 9-16-20 at 3:00 P.M.

MetroPlus, is seeking to enter into an agreement, for a period of 3 years, with 2 one-year options to renew, solely at the discretion of the Plan, with a vendor(s), with demonstrated expertise and extensive experience in conducting DRG Validation Services, for all lines of Business (Medicaid, Medicare, QHP, and MetroPlus Gold). The Plan, requires a vendor to provide DRG validation services, to determine the accuracy of: • Diagnostic code assignments • Procedural code assignments • Present on admission indicator assignments • Sequencing of codes • DRG grouping assignment and associated payments • Compliance with CMS payment policies • Selecting Inpatient with \$0 thresholds or above.

Questions regarding the Scope of Work, must be received by email, before 3:00 P.M., on September 9, 2020. Questions not timely received, are not guaranteed a response. Emails must include the RFP Number in the subject line. A Pre-Proposal Conference Call, is mandatory and shall be held, at 3:00 P.M., on September 1, 2020. RSVP by emailing the listed contact person. Proposers shall submit the proposal package in digital format, on a CD or flash drive, to the person designated, on this notice.

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

NYC Health & Hospitals, 160 Water Street, 3rd Floor, New York, NY 10038; Kathleen Nolan; (212) 908-8730; nolank@metroplus.org

• a26

THE CITY NEVER SLEEPS.

Your business keeps it running.
Subscribe to *The City Record* to reach thousands of opportunities in New York City government business today and every day.
The information you need to get the business you want.

VISIT US ONLINE AT
www.nyc.gov/cityrecord



SUBSCRIBE TODAY!

CITY RECORD ORDER FORM

6-month print subscription: ☐ by mail \$300 ☐ by fax \$400
1-year print subscription: ☐ by mail \$500 ☐ by fax \$700
Pay by: ☐ Visa ☐ MasterCard ☐ AMEX ☐ Discover ☐ Check
☐ Renewal (Customer No. _____) ☐ New Subscription

To Pay by Credit Card Call (212) 386-6221

2% of the payment amount will be added if you pay by credit card.

Send check payable to: **The City Record**

1 Centre Street, 17th Floor, New York, NY 10007-1602

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip+4: _____

Phone: (____) _____ Fax: (____) _____

Email: _____

Signature: _____

Note: This item is not taxable and non-refundable. The City Record is published five days a week, except legal holidays. For more information call: 212-386-0055, fax: 212-669-3211 or email crsubscriptions@dcas.nyc.gov