

CELEBRATING 150 YEARS



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 CLI NUMBER 23

FRIDAY, FEBRUARY 2, 2024

Price: \$4.00

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THE CITY RECORD

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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 yearly, \$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, cityrecord@dcas.nyc.gov

Visit The 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

BOROUGH PRESIDENT - BRONX

■ PUBLIC HEARINGS

A VIRTUAL PUBLIC HEARING IS BEING CALLED BY the President of the Borough of The Bronx, Honorable Vanessa L. Gibson. This hearing will be held on Tuesday, February 6, 2024, commencing at 10:00 A.M. Those wishing to attend may do so via the link provided:

Link for meeting: <https://bit.ly/4aXw8Nz>

Meeting ID: 244 847 438 861

Passcode: uAn4SQ

Or call in (audio only):

+1 646-561-8032, 675775945# United States, New York City

Phone Conference ID: 675 775 945#

The following matters will be heard:

CD# 3: ULURP APPLICATION NO: C 240174 HAX: IN THE MATTER OF AN APPLICATION submitted by the Department of Housing Preservation and Development (HPD)

- Pursuant to Article 16 of the General Municipal Law of New York State for:
 - The designation of property located at 404 Claremont Parkway (Block 2896, Lot 96, 1169 Washington Avenue (Block 2389, Lot 47), and 12 Gouverneur Plance (Block 2388, Lot 55) as an Urban Development Action Area; and
 - An Urban Development Action Area Project for such area; and
- 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 the development of three buildings containing an approximate total of 71 affordable housing units, Borough of The Bronx, Community District #3

Related Application No: C 240175 PQX

CD# 3: ULURP APPLICATION NO: C 240175 PQX: IN THE MATTER OF AN APPLICATION submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 116 Washington Avenue (Block 2389, p/o Lot 47) to facilitate

development of a building containing approximately 34 affordable housing units, Borough of The Bronx, Community District #3.

CD# 6: ULURP APPLICATION NO: C 240099 HAX: 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 907 East 175th Street (Block 2958, Lot 120), 1900 Marmion Avenue (Block 2960, Lot 21) and 706 Fairmount Place (Block 2950, Lot 18) as an Urban Development Action Area; and
 - b. An 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 the development of three buildings containing an approximate total of 63 residential units, Borough of The Bronx, Community District #6.

Please direct any questions concerning this matter to the office of the Borough President, (718) 665-1124.

Accessibility questions: Sam Goodman (718) 590-6124, by: Monday, February 5, 2024, 5:10 A.M.



j30-f5

BOROUGH PRESIDENT - BROOKLYN

■ NOTICE

NOTICE IS HEREBY GIVEN that the Brooklyn Borough President, on behalf of the Brooklyn Borough Board and in accordance with Chapter 10, Section 241 of the New York City Charter, has scheduled an in-person public hearing for Tuesday, February 6, 6:00 P.M. at Brooklyn Borough Hall, 209 Joralemon Street to review the Mayor's Preliminary Budget for fiscal year 2025. The balanced budget of \$109.4 billion includes \$8.2 billion in reserves.

Public testimony is limited to two (2) minutes per person. Pre-registration is not required. Written testimony can be submitted to testimony@brooklynbp.nyc.gov until Friday, February 9 at 5:00 P.M.

Accessibility questions: carol-ann.church@brooklynbp.nyc.gov, by: Thursday, February 1, 2024, 3:00 P.M.



j24-f6

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, February 7, 2024, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

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://www.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/461665/1>

Members of the public attending remotely 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
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number
- 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 (link above).

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](tel:212-720-3508)]. Requests must be submitted at least five business days before the meeting.

CITYWIDE

No. 1

GAMING FACILITY TEXT AMENDMENT

CITYWIDE

N 240179 ZRY

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts.

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 III

COMMERCIAL DISTRICT REGULATIONS

Chapter 2

Use Regulations

* * *

32-10

USE ALLOWANCES

* * *

32-18

Use Group 8 – Recreation, Entertainment and Assembly Spaces

C1 C2 C3 C4 C5 C6 C7 C8

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;
- (c) Section 32-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;
- (d) Section 32-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;
- (e) Section 32-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

32-181

Use Group 8 – general use allowances

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
• = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Amusement and Recreation Facilities									
#Amusement or recreation facilities#	• S	• S	○	•	•	•	• U	• U	*
#Outdoor amusement parks#	–	–	–	–	–	–	• S U	• S U	C
Art Galleries and Studios									
Art galleries	•	•	–	•	•	•	•	•	*
Art, music, dancing or theatrical studios	•	•	–	•	•	•	•	•	A2
Production or entertainment studios	• S	• S	–	•	•	•	•	•	B1
Entertainment and Sporting Venues									
Arenas or auditoriums	–	–	–	• S	• S	• S	• S	• S	B1
Drive-in theaters	–	–	–	–	–	–	○	○	N/A
Racetracks	–	–	–	–	–	–	–	○	B1
Stadiums	–	–	–	• S U	• S U	• S U	• S U	• S U	B1
Theaters	• P	• P	–	• P	• P	• P	• P	• P	B1
Other Assembly Spaces									
Banquet, function or reception halls	•	•	–	•	•	•	•	•	B1
Gaming facilities	–	–	–	• P	• P	• P	• P	• P	B1
Historical exhibits	•	•	–	•	•	•	•	•	B1
Meeting halls	•	•	–	•	•	•	•	•	B1
Non-commercial clubs	•	•	•	•	•	•	•	•	*
Observation decks	• U	• U	–	• U	• U	• U	• U	• U	B1

Outdoor day camps	○	○	○	○	○	○	○	○	• U	G
Publicly accessible spaces	• U	• U	–	• U	• U	• U	• U	• U	• U	N/A
Riding academies or stables	○	○	○	○	○	○	○	○	• P U	A4
Trade expositions	–	–	–	• S	• S	• S	• S	• S	• S	B1

* * *

32-183

Use Group 8 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.
- (b) Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment referral]. No other gaming facilities shall be permitted.
Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.
Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.
- (b)(c) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

* * *

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

42-10
USE ALLOWANCES

* * *

42-18
Use Group 8 – Recreation, Entertainment and Assembly Spaces
M1 M2 M3

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;

- (b) Section 42-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 42-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 42-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 42-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “ ” in the Use Group table; and
- (f) Section 42-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**42-181
Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES				
• = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	M1	M2	M3	PRC
Amusement and Recreation Facilities				
#Amusement or recreation facilities#	• U	• U	• U	* *
#Outdoor amusement parks#	• S U	• S U	• S U	C
Art Galleries and Studios				
Art galleries	•	•	•	*
Art, music, dancing or theatrical studios	•	•	•	A2
Production or entertainment studios	•	•	•	B1
Entertainment and Sporting Venues				
Arenas or auditoriums	• S	• S	• S	B1
Drive-in theaters	○	○	○	N/A
Racetracks	○	○	○	B1
Stadiums	• S U	• S U	• S U	B1

Theaters	•	•	•	B1
Other Assembly Spaces				
Banquet, function or reception halls	•	–	–	B1
<u>Gaming facilities</u>	• P	• P	• P	<u>B1</u>
Historical exhibits	•	•	•	B1
Meeting halls	•	•	•	B1
Non-commercial clubs	•	•	•	*
Observation decks	• U	• U	• U	B1
Outdoor day camps	• U	• U	• U	G
Publicly accessible spaces	• U	• U	• U	N/A
Riding academies or stables	• P U	• P U	• P U	A4
Trade exhibitions	• S	• S	• S	B1

* * *

**42-183
Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment] referral. No other gaming facilities shall be permitted.
Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.
Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.
- (b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

* * *
**CITYWIDE
No. 2**

GREEN FAST TRACK FOR HOUSING CEQR TYPE II RULE CITYWIDE
IN THE MATTER OF a rulemaking under the City Administrative Procedure Act proposed by the City Planning Commission pursuant to 6 NYCRR § 617.5(b) and sections 1043 and 192(e) the Charter, to add a new Type II category to exempt certain housing and related actions from review under SEQRA and CEQR procedures.

The proposed rules may be seen at the Zoning Application Portal: https://zap.planning.nyc.gov/projects/2024Y0231. Select the "Public Documents" dropdown menu.

BOROUGH OF BROOKLYN
Nos. 3 - 4
396-400 AVENUE X REZONING
No. 3

CD 15 **C 230381 ZMK**

IN THE MATTER OF an application submitted by PG Realty Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c:

1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street;

as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

No. 4

CD 15 **N 230382 ZRK**

IN THE MATTER OF an application submitted by PG Realty Investments 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

* * *

BROOKLYN

* * *

Brooklyn Community District 15

* * *

Map 6 – [date of adoption]



█ Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area # [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 15, Brooklyn

* * *

BOROUGH OF MANHATTAN
15-21 WEST 124TH STREET
No. 5

CD 10 **N 220434 ZRM**

IN THE MATTER OF an application submitted by Harlem 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 parking provisions of Article IX, Chapter 7 (Special 125th Street District).

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 IX
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special 125th Street District

* * *

97-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51
Accessory Off-street Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

97-511
Required accessory off-street residential parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive. However, for #developments# or #enlargements# within R6A Districts, the off-street parking regulations of an R7-2 District, as modified by the provisions of Section 97-50, inclusive, shall apply.

* * *

BOROUGH OF QUEENS
Nos. 6 - 7
30-11 12th Street Rezoning
No. 6

CD 1 **C 230126 ZMQ**

IN THE MATTER OF an application submitted by 30-11 12th Street Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R4-1 District to an R6A District property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 12th Street, a line 200 feet southwesterly of 30th Avenue and it's northwesterly prolongation, and a line midway between Welling Court and 12th Street;
2. changing from an R5B District to an R6A District property bounded by 12th Street, a line 150 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 200 feet southwesterly of 30th Avenue;
3. changing from an R6B District to an R6A District property bounded by 12th Street, 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 150 feet southwesterly of 30th Avenue;
4. establishing within the proposed R6A District a C2-3 District on property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of

intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 30th Avenue, a line 100 feet northwesterly of 14th Street, a line 150 feet southwesterly of 30th Avenue and its northwesterly prolongation, and a line midway between Welling Court and 12th Street;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of CEQR Declaration E-733.

No. 7

CD 1 N 230127 ZRQ IN THE MATTER OF an application submitted by 30-11 12th Street Realty 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 1

* * *

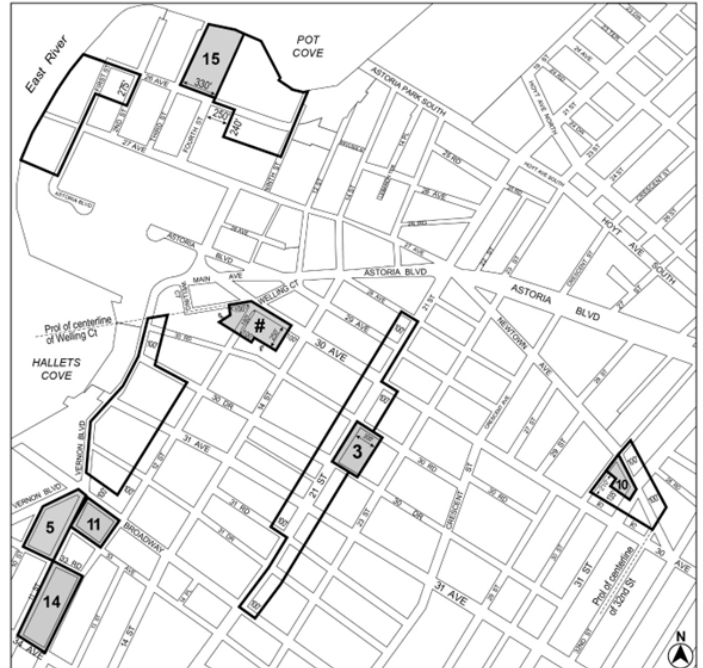
Map 1 - [date of adoption]

[EXISTING MAP]



Legend for Map 1: Inclusionary Housing designated area (white box); Mandatory Inclusionary Housing Program Area (grey box). See Section 23-154(d)(3). Area 3 - 10/31/18 MIH Program Option 1 and Option 2; Area 5 - 10/17/19 MIH Program Option 1; Area 10 - 6/17/21 MIH Program Option 1; Area 11 - 10/21/21 MIH Program Option 1; Area 14 - 7/14/22 MIH Program Option 1; Area 15 - 9/29/22 MIH Program Option 1 and Deep Affordability Option.

[PROPOSED MAP]



Legend for Map 2: Inclusionary Housing designated area (white box); Mandatory Inclusionary Housing Program Area (grey box). See Section 23-154(d)(3). Area 3 - 10/31/18 MIH Program Option 1 and Option 2; Area 5 - 10/17/19 MIH Program Option 1; Area 10 - 6/17/21 MIH Program Option 1; Area 11 - 10/21/21 MIH Program Option 1; Area 14 - 7/14/22 MIH Program Option 1; Area 15 - 9/29/22 MIH Program Option 1 and Deep Affordability Option; Area # - [date of adoption] MIH Program Option 1 and Option 2.

Portion of Community District 1, Queens

Nos. 8 - 9

23-01 STEINWAY STREET REZONING

No. 8

CD 1 C 230307 ZMQ IN THE MATTER OF an application submitted by Efraim Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c:

- 1. eliminating from within an existing R5D District a C2-3 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, Steinway Street, and a line 100 feet southwesterly of 23rd Avenue;
2. changing from an R5D District to an R6A District property bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue; and
3. establishing within a proposed R6A District a C2-4 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of CEQR Declaration E-744.

No. 9

CD 1 N 230308 ZRQ IN THE MATTER OF an application submitted by Efraim Realty 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

* * *

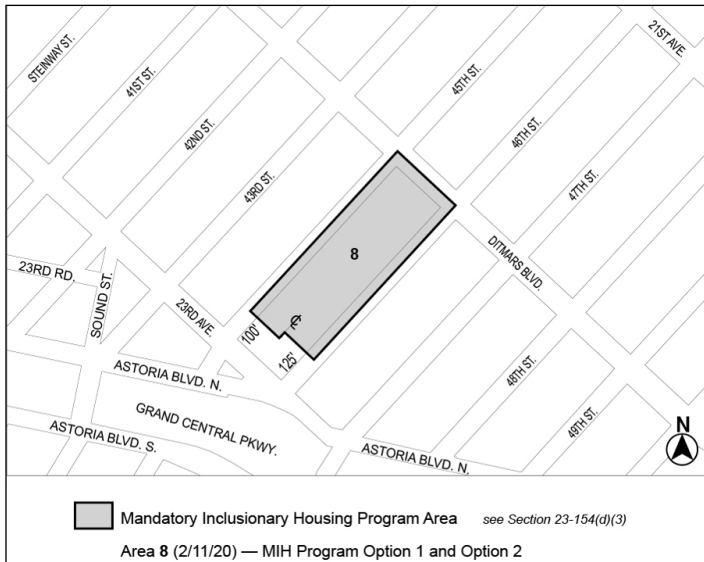
QUEENS

Queens Community District 1

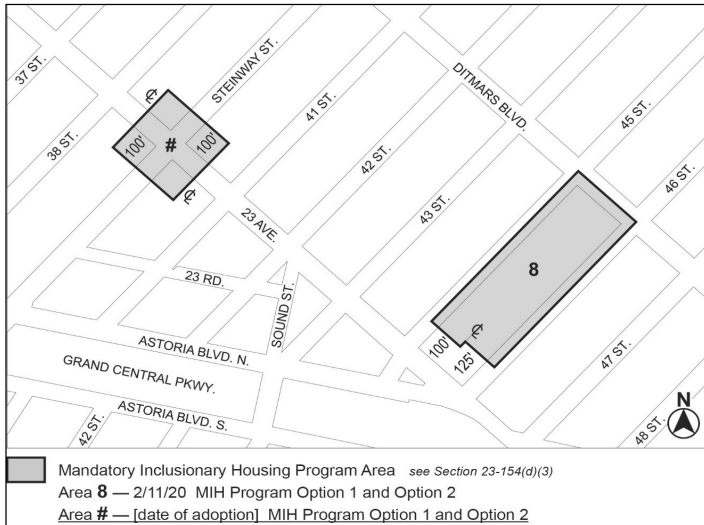
* * *

Map 8 - [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



Portion of Community District 1, Queens

* * *

Sara Avila, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3366

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Wednesday, January 31, 2024, 5:00 P.M



j24-f7

CITY UNIVERSITY

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a public hearing will be held virtually on February 15, 2024, by the CUNY Civil Service Commission via Zoom on February 15, 2024, at 11:00 A.M. on the matters of amending the CUNY Civil Service Rules. The meeting details are below.

Topic: CUNY Public Hearing
Meeting Link: https://us02web.zoom.us/j/81236429533?pwd=UFIVVFdXM1loRUowNVlCQzNIQzNydz09
Meeting ID: 812 3642 9533
Passcode: 050590
Phone Conference ID: +1 646 931 3860

Such proposed changes are available for inspection during business hours in the office of the CUNY Civil Service Support located at 395 Hudson Street, New York, NY 10014.

For more information, visit the CUNY website at https://www.cuny.edu/wp-content/uploads/sites/4/media-assets/Public-Hearings-CUNY.pdf.

Elaine S. Reiss
Chair, CUNY Civil Service Commission
j25-f14

EQUAL EMPLOYMENT PRACTICES COMMISSION

MEETING

Notice of NYC Equal Employment Practices Commission Meeting

When and where is the Commission Meeting? The Equal Employment Practices Commission's 271st Commission Meeting will take place at 10:15 a.m. on Thursday, February 8, 2024, in the Commission's Conference Room/Library located at 253 Broadway, Suite 602, New York, NY 10007. The meeting will also be conducted by video conference via Webex and streamed live via YouTube using the details below:

Webex Details

Meeting number (event number): 2331 224 4172
Meeting password: gKK9mzwDm82 (45596993 from phones and video systems)

- Join by internet: https://nyceepc.webex.com/nyceepc/j.php?MTID=m953ef090fe4cc33b92089971eb2a2477
Join by phone: (646) 992-2010 United States Toll (New York City), (408) 418-9388 United States Toll
Join by video system or application: Dial 23312244172@webex.com. You can also dial 173.243.2.68 and enter your meeting number.

YouTube Details

- Live Stream video link: https://youtube.com/live/95Sd_u2YjB4

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 ibowen@eeepc.nyc.gov

Is there a deadline to submit questions? Yes, you must submit all questions during the meeting session on February 8, 2024.

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/UCdGAE4p-esdjymDTdGSfA/featured.

Accessibility questions: Imani Bowen, ibowen@eepc.nyc.gov, by: Wednesday, February 7, 2024, 4:00 P.M.



j31-f8

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, February 13, 2024, at 9:30 A.M., a public hearing will be held in the public hearing room at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties, and then followed by a public meeting. Participation by videoconference may be available as well. Please check the hearing page on LPC's website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. An overflow room is located outside of the primary doors of the public hearing room. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov or 212-602-7254 no later than five (5) business days before the hearing or meeting. Members of the public not attending in person can observe the meeting on LPC's YouTube channel at www.youtube.com/nyclpc and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, on the Monday before the public hearing. Finally, please be aware: COVID-19 safety protocols are in effect at the location; all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.

96 Macon Street - Bedford Historic District
LPC-23-05203 - Block 1850 - Lot 16 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS

An empty lot. Application is to construct a new building.

431 7th Avenue - Park Slope Historic District Extension
LPC-23-10177 - Block 1102 - Lot 4 - Zoning:
CERTIFICATE OF APPROPRIATENESS

An empty lot. Application is to construct a new building.

77 Hudson Street (aka 77-79 Hudson Street) - Tribeca West Historic District

LPC-24-05823 - Block 180 - Lot 7509 - Zoning: C6-2A, TMU
CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style store and loft building designed by Martin V.B. Ferdon and built in 1893-94. Application is to legalize the removal of vault lights at the sidewalk without Landmarks Preservation Commission permit(s).

315 Greenwich Street - Tribeca West Historic District
LPC-24-01920 - Block 141 - Lot 15 - Zoning: C6-2A/TMU
CERTIFICATE OF APPROPRIATENESS

An Italianate style store and lofts building built in 1861-1862. Application is to create a new opening and install storefront infill, and remove fire escape baskets.

67 Greene Street - SoHo-Cast Iron Historic District
LPC-24-04150 - Block 486 - Lot 26 - Zoning: M1-5/R7X
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style store building designed by Henry Fernbach and built in 1872-1873. Application is to alter the entrance stairs.

57-59 Christopher Street - Greenwich Village Historic District
LPC-24-04610 - Block 610 - Lot 1 - Zoning: C4-5
CERTIFICATE OF APPROPRIATENESS

Two Italianate style row houses built in 1853 and later altered by the early-20th century. Application is to construct rooftop additions and reconstruct rear façades.

101-111 West 10th Street, aka 445-451 Sixth Avenue - Greenwich Village Historic District
LPC-23-11959 - Block 606 - Lot 73, 74, 75, - Zoning: C1-6
CERTIFICATE OF APPROPRIATENESS

A row of six houses built in 1836. Application is to modify a storefront and signage master plan approved under Certificate of Appropriateness 96-0125.

924 Broadway - Ladies' Mile Historic District
LPC-24-05350 - Block 850 - Lot 14 - Zoning: M1-5M
CERTIFICATE OF APPROPRIATENESS

A Mid-20th Century Commercial style building, converted from two rowhouses originally built in 1854, and later altered multiple times in the first half of the 20th century. Application is to legalize the installation of metal windows in non-compliance with Permit for Minor Work 09-4532.

218 West 57th Street - Individual Landmark Society House of the American Society of Civil Engineers
LPC-24-06030 - Block 1028 - Lot 42 - Zoning: C5-3 MID
CERTIFICATE OF APPROPRIATENESS

A French Renaissance Revival style club building, designed by Cyrus L.W. Eidlitz and built in 1896-97, with alterations in 1905-16, by Cyrus L.W. Eidlitz and Andrew C. McKenzie, and in 1918, by Arnold W. Brunner. Application is to enlarge the existing elevator bulkhead, install a painted wall sign, modify the storefront display windows, and install illuminated signage.

420 Amsterdam Avenue - Upper West Side/Central Park West Historic District
LPC-24-03142 - Block 1228 - Lot 29 - Zoning: C2-7A
CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style flats building with Renaissance Revival style elements designed by Gilbert a. Schellenger and built in 1890-91. Application is to legalize enclosing the areaway, replacing the fence, and installing a garbage enclosure without Landmarks Preservation Commission permit(s).

340 West 85th Street - Riverside - West End Historic District Extension I

LPC-23-11249 - Block 1246 - Lot 49 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style club house and dwelling designed by George B. de Gersdorff and built in 1926-27. Application is to install a barrier-free access ramp.

Riverside Park - Scenic Landmark
LPC-24-05534 - Block 1897 - Lot 1 - Zoning: R10A
ADVISORY REPORT

A playground and pathways built in the 1930s within an English Romantic-style park built in 1873-1875 and designed by Frederick Law Olmsted, with modifications and additions built in 1934-37 and designed by Clifton Lloyd and Gilmore Clarke. Application is to amend Commission Advisory Report 24-03689 for sitework at the playground and surrounding landscape.

19 East 64th Street - Upper East Side Historic District
LPC-24-06008 - Block 1389 - Lot 12 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS

An Italianate style residence built c. 1869 and altered by Schwartz & Gross in 1930. Application is to modify window openings at the rear façade.

j30-f12

PARKS AND RECREATION

■ PUBLIC HEARINGS

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and NYC Department of Parks and Recreation ("Parks") to be held on 2/13/2024, 2 Lafayette Street, Room 1412 commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a License Agreement ("License") to Tour Central Park INC D/B/A Bike Rent NYC for the development, operation, and maintenance of bicycle rental stations at various locations in Manhattan with the option for future Manhattan locations. Compensation to the City will be as follows: Licensee shall pay to the City license fees consisting of:

FEE AND PAYMENT TERMS:

Year 1: \$1,800,000.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 2: \$1,890,000.00 for locations in Central Park \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 3: \$1,984,500.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 4: \$2,083,725.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 5: \$2,187,911.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 6: \$2,297,307.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Year 7: \$2,412,172.00 for locations in Central Park. \$50,000.00 vs 25% of Gross Receipts for all other proposed locations.

Written testimony may be submitted in advance of the hearing electronically to fcrc@mocs.nyc.gov. All written testimony can be submitted up until the close of the public hearing and will be distributed to the FCRC after the hearing.

A draft copy of the agreement may be obtained at no cost by any (or all) of the following ways:

1. Submit a written request to Parks at concessions@parks.nyc.gov from 1/29/2024 through 2/13/2024.
2. Submit a written request by mail to NYC Department of Parks and Recreation, Revenue Division, 830 Fifth Avenue, Room 407, New York, NY 10065. Written requests must be received by 2/13/2024. For mail-in requests, please include your name, return address, and M10-BR.
3. Download from Park's website at NYC Parks' from 1/29/2024 through 2/13/2024. <https://www.nycgovparks.org/opportunities/concessions/rfps-rfbs-rfeis>.

The agenda, transcript, and related documentation for the hearing will be posted on the MOCS website at <https://www.nyc.gov/site/mocs/opportunities/franchises-concessions.page>.

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 e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

j29-f13

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Parks & Recreation ("NYC Parks") to be held on Tuesday, February 13, 2024, at 2 Lafayette Street, Rm 1412 commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a License Agreement ("License") to LaTourette Golf LLC for the Renovation, Operation, and Maintenance of the LaTourette Golf Course, Staten Island.

The License will provide for one (1) twenty (20) year term.

Compensation to the City will be as follows: The greater of the annual minimum fee versus the annual percentage of gross receipts:

Years 1-5: \$500,000 Minimum versus 17% of Cart, Greens Fee and Reservation income. 10% of all other income. An additional 5% of all driving range gross revenue on or above \$500,000. 5% of all revenue on or above \$3,500,000.

Years 6-10: \$550,000 Minimum versus 18% of Cart, Greens Fee and Reservation income. 10% of all other income. An additional 5% of all driving range gross revenue on or above \$600,000. 5% of all revenue on or above \$3,500,000.

Years 11-15: \$600,000 Minimum versus 19% of Cart, Greens Fee and Reservation income. 10% of all other income. An additional 5% of all driving range gross revenue on or above \$700,000. 5% of all revenue on or above \$4,000,000.

Years 16-20: \$650,000 Minimum versus 20% of Cart, Greens Fee and Reservation income. 10% of all other income. An additional 5% of all driving range gross revenue on or above \$700,000. 5% of all revenue on or above \$4,000,000.

Written testimony may be submitted in advance of the hearing electronically to fcrc@mocs.nyc.gov. All written testimony can be submitted up until the close of the public hearing and will be distributed to the FCRC after the hearing.

A draft copy of the agreement may be obtained at no cost by any (or all) of the following ways:

1. Submit a written request to NYC Parks at concessions@parks.nyc.gov from January 29, 2023, through February 13, 2024.
2. Submit a written request by mail to NYC Department of Parks and Recreation, Revenue Division, 830 Fifth Avenue, Room 407, New York, NY 10065. Written requests must be received by February 5, 2023. For mail-in request, please include your name, return address, and License # R13-B-GC.
3. Download from NYC Parks website at <https://www.nycgovparks.org/opportunities/concessions/rfps-rfbs-rfeis> from January 29, 2023, through February 13, 2024.

The agenda, transcript, and related documentation for the hearing will be posted on the MOCS website at <https://www.nyc.gov/site/mocs/opportunities/franchises-concessions.page>.

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 e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

j29-f13

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Parks & Recreation ("NYC Parks") to be held on Tuesday, February 13, 2024, at 2 Lafayette Street, Room 1412, Manhattan, New York, NY 10007 commencing at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a License Agreement ("License") to South Shore Golf LLC for the Renovation, Operation, and Maintenance of the South Shore Golf Course, Staten Island.

The License will provide for one (1) twenty (20) year term.

Compensation to the City will be as follows: The greater of the annual minimum fee versus the annual percentage of gross receipts:

Years 1-5: \$10,000 vs 5% of all gross receipts over \$1,750,000.

Years 6-10: \$15,000 vs 5% of all gross receipts over \$2,000,000.

Years 11-15: \$20,000 vs 5% of all gross receipts over \$2,225,000.

Years 16-20: \$25,000 vs 5% of all gross receipts over \$2,500,000.

Written testimony may be submitted in advance of the hearing electronically to fcrc@mocs.nyc.gov. All written testimony can be submitted up until the close of the public hearing and will be distributed to the FCRC after the hearing.

A draft copy of the agreement may be obtained at no cost by any (or all) of the following ways:

1. Submit a written request to NYC Parks at concessions@parks.nyc.gov from January 29, 2023, through February 13, 2024.
2. Submit a written request by mail to NYC Department of Parks and Recreation, Revenue Division, 830 Fifth Avenue, Room 407, New York, NY 10065. Written requests must be received by February 5, 2023. For mail-in request, please include your name, return address, and License # R104-GC.
3. Download from NYC Parks website at <https://www.nycgovparks.org/opportunities/concessions/rfps-rfbs-rfeis> from January 29, 2023, through February 13, 2024.

The agenda, transcript, and related documentation for the hearing will be posted on the MOCS website at <https://www.nyc.gov/site/mocs/opportunities/franchises-concessions.page>.

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 e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

j29-f13

PROPERTY DISPOSITION

The City of New York in partnership with PublicSurplus.com posts online auctions. All auctions are open to the public.

Registration is free and new auctions are added daily. To review auctions or register visit <https://publicsurplus.com>

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with IAAI.com posts vehicle and heavy machinery auctions online every week at: <https://iaai.com/search?keyword=dcas+public>.

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

Vehicles can be viewed in person at:
Insurance Auto Auctions, Green Yard
137 Peconic Ave., Medford, NY 11763
Phone: (631) 207-3477

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

j19-jy3

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

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

j16-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 PREQUALIFICATION

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 HHS Accelerator Prequalification Application using the City's PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is 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 and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed, at https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public

All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www.nyc.gov/site/mocs/hhsa/hhs-accelerator-guides.page>

ADMINISTRATION FOR CHILDREN'S SERVICES

■ VENDOR LIST

Services (other than human services)

REQUEST FOR QUALIFICATIONS - PQL 000151 PREQUALIFIED LIST FOR LOCKSMITH SERVICES

The New York City Administration for Children's Services ("ACS") directly, or indirectly through contracted providers, operates facilities including child welfare, juvenile justice, and administrative facilities throughout the five (5) boroughs. ACS is in the process of establishing a pre-qualified list ("PQL") of Minority and Women-owned Business Enterprises (M/WBEs) ("Contractors") for furnishing all labor, materials, services, equipment and required accessories to perform On-Call Citywide Locksmith Services for ACS facilities and the residential private dwellings of ACS clients (each an "ACS Site" and collectively, the "ACS Sites") and other locations as may be identified by ACS. Qualified firms are encouraged to take advantage of this opportunity and apply for this Pre-Qualified List (PQL) detailing their credentials. The prequalification process is designed to ensure that bids for the upcoming ACS Locksmith Services are only received from M/WBE Contractors that are highly qualified and possess the requisite prior experience.

All applications are completed and submitted electronically using the City's digital Procurement and Sourcing Solutions Portal ("PASSPort"). To access this RFQ, please visit the following link: https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public - Click on the "Prequalified Lists" tab and search the PQL ID "PQL000151" in the Keyword field. Then click on the pencil icon. - Applicants must have a valid registered PASSPort account to respond to this solicitation. - Questions specific to this Request for qualification can be sent to LocksmithPQL@acs.nyc.gov. - If there are any technical issues with PASSPort, contact the PASSPort Helpdesk at: <https://mocsupport.atlassian.net/servicedesk/customer/portal/8>.

Please allow yourself adequate time to submit your application. Please do not wait until the last minute to contact us with your concerns and questions.

Questions Due By: June 28, 2024 at 2:00 P.M./EST

Application Due Date: July 12, 2024 at 2:00 P.M./EST

Anticipated Date of PQL Establishment: It is anticipated that the PQL will be established by October 7, 2024. This date is subject to change.

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.
Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Doron Pinchas, LocksmithPQL@acs.nyc.gov

j29-f2

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

PURATE SOLUTION - DEP - Renewal - PIN# 85721B8194KXLR001
- AMT: \$12,799,724.73 - TO: Azure Water Services LLC DbA Jamestown Technologies, 280 Callegari Drive, West Haven, CT 06516.

✦ f2

CORRECTION**CENTRAL OFFICE OF PROCUREMENT****■ VENDOR LIST***Goods***M/WBE PQL FOR PLAQUES (WOODEN, ACRYLIC AND FORMICA PLAQUES)**

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various plaques including but not limited to the following: Wooden Plaques, Acrylic Plaques and Formica Plaques. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various plaques. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Candace Midgette; candace.midgette@doc.nyc.gov

f1-7

MWBE PQL FOR SHEET METAL AND STEEL TUBING

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various sheet metal and steel tubing, including but not limited to the following: Galvanized Steel Sheets, Hot Rolled Steel, Hot Rolled Steel Tube, Flattened Expanded Metal. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various sheet metal and steel tubing. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

PASSPort: https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Keesha Smartt-Butler (718) 546-0766; Keesha.Smartt@doc.nyc.gov

f1-7

MWBE PQL FOR TELEVISIONS SMART AND NON-SMART

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various Televisions (TV's) including but not limited to the following: Smart TV's and Non-Smart TV's. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various televisions. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

PASSPort: https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Keesha Smartt-Butler (718) 546-0766; Keesha.Smartt@doc.nyc.gov

f1-7

MWBE PQL PHOTOGRAPHY EQUIPMENT

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various photography equipment, including but not

limited to the following: Cameras, Tripods, Camera Lenses, Flash Kits, Camcorders. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various photography equipment. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

PASSPort: https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Keesha Smartt-Butler (718) 546-0766; Keesha.Smartt@doc.nyc.gov

f1-7

MWBE PQL PROMOTIONAL ITEMS

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of promotional items including but not limited to the following: Promotional Items, Branded Apparel, Tshotchkies.

Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various promotional items. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

PASSPort: https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Keesha Smartt-Butler (718) 546-0766; Keesha.Smartt@doc.nyc.gov

f1-7

MWBE PQL FOR COMPOSTABLE PAPER PRODUCTS (PAPER PLATES, BOWLS, CUPS, NAPKINS, SPORKS, TRAYS)

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various compostable paper products, including but not limited to the following: Paper plates, Paper bowls, Paper cups, Paper table napkins, Sporks and 5 Compartment paper trays. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various compostable paper products. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Candace Midgette; candace.midgette@doc.nyc.gov

f1-7

MWBE PQL FANS OF VARIOUS SIZES

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of fans in various sizes, including but not limited to the following: Oscillating Fans, Desktop Fans. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for fans in various sizes. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

PASSPort: https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Keesha Smartt-Butler (718) 546-0766; Keesha.Smartt@doc.nyc.gov

f1-7

M/WBE PQL FOR NURSEY ITEMS AND SUPPLIES (DIAPERS, BABY WIPES, CRIB SHEETS, FORMULA, BABY FOOD)

The New York City (the "City") Department of Correction ("DOC" or the "Department") is establishing a pre-qualified list ("PQL") of vendors for the provision of various nursery items, including but not limited to the following: Diapers, Baby Wipes, Crib Sheets, Baby Formula and Baby Food. Prequalification allows the Department to evaluate qualifications of vendors before issuing a solicitation for a contract. The establishment of the prequalified list for these goods ensures that, at the time of solicitation, bids will only be received from qualified vendors included on the PQL. The DOC will use this PQL to solicit project-specific bids for various nursery items and supplies. Contracts awarded for these goods may range from \$25,000.00 to \$1,000,000.00.

https://passport.cityofnewyork.us/page.aspx/en/sup/pql_browse_public

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.

Correction, Candace Midgette; candace.midgette@doc.nyc.gov

f1-7

DESIGN AND CONSTRUCTION

PROGRAM MANAGEMENT

■ SOLICITATION

Construction / Construction Services

HWPR19MC1 - INSTALLATION OF COMPLEX PEDESTRIAN RAMPS, MANHATTAN - Competitive Sealed Bids - PIN# 85024B0019 - Due 2-28-24 at 11:00 A.M.

Project #: HWPR19MC1 / EPIN: 85024B0019. Late bids will not be accepted. This contract is subject to Special Experience Requirements. *This project is subject to HireNYC*.

This Competitive Sealed Bid (CSB) is being released through PASSPort, New York City's online procurement portal. Responses to this CSB should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the CSB, insert the EPIN (85024B0019) into the Keywords search field.

CBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12

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.

Design and Construction, (718) 391-1362.

f2

DISTRICT ATTORNEY - NEW YORK COUNTY

PROCUREMENT AND CONTRACT MANAGEMENT

■ INTENT TO AWARD

Services (other than human services)

TEMPORARY STAFF SERVICES - Renewal - PIN# 20231800002R - Due 2-6-24 at 4:00 P.M.

The New York County District Attorney's Office (DANY) intends to renew the Supporting Staff Services contract with Cogent Infotech Corporation for the term of March 1, 2024 - February 28, 2026.

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.

District Attorney - New York County, One Hogan Place, New York, NY 10013. Elise Kairys (212) 335-9705; kairyse@dany.nyc.gov

j29-f2

EMPLOYEES' RETIREMENT SYSTEM

LEGAL

■ SOLICITATION

Services (other than human services)

IT CONSULTING SERVICES: SENIOR QUALITY ASSURANCE ANALYST - Competitive Sealed Proposals - Specifications cannot be made sufficiently definite - PIN# RFP 02232024-SQAA - Due 2-23-24 at 5:00 P.M.

NYCERS seeks one (1) Senior Quality Assurance Analyst ("QA Analyst") to work with the Information Technology (IT) Division. The QA Analyst will primarily perform functional manual testing and automated testing of the new Pension Administration system. The Analyst will need to support the testing of all the data bridging scenarios that will be adopted in the course of the transition from legacy system to new pension administration system. The Analyst will also be involved in the testing of legacy system as functionality is being retired and decommissioned. The anticipated start date is August 2, 2024.

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.

Employees' Retirement System, 335 Adams Street, Suite 2300, Brooklyn, NY 11201. Scott Mathews-Novelli (347) 643-3842; rfp@nycers.org

f2

ENVIRONMENTAL PROTECTION

WATER SUPPLY

■ SOLICITATION

Construction / Construction Services

82624B0009-BWS-DEL-457 REPAIR AND PAVING OF ROUTE 55A - Competitive Sealed Bids - PIN# 82624B0009 - Due 2-29-24 at 10:00 A.M.

This Competitive Sealed Bid ("RFx") is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at <https://www.nyc.gov/site/mocs/passport/about-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82624B0009 into the Keywords search field. If you need assistance submitting a response, please contact help@mocs.nyc.gov. On the Response Due Date at 10:00 A.M., please be advised that you will be required to submit a PAPER copy of the Bid Submission Form and the Bid Security to NYC Department of Environmental Protection, 96-05 Horace Harding Expressway, 1st Floor Low Rise, Flushing, NY 11373.

Pre Bid Conference location -7870 State Route 42, Grahamsville, NY 12740. Mandatory: no Date/Time - 2024-02-13 10:00:00.

f2

■ AWARD

Goods

BWS MSA AIR MONITORING SYSTEM 4XC00102 - M/WBE Noncompetitive Small Purchase - PIN# 82624W0018001 - AMT: \$144,927.60 - TO: Pina M Inc, 200 Village Center Drive 7323, Freehold, NJ 07728.

f2

NEW YORK CITY FIRE PENSION FUND

■ SOLICITATION

Services (other than human services)

MSP IT MAINTENANCE SERVICES - Competitive Sealed Proposals - Judgment required in evaluating proposals. - PIN# 2572024199 - Due 3-25-24 at 4:00 P.M.

The NYC Fire Pension Fund (the "Fund") is requesting proposals for the management and monitoring of the Fund's information technology systems, applications, network, and data.

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. New York City Fire Pension Fund, One Battery Park Plaza, 9th Floor, New York, NY 10004. Simone Saywack (929) 436-4860; procurement@nycfirepension.org

f2

HOMELESS SERVICES

INTENT TO AWARD

Human Services/Client Services

SHELTER SERVICES FOR FAMILIES WITH CHILDREN AT MATERNITY FAMILY RESIDENCE - Renewal - PIN# 07119P8267KXLR001 - Due 2-5-24 at 5:00 P.M.

The Department of Homeless Services of the New York City Department of Social Services, plans to renew (1) contract with the contractor listed below, for the provision of Shelter Services for Families with Children at Maternity Family Residence. The renewal term shall be set forth below. Anyone having comments on the contractor's performance on the proposed renewal contract may contact Lorna Hinds, via email, at hindsl@dss.nyc.gov. Urban Strategies, Inc., 294 Sumpter Street, Brooklyn, NY 11212. EPIN 07119P8267KXLR001. To provide Shelter Services for Families with Children at Maternity Family Residence at 808 Saratoga Avenue, Brooklyn, NY 11212. Renewal Term: 7/1/2024 - 6/30/2028.

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.

Homeless Services, 150 Greenwich Street, 37th Floor, New York, NY 10007. Lorna Hinds (929) 221-6391; hindsl@dss.nyc.gov

f2

HOUSING AUTHORITY

PROCUREMENT

VENDOR LIST

Goods and Services

PRE-QUALIFIED LIST (PQL) PROGRAM FOR VARIOUS TRADES

NYCHA is currently accepting applications for Pre-Qualified List (PQL) program for various trades.

A PQL is a tool that NYCHA will use to qualify vendors and contract goods or services for its developments, streamlining the process for both vendors and NYCHA. NYCHA will publish contracting opportunities, and the PQL will predominantly be used to procure goods or services for those contracts. Vendors who apply to those bids must pre-qualify according to specific criteria, and vendors who are admitted to the PQL can bid on contracts.

Currently NYCHA has established six (6) PQL lists for the Closed-Circuit Television (CCTV), Carpentry, Painting, Lead Based Paint (Assessment and Abatement, Inspection and Assessment & Lab Analysis), Plumbing and Electrical.

All vendors interested in NYCHA's PQLs must follow two (2) important steps:

First, vendors must prepare and submit applications to the PQL: To pre-qualify, vendors must meet the minimum requirements listed on the Request for Qualification of the select PQL. Applications will be evaluated by NYCHA on a rolling basis.

Second, vendors who are admitted to the PQL can then bid on solicitations for services on the PQL: Vendors must bid on each contract award, as these are not guaranteed.

For more information regarding PQLs and to obtain applications, please visit NYCHA's website at: https://www.nyc.gov/site/nycha/business/nycha-pql.page

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

Housing Authority, 90 Church Street, 6th Floor, New York, New York, 10007. PQL@nycha.nyc.gov (929) 502-6107; PQL@nycha.nyc.gov

j9-m30

HUMAN RESOURCES ADMINISTRATION

INTENT TO AWARD

Human Services/Client Services

NAE WITH THE LEGAL AID SOCIETY - IMMIGRANT OPPORTUNITY INITIATIVE - Negotiated Acquisition - Other - PIN# 06924N0023 - Due 2-8-24 at 3:00 P.M.

HRA/Office of Civil Justice is entering into a Negotiated Acquisition Extension contract with The Legal Aid Society to extend their services for the Immigrant Opportunity Initiative (IOI) program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application to more complex immigration matters, including asylum applications and removal defense work. Contract term for this NAE is from July 1, 2024 to June 30, 2025. Contract amount is \$13,934,073.86.

This procurement is a special case under PPB rule 3-01(d)(2)(vii).

f1-7

NAE WITH LEGAL SERVICES NYC - IMMIGRANT OPPORTUNITY INITIATIVE - Negotiated Acquisition - Other - PIN# 06924N0021 - Due 2-7-24 at 3:00 P.M.

HRA/Office of Civil Justice is entering into a Negotiated Acquisition Extensions contract with Legal Services NYC to extend their services for the Immigrant Opportunity Initiative (IOI) program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the City and provide legal assistance to low income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application to more complex immigration matters, including asylum applications and removal defense work. Contract term for this NAE is from July 1, 2024 to June 30, 2025. Contract amount will be \$2,873,484.03. Procurement and award is in accordance with Section 3-01(d)(2) (vii) for the reasons set forth herein.

j31-f6

FY25 NEW YORK LEGAL ASSISTANCE GROUP- IMMIGRANT OPPORTUNITY INITIATIVE - Negotiated Acquisition - Other - PIN# 06924N0022 - Due 2-8-24 at 8:00 P.M.

Human Resources Administration (HRA) Office of Civil Justice (OCJ) is requesting a Negotiated Acquisition Extension (NAE) with New York Legal Assistance Group, Inc. for continuity of Legal Services, provided through the Immigrant Opportunity Initiative (IOI). Since Fiscal Year 2017, the HRA has funded the IOI program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application to more complex immigration matters, including asylum applications and removal defense work. A critical element of the IOI program has been its flexibility and responsiveness to emergent needs. OCJ's contracts with the IOI service provider consortia allow for rapid deployment of staff and resources to address emerging legal needs of the immigrant community. To ensure the continuity of critical immigrant legal services, OCJ requests authorization to procure a NAE for the minimum amount of time until a new RFP is processed, according to PPB Rule 3-01 (d)(2)(vii). The one year NAE is needed to continue services while vendor prepares response to open-ended RFP. Under this NAE, the incumbent vendor will continue to provide Legal Services for HRA clients without interruption. The total contract amount of \$1,632,093.73. The contract term is 7/1/2024 - 6/30/2025.

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, New York, NY 10007. Olga (929) 221-6367; komarova@dss.nyc.gov

f2-8

MANAGEMENT AND BUDGET

■ AWARD

Services (other than human services)

GROUNDSWELL APP - M/WBE Noncompetitive Small Purchase - PIN# 00224W0003001 - AMT: \$365,652.77 - TO: Quality And Assurance Technology Corp., 18 Marginwood Drive, Ridge, NY 11961.

Commercial Off-The Shelf (COTS) case management application to manage OMB's review and approval for Certificate to Proceeds (CPs) submitted by city agencies.

☛ f2

APPIAN- BUSINESS PROCESS AUTOMATION - M/WBE Noncompetitive Small Purchase - PIN# 00224W0004001 - AMT: \$968,479.26 - TO: Quality and Assurance Technology Corp, 18 Marginwood Drive, Ridge, NY 11961.

Business process management solution software that will enable OMB to increase efficiencies at the agency by developing applications that automate manual repetitive tasks, processes, and workflows.

☛ f2

NYC HEALTH + HOSPITALS

■ SOLICITATION

Services (other than human services)

PREVENTATIVE MAINTENANCE & REPAIR HVAC SERVICES - Request for Proposals - PIN# 2729 - Due 3-1-24 at 5:00 P.M.

The purpose of this RFP is to establish one or multiple (2-4) service contracts with qualified HVAC/ Chiller Maintenance and Repair vendors as required to provide labor and materials required for routine maintenance, repairs, and code compliance as required on all the existing chillers at the campuses and buildings operated by New York City Health and Hospitals Corporation.

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, 50 Water Street, 5th Floor, New York, NY 10004. Randy Lee (646) 815-3245; leer31@nychhc.org

☛ f2

PARKS AND RECREATION

AGENCY CHIEF CONTRACTING OFFICE

■ INTENT TO AWARD

Services (other than human services)

84624N0002-DEER IMPACT MANAGEMENT AND POPULATION STUDY IN STATEN ISLAND - Negotiated Acquisition - Other - PIN#84624N0002 - Due 2-28-24 at 2:00 P.M.

NYC Parks is soliciting Expressions of Interests from vendors to conduct ongoing research in order to continue the City's population control study by surgically sterilizing male deer via vasectomy on Staten Island and to provide an estimate of Staten Island's deer population. This work will inform the City's management decisions by providing information on the abundance and distribution of deer on Staten Island and the effects of surgical sterilization of male deer on population.

NYC Parks has made the determination to use the Negotiated Acquisition procurement method (§3-04) for this solicitation. The justification for using the Negotiated Acquisition method of procurement is because in accordance with Sec. 3-04(b)(2)(ii) of the PPB rules, there are a limited number of vendors who are available and able to provide these specialized services.

If you wish to submit a proposal, please do so via the PassPort System by completing the Acknowledgment tab and submit a response in the Manage Responses tab. If you have questions about the details of the RFX, please submit your questions only through the Discussion with Buyer tab in PassPort.

Negotiated acquisition due to limited number of suppliers available.

j31-f6

CAPITAL PROGRAM MANAGEMENT

■ AWARD

Services (other than human services)

MASTER PLA FEASIBILITY STUDY - M/WBE Noncompetitive Small Purchase - PIN# 84624W0013001 - AMT: \$82,068.00 - TO: Armand Corporation, 1350 Broadway, Suite 1901, New York, NY 10018.

☛ f2

POLICE DEPARTMENT

MANAGEMENT AND BUDGET

■ AWARD

Goods

STRESSVEST TRAINING SYSTEM, GOODS ONLY, NO SERVICE INCLUDED - DCMB# 177-23-0142 - Sole Source - Other - PIN# 05624S0003001 - AMT: \$149,999.00 - TO: Virtual Precision LLC, 90 Main Street, Massena, NY 13662.

The sole source method is the most competitive method that is appropriate under the circumstances since there is only one source available.

☛ f2

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATION

Construction/Construction Services

ROOF REPLACEMENT - Competitive Sealed Bids - PIN# SCA24-19250D-1 - Due 2-16-24 at 10:00 A.M.

PS 384 (Brooklyn)
SCA System-generated category: \$3,000,001 to \$10,000,000
Pre-Bid walk-through Date and Time: February 6, 2024 at 10:00 A.M. at: 242 Cooper Street, Brooklyn, NY 11220.

ALL BIDDERS MUST BE PRE-QUALIFIED AT THE TIME OF BID OPENING.

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

School Construction Authority, 3030 Thomson Avenue, Long Island City, NY 11101. Raymond Lewis (718) 472-8367; RLewis@nycsca.org

☛ f2

CONTRACT SERVICES

■ SOLICITATION

Construction/Construction Services

EXTERIOR MASONRY/PARAPETS/ROOFS - Competitive Sealed Bids - PIN# SCA24-21562D-1 - Due 2-16-24 at 11:00 A.M.

PS 329 (Brooklyn)
SCA System-generated category: \$3,000,001 to \$10,000,000
Pre-Bid Walk through Date: February 5, 2024 at 11:00 A.M. at: 2929 West 30th Street, Brooklyn, NY 11224

ALL BIDDERS MUST BE PRE-QUALIFIED AT THE TIME OF BID OPENING.

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

School Construction Authority, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101. Vish Persaud (718) 752-5935; vpersaud@nycsca.org

f2

PROCUREMENT

SOLICITATION

Goods and Services

SOFTWARE AND HARDWARE - Competitive Sealed Proposals - PIN# SCA-2401P - Due 2-7-24 at 5:00 P.M. - Judgment required in evaluating proposals.

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

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Rookmin Singh (718) 752-5843; rsingh@nycsca.org

j30-f5

SMALL BUSINESS SERVICES

PROCUREMENT

AWARD

Services (other than human services)

PROCESSING TRAINING & TRAINEE VOUCHER PAYMENTS - Competitive Sealed Bids - PIN# 80122B0001001 - AMT: \$23,300,000.00 - TO: Saussy Analytics LLC, 177 Thompson Street, 26, New York, NY 10019.

The Department of Small Business Services (SBS) is seeking a Contractor to act as the payment agent to disburse Training and Trainee Voucher payments authorized by SBS to approved training providers and individual customers for its Individual Training Grants, Trade Adjustment Assistance Act, Trainee vouchers and Community Hiring Programs. Additionally, the pay agent will process 1099's to each eligible trainee, in January of each year. The Contractor will carry out all requisite fiduciary, data maintenance, reporting tasks, and trouble shoot any challenges with the bank account in a timely manner.

f2

NYC & CO. CONCESSION AGREEMENT WITH ONLY NY, INC. - Other - PIN# NYCCO-2021-003 - AMT: \$60,000.00 - TO: Only NY, Inc., 728 East 136th Street, Bronx, NY 10454.

NOTICE OF AWARD TO ONLY NY INC. ("CONCESSIONAIRE") FOR THE NON-EXCLUSIVE USE OF CITY-OWNED TRADEMARKS ON MERCHANDISE.

NYC & Company, Inc. ("NYC & Company") on behalf of the New York City Department of Small Business Services ("SBS") awarded a Sole Source License Agreement ("License"), pursuant to Section 1-16 of the Concession Rules of the City of New York, to Only NY, Inc. whose address is 728 East 136th Street, Bronx, NY 10454, for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on April 1, 2022, and shall continue through December 31, 2024. The NYC & Company shall have the option in its sole discretion of renewing this License Agreement on substantially the same terms and conditions for a period of two (2) years (together with the Initial Term, the "Term"). For the Term, Only NY shall pay to NYC & Company for the license granted herein a royalty as follows: On Net Sales up to Fifty Thousand dollars (\$50,000), a royalty equal to eight percent (8%) of Net Sales; On Net Sales between Fifty-one Thousand and One dollars (\$50,001) and Seventy-five Thousand dollars (\$75,000), a royalty equal to seven percent (7%); and On Net Sales of Seventy-five Thousand and One dollars (\$75,001) or more, a royalty of six percent (6%).

Guaranteed Minimum Royalty payment shall be payable as follows: On or before December 31, 2022: Thirty Thousand dollars (\$30,000); On or before December 31, 2023: Thirty Thousand dollars (\$30,000); On or before December 31, 2024: Thirty Thousand dollars (\$30,000); and On or before December 31st of any License Year of a renewal term: Thirty Thousand dollars (\$30,000).

f2

TRANSPORTATION

FERRY

AWARD

Goods

CUSTOM ALUMINUM, METALS, AND ACCESSORIES FOR REPAIRS - M/WBE Noncompetitive Small Purchase - PIN# 84124W0067001 - AMT: \$80,000.00 - TO: B & S Iron Works LLC, 1364 Inwood Avenue, Bronx, NY 10452.

f2

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. 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 E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 298-0734. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



DISTRICT ATTORNEY - BRONX COUNTY

PUBLIC HEARINGS

THIS PUBLIC HEARING HAS BEEN CANCELED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held via Conference Call. Call-In #646-893-7101, Code: 324 801 141# on February 2nd, 2024, at 10A.M.

IN THE MATTER OF a proposed contract between the Bronx District Attorney's Office and SHI International Corp for the purchase of various computer peripherals. The Contract term shall be from January 1st, 2024 through June 30th, 2024. The Contract amount shall be \$228,628.33—Location: Borough of the Bronx: PIN: 90224W8008KXL

This contract was selected as a M/WBE Non-Competitive Small Purchase agreement, pursuant to Section 3-08 of the PPB Rules.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if BXDA does not receive, by January 30th, 2023, from any individual a written request to speak at this hearing, then BXDA need not conduct this hearing for this contract. Written notice should be sent to Jonathan Demera, BXDA, 198 East 161st Street., 4th Floor, Bronx New York or via email to ContractsBXDA@bronxda.nyc.gov

f2

ENVIRONMENTAL PROTECTION

NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices, 59-17 Junction Boulevard, Flushing, NY 11373 on February 13, 2023, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Timken Gears & Services Inc. DBA Philadelphia Gear, 935 First Avenue, Suite 200, King of Prussia, PA 19406 for BWT-TGS-1: Philadelphia Gear Vertical Pump Drive Equipment for DEP-BWT North River Wastewater Resource Recovery Facility (WRRF). The Contract term shall be 365 consecutive calendar days from the date of the written notice to proceed. The Contract amount shall be \$ 2,424,120.00 —Location: Borough of Manhattan; EPIN: 82624S0003.

This contract was selected as a Sole Source pursuant to Section 3-05 of the PPB Rules.

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Town of Marbletown, 1925 Lucas Avenue, Cottekill, New York 12419 for CAT-533: Town of Marbletown Neighborhood Support Contract. The Contract term shall be 1460 consecutive calendar days from the date of the written notice to proceed. The Contract amount shall be \$ 1,250,000.00—Location: NYC Watershed Region; EPIN: 82624T0004001.

This contract was selected as a Government-to-Government Purchase pursuant to Section 1-02(f) (2) of the PPB Rules

Note: Individuals requesting Sign Language Interpreters should contact Ms. Jeanne Schreiber, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3456, jschreiber@dep.nyc.gov no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.



← f2

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ NOTICE

THIS PUBLIC HEARING HAS BEEN CANCELED

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, February 5th, 2024, at 10:00 AM. The Public Hearing will be held via Conference Call, Call-in #: 1-917-410-4077, ACCESS CODE: 905 881 372 on the following:

IN THE MATTER OF a contract between the New York City Department of Information Technology and Telecommunications (DOITT) and K Systems Solutions LLC, located at 405 Kearny Avenue, Kearny, NJ 07032 for EVERACTION Renewal. The amount of this contract will be \$143,188.56.

The term of this contract will be for 1 year from date of registration. Brooklyn Community Board 2. PIN #: 20240341223, E-PIN #: 85824W0077001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase procurement method, pursuant to Section 3-08 of the Procurement Policy Board Rules. In order to access the Public Hearing and testify, please call 1-917-410-4077, ACCESS CODE: 905 881 372 no later than 9:55 AM.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DOITT does not receive, by January 26th, 2024, from any individual, a written request to speak at this hearing, then DOITT need not conduct this hearing. Written notice should be sent to Sonny Chen, NYC DOITT, via email to sochen@oti.nyc.gov.

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NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday February 26, 2024 at 10:00 AM. The Public Hearing will be held via Conference. Call. Call-in #: 1-917-410-4077, ACCESS CODE: 789 634 557#.

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Office of Technology and Innovation and, UNIVERSAL TECHNOLOGIES, LLC Located at 28 Madison Avenue Ext, Albany N.Y. 11201 for the MWBE-7-858-0366A NG911 CYBER SECURITY TOOLS IMPL ENGSP3. The maximum amount of this Purchase Order/Contract will be \$410,064.20. The term will be for one year from 1/02/2024 – 12/31/2024. PIN #: 20240121067, E-PIN #: 85824W0080001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if OTI does not receive, by February 07, 2024, from any individual a written request to speak at this hearing, then OTI need not conduct this hearing. Written notice should be sent to Awilda Feliciano, via email to afeliciano@OTI.nyc.gov.

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AGENCY RULES

CONFLICTS OF INTEREST BOARD

■ NOTICE

Notice of Adoption

NOTICE IS HEREBY GIVEN PURSUANT TO AUTHORITY VESTED IN THE NEW YORK CITY CONFLICTS OF INTEREST BOARD by Sections 1043 and 2603 of the New York City Charter and Sections 3-228, 3-907, and 3-1106 of the New York City Administrative Code that the Conflicts of Interest Board has amended Chapter 2 of Title 53 of the Rules of the City of New York to update its procedural rules for enforcement actions.

The proposed Rules were published in the City Record on November 17, 2023, and a public hearing was held on December 20, 2023. After consideration of the written comment received, the Conflicts of Interest Board now adopts the following Rules.

Statement of Basis and Purpose

In 2019, the Conflicts of Interest Board (the “Board”) comprehensively revised Chapter 2 of the Rules of the Board, which governs the Board’s enforcement process, “both to reflect its current enforcement process and to improve, where needed, various aspects of that process.” Board Rules Chapter 2, Statement of Basis and Purpose (City Record, August 30, 2019). With four years of additional perspective on how Chapter 2 works in practice, the Board clarifies and updates these procedures.

1. Applicability of Chapter 2 to the Annual Disclosure Law

In its 2019 revisions to Chapter 2, the Board eliminated references to the Annual Disclosure Law, Administrative Code § 12-110. The Board subsequently codified in Board Rules § 4-07 procedures for assessing penalties against annual disclosure filers who submit late reports in violation of Administrative Code § 12-110(g)(1). However, for intentional violations of the Annual Disclosure Law, identified in Administrative Code § 12-110(g)(2), such as failure to include or misstatement of assets or liabilities, the Board has historically utilized the same process as it does for the enforcement of Chapter 68 violations, usually by adding alleged violations of the Annual Disclosure Law to a Chapter 68 violation. Accordingly, the Board reinserts a reference to Administrative Code § 12-110(g)(2) so that the procedures contained in Chapter 2 apply to enforcement of that provision in the Annual Disclosure Law. See Board Rules § 2-01(a)(5).

2. Order of Closing Statements

Prior to 2019, former Board Rules § 2-03(d)(3) provided that closing statements at a hearing “shall be made first by the [respondent].” The 2019 amendments to Board Rules Chapter 2 switched this order to provide that “[t]he enforcement attorney will make a closing statement first, after which the respondent may make a closing statement.” Board Rules § 2-03(f)(4). This amendment is inconsistent with standard trial practice. The Board reorders closing statements so that the respondent or respondent’s representative has the opportunity to give a closing statement first, followed by the enforcement attorney, with the ALJ able to modify this order on motion for good cause shown. See Board Rules § 2-03(f)(4). The amendment conforms the Board’s procedures to the standard trial practice of giving the party with the burden of proof the final word.

3. Page Limit for Written Statements

There is presently no page limit for a written closing statement submitted in lieu of an oral closing statement, a comment to the Administrative Law Judge’s (“ALJ’s”) Report and Recommendation, or a response to the other party’s comment. The Board adopts a limit of 30 double-spaced pages for written closing statements or comments to the ALJ’s Report and Recommendation and 15 double-spaced pages for a response to the other party’s comment on the Report and Recommendation, with the ALJ able to modify this length on motion for good cause shown. This rule mirrors the page limits contained in the Federal Rules of Appellate Procedure. See Board Rules § 2-03(f)(4); Fed. R. App. P. 32(a)(7)(A).

4. Ex Parte Communications

Board Rules § 2-03(c) retains the Board's longstanding prohibition of *ex parte* communications by the enforcement attorney with the Board or counsel to the Board when the Board reviews the OATH Report and Recommendation and makes its final determination. The Board extends this prohibition to *ex parte* communications by the respondent or respondent's representative with the Board or counsel to the Board, communications that the Board had previously discouraged without prohibiting. See Board Rules § 2-03(c).

5. Garnishment of City Wages to Collect Penalty

The amendment to Board Rules § 2-03(j)(4) recognizes that, among the methods available to the Board for obtaining a penalty, the Board may seek garnishment of the wages of the respondent if the respondent is a current City employee. See Board Rules § 2-03(j)(4).

6. Clarifying Edits

Finally, the Board adopts two categories of clarifying edits to make Chapter 2 more user-friendly: organizational edits so that the order of the sections follows the chronology of a case and descriptive edits to assist respondents and their representatives in understanding the enforcement process.

Text of Adopted Rule

New material is underlined.

[Deleted material is bracketed.]

Chapter 2 of Title 53 of the Rules of the City of New York is amended to read as follows:

Chapter 2: Procedural Rules for Enforcement Actions

§ 2-01 Applicability and Definitions.

(a) Applicability.

This chapter establishes [the]procedural rules for enforcement actions [brought pursuant to Charter § 2603(h)]to address alleged violations of:

- (1) Chapter 68 of the City Charter (the Conflicts of Interest Law);
- (2) § 3-224 through § 3-228 of the Administrative Code (the Lobbyist Gift Law);
- (3) § 3-901 through § 3-907 of the Administrative Code (the Affiliated Not-for-Profits Law); and]
- (4) § 3-1101 through § 3-1107 of the Administrative Code (the Legal Defense Trusts Law); and

(5) § 12-110(g)(2) of the Administrative Code (the Annual Disclosure Law).

(b) Definitions.

"Board" means the Conflicts of Interest Board.

"Board Rules" means the rules of the Conflicts of Interest Board, as set forth in Title 53 of the Rules of the City of New York.

"Day" means a calendar day. When the last day of a time period is a Saturday, Sunday, or public holiday, the time period will run through the end of the next business day.

"Enforcement attorney" means an attorney prosecuting an enforcement action on behalf of the Board.

"OATH" means the New York City Office of Administrative Trials and Hearings.

"OATH Rules" means OATH's Rules of Practice, as set forth in Title 48 of the Rules of the City of New York.

"Respondent" means a [public servant or former public servant; a lobbyist or any other person required to be listed on a statement of registration pursuant to Administrative Code § 3-213(c)(1); an organization affiliated with an elected official or an agent of an elected officials, as defined by Administrative Code § 3-901; or a legal defense trust, trustee, or beneficiary, as defined by Administrative Code § 3-1101, who has been served a Notice of Initial Determination of Probable Cause] person or firm alleged to have violated a law identified in subsection (a) of this section.

§ 2-02 [Informal Proceedings]Notices of Probable Cause and Pre-Hearing Procedures.

(a) Notice of Initial Determination of Probable Cause.

For the purposes of Charter § 2603(h)(1), the Board will commence an enforcement action by serving a Notice of Initial Determination of Probable Cause by first class mail to the respondent's last known residential address or actual place of business.

(b) Response to the Notice of Initial Determination of Probable Cause.

(1) For the purposes of Charter § 2603(h)(1), the respondent has [twenty (20)] 20 days from the date of service to submit a written response to the Notice of Initial Determination of Probable Cause ("Notice") or request an extension. The response is an opportunity to explain, rebut, or provide information concerning the factual or legal allegations in the Notice. The Board will not consider requests for discovery of evidence [during informal proceedings]before it files a petition at OATH.

(2) Upon oral or written request within [twenty (20)] 20 days from the date of service of the Notice, the respondent will be granted a [thirty- (30-) day] 30-day extension within which to submit a written response. Upon oral or written request made prior to the expiration of the first extension, the respondent may be granted a second [thirty- (30-) day] 30-day extension for good cause shown, including, but not limited to, ongoing settlement negotiations. Any further extensions must be requested in writing to the Board and will be granted only in exigent circumstances.

(3) For the purposes of Charter § 2603(h)(2):

- (i) If the respondent submits a substantive written response to the Notice, the Board will review the response to determine whether there remains probable cause to believe that any alleged violation occurred and will either dismiss the enforcement action or sustain its initial determination of probable cause in whole or in part.
- (ii) If the respondent does not submit a written response to the Notice or submits only a general denial of the allegations in the Notice, the Board's initial determination of probable cause will be deemed sustained.

(c) [Referral to agency]Sustaining probable cause.

(1) If the Board sustains its initial determination of probable cause against a respondent who is entitled to disciplinary rights as described in Charter § 2603(h)(2), the Board will notify the respondent's employing City agency in writing of the alleged facts and violations. [After such a referral, the Board retains separate and continuing jurisdiction over the enforcement action.]

- [1](i) If the agency does not pursue disciplinary action against the respondent, the Board will commence formal proceedings against the respondent.
- [2](ii) If the agency pursues disciplinary action against the respondent, the Board may resolve the enforcement action by a joint settlement agreement with the respondent and agency or commence formal proceedings against the respondent.

(2) If the Board sustains its initial determination of probable cause against a respondent who is not entitled to disciplinary rights as described in Charter § 2603(h)(2), the Board will file a Petition at OATH against the respondent pursuant to Board Rules § 2-03(b)(1).

(d) Representation by an attorney or other person.

(1) If the respondent chooses to be represented by an attorney or any other person, the representative appearing for the respondent must submit a written and signed Notice of Appearance to the Board. The appearance of a member in good standing of the bar of a court of general jurisdiction of any state or territory of the United States will be indicated by the designation "Attorney for (person represented)." The appearance of any other person will be indicated by the designation "Representative for (person represented)." The Board will not accept a response from or discuss the details of an enforcement action with any attorney or other person who has not submitted a Notice of Appearance.

(2) To withdraw from representation, the representative must submit a written notice of withdrawal to the Board, signed by the respondent or otherwise explaining the reason for withdrawal. An attorney who has submitted a Notice of Appearance may withdraw from representation only with consent of the respondent or when other cause exists, as delineated in the applicable provisions of the New York Rules of Professional Conduct.

[(3) A Notice of Appearance, withdrawal or substitution may be submitted to the Board at any time prior to commencement of formal proceedings. After the service of the Notice of Petition and Petition pursuant to Board Rules § 2-03(b)(1), the OATH Rules govern the procedures for a Notice of Appearance, withdrawal or substitution.]

(e) *Stay of an enforcement action.*

To obtain a stay of an enforcement action [prior to commencement of formal proceedings], the respondent must submit a written request to the Board for its review and approval. After the service of the [Notice of Petition and] Petition pursuant to Board Rules § 2-03(b)(1), the OATH Rules govern the procedures for a stay.

(f) *Settlement.*

(1) At any time after the service of the Notice of Initial Determination of Probable Cause, an enforcement action may be resolved by settlement agreement in the form of a Public Disposition or Public Warning Letter.

(i) A Public Disposition must include an admission of the relevant facts; an acknowledgment that the admitted conduct violated a specific provision of [the Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trusts Law] a law identified in Board Rules § 2-01(a); and a penalty that addresses the admitted conduct.

(ii) A Public Warning Letter must include a statement of relevant facts, and a description of each violation of a specific provision of [the Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trusts Law] a law identified in Board Rules § 2-01(a).

(2) The language and penalty of the proposed settlement agreement will be negotiated between the enforcement attorney and the respondent or the respondent's representative, if applicable. If the respondent requests that the respondent's employing City agency be a party to the settlement, the respondent must submit a signed waiver of confidentiality to the Board to allow the enforcement attorney to discuss the proposed settlement agreement with such agency.

(3) If the enforcement attorney and the respondent reach a proposed settlement agreement, it will be reduced to writing and signed by the respondent, the respondent's representative, if applicable, and a representative of the respondent's employing City agency, if applicable. Any monetary penalty to be paid to the Board is due upon signing unless otherwise specified in the proposed settlement agreement. Monetary penalty payments will be held by the Board in escrow until the proposed settlement agreement is fully executed by the Board.

(4) After receiving the full payment of any monetary penalty to be paid to the Board, the enforcement attorney will present the proposed settlement agreement to the Board for its review and approval.

(i) If the Board approves the proposed settlement agreement, the settlement agreement will be signed by the Board Chair. The fully-executed settlement agreement will be made public, but all underlying records, reports, memoranda, and files of the enforcement action will remain confidential in accordance with Charter § 2603(k).

(ii) If the Board does not approve the proposed settlement agreement, the Board may direct the enforcement attorney to seek modification of the penalty or the language in the settlement agreement. The modified proposed settlement agreement must be reviewed and approved by the Board.

§ 2-03 [Formal Proceedings] Enforcement Hearings and Post-Hearing Procedures.

(a) *Designation of OATH.*

For the purposes of Charter § 2603(h)(2), and in accordance with Charter § 1048, the Board designates OATH to conduct hearings in accordance with the OATH Rules, except as otherwise provided by these rules.

(b) *Commencement of [formal] proceedings at OATH.*

(1) The Board will [commence formal proceedings at OATH by serving] serve a Notice of Petition and Petition by certified mail, return receipt requested, and first class mail, to the respondent's last known residential address or actual place of business and to the respondent's representative, if applicable. After service, the enforcement attorney will file the Notice of Petition and Petition with OATH and will provide OATH with potential dates for a settlement conference and potential dates for a hearing.

(2) After the conference and hearing dates have been scheduled at OATH, the enforcement attorney will serve a Notice of Hearing by certified mail, return receipt requested, and first class mail, to the respondent's last known residential address or actual place of business and to the respondent's representative, if applicable.

(c) *Ex [Parte] parte communications [with the Board].*

(1) After service of the [Notice of Petition and] Petition pursuant to Board Rules § 2-03(b)(1), the respondent, respondent's representative, or any [Board] enforcement attorney [involved in the prosecution of the enforcement action] may not communicate *ex parte* with any member of the Board or any attorney serving as counsel to the Board concerning the merits of the enforcement action, except as provided in paragraph (2) of this subdivision.

(2) [An] The respondent, respondent's representative, or an enforcement attorney may communicate *ex parte* with members of the Board or an attorney serving as counsel to the Board with respect to ministerial matters involving the enforcement action; on consent of the [respondent or respondent's representative] opposing party; or if deemed necessary by the Board or by an attorney serving as counsel to the Board.

(d) *Answer.*

The respondent may serve and file a written answer to the Petition in accordance with the OATH Rules. The answer may contain specific responses, by admission, denial, or otherwise, to each allegation of the Petition and assert all affirmative defenses, if any. The respondent may include in the answer matters in mitigation. The answer must contain the full name, address, telephone number, and email address of the respondent. If the respondent is represented, the representative's name, address, telephone number and email address must also appear on the answer. The answer must be signed by the respondent or respondent's representative. The OATH Rules govern the procedures for a Notice of Appearance, withdrawal, or substitution of the respondent's representative.

(e) *Settlement.*

At the OATH settlement conference, an enforcement action may be resolved by settlement agreement pursuant to Board Rules § 2-02(f).

(f) *Hearing.*

(1) The [enforcement attorney] Board will have the burden of proof by a preponderance of the evidence.

(2) The enforcement attorney will make an opening statement first, after which the respondent or respondent's representative may make an opening statement.

(3) The enforcement attorney will initiate the presentation of evidence. After the enforcement attorney has completed the presentation of the Board's evidence, the respondent or respondent's representative may present evidence. The enforcement attorney may present rebuttal evidence.

(4) The [enforcement attorney] respondent or respondent's representative will make a closing statement first, after which the [respondent may] enforcement attorney will make a closing statement. Written closing statements

may not exceed 30 double-spaced pages. The order and length of the closing statements may be modified by the OATH ALJ on motion for good cause shown.

(g) *OATH report.*

After a hearing has been conducted, OATH will issue a confidential report of its recommended findings of fact and conclusions of law and its recommended disposition of the enforcement action. OATH will send the report, along with the original transcript of the hearing and all documents [introduced]admitted into [the record]evidence, to the Board for review. OATH will send a copy of the report to the enforcement attorney and the respondent or respondent's representative, if applicable.

(h) *Comment on OATH report.*

Within [twenty (20)]20 days from the date of the OATH report, each party may submit a comment to the Board, which may not exceed 30 double-spaced pages, to explain, rebut, or provide information concerning OATH's recommended findings of fact, conclusions of law, and disposition. If either party submits a comment, the opposing party may submit to the Board a response to such comment, which may not exceed 15 double-spaced pages, within [thirty (30)]30 days from the date of the OATH report. Copies of all such submissions must be shared with the opposing party. The Board will [not]only consider [new]evidence [submitted in a comment or in a response to a comment]admitted at trial.

(i) *Final review by the Board.*

For the purposes of Charter § 2603(h)(3), the Board will review the OATH report, along with the original transcript of the hearing and all documents [introduced]admitted into the record, and any comments and responses to comments submitted to the Board pursuant to Board Rules § 2-03(h), to determine whether it has been proven by a preponderance of the evidence that the respondent violated a provision of [the Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trusts Law]a law identified in Board Rules § 2-01(a). In accordance with Board Rules § 2-03(c), any Board attorney involved in the prosecution of the enforcement action will not participate in the Board's final review.

(j) *Board order finding a violation.*

- (1) If the Board determines that it has been proven by a preponderance of the evidence that the respondent violated a provision of [the Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trusts Law]a law identified in Board Rules § 2-01(a), the Board will issue an order stating its final findings of fact and conclusions of law and imposing a penalty, except, if the respondent is a current Member or employee of the New York City Council, the Board will issue an order stating its final findings of fact and conclusions of law and recommending a penalty to the New York City Council. The order will include notice of the respondent's right to appeal to the New York State Supreme Court.
- (2) All orders of the Board will be made public. The Board may also make the OATH report public as part of its order, but all other underlying records, reports, memoranda, and files will remain confidential in accordance with Charter § 2603(k).
- (3) The order will be sent by email or first class mail to the respondent's last known residential address or actual place of business and to the respondent's representative, if applicable.
- (4) If the order imposes a monetary penalty, payment is due to the Board within [thirty (30)]30 days of the date of service. If the respondent does not pay the full monetary penalty amount, the Board will [refer the matter]pursue all remedies, which may include garnishment of City wages or referral to the New York City Law Department for collection.

(k) *Board dismissal.*

If the Board determines that it has not been proven by a preponderance of the evidence that the respondent violated any provision of the [Conflicts of Interest Law, the Lobbyist Gift Law, the Affiliated Not-for-Profits Law, or the Legal Defense Trusts Law]laws identified in Board Rules § 2-01(a), the Board will issue a written decision that dismisses the

enforcement action and states its final findings of fact and conclusions of law. The decision will be sent to the respondent and respondent's representative, if applicable, and will not be made public. All underlying records, reports, memoranda, and files will remain confidential in accordance with Charter § 2603(k).

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CONSUMER AND WORKER PROTECTION

■ NOTICE

Notice of Adoption

Notice of Adoption of rule repealing the written examination requirement for motion picture projectionists.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043 and 2203(f) of the New York City Charter, Sections 20-104(b) of the New York City Administrative Code, and Local Law 66 of 2016, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on November 27, 2023. Pursuant to section 1043(e) of the New York City Charter, no public hearing was held on this rule because it would not have served a public purpose. One comment was received.

Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection ("DCWP" or "Department") is amending its rules to repeal subchapter I, entitled Motion Picture Projectionists, and section 2-81 of chapter 2 of Title 6 of the Rules of the City of New York, requiring a written examination for motion picture projectionists. This rule relied on and referred to NYC Admin. Code § 24-423, which was repealed by Local Law 66 of 2016. DCWP is repealing this rule to update its rules and maintain accuracy.

Sections 1043 and 2203(c) of the New York City Charter and 20-104(b) of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to amend these rules.

Rule Amendment

Section 1. Subchapter I and section 2-81 of chapter 2 of Title 6 of the Rules of the City of New York, relating to a written examination for motion picture projectionists, are REPEALED.

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TRANSPORTATION

■ NOTICE

Notice of Adoption

NOTICE OF ADOPTION of rules relating to DOT's Dining Out NYC program.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation ("DOT") by Sections 1043 and 2903 of the New York City Charter ("Charter") and in accordance with the requirements of Section 1043 of the Charter that DOT hereby repeals the entirety of subchapter F of chapter 2 of Title 6 of the Rules of the City of New York ("RCNY"), adds a new chapter 5 to Title 34 of the RCNY, repeals subdivision (j) of section 2-14 of chapter 2 of Title 34 of the RCNY and amends section 3-01 of chapter 3 of Title 34 of the RCNY.

Statement of Basis and Purpose of Adopted Rule

In accordance with Local Law No. 121 for the year 2023 ("Local Law 121"), DOT is adopting rules relating to its permanent outdoor dining program. In 2020, the temporary Open Restaurants program was established pursuant to an emergency executive order in response to the COVID-19 pandemic. During the height of the pandemic, the temporary Open Restaurants program was a critical lifeline for communities and businesses as they navigated the effects of this devastating crisis. The program aided restaurants in recovering from this difficult economic time, enhanced social distancing and promoted open space. It quickly evolved from a response to the COVID-19 pandemic to a reimagining of the City's streetscape to support small businesses, while creating vibrant public spaces that improve quality of life for all New Yorkers.

This adopted rule sets forth requirements for the granting of licenses and revocable consents for sidewalk and roadway cafes, establishes siting and design criteria for sidewalk and roadway seating areas, and sets forth the compensation required to be paid for the granting of a revocable consent for the operation of a sidewalk or roadway cafe.

Specifically, the amendments being adopted:

- Repeal the entirety of subchapter F of chapter 2 of Title 6 of the Rules of the City of New York, which encompasses outdated rules relating to the granting of revocable consents and licenses to operate a sidewalk cafe.
- Add a new chapter 5 to Title 34 of the Rules of the City of New York in relation to the administration and operation of an outdoor dining program. Specifically, among other things, the adopted rules:
 - Establish the application requirements and set forth the application process for the granting of licenses and revocable consents for sidewalk cafes and roadway cafes in accordance with Local Law 121;
 - Set forth the annual compensation for revocable consents for sidewalk cafes, enclosed sidewalk cafes and roadway cafes in accordance with Local Law 121;
 - Set forth operational and management requirements for sidewalk cafes and roadway cafes in accordance with Local Law 121, including but not limited to requirements relating to hours of operation, alcohol consumption, and seasonal operating restrictions for roadway cafes;
 - Establish operational and management requirements for sidewalk cafes and roadway cafes, including but not limited to requirements related to maintenance, noise, lighting, abandonment, and accessibility;
 - Establish siting and design requirements for sidewalk cafes and roadway cafes, including but not limited to clear path requirements for sidewalk cafes, required clearances, requirements for lighting and electrical connections, barrier and flooring requirements for roadway cafes, and requirements for awnings, coverings, umbrellas, and screenings; and
 - Establish enforcement procedures, such as processes for corrective action requests, suspensions and revocation, and removals.
- Amend section 3-01 of chapter 3 of Title 34 of the Rules of the City of New York to set forth penalties for violations of rules relating to the outdoor dining program in accordance with Local Law 121.
- Establish requirements for temporary outdoor dining setups authorized to continue operating pursuant to Local Law 121, which were previously adopted on an emergency basis pursuant to subdivision i of section 1043 of the Charter.

These adopted rules replace subchapter F of chapter 2 of Title 6 of the Rules of City of New York, relating to the granting of revocable consents and licenses to operate sidewalk cafes.

The proposed rule was published in the *City Record* on October 20, 2023, and a public hearing was held on November 20, 2023. DOT received written or verbal comments from the public. Following the hearing, DOT made the following revisions:

- Modified section 5-01 to provide that, in the definition of clear path, a clear path is not required to be straight;
- Modified section 5-01 to include a definition of overhead covering;
- Modified section 5-01 to provide that a petitioner includes, in addition to a person or entity who submits a petition for a revocable consent for a sidewalk or roadway cafe, an authorized representative of such person or entity;
- Modified sections 5-01 and 5-11(a) and added new section 5-11(a)(1)(i) to clarify what requirements apply to enclosed sidewalk cafes;
- Revised section 5-02(c) to clarify the jurisdiction of the Landmarks Preservation Commission as indicated in Local Law 121 of 2023;
- Revised section 5-04(c)(1) to indicate that a petition form must be signed by the petitioner;
- Revised section 5-04(c)(4) to indicate that the property owner consent form may be signed by an authorized property management company;
- Revised section 5-05(b) to clarify requirements when the Community Board submits a recommendation after 40 days of receipt of the petition;
- Revised section 5-09(c) to clarify that rates for enclosed sidewalk cafes are identical to rates required to be pursuant

to the rules of the Department of Consumer and Worker Protection as of March 16, 2020;

- Revised sections 5-05(c)(7)(i) and (ii) to provide that the Department will notify, in addition to the community board, the council member and borough president of the district or borough where a proposed sidewalk cafe or roadway cafe is located, the petitioner of a public hearing at least 15 days prior to such public hearing, and that the Department is responsible for publication of the notice of public hearing;
- Revised section 5-10(a)(2) to remove reference to other items that may not be stored in a sidewalk or roadway cafe;
- Added new section 5-10(a)(3) to indicate that flooring must be elevated and lifted for cleaning on a regular basis;
- Revised sections 5-10(b) and 5-13(c)(2) to reduce the permitted hours of operation on Friday and Saturdays from 1am to midnight;
- Revised section 5-10(e) to clarify that all signage must comply with the New York City Zoning Resolution, as applicable, and to indicate that menus and hours of operation are not permitted on any vertical screening;
- Clarified sections 5-10(g) and 5-13(c)(6) to indicate that the requirement that a licensee prevent excessive congregation within or immediately adjacent to a sidewalk cafe or roadway cafe only applies to the patrons of such cafe, not the general public;
- Revised sections 5-10(i)(1) and 5-13(c)(8)(i) to indicate that licensees must comply with the New York City Noise Control Code, including the prohibition of unreasonable noise, as set forth in section 24-218 of the New York City Administrative Code;
- Revised sections 5-10(j) and 5-13(c)(9) to remove the requirement that lighting not be glaring or overly bright to the surrounding community;
- Revised sections 5-10(k) and 5-13(c)(10) to indicate that items that are secured shall not be located in a manner that obstructs access to utility infrastructure or assets and that umbrellas and coverings must be secured during inclement weather;
- Added new sections 5-10(m) and 5-13(c)(12) to clarify that all service personnel shall serve patrons solely within the footprint of a sidewalk cafe or roadway cafe;
- Revised section 5-10(n)(1) to clarify that a restaurant must remove all elements of a roadway cafe between November 30 to March 31 each, except as permitted by section 5-10(n)(2);
- Added new sections 5-11(a)(1)(ii) and (b)(1)(i) to clarify that sidewalk cafes and roadway cafes are limited to the frontage of the ground floor restaurant that is operating such cafe;
- Added a new section 5-11(a)(1)(iii)(C) to indicate that the minimum clear path along a global corridor may be reduced to 8 feet for a sidewalk cafe that is adjacent to a pedestrian arcade that provides a minimum of 6 feet pursuant to the New York City Zoning Resolution;
- Revised section 5-11(a)(1)(iii)(D) to clarify that clear path measurements must be measured from the edge of a pedestrian ramp, if any;
- Revised section 5-11(a)(1)(iv) to clarify that the required distances are minimums, to reduce the required clearance requirement for Citi Bike/bike share stations, bike corrals, and micromobility stations from 8 feet to 5 feet, to establish a 3-foot clearance requirement for transformer vaults and to establish a 1 foot 6-inch clearance requirement for vent infrastructure;
- Revised section 5-11(a)(1)(v) and added a new section 5-11(a)(1)(vi) to modify the required clearances and restrictions for sidewalk cafes and certain utility infrastructure;
- Added new sections 5-11(a)(1)(vii) and 5-11(b)(1)(xi) to provide that furniture or other decorative elements of a cafe must be located to allow for service of patrons solely within the perimeter of such cafe;
- Revised section 5-11(a)(2)(ii) and added a new section 5-11(b)(2)(ii)(C) to indicate that no ground coverings, such as rugs and artificial turfs, are permitted in sidewalk cafes or roadway cafes;
- Revised section 5-11(a)(2)(iv) to clarify when approvals from New York City Department of Buildings and Landmarks Preservation Commission are necessary, and to add requirements for vertical elements that support an umbrella or overhead covering;
- Revised section 5-11(a)(2)(vi) to indicate that no overhead covering, awning, or umbrella cover may block a fire escape stair or other components of a fire escape;
- Revised section 5-11(b)(1)(ii) to indicate that a roadway cafe may be located in spaces dedicated for parking, loading zones, and seasonal parking and to list examples of spaces where roadway cafes are not permitted;
- Revised section 5-11(b)(1)(iii) to clarify that required

distances are minimums and to establish a 3-foot clearance requirement for transformer vaults and a 1 foot 6 inch clearance requirement for vent infrastructure;

- Revised sections 5-11(b)(1)(iv)(A), (C), and (D) to clarify that a roadway cafe may consist of separate portions each of which does not exceed 40 feet in length, that portions of roadway cafes must maintain the required 3-foot distance from adjacent roadway cafes, that 6 feet must be maintained from adjacent roadway cafes where a roadway cafe is 40 feet in length, that the minimum distance requirement is applicable where a roadway cafe is installed adjacent to an existing roadway cafe and to establish procedures through which the emergency travel lane may be reduced in width;
- Added new section 5-11(b)(1)(iv)(E) to clarify that portions of a roadway cafe must comply with minimum distance requirements that vary depending on the length of the portions of the roadway cafe;
- Revised section 5-11(b)(1)(viii) to clarify that a roadway cafe located in a floating parking lane may abut but not cover any thermoplastic markings;
- Added new section 5-11(b)(1)(x) to indicate required clearances and restrictions relating to roadway cafes and certain utility infrastructure;
- Revised section 5-11(b)(2)(i)(A) and added new sections 5-11(b)(2)(i)(D) through (G) to indicate requirements for roadway cafe barriers and to provide that as an alternative, barriers may comply with specifications posted on the Department's website;
- Revised section 5-11(b)(2)(ii)(A) to indicate that flooring must be mold-resistant, elevated from the ground level, and removable;
- Revised section 5-11(b)(2)(iv) to indicate that all overhead coverings and umbrellas must have a weighted base and that all overhead coverings and umbrellas be wind resistant, and to add requirements for support structures of an umbrella or overhead covering and screening;
- Revised section 5-12(a)(4)(i) to indicate that a protest to a corrective action request must be made within fourteen days after the service, not mailing, of the corrective action request and to provide for the manner in which a licensee may protest the issuance of a CAR;
- Added a new section 5-12(b) to indicate that a summons is returnable to the Environmental Control Board and that the Office of Administrative Trials and Hearings has the power to impose the civil penalties prescribed by section 19-150 of the Administrative Code;
- Added a new section 5-12(c)(2)(D) and revised section 5-12(c)(2)(E) and (G) to set forth additional provisions regarding the opportunity to be heard, including that each party may submit affidavits and bring witnesses in support of their position, that the opportunity to be heard will be transcribed or recorded, and that such opportunity to be heard constitutes a final agency action;
- Removed the repeal of subdivision (j) of section 2-14 of title 34 of the Rules of the City of New York;
- Revised section 3-01 to correct section references;
- Revised section 5-13(b) to clarify that if a restaurant does not apply within five months of the effective date of these rules, it must remove its temporary outdoor dining setup, and, if such setup is not removed by the restaurant, the temporary outdoor dining setup will be subject to the provisions of these rules pertaining to unlicensed use; and
- Revised section 5-13(c)(1) to require that restaurants must keep clean the area surrounding the temporary outdoor dining setup.

New material is underlined.

§ 1. Subchapter F of chapter 2 of title 6 of the Rules of the City of New York, relating to the permitting and operation of sidewalk cafes, is REPEALED.

§ 2. Title 34 of the Rules of the City of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5

LICENSES AND REVOCABLE CONSENTS FOR SIDEWALK AND ROADWAY CAFES

§ 5-01 Definitions.

For purposes of this chapter, the following terms have the following meanings:

Administrative Code. The term "Administrative Code" means the Administrative Code of the City of New York.

Barrier. The term "barrier" means an object placed on all sides of a roadway cafe, other than the side that fronts the restaurant, to protect patrons of a roadway cafe, that has a fully built interior wall and

bottom to hold water or such other filler approved by the Department and that is removable.

Clear Path. The term "clear path" means an unobstructed path on a sidewalk or sidewalk widening for pedestrian circulation.

Commissioner. The term "Commissioner" means the Commissioner of Transportation, or their authorized designee.

Consent. The term "consent" means an authorization, revocable at will, to an owner of real property or, with permission of the owner, to a tenant of real property to use the adjacent sidewalk widening to construct and operate a sidewalk cafe subject to the terms applicable thereto.

Corrective action request or CAR. The term "corrective action request" or "CAR" means written notice by the Department that a condition created or maintained within a sidewalk cafe or roadway cafe is in violation of a provision of section 19-160 through 19-160.6 of the Administrative Code, these rules, or a term or condition of a license issued pursuant to this chapter, with a request that action be taken by the person to whom such notice is addressed to correct such condition.

Department. The term "Department" means the Department of Transportation.

Enclosed sidewalk cafe. The term "enclosed sidewalk cafe" means a sidewalk cafe that is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal pursuant to a permit issued by the Department of Buildings.

Fee rate. The term "fee rate" means the compensation to be paid per square foot to the city during the continuance of a revocable consent or a consent in an amount equal to the applicable sector rate, reduced, as determined by the Department, to account for factors including, but not limited to, the impact historical weather patterns may have on the operation of a sidewalk cafe or roadway cafe and any area of a roadway cafe occupied by barriers demarcating such cafe from the curb lane or parking lane.

Floating parking lane. The term "floating parking lane" means a parking lane that is separated from the curb by a protected bicycle lane that is adjacent to the curb.

Furnishing zone. The term "furnishing zone" means an area of a sidewalk that is parallel to the curb line and in which streetscape elements, such as street furniture and trees, are located.

Ground floor. The term "ground floor" means the portion of a building that is visible from the street and directly accessible to the public from the street.

Ground floor restaurant. The term "ground floor restaurant" means any ground floor premises that is operated pursuant to a food service establishment permit issued by the Department of Health and Mental Hygiene.

Landmarks Preservation Commission or LPC. The term "Landmarks Preservation Commission" or "LPC" means the New York City Landmarks Preservation Commission.

Overhead covering. The term "overhead covering" means a projection over a sidewalk cafe, other than an enclosed sidewalk cafe, or roadway cafe that is comprised of a support structure over which material is attached. Such overhead covering may provide weather protection or decoration and shall not be affixed to the building. Materials that may be used for an overhead covering include but are not limited to tensile fabric, retractable fabric, fabric panels, and rigid panelized sheet material (e.g., polycarbonate panels, panelized sheet metal panels, etc.).

Petitioner. The term "petitioner" means a person or entity who submits a petition for a revocable consent for a sidewalk cafe or a roadway cafe, or an authorized representative of such person or entity.

Revocable consent. The term "revocable consent" means a grant of a right, revocable at will, to an owner of real property or with the consent of such owner, to a tenant of real property to use adjacent inalienable property of the City of New York to construct and to operate a sidewalk cafe or roadway cafe subject to the terms and conditions applicable thereto.

Roadway. The term "roadway" means that portion of a street designed, improved, or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

Roadway cafe. The term "roadway cafe" means an open-air portion of a ground floor restaurant containing readily removable tables, chairs, and other removable decorative items, located in the curb lane or parking lane of a roadway fronting the restaurant and designed and operated pursuant to sections 5-02 through 5-12 of this chapter.

Sector. The term "sector" means an area of the city, as determined by the Department, where the median annual rent charged for a

square foot of a ground floor commercial premises, in accordance with information published by the Department of Finance pursuant to subdivision h of section 11-3101 of the Administrative Code, is similar.

Sector rate. The term "sector rate" means a dollar amount determined by the Department for each sector, based on the median annual rent for a square foot of a ground floor commercial premises in such sector, as determined in accordance with the information published by the Department of Finance pursuant to subdivision h of section 11-3101 of the Administrative Code, or other similar data that the Department determines accurately reflects such median annual rent in such sector.

Sidewalk. The term "sidewalk" means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

Sidewalk cafe. The term "sidewalk cafe" means a portion of a ground floor restaurant that is located on a public sidewalk or sidewalk widening in front of the restaurant and that is designed and operated pursuant to sections 5-02 through 5-12 of this chapter.

Sidewalk widening. The term "sidewalk widening" has the same meaning as in subdivision (f) of section 37-53, or a successor provision, of the zoning resolution of the city of New York.

Street. The term "street" has the meaning ascribed thereto in subdivision 13 of section 1-112 of the Administrative Code.

§ 5-02 General Requirements.

(a) Requirement for a License and Revocable Consent. Any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon any street may establish and operate a sidewalk cafe upon the sidewalk or sidewalk widening of such street in an area immediately adjacent to its premises, or a roadway cafe upon the roadway adjacent to the curb in front of such ground floor restaurant, or both, provided that such sidewalk cafe or roadway cafe must be granted a license and a revocable consent by the Commissioner, and provided further that a sidewalk cafe located entirely on a sidewalk widening must be granted a license and consent for the use of such sidewalk widening as a sidewalk cafe by the Commissioner.

(b) Enclosed Sidewalk Cafes.

(1) Notwithstanding subdivision (a), no license shall be granted or renewed for the operation of an enclosed sidewalk cafe at any location other than a location where:

(i) An enclosed sidewalk cafe had been constructed pursuant to a permit issued by the Department of Buildings and in accordance with section 3111 of the New York City Building Code prior to March 16, 2020; and

(ii) An enclosed sidewalk cafe was lawfully operated as such on March 16, 2020 or at any time within four years prior to such date.

(2) Granting or renewal of any such license to operate an enclosed sidewalk cafe at such location shall be in accordance with subdivision (c) of section 5-03 of this chapter.

(c) Landmarks Preservation Commission Review. Approval by the Landmarks Preservation Commission of a license application is required where the petition for a revocable consent to operate a sidewalk cafe or roadway cafe includes work or improvements subject to the jurisdiction of the Commission.

(d) Modification. An application to modify a license must be submitted in accordance with section 5-03, and a petition to modify a revocable consent, with appropriate drawings, must be submitted in accordance with paragraph (2) of subdivision (c) of section 5-04 of this chapter. Such application and petition shall be reviewed pursuant to the process set forth in subdivision (c) of section 5-07 of this chapter, except that the Department shall hold a public hearing only when a licensee seeks approval (i) to increase the area of the sidewalk cafe or roadway cafe by ten (10) percent or greater, or (ii) to modify the location of a sidewalk cafe or roadway cafe.

(e) Except where expressly prohibited by law, the Commissioner may, in accordance with sections 19-160 through 19-160.6 of the Administrative Code, waive these rules, in the interest of public safety and convenience.

(f) Compliance. A licensee must comply with all other applicable laws, rules, and regulations, including but not limited to the New York City Fire Code, New York City Building Code, New York City Health Code and the Department of Health and Mental Hygiene's rules and regulations, as applicable.

§ 5-03 License Requirements.

(a) Term. The term of a license granted pursuant to this chapter shall be four years.

(b) Prohibition on Sale, Lease, or Transfer. A license to establish and operate a sidewalk cafe or a roadway cafe shall be personal to the applicant and may not be sold, leased or transferred. Such license shall not be deemed revoked by the sale or transfer of the lease or of title to the building or structure to which the sidewalk cafe or roadway cafe is related unless such sale or transfer materially alters the plans submitted for the license application or revocable consent. For purposes of this subdivision, "materially alter" shall mean to modify the location or increase the area of a sidewalk cafe or roadway cafe by ten (10) percent or more.

(c) License Applications. An application for the granting of a license, or for renewal, modification, or assignment of a license, may be submitted electronically on the Department's website and must include all materials required by the Department as set forth in these rules, including a completed application in a form prescribed by the Department and provided on the Department's website.

(d) License Application Fees. There shall be separate fees, as provided in this subdivision, for the granting and renewal of a sidewalk cafe license and a roadway cafe license. Such fees shall be non-refundable and are set forth in the chart below. Such license and license renewal fees shall be in addition to the amount required to be paid as compensation for a revocable consent, or renewal thereof, to establish and operate a sidewalk cafe or roadway cafe.

	Sidewalk Cafe	Roadway Cafe
Granting of license	\$1,050	\$1,050
Renewal of license	\$1,050	\$1,050

§ 5-04 Requirements for Revocable Consent for Sidewalk Cafes and Roadway Cafes.

(a) Term. The term of a revocable consent to operate a sidewalk cafe or roadway cafe shall be one license term (i.e., four years) and shall be concurrent with the term of the license granted pursuant to this chapter for the sidewalk cafe or roadway cafe.

(b) Assignment or Transfer of a Revocable Consent. Revocable consents may not be assigned, transferred, or otherwise conveyed without the written permission of the Commissioner.

(c) Petition Requirements. A petition for the granting of a revocable consent, or for a renewal, modification, or assignment of a revocable consent, may be submitted electronically on the Department's website and must include:

(1) **Petition Form.** An accurately completed petition form, which will be made available on the Department's website, signed by the petitioner, who must be a person or entity permitted to operate the ground floor restaurant that occupies the premises immediately adjacent to the sidewalk and roadway areas for which the revocable consent is sought.

(2) **Site Plan and Drawings.** A site plan comprised of an accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and vertical elements in the form provided on the Department's website. Where a sidewalk cafe or roadway cafe will be located in part on adjacent private property, the site plan must delineate the property line. Such drawings may be, but are not required to be, developed by an architect, engineer, or other professional third party.

(3) **Photographs.** One or more photographs that show the entire area of or to be occupied by the sidewalk cafe or roadway cafe, and one or more photographs that show the area adjacent to the sidewalk cafe or roadway cafe, in the form provided on the Department's website.

(4) **Property Owner Consent.** Where the petitioner is not the owner of the property in front of which the sidewalk cafe or roadway cafe is located, written, signed and notarized consent of such owner or a representative of a property management company authorized to provide such consent on such owner's behalf. Upon commencement of a new lease following a transfer of ownership of the building, the written, signed and notarized consent of the new owner or a representative of a property management company authorized to provide such consent on such owner's behalf must be secured and filed with the Department.

(5) **Pest Control Plan.** A certification from the petitioner that they have entered into a contract with a licensed pest control professional that includes pest control services for the sidewalk cafe or roadway cafe.

(6) **Additional Information.** Any additional supporting materials or information requested by the Department, including

any documents, information or materials necessary to register the revocable consent agreement with the Comptroller.

(d) Additional Revocable Consent Requirements. Prior to executing the revocable consent agreement, the petitioner must submit proof of insurance and a security fee in the amounts and form set forth in the revocable consent agreement.

(e) Renewal. Petitions for renewal of a revocable consent granted pursuant to this chapter must include all forms and materials required by subdivision (c) of this section, together with all supporting documents and correspondence, except that the consent of the owner is not necessary for the issuance of a renewal during the term of the lease for the premises, including any renewals of such lease.

(f) Order of Priority. When two or more ground floor restaurants share the same sidewalk and roadway frontage, the ground floor restaurant that first submits a complete and accurate petition for a revocable consent pursuant to this chapter has priority for the operation of a sidewalk cafe or a roadway cafe in such frontage.

§ 5-05 Sidewalk Cafe Revocable Consent Review Process.

(a) Department Notice. The petition filed with the Department must be complete and accurate, as determined by the Department. The Department will, within 5 days of the filing of a complete and accurate petition, forward such petition by electronic mail to the Borough President of the borough in which the sidewalk cafe is proposed to be located, the Speaker of the Council and the Council Member of the district in which the sidewalk cafe is proposed to be located, for information purposes, and to the Community Board for the community district in which the sidewalk cafe is proposed to be located, for review pursuant to subdivision (b).

(b) Community Board Review.

(1) No later than 40 days after receipt of such petition, the Board must either:

(i) Notify the public of such petition, conduct a public hearing thereon, and submit a written recommendation to the Department, provided, however, the Department may at its discretion accept a written recommendation submitted, following a public hearing, more than 40 days after receipt of the petition; or

(ii) Waive, by a written statement, its public hearing and recommendation on such petition in accordance with the requirements set forth in subdivision (b) of section 19-160.2 of the Administrative Code.

(2) If a Community Board does not submit a written recommendation to the Department within 40 days of receipt of the petition, the public hearing and recommendation will be considered waived by such Board.

(c) Department Review.

(1) If a public hearing is not required to be held by the Department pursuant to paragraph (3) of this subdivision, within 20 days after the expiration of the period described in subdivision (b), the Department will:

(i) Approve the petition for a revocable consent for a sidewalk cafe, disapprove it or approve it with modifications; and

(ii) File with the Council any decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall be final approval of the revocable consent unless the Council and Mayor act pursuant to subdivision (d) of this section.

(2) If a public hearing is required to be held by the Department pursuant to paragraph (3) of this subdivision, within 30 days after the period described in subdivision (b), or within 45 days after such period if the Department plans to combine the public hearing on the petition with the public hearing required for one or more additional petitions, the Department will:

(i) Hold a public hearing on the petition;

(ii) Approve the petition, disapprove it, or approve it with modifications; and

(iii) File with the Council any decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall be final approval of the revocable consent unless the Council and Mayor act pursuant to subdivision (d) of this section.

(3) The Department shall hold the public hearing when:

(i) A Community Board has submitted a recommendation to deny the petition;

(ii) A Community Board has submitted a recommendation to approve the petition with substantial modifications or conditions and the petitioner does not agree to adopt such modifications; or

(iii) The Department has determined that such a hearing would be beneficial to address a concern about the effect of a sidewalk cafe at the proposed location.

(4) During the Department's review period, the Department will send the petition to city agencies whose operations may be affected by such petition for review and comment, including but not limited to the New York City Fire Department, the Mayor's Office for People with Disabilities, and the LPC.

(5) Upon the Department's determination to disapprove a petition, the Department will notify the petitioner, and the petitioner may submit a written statement to the Department within ten (10) days of such determination. The Department will consider any comments set forth in a timely delivered written statement. If the Department affirms its decision to disapprove the petition, such disapproval shall be a final determination of the Department.

(6) The Department may hear one or more petitions at the same public hearing upon a determination that doing so is in the public interest.

(7) Department Notice of Public Hearing.

(i) At least 15 days prior to the date of a hearing required to be held pursuant to paragraph (3) of this subdivision, the Department will give notice of such hearing to the petitioner, the Community Board for the district in which the sidewalk cafe is proposed to be located, the President of the Borough in which such cafe is proposed to be located and the Council Member of the Council district in which such cafe is proposed to be located.

(ii) Not less than five (5) calendar days prior to the date of any such hearing, the Department will publish notice of the hearing in the City Record, and in the print or online edition of one newspaper of local circulation in the community where such cafe is proposed to be located. The petitioner shall bear the cost of publication in the print or online edition of such newspaper.

(d) City Council and Mayoral Review. Upon receipt of such petition, the Council may resolve by majority vote of all the Council Members to review the petition in accordance with subdivisions (e) and (f) of section 19-160.2 of the Administrative Code. If the Council does not so resolve, the approval of the petition by the Department will be forwarded to the Mayor unless the petition, or the category of such petition, is one for which the Mayor has determined that separate and additional mayoral approval is not required.

(e) Comptroller Registration. Upon approval of a petition, the Department will notify the petitioner that it petition has been approved and will file the revocable consent agreement with the Comptroller for registration pursuant to section 328 of the City Charter. Upon notification that the revocable consent agreement has been registered, DOT will issue the license along with a copy of the executed revocable consent agreement to the petitioner.

§ 5-06 Revocable Consent Review Process for Sidewalk Cafe Located Entirely in Sidewalk Widening.

(a) Term. The term of the consent for a sidewalk cafe located entirely in a sidewalk widening is one license term (i.e., four years) and is concurrent with such license term.

(b) Assignment or Transfer of a Consent. A consent may not be assigned, transferred, or otherwise conveyed without the permission of the Commissioner.

(c) Petition Requirements. A petition for the granting of a consent, or for a renewal, modification, or assignment thereof, may be submitted electronically on the Department's website and must include all materials required by subdivision (c) of section 5-04, except that the site plan must also delineate the property line that separates the sidewalk from the sidewalk widening.

(d) Sidewalk Widening Approval Process. Notwithstanding section 5-05 of these rules, a petition for a consent to establish a sidewalk cafe located entirely on a sidewalk widening, as demonstrated to the satisfaction of the Department, will be reviewed and approved pursuant to section 5-07 of these rules, except that a public hearing is not required.

§ 5-07 Roadway Cafe Revocable Consent Review Process.

(a) Department Notice. The petition for a roadway café revocable consent filed with the Department must be complete and accurate, as determined by the Department. The Department will, within 10

business days of the filing of a complete and accurate petition to operate a roadway cafe, forward such petition by electronic mail to the Council Member in whose district the roadway cafe is proposed to be located, and to the Community Board for the community district in which the roadway cafe is proposed to be located.

(b) **Comment Period.** The Community Board and the affected Council Member may submit comments to the Department not later than 30 days after receipt of such petition.

(c) **Department Review.**

(1) Prior to granting a petition for a revocable consent to operate a roadway cafe, or for renewal of such a revocable consent, or for modification to the location of a roadway cafe or to increase the area of a roadway cafe by ten (10) percent or more, the Department will hold a public hearing. Notice of such hearing will be published by the Department at the expense of the petitioner in accordance with section 371 of the Charter.

(2) During the Department's review, the Department will send the petition to other agencies whose operations may be impacted by such petition for review and comment. The Department will approve the petition, disapprove it, or approve it with modifications.

(3) Notwithstanding the foregoing, the Department may deny a petition for a revocable consent to operate a roadway cafe without a hearing if, in the sole judgement of the Commissioner, the granting of such revocable consent would interfere with the use of inalienable property of the City (including but not limited to roadways and sidewalks) for public purposes or would otherwise not be in the best interest of the City.

§ 5-08 Temporary Authorization to Operate.

(a) **Lapsed or Terminated Revocable Consent.** Where an applicant for a license to operate a sidewalk cafe or roadway cafe submits a complete and accurate petition for a revocable consent to operate a sidewalk cafe or roadway cafe for which a revocable consent granted to another person has lapsed or was terminated, such applicant may operate the sidewalk cafe or roadway cafe at such premises pending the approval such petition, provided all of the following requirements are satisfied:

(1) The plans for the cafe, submitted with the petition as required by paragraph (2) of subdivision (c) of section 5-04 of this chapter, are the same as the plans for the cafe for which a revocable consent to operate was granted previously.

(2) Where the petition is for an enclosed sidewalk cafe, the structure of such enclosed sidewalk cafe is the same as the structure of the enclosed sidewalk cafe for which a consent had been granted previously.

(3) The petitioner makes a good faith effort to be granted a revocable consent to operate such sidewalk cafe or roadway cafe. The Department may, in its sole discretion, determine that the applicant has not made a good faith effort where the petition for a revocable consent has not been approved within one year from the date of submission due to the petitioner's failure to submit information and materials requested by the Department. If such determination is made by the Department, the application will be deemed to have been withdrawn and the temporary authorization will be terminated.

(4) The previously granted revocable consent has lapsed or was terminated no more than two years prior to the date of submission of the petition.

(5) Where the previously granted revocable consent was terminated by the Department, such termination was not a result of non-compliance with the design requirements set forth in section 5-11 of this chapter.

(b) **Comptroller Consent Pending Registration.** Where the Department has approved a petition for a revocable consent to operate a sidewalk cafe or roadway cafe, the petitioner may operate such cafe pending registration of such revocable consent by the Comptroller, provided the following requirements are satisfied:

(1) The Comptroller has consented to such operation of the sidewalk cafe or roadway cafe pending registration; and

(2) Where the petition is for a revocable consent to operate a sidewalk cafe, the time for Council to resolve to review such petition has expired, or the Council has resolved to review such petition and has either approved such petition or has approved such petition with modifications and the petitioner has accepted such modifications.

§ 5-09 Annual Fee Rate Schedule

(a) A revocable consent for a sidewalk cafe or a roadway cafe, or a consent to operate a sidewalk cafe located on a sidewalk widening, granted pursuant to this chapter shall provide for compensation to be paid annually to the city during the continuance of the consent. Such annual compensation shall be equivalent to the product of the fee rate and the square footage of such sidewalk cafe or roadway cafe.

(b) There are 4 sectors, as described on the website of the Department. The fee rate for each sector shall be as follows:

Sector	Sidewalk Fee Rate (per square foot)	Roadway Fee Rate (per square foot)
1	\$6	\$5
2	\$10	\$8
3	\$18	\$14
4	\$31	\$25

(c) **Enclosed Sidewalk Cafes.**

(1) A revocable consent for an enclosed sidewalk cafe shall provide for compensation to be paid annually to the city during the continuance of the consent at a rate identical to the rate required to be paid for such cafe as of March 16, 2020 pursuant to the rules of the Department of Consumer and Worker Protection in effect prior to the date these rules take effect, as provided in subparagraphs (i) and (ii) of this paragraph. Such rules establish two zones, and compensation to be paid annually depends on the zone in which an enclosed sidewalk cafe is located. Zone One encompasses all of the area of Manhattan south of, and including both sides of, 96th Street. Zone Two encompasses all of the areas of the City of New York not included within Zone One. The rates in effect as of March 16, 2020 are:

(i) \$5,378.13 for the first seventy (70) square feet plus \$42.02 for every additional square foot of sidewalk space occupied by an enclosed sidewalk cafe in Zone One; and

(ii) \$4,033.60 for the first seventy (70) square feet plus \$31.51 for every additional square foot of sidewalk space occupied by an enclosed sidewalk cafe in Zone Two.

(2) On January 1, 2028, and every 4 years thereafter, the Department may increase or decrease such compensation for an enclosed sidewalk cafe in accordance with increases or decreases in the sector rate.

§ 5-10 Operation and Management Requirements.

Upon approval by the Department of a license granted pursuant to this chapter, a licensee must operate and manage all aspects of a sidewalk cafe or roadway cafe in accordance with this section.

(a) **Maintenance.**

(1) Sidewalk cafes and roadway cafes must be kept clean, well-maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions. A licensee must also keep clean the area of the roadway extending one and one-half (1 1/2) feet distance beyond any roadway cafe on all sides of such roadway cafe.

(2) A licensee may not store trash within a sidewalk cafe or roadway cafe, except that in roadway cafes rigid receptacles with tight-fitting lids as referenced in subdivision (b) of section 1-02.4 of Title 16 of the Rules of the City of New York are permitted.

(3) If flooring is utilized as part of a roadway cafe, such flooring shall be lifted for cleaning on a regular basis, but not less than weekly.

(b) **Hours of Operation.** Sidewalk cafes, other than enclosed sidewalk cafes, and roadway cafes may operate only during the following hours and days:

- Sunday, 10 a.m. to midnight
- Monday, 8 a.m. to midnight
- Tuesday, 8 a.m. to midnight
- Wednesday, 8 a.m. to midnight
- Thursday, 8 a.m. to midnight
- Friday, 8 a.m. to midnight
- Saturday, 8 a.m. to midnight

(c) **Alcohol Consumption.** No beer, alcoholic or spirituous liquors shall be served at a sidewalk cafe or a roadway cafe, unless permitted by the New York State Liquor Authority.

(d) **No Smoking.** Smoking or using electronic cigarettes is prohibited within sidewalk cafes and roadway cafes pursuant to subdivision (c) of section 17-503 of the Administrative Code.

(e) Advertising. No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the restaurant, the logo of the restaurant, the menu and information on the services provided by the restaurant, and the name and logo of any sponsors of the restaurant's amenities may be painted, imprinted or otherwise displayed, in accordance with any applicable requirements of the New York City Zoning Resolution and the following requirements:

- (1) Names and logos shall be limited to ten (10) percent of the surface area of the surface on which they are displayed.
- (2) Names and logos may be painted onto barriers, or otherwise physically attached and secured to the barriers, provided that any signs attached to the barriers shall be no more than one (1) inch in depth. Menus and hours of operation may not be painted on or physically affixed to the barriers or any vertical screening.
- (3) On overhead coverings, umbrellas, and awnings, names and logos must be physically adhered to the fabric.
- (4) Any sign, picture, flag, banner, side curtain or other device used to display a name or logo may not be illuminated, flashing, or moving.

(f) Heaters. Heating units utilized in a sidewalk cafe or roadway cafe must comply with all applicable laws, rules, and regulations and must be approved for use in such sidewalk cafe or roadway cafe by the New York City Department of Buildings and New York City Fire Department. Such heating units may only be located within the area of the sidewalk cafe or roadway cafe for which the revocable consent and license to operate such cafe has been granted.

(g) Good Order. Every licensee shall be held strictly accountable for the maintenance of good order in the sidewalk cafe or roadway cafe and the proper conduct of their patrons, including the prevention of excessive congregation of such patrons within or immediately adjacent to such sidewalk cafe or roadway cafe. A licensee must provide adequate service to maintain the tables in the sidewalk cafe or roadway cafe and the adjacent street in a manner that ensures good order and cleanliness.

(h) Accessibility. A sidewalk cafe and roadway cafe must be directly accessible to persons with physical disabilities. The design of such cafe shall comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and applicable requirements of the New York City Building Code.

(i) Noise.

- (1) A licensee must comply with the New York City Noise Control Code, Chapter 2 of Title 24 of the Administrative Code, as applicable, including all restrictions and prohibitions relating to unreasonable noise pursuant to subdivisions (a) and (a-1) of section 24-218 of the Administrative Code.
- (2) No musical instruments or sound reproduction or amplification devices shall be operated or used within a sidewalk cafe or roadway cafe, except where authorized pursuant to a street activity permit issued pursuant to chapter 1 of Title 50 of the Rules of the City of New York.
- (3) Where practicable, the Department may refer community noise disputes to alternative dispute resolution through the Mediating Establishment and Neighbor Disputes NYC program (MEND NYC), or a successor program.

(j) Lighting. Lighting shall illuminate only within the sidewalk cafe or roadway cafe.

(k) Secure Cafe.

- (1) During hours when a sidewalk cafe or roadway cafe is not operating, the licensee must secure all furnishing and decorative elements of such sidewalk cafe or roadway cafe, such as tables and chairs, using a cable or other locking system. Such secured furnishings or decorative elements may not impede or block access to utility infrastructure or assets (e.g., utility access covers, vent poles, control cabinets, etc.).
- (2) Umbrellas and overhead coverings, if utilized, must be secured during inclement weather, including high wind conditions or heavy snow events.

(l) Furnishing Zone. No portion of a sidewalk cafe or roadway cafe shall be located in the furnishing zone and no items associated with such sidewalk or roadway cafe shall be placed or stored in the furnishing zone.

(m) Service. A licensee must ensure that employees serve patrons solely from within the perimeters of such sidewalk cafe or roadway cafe.

(n) Roadway Cafe Operating Season.

(1) A roadway cafe shall not operate on any day from November 30 to March 31, inclusive. All barriers, furnishings and other decorative elements of a roadway cafe must be removed during such period except as authorized pursuant to paragraph (2) of this subdivision.

(2) Notwithstanding paragraph (1) of this subdivision, a ground floor restaurant for which a revocable consent and license for a roadway cafe have been granted pursuant to this chapter may:

- (i) Occupy the area of the roadway cafe beginning on a date prescribed by the Department on its website that is earlier than March 31, for the purpose of setting up the roadway cafe prior to commencement of operation of the roadway cafe, provided that such date shall be no earlier than March 24 of each year; and
- (ii) Occupy the area of the roadway cafe until a date prescribed by the Department on its website that is later than November 30, for the purpose of disbanding the roadway cafe, provided that such date shall be no later than December 7 of each year.

(o) Abandonment. A sidewalk cafe or roadway cafe must be used and occupied for outdoor dining. When not used and occupied for outdoor dining for thirty (30) consecutive days or more, except in accordance with subdivision (n) of this section, they must be removed from the sidewalk and roadway by the licensee.

(p) License Availability. A licensee shall retain on the premises of a sidewalk cafe or roadway cafe a copy of the license issued for such cafe, and upon request by an employee of the Department or other city agency, shall make available such copy of such license for inspection.

§ 5-11 Design Requirements

(a) Sidewalk Cafes.

(1) Siting Requirements for Sidewalk Cafes other than Enclosed Sidewalk Cafes.

- (i) **Open-Air.** A sidewalk cafe, other than an enclosed sidewalk cafe, shall be open-air and shall contain only readily removable tables, chairs and other removable decorative items.
- (ii) **Frontage.** A sidewalk cafe, other than an enclosed sidewalk cafe, shall be limited to the sidewalk or sidewalk widening that is directly in front of the ground floor restaurant that is operating such sidewalk cafe.
- (iii) **Clear Path.** A clear path shall remain on the sidewalk or sidewalk widening in front of the ground floor restaurant operating a sidewalk cafe, other than an enclosed sidewalk cafe, after installation of such sidewalk cafe.

(A) The minimum width of the required clear path shall be the greater of:

- 1. The width provided in the table below for the corridor category of the street on which the sidewalk cafe is located; or
- 2. Fifty percent (50%) of the width of the sidewalk, including any sidewalk widening. The corridor categories are set forth in the Department's NYC Pedestrian Mobility Plan, which is available on the Department's website.

<u>CORRIDOR CATEGORIES</u>	<u>REQUIRED CLEAR PATH</u>
<u>Global Corridors</u>	<u>12 Feet</u>
<u>Regional Corridors</u>	<u>10 Feet</u>
<u>Neighborhood Corridors</u>	<u>8 Feet</u>
<u>Community Connectors</u>	<u>8 Feet</u>
<u>Baseline Streets</u>	<u>8 Feet</u>

(B) Notwithstanding clause (A), on regional corridors, the minimum width of the required clear path shall be 8 feet where the following conditions are satisfied:

1. Maintenance of a 10-foot clear path after installation of such sidewalk cafe is not feasible; and

2. Such sidewalk cafe is located within an area where only small sidewalk cafes were permitted prior to the date these rules take effect, as shown on the Department's website.

(C) Notwithstanding clause (A), on global corridors, the minimum width of the required clear path shall be 8 feet for any sidewalk cafe adjacent to an arcade that provides at least 6 feet of an unobstructed path for the length of the block in accordance with the New York City Zoning Resolution.

(D) The clear path is measured from the outer edge of the perimeter of the sidewalk cafe to the nearest element or object, including a pedestrian ramp, installed or affixed to the sidewalk between such perimeter and the nearest curb line, or if there is no such element or object, to the nearest curb line.

(iv) Clearances. The following minimum distances are required between a sidewalk cafe, other than an enclosed sidewalk cafe, and the specified element or object:

Element or Object	Minimum Required Distance
Subway Stair: Open End (Entry Side)	15 Feet
Subway Elevator Entrance	10 Feet
Exhaust Ducts	10 Feet
MTA or FDNY Curb Cuts	10 Feet
Edges of Street Tree Beds	8 Feet
Mailboxes	8 Feet
LinkNYC Kiosks, Wayfinding Kiosks, E-Charging Stations, Parking Meters; Select Bus Service Fare Machines	8 Feet
Newsstands	8 Feet
Streetlights	8 Feet
Bus Stop Poles	8 Feet
Fire Hydrants	8 Feet
Bus Stop Shelters	8 Feet
Traffic Signals	8 Feet
Citi Bike/Bike Share Stations, Bike Corrals, Micromobility Stations	5 Feet
Primary Building Entrances	5 Feet
Curb Cuts	5 Feet
Emergency Exit Hatches	5 Feet
Subway Stair: Closed-End (non-entry)	5 Feet
Subway Elevator: Non-Entry	5 Feet
Siamese Connections and Standpipes	5 Feet
Elevated Train Infrastructure (e.g., support beams, etc.)	3 Feet
Transformer Vaults	3 Feet
Vent Infrastructure (e.g., utility vent poles, ventilator grates, subway grates, etc.)	1 foot 6 inches

(v) Covering Restrictions. A sidewalk cafe, other than an enclosed sidewalk cafe, shall not be located over or block any of the following: cellar and basement doors, freight elevators

or service entrances, retail and non-primary building entrances, and building projections (including, but not limited to, stoops, steps, and stairs), provided that a sidewalk cafe may block or cover a cellar or basement door that is not a means of egress if such door is closed and is reinforced, the safety of which closed and reinforced door is certified by a registered design professional as defined in the New York City Construction Codes in the form prescribed by the Department on its website.

(vi) Utility Infrastructure. Furniture or other decorative items of a sidewalk cafe, other than an enclosed sidewalk cafe, shall not be located within 1 foot 6 inches of manhole covers and shall not prevent access to any other utility infrastructure, including but not limited to control cabinets, utility poles, telecommunication pull boxes, and ground level boxes.

(vii) Service. Furniture or other decorative elements of a sidewalk cafe, other than an enclosed sidewalk cafe, must be located to allow for service of patrons solely within the perimeter of such sidewalk cafe.

(2) Material Requirements for Sidewalk Cafes other than Enclosed Sidewalk Cafes.

(i) Perimeter demarcation. The perimeter of a sidewalk cafe, other than an enclosed sidewalk cafe, shall be clearly and visibly demarcated by a removable and self-supporting base wall, railing, planter, fence, or stanchion and rope, which shall be no higher than two (2) feet and six (6) inches, exclusive of any shrubbery and/or planting. Such perimeter demarcations shall not be affixed to the sidewalk.

(ii) Flooring. A sidewalk cafe, other than an enclosed sidewalk cafe, shall be level with the sidewalk. No platforms, flooring, or other ground coverings (e.g., rugs, artificial turfs, etc.) are permitted.

(iii) Furnishings. The furnishing of the interior of a sidewalk cafe, other than an enclosed sidewalk cafe, must consist solely of lightweight and easily moveable tables, chairs, and decorative accessories. No furnishing element shall be permanently affixed to the sidewalk.

(iv) Awnings, Overhead Coverings, and Umbrellas

(A) An awning, overhead covering, or umbrella utilized in a sidewalk cafe, other than an enclosed cafe, must be easily removable, comprised of fire-resistant grade materials, and wind resistant.

(B) Such an awning shall be no lower than eight (8) feet from the ground and must not exceed a maximum height of ten (10) feet. Such an overhead covering or umbrella shall be no lower than seven (7) feet from the ground and must not exceed a maximum height of ten (10) feet.

(C) Such an awning, that is physically attached to a building, must comply with the New York City Building Code and the requirements of the Landmarks Preservation Commission, as applicable.

(D) Such an awning or overhead covering may not extend beyond the perimeter of the sidewalk cafe except for awnings that are in compliance with the New York City Building Code. Documentation demonstrating compliance with the New York City Building Code must be made available to Department personnel upon request.

(E) All such umbrellas and overhead coverings must have a weighted base, and any stand or other structure utilized for the purpose of providing support for an overhead covering or umbrella shall be of sufficient size and strength to maintain the umbrella or overhead covering, made of durable materials, and free of defects.

(v) Lighting and Electrical Connections. Lighting of a sidewalk cafe, other than an enclosed sidewalk cafe, shall be outdoor rated, properly secured, protected and lightweight. Any lighting shall be directly connected to the ground floor restaurant's power source, shall be located within the perimeter of such sidewalk cafe, and shall not exceed 10 feet in height. No connections shall be made to any type of City electrical equipment or attached to any City property, including street trees. All electrical work shall comply with the applicable requirements set forth in the Department's rules and the New York City Electrical Code.

(vi) Fire Escape Stairs. No element of a sidewalk cafe, other than an enclosed sidewalk cafe, including any overhead

covering, awning or umbrella, shall cover, block or be affixed to any fire escape stairs or other components of a fire escape.

(b) Roadway Cafes

(1) Siting Requirements.

(i) Frontage. A roadway cafe shall be limited to the portion of the roadway that is directly in front of the ground floor restaurant that is operating such roadway cafe.

(ii) Permitted Locations.

(A) A roadway cafe may only be located within:

1. Parking spaces, including metered and non-metered spaces, commercial parking, alternate side parking spaces, angled parking spaces where approved by the Department in accordance with clause (C) of this subparagraph, and spaces with seasonal restrictions, regardless of timing of such restrictions, including No Standing during posted months; and

2. Truck Loading Only, Loading Only, Hotel Loading, and No Parking zones.

(B) Notwithstanding clause (A) of this paragraph, a roadway cafe may not be located, in whole or in part, within:

1. Part-time or full-time travel lanes, including bicycle lanes, bus lanes and No Standing, No Standing during posted hours, or No Stopping zones;

2. Bus stops;

3. Parking spaces reserved for specified vehicles authorized by permit; or

4. Dedicated use parking spaces as described in 34 RCNY § 4-08(a)(3)(i), except as listed in clause (A) (2) of this subparagraph.

(C) In accordance with clause (A) of this subparagraph, a roadway cafe may be located within one or more angled parking spaces subject to approval by the Department. Where a petition is for a roadway cafe that is located wholly or partially within an angled parking space, the Department may, except where expressly prohibited by law, modify the requirements set forth in this subdivision where necessary to promote vehicular and pedestrian traffic safety, including but not limited to providing appropriate clearances from the travel lane and adjacent parking spaces, and preserving sight distance.

(iii) Clearances. The following minimum distances shall be maintained between the roadway cafe and the specified element or object, except as otherwise specified herein:

Element or Object	Minimum Required Distance
<u>Subway Entrance: Open End (Entry Side)</u>	<u>15 Feet</u>
<u>Fire Hydrant</u>	<u>15 Feet</u>
<u>Subway Elevator Entrance</u>	<u>10 Feet</u>
<u>MTA or FDNY Curb Cuts</u>	<u>10 Feet</u>
<u>Curb Cuts</u>	<u>5 Feet</u>
<u>Emergency Exit Hatches</u>	<u>5 Feet</u>
<u>Subway Stair: Closed-End (non-entry)</u>	<u>5 Feet</u>
<u>Subway Elevator: Non-Entry</u>	<u>5 Feet</u>
<u>Bus Stop Pole: Non-Approaching Side</u>	<u>5 Feet</u>
<u>Citi Bike/Bike Share Stations, Bike Corrals, Micromobility Stations located in the roadway</u>	<u>5 Feet</u>
<u>Drainage Infrastructure (Catch Basins/Rain Gardens)</u>	<u>5 Feet</u>

<u>Elevated Train Infrastructure (e.g., support beams, etc.)</u>	<u>3 Feet</u>
<u>Transformer Vaults</u>	<u>3 Feet</u>
<u>Vent Infrastructure (e.g., utility vent poles, ventilator grates, subway grates, etc.)</u>	<u>1 Foot 6 Inches</u>
<u>Thermoplastic Markings</u>	<u>6 inches</u>

(iv) Dimensions.

(A) The maximum length of a roadway cafe or portion of a roadway cafe, as described in clause (E) of this subparagraph, shall be 40 feet.

(B) The maximum width of a roadway cafe shall be eight (8) feet, provided that the Department may require a roadway cafe to be less than eight (8) feet where necessary to address a safety concern based on roadway width, roadway geometry (e.g., number of traffic lanes, the presence and composition of bicycle lanes and parking lanes, etc.), or proximity to an intersection, or to facilitate the traverse of emergency vehicles on such roadway.

(C) Notwithstanding any contrary provision of this chapter, a 15-foot emergency travel lane must be maintained on every roadway, provided that the Department may permit an emergency travel lane width of less than 15 feet upon the issuance of a letter of no objection from the New York City Fire Department. The New York City Fire Department will issue such letter to the Department, or deny the request, within 30 days of receipt of the request from the Department. However, if such response is submitted later than 30 days, such response may be accepted by the Department at the sole discretion of the Department.

(D) Minimum distance between roadway cafes.

1. For roadway cafes that are the maximum of 40 feet in length, there shall be a minimum distance of six (6) feet between the perimeters of adjacent roadway cafes. A roadway cafe that is a maximum of 40 feet in length shall maintain a minimum of four and a half feet (4'6") distance from the boundary of the extension of the perimeter of the ground floor restaurant.

2. For roadway cafes that are less than 40 feet in length, there shall be a minimum distance of three (3) feet between the perimeters of adjacent roadway cafes. A roadway cafe adjacent to another roadway cafe shall maintain a minimum of a one foot, 6-inch (1'6") distance from the boundary of the extension of the perimeter of the ground floor restaurant.

3. If there is no adjacent roadway cafe at the time such roadway cafe is approved and an adjacent roadway cafe is subsequently installed, each roadway cafe must maintain the required minimum distance upon the installation of the new roadway cafe. Such minimum distance shall remain unobstructed for emergency access and shall not be used for storage, including containers to store trash.

(E) Portions of a roadway cafe. Where the frontage of a restaurant is greater than 40 feet in length, the restaurant may install additional portions of a roadway cafe in accordance with this paragraph, provided that each such portion is no greater than 40 feet in length. Where a portion of a roadway cafe is the maximum 40 feet in length, there shall be a minimum distance of six (6) feet between the perimeters of each adjacent portion. Where adjacent portions of a roadway cafe are both less than 40 feet in length, there shall be a minimum distance of three (3) feet between the perimeters of each adjacent portion. Such minimum distances shall remain unobstructed for emergency access and shall not be used for storage, including containers to store trash.

(v) Street Trees. No element of a roadway cafe shall encroach upon or attach to a street tree bed or canopy of a street tree. A street tree shall not be cut, pruned, or removed except as authorized pursuant to a tree work permit from the New York City Department of Parks and Recreation.

(vi) Distance from Marked Crosswalks. The distance between the perimeter of a roadway cafe and a crosswalk shall be a minimum of:

(A) Twenty (20) feet, where the nearest vehicular travel lane parallel to a roadway cafe provides for the direction of traffic to be approaching the intersection; and

(B) Eight (8) feet, where the nearest vehicular travel lane parallel to a roadway cafe provides for the direction of traffic to be exiting the intersection.

(vii) Distance from Unmarked Crosswalks. The minimum distance between the perimeter of a roadway cafe and the curb line of a street intersecting with the street on which the roadway cafe is located shall be twenty (20) feet.

(viii) Floating Parking Lanes. Roadway cafes located in a floating parking lane shall be limited to the width of the legal parking area and shall not be located, in whole or in part, within a bicycle lane. Notwithstanding subparagraph (ii) of paragraph (1) of subdivision (b) of this section, roadway cafes may abut but not cover any thermoplastic markings utilized as a buffer.

(ix) Signage Visibility. Any element of a roadway cafe, including decorative plantings, located within fifty (50) feet of any regulatory or warning signs, including but not limited to signage indicating Stop, Yield, One-Way, Wrong Way, Do Not Enter, Pedestrian Crossing, School Crossing and Speed Limit, shall be no greater than 46 inches in height.

(x) Utility Infrastructure. Furniture or other decorative items of a roadway cafe shall not be located within one and half feet (1' 6") of manhole covers and shall not prevent access to any other utility infrastructure, including but not limited to control cabinets, utility poles, telecommunication pull boxes, and ground level boxes.

(xi) Service. Furniture or other decorative elements of a roadway cafe must be located to allow for service of patrons solely within the perimeter of such roadway cafe.

(2) Material Requirements.

(i) Barriers.

(A) Barriers shall be maintained on all sides of a roadway cafe except the side fronting the ground floor restaurant and shall not be affixed to the roadway.

(B) Barriers shall be between thirty (30) inches and forty-two (42) inches in height, not including the height of any plantings above such barrier. Barriers shall be at least four (4) inches in width.

(C) Only water-filled barriers are permitted, except alternate fill materials may be used where approved by the Department. Each barrier shall be filled with a minimum of 150 pounds of fill per linear foot of barrier length.

(D) Barriers must be interconnected.

(E) Any cladding on a barrier must be securely fastened or affixed to the barrier.

(F) A reflective strip of a minimum of four (4) inches in width must be located on each barrier, along the entire length of the outward-facing side of such barrier.

(G) As an alternative to compliance with clauses (B) through (F) of this subparagraph, a barrier may comply with barrier specifications posted on the Department's website which allow for alternate materials that match or exceed the safety of the requirements set forth in these rules.

(ii) Flooring.

(A) If flooring is utilized as part of a roadway cafe, such flooring shall:

1. Be durable, lightweight, easily removable, mold-resistant, elevated from the ground level to allow for drainage, and removable to allow for cleaning;

2. Be flush with the curb line, except a roadway cafe located on a slope shall be flush with the curb line to the greatest extent feasible;

3. Be compliant with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and accessibility requirements of the New York City Building Code, as applicable;

4. Maintain a six (6) inch covered channel between the curb and base of such flooring to allow for drainage and water flow along the roadway.

(B) Where flooring is not utilized as part of a roadway cafe, such roadway cafe must provide a ramp that complies with the Americans with Disabilities Act and any rules promulgated thereunder and the New York City Building Code, as applicable.

(C) No other ground coverings (e.g., rugs, artificial turfs, etc.) are permitted.

(iii) Furnishings. The furnishing of the interior of a roadway cafe shall consist solely of lightweight easily moveable tables, chairs, and decorative accessories.

(iv) Vertical Screenings, Overhead Coverings, and Umbrellas.

(A) If utilized, vertical screenings, overhead coverings, and umbrellas shall be easily removable, comprised of fire-resistant grade materials, wind resistant, and shall not extend over the perimeter of the roadway cafe.

(B) An overhead covering or umbrella shall be no lower than seven (7) feet and shall not exceed a maximum height of ten (10) feet from the base or floor of the roadway cafe.

(C) Vertical screening is permitted only on the roadway-facing side of the cafe between the barrier and six (6) feet above the base or floor of the cafe, provided that clear visibility is maintained. Plantings, lattice panels or clear plexiglass that maintain clear visibility are allowed. Opaque screening is prohibited. Vertical screening shall not be affixed to the outward facing side of a barrier.

(D) All umbrellas and overhead coverings must have a weighted base. Any stand or other structure utilized for the purpose of providing support for an overhead covering or umbrella shall not be affixed to the outward facing side of a barrier and shall be of sufficient size and strength to maintain the umbrella or overhead covering, made of durable materials, and free of defects.

(v) Lighting and Electrical Connections. Lighting shall be outdoor rated, properly secured, protected and lightweight. Wires for electrification shall be connected above-head, and may not be connected on or near the ground or within street tree beds. No connections shall be made or attached to any electrical equipment or other property owned or controlled by the City, including street trees. Electrical connections shall be at least fourteen (14) feet above the sidewalk and eighteen (18) feet above the roadway. All electrical connections shall comply with the applicable requirements set forth in the Department's rules and the New York City Electrical Code.

§ 5-12 Enforcement.

(a) Corrective Action Request (CAR).

(1) If the Commissioner finds that any licensee has, for the first time, violated (i) any provision of section 19-160 through 19-160.6 of the Administrative Code; (ii) any of these rules; or (iii) any of the terms and conditions of the license, the Commissioner shall notify such licensee of such violation and request that action be taken to correct such violation within 30 days and shall afford such licensee an opportunity to protest the Commissioner's finding in a manner set forth in these rules.

(2) A CAR may be served by mail or by e-mail on the licensee responsible for the condition which requires correction at the address or e-mail address for such person contained in the records of the Department.

(3) Any corrective action required by the CAR must be performed within thirty (30) days of the issuance of the CAR unless such issuance is protested as provided herein. If the corrective action required by the CAR is not performed within thirty (30) days of the issuance of the CAR and such issuance is not protested, the Department may issue a summons for an uncorrected condition upon reinspection.

(4) Protest.

(i) Within fourteen (14) days after the date of service of the CAR, the respondent may protest the issuance of the CAR by submitting such protest in writing to the Department at the location or address as specified on its website and on the CAR. If the respondent fails to timely protest the CAR and the Department issues a summons for an uncorrected

condition, the respondent may be issued a summons for failing to respond to the CAR in a timely manner.

(ii) Protests will be reviewed by the Department and a final determination regarding the protest will be made within a reasonable period of time.

(iii) If a protest is denied, any corrective action required by the CAR must be performed within thirty (30) days after the date of such denial. If the corrective action required by the CAR is not performed within thirty (30) days of such denial, the Department may issue a summons for an uncorrected condition upon reinspection.

(b) Administrative summons. Administrative summons issued by the Department shall be returnable to the Environmental Control Board. The Office of Administrative Trials and Hearings, acting pursuant to section 1049-a of the New York City Charter, has the power to impose the civil penalties prescribed by section 19-150 of the Administrative Code in accordance with the rules of such agency.

(c) Suspension and Revocation.

(1) In addition to any other authorized enforcement procedures, the Commissioner may, after providing notice of intent to suspend or revoke a license and an opportunity to be heard in accordance with paragraph (2), suspend or revoke a license to operate a sidewalk cafe or roadway cafe and order the removal of such sidewalk cafe or roadway cafe for 3 or more violations of the same provision of subchapter 1 of chapter 1 of title 19 of the Administrative Code or these rules within a 2-year period, or for any 6 or more violations of any provision of such subchapter or these rules within a 2-year period. The Department will provide notice to the licensee of the Department's intent to suspend or revoke the license of such licensee no later than 30 days prior to such suspension or revocation.

(2) Opportunity to Be Heard

(i) A licensee notified by the Department with regard to the suspension or revocation of such licensee's license may request in writing an opportunity to be heard. Such request must be received no later than thirty (30) days following the date of the Department's notice to the licensee that the license may be suspended or revoked. Where the Department does not receive a written request for an opportunity to be heard within such time, the Department may revoke or suspend the license.

(ii) Process.

(A) Where the licensee submits a timely request for an opportunity to be heard, the Department will schedule a date and time, no later than 30 days from the date on which the Department received such request, for such opportunity to be heard, in person at the Department's offices, regarding the suspension or revocation.

(B) The licensee may request, in writing, copies of any evidence relied upon by the Department in determining that the license should be suspended or revoked. Such request must be received by the Department no later than 14 days prior to the date of the opportunity to be heard. The Department will provide a copy of such evidence by mail or electronic mail, as specified by the licensee in its request, no later than 7 days prior to the date of the opportunity to be heard.

(C) Requests for rescheduling by the licensee of the opportunity to be heard must be received by the Department no later than 48 hours prior to the originally scheduled date. If the Department approves the request for rescheduling, a new date will be scheduled within 14 days of the original date.

(D) The licensee may provide affidavits in support of its position, submitted prior to or at the opportunity to be heard, and may bring witnesses in support of their position to the opportunity to be heard. The Department may also supply affidavits or witnesses. Any affidavits or witnesses will not be subject to cross-examination.

(E) The hearing will be conducted by an employee of the Department designated by the Commissioner and the opportunity to be heard will be transcribed or recorded by the Department.

(F) The Commissioner's designee will (1) review the Department's decision to issue the notice of intent to revoke or suspend the license, and (2) provide an opportunity for the licensee to present reasons and evidence in support of the challenge to the suspension

or revocation. The Commissioner's designee will issue findings of fact and a recommendation following the opportunity to be heard.

(G) Within 30 days of the hearing, the Commissioner or the Commissioner's designee, who will be an employee of DOT other than the employee who conducted the hearing and issued the recommendation pursuant to clause (F) of this subparagraph, will issue a final decision regarding the suspension or revocation. Such final decision will set forth the findings of fact and recommendation of the employee who conducted the hearing and will accept, reject or modify such recommendation. The Department will send such final decision to the licensee via mail or electronic mail within 5 days of issuance of such final decision. Such final decision will constitute a final agency determination that is subject to review by a court of competent jurisdiction pursuant to Article 78 of the Civil Practice Law and Rules.

(3) Notwithstanding any inconsistent provision of this section, the suspension or revocation of a license shall be waived if, upon the submission of satisfactory proof, the Department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee's instructions in committing such violations.

(d) Removal.

(1) **Operating without a License.** The Commissioner may order the removal of any furniture, equipment, structure or other obstruction used in connection with the operation of an outdoor dining area on the sidewalk or in the roadway by a person that is not licensed to operate a sidewalk cafe or roadway cafe pursuant to section 19-160 of the Administrative Code and has no other lawful right to operate an outdoor dining area on such sidewalk or in such roadway.

(2) **Noncompliance.** The Commissioner may order the removal of any furniture, equipment, structure or other obstruction placed on the sidewalk or roadway by a licensee where such furniture, equipment, structure or other obstruction is inconsistent with any of the requirements set forth in these rules.

(3) Commissioner's Order.

(i) An order pursuant to this subdivision will be served personally or by mail to the person and address contained in the records of the Department. The person to whom such order is directed has an opportunity to be heard within five (5) business days after a timely request for such opportunity is received by the Department. A request must be made within the time and in the manner directed on the order. If, after considering the written objections of the respondent, the Commissioner affirms the order, the action required by the order shall be completed within a reasonable period of time, as set forth in such order, after notice of such determination is mailed to the respondent.

(ii) Where such order has not been complied with within a reasonable period of time as set forth in such order, officers or employees of the Department or the Police Department, may remove such furniture, equipment, structure or other obstruction from the sidewalk or the roadway and convey them to a place of safety.

(iii) Where the Department has an address for the person to whom such order was directed, within five (5) days of removal, the Department will mail to such person notice of such removal and the manner in which such furniture, equipment, structure or other obstruction may be claimed. In any notification served personally or mailed pursuant to this section, the Department will include a statement of the right to sell, dismantle, destroy or otherwise dispose of such furniture, equipment, structure, or other obstruction within thirty (30) days after removal if such property is not claimed.

(iv) Any furniture, equipment, structure, or other obstructions removed pursuant to this section will not be released until the removal charge and storage fee of two thousand five hundred dollars (\$2,500) has been paid or a bond or other security for such amount has been posted.

(v) Any furniture, equipment, structure, or other obstructions that is not claimed will be sold at public auction after having been advertised in the City Record for a period of ten (10) days. In the alternative, any such property may be used or converted to use for the purpose of any city, state, or federal agency, or for charitable purposes, upon consultation with the appropriate city agencies.

(vi) The procedures outlined in the preceding subdivisions of this section do not apply to furniture, equipment, structures, or other obstructions determined by the Department to be without worth or value. The Department may immediately dispose of such property at disposal points or places designated by the New York City Department of Sanitation.

(4) Nothing in this section is intended to alter or affect the power of the Commissioner to order the immediate removal of or remove any obstruction from the sidewalk or roadway or the immediate correction of any violation that the Commissioner determines is a danger to public welfare, safety, or energy system reliability, including planned or emergency work, parades, marathons, or other special events.

(e) Liability of Subsequent Licensees

(1) Any violation for operating an unlicensed sidewalk cafe or unlicensed roadway cafe will be included in the number of violations by any subsequent licensee at the same place of business unless such subsequent licensee provides the Department with adequate documentation in accordance with subdivisions (a) and (d) of section 19-160.5 of the Administrative Code, demonstrating that such licensee acquired the premises or business through an arm's length transaction and that the sale or lease of such sidewalk cafe or roadway cafe was not conducted, in whole or in part, to avoid the effect of violations on such premises or business.

(2) A subsequent licensee is liable for violations by a prior licensee unless such subsequent licensee provides the Department with adequate documentation in accordance with subdivision (d) of section 19-160.5 of the Administrative Code.

§ 3. The first penalty schedule set forth in section 3-01 of chapter 3 of title 34 of the Rules of the City of New York is amended by adding at the end six new penalties, to read as follows:

Section	Description	Penalty (\$)	Default (\$)
5-02(a)	Operation of a sidewalk cafe or roadway cafe without a license and revocable consent (FIRST OFFENSE)	500	500
5-02(a)	Operation of a sidewalk cafe or roadway cafe without a license and revocable consent (SECOND AND SUBSEQUENT OFFENSE)	1,000	1,000
5-10	Failure to comply with operation and management requirements (FIRST OFFENSE)	200	200
5-10	Failure to comply with operation and management requirements (SECOND AND SUBSEQUENT OFFENSE)	500	500
5-11	Failure to comply with design requirements (FIRST OFFENSE)	200	200
5-11	Failure to comply with design requirements (SECOND AND SUBSEQUENT OFFENSE)	500	500

§ 4. Chapter 5 of title 34 of the Rules of the City of New York, as added by section 1 of this rule, is amended by adding a new section 5-13 to read as follows:

§ 5-13 Temporary Outdoor Dining Structures.

(a) **Definition.** The term "temporary outdoor dining setup" means outdoor dining facilities authorized to continue operating on the sidewalk and in the roadway pursuant to section 10 of local law number 121 for the year 2023, and operated pursuant to this section.

(b) **Applicability.** Pursuant to section 11 of local law number 121 for the year of 2023, temporary outdoor dining setups that do not comply with section 5-11 of this chapter relating to design requirements for sidewalk cafes and roadway cafes shall be removed by the earlier of November 1, 2024 or 30 days after a determination of the Department to grant or deny a revocable consent for such sidewalk cafe or roadway cafe. A restaurant operating a temporary outdoor dining setup that does not submit a petition for a revocable consent pursuant this chapter within five (5) months of the effective date of these rules

shall immediately remove such temporary outdoor dining setup. Any temporary outdoor dining setup that is not removed shall be subject to penalties for the operation of a sidewalk cafe or roadway cafe without a license and revocable consent and may be removed in accordance with paragraph (1) of subdivision (d) of section 5-12 of these rules.

(c) Operation and Management

(1) **Maintenance.** Temporary outdoor dining setups shall be kept clean, well-maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions. Operators of temporary outdoor dining setups located in the roadway shall also keep clean the area of the roadway extending one and one-half (1 ½) feet distance beyond the temporary outdoor dining setup on all sides of such temporary outdoor dining setup.

(2) **Hours of Operation.** Temporary outdoor dining setups may operate only during the following hours and days:

- Sunday, 10 a.m. to midnight
- Monday, 8 a.m. to midnight
- Tuesday, 8 a.m. to midnight
- Wednesday, 8 a.m. to midnight
- Thursday, 8 a.m. to midnight
- Friday, 8 a.m. to midnight
- Saturday, 8 a.m. to midnight

(3) **Alcohol Consumption.** No beer, alcoholic or spirituous liquors shall be served at a temporary outdoor dining setups, unless permitted by the New York State Liquor Authority.

(4) **No Smoking.** Smoking or using electronic cigarettes is prohibited within temporary outdoor dining setups pursuant to subdivision (c) of section 17-503 of the Administrative Code.

(5) **Heaters.** Heating units utilized in a temporary outdoor dining setup must comply with all applicable laws, rules, and regulations and must be approved for use in such temporary outdoor dining setup by the New York City Department of Buildings and New York City Fire Department. Such heating units shall only be located within the area of the temporary outdoor dining setup.

(6) **Good Order.** Operators of temporary outdoor dining setups shall be held strictly accountable for the maintenance of good order in the temporary outdoor dining setup and the proper conduct of their patrons, including the prevention of excessive congregation of such patrons within or immediately adjacent to such temporary outdoor dining setup. Operators of temporary outdoor dining setups must provide adequate service to maintain the tables in the temporary outdoor dining setup and the adjacent street in a manner that ensures good order and cleanliness.

(7) **Accessibility.** A temporary outdoor dining setup must be directly accessible to persons with physical disabilities. The design of such setup shall comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and applicable requirements of the New York City Building Code.

(8) Noise.

(i) A licensee must comply with the New York City Noise Control Code, Chapter 2 of Title 24 of the Administrative Code, as applicable, including all restrictions and prohibitions relating to unreasonable noise pursuant to subdivisions (a) and (a1) of section 24-218 of the Administrative Code.

(ii) No musical instruments or sound reproduction or amplification devices shall be operated or used within a temporary outdoor dining setup, except where authorized pursuant to a street activity permit issued pursuant to chapter 1 of title 50 of the rules of the city of New York.

(iii) Where practicable, the Department may refer community noise disputes to alternative dispute resolution through the Mediating Establishment and Neighbor Disputes NYC program (MEND NYC), or a successor program.

(9) **Lighting.** Lighting shall illuminate only within the temporary outdoor dining setup.

(10) Secure Cafe.

(i) During hours when a temporary outdoor dining setup is not operating, the licensee must secure all furnishing and decorative elements of such dining setup, such as tables and chairs, using a cable or other locking system. Such secured furnishings or decorative elements shall not impede or block access to utility infrastructure or assets (e.g., utility access covers, vent poles, control cabinets, etc.).

(ii) Umbrellas and coverings, if utilized, shall be secured during inclement weather, such as high wind conditions or heavy snow events.

(11) Furnishing Zone. No portion of a temporary outdoor dining setup shall be located in the furnishing zone and no items associated with such temporary outdoor dining setup shall be placed or stored in the furnishing zone.

(12) Service. An operator of a temporary outdoor dining setup shall ensure that employees of the temporary outdoor dining setup serve patrons solely from within the perimeters of such sidewalk cafe or roadway cafe.

(d) Placement.

(1) Temporary outdoor dining setups shall not block or obstruct any of the following sidewalk and roadway features:

- (i) a bus lane or bus stop;
- (ii) a bicycle lane;
- (iii) a carshare or bikeshare station;
- (iv) a taxi stand; or
- (v) a catch basin, utility cover, sewer, rainwater drainage or flow.

(2) Temporary outdoor dining setups shall not be located in any of the following designated zones on a roadway:

- (i) No Stopping Anytime;
- (ii) No Standing Anytime;
- (iii) No Stopping during specific hours; or
- (iv) No Standing during specific hours.

(3) Temporary outdoor dining setups shall be located at least fifteen (15) feet from a fire hydrant and at least eight (8) feet from a crosswalk.

(4) Temporary outdoor dining setups must provide a clear path for pedestrians on the sidewalk that is no less than eight (8) feet wide.

(5) Roadway Barriers.

- (i) Barriers must be maintained on all sides of a temporary outdoor dining setup located on the roadway, except the side fronting the ground floor restaurant.
- (ii) All barriers must be completely filled with material (e.g., water, sand, etc.). Water-filled barriers are strongly recommended.
- (iii) Barriers shall be between thirty (30) inches and thirty-six (36) inches in height, not including the height of any plantings above such barrier. Barriers shall be at least eighteen (18) inches in width.

(iv) A reflective strip must be located on each barrier, along the entire length of the outward-facing side of such barrier.

(e) Temporary outdoor dining setups must be used and occupied by the restaurant that erected them for outdoor dining. If not used and occupied for outdoor dining for thirty (30) consecutive days or more, they must be removed from the sidewalk and roadway by the restaurant. This includes the removal of outdoor dining setups that are not being used during the winter months. The Department may send a written notice to the owner to remove an unused setup from the street or sidewalk. If the owner does not remove the setup or utilize the setup for outdoor dining purposes within fourteen (14) days after such notice the Department may remove the setup to a place of safety and send notice of such removal to the owner of such restaurant if an address for such person is available. If the property is unclaimed it may be disposed of in accordance with the provisions of the personal property law relating to lost property. If the property has slight or no value the Department may provide for its immediate disposal after removal.

(f) The Department may order the removal of or remove any outdoor dining setup or other obstruction that the Commissioner determines is a danger to public welfare, safety, or energy system reliability, including for planned or emergency work.

§ 5. The first penalty schedule set forth in section 3-01 of chapter 3 of title 34 of the Rules of the City of New York is amended by adding at the end one new penalty, to read as follows:

Section	Description	Penalty (\$)	Default (\$)
5-13	Failure to adequately maintain a temporary outdoor dining setup	500	500

§ 6. Sections 4 and 5 of these rules expire and are deemed repealed on November 1, 2025.

§ 7. Pursuant to section 10 of local law number 121 for the year 2023, any restaurant operating outdoor dining pursuant to emergency executive order number 126, dated June 18, 2020, as amended, continued or superseded by subsequent executive orders, may continue in operation without the license and revocable consent of the Commissioner of Transportation required by sections 19-160, 19-160.1 and 19-160.2 of the Administrative Code of the City of New York pending the granting of any such license and revocable consent, provided that such restaurant submits a petition for such revocable consent within five (5) months of the effective date of these rules.

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SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9320
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 01/29/2024
4287148	1	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	0.0685 GAL.	2.9660 GAL.
4287148	2	#2DULS	RACK PICK-UP	GLOBAL MONTELLO	0.0685 GAL.	2.8490 GAL.
4287148	3	#2DULS	Winterized CITYWIDE BY TW	GLOBAL MONTELLO	0.0685 GAL.	3.0042 GAL.
4287148	4	#2DULS	Winterized RACK PICK-UP	GLOBAL MONTELLO	0.0685 GAL.	2.8872 GAL.
4287149	5	#2DULS	CITYWIDE BY TW	SPRAGUE	0.0685 GAL.	3.2506 GAL.
4287149	6	#2DULS	Winterized CITYWIDE BY TW	SPRAGUE	0.0685 GAL.	3.4636 GAL.
4287149	7	B100	CITYWIDE BY TW	SPRAGUE	-0.0442 GAL.	5.3679 GAL.
4287149	8	#2DULS	RACK PICK-UP	SPRAGUE	0.0685 GAL.	3.1006 GAL.

4287149	9	#2DULS	Winterized	RACK PICK-UP	SPRAGUE	0.0685 GAL.	3.3136 GAL.
4287149	10	B100		RACK PICK-UP	SPRAGUE	-0.0442 GAL.	5.2179 GAL.
4287149	11	#1DULS		CITYWIDE BY TW	SPRAGUE	0.0732 GAL.	3.9484 GAL.
4287149	12	B100		CITYWIDE BY TW	SPRAGUE	-0.0442 GAL.	5.3919 GAL.
4287149	13	#1DULS		RACK PICK-UP	SPRAGUE	0.0732 GAL.	3.7984 GAL.
4287149	14	B100		RACK PICK-UP	SPRAGUE	-0.0442 GAL.	5.2419 GAL.
4287149	15	#2DULS		BARGE DELIVERY	SPRAGUE	0.0685 GAL.	3.0000 GAL.
4287149	16	#2DULS	Winterized	BARGE DELIVERY	SPRAGUE	0.0685 GAL.	3.0660 GAL.
4287149	17	#2DULSB50		CITYWIDE BY TW	SPRAGUE	0.0685 GAL.	3.8748 GAL.
4287149	18	#2DULSB50		CITYWIDE BY TW	SPRAGUE	-0.0442 GAL.	4.9821 GAL.
4287149	19	#2DULSB50		RACK PICK-UP	SPRAGUE	0.0685 GAL.	3.7248 GAL.
4287149	20	#2DULSB50		RACK PICK-UP	SPRAGUE	-0.0442 GAL.	4.8321 GAL.
4287126	1	JET		FLOYD BENNETT	SPRAGUE	0.0287 GAL.	3.9533 GAL.
Non-Winterized			Apr 1 - Oct 31				
4287149		#2DULSB5	95% ITEM 5.0 5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0629 GAL.	3.3565 GAL.
4287149		#2DULSB10	90% ITEM 5.0 10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0572 GAL.	3.4623 GAL.
4287149		#2DULSB20	80% ITEM 5.0 20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0460 GAL.	3.6741 GAL.
4287149		#2DULSB5	95% ITEM 8.0 5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0629 GAL.	3.2065 GAL.
4287149		#2DULSB10	90% ITEM 8.0 10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0572 GAL.	3.3123 GAL.
4287149		#2DULSB20	80% ITEM 8.0 20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0460 GAL.	3.5241 GAL.
4287149		#2DULSB50	50% ITEM 17.0 50% ITEM 18.0	CITYWIDE BY TW	SPRAGUE	0.0122 GAL.	4.4284 GAL.
4287149		#2DULSB50	50% ITEM 19.0 50% ITEM 20.0	RACK PICK-UP	SPRAGUE	0.0122 GAL.	4.2785 GAL.
4387181		HDRD NW1	HDRD 95% +B100 5% (TW)	CITYWIDE BY TW	APPROVED OIL COMPANY	0.0000 GAL.	4.8109 GAL.
4387181		HDRD NW2	HDRD 95% +B100 5% (P/U)	RACK PICK-UP	APPROVED OIL COMPANY	0.0000 GAL.	4.6690 GAL.
Winterized			Nov 1 - Mar 31				
4287149		#2DULSB5	95% ITEM 6.0 5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0629 GAL.	3.5588 GAL.
4287149		#2DULSB10	90% ITEM 6.0 10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0572 GAL.	3.6540 GAL.
4287149		#2DULSB20	80% ITEM 6.0 20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0460 GAL.	3.8445 GAL.
4287149		#2DULSB5	95% ITEM 9.0 5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0629 GAL.	3.4088 GAL.
4287149		#2DULSB10	90% ITEM 9.0 10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0572 GAL.	3.5040 GAL.
4287149		#2DULSB20	80% ITEM 9.0 20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0460 GAL.	3.6945 GAL.
4387181		HDRD W1	HDRD 95% +B100 5% in effect 12/1 until further notice	CITYWIDE BY TW	APPROVED OIL COMPANY	0.0000 GAL.	4.8432 GAL.
4387181		HDRD W2	HDRD 95% +B100 5% in effect 12/1 until further notice	RACK PICK-UP	APPROVED OIL COMPANY	0.0000 GAL.	4.6932 GAL.

Non-Winterized / Winterized		Year-Round					
4287149	#1DULSB20	80% ITEM 11.0 20% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	0.0498 GAL.	4.2371 GAL.	
4287149	#1DULSB20	80% ITEM 13.0 20% ITEM 14.0	RACK PICK-UP	SPRAGUE	0.0498 GAL.	4.0871 GAL.	
4287149	#1DULSB5	95% ITEM 11.0 5% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	0.0674 GAL.	4.0206 GAL.	
4287149	#1DULSB5	95% ITEM 13.0 5% ITEM 14.0	RACK PICK-UP	SPRAGUE	0.0674 GAL.	3.8706 GAL.	

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9321
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 01/29/2024
4287030	1	#4B5	MANHATTAN	UNITED METRO	0.0599 GAL.	2.7450 GAL.
4287030	2	#4B5	BRONX	UNITED METRO	0.0599 GAL.	2.7650 GAL.
4287030	3	#4B5	BROOKLYN	UNITED METRO	0.0599 GAL.	2.7050 GAL.
4287030	4	#4B5	QUEENS	UNITED METRO	0.0599 GAL.	2.7350 GAL.
4287031	5	#4B5	RICHMOND	APPROVED OIL COMPANY	0.0599 GAL.	2.9250 GAL.
4187014	1	#2B5	MANHATTAN	SPRAGUE	0.0629 GAL.	3.0634 GAL.
4187014	3	#2B5	BRONX	SPRAGUE	0.0629 GAL.	3.0154 GAL.
4187014	5	#2B5	BROOKLYN	SPRAGUE	0.0629 GAL.	3.0284 GAL.
4187014	7	#2B5	QUEENS	SPRAGUE	0.0629 GAL.	3.0364 GAL.
4187014	9	#2B5	STATEN ISLAND	SPRAGUE	0.0629 GAL.	3.1154 GAL.
4187014	11	#2B10	CITYWIDE BY TW	SPRAGUE	0.0572 GAL.	3.0933 GAL.
4187014	12	#2B20	CITYWIDE BY TW	SPRAGUE	0.0460 GAL.	3.2075 GAL.
4187015	2	#2B5	MANHATTAN (RACK PICK-UP)	APPROVED OIL COMPANY	0.0629 GAL.	2.8287 GAL.
4187015	4	#2B5	BRONX (RACK PICK-UP)	APPROVED OIL COMPANY	0.0629 GAL.	2.8287 GAL.
4187015	6	#2B5	BROOKLYN (RACK PICK-UP)	APPROVED OIL COMPANY	0.0629 GAL.	2.8287 GAL.
4187015	8	#2B5	QUEENS (RACK PICK-UP)	APPROVED OIL COMPANY	0.0629 GAL.	2.8287 GAL.
4187015	10	#2B5	STATEN ISLAND (RACK PICK-UP)	APPROVED OIL COMPANY	0.0629 GAL.	2.8287 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9322
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 01/29/2024
20211200451	1	#2B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0629 GAL	3.2428 GAL.
20211200451	2	#4B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0599 GAL	2.9954 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9323
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 01/29/2024
4387063	1.0	Reg UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0885 GAL	2.3316 GAL.
4387063	2.0	Prem UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0825 GAL	2.7135 GAL.
4387063	3.0	Reg UL	RACK PICK-UP	GLOBAL MONTELLO	0.0885 GAL	2.2294 GAL.
4387063	4.0	Prem UL	RACK PICK-UP	GLOBAL MONTELLO	0.0825 GAL	2.6163 GAL.

3787121	5.0	E85	Non-Winterized	CITYWIDE BY DELIVERY	UNITED METRO	0.0170 GAL	2.2082 GAL.
3787121	6.0	E70	Winterized	CITYWIDE BY DELIVERY	UNITED METRO	0.0313 GAL	2.3232 GAL.

NOTE:

1. Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
2. The National Oil Heat Research Alliance (NORA) has been extended until February 6, 2029. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. All other terms and conditions remain unchanged.
3. Items 1 - 4 on contract 4287148 and 5 - 20 on contract 4287149 are effective as of June 1st, 2022.
4. Items 1 - 4 on contract 4387063 are effective as of December 19, 2022.
5. Federal Superfund Tax is included in the DCAS weekly pricing schedule, and it should not show as an additional fee.

REMINDER FOR ALL AGENCIES:

All entities utilizing DCAS fuel contracts are reminded to pay their invoices **on time** to avoid interruption of service. Please send inspection copy of receiving report for all gasoline (E70, UL PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

Starting November 1st, city agencies must transition from non-winterized fuel to winterized fuel. Please make sure your agency orders winter fuel according to the fuel options listed on the weekly price schedule.

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COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 2/6/2024 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
125A	4064	27
127A	4064	21
128A	4064	19
131A	4064	14
152A	4064	20
153A AND 154A	4066	17,18
155A	4066	16
156A	4066	15

Acquired in the proceeding entitled: ROMA AND HETT AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller
j23-f5

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 2/13/2024 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
158A	4066	12
177A	4068	43
178A	4068	41
179A	4068	39
180A	4068	36
181A AND 182A	4068	31, 33
187A	4068	20
188A	4068	18

189A	4068	16
190A	4068	14
191A	4068	11
192A	4068	8

Acquired in the proceeding entitled: ROMA AND HETT AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller
j30-f12

OFFICE OF THE MAYOR

■ NOTICE

EMERGENCY EXECUTIVE ORDER NO. 545
January 15, 2024

WHEREAS, on September 2, 2021, the federal monitor in the *Nunez* use-of-force class action stated steps must be taken immediately to address the conditions in the New York City jails; and

WHEREAS, on June 14, 2022, the federal court in *Nunez* approved the *Nunez* Action Plan, which “represents a way to move forward with concrete measures now to address the ongoing crisis at Rikers Island”; and

WHEREAS, while there has been improvement in excessive staff absenteeism, the Department of Correction’s (DOC’s) staffing levels continue to contribute to a rise in unrest and disorder and create a serious risk to the necessary maintenance and delivery of sanitary conditions; access to basic services including showers, meals, visitation, religious services, commissary, and recreation; and prompt processing at intake; and

WHEREAS, this Order is given to prioritize compliance with the *Nunez* Action Plan and to address the effects of DOC’s staffing levels, the conditions at DOC facilities, and health operations; and

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 140; and

WHEREAS, the state of emergency existing within DOC facilities, first declared in Emergency Executive Order No. 241, dated September 15, 2021, and extended by subsequent orders, remains in effect;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter

and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that section 1 of Emergency Executive Order No. 543, dated January 10, 2024, is extended for five (5) days.

§ 2. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.

Eric Adams Mayor

EMERGENCY EXECUTIVE ORDER NO. 546 January 15, 2024

WHEREAS, over the past several months, thousands of asylum seekers have been arriving in New York City, from the Southern border, without having any immediate plans for shelter; and

WHEREAS, the City now faces an unprecedented humanitarian crisis that requires it to take extraordinary measures to meet the immediate needs of the asylum seekers while continuing to serve the tens of thousands of people who are currently using the DHS Shelter System; and

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 224, dated October 7, 2022, and Emergency Executive Order No. 538, dated December 27, 2023; and

WHEREAS, the state of emergency based on the arrival of thousands of individuals and families seeking asylum, first declared in Emergency Executive Order No. 224, dated October 7, 2022, and extended by subsequent orders, remains in effect;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby order that section 1 of Emergency Executive Order No. 544, dated January 10, 2024, is extended for five (5) days.

§ 2. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.

Eric Adams Mayor

CHANGES IN PERSONNEL

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 10/27/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for HRA/DEPT OF SOCIAL SERVICES.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for DEPT. OF HOMELESS SERVICES.

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 10/27/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for DEPT. OF HOMELESS SERVICES.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 10/27/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for DEPARTMENT OF CORRECTION.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 10/27/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for DEPARTMENT OF CORRECTION.

