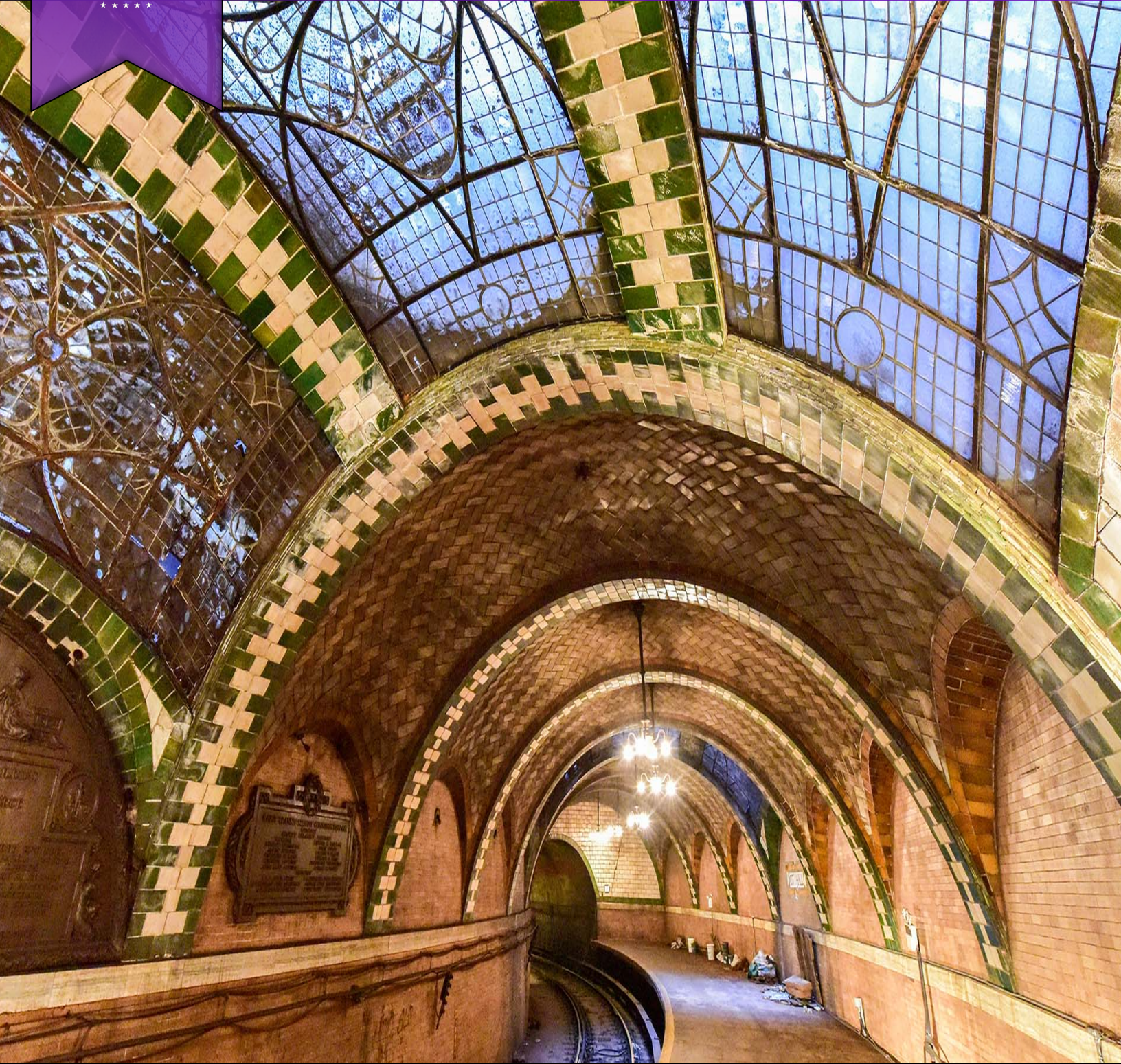




New York City Comptroller
Scott M. Stringer
Bureau of Contract Administration



Annual Summary Contracts Report
for the City of New York
Fiscal Year 2017



New York City Comptroller
Scott M. Stringer



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Part I

Introduction

The Comptroller's Office is charged with a number of New York City Charter ("Charter") mandated responsibilities intended to safeguard the City's financial health and root out waste, fraud and abuse in local government, including contract registration.¹ Specifically, the Charter requires that all contracts and agreements entered into by City agencies be registered by the Comptroller prior to implementation.² This requirement extends to all agreements memorializing the terms of franchises, revocable consents and concessions.³

The contract registration process ensures there is adequate funding in the City's treasury (or under the control of the City) to cover the cost of contracts as well as to ensure that both the contracted vendors and procurement process are free from corruption. The Comptroller's Bureau of Contract Administration ("BCA") fulfills this registration responsibility by reviewing City contracts for integrity, accountability and fiscal compliance and by serving as the final oversight in the City's procurement process.

In addition to discharging the Comptroller's Charter-mandated registration function, BCA is also responsible for publishing an annual summary report on franchises, concessions and contracts for goods and services pursuant to Section 6-116.2(f) of the New York City Administrative Code ("Administrative Code").⁴ The current report ("Annual Summary Contracts Report" or "Report") summarizes the City's financial commitment assumed through contracts registered in City Fiscal Year ("FY") 2017 ("FY17") and is derived from the City's Financial Management System ("FMS"), a computerized database maintained by the Comptroller and the Mayor pursuant to Section 6-116.2(a) of the NYC Administrative Code.⁵ This commitment is based on projected contract amounts at the time of registration and, unless otherwise indicated, is limited to the initial terms of the transactions.

As in the past three fiscal years, BCA sought to produce a comprehensive analysis of contracts and agreements registered in FY17. To realize this goal, BCA provides data and analysis beyond the minimum data requirements set forth in the Administrative Code to provide additional transparency and to ensure that municipal agencies serve the needs of all New Yorkers in an efficient and fair, cost-effective manner. One way in which we advance these goals is by presenting comparative data and analysis of FY14, FY15, FY16 and FY17 registered contracts.⁶

Finally, this Report includes certain FY17 annual data required by Sections 6-109 and 6-130 of the NYC Administrative Code to be produced by the Comptroller's Bureau of Labor Law ("BLL").⁷

¹ "City" refers to the City of New York.

² NYC Charter § 328(a).

³ *Id.* at § 375.

⁴ NYC Admin. Code § 6-116.2(f).

⁵ Fiscal Year 2017 covers the period from July 1, 2016 to June 30, 2017.

⁶ Note that the registration information provided in this Report is based on the contract data as inputted into FMS by the submitting agency.

⁷ NYC Admin. Code §§ 6-109 and 6-130.

Report Structure

The statistical information and data set forth in this Report is presented in five parts, divided into six independent sections.

Part I includes the Introduction and this Report Structure.

Part II includes Sections 1 and 2.

Section 1 (Summary Report) offers a high level review of all registered transactions in FY17, including procurement methods, total registered contract values, and pertinent facts relating to the awarding agency, New York City affiliated agency, elected official or the City Council.⁸

Section 2 (Registrations by “Contract Group”) is organized by six general Contract Groups, each of which contains multiple individual award methods or contract types.⁹ These Groups include:

1. Registered Contracts Procured by Competitive Award Methods;
2. Registered Contracts Procured by Limited or Non-Competitive Award Methods;
3. Registered Contracts Procured by “Other” Award Methods;
4. Registered Contracts Exempt under Section 1-02(f) of the Procurement Policy Board Rules;
5. Registered Contract Management Actions; and
6. Registered Revenue Contracts Actions.

Part III includes Section 3.

Section 3 (Agency Specific Data & Supplemental Analysis) features various contract-based analysis of interest, including contract modifications, contract retroactivity, registrations by industry classification, certain real property-related registrations (i.e., licenses and leases), registered agency purchase orders, registered task orders awarded pursuant to agency master agreements, DOE contract registrations and emergency procurement approvals.

Part IV includes Section 4.

Section 4 (Bureau of Labor Law Fiscal Year 2017 Annual Report) presents certain information required by Sections 6-109 and 6-130 of the NYC Administrative Code.¹⁰

Part V includes Sections 5 and 6.

Section 5 (Glossary) defines relevant key City procurement and contract registration terminology.

Section 6 (Appendices) contains complete supporting data sets for the interposed tables as well as other pertinent information required by the NYC Administrative Code that is not specifically referenced in *Parts I* through *IV* of the Report.¹¹

⁸ A complete list of the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 15*.

⁹ In order to preserve transparency, supporting data for the tables included in each of the above-referenced categories and this Report are included as appendices at the end of the document.

¹⁰ NYC Admin. Code §§ 6-109, 6-130.

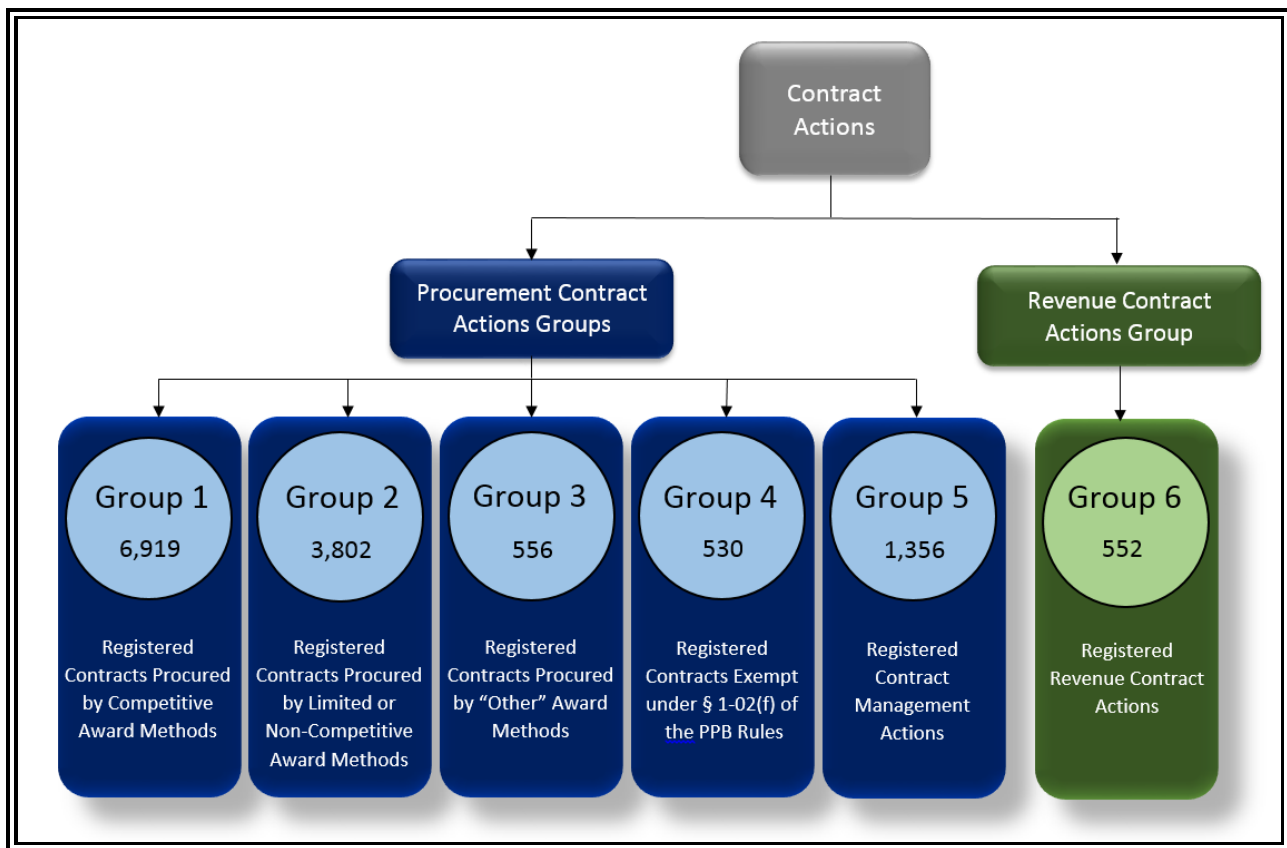
¹¹ Id. at § 6-116.2(f).

Part II

Section 1: Summary Report

A total of 13,715 new contract and contract-related transactions (CT1s, RCT1s, MA1s and MMA1s) were registered in FY17 for the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council.¹² This figure includes “Procurement Contract Actions,” where the City generally spends money and “Revenue Contract Actions,” where the City typically receives money.¹³ This 13,715 amount does not include the 49,811 modifications (CTRs, MARs), 1,461 task orders (“TOs”) awarded pursuant to agency master agreements (CTA1s) or the 156,690 purchase orders (“POs”) registered in FY17. As eluded to previously, Procurement Contract Actions and Revenue Contract Actions are each comprised of at least one “Contract Group.” A side-by-side comparison of the categories, which are generally based on FMS Award Method Codes (“AM Codes”) or Contract Type Codes (“CT Codes”), is provided in GRAPH I below.

GRAPH I: REGISTRATION CATEGORIES



The 13,715 Contract Actions registered in FY17 are broken down as follows:

- 13,163 Procurement Contract Actions (based on the first five Contract Groups shown above) were registered for a total value exceeding \$25.5 billion.
- 552 Revenue Contract Actions (based on the sixth Contract Group shown above) were registered for a total value exceeding \$1.1 billion.¹⁴

¹² Definitions for the following FMS Transaction Codes can be found in the “Crosswalk” addendum to *Comptroller’s Directive #24* which was re-issued on March 11, 2014: CT1; RCT1; MA1 and MMA1.

¹³ Revenue Contract Actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts).

¹⁴ Note that registered values represented in this Report are rounded to the nearest whole number.

TABLE I (below) provides a historical comparison of the total number and total contracting volume of registered Contract Actions in FY17. As the data indicates, the total number of registered Contract Actions (*Procurement Contract Actions*¹⁵ + *Revenue Contract Actions*¹⁶) decreased slightly from FY16 to FY17. Conversely, the total value of registered Procurement Contract Actions increased by nearly \$5.8 billion and the total value of registered Revenue Contract Actions increased by approximately \$549 million (or 29% and 96%, respectively).

TABLE I: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS

Registration Category	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Total Number of Registered Contract Actions	12,824	13,203	14,375	13,715
Total Value of Registered Procurement Contract Actions	\$23,488,827,627	\$17,145,717,009	\$19,743,944,347	\$25,537,827,921
Total Value of Registered Revenue Contract Actions	\$213,514,679	\$296,463,921	\$573,826,328	\$1,123,290,043

Registration - Overview

Registration is the process through which the Comptroller: (1) encumbers (sets aside) funds to ensure that encumbered monies are available to pay contractors for contract work to be performed; (2) maintains a registry of City agreements; (3) presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity; and (4) tracks City expenditures and revenues associated with those contracts and agreements.¹⁷ Further, and as briefly referred to in the *Introduction* above, no contract or agreement, franchise, revocable consent or concession executed pursuant to the Charter or other law can be implemented until: (1) a copy has been filed with the Comptroller; and (2) either the Comptroller has registered it or 30 days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed or the Comptroller has grounds for not registering the contract.^{18 19}

NYC Administrative Code - Annual Summary Contracts Report Minimum Requirements

The NYC Administrative Code requires the Comptroller to include certain information pertaining to franchises, concessions, goods and services contracts exceeding \$10,000 and construction contracts exceeding \$15,000, in a summary contracts report published annually by this Office.²⁰ Examples of required data include, but are not limited to:

- Award/Selection Method (whether vendor was selected with or without competition);
- Contract Type and Dollar Amount;
- Comptroller-Assigned Contract Registration Number; and
- Awarding Entity (Mayoral Agency, City-Affiliated Agency, City Council Member or Elected Official (*i.e.*, Mayor, Borough Presidents, District Attorneys).

¹⁵ Unless otherwise indicated, for the purposes of TABLE I and this Report, Procurement Contract Actions include the following AM Codes: 1, 2, 3, 109, 111, 112, 113, 22, 27, 31, 32, 35, 36, 37, 39, 61, 05, 06, 11, 12, 17, 20, 21, 25, 26, 28, 30, 33, 34, 38, 62, 106, 251, 10, 211, 040, 07, 18, 24, 29, 68, 78, 79, 99, 41, 42, 43, 44, 45, 51, 100, 101, 102 and 511 and excludes the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.

¹⁶ Unless otherwise indicated, for the purposes of TABLE I and this Report, Revenue Contract Actions include the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.

¹⁷ 9 RCNY § 1-01(e).

¹⁸ NYC Charter § 328(a).

¹⁹ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to in FMS as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

²⁰ NYC Admin. Code § 6-116.2(f).

Expansion of Report's Minimum Requirements - Continued Commitment to Transparency in Action

While the Administrative Code establishes minimum requirements for data inclusion in this Report, BCA continues to offer a more robust and transparent picture of the projected financial commitments assumed by the City during FY17 based on the combined registered Contract Action values. Examples of this additional information include, but are not limited to:

- Comprehensive list of all contracts registered in FY17, regardless of dollar value;
- Comprehensive statistical summary of FY17 registered modifications;
- Comprehensive statistical summary of FY17 agency purchase order registrations;
- Comprehensive statistical summary of FY17 contracts registered retroactively;
- Comprehensive statistical summary of FY17 contract registrations based on industry classifications;
- Comprehensive statistical summary and breakdown of FY17 task orders registered through agency master agreements;
- Comprehensive statistical summary of FY17 lease and license registrations;
- Comprehensive statistical summary of DOE FY17 registrations; and
- Comprehensive statistical summary of FY17 emergency procurement approvals.

Exclusions

Although this Report provides significant detail regarding Citywide Contract Actions registered in FY17, there are some areas where data is excluded either because it is not possible to be reported in the context of this Report or the data is already featured in an alternative report published by the Comptroller's Office, such as the *Comprehensive Annual Financial Report*, which details the City's fiscal year financial obligations. For example, and unless otherwise indicated, the registered Contract Actions listed in this Report do *not* include:

- Increases and decreases in contract value following registration (which are represented in *Section 3* of this Report);
- Information relating to subcontractor registrations;²¹
- Information on actual FY17 expenditures, payments or annual agency budget figures;
- Intra-city agency purchasing agreements; and
- Contracts entered into by New York City Economic Development Corporation ("NYCEDC"), NYC & Co., Brooklyn Navy Yard Development Corporation ("BNYDC"), Governor's Island and other similar entities affiliated with the City's mayoral agencies through master contracts.²²

Registration and Reporting - Who Registered City Contracts in FY17

The City's mayoral agencies, City-affiliated agencies, elected officials and the City Council had Contract Actions registered in FY17, with the City's mayoral agencies accumulating the greatest volume of these registrations. Non-mayoral agencies, such as the Department of Education ("DOE"), can also be credited with a significant volume of Contract Action registrations, both in terms of quantity and dollar value. Although the Offices of the Borough Presidents, District Attorneys, Community Boards, City Council and other elected officials are

²¹ Unlike prime contracts, individual subcontracts entered into by prime contractors pursuant to existing contracts are not registered by BCA. Prime vendors are required to receive prior approval from the contracting City agency for every subcontractor it intends to utilize during the contract term. "Subcontractor Approval Forms" are completed, signed and submitted to the contracting City agency for review and approval. Additionally, prime contractors are required to "self-report" subcontractor information by entering certain data into the Payee Information Portal ("PIP"). However, a significant number of prime contractors either do not enter this data into PIP at all or do not do so on a real-time basis. As a result, subcontractor data is not included in this Report since the available information does not allow for accurate reporting or analysis. Note that a report issued on November 16, 2017 by the Comptroller's Office through its Diversity Office within the Bureau of Policy and Research (*Making the Grade: New York City Agency Report Card on Minority/Women-Owned Business Enterprises*) found that although there has been an increase in the subcontracting data being uploaded from City agencies to PIP, most agencies are not enforcing the requirement that that prime contractors input subcontractor data into PIP.

²² For instance, this Report does include the FY17 Master and Maritime Contracts New York City Department of Small Business Services ("SBS") entered into and registered with NYCEDC, but not the contracts between NYCEDC and the contracted entity for individual projects.

represented in this Report, the overall volume of their registered Contract Actions is relatively small when compared to the substantial and often diverse procurement portfolio of the mayoral and City-affiliated agencies.

It is important to keep in mind that, for some agencies, NYS law preempts the application of the City's procurement rules. For example, NYC Health + Hospitals or "H+H" (formerly New York City Health and Hospitals Corporation or "HHC"), the New York City Housing Authority ("NYCHA"), the City University of New York ("CUNY"), the Board of Elections ("BOE"), NYCEDC, DOE, the School Construction Authority ("SCA"), and the Water Board/Authority are either not subject to, or are only partially subject to, the City's procurement rules.²³ These entities, however, may be required to adhere to the contract registration requirements as set forth in Sections 328 and 375 of the Charter by operation of law.

FY17 Annual Summary Contracts Report - Use of "Contract Groups" to Present Data

As previously mentioned, the data presented through this Report is derived from FMS, a database jointly administered by the Mayor and the Comptroller and maintained by FISA, as required by Section 6-116.2(a) of the Administrative Code.²⁴ FMS is the primary tool that the City uses to track contracts and the finances associated with those agreements.

Although registered Contract Actions are catalogued in FMS through several identifiers, such as AM Codes,²⁵ CT Codes,²⁶ and Contract Category Codes ("CC Codes"),²⁷ the data published in *Part II* of this Report, as well as other relevant sections, is primarily analyzed and presented by AM Codes for both clarity and ease of comparison. Based on the current list of over 70 AM Codes that are used by City agencies to input registration data into FMS, BCA developed six general "Contract Groups." These Groups include:

1. Registered Contracts Procured by Competitive Award Methods;
2. Registered Contracts Procured by Limited or Non-Competitive Award Methods;
3. Registered Contracts Procured by "Other" Award Methods;
4. Registered Contracts Exempt under Section 1-02(f) of the PPB Rules;
5. Registered Contract Management Actions; and
6. Registered Revenue Contract Actions.

With the exception of registered Revenue Contract Actions and unless otherwise indicated, all statistical information presented herein is based on this categorization. CHART I (beginning on the following page) lists these six Contract Groups as well as the AM Codes and CT Codes that each is comprised of.

Because the City's mayoral agencies are responsible for the majority of FY17 contract registrations, the Contract Groups are generally based on the PPB Rules. Although non-mayoral agencies are not bound by the PPB Rules, the procurement types they utilize to acquire goods and services are often very similar to those that apply to mayoral agencies. For example, the "competitive sealed bidding" ("CSB") procurement method is used by both DDC (mayoral agency) and DOE (non-mayoral agency) under similar circumstances. However, DDC must comply with the applicable PPB Rules when awarding a contract solicited by CSB whereas DOE is required to comply with its own *Procurement Policy and Procedures* ("PPP") when using a bid to obtain the same goods or services. The same is true for non-mayoral agencies such as H+H, CUNY and NYCHA.

As a result, all FY17 CSB contract registrations, regardless of whether the awarding agency was mayoral or non-mayoral, are captured using the individual AM Codes set forth under "Competitive Sealed Bid Contracts"

²³ See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).

²⁴ NYC Admin. Code § 6-116.2(a).

²⁵ AM Codes refer to the type of procurement used to select the contractor or vendor. There are currently over 70 AM Codes to select from when entering registration-related data into FMS. See *Appendix 16* for a complete list.

²⁶ CT Codes refer to the purpose or nature of the contract. There are over 30 CT Codes to select from when entering registration-related data into FMS. See *Appendix 17* for a complete list.

²⁷ CC Codes refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 CC Codes to select from when entering registration-related data into FMS. See *Appendix 18* for a complete list.

in CHART I of this Report. The same logic and approach applies to the four other Contract Groups listed under Procurement Contract Actions. However, the sixth Contract Group listed under Revenue Contract Actions is presented using CT Codes and CC Codes.²⁸

CHART I: CONTRACT GROUPS²⁹

PROCUREMENT CONTRACT ACTIONS (CONTRACT GROUP NOS. 1 – 2)*	
Group 1: Registered Procurement Contract Actions Awarded by Competitive Methods	
Award Method	Award Method Code(s)
Competitive Sealed Bid Contracts (includes PQVL)	01, 03, 35, 37
Competitive Sealed Proposal Contracts (includes PQVL)	02, 22, 36, 39
Small Purchase Contracts (includes PQVL)	31, 32, 60, 109, 111, 112, 113
Accelerated Procurement Contracts	27
Group 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Award Methods	
Award Method	Award Method Code(s)
Sole Source Contracts	05, 34
Emergency Procurement Contracts	06, 33
Discretionary (Line Item) Contracts	12, 38
Negotiated Acquisition Contracts	21
Innovative Procurement Contracts	20
Demonstration Project Contracts	23
Micropurchase Contracts	30
Government-to-Government Contracts	17, 103
Buy-Against Procurement Contracts	28, 106
Intergovernmental Procurement Contracts	25, 62, 251
Determined by Government Mandate Contracts	26
Determined by Legal Mandate Contracts	11

*For the purposes of Chart I and this Report, Contract Group Nos. 1, 2, 3, 4 and 5 exclude Revenue Contract Actions or “RCTIs” from the individual AM Codes.

²⁸ Due to the large volume of registered FY17 DOE Contract Actions, *Appendix 19* provides a side-by-side comparison of DOE award or contract types with PPB counterparts.

²⁹ See *Appendix 16* for corresponding FMS AM Codes.

PROCUREMENT CONTRACT ACTIONS (CONTRACT GROUP NOS. 3 – 5)	
Group 3: Registered Procurement Contract Actions Awarded by “Other” Award Methods	
Award Method	Award Method Code(s)
Leases/Lessee Negotiation Agreements	07
Watershed Agreements	79, 107
Assignments	29
Force Account Negotiation Contracts	68
DOE Listing Application Contracts	40
Non-Procurement Contracts	18
Contract Conversions	24
Real Estate Sales & Purchase Agreements	78
Loan Negotiations	8
Bonds	99**
Miscellaneous	99***
Group 4: Registered Procurement Contract Actions Exempt under § 1-02(f) of the PPB Rules	
Award Method	Award Method Code(s)
Grant Agreements (includes Grant Renewals)	51, 102, 511
Cable Service Negotiation Contracts	41
Professional Membership Negotiation Contracts	42, 101
Public Utility Contracts	44, 45
Subscription Contracts	43, 100
Group 5: Registered Procurement Contract Management Actions	
Award Method	Award Method Code(s)
Renewals (excludes Grant Renewals)	10, 61
Negotiated Acquisition Extensions	211

**Includes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letters of Credit).

***Excludes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letters of Credit).

REVENUE CONTRACT ACTIONS (CONTRACT GROUP NO. 6) ³⁰	
Group 6: Registered Revenue Contract Actions by Contract Type	
Contract Type	Contract Type Code(s)
Franchise Agreements	15
Concession Agreements	20
Revocable Consent Agreements	17
Corpus Funded Agreements	25
Other	10, 24, 30, 72, 99
Other Expenses Contract or Revenue Related	29
Requirement Services	47

³⁰ Since the award methods used to enter into Revenue Contract Actions may overlap with the awards methods listed in Contract Group Nos. 1–5, the transactions in Contract Group No. 6 are identified by Contract Type in order to distinguish between them from Procurement Contract Actions.

Part II

Section 2: Registrations by “Contract Group”

This section of the Report provides a range of statistical data, analysis and information pertaining to FY17 registrations.

As stated in *Section 1*, data in this Report is presented categorically and is generally based on the type of selection method utilized by the agency to undertake the contract transaction. As previously indicated, the broad term “Contract Actions” consists of two categories: Procurement Contract Actions (consisting of five Contract Groups) and Revenue Contract Actions (consisting of a single Contract Group). All six of the Contract Groups delineated in this section contain several individual FMS-based AM Codes or CT Codes which correspond to the numerical codes listed in CHART I.

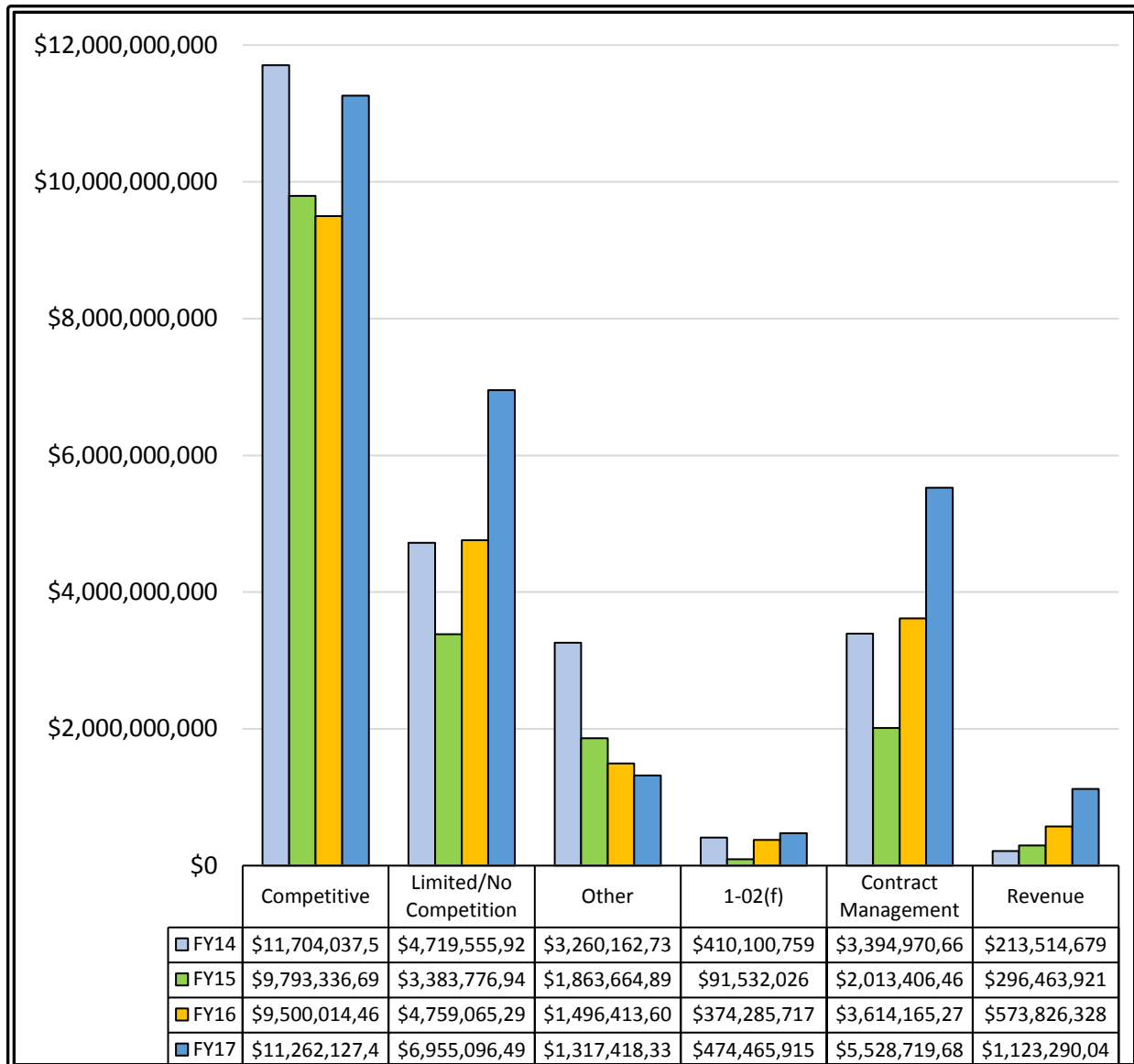
TABLE II and GRAPH 2 provide historical comparisons of the total number of registered Contract Actions and total registered Contract Action value in each of the six Contract Groups between FY14 and FY17. TABLE II also presents the total number of registered actions within each Contract Group as a percentage of all Contract Actions registered within the respective fiscal year. Supporting data for each of the Contract Groups listed in the table below is located in *Appendices 1-6*.

TABLE II: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS BY CONTRACT GROUP

Contract Groups	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		% Change of Total No. Registered From FY16 - FY17	
	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group		
Procurement	Competitive	5,589	43.6%	6,221	47.1%	6,598	45.9%	6,919	50.4%	4.9%
	Limited/Non-Competitive	4,714	36.8%	3,685	27.9%	4,375	30.4%	3,802	27.7%	(13.1%)
	Other	428	3.3%	403	3.1%	404	2.8%	556	4.1%	37.6%
	1-02(f)	348	2.7%	387	2.9%	513	3.6%	530	3.9%	3.3%
	Contract Management	1,018	7.9%	1,439	10.9%	1,488	10.4%	1,356	9.9%	(8.9%)
SUBTOTAL	12,097	94.3%	12,135	91.9%	13,378	93.1%	13,163	95.98%	(1.6%)	
Revenue	727	5.7%	1,068	8.1%	997	6.9%	552	4%	(44.6%)	
TOTAL	12,824	100%	13,203	100%	14,375	100%	13,715	100%	(4.6%)	

As illustrated by TABLE II, the total number of registered Contract Actions across the six Contract Groups decreased by 660 from FY16 to FY17 (or 4.6% overall). The Contract Groups associated with the Procurement Contract Action category saw increases between 3.3% and 37.6%, with the exception of Limited/Non-Competitive and Contract Management Actions, which saw decreases of 13.1% and 8.9% respectively. Conversely, a 44.6% decrease in registered Revenue Contract Actions occurred from FY16 to FY17.

GRAPH II: HISTORICAL COMPARISON OF REGISTERED CONTRACT ACTIONS BY CATEGORY AND REGISTRATION VALUE



In addition to the data presented in TABLE II and GRAPH 2, TABLE III lists the “Top Ten Registered Procurement Contract Actions by Value in FY17,” TABLE IV provides a “Historical Comparison of the Top Ten Agencies by Total Registered Contract Action Value” and TABLES V and VI list the “Top Five Agencies” by Total Registered Procurement Contract Action Value and Revenue Contract Action Value in FY17, respectively.

While the total registration value of Revenue Contract Actions has risen steadily from FY14 to FY17, the total number of registered Revenue Contract Actions has not, falling from 727 in FY14 to 1,068 in FY15, followed by a drop to 997 in FY16 and a more substantial decline to 552 in FY17. By contrast, while there has been a steady decrease in the registration value of “Other” registrations (Contract Group No. 3), the total number of “Other” registrations peaked in FY17 at 556, a 37.6% jump from FY16.

TABLE III: TOP TEN REGISTERED PROCUREMENT CONTRACT ACTIONS BY VALUE

Rank	Agency	Contract Information				Registration Value
		FMS Contract No.	Vendor Name	Contract Description	Award Method	
1	DSNY	20171418031	Waste Management of New York LLC	Export Municipal Solid Waste from Brooklyn	RFP	\$2,750,000,000
2	SBS	20176201171	NYCEDC	NYCEDC Master - Citywide Economic Development Services	Sole Source	\$2,084,797,000
3	DOE	20179750422	NYC School Support Services, Inc.	Custodial Staffing Services	DOE Negotiated Services	\$1,811,093,418
4	DOHMH	20171408957	Public Health Solutions	HIV/AIDS Master Contractors	Contract Renewal	\$565,000,000
5	SBS	20176201172	NYCEDC	NYCEDC Maritime, Aviation, Rail Freight, Market and Intermodal	Sole Source	\$522,937,000
6	DOITT	20176200451	Motorola Solutions, Inc.	Radio Products and Services Requirements for City Agencies	Contract Renewal	\$435,886,171
7	DOT	20171416536	Eastern Shipbuilding Group, Inc.	Design & Construction of 3 New Ferry Boats (Ollis Class)	CSB	\$250,886,390
8	DSNY	20161427993	Tully Construction Co., Inc.	Final Cover and Closure Construction, Fresh Kills Landfill	CSB	\$243,617,937
9	DOE	20179771227	Lenovo, Inc.	Desktop, Notebook and Mobile computers	Intergov.	\$183,522,325
10	SBS	20171404655	Governors Island Corporation	Economic Development Services for Governors Island	Sole Source	\$118,235,652

DSNY’s \$2.75 billion contract with Waste Management of New York, LLC accounted for 86% of the agency’s total registration value in FY17, whereas DOE’s \$1.8 billion contract with NYC School Support Services, Inc., accounted for approximately 56% of the agency’s total registration value for the same period.

As in the prior three fiscal years, SBS’ two annual master agreements with NYCEDC for citywide economic development services and maritime, aviation, rail freight, market and intermodal services made the “Top Ten” list in FY17. Additionally, when combined, the total registration value of these contracts accounted for over 87% of the agency’s total registration value in FY17.

TABLE IV: HISTORICAL COMPARISON OF TOP TEN AGENCIES BY TOTAL REGISTERED CONTRACT ACTION VALUE

Rank	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Agency	Total Registered Value	Agency	Total Registered Value	Agency	Total Registered Value	Agency	Total Registered Value
1	DSNY	\$4,481,746,134	DOE	\$2,532,763,255	ACS	\$2,630,678,142	DOE	\$3,252,259,969
2	DOE	\$3,955,309,967	DDC	\$2,101,192,606	SBS	\$2,624,663,703	DDC	\$3,226,906,130
3	HRA (DSS)	\$2,332,971,738	SBS	\$2,006,842,902	DOE	\$2,295,076,377	DSNY	\$3,180,450,183
4	SBS	\$1,969,862,576	DEP	\$1,533,295,188	DDC	\$1,604,778,145	SBS	\$2,991,435,103
5	DCAS (DMSS)	\$1,806,066,175	DCAS (DMSS)	\$1,206,667,493	DEP	\$1,294,553,229	ACS	\$2,500,812,453
6	DEP	\$1,352,263,727	HRA (DSS)	\$1,180,743,726	DCAS (DMSS)	\$1,059,838,332	DOT	\$1,695,325,812
7	DDC	\$1,128,678,670	DSNY	\$1,094,211,105	DYCD	\$851,059,342	DOITT	\$1,376,987,699
8	ACS	\$1,072,787,497	ACS	\$1,004,458,027	DHS	\$834,632,513	HRA (DSS)	\$1,032,908,495
9	DOHMH	\$862,516,143	DOT	\$899,654,700	DCAS	\$783,009,864	DCAS (DMSS)	\$1,027,848,615
10	DOITT	\$842,299,370	DYCD	\$551,241,422	HRA	\$731,074,843	DCAS	\$997,700,153
TOTAL		\$19,804,501,997		\$14,111,070,424		\$14,709,364,490		\$21,282,634,613

In FY17 the “Top Ten” agencies registered over \$21 billion of the City’s \$26.6 billion in contract actions.

TABLE V: TOP FIVE AGENCIES BY TOTAL REGISTERED **PROCUREMENT** CONTRACT ACTION VALUE

Rank	Agency	Total Registered Value
1	DOE	\$3,251,561,593
2	DDC	\$3,226,906,130
3	DSNY	\$3,180,450,183
4	SBS	\$2,991,435,103
5	ACS	\$2,500,812,453
	TOTAL	\$15,151,165,462

TABLE VI: TOP FIVE AGENCIES BY TOTAL REGISTERED **REVENUE** CONTRACT ACTION VALUE

Rank	Agency	Total Registered Value
1	DOT	\$961,523,108
2	COMP	\$123,355,098
3	DPR	\$26,159,265
4	DCA	\$8,988,934
5	DCAS	\$1,388,280
	TOTAL	\$1,121,414,685

A. Total Registered Procurement Contract Actions in FY17

CONTRACT GROUP NO. 1 Registered Procurement Contract Actions Awarded by Competitive Methods

A paramount tenet of an effective procurement system is to achieve the best quality goods and services at either the lowest cost or the best value. As a result, use of competitive award methods such as CSBs and Competitive Sealed Proposals (“CSPs”) are frequently employed by the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council to enter into contracts. Not only are these generally considered the most effective means to procure goods and services for the City, but competitive sealed bidding is the default award method in both the NYS General Municipal Law (“GML”) and PPB Rules for public works contracts. Depending on the type of procurement, CSPs may also be the default method under the PPB Rules.

Agencies may proceed with an alternative method of procurement only when it determines that the use of competitive sealed bidding is not practicable or advantageous to the City under the circumstances.³¹ Each agency contract file must contain documentation of such “Special Case” determination and the basis upon which each contract is awarded.³² For purposes of this Report, registered Procurement Contract Actions awarded via “Competitive Award Methods” include CSBs, CSPs, Accelerated Procurements and Small Purchases.

As demonstrated by TABLE VII below, the number of registered Procurement Contract Actions awarded by competitive methods increased by 321 or 5% in FY17 and the total registered value for these actions also increased by nearly \$1.8 billion or 19%.

The most significant change from FY16 to FY17 was the uptick in the number of registered Small Purchase awards, which jumped from 4,473 to 5,062, a 13.2% change.

TABLE VII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTION REGISTRATIONS AWARDED BY COMPETITIVE METHODS³³

Award Method*	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
CSB **	1,091	\$5,256,236,296	1,052	\$6,090,057,726	918	\$4,486,525,324	958	\$4,562,373,980
CSP **	580	\$6,272,098,724	1,154	\$3,447,987,429	1,116	\$4,809,487,538	814	\$6,348,831,010
Accelerated Procurement	119	\$44,740,361	98	\$121,828,122	91	\$52,086,346	85	\$182,944,952
Small Purchase **	3,799	\$130,962,166	3,917	\$133,463,414	4,473	\$151,915,256	5,062	\$167,977,551
TOTAL	5,589	\$11,704,037,547	6,221	\$9,793,336,691	6,598	\$9,500,014,464	6,919	\$11,262,127,494

*Excludes RCTIs.

**Includes PQVL.

GRAPH III provides a historical comparison of Procurement Contract Action registrations awarded by competitive methods as a percentage of total dollar value and as a percentage of the total number of actions registered within the applicable fiscal year. For instance, in FY17, agencies most frequently used Small

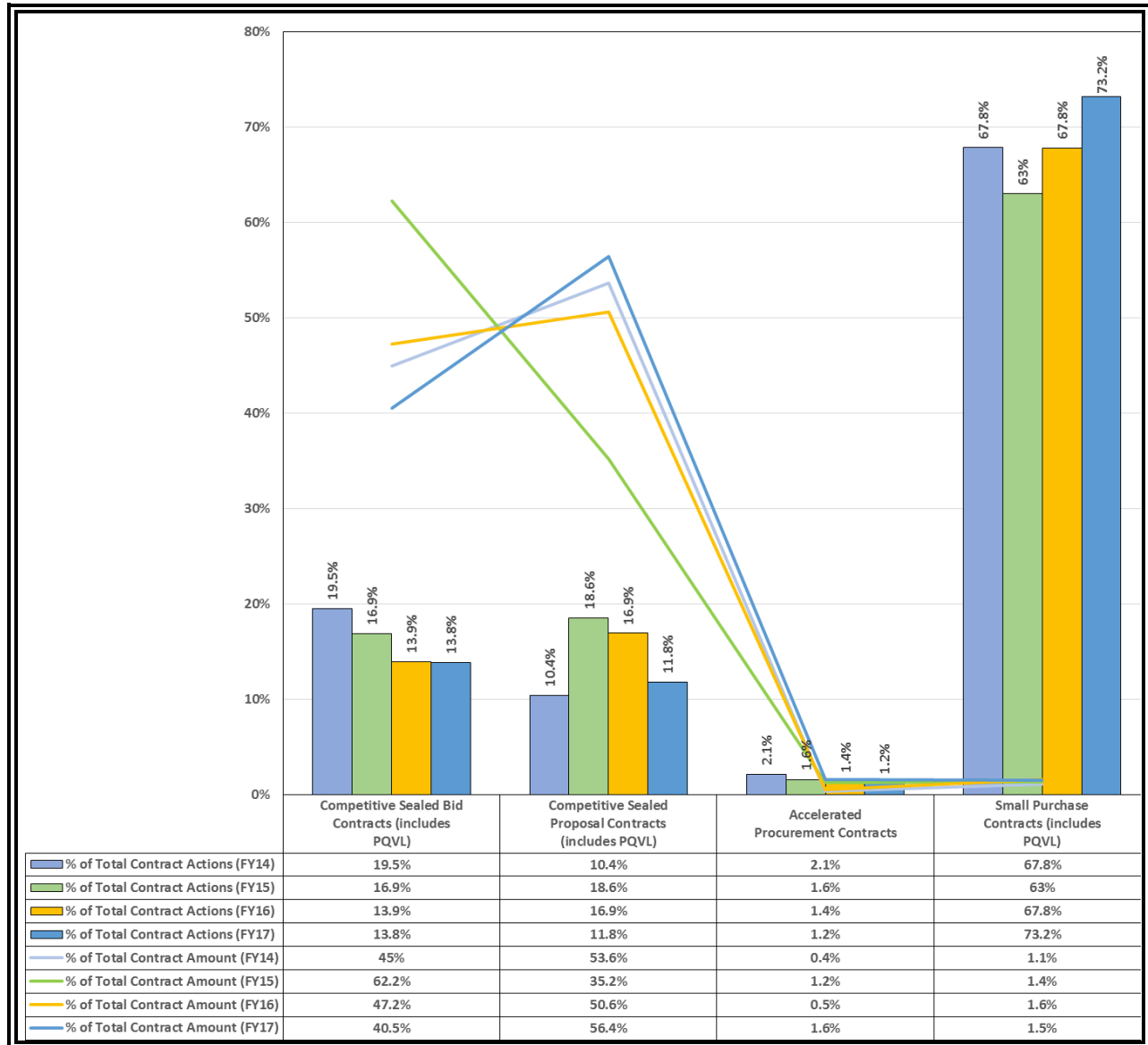
³¹ GML §§ 103, 104.

³² NYC Charter § 317.

³³ See Appendix I for supporting data pertaining to TABLE VII.

Purchases when conducting a competitive procurement as this method accounted for 73% of the total number of Procurement Contract Actions by agencies. However, while it represents the most frequently used competitive procurement method, Small Purchases only represent 1.2% of the total City competitive procurement value by dollars.

GRAPH III: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY PERCENTAGE OF TOTAL ACTIONS AND PERCENTAGE OF TOTAL DOLLAR VALUE



Competitive Sealed Bid Contracts

CSBs or “Bids” refer to a method of procurement where the award of a contract is made to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids (“IFB”).³⁴ Bids are solicited through an IFB, which generally includes a purchase description and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.³⁵ Bids may also be solicited by agencies from vendors who have been prequalified for the provision of goods, services or construction by

³⁴ NYC Charter § 312.

³⁵ Id. at § 313.

mailing notice to each prequalified vendor or, if special circumstances require, to a selected prequalified vendors (“PQVL”) list.³⁶

A determination to employ selective solicitation for a particular procurement or for a particular class of procurements must be made in writing by the agency and approved by the Mayor, unless the Mayor, upon adequate assurances of an agency's capacity to comply with procedural requirements, has determined that such approval is not required for the agency procurement at issue or for a particular class of procurements.³⁷

The largest Bid contract registered in FY17 was between DOT and Eastern Shipbuilding Group, Inc., for the design and construction of three new Ollis class ferry boats, in the amount of \$250,886,390 (CT1 20171416536). The largest PQVL Bid registered in FY17 was between DDC and Delaney Associates LP, for the reconstruction of defective storm, sanitary and combined sewers, in the amount of \$25,000,000 (CT1 20171421771).

Competitive Sealed Proposal Contracts

A CSP is a competitive procurement method that an agency may use if it first determines that a CSB is not practicable or advantageous to the City under the circumstances.³⁸ CSPs are typically used to award contracts for information technology, architecture, engineering, accounting, legal, scientific, research and/or other similar services. Additionally, CSP contracts are typically solicited through a “request for proposals” (“RFP”) with the award being made to the responsive and responsible offer whose proposal was determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria as set forth in the RFP.

When evaluating proposal submissions, the agency is prohibited from using any other factors or criteria not specified in the RFP. Further discussions may be conducted with responsible offerors who submit proposals, provided that offerors are accorded fair treatment with respect to any opportunity for discussion and the revision of the proposals.

Like Bids, CSPs may also be solicited from vendors who have been prequalified for the provision of a good or service by mailing notice to each prequalified vendor or, if special circumstances require, to a selected PQVL list through a similar procedure as described above for CSBs.³⁹

The largest CSP contract registered in FY17 was a \$2,750,000,000 agreement between DSNY and Waste Management of New York, LLC, for the export of municipal solid waste from Brooklyn (CT1 20171418031). The second largest agreement was a \$70,850,381 contract between DCAS and Tangent Energy Solutions, Inc., for the provision of solar electricity in public buildings. (CT1 20175401291).

Accelerated Procurement Contracts

An Accelerated Procurement contract enables DCAS to quickly procure specific City Chief Procurement Officer (“CCPO”) approved commodities (*i.e.*, chemicals, energy, food, etc.) due to PPB-approved markets experiencing significant shortages and/or short-term price fluctuations.⁴⁰

The largest Accelerated Procurement contract registered in FY17 was between DCAS (DMSS) and Global Montello Group, Corp., for the purchase of reformulated gasoline blend stock and ethanol (MA1 20171201292). At the time of registration, this agreement had a total value of \$63,062,747.

³⁶ 9 RCNY § 3-10.

³⁷ Id. at § 318.

³⁸ Id. at § 319.

³⁹ Id. at § 320.

⁴⁰ 9 RCNY § 3-07.

Small Purchase Contracts⁴¹

Small Purchases are those procurements for goods, services, construction and/or construction-related services valued at no more than \$100,000 – the current “Small Purchase Limit.” According to the Charter, the Procurement Policy Board (“PPB”)⁴² and the City Council may, by concurrent action, establish dollar limits for the procurement of goods, services, construction and/or construction-related services that may be made without competition or without public advertisement.⁴³ These awards, however, are still subject to the requirements of the PPB Rules.⁴⁴ Additionally, the PPB Rules lay out a competition objective for the way Small Purchases are awarded, currently known as the “5 + 10” method.⁴⁵ Through the 5 + 10 method, procurements valued above the two “Micropurchase Limits” discussed briefly below and more fully under Contract Group No. 2, Small Purchases are solicited from a list of five randomly selected vendors and at least ten randomly selected certified M/WBE vendors.

In addition to the \$100,000 limit described above, there are also two lesser “Micropurchase” limits embedded within the Small Purchase threshold. These are:

1. Construction procurements valued up to and including \$35,000; and
2. All other procurements valued up to and including \$20,000.⁴⁶

Although a procurement conducted via any other method defined by the PPB Rules may result in a contract value below the Small Purchase Limit, only those contracts awarded via the 5 + 10 method are considered “true” Small Purchases. All 5 + 10 Small Purchases and most other contracts below the Small Purchase Limit but above the two set for Micropurchases, are submitted to the Comptroller for registration. Notwithstanding, agencies also have the ability to self-register certain contracts at lower amounts as “in-house” registrations.⁴⁷

In FY17, 5,062 Small Purchase registrations accounted for approximately \$168 million of agency purchasing activity.⁴⁸

⁴¹ The discussion of Small Purchase contracts in this subsection, including references to the Small Purchase Limit and the procedures established to afford more opportunities for M/WBEs and EBEs to compete for City contracts through the 5+10 method, only apply to the City’s mayoral agencies.

⁴² The PPB is comprised of five members; three members appointed by the Mayor and two members appointed by the Comptroller. The PPB is authorized to promote and put into effect rules governing the procurement of goods, services, and construction by the City under Chapter 13 of the Charter.

⁴³ Id. at § 3-08.

⁴⁴ NYC Charter § 314.

⁴⁵ 9 RCNY § 3-08.

⁴⁶ On December 29, 2017, Governor Andrew M. Cuomo signed legislation raising the threshold for New York City government contracts that requires contractors to go through a competitive bidding process from \$150,000 from \$20,000. If the PPB promulgates a rule change, City agencies may enter into contracts with City MWBEs up to \$150,000 without formal competitive process.

⁴⁷ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

⁴⁸ The figures provided for “Small Purchases” in this Report do not include all individual AM Codes that FMS identifies as “Small Purchases” by name. Rather, certain “Small Purchase” FMS AM Codes are collapsed into the more “general” procurement Award Method. For instance, CSBs in the “Competitive” Contract Group include standard CSBs (AM Code 01), Small Purchase CSBs (AM Code 03), CSBs from a PQVL (AM Code 35) and Small Purchase CSBs from a PQVL (AM Code 37). A similar approach is used for CSPs.

CONTRACT GROUP NO. 2

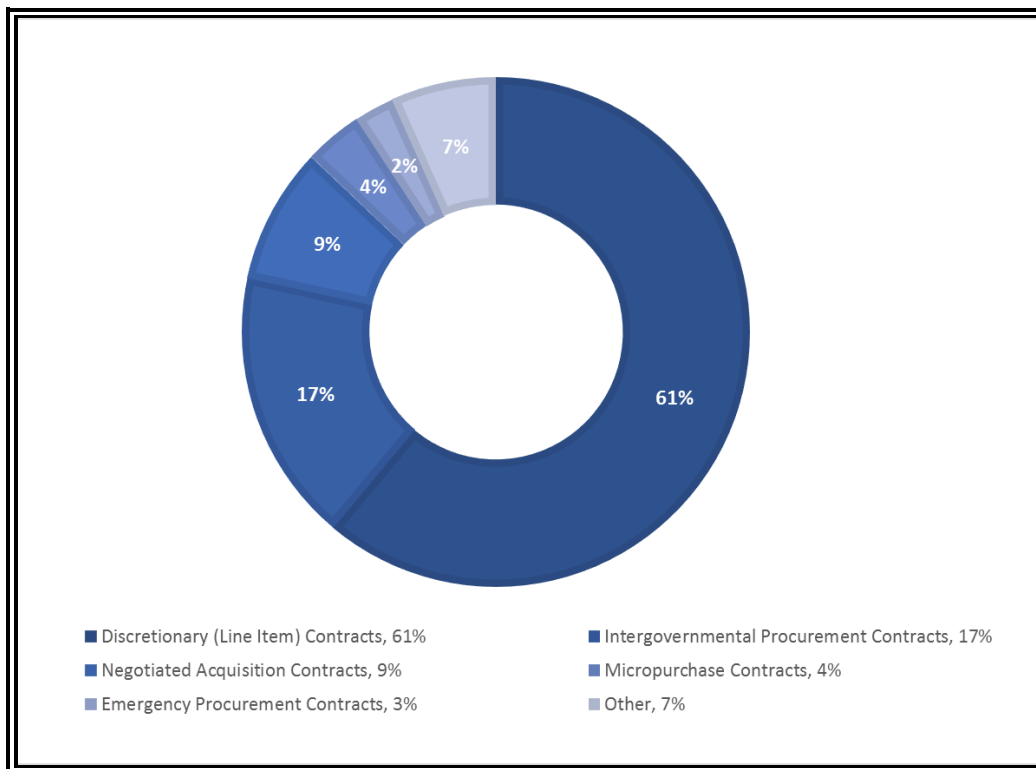
Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods

Registered contracts procured by limited or non-competitive award methods define the second Contract Group listed under Procurement Contract Actions. A historical comparison of these actions from FY14 to FY17 is provided in TABLE VIII and includes, but is not limited to, negotiated acquisitions, buy-against procurements, government-to-government procurements and sole sources. GRAPH IV provides an FY17 specific look at Procurement Contracts Action registrations awarded by limited or non-competitive award methods as a percentage of the total value of registrations within Contract Group No. 2. Use of limited or non-competitive award methods are typically restricted to situations where full competition is neither practicable nor possible due to factors such as:

1. Time-sensitive situations (*i.e.*, the need to preserve continuity of service should an agency terminate a contract with an existing vendor);
2. Limited vendor pool with the requisite operating capacity;
3. Existence of only a single provider of the necessary goods and/or services; or
4. Where the selection process is dictated by the funding source (*i.e.*, federal government grant).⁴⁹

In FY17, 3,802 contracts procured via limited or non-competitive award methods were registered for a total projected value of \$6,955,096,496. Although the total number of registered contracts procured within this category decreased by 573 from FY16 to FY17, the total projected value of such actions increased by more than \$2.1 billion (or 46.1%).

GRAPH IV: REGISTERED FY17 PROCUREMENT CONTRACT ACTIONS BY LIMITED OR NON-COMPETITIVE METHODS AS A PERCENTAGE WITHIN CONTRACT GROUP NO. 2



⁴⁹ Id. at § 1-02(f)(1).

TABLE VIII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE METHODS⁵⁰

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Sole Source	82	\$2,295,857,379	58	\$1,991,004,709	74	\$2,800,477,398	61	\$3,102,167,494
Emergency	208	\$337,131,682	120	\$189,143,190	132	\$155,405,830	97	\$93,195,792
Negotiated Acquisition	351	\$303,127,047	290	\$302,470,335	259	\$290,782,017	329	\$2,425,836,913
Innovative	9	\$3,573,806	4	\$327,003	330	\$330,275,039	18	\$10,113,229
Demonstration Project	11	\$2,310,292	8	\$8,281,538	8	\$14,721,801	26	\$29,507,335
Micropurchase	254	\$3,849,150	164	\$2,632,108	115	\$1,702,400	140	\$2,144,101
Government to Government	70	\$285,473,218	67	\$187,507,057	91	\$336,019,954	53	\$134,823,532
Buy-Against	32	\$224,772,256	18	\$14,684,473	9	\$10,704,392	3	\$22,791,216
Intergov.	1,176	\$818,088,864	956	\$437,816,047	705	\$518,684,116	660	\$837,422,905
Determined by Gov't Mandate	138	\$196,996,950	86	\$107,295,316	102	\$111,315,624	91	\$103,809,162
Determined by Legal Mandate	4	\$14,046,473	0	\$0	2	\$425,944	2	\$1,065,000
Discretionary	2,379	\$234,328,812	1,914	\$142,615,164	2,548	\$188,550,780	2,322	\$192,219,817
TOTAL	4,714	\$4,719,555,929	3,685	\$3,383,776,940	4,375	\$4,759,065,295	3,802	\$6,955,096,496

Sole Source Contracts

A Sole Source contract is awarded for goods, services and/or construction without competition after a determination has been made that there is only one source for the required goods, services and/or construction.⁵¹ Additionally, Sole Source contracts are entered into with vendors that own proprietary software since they are the only source for the procurement of that software. Whenever an agency makes the determination that there is only a single source for the needed goods, services or construction, such determination must be published in *The City Record*.⁵² To ensure that only one source exists, this determination or “notice” must solicit applications from any vendors qualified to provide such goods, services or construction, or interested in providing such goods, services or construction in the future.⁵³

In FY17, 61 Sole Source contracts were registered across 22 agencies for a total registered value of \$3,102,167,494. Of those 22 agencies, the largest cumulative value of registered agreements belong to SBS at \$2,938,257,655 (across six contracts), while DOHMH entered into the most Sole Source contracts, at 10, for a total cumulative registered value of \$7,157,449. The largest Sole Source agreement registered in FY17 was

⁵⁰ See Appendix 2 for supporting data pertaining to TABLE VIII.

⁵¹ 9 RCNY § 3-05

⁵² *The City Record* is the official paper of the City of New York. It is published each weekday except legal holidays. The print edition of *The City Record* is the official publication for the following notices: public hearings, meetings, court notices, property dispositions, procurements (solicitations and awards), agency public hearings, agency rules, and special materials which include changes in personnel. This electronic version of *The City Record* is offered solely for the convenience of readers. See NYC Charter § 1066 and <https://a856-cityrecord.nyc.gov/> (last accessed January 22, 2018).

⁵³ NYC Charter § 321.

SBS' Master Economic Development Agreement with NYCEDC at \$2,084,797,000 (MMA1 20176201171), and the second largest was SBS' Master Maritime Agreement with NYCEDC at \$522,937,000 (MMA1 20176201172).

Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an emergency procurement (referred to in the PPB Rules as "Emergency Purchases") may be made with the prior approval of the Comptroller and Corporation Counsel. All procurements entered into pursuant this award method must be made with as much competition as is practical under the circumstances, consistent with applicable provisions of the Charter.⁵⁴ In addition, the procuring agency must include a written determination of the basis for the emergency and the selection of the contractor in the agency contract file while the summary of such determination must be included in the notice of contract award published in *The City Record* within 15 calendar days of registration.⁵⁵

In FY17, 97 Emergency Procurement contracts were registered. At 41, HPD had the largest number of registered Emergency Procurements, followed by DSNY, at 22. DEP, on the other hand, registered the highest FY17 aggregate dollar value in Emergency Procurements, at \$29,791,425. Finally, DOT entered into the largest individual registered FY17 contract under this award method, at \$14,847,872, with Mugrose Construction, Inc., for services relating to the reconstruction of the Bridge at Metropolitan Avenue and Fresh Pond Road Bridge over the Long Island Railroad in Queens (CT1 20161427766).⁵⁶

Additional information and statistics regarding the number of Emergency Procurement approvals granted by the Comptroller's Office in FY17 is provided in *Section 3* of this Report.

Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO approval, to negotiate contracts directly with vendors in specific circumstances when it is neither practicable nor advantageous to the City to make the procurements through CSBs or CSPs.^{57 58}

In FY17, the largest registered contract procured via the Negotiated Acquisition method - a \$1,811,093,418 contract with NYC School Support Services, Inc., for custodial staffing services - was entered into by DOE (CT1 20179750422). The second largest registered Negotiated Acquisition contract was a \$28,310,311 DOITT agreement with Airbus DS Communications, Inc., for the provision of support services to the City for the Vesta/911 call taking software/hardware and CCMIS/911 call management/monitoring system (CT1 20180000001).⁵⁹ DOE also had the most registered Negotiated Acquisition contracts in FY17, at 145, and the highest registered aggregate contract value at \$1,872,182,695.

Innovative Procurement Contracts

An Innovative Procurement is a prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently authorized by the PPB Rules.⁶⁰

In FY17, DOE entered into the largest registered Innovative Procurement contract, at \$1,883,304, with the New Covenant Christian Church, Inc. for the provision of Universal Pre-kindergarten Services (CT1 20179752441).

⁵⁴ Id. at § 315.

⁵⁵ 9 RCNY § 3-06(f)(2).

⁵⁶ This submission bears a 2016 contract number because it was submitted in FY16 (6/08/2016), but registered in FY17 (7/5/2016).

⁵⁷ 9 RCNY § 3-06.

⁵⁸ Id. at § 1-01(e).

⁵⁹ This contract bears a 2018 contract number because it was submitted and registered at the end of FY17 during the pre-processing period.

⁶⁰ Id. at § 3-12(a).

Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City.⁶¹ Procurements authorized through this method permit an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of 26 Demonstration Project contracts with a projected value of \$29,507,335 were registered in FY17. DOC awarded the largest registered Demonstration Project contract, at \$11,537,833, with Friends of Island Academy, Inc., for the development of an adolescent and young re-entry network (CT1 20171401486).

Micropurchase Contracts

Micropurchases are considered a subset of the “Small Purchase” award method and consist of the purchase of goods and/or services in an amount not to exceed \$20,000 and construction procurements not to exceed \$35,000 (“Micropurchase Limits”).⁶² As long as the value of the procurement does not exceed the applicable Micropurchase Limit, no formal competition is required. However, agencies must still ensure that Micropurchase awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.⁶³

Micropurchases accounted for \$2,144,101 in total FY17 agency Contract Action purchasing activity. DYCD had the largest volume of registered Micropurchase contracts, at 58, and the largest total value of registered Micropurchases, at \$1,010,674.

Government-to-Government Contracts

Awards through Government-to-Government contracts occur when an agency determines that it is in the City’s best interest to procure goods, services, construction, or construction-related services from another governmental entity rather than from vendors on the open market.⁶⁴ The accepted price, terms and conditions for these procurements are achieved through negotiation between the City agency and the other governmental entity. All final negotiated prices must be fair and reasonable for the agency to proceed with the contract.

In FY17, there were 53 Government-to-Government contracts registered totaling \$134,823,532. One example of a Government-to-Government contract registered in FY17 is DEP’s \$24,000,000 agreement with Delaware County for the coordination and performance of road repair and maintenance work on City-owned roads surrounding its reservoirs (CT1 20161429896).⁶⁵

Buy-Against Procurement Contracts

Buy-Against Procurements are used by City agencies to obtain goods and services after the contracted vendor defaults by failing to satisfactorily meet its contract responsibilities.⁶⁶

Three Buy-Against agreements with a projected contract value of nearly \$22,791,216 were registered in FY17. DCAS was responsible for entering into the largest registered Buy-Against contract, at \$22,630,963, with Tilcon New York, Inc., for the delivery of hot asphalt paving mix into city trucks (MA1 20171203721).

⁶¹ 9 RCNY § 3-11(a).

⁶² Id. at § 3-08(c)(2).

⁶³ Id. at § 3-08(c)(1)(ii).

⁶⁴ Id. at § 3-13(a).

⁶⁵ Although this contract was submitted and registered in FY17, it was assigned a 2016 contract number because it was processed during the “Month 13 Adjustment Period.”

⁶⁶ Id. at § 1-01(e).

Intergovernmental Procurement Contracts

The Intergovernmental Procurement award method is used whenever an agency procures, orders or awards a contract for goods, services, construction or construction-related services through a contract let by another government entity.⁶⁷

The two most common government entities that City agencies purchase through are the United States General Services Administration (“GSA”)⁶⁸ and the New York State Office of General Services (“OGS”).⁶⁹ An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. Additionally, in order to purchase services or construction through this award method, the agency must also certify that the contract price is fair and reasonable.

New York State Finance Law provides OGS with expansive authority, permitting the City to purchase through State contracts.⁷⁰ Cooperative purchasing, a procurement conducted by one government entity on behalf of other government entities, is also permissible so long as the agency first determines that use of such award method is in the City’s best interest.

During FY17, 660 Intergovernmental Procurement contracts were registered. The agency with the highest number of registered Intergovernmental Procurement contracts was DCAS (DMSS), which entered into 81 agreements for a total projected value of \$113,032,020. DOE had the highest aggregate value of registered Intergovernmental Procurement contracts, at \$298,714,166 (across 11 agreements), and entered into the largest Intergovernmental Procurement contract, at \$183,522,325, with Lenovo, Inc., for the procurement of desktop, notebook and mobile computers (MA1 20179771227).

Determined by Government Mandate Contracts⁷¹

Required Method

A Required Method is used by a City agency whenever an outside funding source, statute, rule, court order, consent decree, or other applicable law, specifies the selection method that must be used to award the contract. While selection of the procurement method itself is not governed by the PPB Rules, the contracting agency must comply with all other applicable requirements of the Rules.⁷² For example, Section 162 of the New York State Finance Law confers preferred source status on certain vendors for a pre-determined set of goods and services.⁷³ As a result, when an agency requires goods or services covered by this law, it must use the source selection method that the law specifies.

Required/Authorized Source

A Required/Authorized Source is used whenever an outside funding source, statute, rule, court order, consent decree or other applicable law, specifies the vendor that a City agency must use to obtain the goods or services. With the exception of source selection, a contracting agency must comply with all other applicable requirements of the PPB Rules. For example, if an agency applies for funding from the United States Department of Agriculture, and the federal agency names the specific vendor that the applicant/recipient must use in order to receive the funding, the City agency must contract with that named vendor directly.

For reporting purposes, the number and value of registered contracts awarded by Required Method and Required/Authorized Source are combined as they share the same AM Code in FMS (AM Code 26). In FY17, 91 Determined by Government Mandate contracts were registered across 18 agencies for a total value of

⁶⁷ NYC Charter § 316.

⁶⁸ See 40 U.S.C. § 502(c)(1) regarding GSA’s authority to allow other government entities to use its contracts, limited to Federal Supply Schedules 70 and 84.

⁶⁹ See GML §§ 103(1-b), 104, 104-a, and 104-b. The City has broad authority to use the contracts let by other governments.

⁷⁰ SFL § 163(10)(e).

⁷¹ In addition to the contracts registered using AM Code 26, two additional contracts that qualify as Required/Authorized Source were registered using AM Code 11 (Determined by Legal Mandate). These include CT1 20171402506 (DEP) and MA1 20179774391 (DOE).

⁷² 9 RCNY § 1-02(d).

⁷³ SFL § 162.

\$103,809,162. The agency with both the highest number and greatest value of these contracts was DHS, with 21 registered agreements, totaling \$21,330,423.

Discretionary (Line Item) Contracts

Discretionary Contracts are agreements between City agencies and not-for-profit organizations or other public service vendors identified by elected City officials other than the Mayor and the Comptroller.⁷⁴ Although these agreements are funded by the respective elected officials’ available discretionary funding, they are administered by City agencies.

In FY17, 2,322 Discretionary Contracts were registered across 16 agencies for a total value of \$192,219,817. The agency that processed the most Discretionary Contracts was DYCD, at 1,160, for a total registered value of \$53,842,897. DYCD’s registered Discretionary Contracts also represent the largest cumulative value of this type of procurement in FY17. The single largest registered Discretionary Contract, on the other hand, was held by DOE, at \$6,317,447, and was with the American Museum of Natural History for the provision of a science education program for middle schools (CT1 20179754731).

CONTRACT GROUP NO. 3 Registered Procurement Contract Actions Awarded by “Other” Methods

The “Other” Registrations Contract Group includes transactions that cannot be easily classified using one of the aforementioned general Award Methods. For purposes of this Report, these include the nine individual Award Methods listed in TABLE IX. A total of 556 registrations by “Other” Award Methods were processed in FY17 for a combined projected value of \$1,317,418,331.

TABLE IX: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY “OTHER” METHODS⁷⁵

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Leases/Lessee Negot. Agreements	165	\$1,023,343,806	96	\$1,271,086,165	107	\$962,597,739	58	\$695,692,801
Watershed Agreements	46	\$11,022,640	53	\$12,354,726	43	\$13,698,058	38	\$9,643,503
Assignments*	113	\$2,072,517,718	139	\$450,004,939	86	\$195,312,075	197	\$439,892,403
Force Account Negotiations	19	\$9,871,312	22	\$5,389,091	27	\$10,248,260	46	\$26,135,330
DOE Listing Applications	24	\$28,126,223	42	\$86,466,914	50	\$243,301,219	51	\$77,262,545
Non-Procurements	1	\$39,483	0	\$0	1	\$1,000,000	105	\$33,788,419
Real Estate Sales & Purchases	3	\$65,424,096	2	\$45,513	5	\$7,987,300	3	\$613,680
Bonds**	16	\$33,825,000	12	\$18,880,000	22	\$37,441,800	8	\$18,031,000
Miscellaneous	39	\$15,508,394	37	\$19,437,544	63	\$24,827,151	50	\$16,358,650
TOTAL	428	\$3,260,162,730	403	\$1,863,664,893	404	\$1,496,413,601	556	\$1,317,418,331

*Excludes RCTIs

** Includes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letter of Credit).

⁷⁴ Id. at § 1-02(e).

⁷⁵ See Appendix 3 for supporting data pertaining to TABLE IX.

Leases/Lessee Negotiation Agreements

Leases are agreements entered into between the City and a landlord for an agency's use of real property for purposes such as office or program space. In certain situations, the agreement for the use of real property by the City may take the form of an "occupancy permit," "license" or a "license with option to lease." The acquisition and use of real property through a lease is not subject to the competitive bidding requirements of the PPB Rules or Section 103 of the GML. However, they are all still subject to the requirement of registration prior to implementation. As required by the Charter, most leases for real property are negotiated and entered into by DCAS, generally on behalf of other City agencies, community boards and borough president's offices.⁷⁶

In FY17, 58 Lease/License agreements were registered for a total value of \$695,692,801. See *Section 3* of this Report for a more detailed discussion of this area.

Watershed Agreements

The City's Watershed consists of three waterway systems (the Catskills, Delaware and Croton) that collectively provide the largest unfiltered water supply in the United States. The City's master Watershed Agreement, signed in January 1997, grants DEP, in collaboration with other NYS and federal agencies, the authority to manage the City's watershed properties and the responsibility to operate the City's water assets through service contracts.

During FY17, a total of 38 DEP Watershed Agreements were registered for an aggregate value of \$9,643,503.

Assignments

A contract Assignment is generally used to transfer an active registered agreement, or portion thereof, from the original contractor to a new contractor for completion of the original services and deliverables. The terms and conditions of the original agreement, as assigned, do not change. In limited circumstances, a contract Assignment may also be from one City agency to another, with the vendor remaining the same.

During FY17, 197 contract Assignments were registered for a total assigned value of \$439,892,403.

Force Account Negotiation Agreements

Force Account Negotiation agreements are entered into with various railroad agencies, such as Amtrak, NYCTA, and LIRR, when rehabilitation and reconstruction work is to be performed on City-owned property, including bridges and streets, which are above or adjacent to train traffic. These railroad agencies provide a single point of contact for all railroad issues and the required coordination includes the use of railroad personnel for track safety, approval of reconstruction design drawings, track shutdowns, and reductions in train service in order to complete the construction work.

In FY17, a total of 46 Force Account Negotiation agreements were registered across DOT and DDC for a total aggregate value of \$26,135,330.

DOE Listing Application Contracts

As the name suggests, the "DOE Listing Application" award method is unique to DOE. It permits DOE to create a listing application for the purchase of content provided directly to students, materials that are available only from a certain publisher, artistic performances and admission to programs offered by cultural institutions.⁷⁷ This method may also be used to pay for costs incidental to presentations or workshops geared toward explaining the methodology of a specific published/copyrighted item or costs incidental to the admission to a cultural event that include workshops or presentations geared toward teaching tools that will enhance the use of the original materials, performances or programs purchased.

⁷⁶ NYC Charter § 824(a).

⁷⁷ PPP § 3-06(a).

There were 51 DOE Listing Application contracts registered in FY17 for an aggregate value of \$77,262,545.

Real Estate Sales & Purchase Agreements

Real Estate Sales and Purchase agreements typically refer to contracts for the purchase of land or real estate (*i.e.*, buildings) by an agency from a private seller in connection with a City project. Agencies may also use these agreements to reimburse property owners for use of all or a portion of their land rather than purchase the land outright.

During FY17, three Real Estate Sales and Purchase agreements were registered for a total value of \$613,680. One of these agreements was for the purchase of a building by ACS in Brooklyn (CT1 20171427230). The remaining two registrations relate to DEP's acquisition of a sub-surface easement as a part of the Rondout-West Branch Tunnel Project (CT1 20161425021)⁷⁸ and funding relating to DEP's Stormwater Pollution Plan design and construction reimbursement (CT1 20171413070).

Bond Agreements

Bond Agreements or "Letter of Credit" Agreements allow the City to issue variable rate bonds intended to reduce the interest rates that the City must pay on its bonds and ensure that bonds are purchased in the event of a failed remarketing. Solicitations for these transactions are issued pursuant to Section 4.90 of the NYS Local Finance Law and not the PPB Rules.⁷⁹

In FY17, there were eight registered Bond Agreements entered into by the Comptroller's Office for a total aggregate value of \$18,031,000.

Miscellaneous

The Miscellaneous award method generally includes those contracts that do not fall squarely into any other available award method and may include contracts for areas such as insurance-related payments.

A total of 50 contracts across three agencies (CUCF, Mayor and DYCD) were registered in FY17 using the Miscellaneous award method for a combined value exceeding \$16 million.

CONTRACT GROUP NO. 4 **Registered Procurement Contract Actions Exempt under § 1-02(f) of the PPB Rules**

Section 1-02(f) of the PPB Rules identifies five transactions that do not qualify as procurements under Chapter 13 of the Charter and are therefore not subject to the PPB Rules.⁸⁰ They include:

1. Grant Agreements;
2. Public Utility Agreements;
3. Cable Service Negotiations;
4. Professional Membership Negotiations; and
5. Subscriptions.

While these five categories are not subject to the same procurement requirements as other award methods, registration of the underlying transactions is still required by the Charter prior to implementation.

⁷⁸ This submission bears a 2016 number because it was submitted in FY16 (6/13/2016), but was registered in FY17 (7/12/2016).

⁷⁹ See § 4.90 of NYS Local Finance Law requiring variable rate bonds to have letters of credit or liquidity facilities backing them.

⁸⁰ 9 RCNY § 1-02(f).

TABLE X: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS EXEMPT UNDER § 1-02(F) OF THE PPB RULES⁸¹

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Grants*	182	\$114,158,711	216	\$68,427,198	222	\$105,729,637	207	\$54,742,363
Public Utility	44	\$290,269,464	27	\$12,470,978	35	\$232,186,969	42	\$401,514,759
Cable Service Negot.	2	\$181,594	3	\$138,124	21	\$1,556,820	30	\$3,328,939
Professional Memb. Negot.	15	\$297,213	7	\$150,720	17	\$511,010	29	\$1,476,634
Subscriptions	105	\$5,193,777	134	\$10,345,005	218	\$34,301,281	222	\$13,403,220
TOTAL	348	\$410,100,759	387	\$91,532,025	513	\$374,285,717	530	\$474,465,915

*Includes Grant Renewals

Grant Agreements

A Grant is a cash transfer made by one government entity to another government entity, a quasi-public entity, a private organization or an individual, for use by the recipient in accomplishing specific objectives established by the recipient.⁸² A Grant is permissible only to accomplish a public purpose authorized by Federal, State or City law and may be conditional or awarded without other consideration. Federal and State grants are identified by formula or specific allocations in law or in the Annual Operating Budget Act, bond authorizations or other acts of Congress or State legislature. Grants are distinct from procurement contracts, which call for the vendor to produce specific products or to deliver specific goods or services. While there are requirements that result in an executed agreement between the grantor and grantee, Grants are not contracts for services.

In FY17, the Department of Consumer Affairs (“DCA”) had 135 Grants registered for a total of \$25,477,166, SBS had 39 Grants registered for \$2,179,652, and DOE had 18 Grants registered for \$3,712,482. DDC entered into the largest registered Grant in FY17, at \$10,635,000, with The New York Historical Society, for the renovation of the Women’s History Center’s Sweat Equity Exhibit (CT1 20171417388).

Public Utility Contracts

The Public Utility non-procurement transaction is used by an agency when the work or service is provided by public utilities that are regulated by the New York State Public Service Commission (“NYSPSC”) where rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.⁸³ Such services typically include local telephone service, electricity, gas, water, and steam.

During FY17, 42 Public Utility transactions submitted by nine agencies were registered for a total value of \$401,514,759. The majority of these transactions were processed by DCAS, including the largest Public Utility contract with The Brooklyn Union Gas Company, at \$78,310,990, for the purchase of steam for use in various City facilities (CT1 20175000120).

Cable Service Negotiation Contracts

Cable Service Negotiations is another non-procurement transaction for the provision of cable television services or other public services that are regulated by the NYSPSC.⁸⁴ This non-procurement method also

⁸¹ See Appendix 4 for supporting data pertaining to TABLE X.

⁸² Id. at §§ 1-01(e) and 1-02(f)(1).

⁸³ 9 RCNY § 1-02(f)(2).

⁸⁴ Id. at § 1-02(f)(3).

includes any interstate public utility that is regulated by either the Federal Energy Regulatory Commission or the Federal Communications Commission.

During FY17, 30 Cable Service Negotiation contracts were registered across ten agencies totaling \$3,328,939.

Professional Membership Negotiation Contracts

The Professional Membership Negotiation non-procurement method is used by agencies to acquire new memberships or to process membership renewals in professional associations such as attorney bar associations or other industry associations.⁸⁵

During FY17, 29 Professional Membership Negotiation contracts were registered across seven agencies totaling \$1,476,634.

Subscription Contracts

The Subscription non-procurement method is used by an agency to purchase subscriptions (including electronic subscriptions) for magazines and periodicals, orders for books, “off-the-shelf” training videotapes, and attendance at standard commercially available training seminars.⁸⁶ Certain software licenses and various print and online periodicals may also be obtained through subscriptions.

During FY17, 222 Subscription agreements were registered for a total value of \$13,403,220. DEP was responsible for entering into the greatest number of registered Subscription agreements, at 83, for a total value of \$944,592, while DOHMH was responsible for the single largest Subscription registered in FY17 - a \$4,745,000 agreement with National Council for Behavioral Health for employee training (CT1 20171423763).

CONTRACT GROUP NO. 5 **Registered Procurement Contract Management Actions**

Registered Contract Management Actions (“CMAs”) refer to procurement transactions intended to extend and/or enhance existing registered agreements. For the purposes of TABLE XI and this Report, CMAs include Renewals (excluding Grant Renewals) and Negotiated Acquisition Extensions (“NAEs”).

As indicated by TABLE XI, a total of 1,356 CMAs were registered in FY17 for a collective value of \$5,528,719,686. While this represents a slight decrease of 132 actions from FY16 (or 9%), the total value of registered CMAs increased by \$1,914,554,416 during the same period (or 53%) In general, a significant increase in the total registered value of renewals is responsible for the overall rise in the value of registered CMAs from FY16 to FY17.

⁸⁵ Id. at § 1-02(f)(4).

⁸⁶ Id. at § 1-02(f)(5).

TABLE XI: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS⁸⁷

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Renewals*	572	\$2,589,318,539	508	\$1,139,808,106	1,107	\$3,301,645,281	1,085	\$5,217,387,335
NAEs**	446	\$805,652,123	931	\$873,598,355	381	\$312,519,989	271	\$311,332,350
TOTAL	1,018	\$3,394,970,662	1,439	\$2,013,406,461	1,488	\$3,614,165,270	1,356	\$5,528,719,686

*Excludes Grant Renewals.

**Includes DOE Negotiated Services Extensions.

Renewal Agreements

A Renewal is the re-registration of a previous contract with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or types of items to be supplied.⁸⁸

In FY17, 1,085 Renewals were registered, down 2% from FY16. This figure does not include “Grant Renewals” which are captured in TABLE X under “Grants.”

Negotiated Acquisition Extensions

Negotiated Acquisition Extensions (“NAEs”) are a form of contract extension whereby an existing contract, regardless of the original procurement method, is extended one or more times beyond the current cumulative twelve-month limit, provided that the vendor’s performance is satisfactory or that any deficiencies have been addressed or are effectively addressed through a corrective action plan, and the extension is for the minimum time necessary to meet the need.⁸⁹

In FY17, 271 NAEs were registered. One example of an NAE registered in FY17 is the \$32,600,000 DoITT agreement with Telesector Resources Group, Inc., a Verizon Services Group, for the provision of voice and data services (CT1 20171417341).

B. Total Registered Revenue Contract Actions in FY17

CONTRACT GROUP NO. 6

Registered Revenue Contract Actions Awarded by Contract Type

The sixth and final Contract Group discussed in this Report is registered Revenue Contract Actions. Franchises, Concessions and Revocable Consents, which are governed by Chapter 14 of the Charter, represent three types of revenue-generating agreements entered into and registered by City agencies. Additional authority for these types of Revenue Contract Action awards can be found in the followings sections of the Rules of the City of New York: Chapter 1 of Title12 (“Concession Rules”); Chapter 2 of Title 6 (“DCA Rules on Revocable Consents”); and Chapter 7 of Title 34 (“DOT’s Revocable Consent Rules”).

Unlike traditional procurements where the City spends money to receive a good or service, City agencies generally enter into revenue agreements to generate money by allowing a private vendor to operate on or use the City’s inalienable property. For instance, the City’s golf courses are operated by private vendors through

⁸⁷ See Appendix 5 for supporting data pertaining to TABLE XI.

⁸⁸ 9 RCNY § 4-04(a).

⁸⁹ Id. at § 3-04(b)(2)(iii).

concession contracts (typically in the form of license agreements) with DPR and cable companies such as Time Warner Cable and Verizon, provide services to the public through approved and registered franchise agreements held by DoITT.

In terms of payment structure, concessions awarded by DPR through CSPs generally require the selected vendor to pay the City a “Guaranteed Annual Minimum Fee” or a “Percentage of Gross Receipts,” whichever figure is higher. However, alternate payment structures may be established on a contract-by-contract basis to ensure the best interests of the City are being protected, consistent with governing rules, regulations, local laws, and the parameters of the underlying solicitation, if applicable. With limited exceptions, all monies generated from registered Revenue agreements are deposited into the City’s General Fund.⁹⁰

TABLE XII: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE⁹¹

Contract Type	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Franchises	2	\$0	5	\$3,265,000	3	\$1,862,000	0	\$0
Concessions	119	\$25,321,319	43	\$43,606,378	133	\$39,384,376	69	\$26,787,611
Revocable Consents	553	\$37,332,859	962	\$32,523,139	786	\$31,374,294	442	\$970,260,677
Corpus Funded	29	\$128,223,123	37	\$208,131,333	62	\$495,740,657	34	\$123,925,098
Requirements-Services	0	\$0	0	\$0	0	\$0	1	\$128,376
Other Expense - Revenue Related	0	\$0	0	\$0	0	\$0	2	\$1,388,280
Other	24	\$226,37,378	21	\$8,938,071	13	\$5,465,000	4	\$800,000
TOTAL	727	\$213,514,679	1,068	\$296,463,921	997	\$573,826,328	552	\$1,123,290,043

Franchise Agreements

A Franchise is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.⁹² As noted above, the provision of cable television services is one example of a franchise. There were no new Franchise agreements registered for FY17.

Concession Agreements

A Concession is a grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs.⁹³ Concessions do not include franchises, revocable consents or leases.

In FY17, 69 new Concessions were registered for a total projected revenue value of \$26,787,611. One example of a concession registered in FY17 is a \$5,101,380 agreement between DPR and Tour Central Park, Inc., for the operation and maintenance of bicycle rental stations in Central Park, Riverside Park, East River Park, and Highbridge Park (RCT1 20178201562). Another example is a \$2,525,313 agreement between DPR and Mill Basin Marina Co., LLC, for the operation, renovation and maintenance of a full service marina at Mill Basin in Brooklyn (RCT1 20178203616).

⁹⁰ NYC Charter § 104.

⁹¹ See *Appendix 6* for supporting data pertaining to TABLE XII.

⁹² NYC Charter § 362(b).

⁹³ Id. at § 362(a).

Revocable Consent Agreements

A Revocable Consent is a grant of a right by the City, revocable at will: (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property; (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property; or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.⁹⁴

In FY17, a total of 442 registered Revocable Consent agreements were entered into for a collective value exceeding \$970 million. DOT registered 86 of these Revocable Consent agreements and DCA registered the remaining balance of 356.

Corpus Funded Agreements

Corpus Funds are used to finance pension-related expenses, such as investment management services. In FY17, a total of 34 Corpus Funded agreements were registered by two agencies. The Comptroller's Office registered 33 of the Corpus Funded agreements in FY17 and DOE registered one.

⁹⁴ Id. at § 362(d).

Part III

Section 3: Agency Specific Data & Supplemental Analysis

In FY17, BCA received 19,813 registration submissions from City agencies including, but not limited to, new contracts, modifications and encumbrance requests, all of which were processed through a proprietary workflow application known as the Omnibus Automated Image Storage and Information System (“OAISIS”). Of those, approximately 93% (18,365) were registered while around 7% (1,448) were returned to or withdrawn by the submitting agency. The total number of agency registration submissions in FY17 represents a slight decrease (approximately 6%) from the number of FY16 registrations, which totaled just over 19,500.

BCA makes every effort to ensure that the City’s funds are properly safeguarded by identifying ways to increase transparency, accountability and efficiency in the contracting and registration process. The agency specific data and supplemental analysis that follows is intended to further such goals.

A. Registered Modifications

Modifications are used by a City agency to amend or adjust an existing registered agreement.⁹⁵ Most often, these changes are effectuated through mechanisms such as Amendments, Amendment Extensions or Change Orders.

An Amendment is used to modify specific terms of a registered agreement whereas an Amendment Extension is a contract amendment that extends the contract term for good and sufficient cause for a cumulative period not to exceed twelve months from the date of expiration of the underlying contract.⁹⁶ A Change Order, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement in some way.⁹⁷ Contract Modifications are also registered for administrative actions, including changes to accounting lines and revisions to contract end dates on construction completion contracts.

As TABLE XIII indicates, a total of 49,811 Modifications were registered in FY17. This figure can be broken down as follows:

- 49,206 (or 98.8%) represent “CTR” Modifications to contracts registered using the following Transaction Codes: CT1 and CTA1.
- 605 (or 1.2%) represent “MAR” Modifications to contracts registered with the following Transaction Codes: MA1; MMA1; and RCT1.

Of the 49,206 CTRs registered in FY17:

- 1,266 include CTR Modification actions where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.
- 47,940 include CTR Modifications where there either a change to the term OR change to the contract amount OR some other revision (such as an administrative revision).

Of the 605 MARs registered in FY17:

- 92 include MAR Modifications where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.
- 513 include MAR Modifications where there either a change to the term OR change to the contract amount OR some other revision (such as an administrative revision).

⁹⁵ 9 RCNY § 4-02.

⁹⁶ Id. at § 4-02(b)(iii).

⁹⁷ Id. at § 1-01(e).

TABLE XIII: REGISTERED FY17 MODIFICATIONS⁹⁸

Modification Transaction Code	Modification Type		Total No. Registered
	Change in Term OR Amount OR Other Revision	Change in Term AND Amount	
CTR Modifications *	47,940	1,266	49,206
MAR Modifications **	513	92	605
TOTAL	48,453	1,358	49,811

* CTI and CTAI

**MAI, MMAI and RCTI

B. Registered Agency Purchase Orders

The PPB Rules define a “Purchase Order” or “PO” as an official document of the City directing a vendor to perform. A PO formalizes a transaction with a vendor for purchases generally at or below the small purchase limits unless the PO is placed against an existing contract.⁹⁹ FMS contains four different PO types:

1. Commodity Purchase Order - Small Purchase Construction (“PCC1”);
2. Commodity Purchase Order - Micropurchase (“POD”);
3. Commodity Purchase Order – Small Purchase (“POC”); and
4. Non - Commodity Purchase Order (“PON1”).

Pursuant to *Comptroller Directive #24*, dated April 15, 2004 and re-issued on March 11, 2014, the purchase of commodities below the Small Purchase and Micropurchase Limits can be processed through PCC1s, PODs, or POCs. Non-Commodity POs or “PON1s” are limited to general agency encumbrances for special, non-procurement expenditures for which a contract or other purchase document is not required.¹⁰⁰

On April 1, 2015, the Comptroller’s Office issued *Comptroller’s Memorandum #15-1 – Updates to Directive #24 - Agency Purchasing Procedures and Controls*, to clarify for agencies the limited approved uses of PON1s and to provide general guidance regarding proper practices for this PO type. Specifically, *Comptroller’s Memorandum #15-1* states that PON1 usage is restricted to non-procurement payments such as union welfare funds, pension fund payments and U.S. Postal Services payments.

In FY17, 156,690 agency POs were registered for a total value exceeding \$16.3 million. As indicated in TABLE XIV, the total number of registered POs increased by 13% from FY16, with the largest increase stemming from registered POCs, which increased by 18% from the previous fiscal year.

⁹⁸ See *Appendix 7* for supporting data pertaining to TABLE XIII.

⁹⁹ 9 RCNY § 1-01(e).

¹⁰⁰ Since the original issuance of *Comptroller’s Directive #24* on April 15, 2004, the City’s financial management system was upgraded from FMS2 to FMS3. As a result of such change, many FMS purchase document names were updated. When the Directive was reissued on March 11, 2014, it included an addendum, in the form of a “Crosswalk,” identifying what each FMS2 purchase document type was replaced with when FMS3 was implemented.

TABLE XIV: HISTORICAL COMPARISON OF REGISTERED AGENCY PURCHASE ORDERS BY TYPE¹⁰¹

PO Type	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
PCC1	9,171	\$7,241,321	8,596	\$8,664,116	9,486	\$11,061,142	8,222	\$12,661,555
POD	18,291	\$77,856,423	19,264	\$92,524,269	20,286	\$95,659,630	20,617	\$95,392,001
POC	57,416	\$587,306,653	64,706	\$694,134,285	75,708	\$809,354,200	89,308	\$1,329,756,723
PON1	82,706	\$15,139,543,753	33,020	\$15,354,744,445	32,963	\$14,799,475,206	38,543	\$14,925,036,722
TOTAL	167,584	\$15,811,948,150	125,586	\$16,150,067,115	138,443	\$15,715,550,178	156,690	\$16,362,847,000

TABLE XV: TOP FIVE AGENCIES BY TOTAL NUMBER OF REGISTERED PURCHASE ORDERS IN FY17

Top Five Agencies by Number - PCC1s			Top Five Agencies by Number - PON1s		
Agency	Total No. Registered	Total Registered Value	Agency	Total No. Registered	Total Registered Value
HPD	7,979	\$8,462,928	DOE	25,736	\$3,405,385,705
HHC	155	\$1,907,184	CUNY	9,529	\$156,887,910
DPR	23	\$579,174	CULT	1,291	\$105,027,785
NYPD	18	\$546,851	HRA (DSS)	634	\$406,268,582
DSNY	9	\$255,693	HPD	216	\$320,116,663
Subtotal (Top 5)	8,184	\$11,751,830	Subtotal (Top 5)	37,406	\$4,393,686,644
Subtotal (All Others)	38	\$909,725	Subtotal (All Others)	1,137	\$10,531,350,078
TOTAL	8,222	\$12,661,555	TOTAL	38,543	\$14,925,036,722

Top Five Agencies by Number - PODs			Top Five Agencies by Number - POCs		
Agency	Total No. Registered	Total Registered Value	Agency	Total No. Registered	Total Registered Value
DPR	2,064	\$7,740,789	DOE	84,465	\$130,444,862
DEP	1,487	\$12,986,152	NYPD	2,166	\$13,923,000
DOHMH	1,394	\$11,395,487	COMP	829	\$210,506,368
DSNY	1,071	\$5,284,645	LAW	379	\$2,728,747
CC	906	\$1,462,313	DOT	361	\$4,613,541
Subtotal (Top 5)	6,922	\$38,869,386	Subtotal (Top 5)	88,200	\$362,216,518
Subtotal (All Others)	13,695	\$56,522,615	Subtotal (All Others)	1,108	\$967,540,205
TOTAL	20,617	\$95,392,001	TOTAL	89,308	\$1,329,756,723

¹⁰¹ See Appendix 8 for supporting data pertaining to TABLE XIV.

C. Contract Retroactivity

As TABLE XVI indicates, of the 13,715 Contract Actions registered in FY17, a total of 8,307 (or 66%) were retroactive. Furthermore, as illustrated by TABLES XVII and XVIII, 7,817 of the 13,163 of the registered Procurement Contract Actions (or 59%), and 490 of the 552 registered Revenue Contract Actions (or 89%), were retroactive.

For the purposes of this Report, a contract is considered “retroactive” when its start date (as set forth in the underlying legal instrument or other governing document and reflected on the Advice of Award occurs prior to the FMS contract registration date.

TABLE XVI: TOP TEN AGENCIES BY NUMBER OF REGISTERED RETROACTIVE *CONTRACT ACTIONS* IN FY17

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	1,590	\$371,816,905
2	DOE	772	\$2,942,351,791
3	DOHMH	601	\$865,702,099
4	HRA (DSS)	518	\$1,026,552,582
5	DFTA	445	\$220,211,489
6	DCA	370	\$19,131,814
7	DPR	313	\$208,455,076
8	ACS	290	\$1,751,943,741
9	DEP	284	\$492,906,913
10	NYPD	247	\$145,791,884
	Total (Top 10)	5,430	\$8,044,864,295
	Subtotal (All Others)	2,877	\$13,255,273,088
	TOTAL	8,307	\$21,300,137,383

TABLE XVII: TOP TEN AGENCIES BY NUMBER OF REGISTERED RETROACTIVE *PROCUREMENT* CONTRACT ACTIONS IN FY17

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	1,590	\$371,816,905
2	DOE	770	\$2,941,653,414
3	DOHMH	600	\$865,702,099
4	HRA (DSS)	518	\$1,026,552,582
5	DFTA	445	\$220,211,489
6	DPR	309	\$208,145,416
7	ACS	290	\$1,751,943,741
8	DEP	284	\$492,906,913
9	NYPD	246	\$145,573,884
10	DDC	214	\$2,093,330,153
Total (Top 10)		5,266	\$10,117,836,597
Subtotal (All Others)		2,551	\$10,085,374,529
TOTAL		7,817	\$20,203,211,126

TABLE XVIII: TOP TEN AGENCIES BY NUMBER OF REGISTERED RETROACTIVE *REVENUE* CONTRACT ACTIONS IN FY17

Rank	Agency	Total No. Registered	Total Registered Value
1	DCA	356	\$8,988,934
2	DOT	89	\$961,523,108
3	COMP	33	\$123,355,098
4	DPR	4	\$309,660
5	LAW	2	\$800,000
6	DOE	2	\$698,376
7	NYPD	1	\$218,000
8	TLC	1	\$0
9	DOHMH	1	\$0
10	DCAS	1	\$1,033,080
Total (Top 10)		490	\$1,096,926,256
Subtotal (All Others)		0	\$0
TOTAL		490	\$1,096,926,256

In addition to analyzing retroactivity for registered FY17 Contract Actions, this Report also analyzes whether or not Task Orders (“TOs or CTAs”) awarded through agency Master Agreements (“MMAs”) were considered retroactive based on the above definition.

As TABLE XIX indicates, 82% of all registered FY17 TOs were retroactive (1,196 of 1,461 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (980) represents 67% of the total number of registered TOs in FY17 and 82% of all retroactive CTA1 registrations for the same twelve-month period.

TABLE XIX: TOP TEN AGENCIES BY NUMBER OF REGISTERED RETROACTIVE TASK ORDERS IN FY17

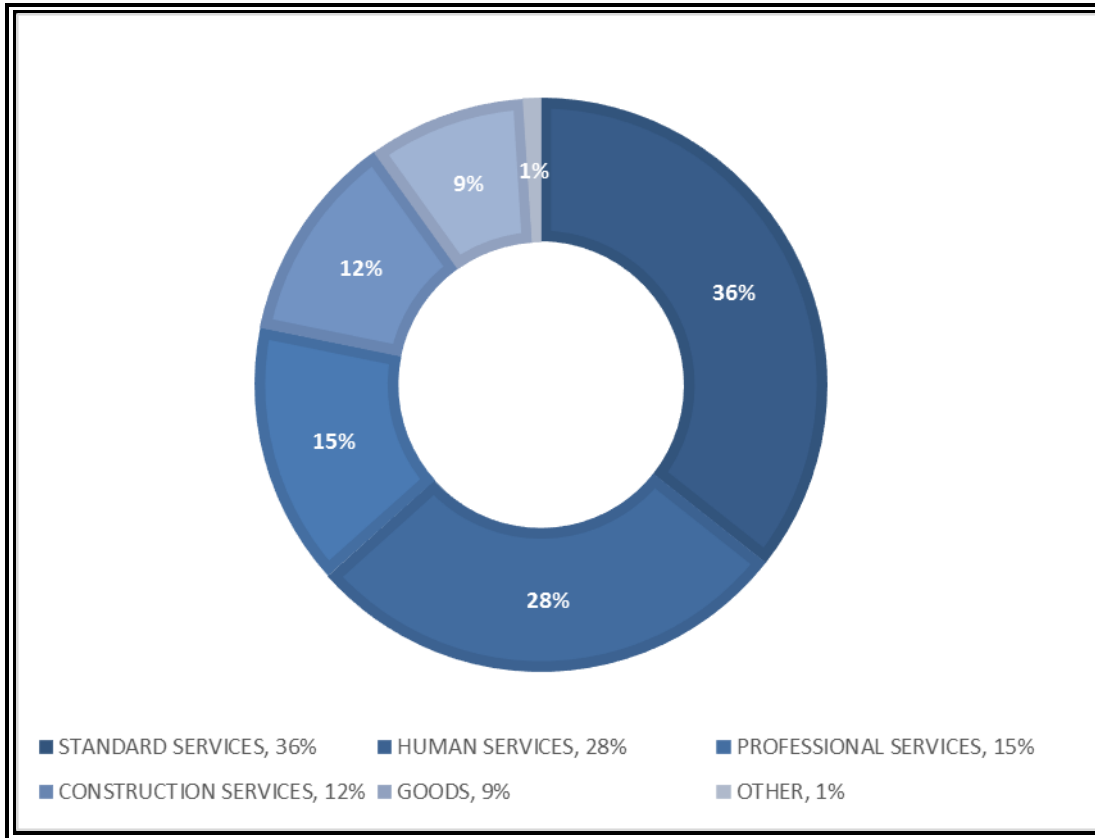
Rank	Agency	Total No. Registered	Total Registered Value
1	SBS	233	\$512,439,275
2	HPD	198	\$142,967,950
3	DOE	150	\$57,320,999
4	DOITT	129	\$60,272,487
5	DDC	65	\$79,427,533
6	DPR	64	\$15,208,575
7	HRA (DSS)	54	\$21,431,250
8	DOHMH	37	\$1,797,291
9	DOT	26	\$4,259,105
10	FISA	24	\$5,329,159
Total (Top 10)		980	\$900,453,625
Subtotal (All Others)		216	\$127,366,973
TOTAL		1,196	\$1,027,820,598

D. Registrations by Industry Classification

This part of the Report presents FY17 Contract Action registrations by industry classification based on the industry categories established by Local Law 1 of 2013 (“LL1”). This information has been included to provide members of the public an alternate perspective of the contract data based on the industry classification used in many other City-issued contracts reports. It is important to note, however, that while the industry classifications and groups set forth in LL1 were applied, this is not intended to be a LL1 compliance report. Rather, it is a report detailing overall agency registrations in FY17. As GRAPH V indicates, there are six primary industry classifications that may apply to a particular Contract Action. These include:

1. Construction Services;
2. Goods;
3. Human Services;
4. Professional Services (including Architectural/Engineering Services);
5. Standard Services; and
6. Other (including No Category Coded, Multiple Classifications and Unclassified).

GRAPH V: REGISTERED FY17 CONTRACT ACTIONS BY INDUSTRY CLASSIFICATION AND PROCUREMENT VALUE¹⁰²



E. Lease & License Registrations

BCA reviews and registers complex lease and license agreements negotiated and executed primarily by DCAS (the agency that acts on behalf of other City agencies) pursuant to Section 824 of Charter. Specifically, this section of the Charter empowers and places the responsibility of purchasing, leasing, condemning or otherwise acquiring real property for the City on the DCAS Commissioner. Lease and license agreements are typically submitted for registration using AM Code 07 (“Lessee Negotiation”) and CT Codes 35 (“Lessee”) and 36 (“Miscellaneous Property Rental”) and include new agreements, amendments, extensions and renewals to existing registered agreements.

Given the volume of lease and license registration submissions, and in an effort to effectively execute the Comptroller’s role as the City’s Chief Financial Officer with respect to oversight of the City’s budget and fiscal condition (including the registration process), BCA continues to apply the same rigorous and comprehensive registration review that other submissions are subjected to (*i.e.*, procurement contracts).

As indicated in the FY17 Report, BCA implemented changes to ensure that all lease and license submissions were being reviewed properly during the registration process through the development of checklists, staff trainings and regularly scheduled meeting with DCAS. Given the widespread impact these agreements have on the City and agency programs, BCA also leveraged the expertise of individuals within other Bureaus of the Comptroller’s Office, such as the Office of the General Counsel and the Bureau of Economic Development.

¹⁰² See *Appendix 10* for supporting data pertaining to GRAPH V.

Finally, to assist agencies in the successful processing of registration submissions, BCA scheduled bi-weekly meetings with representatives from DCAS to discuss lease and license agreements submitted for registration or pending submission. As part of this process, BCA and DCAS have established better practices and fiscal controls with respect to these agreements and the processes that impact them (*i.e.*, the legal requirements of the Uniform Land Use Review Procedures (“ULURP”). In FY17, BCA registered two agreements for the Office of Emergency Management’s (“OEM”) use of the property located at 903 Flushing Avenue (Block 33140, p/o Lot 1) in Queens to store vehicles and materials used in emergency response operations. The first agreement was a lease renewal in the amount of \$99,932,994 and the other was a license agreement in the amount of \$16,545,857. The City entered into and executed these two agreements simultaneously in order to renew the previous agreement where the property owner leased 112,600 square feet of space to the City and expand its space by 203,044 square feet. The renewal lease was subject to approval pursuant to Section 824 of the Charter and the license agreement will also require ULURP approval pursuant to Section 197-c of the Charter. BCA coordinated with both DCAS and OEM, the user agency of the space as part of the review process in order to ensure that the procedural requirements were met and that the proper budgeting documentation was provided before registering.

BCA and the City continue to benefit from the changes, including cost savings to the City’s budget due to BCA’s close examination of the contract documents during the registration process that ensures proper accounting is performed and maintained by both DCAS (and the agency that DCAS is acting on behalf of, if applicable) to use the subject space. As previously mentioned, a total of 58 lease and license agreements were registered in FY17, totaling \$695,692,802. In addition, 1,697 modifications to existing licenses and leases were registered in FY17.¹⁰³

F. DOE Registered Contract Actions

DOE oversees schools that serve approximately one million students each year and its Division of Contracts and Purchasing (“DCP”) is responsible for awarding goods and services contracts.¹⁰⁴ Given the high volume of DOE procurements, DOE’s diverse contract portfolio, and the Department’s sheer leverage from a buying, budget and accounting perspective, a thorough review of the agency’s FY17 procurement activity is included in this Report.

Although DOE is governed by NYS Education Law and is not subject to the PPB Rules, the agency is required by NYS Education Law to create, implement and abide by a set of procurement rules.¹⁰⁵ These rules, known as the *Procurement Policy and Procedures* (“PPP”), were approved by the Panel of Education Policy (“PEP”) on January 27, 2010.¹⁰⁶ Amendments to the PPP were subsequently approved by the PEP on December 21, 2012 and once again on February 24, 2016.

The PPP was enacted to “ensure the wise, prudent, and economical use of public money.”¹⁰⁷ Specifically, they are intended “to ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to maximum quality, lowest cost or lowest possible cost, and efficiency,” “to make as consistent as possible the uniform application of these policies throughout the DOE,” and “to provide for increased public confidence in the DOE’s public procurement procedures.”¹⁰⁸

¹⁰³ See *Appendix 11* for supporting data pertaining to lease and license registrations in FY17.

¹⁰⁴ <http://schools.nyc.gov/AboutUs/schools/data/stats/default.htm>, last accessed January 29, 2018.

¹⁰⁵ NYS Education Law § 2590-g.

¹⁰⁶ See PPP § 1-01 (“Definitions”) which states that the Panel for Educational Policy is the “The board of education of the city school district of the City of New York consisting of thirteen appointed members as set forth in the New York State Education Law Section § 2590-b of Article 52-A.”

¹⁰⁷ PPP § 1-01.

¹⁰⁸ *Id.*

Section 3-01 of the PPP (“Policy”) lists all of the procurement award methods available to DOE and Section 3-01(a) of the PPP (“Methods of Source Selection”) states that all DOE procurements shall be made using one of the 14 methods listed below, unless otherwise authorized by law:

1. Competitive Sealed Bidding;
2. Request for Proposals;
3. Multiple Task Award Contract Process;
4. Expedited Competitive Solicitation;
5. Listing Application;
6. Sole Source Goods Procurement;
7. Negotiated Services;
8. Emergency Purchases;
9. Simplified Procurement;
10. Purchases through Governmental Contracts;
11. Demonstration Projects for Innovative Products, Approaches, or Technologies;
12. Innovative Procurement Methods;
13. Government-to-Government Purchases; and
14. Consultant Contracts with Individuals.¹⁰⁹

As mentioned in the FY14, FY15 and FY16 reports, the PPP is very similar to the PPB in terms of intent, award methods, and requirements. However, there are some considerable differences between the two sets of rules that offer DOE significantly more discretion in the contract solicitation, vetting and award process. One constant, however, between the PPP and PPB rules, is the requirement that DOE contracts funded partially or in full by the City treasury be registered with the Comptroller's Office prior to implementation. According to Section 2-09(a) of the PPP (“Applicability”):

Unless otherwise provided by law or these Procedures, all contracts, franchises, revocable consents and concessions shall be presented to the Comptroller for registration. Registration of a contract by the Comptroller shall not constitute an approval of the contract nor an approval of the process by which the contract or agreement was awarded.”¹¹⁰

Although Section 3-01(b) of the PPP specifies a “Preference for Competitive Sealed Bidding,” the majority of DOE’s procurements were awarded and registered via “Alternate Source Selection Methods.”¹¹¹ Section 3-01(d) of the PPP (“Justification for Alternative Source Selection Method”) states:

Upon determining that there is a situation which warrants awarding a contract using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, the Procurement Manager shall use the most competitive alternative method of procurement provided for in § 3-01(a) of these Procedures which is appropriate under the circumstances. The Procurement Manager shall make a written determination justifying the basis, including the efficiency, benefit and necessity, for awarding a contract using a procurement method other than competitive sealed bidding.”¹¹²

¹⁰⁹ Id. at § 3-01(a).

¹¹⁰ PPP § 2-09(a).

¹¹¹ See PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”).

¹¹² PPP § 3-01(d).

Additionally (and similar to the PPB Rules), the PPP does not require registration of purchase orders used to make purchases pursuant to registration requirements¹¹³ nor does the PPP require that “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.¹¹⁴ Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike mayoral agencies, the PPP does not require that DOE receive prior approval from the Comptroller and Corporation Counsel to invoke use of the “Emergency Procurement” method. Rather, the prior approval is handled internally.

Below are a few notable observations pertaining to DOE FY17 registered agreements:

- A total of 4,263 DOE Contract Actions were registered in FY17 for a total registered value of \$3,252,259,970.
- Substantial increases in the total contract value from FY16 to FY17 can be seen with Renewals, Intergovernmental agreements, Negotiated Acquisitions and Assignments whereas substantial decreases in total contract value for the same period occurred primarily with DOE’s competitive awards (*i.e.*, CSBs, CSPs, etc.).
- Two DOE Emergency Procurements were registered for a total registration value of \$7,153,121.
- There was an increase in DOE’s use of Competitive Sealed Bids, while CSPs decreased by 15.
- There was an increase in the agency’s use of small purchases by 25% in both number of actions and contract value. There was a decrease in the agency’s use of innovative procurements by 95% in actions and 97% in contract value.

¹¹³ See PPP § 2-09(b) (“Registration is not required for purchase orders used to make purchases pursuant to requirements contracts that have been registered with the Comptroller.”).

¹¹⁴ NYC Charter § 328(d)(1).

TABLE XX: TOTAL DOE FY17 REGISTERED CONTRACT ACTIONS¹¹⁵

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
CSBs	197	\$2,136,008,667	85	\$1,122,481,154	38	\$353,601,463	80	\$251,798,986
CSPs	139	\$296,442,962	297	\$539,116,702	48	\$785,572,518	33	\$69,461,966
PQVL Competitive Sealed Proposals	101	\$68,517,882	60	\$122,631,910	74	\$111,151,348	140	\$97,667,387
Renewals	112	\$68,070,274	74	\$203,816,663	156	\$183,483,346	239	\$311,859,980
Determined by Legal Mandate	0	\$0	0	\$0	0	\$0	1	\$450,000
Intergovernmentals	15	\$185,333,666	11	\$5,702,648	8	\$14,588,774	11	\$298,714,166
Emergency Procurements	40	\$211,087,392	14	\$36,010,621	3	\$3,538,981	2	\$7,153,121
Negotiated Acquisitions	41	\$76,226,317	179	\$176,640,046	128	\$44,599,938	146	\$1,872,311,071
Buy-Against Procurements	25	\$216,343,604	9	\$10,770,661	2	\$3,881,975	0	\$0
Discretionary Awards	18	\$4,723,953	15	\$2,057,200	24	\$2,422,858	21	\$10,201,547
Grants	24	\$7,010,061	25	\$6,821,424	19	\$4,461,503	14	\$2,989,929
SM Purchase Goods Services (100k)	0	\$0	0	\$0	0	\$0	2	\$92,760
Grant Renewals	6	\$509,237	14	\$1,470,199	16	\$2,468,724	4	\$722,553
DOE Listing Applications	24	\$28,126,223	42	\$86,466,914	50	\$243,301,219	51	\$77,262,545
Sole Sources	2	\$631,014	0	\$0	1	\$105,000,000	3	\$268,710
Small Purchase-Written	1,591	\$39,775,000	2,026	\$50,650,000	2,710	\$67,750,000	3,390	\$84,750,000
Corpus Funded	1	\$67,200	1	\$285,000	1	\$510,000	1	\$570,000
Government to Government	0	\$0	6	\$5,887,642	14	\$19,640,085	3	\$20,685,109
Assignments	32	\$200,301,659	26	\$135,082,933	21	\$21,624,285	106	\$135,186,914
Info Tech. - Small Purchase Contract	0	\$0	0	\$0	1	\$25,000	0	\$0
Innovative Procurements	0	\$0	0	\$0	320	\$323,874,280	16	\$10,113,227
DOE Negotiated Services Extensions	0	\$0	0	\$0	1	\$3,430,080	0	\$0
Intergovernmental Renewals	0	\$0	0	\$0	1	\$150,000	0	\$0
TOTAL	2,368	\$3,539,175,111	2,884	\$2,505,891,717	3,636	\$2,295,076,377	4,263	\$3,252,259,971

¹¹⁵ See Appendix 12 for supporting data pertaining to TABLE XX.

G. Registered Task Orders Awarded through Agency Master Agreements

Master agreements are created to provide general categories of goods and services required by one or more agencies. Agencies use master agreements by issuing task orders (“TOs”) to fulfill specific needs.¹¹⁶ For example, DoITT’s Citywide Quality Assurance and System Integration Services contracts provide user agencies with an effective mechanism to identify qualified consultants capable of supporting and completing the agency’s individual IT project needs.

Master agreements as well as agency TOs are submitted to the Comptroller for registration. The protocol for awarding TOs is established by the terms and conditions of the respective master agreement and may include assigning TOs on a rotational basis, by area or expertise or via a second tier of competitions, such as through a mini-bid or mini-proposal process.

In FY17, over 1,450 TOs (processed in FMS as CTA1s), were issued and registered pursuant to master contracts held by several City agencies for a total value of approximately \$1.3 billion. Of these, 130 (9%) were TOs issued and registered through DoITT master information technology contracts with a total registration value of approximately \$84,333,707.

TABLE XXI: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS AWARDED THROUGH MASTER AGREEMENTS¹¹⁷

CTA1 Category	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
CTA1s Registered through DoITT MMA1s	174	\$28,056,871	74	\$93,616,116	102	\$22,396,644	130	\$84,333,707
CTA1s Registered through Agency MMA1s	882	\$912,602,233	822	\$619,364,193	1,023	\$752,787,924	1,331	\$1,240,111,080
TOTAL	1,056	\$940,659,104	896	\$712,980,309	1,125	\$775,184,568	1,461	\$1,324,444,787

*For purposes of Table XXI, “Agency” MMA1s refer to master agreements held by City agencies other than DoITT.

The three agencies with the largest number of CTA1s registered in FY17 were SBS at 233 (\$512,439,275), followed by HPD at 228 (\$169,016,371), and then DDC at 178 (\$224,513,080). Registrations by these three agencies accounted for more than 48% of individually registered CTA1s for non-DoITT agencies, but accounts for over 73% of the total registered value. When DoITT is included, the figure drops to 44% for individually registered CTA1s and again from 73% to 68% of the total registered value.

H. Emergency Procurements Approvals

As discussed in [Part II](#) of this Report, once a mayoral agency determines that a particular set of circumstances present a case of unforeseen danger to life, safety, property or a necessary service, it can request prior approval from both the Comptroller and the Corporation Counsel to utilize the “Emergency Purchases” procurement method as required by Section 3-06 of the PPB Rules.¹¹⁸

Agencies may seek the initial prior approval either verbally or by submitting a written request, typically in the form of an email or other similar communication. Once the prior approval is granted, agencies must take the

¹¹⁶ The data provided in this section is limited to TOs/CTA1s issued pursuant to master agreements registered using the Transaction Code “MMA1.” It does not include instances where agencies purchase goods using a Direct Order (“DO”) issued through master agreements registered using the Transaction Code “MA1.”

¹¹⁷ See [Appendix 13](#) for supporting data pertaining to TABLE XXI.

¹¹⁸ 9 RCNY 3-06(a).

requisite steps to ensure compliance with the remaining procedural requirements under Section 3-06 of the PPB Rules for Emergency Purchases, including the submission of a written emergency determination, publication of notices and contract registration submission.

Unlike the Emergency Procurement registration data presented in *Section 2.A* of this Report, this section highlights the number of prior approvals granted by the Comptroller's Office to use the "Emergency Purchases" award method to enter into a procurement for goods and/or services, regardless of whether the resulting agreement is ultimately negotiated by the agency within FY17 as well. For instance, a total of 14 agencies registered 97 Emergency Procurement contracts in FY17. However, the Comptroller's Office only granted 81 initial prior approval requests received by 15 agencies during that same twelve-month period. One prior approval granted by BCA in FY17 relates to a DOB emergency request to procure forensic services for the investigation of an apparent rigging failure following a November 22, 2016 crane accident in Queens (ER2016089).

In addition to granting the initial 81 prior approval requests, the Comptroller's Office also approved 28 requests to amend or modify previously issued Emergency Procurement approvals in FY17. These subsequent approvals are generally submitted to the Comptroller's Office when an agency anticipates that it will exceed the maximum contract amount set forth in the original emergency approval and/or whenever material changes in scope and/or changes to timelines occur. For example, BCA provided prior approval for a second amendment to an ACS Emergency Procurement (ER2015066 Rev. 2) relating to a time extension for building services at the Nicholas Scoppetta Children's Center ("NSCC"), a facility used to temporarily house various youth ranging in age from infants to adolescents (and young adults, in certain cases) while they wait for foster care placement. The nine-month time extension was needed in order to provide the agency with sufficient time to issue a new CSB for building management services at the NSCC and finalize the award.

As part of the registration process, BCA closely reviews the final executed emergency contract, including both the scope of work and budget, to ensure that both are consistent with and does not exceed the parameters set forth in the underlying written Emergency Procurement Approval Determination (*e.g.*, work is outside scope or budget costs exceed approved contract maximum).

At 57, HPD received the most prior approvals of any other agency during FY17. Of these, 48 were new approvals while nine were revisions to initial approvals. Typically, HPD must wait until DOB observes dangerous conditions at a particular structure (or a portion thereof) and, as a result of the severity of the unsafe condition(s), issues an Emergency Declaration notifying the owner of the structure that it must begin work immediately to remediate the condition(s). If the owner fails to take such remedial action in a timely manner or does not perform such work in a satisfactory manner, the City will perform the work detailed in the Emergency Declaration for the owner and may even seek to recover the costs associated with such work from the building owner. Typically, HPD is responsible for contracting with vendors to perform demolition services relating to a failing structure on an emergency basis.

TABLE XXII below provides a breakdown of the total number of Emergency Procurement approvals (by agency) granted by the Comptroller's Office in FY17, regardless of whether the award and resulting contract(s) negotiated by the agency, were ultimately registered in FY17.

TABLE XXII: FY17 EMERGENCY PROCUREMENT APPROVALS BY AGENCY¹¹⁹

Agency	Total New Approvals	Total Amended Approvals	Total Approvals
HPD	69	13	82
DOHMH	6	0	6
FDNY	4	2	6
NYPD	4	1	5
DHS	1	4	5
ACS	1	4	5
DEP	4	0	4
DCAS	3	1	4
DPR	2	2	4
DDC	2	1	3
DOT	2	0	2
DSNY	2	0	2
DOB	2	0	2
DOC	0	2	2
HRA	0	2	2
TOTAL	102	32	134

¹¹⁹ See *Appendix 14* for data supporting TABLE XXII.

Part IV

Section 4: Bureau of Labor Law FY17 Annual Report pursuant to Sections 6-109 and 6-130 of the NYC Administrative Code

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

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50; and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.¹²⁰

The Comptroller is required by Section 6-116.2 of the Administrative Code to include this information in the annual summary contracts report published by BCA on behalf of the Comptroller.¹²¹ The required reporting information is presented in TABLE XXIII below.

TABLE XXIII: BLL FY17 ANNUAL REPORT PURSUANT TO §§ 6-109 AND 6-130 OF THE ADMINISTRATIVE CODE

Type of Work	No. of Pending Cases as of 7/1/2016	No. of New Cases Opened during FY17	No. of Cases Closed during FY17	Closed Result
Temp. Office Services	1	0	0	N/A
Building Services	2	0	2	No Jurisdiction
Food Services	0	0	0	N/A
Day Care Services	0	0	0	N/A
Head Start Services	0	0	0	N/A
Home Care Services	2	0	2	No Violation
Services to Persons with Cerebral Palsy	0	0	0	N/A

¹²⁰ NYC Admin. Code § 6-109

¹²¹ In addition to the report required by § 6-109, BLL is also responsible for the Comptroller’s compliance with an annual reporting requirement set forth in § 6-130(d)(1) of the Administrative Code. BLL reports that the NYCEDC provided the Comptroller’s Office with a list of covered developers on March 10, 2015 pursuant to § 6-130(c)(7) of the Administrative Code. Furthermore, BLL reports that it received no complaints of underpayment under the statute.

PART V

Section 5: Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Demonstration Project: A short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City. Demonstration projects may be proposed for goods, services or construction. They allow the City to observe and analyze effectiveness and efficiency without a large commitment of resources. (9 RCNY § 3-11(a)).

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

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

Emerging Business Enterprise (EBE): A business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which such individuals have demonstrated that they are socially and economically disadvantaged. (NYC Charter § 1304 (6)(c)).

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

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

Fiscal Year: Unless otherwise indicated, the word "year" as it related to terms of contracts shall mean the City's fiscal year. (9 RCNY § 1-01(e)). For the purpose of this Report, the fiscal year covered is Fiscal Year 2016 which runs from July 1, 2015 through June 30, 2016.

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

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

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

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

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

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

HHS (Health and Human Services) Accelerator: HHS Accelerator is an office that facilitates the central management of the procurement process for client services vendors and contractual by creating and maintaining a web-based document vault for client services vendors; creating and maintaining a centralized, electronic and web accessible categorization system of services provided for all City agencies; prequalifying client services providers; and managing procurements for client services. (9 RCNY § 1-01(e)).

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

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

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

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

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

Investigative or Confidential Services: Services provided by law enforcement, scientific, and/or legal consultants, or other experts or professionals that are necessary in connection with an official matter within the scope of the acquiring agency’s authority and that directly or indirectly relate to a pending or contemplated case, trial, litigation, or confidential or sensitive investigation or negotiation for which such services of the nature and kind envisioned herein are ordinarily used. (9 RCNY § 1-01(e)).

Line Item Appropriation: Method of procurement in which contract awards are made from line items appropriations and/or discretionary funds to community-based not-for-profit organizations or other public service organizations identified by elected City officials other than the Mayor and the Comptroller. Public officials that are able to designate awards for discretionary funding include the Public Advocate, individual members of the City Council, the City Council Speaker, and the Borough Presidents. These contract awards are typically designated by an elected official and are then administered and processed by a Mayoral agency. (9 RCNY § 1-02(e)).

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

be utilized by other City agencies. (9 RCNY §§ 3-02(t), (j)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revocable Consent: A grant of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property, or (3) to a public service corporation for facilities ancillary to, but not within a franchise granted prior to July 1, 1990. (NYC Charter § 362 (d)).

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

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

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

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

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

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

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

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

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

VENDEX: A computerized citywide system providing comprehensive contract management information. (9 RCNY § 1-01(e)).

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

Section 6. Appendices¹²²

Appendices 1 – 14 are available by clicking the appropriate link below. Appendices 15 - 20 are immediately available on the pages that follow.

[Appendix 1: Registered Procurement Contract Actions Awarded by Competitive Methods](#)

[Appendix 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods](#)

[Appendix 3: Registered Procurement Contract Actions Awarded by "Other" Award Methods](#)

[Appendix 4: Registered Procurement Contract Actions Exempt under § 1-02 of the PPB Rules](#)

[Appendix 5: Registered Procurement Contract Management Actions](#)

[Appendix 6: Registered Revenue Contract Actions](#)

[Appendix 7: Registered Modifications](#)

[Appendix 8: Registered Agency Purchase Orders](#)

[Appendix 9: Contract Retroactivity](#)

[Appendix 10: Registrations by Industry Classification](#)

[Appendix 11: Lease & License Registrations](#)

[Appendix 12: Registered DOE Procurement Contract Actions](#)

[Appendix 13: Registered Task Orders Awarded through Agency Master Agreements](#)

[Appendix 14: BCA Emergency Procurement Approvals](#)

Appendix 15: Agency Codes

Appendix 16: Award Method Codes

Appendix 17: Contract Type Codes

Appendix 18: Contract Category Codes

Appendix 19: Analogizing FMS Award Method Codes to PPB Rules and the PPP

Appendix 20: Applicable Sections of the NYC Administrative Code

¹²² The column heading labeled "Award Level" in Appendices 1 through 8 refers to the level of competition received for an individual procurement. The numbers listed in the "Award Level" column correspond to the following level of competition received: (1) Single Bid; (2) Multiple Responses/Lowest Chosen; (3) Multiple Responses/Not Lowest Chosen; (30) Conversion; (4) Revenue-Single Response Received; (5) Revenue-Highest of Multiple Responses; (6) Revenue-Not Highest/Multiple Responses; and (7) Best Value/Not Lowest Selected.

APPENDIX 15: AGENCY CODES

Agency Code	Agency	Agency Short Name
2	Mayoralty	MAYOR
3	Board of Elections	BOE
4	Campaign Finance Board	CFB
8	Office of the Actuary	OTA
10	Borough President - Manhattan	MBP
11	Borough President - Bronx	BXBP
12	Borough President - Brooklyn	BKBP
13	Borough President - Queens	QBP
14	Borough President - Staten Island	SIBP
15	Office of the Comptroller	COMP
17	Department of Emergency Management	OEM
21	Office of Administrative Tax Appeals	OATA
25	Law Department	LAW
30	Department of City Planning	DCP
32	Department of Investigation	DOI
35	New York Research Libraries	NYRL
37	New York Public Library	NYPL
38	Brooklyn Public Library	BPL
39	Queens Borough Public Library	QBPL
40	Department of Education	DOE
42	City University of New York	CUNY
43	City University Construction Fund	CUCF
54	Civilian Complaint Review Board	CCRB
56	Police Department	NYPD
57	Fire Department	FDNY
59	Board of Standards & Appeals	BSA
63	Department of Veteran Affairs	DVA
68	Administration for Children's Services	ACS
69	Human Resources Administration (Department of Social Services)	HRA (DSS)
71	Department of Homeless Services	DHS
72	Department of Correction	DOC

Agency Code	Agency	Agency Short Name
73	Board of Correction	BOC
95	Pension Contributions	PENSION CONT
96	Human Resources Administration	HRA
99	Debt Service	DEBT
101	Public Advocate	PA
102	City Council	CC or COUNCIL
103	City Clerk	Clerk
125	Department for the Aging	DFTA
126	Department of Cultural Affairs	CULT
127	Financial Information Services Agency	FISA
130	Department of Juvenile Justice	DJJ
131	Office of Payroll Administration	OPA
132	Independent Budget Office	IBO
136	Landmarks Preservation Commission	LPC
156	NYC Taxi and Limousine Commission	TLC
214	Health Payments	HEALTH PYMTS
226	Commission on Human Rights	HRC
260	Department of Youth and Community Development	DYCD
312	Conflicts of Interest Board	COIB
313	Office of Collective Bargaining	OCA
341	Manhattan Community Board # 1	MCB1
342	Manhattan Community Board # 2	MCB2
343	Manhattan Community Board # 3	MCB3
344	Manhattan Community Board # 4	MCB4
345	Manhattan Community Board # 5	MCB5
346	Manhattan Community Board # 6	MCB6
347	Manhattan Community Board # 7	MCB7
348	Manhattan Community Board # 8	MCB8
349	Manhattan Community Board # 9	MCB9
350	Manhattan Community Board # 10	MCB10
351	Manhattan Community Board # 11	MCB11
352	Manhattan Community Board # 12	MCB12

Agency Code	Agency	Agency Short Name
381	Bronx Community Board # 1	BXCB1
382	Bronx Community Board # 2	BXCB2
383	Bronx Community Board # 3	BXCB3
384	Bronx Community Board # 4	BXCB4
385	Bronx Community Board # 5	BXCB5
386	Bronx Community Board # 6	BXCB6
387	Bronx Community Board # 7	BXCB7
388	Bronx Community Board # 8	BXCB8
389	Bronx Community Board # 9	BXCB9
390	Bronx Community Board # 10	BXCB10
391	Bronx Community Board # 11	BXCB11
392	Bronx Community Board # 12	BXCB12
431	Queens Community Board # 1	QCB1
432	Queens Community Board # 2	QCB2
433	Queens Community Board # 3	QCB3
434	Queens Community Board # 4	QCB4
435	Queens Community Board # 5	QCB5
436	Queens Community Board # 6	QCB6
437	Queens Community Board # 7	QCB7
438	Queens Community Board # 8	QCB8
439	Queens Community Board # 9	QCB9
440	Queens Community Board # 10	QCB10
441	Queens Community Board # 11	QCB11
442	Queens Community Board # 12	QCB12
443	Queens Community Board # 13	QCB13
444	Queens Community Board # 14	QCB14
471	Brooklyn Community Board # 1	BKCB1
472	Brooklyn Community Board # 2	BKCB2
473	Brooklyn Community Board # 3	BKCB3
474	Brooklyn Community Board # 4	BKCB4
475	Brooklyn Community Board # 5	BKCB5

Agency Code	Agency Name	Agency Short Name
476	Brooklyn Community Board # 6	BKCB6
477	Brooklyn Community Board # 7	BKCB7
478	Brooklyn Community Board # 8	BKCB8
479	Brooklyn Community Board # 9	BKCB9
480	Brooklyn Community Board # 10	BKCB10
481	Brooklyn Community Board # 11	BKCB11
482	Brooklyn Community Board # 12	BKCB12
483	Brooklyn Community Board # 13	BKCB13
484	Brooklyn Community Board # 14	BKCB14
485	Brooklyn Community Board # 15	BKCB15
486	Brooklyn Community Board # 16	BKCB16
487	Brooklyn Community Board # 17	BKCB17
488	Brooklyn Community Board # 18	BKCB18
491	Staten Island Community Board # 1	SICB1
492	Staten Island Community Board # 2	SICB2
493	Staten Island Community Board # 3	SICB3
781	Department of Probation	DOP
801	Department of Small Business Services	SBS
806	Housing Preservation and Development	HPD
810	Department of Buildings	DOB
816	Department of Health and Mental Hygiene	DOHMH
817	Department of Mental Health	DP MNTL HLTH
819	Health and Hospitals Corporation	HHC
820	Office of Administrative Trials and Hearings	OATH
826	Department of Environmental Protection	DEP
827	Department of Sanitation	DSNY
829	Business Integrity Commission	BIC
836	Department of Finance	DOF
841	Department of Transportation	DOT
846	Department of Parks and Recreation	DPR
850	Department of Design and Construction	DDC

Agency Code	Agency Name	Agency Short Name
856	Department of Citywide Administrative Services	DCAS
857	DCAS Division of Municipal Supply Service	DCAS (DMSS)
858	Department of Information Technology and Telecommunications	DOITT
860	Department of Records and Information Services	DORIS
866	Department of Consumer Affairs	DCA
901	District Attorney - New York County	DANY
902	District Attorney - Bronx County	DABX
903	District Attorney -Kings County	DAKINGS
904	District Attorney - Queens County	DAQ
905	District Attorney -Richmond County	DARICH
906	Office of Prosecution – Special Narcotics	OOP-SN
943	Public Administrator-Kings County	PA-KINGS
996	Housing Authority	NYCHA
998	Transit Authority	TRANSIT

APPENDIX 16: AWARD METHOD CODES

Award Method Code	Award Method
01	Competitive Sealed Bidding (CSB)
02	Request for Proposal (RFP)
03	PQVL Competitive Bid List
05	Sole Source
06	Emergency
07	Lessee Negotiation
08	Loan Negotiation
09	Rental Subsidy Negotiation
10	Renewal of Contract
11	Determined by Legal Mandate
12	Boro Needs/Discretionary Fund
13	Petition Private Use/Franchise
14	Concessionaire by Procedure
15	Renewal Franchise/Concession
16	Exempt Concession – Public Bid
17	Government-to-Government
18	Non-Procurement Transaction
20	Innovative Procurement
21	Negotiated Acquisition and DOE Negotiated Services
22	RFP from a PQL
23	Demonstration Project
24	Contract Conversion
25	Intergovernmental Procurement
26	Determined by Government Mandate
27	Accelerated Procurement
28	Buy Against
29	Assignment
30	Micropurchase – Under \$20,000
31	Small Purchase – Oral Solicitation
32	Small Purchase – Written
33	Small Purchase – Emergency

Award Method Code	Award Method
34	Small Purchase – Sole Source
35	Small Purchase – Publicly Let
36	Small Purchase – RFP
37	Small Purchase – PQL CSB
38	Micropurchase Council & BP Needs
39	Small Purchase – PQL RFP
40	DOE Listing Application
41	Cable Service Negotiation
42	Professional Membership Negotiation
43	Subscriptions Etc. per PPB
44	Public Utility
45	Small Purchase – Public Utility
51	Grants
60	Small Purchase Rotation List
61	Small Purchase – Renewal
62	Small Purchase – Intergovernmental
68	Force Account Negotiation
78	Real Estate Sales and Purchases
79	Watershed Land Negotiation
99	Miscellaneous
100	Small Purchase - Subscription etc.
101	Small Purchase - Professional Membership
102	Small Purchase - Grants
103	Small Purchase - Government-to-Government
104	Small Purchase – Assignment
105	Condemnations – Exempt OCA Processing
106	Small Purchase - Buy Against
107	Small Purchase Watershed Land Acquisition
109	Small Purchase - Information Technology
111	Small Purchase – IT 25K to 100K
112	Small Purchase Goods and Services 100k

Award Method Code	Award Method
113	Small Purchase Construction 50k to 100k
115	Multiple Awards
211	Negotiated Acquisition Extension and DOE Negotiated Services Extension
251	Intergovernmental Procurement Renewal
511	Grant Renewal

APPENDIX 17: CONTRACT TYPE CODES

Contract Type Code	Contract Type
05	Construction
10	Consultant
15	Franchises
17	Revocable Consents
18	Permits
20	Concessions
25	Corpus Funded
26	Compensating Balance from Proceeds
29	Other Expense Contract or Revenue Related
30	Miscellaneous Revenue – No Expense
35	Lessee
36	Miscellaneous Property Rental
39	Lessor – Revenue
40	Lessor – Accounting Lines Exist
41	Cable Service
42	Professional Membership
43	Subscriptions
44	Public Utility
45	Requirements
46	Requirements – Goods
47	Requirements – Services
48	Requirements – Construction
50	Work/Labor
51	Supplies/Materials/ Build
52	Construction Management/Build
65	Loans
68	Force Account Agreement
70	Programs
72	Programs (Not Tax Levy Funded)
78	Real Estate Sales and Purchases
79	Watershed Land Acquisition

Contract Type Code	Contract Type
80	DoITT – Requirements Contract
81	DMS – Requirements Contract
83	Condemnations – Exempt OCA Processing
85	Intra-Agency Fund Agreements
86	Department of Education – Requirements Contract
88	New York City Bond Financing
99	Others

APPENDIX 18: CONTRACT CATEGORY CODES

Contract Category Code	Contract Category
001	Professional Services – Accounting, Audit, & Actuarial
002	Professional Services – Legal
003	Professional Services – Engineering & Architectural
004	Professional Services – Computer Related
005	Professional Services – Management Analysis, Special Studies & Other
010	Maintenance & Operation – Data Processing Equipment
011	Maintenance & Operation – Office Equipment
012	Maintenance of Telecommunications Equipment
013	Maintenance of Motorized Equipment
014	Maintenance & Operation of Infrastructure – Lighting Systems
015	Maintenance & Operation – Infrastructure – Surface Trams System
016	Maintenance & Operation of Infrastructure – Buildings
017	Maintenance & Operation – Infrastructure – Parks & Recreational Facility
018	Maintenance & Operation – Infrastructure – Water Supply System
019	Maintenance & Operation – Infrastructure – Sewage Disposal System
020	Custodial Services
021	Security Services
022	Secretarial & Other Services
023	Advertising Services
024	Employee Related Services
025	Transportation Related Services
026	Collection Agency Services
027	Food Related Services
030	Cultural Related Services
035	Economic Development
040	Education – Contract Schools
041	Congregate Care
042	Family Rehabilitation Program Services
043	Independent Living Services
050	Home Care
051	Child Welfare Services

Contract Category Code	Contract Category
052	Family Services
053	Employment
054	Public Assistance/Child Support
055	Day Care
056	Homeless Families
057	Homeless Singles
058	AIDS
059	Senior Citizens/Other Services
060	Services for the Elderly
061	Youth Services
062	Adult Services including Education
063	Health Services
064	Prison, Detention, Probation Health Services
065	Student Services
066	Mental Health
067	Mental Retardation
068	Alcoholism
099	All Other Services
100	Foster Care
101	Preventative Services
102	Head Start
103	Crisis Intervention
104	Bonds and Letters of Credit
300	Goods/Commodities
444	Department of Education FMS Interface
888	Information Technology
N/A	Contract Budget Category Not Available

APPENDIX 19: FMS AWARD METHOD CODES AND CORRESPONDING PPB RULES AND PPP

Award Method Name (AM Code)	PPB Rule	PPP Equivalent
Competitive Sealed Bids (01)	§ 3-02	§ 3-02
Competitive Sealed Proposals (02)	§ 3-03	§ 3-03
PQVL Competitive Sealed Proposals (22)	§§ 3-03, 3-10	§ 3-04
PQVL Competitive Sealed Bids (03)	§§ 3-02, 3-10	§ 3-04
Renewals (10)	§ 4-04	§ 4-06
Intergovernmental (25)	§ 3-09	§ 3-11
Government-to-Government (17,103)	§§ 1-02(f)(1), 3-13	§§ 1-02(e)(1), 3-14
Emergency Procurements (06)	§ 3-06	§ 3-09
Negotiated Acquisitions/Services (21)	§ 3-04	§§ 3-05, 3-08
Negotiated Acquisition/Services Extensions (211)	§ 3-04	§ 4-07(b)
Buy-Against Procurements (28)	§ 4-07	§ 4-09
Discretionary (Line Item) Awards (12)	§ 1-02(e)	§ 1-03(c)
Leases (07)	N/A	N/A
Grants (51)	§ 1-02(f)(1)	§ 1-03(e)(1)
Grant Renewal (511)	N/A	N/A
Assignment (86)	N/A	N/A
DOE Listing Application (040)	N/A	§ 3-06
Sole Source (05)	§ 3-05	§ 3-07
Determined by Government Mandate (26)	§ 1-02 (d)(1),(2)	§ 1-03(b)
Determined by Legal Mandate (11)	§ 1-02 (d)(1),(2)	§ 1-03(b)
Small Purchase-Written (32)	§ 3-08	§ 3-10
Innovative Procurements (20)	§ 3-12	§ 3-13
Demonstration Projects (23)	§ 3-11	§ 3-12
Corpus Funded (Contract Type 25)	N/A	N/A
Multiple Task Award Contract Process (MTAC)*	N/A	§ 3-04
Expedited Competitive Solicitation*	§ 3-04	§ 3-05
Consultant Contracts with Individuals*	N/A	§ 3-15

*No direct corresponding FMS AM Code.

NYC Admin. Code § 6-116.2 (a)-(f)

(a) The comptroller and the mayor shall jointly maintain, at the financial information services agency, a computerized database. Such data base shall contain information for every franchise and concession and every contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, entered into by an agency, New York city affiliated agency, elected official or the council, including, but not limited to: (1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire where available in accordance with applicable law; (2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures; (3) the type of goods or services to be provided pursuant to the contract; (4) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized; (5) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder; and (7) the date of any public hearing held with respect to the contract and the date and agenda number of action taken with respect to a concession or franchise by the franchise and concession review committee; and (8) the contract budget category to which the contract is assigned, where applicable.

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York City affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to: (1) the current addresses and telephone numbers of: A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different, B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site, C. any other names under which the contractor has conducted business within the prior five years, and D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years; (2) the dun & bradstreet number of the contractor, if any; (3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract; (4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation; (5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years; (6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers; (7) the names, current business addresses and telephone numbers,

taxpayer identification numbers and employer identification numbers of affiliates of the contractor; (8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers; (9) the principal owners and officers of every subcontractor; (10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section; (11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract; (14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending; (15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor; (16) whether city of New York income tax returns, where required, have been filed for the past five years; (17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city; (18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity; (19) criminal proceedings pending against the contractor, and any principal owner or officer of such contractor; (20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status; (21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates; (22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending; (23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract. (ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official. (iii) Information required from a contractor consisting of a contractor's social security number shall be obtained by the agency, elected official or the council entering into a contract as part of the administration of the taxes administered by the commissioner of finance for the purpose of establishing the identification of persons affected by such taxes. (iv) In the event that procurement of goods, services or construction must be made on an emergency basis, as provided for in section three hundred fifteen of the charter, on an accelerated basis as provided for in section three hundred twenty-six of the charter, or expedited action is required due to urgent circumstances, or in such other circumstances as may be determined by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement, where it is not feasible to submit the information required by subdivision b prior to contract award, the required information may be submitted after award of the contract. However, all of the information required by subdivision b herein shall be submitted no later than thirty days from the date of the award. A contractor or subcontractor who fails to provide such

information as required by this paragraph shall be ineligible to bid or propose on or otherwise be awarded a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement. (v) Where a contractor or subcontractor becomes obligated to submit information required by this subdivision by reason of having been awarded a contract or subcontract, the value of which, when aggregated with the value of all other contracts or subcontracts awarded to that contractor or subcontractor during the immediately preceding twelve-month period, is valued at one hundred thousand dollars, or more, such information shall be submitted no later than thirty days after registration of the contract which resulted in the obligation to submit such information. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement. (vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph i and on or after June 30, 1994, subcontractors shall be subject to paragraph i in its entirety. (vii) This subdivision shall not apply to any New York City affiliated agency, except that such New York City affiliated agency shall report cautionary information and the name and telephone number of the employee responsible for responding to inquiries concerning such information.

c. The information maintained pursuant to subdivision b shall be made accessible to the computerized data system established pursuant to subdivision “a” of this section in a form or format agreed upon by the mayor and the comptroller. The information contained in these computerized data systems shall be made available to any other data retrieval system maintained by an agency, New York city affiliated agency, elected official or the council for the purpose of providing information regarding contracts, franchises and concessions awarded and the contractors, franchisees and concessionaires to which they were awarded. The information concerning the past performance of contractors that is contained in a computerized data base maintained pursuant to section 6-116.1 of this code for such purposes shall be made available to these data systems.

d. All of the information as required by subdivisions a and b contained in these computerized data bases shall be made available on-line in read-only form to personnel from any agency or New York city affiliated agency, elected officials, members of the council and council staff, and shall be made available to members of the public, in accordance with sections three hundred thirty four and one thousand sixty four of the charter and article six of the public officers law.

e. No contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, franchise or concession shall be let by an agency, elected official or the council, unless the contract manager or other person responsible for making the recommendation for award has certified that these computerized data bases and the information maintained pursuant to section 6-116.1 of this code have been examined. This shall be in addition to any certifications required by chapter thirteen of the charter, the rules of the procurement policy board, where applicable, or any rules of the council relating to procurement.

f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to: (1) the types and dollar amount of each contract, franchise or concession entered into during the previous fiscal year; (2) the registration number assigned by the comptroller, if any; (3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession; (4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract; (5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section 312 of the charter,

where applicable;¹²³ and (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder.¹²⁴ For franchises, this information shall also include whether the authorizing resolution of the council was complied with.¹²⁵

¹²³ The "displacement" analysis required by § 312(a) of the Charter occurs prior to the submission of a contract action for registration. Confirmation that such award was "deemed appropriate" is conducted by the head of submitting agency or his/her official designee. Additionally, the Mayor or his/her official designee is required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met, including compliance with § 312(a) of the Charter.

¹²⁴ The PPB Rules require agencies to award contracts procured through a competitive sealed bid to the lowest responsible bidder. Confirmation that each applicable award was appropriately made is attested to by the submitting agency's "Agency Chief Contracting Officer" and/or the Mayor or his/her official designee who are required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met.

¹²⁵ The awarding agency and the Corporation Counsel certify, prior to the agency's filing of the franchise action with the Comptroller for registration, that the requirements set forth in an authorizing resolution adopted by the City Council were complied with.

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