

CELEBRATING OVER 150 YEARS



# THE CITY RECORD

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## THE CITY RECORD

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The City Record.

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BROOKLYN

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 85-a of the New York City Charter, the Brooklyn Borough President on behalf of the Brooklyn Borough Board will hold a public hearing on the matters below in person, at 6:00 P.M. on Tuesday, September 2, 2025, in the Borough Hall Courtroom, 209 Joralemon Street. The meeting will be recorded for public transparency.

Members of the public may watch a livestream of the hearing on WebEx at: <https://nycbp.webex.com/nycbp/j.php?MTID=m38586d0cfa28bfc58b1f233eb7918d0f>

Meeting number (access code): 2348 908 3045

Meeting password: VNgd3WGv4g3

Join by phone

+1-646-992-2010 United States Toll (New York City)

+1-408-418-9388 United States Toll

Testimony at the hearing is limited to **2 minutes**, unless extended by the Chair. Pre-registration is not required. Testimony will only be accepted in person or in writing. For timely consideration, written testimony must be submitted to [testimony@brooklynbp.nyc.gov](mailto:testimony@brooklynbp.nyc.gov) no later than Friday, September 5, 2025.

For information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact Ricardo Newball at [ricardo.newball@brooklynbp.nyc.gov](mailto:ricardo.newball@brooklynbp.nyc.gov) at least five (5) business days in advance to ensure availability.

The following agenda items will be heard:

1. **IN THE MATTER OF** a pedestrian safety improvement project, the Department of Transportation is proposing to reconstruct the sidewalk at Prospect Park Grand Army Plaza. This work will be performed at Plaza Street East from Eastern Parkway to Vanderbilt Avenue and Vanderbilt Avenue from Plaza Street East up to the bend. The scope of work will consist of full sidewalk replacement and the removal of the existing defective cobblestones via the installation of a grass ribbon next to the curb.

2. **IN THE MATTER OF** a proposed reconstruction of the Parkside Restroom into an all-gender facility, the Prospect Park Alliance will add shaded rest areas, water fountains and informational displays.

Accessibility questions: Ricardo Newball [ricardo.newball@brooklynbp.nyc.gov](mailto:ricardo.newball@brooklynbp.nyc.gov) 718.802.3982, by: Monday, August 25, 2025, 5:00 P.M.



a19-s2

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 197-c and Section 201 of the New York City Charter, the Brooklyn Borough President will hold a ULURP hearing on the matters below in person, at 6:00 P.M. on Wednesday, August 20, 2025, in the Borough Hall Courtroom, 209 Joralemon Street. The meeting will be recorded for public transparency.

Members of the public may watch a livestream of the hearing on WebEx at: <https://nycbp.webex.com/nycbp/j.php?MTID=m1488e37e9621a5ae5264849d1ec8876c>

Meeting number (access code): 2349 577 3120

Meeting password: nYwuB8YrU34

Join by phone

+1-646-992-2010 United States Toll (New York City)

+1-408-418-9388 United States Toll

Testimony at the hearing is limited to **2 minutes**, unless extended by the Chair. Pre-registration is not required. Testimony will only be accepted in person or in writing. For timely consideration, written testimony must be submitted to [testimony@brooklynbp.nyc.gov](mailto:testimony@brooklynbp.nyc.gov) no later than Friday, August 22nd, 2025.

For information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact Ricardo Newball at [ricardo.newball@brooklynbp.nyc.gov](mailto:ricardo.newball@brooklynbp.nyc.gov) at least five (5) business days in advance to ensure availability.

The following agenda items will be heard:

**1. Brooklyn CD 5 Walk to a Park Site Selection/Acquisition**

The Department of Parks and Recreation (DPR), along with co-applicant the Department of Citywide Administrative Services (DCAS), seeks approval for the acquisition and site selection (PC) of privately-owned properties for future park development to close the walk to park gap in Brooklyn, Community District (CD) 5.

**2. AAMUP Follow Up Action**

A zoning text amendment by the Department of City Planning (DCP) to the Special Atlantic Avenue Mixed Use District to limit a portion of a mid-block non-residential use incentive in M1-2A/R6A areas to light industrial and certain community facility and commercial uses within Community District 8, Brooklyn.

**3. Herkimer Williams**

Broadway Junction Partners LLC is requesting actions to facilitate 1.23 million sf of new development: rezoning from M1-2 to C6-4/M1-6, Large Scale General Development Special Permits for bulk, height, envelope modifications, and to move floor area, a special permit to allow certain Use Groups, Text Amendment to map MIH and modify LSGD ownership definition requirements, and Combination Acquisition and Site Selection by the City with co-applicants, EDC and DCAS. Located in Community District 5.

**4. Coney Island BID Formation**

Full project description TK.

Accessibility questions: Ricardo Newball, [ricardo.newball@brooklynbp.nyc.gov](mailto:ricardo.newball@brooklynbp.nyc.gov), by: Tuesday, August 19, 2025, 6:00 P.M.



a18-20

## BOROUGH PRESIDENT - QUEENS

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Virtual Public Hearing will be held by the Borough President of Queens, Donovan Richards, on Thursday, August 21, 2025 starting at 9:30 A.M. The public hearing will be virtually streamed live at <https://www.youtube.com/@queensbp> and held in-person in the Borough President Conference Room located at 120-55 Queens Boulevard, Kew Gardens, NY 11424.

Those who wish to testify virtually may preregister for speaking time by visiting <https://www.queensbp.nyc.gov/> and submitting your contact information through the Zoom pre-registration link. After pre-registering, you will receive a Zoom confirmation e-mail with instructions on how to participate in the virtual public hearing. Preregistration for speaking time can also be arranged by calling (718) 286-2922 between 9:00 A.M. to 5:00 P.M. prior to the date of the hearing. Members of the public may also attend the hearing at the above address and publicly testify in the Conference Room.

Written testimony is welcome from those who are unable to testify virtually. All written testimony must be received by 5:00 P.M. on **Thursday, August 21, 2025** and may be submitted by e-mail to [planning2@queensbp.nyc.gov](mailto:planning2@queensbp.nyc.gov) or by conventional mail sent to the Office of the Queens Borough President at 120-55 Queens Boulevard, Room 226, Kew Gardens, NY 11424.

**PLEASE NOTE:** Individuals requesting Sign Language Interpreters and/or ADA Accessibility Accommodations should contact the Borough President's Office at (718) 286-2860 or email [planning2@queensbp.nyc.gov](mailto:planning2@queensbp.nyc.gov) no later than **THREE (3) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**.

The Public Hearing will include the following item(s):

**CD 3 – ULURP #250297 PCQ – IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Parks and Recreation (DPR) pursuant to Section 197-c of the New York City Charter, for the acquisition of properties (below) located within the Borough of Queens, Community District 3, and for site selection of such property for use as publicly accessible open space:

Primary Parcels:

1. Block 1073, Lot 25
2. Block 1100, Lot 101
3. Block 1755, Lots 26 and 87
4. Block 1776, Lots 55 and 56
5. Block 1254, p/o Lot 32

Secondary Parcels:

1. Block 1068, Lot 48
2. Block 1083, Lot 121
3. Block 1102, Lot 47
4. Block 1166, Lot 37
5. Block 1242, Lot 1
6. Block 1243, Lots 1 and 6
7. Block 1292, Lot 31
8. Block 1363, Lot 5
9. Block 1365, Lot 22
10. Block 1366, Lot 32
11. Block 1367, Lot 48
12. Block 1469, Lot 31
13. Block 1703, Lot 44
14. Block 1724, Lot 10
15. Block 1742, Lot 30

Accessibility questions: Vicky Garvey, [vigarvey@queensbp.nyc.gov](mailto:vigarvey@queensbp.nyc.gov) or 718-286-2922, by: Monday, August 18, 2025, 12:00 P.M.



a14-21

## CITY COUNCIL

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the Council has scheduled the following public hearing on the matters indicated below:

**The Subcommittee on Zoning and Franchises will hold a public hearing, accessible remotely and in person in the Committee Room, 16<sup>th</sup> Floor, 250 Broadway, New York, NY 10007, on the following matters commencing at 11:00 A.M. on August 20, 2025. The hearing will be live-streamed on the Council's website at <https://council.nyc.gov/live/>. Please visit <https://council.nyc.gov/land-use/> in advance for information about how to testify and how to submit written testimony.**

### **1946 EAST 7TH STREET REZONING BROOKLYN CB – 15 C 240252 ZMK**

Application submitted by Ahi Ezer Expansion Fund Inc pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c:

1. changing from an R5 District to an R6A District property bounded by a line 200 feet northerly of Avenue S, a line midway between East 7th Street and East 8th Street, a line 100 feet northerly of Avenue S, and a line 125 feet easterly of Ocean Parkway; and
2. changing from an R5 District to an R7A District property bounded a line 100 feet northerly of Avenue S, a line midway between East 7th Street and East 8th Street, Avenue S, and a line 125 feet easterly of Ocean Parkway;

subject to the conditions of CEQR Declaration E-821.

# 1946 EAST 7TH STREET REZONING BROOKLYN CB - 15 N 240253 ZRK

Application submitted by Ahi Ezer Expansion Fund Inc, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XI, Chapter 3 (Special Ocean Parkway District) and APPENDIX F (Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

To view the proposed text amendment, please refer to the public documents associated with this application that are accessible through the Zoning Application Portal maintained by the Department of City Planning, which can be accessed at the following website: [zap.planning.nyc.gov/projects](http://zap.planning.nyc.gov/projects).

# 5602-5604 BROADWAY REZONING BRONX CB - 8 C 240278 ZMX

Application submitted by Riverdale Garage Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d:

1. changing from an M1-1 District to an R7-3 District property bounded by a line 220 feet southwesterly of West 233rd Street, Major Deegan Expressway, the southeasterly centerline prolongation of Naples Terrace, and Broadway; and
2. establishing within the proposed R7-3 District a C2-3 District bounded by a line 220 feet southwesterly of West 233rd Street, Major Deegan Expressway, the southeasterly centerline prolongation of Naples Terrace, and Broadway;

subject to the conditions of CEQR Declaration E-843.

# 5602-5604 BROADWAY REZONING BRONX CB - 8 N 240279 ZRX

Application submitted by Riverdale Garage Corp. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

To view the proposed text amendment, please refer to the public documents associated with this application that are accessible through the Zoning Application Portal maintained by the Department of City Planning, which can be accessed at the following website: [zap.planning.nyc.gov/projects](http://zap.planning.nyc.gov/projects).

# 515 7TH AVENUE MANHATTAN CB - 5 C 240248 ZSM

Application submitted by 515 Seventh Avenue Realty, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-851 of the Zoning Resolution to allow a floor area bonus for a covered pedestrian space not to exceed the amount permitted pursuant to Section 121-31\* by more than 20 percent, in connection with a proposed commercial building, on property located at 515 7th Avenue (Block 813, Lot 64), in an M1-6 District, within the Special Garment Center District (Subdistrict A3).

\*Note: A zoning text amendment is proposed to modify Section 121-31 (Maximum Permitted Floor Area Within Subdistricts A-1 and A-3) under a concurrent related application (N 240247 ZRM).

# 515 7TH AVENUE MANHATTAN CB - 5 C 240249 ZSM

Application submitted by 515 Seventh Avenue Realty, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 121-71\* of the Zoning Resolution to modify the maximum tower coverage requirements of Sections 121-32 (Height of Street Walls and Maximum Building Height Area Within Subdistricts A-1 and A-3) and 43-451 (Towers on small lots) in connection with a proposed commercial building, on property located at 515 7th Avenue (Block 813, Lot 64), in an M1-6 District, within the Special Garment Center District (Subdistrict 3).

\*Note: A zoning text amendment is proposed to create a new Section 121-71 (Special Permit to Modify Bulk Regulations in Subdistrict A-3) under a concurrent related application (N 240247 ZRM).

# 515 7TH AVENUE MANHATTAN CB - 5 C 240246 ZSM

Application submitted by 515 Seventh Avenue Realty, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-153 of the Zoning Resolution to allow a 207,160 square feet transient hotel (Use Group V) on portions of the ground floor and the 12th through 36th floors of a proposed commercial building, on property located at 515 7th Avenue

(Block 813, Lot 64), in an M1-6 District, within the Special Garment Center District.

# 515 7TH AVENUE MANHATTAN CB - 5 C 240247 ZRM

Application submitted by 515 Seventh Avenue Realty, LP, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 1 (Special Garment Center District).

To view the proposed text amendment, please refer to the public documents associated with this application that are accessible through the Zoning Application Portal maintained by the Department of City Planning, which can be accessed at the following website: [zap.planning.nyc.gov/projects](http://zap.planning.nyc.gov/projects).

# 350 PARK AVENUE MANHATTAN CB - 5 C 250197 ZSM

Application submitted by VNO 350 Park Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area ratio permitted on a qualifying site where an above-grade public concourse is provided, in connection with a proposed commercial building, on property located at 350 Park Avenue (Block 1287, Lots 21, 27, 28 and 33), in C5-3 and C5-2.5 Districts, within the Special Midtown District.

# 350 PARK AVENUE MANHATTAN CB - 5 C 250198 ZSM

Application submitted by VNO 350 Park Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the related special permit pursuant to Section 81-645, the grant of a special permit pursuant to Section 81- 685 of the Zoning Resolution, to modify:

1. the definition of a qualifying site under Section 81-613 (Definitions) and Section 81-681 (Mandatory requirements for qualifying sites) relating to the publicly accessible space requirements;
2. the height and setback requirements of Section 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), as modified by Section 81-66 (Special Height and Setback Requirements);
3. the floor area distribution requirements of Section 81-612 (Applicability along district boundaries); and
4. the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets) and 32-30 (STREETSCAPE REGULATIONS), Section 81-45 (Pedestrian Circulation Space), and Section 81-47 (Major Building Entrances);

in connection with a proposed commercial building, on property located at 350 Park Avenue (Block 1287, Lots 21, 27, 28 and 33), in C5-3 and C5-2.5 Districts, within the Special Midtown District.

# JFK CONDUIT LOGISTICS CENTER DEMAPPING QUEENS CB - 13 C 240151 MMQ

Application submitted by WF Industrial VII LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of 153rd Way between South Conduit Avenue and Byron Street; and
2. the elimination, discontinuance, and closing of Byron Street between 145th Avenue and 146th Avenue; and
3. the elimination, discontinuance, and closing of 145th Road between Byron Street and 155th Street; and
4. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 13, Borough of Queens, in accordance with Map No. 5044 dated February 20, 2025, revised July 7, 2025, and signed by the Borough President.

# BROADWAY JUNCTION STATION CITY MAP AMENDMENT BROOKLYN CB - 16 C 230375 MMK

Application submitted by the Metropolitan Transportation Authority and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of a portion of Sackman Street between Truxton Street and Fulton Street; and
2. the establishment of a park addition within the former portion of Sackman Street (discontinued and closed); and
3. the elimination of a portion of public park within the area bounded by Truxton Street, Van Sinderen Avenue, Fulton Street, and Eastern Parkway; and
4. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 16, Borough of Brooklyn, in accordance with Map Nos. N-2771 and N-2772 dated February 20, 2025, and signed by the Borough President.

#### REVOCABLE CONSENTS FOR SIDEWALK CAFES

Application(s) pursuant to Section 19-160.2 of the Administrative Code of the City of New York by the following petitioner(s) for a revocable consent to establish, maintain and operate a sidewalk café located at the following location(s):

Application No.	Petitioner, doing business as	Café Address	Community District	Council District
D 2450082809 SWQ	Cozy Corner Corp., d/b/a Cozy Corner Bar	6001 70th Avenue, Ridgewood, NY 11358	Q-5	30

For questions about accessibility and requests for additional accommodations, including language access services, please contact [swerts@council.nyc.gov](mailto:swerts@council.nyc.gov) or [nbenjamin@council.nyc.gov](mailto:nbenjamin@council.nyc.gov) or (212) 788-6936 at least three (3) business days before the hearing.

Accessibility questions: Kaitlin Greer, [kgreer@council.nyc.gov](mailto:kgreer@council.nyc.gov), by: Friday, August 15, 2025, 3:00 P.M.



a14-20

## CITY PLANNING COMMISSION

### ■ PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, September 3, 2025, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www.nyc.gov/content/planning/pages/calendar>

Members of the public attending remotely should observe the meeting through DCP's website. Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free  
888 788 0099 US Toll-free

253 215 8782 US Toll Number  
213 338 8477 US Toll Number

Meeting ID: 618 237 7396  
[Press # to skip the Participation ID]  
Password: 1

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

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

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to

[[AccessibilityInfo@planning.nyc.gov](mailto:AccessibilityInfo@planning.nyc.gov)] or made by calling 212-720-3366. Requests must be submitted at least five business days before the meeting.

## BOROUGH OF THE BRONX

### No. 1

#### ST. RAYMOND AVENUE DEMAPPING

#### CD 14

#### C 200099 MMX

**IN THE MATTER OF** an application submitted by the Blondell Holdings Corp pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance, and closing of St. Raymond Avenue between Blondell Avenue and Waters Avenue; and
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of The Bronx, in accordance with Map No. 13148 dated July 1, 2024, and signed by the Borough President.

## BOROUGH OF BROOKLYN

### Nos. 2 & 3

#### 1720 ATLANTIC AVENUE REZONING

### No. 2

#### CD 8

#### C 230316 ZMK

**IN THE MATTER OF** an application submitted by Bermuda Realty No. 2 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. changing from an M1-1 District to an R7A District property bounded by a line 95 feet northerly of Pacific Street, Schenectady Avenue, Pacific Street, and a line 210 feet westerly of Schenectady Avenue;
2. changing from an M1-1 District to a C4-4D District property bounded by the northerly boundary line of the Long Island Railroad Right of Way (Atlantic Division), Schenectady Avenue, a line 95 feet northerly of Pacific Street, and a line 270 feet westerly of Schenectady Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by a line 95 feet northerly of Pacific Street, Schenectady Avenue, Pacific Street, and a line 100 feet westerly of Schenectady Avenue;

as shown on a diagram (for illustrative purposes only) dated May 5, 2025, and subject to the conditions of CEQR Declaration E-845.

### No. 3

#### CD 8

#### N 230315 ZRK

**IN THE MATTER OF** an application submitted by Bermuda Realty No. 2 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

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

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

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

\* \* \*

## APPENDIX F

### Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

\* \* \*

## BROOKLYN

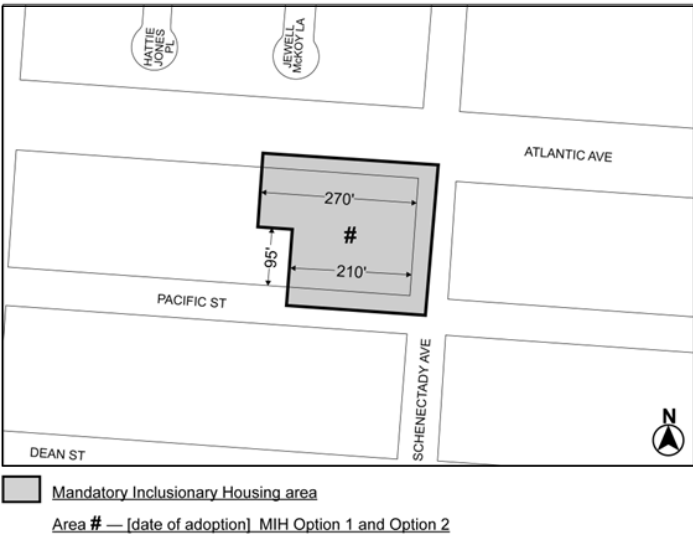
\* \* \*

### Brooklyn Community District 8

\* \* \*

Map 5 – (date of adoption)

[PROPOSED MAP]



Portion of Community District 8, Brooklyn

\* \* \*

Nos. 4 & 5

699-703 LEXINGTON AVENUE REZONING

No. 4

**CD 3** **C 250194 ZMK**  
**IN THE MATTER OF** an application submitted by Providence House Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a, changing from an R6B District to an R6A District property bounded by a line midway between Greene Avenue and Lexington Avenue, a line 200 feet easterly of Stuyvesant Avenue, Lexington Avenue, and a line 100 feet easterly of Stuyvesant Avenue, as shown on a diagram (for illustrative purposes only) dated May 5, 2025.

No. 5

**CD 3** **N 250195 ZRK**  
**IN THE MATTER OF** an application submitted by Providence House Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;

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

\* \* \*

APPENDIX F

Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

\* \* \*

BROOKLYN

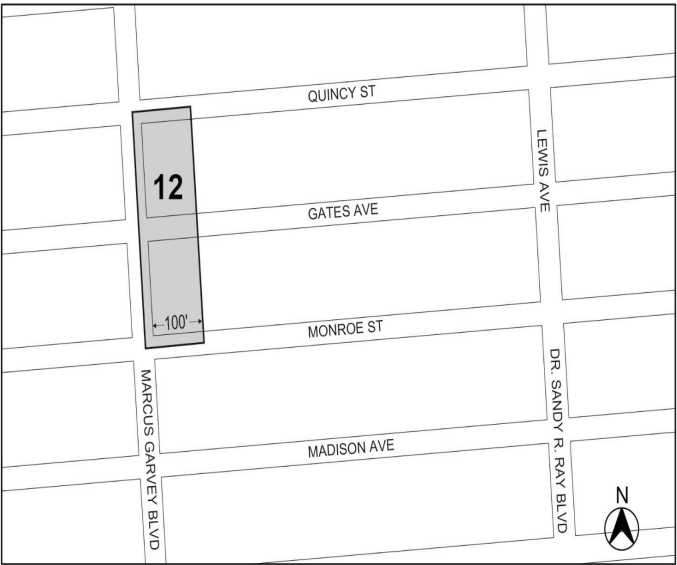
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Brooklyn Community District 3

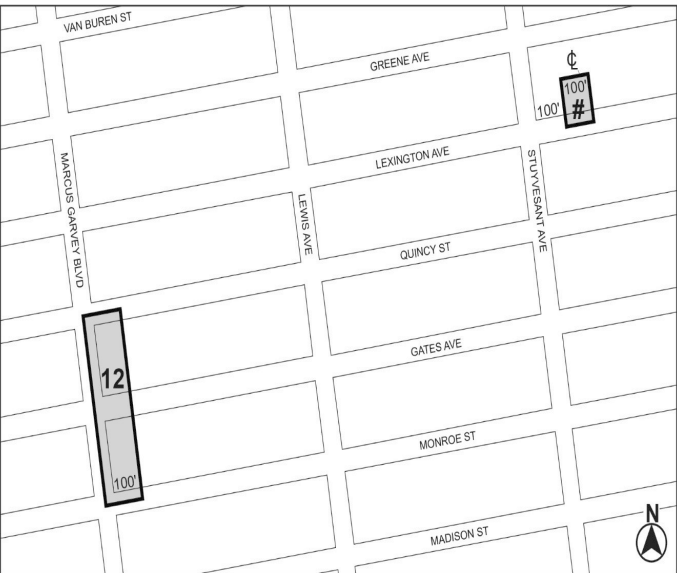
\* \* \*

Map 8 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



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

Portion of Community District 3, Brooklyn

\* \* \*

No. 6

BROOKLYN CD 5 WALK TO PARK SITE SELECTION/ACQ.

**CD 5** **C 250298 PCK**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Department of Parks and Recreation, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed below, Borough of Brooklyn, Community District 5, and for site selection of such properties for park use.

**Table 1. Primary (Vacant) Sites, Block and Lot Information**

Site Number	Block	Lot	Address	Owner	Land Use Code	Zoning	Area (SF)	Proposed Design Option
1	3749	28	Hinsdale Street	Hinsdale Commercial Property, LLC	11	M1-4	6,345	3
	3749	26	Hinsdale Street	Hinsdale Commercial Property, LLC	11	M1-4	2,815	3
	3749	27	Hinsdale Street	Hinsdale Commercial Property, LLC	11	M1-4	2,815	3
	3749	31	Sutter Avenue	Hinsdale Commercial Property, LLC	11	M1-4	3,170	3
	3749	32	Sutter Avenue	Hinsdale Commercial Property, LLC	11	M1-4	3,170	3
	3749	33	Sutter Avenue	Hinsdale Commercial Property, LLC	11	M1-4	3,170	3
	3749	34	Sutter Avenue	Hinsdale Commercial Property, LLC	11	M1-4	3,210	3
	3749	35	Snediker Avenue	Hinsdale Commercial Property, LLC	11	M1-4	3,996	3
	3749	36	Snediker Avenue	Hinsdale Commercial Property, LLC	11	M1-4	2,960	3
2	3770	100	350 Sheffield Avenue	Remeeder Houses Housing Development Fund Company	11	R6/C2-3	11,400	2
3	3950	47	2863 Atlantic Avenue	2863 Realty LLC	11	R8A/C2-4	5,095	1
4	4086	1	New Lots Avenue	New Lots Realty LLC	11	R5	8,032	1
5	4478	43	Atkins Avenue	Latchminarain, Andrew	11	R5	2,087	2
	4478	46	Atkins Avenue	Latchminarain, Andrew	11	R5	1,854	2
	4478	42	Atkins Avenue	Latchminarain, Andrew	11	R5	2,221	2
	4478	44	Atkins Avenue	Latchminarain, Andrew	11	R5	1,941	2
	4478	45	Atkins Avenue	Latchminarain, Andrew	11	R5	2,218	2
	4478	47	Atkins Avenue	Latchminarain, Andrew	11	R5	1,900	2
6	4481	13	Fountain Avenue	Fountain III LLC	11	R5	2,061	1
	4481	14	Fountain Avenue	Fountain III LLC	11	R5	3,855	1
	4481	12	494 Fountain Avenue	Fountain III LLC	11	R5	1,926	1
7	4514	1	Loring Avenue	2784 Linden LLC	11	C4-1	57,000	3

Data Source: NYC Department of City Planning, MapPLUTO Dataset, July 2024

**Table 2. Secondary Sites, Block and Lot Information**

Site Number	Block	Lot	Address	Owner	Land Use Code	Zoning	Area (SF)	Proposed Design Option
1	3668	36	2591 Atlantic Avenue	SJD Realty Holdings LLC	5	C4-1	19,515	2
2	3687	112	2660 Atlantic Avenue	Atlantic 2664 Pad, LLC	5	C4-4	18,962	2
3	3688	25	186 Vermont Street	188 Verm LLC	7	R6B	5,567	1
4	3688	18	2686 Atlantic Avenue	2686 Atlantic Avenue	5	C4-4D/EC-5	23,271	2
5	3691	24	477 Liberty Avenue	Anthony Pavone		M1- 4/ R6A/MX -16	10,047	2
6	3703	21	140 Pennsylvania Avenue	140 Pennsylvania Avenue	5	R7A/C2-4	5,652	1
7	3962	9	2800 Atlantic Avenue	Archland Property I	5	R6B/ R8A/E C-5/C2-4	35,087	3

8	3962	30	523 Liberty Avenue	523 Liberty Avenue LLC	8	M1- 4/ R6A/MX -16	10,015	1
9	3980	23	322 Barbey Street	Vinci, Salvatore	6	R5B	7,667	1
10	4108	14	920 Jamaica Avenue	Jvav Realty Co		M1-1	8,422	1
11	4108	4	21 Autumn Avenue	Jvav Realty Co	6	M1-1	22,280	2
12	4109	91	29 Lincoln Avenue	Lincoln Avenue Realty Corp		R5	9,741	1
13	4133	25	500 Ridgewood Avenue	The 500 Ridgewood Ave, LLC	8	R5	10,509	2
14	4136	1	3471 Fulton Street	Fulton Tower Associates, LLC	6	R5/C2-2	25,877	3
15	4148	30	3374 Fulton Street	Manufacturers Hanover Trust Company	5	R5/C1-2	10,094	2
16	4482	38	1091 Loring Avenue	Whale Corp	5	M1-1	8,429	1

Data Source: NYC Department of City Planning, MapPLUTO Dataset, July 2024

### BOROUGH OF QUEENS

#### No. 7

#### QUEENS CD 3 WALK TO PARK SITE SELECTION/ACQ.

**CD 3 C 250297 PCQ**  
**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Department of Parks and Recreation, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed below, Borough of Queens, Community District 3, and for site selection of such properties for park use.

**Table 1. Primary (Vacant) Sites, Block and Lot Information**

Site Number	Block	Lot	Address	Owner	Land Use Code	Zoning District	Area (SF)	Proposed Design Option
1	1073	25	22-42 97 Street	MD Jaglul Huda	11	R3-1	10,279	2
2	1100	101	88 Street	J and Son Realty LLC	11	R3-2	6,974	1
3	1755	26	34-34 112 Street	112 Corona LLC	11	R5	4,066	1
	1755	87	111 Street	34 Avenue, CORP.	11	R5	4,033	1
4	1776	55	104-35 Roosevelt LT Avenue	Ivelisse Marrero	11	R6B	3,102	1
	1776	56	104-33 Roosevelt LT Avenue	Ivelisse Marrero	11	R6B	3,282	1
5	1254	32 (vacant portion of lot)	33-50 82 Street	St Marks P E Church	8	R7-1	8,000	1

Data Source: NYC Department of City Planning, MapPLUTO Dataset, July 2024

**Table 2. Secondary Sites, Block and Lot Information**

Site Number	Block	Lot	Address	Owner	Land Use Code	Zoning District	Area (SF)	Proposed Design Option
1	1068	48	90-01 23 Avenue	GCP REALTY II	10	R2-3	90,246	3
2	1083	121	88-08 23 Avenue	GWL 23-85 87th LLC	10	C4-1	232,221	3
3	1102	47	90-05 25 Avenue	SRB Properties LLC	5	R6B	15,004	2
4	1166	37	70-09 Northern Boulevard	Commerce Bank NA	5	R4	20,536	2
5	1242	1	69-02 Northern Boulevard	Wen 69 LLC	5	R5	20,335	2
6	1243	1	70-02 Northern Boulevard	Ashkan & Arya, INC	10	R5	10,152	1

7	1243	6	70-16 Northern Boulevard	70-16 Northern Blvd.	5	R5	10,119	1
8	1292	31	37-50 82 Street	82nd Street Retail LLC	5	C4-3	8,094	1
9	1363	5	89-08 Astoria Boulevard	Speedway LLC	7	R6B	16,442	2
10	1365	22	91-20 Astoria Boulevard	Burger King Company LLC	5	R6B	20,988	2
11	1366	32	92-10 Astoria Boulevard	92-10 Astoria Blvd Corp	7	R6B	11,622	2
12	1367	48	93-20 Astoria Boulevard	93-20 Astoria Blvd Corp	5	R6B	20,750	2
13	1469	31	35-66 Junction Boulevard	BG 37TH Avenue Realty LLC	5	R6A	20,993	2
14	1703	44	108-09 Northern Boulevard	Seed LTD	7	R6A	9,016	1
15	1724	10	109-18 Northern Boulevard	Lumi Realty INC	6	R6A	6,268	1
16	1742	30	101-05 37 Avenue	Alejandro Jimenez	10	R6B	5,238	1

Data Source: NYC Department of City Planning, MapPLUTO Dataset, July 2024

**BOROUGH OF MANHATTAN**  
**Nos. 8 & 9**  
**MTA 125TH AND LEXINGTON REZONING**  
**No. 8**

**CD 11** **C 250300 ZMM**

**IN THE MATTER OF** an application submitted by Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from a C4-4D District to a C6-11 District property bounded by East 125<sup>th</sup> Street/ Dr. Martin Luther King Jr. Boulevard, Third Avenue, East 124<sup>th</sup> Street, and Lexington Avenue, as shown on a diagram (for illustrative purposes only) dated May 19, 2025.

**No. 9**

**CD 11** **N 250301 ZRM**

**IN THE MATTER OF** an application submitted by Metropolitan Transportation Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 7 (Special 125th Street District) and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE IX**  
**SPECIAL PURPOSE DISTRICTS**

**Chapter 7**  
**Special 125th Street District**

\* \* \*

**97-00**  
**GENERAL PURPOSES**

\* \* \*

**97-04**  
**Establishment of Subdistricts**

-In order to carry out the purposes and provisions of this Chapter, ~~three~~ four subdistricts are established within the #Special 125th Street District#: the Core Subdistrict, the Park Avenue Hub Subdistrict, ~~and Subdistrict A, and Subdistrict B.~~ Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the subdistricts are shown on Map 1 in Appendix A of this Chapter.

\* \* \*

**97-06**  
**Applicability of District Regulations**

**97-061**

**Applicability of Special Transit Land Use District Regulations**

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, except as modified by the provisions of this Chapter.

\* \* \*

**97-40**

**SPECIAL BULK REGULATIONS**

\* \* \*

**97-41**

**Special Floor Area Regulations**

\* \* \*

**97-412**

**Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

- a. Maximum #floor area ratio#  
The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

1. a minimum non-#residential# #floor area ratio# of ~~2.0~~ 1.5 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or
2. a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

- b. Modified maximum #floor area ratio# for certain #zoning lots#  
For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (a)(4) of Section 27-131 (Mandatory Inclusionary Housing), or for #zoning lots# that include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District). the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

1. the minimum non-#residential# #floor area# requirements set forth in paragraph
  - a. of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet or for #zoning lots# that include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District). For #zoning lots# utilizing the provisions of this paragraph, the minimum non- #residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
  2. for #zoning lots#, subject to the provisions of paragraphs (a)(4)(i) or (a)(4)(iii) of Section 27-131, the maximum #residential# #floor area# provision of the underlying district as specified in Section 23-221 shall apply;
  3. for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97- 11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by

the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met; and

4. for #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

\* \* \*

**97-43**  
**Special Height and Setback Regulations**

\* \* \*

**97-433**  
**Height and setback regulations in the Park Avenue Hub Subdistrict and in Subdistrict B**

In C6-4 Districts within the Park Avenue Hub Subdistrict or in any #commercial district# within Subdistrict B, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

- a. #Street wall# location  
The applicable provisions of Section 35-631 shall be modified as follows:

1. Along 125th Street  
The #street wall# provisions of paragraph (a) of Section 35-631 shall apply. The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and
2. Along Park Avenue and #narrow streets#  
The #street wall# provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

- b. Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in the applicable provisions of Section 35-632, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 125 feet.

- c. Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

1. Setbacks

Above the applicable maximum base height established pursuant to paragraph (b) of this Section, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a "tower."

2. #Lot coverage# requirements for towers

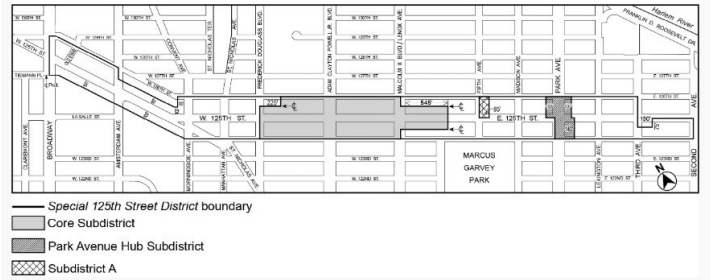
The maximum #lot coverage# of a tower shall be as set forth in Section 23-435 (Tower regulations).

3. Maximum #building# height

No height limit shall apply to towers.

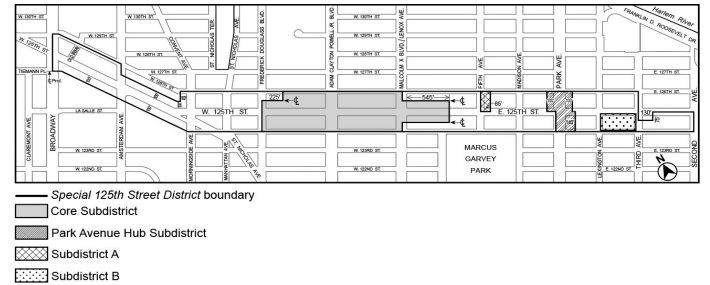
\* \* \*

**Appendix A**  
**Special 125th Street District Plan**  
Map 1: Special 125th Street District and Subdistricts



[EXISTING MAP]

[PROPOSED MAP]



\* \* \*

**APPENDIX F**  
**Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas**  
**MANHATTAN**

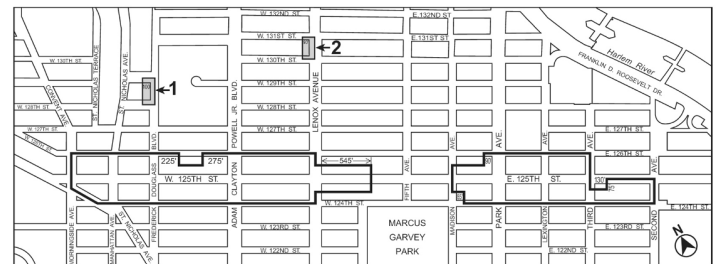
\* \* \*

**Manhattan Community Districts 9, 10, and 11**

\* \* \*

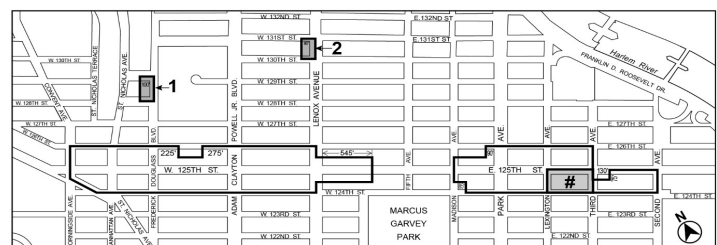
Map 1 - [date of adoption]

[EXISTING MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing area see Section 23-154(d)(3)
  - Area 1 (2/15/17) – MIH Program Option 1
  - Area 2 (2/15/17) – MIH Program Option 2

[PROPOSED MAP]



- Former Inclusionary Housing designated area
- Mandatory Inclusionary Housing area
  - Area 1 – 2/15/17 MIH Option 1
  - Area 2 – 2/15/17 MIH Option 2
  - Area # – [date of adoption] MIH Option 1 and Option 3

Portion of Community Districts 9, 10, and 11, Manhattan

\* \* \*



Nos. 10 &amp; 11

**1551 BROADWAY MID SIGNAGE TEXT AMENDMENT AND SP  
No. 10**

CD 5

N 250189 ZRM

**IN THE MATTER OF** an application submitted by 1551 Broadway Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**ARTICLE VIII****SPECIAL PURPOSE DISTRICTS****Chapter 1****Special Midtown District****81-00****GENERAL PURPOSES**

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- a. to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- b. to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- c. to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- d. to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- e. to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- f. to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- g. to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- h. to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- i. to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- j. to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- k. to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

\* \* \*

**81-70****SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-73****Special Sign and Frontage Regulations**

\* \* \*

**81-733****Special signage regulations for portions of the west side of Eighth Avenue**

\* \* \*

**81-734****Special permit to modify sign and frontage regulations on small zoning lots**

In the Theater Subdistrict, for #zoning lots# that contain 10,000 square feet or less of #lot area#, the City Planning Commission may allow, by special permit, modification to the #sign# provisions of this Chapter, inclusive, provided that the Commission finds that the modified #sign# is consistent with general goals for the Theater Subdistrict set forth in Sections 81-00 (General Purposes) and 81-71 (General Provisions).

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #sign# on the character of the surrounding area.

**81-74****Special Incentives and Controls in the Theater Subdistrict**

\* \* \*

No. 11

CD 5

250188 ZSM

**IN THE MATTER OF** an application submitted by 1551 Broadway Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-734\* of the Zoning Resolution to modify the sign requirements of Section 81-732(a)(2) (Special Times Square signage requirements) and Section 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core), to allow two new signs on property located at 1551 Broadway (Block 1018, Lots 26 & 27), in a C6-7T District, within the Special Midtown District (Theater Subdistrict Core).

\*Note: A zoning text amendment is proposed to create a new Section 74-734 (Special permit to modify sign and frontage regulations on small zoning lots) under a concurrent related application (N 250189 ZRM).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2024M0216>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Sara Avila, Calendar Officer  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, N.Y. 10271  
Telephone (212) 720-3366

Accessibility questions: [AccessibilityInfo@planning.nyc.gov](mailto:AccessibilityInfo@planning.nyc.gov),  
212-720-3366, by: Tuesday, August 26, 2025, 5:00 P.M.



a19-s3

**OFFICE OF LABOR RELATIONS****■ MEETING**

The New York City Deferred Compensation Board will hold its next Deferred Compensation Board Hardship meeting on Thursday, August 21, 2025 at 1:00 P.M. The meeting will be held at 22 Cortlandt Street, 28th Floor, New York, NY 10007.

a15-21

**TRANSPORTATION****■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN, PURSUANT TO LAW**, that the following proposed revocable consent has been scheduled for a public hearing by the New York City Department of Transportation. A draft copy of the revocable consent agreement(s) may be obtained at no cost by submitting a request at [diningoutnyc.info/requestcopy](http://diningoutnyc.info/requestcopy).

The public hearing will be held remotely via Zoom, commencing on 9/8/2025, at 11:00 A.M., on the following petition for revocable consent:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar.

Join Zoom Meeting: [zoom.us/j/91467302621](https://zoom.us/j/91467302621)

Meeting ID: 91467302621

To join the hearing only by phone, use the following information to connect:

Phone: +1-929-205-6099

Meeting ID: 914 6730 2621

1. 3502 30TH BB LLC 7th Street Burger to maintain, operate, and use a roadway cafe for a term of four years adjacent to the proposed revocable consent is for a term of four years adjacent to 3502 30th AVE in the borough of Queens.
2. LA PETIT AMELIE LLC Amelie Wine Bar to maintain, operate, and use a roadway cafe for a term of four years adjacent to the proposed revocable consent is for a term of four years adjacent to 566 Amsterdam Ave in the borough of Manhattan.
3. SISTINA RESTAURANT INC Sistina to maintain, operate, and use a roadway cafe for a term of four years adjacent to the proposed revocable consent is for a term of four years adjacent to 24 East 81st St in the borough of Manhattan.

a20

**NOTICE IS HEREBY GIVEN, PURSUANT TO LAW**, that the following proposed revocable consent has been scheduled for a public hearing by the New York City Department of Transportation. A draft copy of the revocable consent agreement(s) may be obtained at no cost by submitting a request at [diningoutnyc.info/requestcopy](https://diningoutnyc.info/requestcopy).

The public hearing will be held remotely via Zoom, commencing on 9/11/2025, at 11:00 A.M., on the following petition for revocable consent:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar.

Join Zoom Meeting: [zoom.us/j/91467302621](https://zoom.us/j/91467302621)

Meeting ID: 91467302621

To join the hearing only by phone, use the following information to connect:

Phone: +1-929-205-6099

Meeting ID: 914 6730 2621

1. SOLO FOOD CORP Roma Pizza Restaurant to maintain, operate, and use a sidewalk cafe for a term of four years adjacent to the proposed revocable consent is for a term of four years adjacent to 1701 1st Ave in the borough of Manhattan.
2. ADBONI RESTAURANT CORP Green Pavil to maintain, operate, and use a sidewalk cafe for a term of four years adjacent to the proposed revocable consent is for a term of four years adjacent to 4307 18th Ave in the borough of Brooklyn.

a20

## PROPERTY DISPOSITION

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

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

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ NOTICE

#### ONLINE PUBLIC LEASE AUCTIONS OF CERTAIN NEW YORK CITY REAL PROPERTIES

**PUBLIC NOTICE IS HEREBY GIVEN** that the Department of Citywide Administrative Services, Real Estate Services (DCAS) will be conducting online public lease auctions for the below listed parcels in accordance with Section 384 of the New York City Charter. Online bids will be accepted via the DCAS auction webpage at [nyc.gov/auctions](https://nyc.gov/auctions) from Monday, September 29, 2025 at 9:00 A.M. until Tuesday, September 30, 2025 at 9:00 P.M. The apparent highest bidders will be identified on Wednesday, October 1, 2025 and such bids will be subject to a due diligence process. Auction results will also be posted on the DCAS auction webpage at [nyc.gov/auctions](https://nyc.gov/auctions). The City intends to award bids to the highest eligible bidders.

The auctions will be conducted in accordance with Terms and Conditions, together with any Special Terms and Conditions, if any, pertinent to specific parcels. For each parcel, Terms and Conditions, any Special Terms and Conditions, and inspection times are available on the DCAS auction webpage at [nyc.gov/auctions](https://nyc.gov/auctions). Information can also be obtained by contacting Nina Crespo at 1-212-386-0622 or at [propertyrental@dcas.nyc.gov](mailto:propertyrental@dcas.nyc.gov).

#### 2 Parcels

**ADDRESS:** 2 Lafayette Street (South Side at Reade Street)  
**LOCATION:** Entrance on the west side of Lafayette Street, at the corner of Reade Street  
**BOROUGH:** Manhattan  
**BLOCK:** 155  
**LOT:** Part of Lot 1  
**MINIMUM MONTHLY BID:** \$28,135

**ADDRESS:** 2 Lafayette Street (North Side at Duane Street)  
**LOCATION:** Entrance on the west side of Lafayette Street, at the corner of Duane Street  
**BOROUGH:** Manhattan  
**BLOCK:** 155  
**LOT:** Part of Lot 1  
**MINIMUM MONTHLY BID:** \$17,055

a6-s30

## PROCUREMENT

### *"Compete To Win" More Contracts!*

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

#### ● Win More Contracts, at [nyc.gov/competetowin](https://nyc.gov/competetowin)

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

#### HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City's PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed, at [https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public)

All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS

Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www.nyc.gov/site/mocs/hhsa/hhs-accelerator-guides.page>

## ENVIRONMENTAL PROTECTION

### WATER SUPPLY

#### ■ AWARD

*Services (other than human services)*

**BWS DIVING SERVICES 5012956X/ 6012951X** - M/WBE  
Noncompetitive Small Purchase - PIN#82625W0082001 - AMT:  
\$1,074,611.00 - TO: Celtic Marine Services Corporation, 23 Crosby  
Place, Cold Spring Harbor, NY 11724.

✦ a20

## FINANCE

### FINANCIAL INFORMATION TECHNOLOGY

#### ■ AWARD

*Services (other than human services)*

**PUPPET ENTERPRISE SUBSCRIPTION & SUPPORT** - M/WBE  
Noncompetitive Small Purchase - PIN#83626W0002001 - AMT:  
\$61,302.00 - TO: Saturn Business Systems Inc., 228 East 45th Street,  
New York, NY 10017.

✦ a20

## HOUSING PRESERVATION AND DEVELOPMENT

### EMERGENCY OPERATIONS

#### ■ VENDOR LIST

*Construction/Construction Services*

### EMERGENCY OPERATIONS DIVISION PREQUALIFIED CONTRACTOR LISTS: EMERGENCY REPAIR PROGRAM (ERP)

Pre-Qualified List Application and information for inclusion on Prequalified Bidders Lists may be obtained: in person by appointment, Monday through Friday between the hours of 10:00 A.M. - 12:00 NOON and 2:00 P.M. - 4:00 P.M. at Emergency Operations and Enhanced Enforcement Division, Contractor Compliance Unit, 100 Gold Street, Room 6M6, New York, NY 10038. The application is available online for download on the HPD's website [www.nyc.gov/hpd/contractor-application](http://www.nyc.gov/hpd/contractor-application). You may also request an application or schedule an in-person visit by calling 212-863-7815 or emailing at [ccu@hpd.nyc.gov](mailto:ccu@hpd.nyc.gov). Prequalified Bidders List: The Contractor Compliance Unit in the Emergency Operations and Enhanced Enforcement Division requests application from contractors who are qualified to perform emergency and non-emergency repairs, maintenance, demolition, and construction related work in residential and commercial buildings in all boroughs of New York City. The Prequalified Bidders Lists will be used to solicit invitations to bid on a high volume of maintenance, repair and construction related Open Market Orders (OMOs) valued up to \$100,000. Demolition work may have a value greater than \$100,000. As part of the approval process, vendors will be afforded the option to participate in providing services on a 24-hour emergency basis. Contractors with integrity, financial capacity, knowledge and experience, a record of compliance with all Federal, State, and Local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards, and a commitment to working with Minority and Women Owned Business Enterprises are encouraged to apply for inclusion on lists that include but are not limited to the following trades: ASBESTOS RELATED SERVICES (ERP PQL) - Analysis - Third Party Monitoring - Abatement - Investigation BOILER REPAIRS (ERP PQL) - Boiler Rental - Boiler Installation - Emergency Gas Restoration - Emergency Gas and Oil Heat/Hot Water Restoration DEMOLITION (DEMO PQL) - Demolition of primary and/or secondary structures and/or land clearing of development sites DRAIN CLEANING-STOPPAGE (ERP PQL) ELECTRICAL REPAIRS (ERP PQL) - Repairs/Removal of Electrical Violations ELEVATOR REPAIR AND MAINTENANCE (ERP PQL) EXTERMINATION SERVICES- PEST CONTROL (ERP PQL) FIREGUARD SERVICES (ERP PQL) GENERAL CONSTRUCTION (ERP PQL & TIL/AEP PQL) - Concrete - Masonry

- Carpentry - Roof (New installation and/or Repair) - Seal-up Services - Sidewalk Sheds/Scaffolding (Steel Pole, Permanent and Rental) - Windows and Window Guards - Doors - Fencing - Scrape, Plaster and Paint IRON WORK (ERP PQL & TIL/AEP PQL) - Fire Escape Repair/Replacement - Stairwell Repair/Replacement - Welding LEAD BASED PAINT ANALYSIS AND ABATEMENT (ERP PQL) - Abatement - Analysis (Dust Wipe/Paint Chip/Soil) - XRF Testing MOLD REMEDIATION SERVICES (ERP PQL) MILDEW REMOVAL SERVICES (ERP PQL & TIL/AEP) OIL SPILL REMOVAL AND CLEAN UP - Testing - Remediation and Clean Up PLUMBING REPAIRS (ERP PQL) - Plumbing Repairs - Water Mains - Sewer Mains - Water Towers - Sprinkler Systems - Septic Systems - Sewer Stoppage RUBBISH AND TRADE WASTE (ERP PQL) - Clean Outs - Roll-Off Containers ERP PQL: All Contractors applying for the ERP PQL must be appropriately licensed and/or certified to perform their designated trades to include Asbestos, Lead and Mold certifications as necessary. Contractors will also be required to provide proof of safety training and/or trade specific training certifications as applicable. TIL/AEP PQL: All Contractors applying for the TIL/AEP PQL must have all applicable trade licenses and/or certifications. Contractors must be appropriately licensed to perform their designated trades; general construction applicants must have a Home Improvement Contractors license from the NYC Department of Consumer Affairs. The submitting entity must be: a Minority and Women-owned Business Enterprise certified by the NYC Department of Small Business Services (NYC-certified M/WBE), or a registered joint venture that includes a NYC-certified M/WBE, or willing to sub-contract at least fifty percent (50%) of every awarded job to a NYC-certified M/WBE. DEMO PQL: All Contractors applying for the Demolition Services PQL must provide applicable trade licenses and/or certifications, including being Demolition Endorsed by NYC Dept. of Buildings. Where component work of demolition jobs require other license, Contractor must either hold such license or subcontract to approved vendors which hold the license. Such certifications may be acceptable by joint venture or subcontracting.

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

*Housing Preservation and Development, 100 Gold Street, Room 6M6, New York, NY 10038. Contractor Compliance Unit (212) 863-7815; [ccu@hpd.nyc.gov](mailto:ccu@hpd.nyc.gov)*

a18-22

### ENS CONSTRUCTION

#### ■ AWARD

*Construction/Construction Services*

**IMMEDIATE EMERGENCY DEMOLITION - 922 LAFAYETTE AVENUE, BROOKLYN** - Emergency Purchase - PIN#80625E0064001 - AMT: \$290,050.00 - TO: Statewide Demolition Corp., 5883 54th Street, Maspeth, NY 11378.

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### INFRASTRUCTURE

#### ■ AWARD

*Goods*

**ELASTIC SEARCH LICENSES** - M/WBE Noncompetitive Small Purchase - PIN#85826W0003001 - AMT: \$1,498,140.00 - TO: Raj Somas, PO Box 404, Tappan, NY 10983-0404.

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## PARKS AND RECREATION

### AGENCY CHIEF CONTRACTING OFFICE

#### ■ SOLICITATION

*Services (other than human services)*

**84625B0164 - FLOODLIGHT AND SPORTS LIGHTING MAINTENANCE & REPAIR, CITYWIDE** - Competitive Sealed Bids - PIN#84625B0164 - Due 9-17-25 at 2:00 P.M.

The Work to be performed under this Contract ("Agreement" or "Contract") includes furnishing all labor, materials, travel time, equipment and all other Work incidental thereto necessary or required to provide the complete floodlight and sports lighting maintenance and repair, Citywide, for the City of New York Parks & Recreation. This Request for Bids is released through PASSPort, New York City's online procurement portal. Responses to this CSB must be submitted via PASSPort. To access the CSB, vendors should visit the PASSPort public Portal at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport>. page and click on the "Search Funding Opportunities in PASSPort" blue box. Doing so will take one to the public portal of all procurements in the PASSPort system. To quickly locate the CSB, insert the EPIN, 84625B0164, into the Keyword search field. In order to respond to the CSB, vendors must create an account within the PASSPort system if they have not already done so. The Bid Opening date will be on September 17th, 2025 at 3:00 P.M. The Bid Opening will be accessible through a Microsoft TEAMS call. Please go to Passport and download the attached Bid Opening Information for links to attend.

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## REVENUE AND CONCESSIONS

### AWARD

*Services (other than human services)*

**OPERATION OF A MOBILE TRUCK IN PEACE PARK -**  
Competitive Sealed Bids - PIN#X148E-X258-MT - AMT: \$6,600.00 -  
TO: Jose Wuatanave, 748 Southern Boulevard, Bronx, NY 10455.

Operation of a processing truck for the sale of Parks approved items at Peace Park (Clay Ave & Cross Bronx Expressway Service Road), Bronx. The concession, which was solicited by a Request for Bids, will operate pursuant to a permit agreement for one (1) five (5) year term. Compensation to the City will be as follows: Year 1: \$1,000; Year 2: \$1,250; Year 3: \$1,350; Year 4: \$1,450; Year 5: \$1,550.

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## CONTRACT AWARD HEARINGS

## CHIEF MEDICAL EXAMINER

### PUBLIC COMMENT

This is a notice that the Office of Chief Medical Examiner is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Spruce Technology Inc

**Contractor Address:** 1149 Bloomfield Avenue, Clifton, NJ 07012

**Scope:** Each OCME site has a separate Genetec security Video Monitoring System (VMS) and a central CCure 9000 access control system that covers most sites besides Fresh Kills and Bronx Office which use Genetec for access control. The combined physical security system's software, components, and devices require ongoing maintenance, support, and updates. OCME is seeking a time and materials estimate for the on-going system maintenance which includes Genetec licenses, Genetec support renewals, CCure software licenses and support renewals, security system hardware and services required to maintain, update, change or add or remove from the physical security system including but not limited to Servers, Network Equipment, Digital Storage, Equipment Racks, Workstations, Displays, Cameras, Door Locks, Card Readers, Encoders, Security Panels, Network Cabling, Genetec software licenses, Genetec camera licenses, Genetec hardware and software maintenance and support (also named warranty), and any rental equipment required to provide service or installation, move or removal of physical security related items.

**Maximum Value:** \$1,500,000.00

**Term:** September 1, 2025 to August 31, 2030

**Renewal Clauses:** yes

**E-PIN:** 81626W0008001

**Procurement Method:** M/WBE Small Purchase Method

**Procurement Policy Board Rule:** Section 3-08

**How can I comment on this proposed contract award?**

Please submit your comment to [OCMEPublicComments@ocme.nyc.gov](mailto:OCMEPublicComments@ocme.nyc.gov). Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. on Tuesday, August 26, 2025.

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## CULTURAL AFFAIRS

### PUBLIC COMMENT

This is a notice that the NYC Department of Cultural Affairs is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Playwrights Horizons, Inc.

**Contractor Address:** 416 W 42nd Street, New York, NY 10036

**Scope of Services:** Discretionary purchase of of a video monitoring system, audio system, automation system, CNC router, and projection system for Playwrights Horizons, Inc., 416 W 42nd Street, New York, NY 10036 & 50-22 49th Street, Queens, NY 11377.

**Maximum Value:** \$901,048.00

**Term:** 5 years from the date of registration

**E-PIN:** 12626L0002001

**Procurement Method:** Line-Item Appropriation/Discretionary Funds

**Procurement Policy Board Rule:** Section 1-02 (e)

**How can I comment on this proposed contract award?**

Please submit your comment to [contracts@culture.nyc.gov](mailto:contracts@culture.nyc.gov).

Be sure to include the E-PIN above in your message.

Comments must be submitted before 5:00 P.M. on Wednesday, August 27, 2025.

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## DISTRICT ATTORNEY - QUEENS COUNTY

### PUBLIC COMMENT

This is a notice that the Queens District Attorney (QCD) is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Daston Corporation

**Contractor Address:** 19 E Market St, # LL01, Leesburg, VA 20176-3004

**Scope of Services:** 1 Year Google Workspace Enterprise Plus (Software Renewal)

**Maximum Value:** \$145,890.00

**Term:** September 20, 2025, through September 19, 2026

**E-PIN:** QDA20251308 (GWEP)

**Procurement Method:** MWBE Non-Competitive Small Purchase

**Procurement Policy Board Rule:** Section 3-08 (c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment via email to [purchasing@queensda.org](mailto:purchasing@queensda.org).

Be sure to include the E-PIN and Scope of Services on the subject title of your email address.

Comments must be submitted before 4:00 P.M. on Thursday, August 28th, 2025.

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## ENVIRONMENTAL PROTECTION

### PUBLIC COMMENT

This is a notice that New York City Department of Environmental Protection is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Alpha Environmental Services Inc..

**Contractor Address:** 185 Merrick Road, Suite LLA, Lynbrook, NY 11563

**Scope of Services:** Asbestos & Mold Abatement Services for DEP Upstate facilities

**Maximum Value:** \$226,000.00

**Term:** October 1, 2025 - October 1, 2027

**Renewal Clauses:** NA

**E-PIN:** 82625Y0726

**Procurement Method:** MWBE Small Purchase

**Procurement Policy Board Rule:** Section 3-08(c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to <https://forms.office.com/g/hDgeqfDxgC?origin=lprLink>. Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. Tuesday, August 26, 2025.

☛ a20

This is a notice that New York City Department of Environmental Protection is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** NY Onsites Inc.

**Contractor Address:** 1125 Kirkland Ct., Central Islip, NY 11722

**Scope of Services:** Drug & Alcohol Testing

**Maximum Value:** \$547,935.00

**Term (Start and End Dates):** 9/15/2025 through 9/14/2030.

**E-PIN:** 82625Y0621

**Procurement Method:** MWBE Small Purchase

**Procurement Policy Board Rule:** Section 3-08(c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to <https://forms.office.com/g/GAz27fqfGp?origin=lprLink>. Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. on Tuesday, August 26, 2025.

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This is a notice that New York City Department of Environmental Protection is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Compulink Technologies Inc.

**Contractor Address:** 260 W 39th Street, Room 302, New York, NY 10018

**Scope of Services:** Beyond Trust Licenses

**Maximum Value:** \$115,811.60

**Term:** 3/1/2025 through 6/30/2026.

**E-PIN:** 82625Y0730

**Procurement Method:** MWBE Small Purchase

**Procurement Policy Board Rule:** Section 3-08(c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to <https://forms.office.com/g/Ni4cPPDXXX?origin=lprLink>. Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. on Tuesday, August 26, 2025.

☛ a20

This is a notice that Department of Environmental Protection is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** Care Security Systems

**Contractor Address:** 9 Hemion Road, Montebello, NY 10901

**Scope of Services:** Lenel Access Control & CCTV Upgrade Project

**Maximum Value:** \$219,937.62

**Term:** September 1, 2025 through September 1, 2026

**Renewal Clauses:** N/A

**E-PIN:** 82626W0007001

**Procurement Method:** MWBE Small Purchase

**Procurement Policy Board Rule:** Section 3-08(c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to <https://forms.office.com/g/pKLJpfrJvC?origin=lprLink>. Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. EST on Tuesday, August 26, 2025

☛ a20

**FINANCE****■ PUBLIC COMMENT**

This is a notice that NYC Department of Finance is seeking comments from the public about the proposed contract below.

**Contract Type:** Contract

**Contractor:** SHI International Corp

**Contractor Address:** 290 Davidson Avenue, Somerset, NJ 08873

**Scope of Services:** Checkpoint Software Maintenance & Support

**Maximum Value:** \$997,750.71.

**Term:** 12/27/2025 - 12/30/2026

**E-PIN:** 83626W0003001

**Procurement Method:** M/WBE Small Purchase Method

**Procurement Policy Board Rule:** Section 3-08(c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to <https://forms.office.com/g/Dwt1wxnuwU>. Be sure to include the Contract Title & E-PIN above in your comment.

Comments must be submitted before 5:00 P.M. EST on August 27, 2025.

☛ a20

**INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS****■ PUBLIC COMMENT**

This notice from NYC Office of Technology and Innovation is to seek public comments on the proposed contract detailed below.

**Contract Type:** CT1

**Contractor:** V Group, Inc.

**Contractor Address:** 379 Princeton Hightstown Road, Building 3, Suite 2, East Windsor, NJ 08520

**Scope of Services:** The Agency is in urgent need for a NG911 Lead Test Engineer to perform the following tasks: Accountable for all facets of testing, functional testing, regression testing, user testing and integration testing. Lead coordination and planning of test execution across enterprise to ensure no conflicts. Ensure testing processes, standards, and timelines are adhered to across enterprise. Assess and provide guidance on team member's test plans, scenarios, scripts, and approach to ensure strong execution of all projects. Define test approach and lead execution to guarantee superior outcomes. Drive testing QA metrics and reporting based on raw data inputs from test scripts. Develop, update and execute Test Plans and Test scripts based on Agencies' requirements. Write, optimize, and execute Acceptance Test Plan (ATP) test plans across enterprise.

**Maximum Value:** \$146,037.15

**Term:** 7/30/2025 through 12/31/2025

**E-PIN:** 85826W0028001

**Procurement Method:** MWBE Non-Competitive Small Purchase ("NCSP")

**Procurement Policy Rule:** Section 3-08 (c) (1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to Mark Polyak at [MWBEComments@oti.nyc.gov](mailto:MWBEComments@oti.nyc.gov). Be sure to include the E-PIN above and assignment number 7-858-0629A in your message.

Comments must be submitted before 10:00 A.M. EST on Wednesday, September 3, 2025.

☛ a20

This is a notice that the NYC Office of Technology & Innovation is seeking comments from the public about the proposed contract below.

**Contract Type:** CT1

**Contractor:** Infopeople Corporation

**Contractor Address:** 450 7th Avenue, Suite 1106, New York, NY 10123

**Scope of Services:** NG911 Linux Engineer

**Maximum Value:** \$157,080.00

**Term (Start and End Dates):** 7/1/2025 - 12/31/2025

**E-PIN:** 85826W0007001

**Procurement Method:** M/WBE Non-Competitive Small Purchase ("NCSP")

**Procurement Policy Board Rule: Section 3-08 (c)(1)(iv)****How can I comment on this proposed contract award?**

Please submit your comments through the following: MWBECROL Comments@oti.nyc.gov. Be sure to include the E-PIN above in your message.

Comments must be submitted before 5:00 P.M. EST on Thursday, September 4, 2025.

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**TAXI AND LIMOUSINE COMMISSION**

## ■ PUBLIC COMMENT

The New York City Taxi and Limousine Commission (TLC) is seeking public comments on the following proposed contract/purchase order:

**Contract Type:** Standard Services

**Contractor:** Presher Windows LLC

**Contractor Address:** 228 E 80th St, Store 2, New York, New York 10075

**Scope of Services:** Repairs at our Long Island City facility to address damages caused by a recent flood. Work will include removal of water-damaged materials, repairs to structural, electrical, plumbing, and HVAC systems, and restoration of interior finishes. Waterproofing and drainage improvements will also be made to help prevent future flooding.

**Maximum Contract Value:** \$145,597.72

**Term:** One year from the date of "Notice to Proceed"

**Renewal Clauses:** NO

**E-PIN:** 15626W0001001

**Procurement Method:** MWBE Non-Competitive Small Purchase

**PPB Rule:** Section 3-08 (c)(1)(iv)

**How can I comment on this proposed contract award?**

Members of the public may submit comments by email to tlcfeedback@tlc.nyc.gov.

The subject line of the email must include both the EPIN and the Contractor's Name.

All comments must be submitted before 2:00 P.M. on Thursday, August 21, 2025

Comments received after this time will not be considered.

a20

**TRANSPORTATION**

## ■ PUBLIC COMMENT

This is a notice that NYC Department of Transportation is seeking comments from the public about the proposed contract below.

**Contract Type:** General Contract CT1

**Contractor:** U Arias Corporation

**Contractor Address:** 1855 Imperial Avenue, New Hyde Park, NY 11040

**Scope of Services:** Landscape Maintenance & Irrigation Services, Queens

**Maximum Value:** \$1,000,000.00

**Term:** 10/1/2025 through 9/30/2028

**E-PIN:** 84126W0002001

**Procurement Method:** MWBE Small Purchase

**Procurement Policy Board Rule:** Rule 3-08 (c)(1)(iv)

**How can I comment on this proposed contract award?**

Please submit your comment to: <https://forms.office.com/g/f2nvYmrAZW> Be sure to include the E-PIN above in your message.

Comments must be submitted before 2:00 P.M. on Friday, August 29, 2025.

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**AGENCY RULES****FRANCHISE AND CONCESSION REVIEW COMMITTEE**

## ■ PUBLIC HEARINGS

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Franchise and Concession Review Committee ("FCRC") is proposing changes to the FCRC Concession Rules under Title 12 of the Rules of the City of New York to bring them up to date with the standards set forth in the Procurement Policy Board rules, provide stronger safe guards for the concessions process, streamline date and timing requirements, and generally modernize the means by which the City solicits and manages concessions.

**When and where is the hearing?** The FCRC will hold a public hearing on the proposed rules. The public hearing will take place on September 23, 2025, at 11:30 A.M. The hearing will be at 255 Greenwich St, 9<sup>th</sup> Floor in the Borough of Manhattan.

The public may also access and participate in the hearing via Internet or telephone.

- To join the public hearing via Internet, please follow the meeting link:  
[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MGQ3ZGZhNGMtZTVkOC00NDU4LWlwMDItNTBhM2JkYWY3Yzdm%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22ef8843c3-c7eb-4912-a948-ce23417db9ab%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGQ3ZGZhNGMtZTVkOC00NDU4LWlwMDItNTBhM2JkYWY3Yzdm%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22ef8843c3-c7eb-4912-a948-ce23417db9ab%22%7d)  
Meeting ID: 273 763 263 415 7  
Passcode: xt67Gx3Y
- To join the public hearing via telephone, please dial:  
+1 646-893-7101,,979688663#

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

- Website.** You can submit comments to the FCRC through the NYC Rules website at <http://rules.cityofnewyork.us>.
- Email.** You can email comments to FCRC@mocs.nyc.gov.
- Mail.** You can mail comments to:  
Attn: Franchise and Concession Review Committee  
Mayor's Office of Contract Services  
255 Greenwich St, 9th Floor  
New York, NY 10007
- By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by emailing FCRC@mocs.nyc.gov, or calling (212) 298-0624. While there will be an opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a "Question and Answer" format.

**Is there a deadline to submit comments?** The deadline to submit written comments will be September 23, 2025.

**What if I need assistance to participate in the hearing?** You must tell the Disability Service Facilitator if you need a reasonable accommodation of a disability at the hearing, including, but not limited to, a sign language interpreter. You can contact the Disability Service Facilitator by email at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov), by telephone at (212) 298-0800 or by mail at the address provided above with an attention line to "Disability Service Facilitator." Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify the Disability Service Facilitator at least five (5) business days in advance of the hearing.

This location has the following accessibility option(s) available: Wheelchair accessibility.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Within a reasonable time after the hearing, copies of all written comments and a summary of oral comments concerning the proposed rules will be available to the public on MOCS' website at <https://www.nyc.gov/site/mocs/opportunities/franchises-concessions.page> and at MOCS' office located at 255 Greenwich St, 9th Floor, New York, NY 10007.

**What authorizes the FCRC to make these rules?** Sections 373 and 1043 of the New York City Charter authorize the FCRC to make the proposed rules. The proposed rule was included in the FCRC's regulatory agenda for this Fiscal Year.

**Where can I find the FCRC's rules?** The FCRC's rules are in Title 12 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The FCRC must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

#### **Statement of Basis and Purpose of Proposed Rules**

The proposed Franchise and Concession Review Committee (FCRC) amendments would update the parts of the FCRC Rules that relate to Title 12 of the Rules of the City of New York to bring them up to date with the standards set forth in the Procurement Policy Board (PPB) rules, provide stronger safe guards for the concessions process, streamline date and timing requirements, and generally modernize the means by which the City solicits and manages concessions.

The FCRC is proposing various amendments to the Concession Rules. The specific amendments are as follows:

- Throughout the rules, updated for consistency the capitalization of "Federal, State and Local Law".
- Throughout the rules, replaced "Vendex" with "PASSport" to reflect the City's current procurement system.
- Throughout the rules, revised all citations to match revisions for consistency.
- Throughout the rules, standardized language between "Concession" and "Concession Agreement" for accuracy.
- Throughout the rules, updated the representation of numerical values from words to numbers for the purpose of uniform formatting.
- In § 1-01, revised § 1-01(a) to expand scope of rules to cover modifications, time extensions, and permits for Concessions.
- In § 1-01, added § 1-01(b)-(e) to set out clear ethics standards, confirm the City's policy goals for economic and financial opportunity, goals for equal employment opportunity, and the general ability to delegate authority of these rules in line with the standards set in the Procurement Policy Board Rules.
- In § 1-02, revised or added definitions for Administrative Costs, Compensation, Concession Agreements, Concession File, Executed, In Writing, PASSPort, Program-based Concession, Registration1, Renewal, Rule, Significant Concession, and Solicitation to match updates elsewhere in the rules or bring them up to current standards in the PPB Rules. Deleted the definitions for Non-for-Profit and VENDEX due to lack of use.
- In § 1-06(c), revised the distribution requirements for written determinations of non-responsiveness to remove the Committee and include the concession file and Mayor's Office of Contract Services.
- In § 1-07(b), revised the list of factors impacting a prospective concessionaire's responsibility determination to include proof of timely tax filing, certificate of insurance, and other financial documents as required by OMB or the Comptroller.
- In § 1-07(d), revised the list of items that a prospective concessionaire may provide to demonstrate necessary financing, equipment, expertise, and personnel to include, if applicable, a copy of the prospective concessionaire's latest financial audit report.
- In § 1-07(e), added information from news and social media websites, including press articles or customer reviews, to sources of information to support determinations of responsibility or non-responsibility.
- In § 1-07(f), added the Law Department as a required recipient for determinations of non-responsibility.
- In § 1-07(h), added language to include the power for Chief City Procurement Officer ("CCPO") to also stay the award of a concession or make a determination that it should be stayed due to, or go forward in spite of, a non-responsibility determination and/or appeal. The language added combines what was previously included in the rules in subsection (j), to reduce redundancy.
- Removed § 1-07(j) because it was made redundant by edits to (h). All powers delegated to the CCPO under this rule were added to Renamed § 1-07(k) accordingly.
- In § 1-09(a), revised the window for the publication of the Notice of Award for a concession from 15 to 30 days after registration.
- In § 1-10(b), the requirement to publish notice ahead of the hearing on the annual report was revised down from 10 issues in the City Record to 1 issue.
- In § 1-11(b), the number of days before CCPO may affirm a concession, after distributing a notice of the ratification of a Minor Rules Violation to the Committee, was reduced from 10 days to 5.
- In § 1-11(c), the timeframe to publish notice of the ratification of a Minor Rules Violation in the City Record after CCPO ratifies was increased from 10 days to 15.
- In § 1-12(a), revised to allow a reduction of the 40-day notice period at the discretion of CCPO.
- In § 1-12(a), revised to allow an agency to issue or reissue an invitation for bids within 12 months without reissuing the 40-day notice if no material changes have been made to the terms described in the notice.
- In § 1-12(a), revised to add a requirement that agencies must post the 40-day notice in a publicly accessible location on the City's website.
- In § 1-12(a), increased the number of days prior to issuing a significant Request for Proposals the agency must notify community boards and Borough Presidents from 30 days to 40 days.
- In § 1-12(b), increased the required time for an agency to begin the solicitation process from 3 months to 6 months before a current concession expires.
- In § 1-12(b), revised to require the email address of the agency contact person to be included in an invitation for bids.
- In § 1-12(b), decreased the number of issues of City Record a notice of solicitation must be published from 10 to 1.
- In § 1-12(b), added website and social media postings as other means agencies are encouraged to use to solicit bids.
- In § 1-12(b), revised to require an email address for an agency contact person to be included in advertisements to solicit bids.
- In § 1-12(b), revised to require 30 days elapse between a notice of solicitation's first appearance in City Record and the bid deadline.
- In § 1-12(b), added a requirement that agencies provide special outreach to minority and women owned business enterprises when soliciting bids.
- In § 1-12(c), added a requirement that agencies provide special outreach to minority and women owned business enterprises when soliciting proposals.
- In § 1-12(d), revised to require agencies to send, rather than mail, solicitation letters to an established mailing list.
- In § 1-12(g), revised to remove the requirement that bids must be signed in ink and allows for bids to be submitted in the form required by the request for bids.
- In § 1-12(k), revised to require a bid security to be returned to the bidder if a bid is withdrawn in accordance with the rules.
- In § 1-12(p), added a requirement that agencies must make reasonable accommodations to prospective concessionaires with a disability, if requested, during the solicitation process.
- In § 1-13(a), revised to add a requirement that agencies must post the 40-day notice in a publicly accessible location on the City's website.
- In § 1-13(a), revised to allow a reduction of the 40-day notice period at the discretion of CCPO.
- In § 1-13(a), revised to allow an agency to issue or reissue a request for proposals within a 12 month period without reissuing the 40-day notice if no material changes have been made to the terms described in the notice.
- In § 1-13(a), increased the number of days prior to issuing a significant Request for Proposals the agency must notify community boards and Borough Presidents from 30 days to 40 days.
- In § 1-13(b), increased the required time for an agency to begin the solicitation process from 3 months to 6 months before a current concession expires.
- In § 1-13(b), revised to require the email address of the agency contact person to be included in a request for proposals.
- In § 1-13(c), decreased the number of issues of City Record a notice of solicitation must be published from 10 to 1.
- In § 1-13(c), added website and social media postings as other means agencies are encouraged to use to solicit proposals.
- In § 1-13(c), revised to require an email address for an agency contact person to be included in advertisements to solicit proposals.

- In § 1-13(c), revised to require a 30 day period between a notice of solicitation's first appearance in City Record and the proposal deadline.
- In § 1-13(c), added a requirement that agencies provide special outreach to minority and women owned business enterprises when soliciting proposals.
- In § 1-13(k), revised to require a proposal security to be returned to the proposer if a proposal is withdrawn in accordance with the rules.
- In § 1-13(o), revised to clarify that all original scores and changes are clearly memorialized and explained on ratings sheets, and allowing electronic copies of ratings sheets.
- In § 1-13(o), revised to update the required affidavit evaluators sign to include a provision attesting that the evaluation has not been impacted by interaction or relationship with a current or prospective concessionaire operating the concession being evaluated.
- In § 1-13(o), revised to allow a common timeframe, as opposed to a common time, for submission of best and final offers.
- In § 1-13(o), revised to require that decisions about negotiations with any proposers must be documented, signed and dated by the selection committee, and saved in the concession folder.
- In § 1-13(p), revised to require amended ratings sheets be provided to the concession manager by the selection committee.
- In § 1-13(p), revised to require written or electronic notice of non-selection to proposers who were selected for final negotiations within 5 days of finding the selected proposer responsible.
- In § 1-13(q), revised to add the requirement that agencies include instruction of how the public may submit written testimony prior to a public hearing.
- In § 1-13(s), added a requirement that agencies must make reasonable accommodations to prospective concessionaires with a disability, if requested, during the solicitation process.
- In § 1-14(b), added a requirement that determinations that an award is in the best interest of the city must be in writing and saved in the concession file.
- In § 1-14(c), revised to reduce the number of issues the notice of intent to enter into negotiations must be published in the City Record from 5 to 1.
- In § 1-14(c), revised to require an agency to include whether a concession is significant or not significant in the notice sent to community boards and Borough Presidents.
- In § 1-14(e), removed an allowance for negotiated concessions less than 30 days to be awarded without Committee review.
- In § 1-14(g), added a requirement that agencies must make reasonable accommodations to prospective concessionaires with a disability, if requested, during the solicitation process.
- In § 1-15(a), updated the maximum compensation to \$249,999, maximum term to 2 years including renewals, and removed language limiting award to competitive process and requiring monetary compensation only.
- In § 1-15(b), expanded the limitation for splitting to also apply to the term and removed language referencing solicitation by competitive process.
- In § 1-15(c), removed entire section concerning solicitation and renumber prior § 1-15(d) to new § 1-15(c).
- In new § 1-15(c), revised to note that award must go to a responsive and responsible concessionaire in accordance with Concession Rules.
- Created new § 1-15(d) which states that small concessions are not subject to registration requirements of Concession Rules, but final small concession agreements must be provided to the FCRC.
- Modified § 1-15(e) to remove unnecessary solicitation materials, clarify certain record requirements, and add evaluations, responsibility findings, and responsiveness findings to the required records.
- Created new § 1-15(f) which lays out renewal requirements and limitations for small concessions.
- Created new § 1-15(g) which establishes CCPO's discretion to revoke an agency's ability to use the small concession solicitation method in cases of failure to comply with requirements.
- Created new § 1-15(h) which sets out basic accessibility requirements for prospective concessionaires in the small concessions process.
- Amended § 1-16(a) to remove Not-for-Profit and add Sole Source and Program-based concessions as examples of different procedures.
- Amended § 1-16(b) to add an option for less than 40 day notice at discretion of CCPO, along with a public website posting requirement.

- Created new § 1-16(e) which lays out the Program-based concession option.
- Created new § 1-16(f) which sets out basic accessibility requirements for prospective concessionaires in the different procedures process.
- Amended § 1-17(c) to note that a copy of the executed agreement is sufficient and clarify that M/WBEs will be certified as laid out in Section 1304 of the Charter.
- Created new § 1-17(h) to clarify that all concessions, unless specifically excluded in the rules elsewhere, must be presented to the Comptroller for registration.
- Created new § 1-18 which allows for extension of concession terms by one year with approval by CCPO.

The FCRC's authority to promulgate these rules is found in sections 373 and 1043 of the New York City Charter.

On January 15, 2025, the FCRC voted to initiate the rulemaking process under the Citywide Administrative Procedure Act for these proposed rule amendments.

The new material added in the text of the rule is underlined and the deleted material is in [brackets]. "Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this agency, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 12 of the Rules of the City of New York is amended to read as follows:

### Chapter 1: Concessions

#### § 1-01 Scope.

##### (a) Applicability

This Chapter shall apply to initial grants of concessions as well as to resolicitations, [and] renewals [of concessions], modifications, time extensions, and permits.

##### (b) Ethics

(1) Public employees have a responsibility to ensure that their conduct will not violate the public trust placed in them. They must make certain that their conduct does not raise suspicion or give the appearance that they are in violation of that public trust. To this end, public employees and elected officials having responsibility for contracting at all levels shall:

(i) encourage competition, prevent favoritism, and obtain the best value in the interest of the City and the public;

(ii) place professional responsibilities above personal interests;

(iii) ensure fair competitive access to City concession opportunities to a broad cross-section of responsible concessionaires;

(iv) deal with the public and with concessionaires with courtesy, consideration, and even-handedness;

(v) use information gained confidentially in the performance of City duties solely in the City's interest; and

(vi) report corruption and unethical practices, wherever and whenever discovered, to the appropriate official, and/or take such other action as is warranted by the situation.

(2) In soliciting, awarding, or administering a concession, under no circumstances may an agency or an official take into consideration the fact that a vendor or associated individual(s) has or has not made or promised to make a campaign contribution.

(3) Concessionaires and their representatives have a responsibility to deal ethically with the City and its employees, and to respect the ethical duties of City employees. Information provided by concessionaires to the City must be complete and accurate. Concessionaires must at all times avoid conduct that restrains competition. Concessionaires must not request City employees to engage in conduct that would violate the law, these Rules, or the principles set forth in this section.

(4) When there is doubt as to whether conduct is prohibited by Chapter 68 of the New York City Charter governing conflicts of interest, employees shall seek guidance from the Conflicts of Interest Board.

(c) Economic and Financial Opportunity. Through the rules and programs implemented by DSBS, the City will enhance the ability of small businesses to compete for City concessions, and will enhance City agencies' awareness of such businesses, and will ensure the meaningful participation of these firms in the City concession process.

(d) Equal Employment Opportunity. It is the policy of the City of New York to promote equal employment opportunity for women and minority group members by City concessionaires and subconcessionaires and to ensure that all persons employed by or



seeking employment with such concessionaires and subconcessionaires are protected from unlawful discrimination as to race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, or citizenship status (and from any other unlawful discrimination pursuant to federal, state, local laws and executive orders) with regard to all employment decisions, including recruitment, hiring, compensation, fringe benefits, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination, and all other terms and conditions of employment.

(e) General Delegability of Authority. Unless otherwise provided by law, these Rules, Mayoral Executive Order, Comptroller Directive, or City policy or procedure, the Mayor, Comptroller, CCPO, Agency Head, or Concession Manager may delegate any authority vested in that official by these Rules in writing to other City officials or employees having the knowledge and experience necessary to exercise such authority in the City's interest. Copies of such delegations shall be filed with the CCPO.

## § 1-02 Definitions.

For the purpose of this Chapter:

**Administrative Costs.** "Administrative Costs" shall mean the costs incurred by [an agency in] a concessionaire in maintaining, operating, and repairing a City-owned property and the cost to an Agency of processing and monitoring a concession.

**Agency.** "Agency" shall mean a city, county, borough, or other office, position, 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.

**Agency Head.** "Agency Head" shall mean the head of an agency granting a concession or his or her designee.

**Best and Final Offers.** [The] "Best and Final Offers" shall mean the revised and corrected final proposals submitted by proposers upon the request of the concession Selection Committee.

**Bid.** "Bid" shall include any modification to a bid and any withdrawal of a bid.

**CCPO.** "CCPO" shall mean the Director of the Mayor's Office of Contract Services, the person to whom the authorization is delegated by the Mayor to perform all Mayoral reviews, make all Mayoral determinations and give all Mayoral approvals and certifications regarding concessions.

**Committee.** "Committee" shall mean the Franchise and Concession Review Committee.

**Compensation.** "Compensation" shall include any monetary or non-monetary benefit to the city separate and apart from administrative cost.

**Competitive Sealed Bidding.** "Competitive Sealed Bidding" shall mean a method of procurement by which sealed bids are publicly solicited and a concession is awarded to the highest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

**Competitive Sealed Proposals.** "Competitive Sealed Proposals" shall mean a method of procurement by which proposals are publicly solicited and a concession is awarded to the responsible proposer whose proposal is determined to be most advantageous to the city, taking into consideration the revenue to the City and such other factors or criteria as are set forth in the request for proposals.

**Concession.** "Concession" shall mean 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.

**Concession Agreement.** "Concession Agreement" shall mean a final contract or written agreement between the City and the selected concessionaire that gives rise to obligations that are enforced and recognized by law.

**Concession File.** "Concession File" shall mean the file(s), including electronic file(s), maintained by the concession manager for each concession under consideration for renewal, re-solicitation or initial award. The file(s) shall include a record of each solicitation of bids or proposals and any addenda thereto, a list of all entities that were issued a solicitation, each abstract or record of bids or proposals, [each written statement] all correspondence between the agency and the concessionaire or prospective concessionaire, including any necessary notices, each written statement, distribution, or determination required to be made pursuant to this Chapter and such other information and documentation as may be appropriate. Concession Managers shall make sure that copies of the concession agreement and other standard information in the Concession File (including information relating

to the concessionaire's qualifications and performance evaluations, contract audits, and decisions regarding suspension or debarment) are reasonably available for public inspection as provided by law, with adequate protection for confidential information. The Concession File must be retained within the City for a minimum of 7 years beyond the expiration date of the concession, pursuant to the procedures of the Department of Records and Information Services.

**Concession Manager.** "Concession Manager" shall mean a person, designated by an agency, who has general responsibility for concessions management within the agency, including the supervision of subordinate agency staff in conjunction with the CCPO, and for the making of determinations with respect to concessions.

**Concession Officer.** "Concession Officer" shall mean a person duly authorized to administer concession agreements and make determinations with respect thereto.

**Contract.** "Contract" shall have the meaning set forth in § 6-116.2(i) of the New York City Administrative Code.

**Day(s).** "Day" shall mean calendar day unless otherwise specifically stated in the applicable rule.

**Executed.** "Executed" shall mean, when referring to a concession agreement, the point at which all requirements for effectiveness of the concession agreement have been fulfilled, including all required signatures and approvals, prior to registration by the Comptroller.

**Franchise.** "Franchise" shall mean a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.

**In Ink.** "In ink" shall mean a provision specifying the use of a pen to satisfy all signature and initialing requirements. Wherever these Rules provide that an action be taken "in ink," this requirement may be satisfied, if provided for in the solicitation, through the use of electronic signatures.

**In Writing.** "In writing" shall include paper or electronic documents, as defined in the solicitation, unless otherwise stated. Any system used for storage of concession-related documents in electronic form must be such as to provide for the security and integrity of the documents contained in it to an equal or greater degree than a traditional hard copy filing system.

**Invitation for Bid.** "Invitation for Bid" shall mean all documents, whether attached or incorporated by reference, utilized in soliciting a competitive sealed bid.

**Major concession.** "Major concession" shall mean a concession that has significant land use impacts and implications, in accordance with rules adopted by the City Planning Commission, or for which the preparation of an environmental impact statement is required by law.

**[Not-for-Profit.]** "Not-for-Profit Concession" shall have the following meaning:

- (1) The organization which enters into a concession with an agency, or on agreement with an agency authorizing sub-concessions, is a tax exempt organization under § 501(c)(3) or other provisions of the Internal Revenue Code;
- (2) The purpose of the concession or sub-concession is related to the tax exempt, non-profit purposes of such organization; and
- (3) There is no substantial revenue derived from a concession unrelated to the tax exempt, non-profit purposes of such organization.]

**PASSPort.** "PASSPort" shall mean a computerized citywide system providing comprehensive contract management information.

**Program-based Concession.** "Program-based Concession" shall mean a concession where an agency has established a separate process for potential concessionaires to express interest and be considered for particular types of Concessions. All such Program-based Concessions shall still be subject to FCRC approval in accordance with 12 RCNY § 1-16(e).

**Proposal.** "Proposal" shall mean an offer made by one person to another as a basis for negotiations for entering into a concession, and shall include any modification to a proposal and any withdrawal of a proposal.

**Renewal.** "Renewals" shall be defined as re-registration of previous concession agreements with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or items to be supplied.

**Request for Proposal.** "Request for Proposal" shall mean all documents, whether attached or incorporated by reference, utilized in soliciting a competitive sealed proposal.

**Revocable Consent.** "Revocable Consent" shall mean a grant by the City 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 for such purposes as may be permitted by rules of the Department of Transportation or the Department of Telecommunications, or

(3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.

**Rule.** "Rule" shall mean, as used herein, the statement or communication that prescribes mandatory standards for the concession of goods, services, and construction.

**Significant Concession.** "Significant Concession" shall mean any concession which has a term of 10 years or greater (including option periods) or a projected annual income to the City of [more than] \$[100] 250,000 or more, or is a major concession pursuant to rules adopted by the City Planning Commission.

**Sole Source Concession.** "Sole Source Concession" shall mean a concession granted by an agency without competition when an agency determines that there is either only one source for the required concession or that it is to the best advantage of the City to grant the concession to one source.

[ **VENDEX.** "VENDEX" shall mean a computerized citywide system providing comprehensive contract management information.]

**Solicitation.** "Solicitation" shall mean the process of notifying prospective concessionaires that a governmental body wishes to receive bids or proposals for furnishing goods, services, or construction. The process may consist of public advertising, mailing or sending by electronic mail invitations for bids or requests for proposals, posting notices, telephone or facsimile messages to prospective concessionaires, or all of these.

### **§ 1-03 Construction of Rules.**

The rules in this Chapter shall be liberally construed to achieve the purpose for which they are intended.

### **§ 1-04 Decision to Permit Use of City Property for Administrative Cost.**

The concession manager must document any decision to issue any permit for the use of City property for a period of over 30 days for a fee to cover administrative costs, rather than a concession. A copy of such documentation shall be forwarded to the Committee.

### **§ 1-05 Term of Concession.**

No agency shall enter into a concession agreement for a term of more than 20 years (including option periods). Notwithstanding the foregoing, in extraordinary circumstances described in a detailed written statement to the Committee, an agency may issue a solicitation for a concession with a term in excess of [twenty (20)] 20 years upon the unanimous approval of the Committee. Thereafter, an agency may enter into a concession agreement with the successful bidder/proposer.

### **§ 1-06 Responsiveness of Bids/Proposals.**

(a) **Policy.** The award of concessions shall be made only to bids/proposals received that are responsive to the solicitation, as set forth below.

(1) A bidder/proposer must submit a responsive bid/proposal in order to be considered for award.

(2) The concession manager must make a written determination of responsiveness for every concession award.

(b) **Standards.**

(1) A responsive bid/proposal is one which conforms to the material terms and conditions of the solicitation documents and all material requirements of the specifications.

(2) Factors affecting the responsiveness of bids/proposals include:

(i) Compliance with all material requirements of the specifications;

(ii) Compliance with all material terms and conditions of the solicitation;

(iii) Submission of bids/proposals in the form specified in the solicitation;

(iv) Submission of bids/proposals by the time and date and at the place specified in the solicitation;

(v) Submission of bid/proposal deposits, if required by the solicitation;

(vi) Submission of samples, literature or other information, if required by the solicitation;

(vii) Submission of all required disclosure statements; and

(viii) Attendance at a pre-bid or pre-proposal conference or site inspection, if required. Bids/proposals that fail to conform with one or more of the standards set forth above shall be rejected.

(c) **Written determination of non-responsiveness required.** If the bid(s) offering the highest revenue, or in the case of other competitive solicitations, any proposal is found non-responsive, a written determination setting forth in detail and with specificity the reasons for such finding, must be made by the concession manager. A copy of such determination shall be maintained in the Concession File and filed with the [Committee] Mayor's Office of Contract Services.

(d) **Notice.** A copy of the determination of non-responsiveness shall be immediately sent by mail or electronic mail to the non-responsive bidder/proposer. Notice to the non-responsive bidder/proposer must be mailed or sent by electronic mail no later than [two] 2 business days after the determination of non-responsiveness is made and must inform the bidder/proposer of the right to appeal the determination to the Agency Head or designee within [five] 5 days of receipt. The notice shall also contain the following statement: The bidder/proposer shall also send a copy of its appeal to the New York City Comptroller, for informational purposes, at Office of the New York City Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, (212) 669-2323.

(e) **Record.** The written determination of responsiveness or non-responsiveness shall be retained in the concession file.

(f) **Appeal of determination of non-responsiveness.** Appeals of the determination of non-responsiveness shall be made pursuant to the following procedure:

(1) **Time for appeal.** Any bidder/proposer whose bid/proposal is determined to be non-responsive shall be allowed [five] 5 days from receipt of the agency's notification to file a written appeal of that determination with the Agency Head. Receipt of notice by the bidder/proposer shall be deemed to be no later than [five] 5 days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the office of the Agency Head.

(2) **Form and content of appeal by bidder/proposer.** The appeal by the bidder/proposer shall be in writing and shall briefly state all the facts or other basis upon which the bidder/proposer contests the agency finding of non-responsiveness. Supporting documentation shall be included.

(3) **Agency Head determination.** The Agency Head shall consider the appeal, and shall make a prompt written decision with respect to the merits of the appeal. The Agency Head may, in his or her sole discretion, meet with the bidder/proposer to discuss the merits of the appeal.

(4) **Notification to bidder/proposer of Agency Head decision.** A copy of the decision of the Agency Head shall be sent by mail or electronic mail to the bidder/proposer.

(5) **Finality of Agency Head decision.** The Agency Head's decision of an appeal from a determination of non-responsiveness shall be final.

(6) **Stay of award of concession pending Agency Head Decision.** Award of the concession shall be stayed pending the rendering of a decision by the Agency Head unless the Agency Head makes a written determination that execution of the concession without delay is necessary to protect substantial City interests.

(7) **Delegation.** The Agency Head may designate a senior agency official, other than the concession manager or his or her subordinates, to consider this appeal.

(g) **Documentation.** Documents reflecting the concession manager's determination of non-responsiveness and any appeal and decision with respect to appeal, and evidence of having supplied written notifications as required by this section, shall be maintained in the concession file. A copy of the determinations of the concession manager and the Agency Head shall be forwarded to the Committee.

### **§ 1-07 Concessionaire Responsibility.**

(a) **Policy.** Concessions shall be awarded to responsible prospective concessionaires only.

(b) **General standards.**

(1) A responsible concessionaire is one which has the capability in all respects to perform fully the concession requirements. Factors affecting a prospective concessionaire's responsibility may include:

(i) Financial resources;

- (ii) Technical qualifications;
- (iii) Experience;
- (iv) Organization, material, equipment, facilities and personnel resources and expertise (or the ability to obtain them) necessary to carry out the work and to comply with required delivery or performance schedules, taking into consideration other business commitments;
- (v) A satisfactory record of performance;
- (vi) A satisfactory record of business integrity;
- (vii) Where the concession includes provisions for compensation to the City based on revenues, the existence of accounting and auditing procedures adequate to control property, funds or other assets, accurately delineate costs, and attribute them to their causes;
- (viii) Proof of timely tax filing, certificate of insurance, and other financial documents as required by OMB or the Comptroller;

[(viii)] (ix) Compliance with requirements for the utilization of small minority-owned and women-owned businesses as [subcontractors] subconcessionaires, if any.

(2) Failure of an entity to provide relevant information specifically requested by the concession manager may be grounds for a determination of non-responsibility.

(c) *Special standards.*

(1) When it is necessary for a particular concession or class of concessions, the concession manager shall develop, with the assistance of appropriate specialists, special standards of responsibility. Special standards may be particularly desirable when experience has demonstrated that certain minimum experience or specialized facilities are needed for adequate concession performance.

(2) The special standards shall be set forth in the solicitation (and so identified) and shall apply to all prospective concessionaires.

(3) Special standards must be based on demonstrated need and must not be used to artificially limit competition.

(d) *Ability to meet standards.*

(1) The prospective concessionaire may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:

(i) Evidence that such prospective concessionaire possesses such necessary items, or can obtain them;

(ii) A documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.

(iii) If applicable, a copy of the latest financial audit report, including the date, period covered, findings, name of the CPA firm that conducted it, and, if applicable whether the CPA firm was unable to express an opinion as to the adequacy of the prospective concessionaire's books and records.

(2) A prospective concessionaire that has performed unsatisfactorily shall be presumed to be non-responsible, unless the concession manager determines that the circumstances were beyond the prospective concessionaire's control or that the prospective concessionaire has taken appropriate corrective action. Past failure to apply sufficient tenacity and perseverance to perform acceptably is strong evidence of non-responsibility.

(e) *Making the responsibility determination.*

(1) [VENDEX] PASSPort questionnaires.

(i) In the case of concession awards where the concession has a value that, when aggregated with the value of all other City concessions, franchises, and contracts held by the same concessionaire, is valued at [one hundred thousand dollars] \$100,000 or more, questionnaires, known as "[VENDEX] PASSPort questionnaires," seeking background information about the prospective concessionaire and its principals, owners, officers, affiliates and [subcontractors] subconcessionaires shall be completed. The apparent high bidder or proposed concessionaire and, at the discretion of the concession manager, any other responsive prospective concessionaire, shall be required to complete the [VENDEX] PASSPort questionnaires so as to assist the concession manager in making the determination of responsibility and to permit compliance with local law concerning creation and maintenance of a computerized database concerning concessionaire background.

(ii) The questionnaire responses shall be entered into the citywide computerized [VENDEX] PASSPort database which is jointly maintained by the Mayor and the Comptroller. Questionnaires need be completed only once every [three] 3 years. Each prospective concessionaire shall certify at the time of award of each concession

that all the information submitted within such [three] 3-year period is current, accurate and complete. In the event that changes have occurred within the [three] 3-year period, the prospective concessionaire shall update, prior to concession award, any previously-submitted [VENDEX] PASSPort questionnaire to supply any changed information, and shall certify that both the updated and unchanged information is current, accurate and complete.

(iii) Names on the questionnaires shall be reviewed by the Department of Investigation to ascertain whether the business or its affiliated individuals are or have been the subject of an investigation by the Department. The Department of Investigation shall undertake the review expeditiously and provide an explanation to an agency if its review is not completed within [thirty] 30 calendar days of the request. If the Department of Investigation ascertains that there has been such an investigation, it shall provide a copy of any final report or statement of findings to the concession manager for use in making the determination of responsibility.

(iv) Subcontractors/subconcessionaires. Where appropriate, City concession agreements shall contain a clause requiring concessionaires to notify subcontractors/subconcessionaires of their obligation to complete and file [VENDEX] PASSPort questionnaires within [thirty] 30 days after the concession manager has granted preliminary approval of the identified subcontractor/subconcessionaire, if the aggregate value of City contracts, franchises, and concessions awarded to a subcontractor/subconcessionaire during the immediately preceding twelve-month period equals or exceeds \$100,000.

(2) The concession manager should use the following sources of information to support determinations of responsibility or non-responsibility:

(i) [VENDEX] PASSPort listings of debarred, suspended and ineligible contractors and concessionaires;

(ii) [VENDEX] PASSPort and other records or evaluation of performance, if available, as well as verifiable knowledge of agency personnel;

(iii) Determinations of violations of employment-related federal, state, or local law or executive order, including but not limited to those relating to equal employment opportunity, prevailing wage, workplace health and safety, employee benefits, and employee wages and hours, if any;

(iv) Information supplied by the prospective concessionaire, including bid/proposal information, [VENDEX] PASSPort questionnaires replies, financial data, information on production equipment and personnel information; and other sources such as publications, suppliers, [subcontractors] subconcessionaires and customers of the prospective concessionaire, financial institutions, other government agencies, and business and trade associations.

(v) Information published on news or social media websites, including press articles or customer reviews.

(3) Nothing in this section shall preclude a concession manager, prior to award, from notifying the bidder/proposer of unfavorable responsibility information and providing the bidder/proposer an opportunity to submit additional information or explain its actions before adverse action is taken.

(f) *Written determination of non-responsibility required.*

(1) If a prospective concessionaire who otherwise would have been awarded a concession is found non-responsible, a written or electronic determination of non-responsibility setting forth in detail and with specificity the reasons for the finding of non-responsibility shall be prepared by the concession manager.

(2) A copy of the determination of non-responsibility shall be immediately sent to the non-responsible prospective concessionaire. Notice to the non-responsible prospective concessionaire must be mailed or sent by electronic mail no later than [two] 2 business days after the determination of non-responsibility is made and must inform the prospective concessionaire of the right to appeal the determination to the Agency Head or designee and subsequently to the CCPO, and of the procedure for taking such appeals. The notification shall also contain the following statement: The prospective concessionaire shall also send a copy of its appeal to the New York City Comptroller, for informational purposes, at Office of the New York City Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, (212) 669-2323.

(3) The [written] determination of non-responsibility shall be made part of the concession file, delivered to the Mayor's Office of Contract Services and Law Department, and included in the [VENDEX] PASSPort database.

(g) *Appeal of determination of non-responsibility.* Appeals of the determination of non-responsibility shall be made pursuant to the following procedure:

(1) *Time for appeal.* Any prospective concessionaire who is determined to be non-responsible in connection with the award of a particular concession shall be allowed [five] 5 days from receipt of the agency's notification to file a written or electronic appeal of that determination with the Agency Head. Receipt of notice by the prospective concessionaire shall be deemed to be no later than [five] 5 days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the office of the Agency Head.

(2) *Form and content of appeal.* The appeal by the prospective concessionaire shall be in writing and shall briefly state all the facts or other basis upon which the prospective concessionaire contests the agency finding of non-responsibility. Supporting documentation shall be included.

(3) *Agency Head determination.* The Agency Head shall consider the appeal, and shall make a prompt written decision with respect to the merits of the appeal. The Agency Head may, in his or her sole discretion, meet with the prospective concessionaire to discuss the appeal.

(4) *Notification to prospective concessionaire of Agency Head decision.* A copy of the decision of the Agency Head shall be sent by mail or electronic mail to the prospective concessionaire. If the Agency Head upholds the concession manager's finding of non-responsibility, the Agency Head shall inform the prospective concessionaire of the right to appeal the decision to the CCPO, and of the procedure for taking such an appeal.

(5) *Finality.* The Agency Head's decision of an appeal from a determination of non-responsibility shall be final unless further appealed to the CCPO.

(6) *Delegation.* The Agency Head may designate a senior agency official, other than the concession manager or his or her subordinates, to consider this appeal.

(h) *Stay of award of concession pending Agency Head or CCPO decision.* Award of the concession shall be stayed pending the rendering of a decision by the Agency Head or CCPO unless the concession manager makes a written determination that execution of the concession without delay is necessary [to protect substantial City interests], or the CCPO, in the CCPO's discretion, determines that it is in the best interests of the City to go forward with the award of the contract.

(i) *Appeal to the CCPO.* Appeals to the CCPO of the Agency Head decision upholding a determination of non-responsibility shall be made pursuant to the following procedure:

(1) *Time for Appeal.* Any prospective concessionaire who wishes to appeal the decision of the Agency Head shall be allowed [ten] 10 calendar days from receipt of the Agency Head's notification to file a written or electronic appeal of that determination with the CCPO. Receipt of notification by the prospective concessionaire shall be deemed to be no later than [five] 5 days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to the CCPO.

(2) *Form and Content of Appeal by Prospective Concessionaire.* The appeal by the prospective concessionaire shall be in writing and shall briefly state all the facts or other basis upon which the prospective concessionaire contests the agency finding of non-responsibility. Supporting documentation shall be included.

(3) *CCPO Determination.* The CCPO shall consider the prospective concessionaire's appeal, and shall make a prompt written decision with respect to the merits of the prospective concessionaire's appeal. The CCPO, in the CCPO's sole discretion, may meet with the prospective concessionaire to discuss the appeal.

(4) *Notification to Prospective Concessionaire of CCPO Decision.* A copy of the decision of the CCPO shall be sent by mail or electronic mail to the prospective concessionaire.

(5) *Finality.* The decision by the CCPO of a prospective concessionaire's appeal from an Agency Head decision concerning non-responsibility shall be final.

[ (j) *Stay of Award of Concession Pending Decision By CCPO.* Award of the concession shall be stayed pending the rendering of a decision by the CCPO, unless the concession manager has made a determination pursuant to these Rules that the execution of the contract without delay is necessary, or the CCPO, in the CCPO's discretion, determines that it is in the best interests of the City to go forward with the award of the contract.]

[(k)] (j) *Documentation.* Documents reflecting the concession manager's determination of non-responsibility and any appeal and decision with respect to appeal, and evidence of having supplied written notifications as required by this section, shall be maintained in the concession file. Copies of these documents shall be sent to the

Mayor's Office of Contract Services for inclusion in the [VENDEX] PASSPort database. A copy of the determinations of the concession manager, Agency Head, and CCPO shall be forwarded to the Committee.

#### **§ 1-08 Protest of Solicitations and Awards of Concessions.**

(a) *Protests.* Any actual or prospective [bidder or proposer] concessionaire may protest any determination regarding a concession, unless another appeal or protest provision is provided in these Rules. The protestor shall send a copy of its protest to the New York City Comptroller, for informational purposes, at the Office of the New York City Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, (212) 669-2323.

(1) *Time for protest.* A protest shall be submitted in writing to the Agency Head within [ten] 10 days after the protesting party knows or should have known of the facts that prompted the protest but no later than [ten] 10 days after the publication of the notice of award of a concession.

(2) *Form and content of protest.* The protest shall be in writing and shall briefly state all the facts or other basis upon which the agency decision is contested. Supporting documentation shall be included. If the protest is made by a potential bidder or proposer who has not submitted a bid or proposal, the protest shall be limited to a challenge of the notice procedures followed by the concession manager.

(3) *Agency Head.* The Agency Head shall consider the protest, and shall make a prompt written decision with respect to its merits. The Agency Head may in his/her exclusive discretion invite written comment from the selected concessionaire (if any) or other interested party, convene an informal conference with the protestor, the selected concessionaire, any other interested party and/or any appropriate agency personnel to resolve the issue by mutual consent prior to reaching a determination.

(4) *Notification to protestor of Agency Head decision.* Upon the making of a decision concerning the merits of the protest the Agency Head shall promptly notify the protestor in writing of that determination. The notification shall state the reasons upon which the determination is based.

(5) *Finality of Agency Head decision.* The Agency Head's decision concerning the merits of a protest pursuant to this section shall be final.

(6) *Status of award.* In any case in which a court proceeding is commenced, no solicitation or concession award shall be delayed except as determined by the Agency Head.

(7) *Documentation.* Documents reflecting the agency decision of a protest and evidence of having supplied written notification, as required by this section, shall be maintained in the concession file. Copies of these documents shall be sent to the Mayor's Office of Contract Services and to the Comptroller.

#### **§ 1-09 Publication Requirements for the Award of a Concession.**

(a) Notice of the award of a concession shall be published in the *City Record* within [15] 30 calendar days after registration of the concession, shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication, and a copy shall be provided to the members of the Committee within [five] 5 days of its publication.

(b) Such notice shall include:

- (1) Agency name;
- (2) Location of the awarded concession;
- (3) Summary of the terms and conditions of the proposed concession agreement, including the revenue anticipated to be received by the City;
- (4) Name and address of concessionaire; and
- (5) Method by which concession was solicited.

#### **§ 1-10 Annual Report, Concession Plan and Opportunity for Public Comment.**

(a) The CCPO shall submit an annual report to the Committee no later than each September 1st summarizing the currently effective concessions awarded pursuant to this Chapter. The summary shall include the date each concession was submitted to the Comptroller for registration, a brief description of each concession awarded, the method by which each concession was awarded and the approximate gross revenues received by the City for each concession during the prior fiscal year. The CCPO shall have final approval over the form and content of the annual report.

(b) (1) Annually, the concession manager of each agency awarding concessions shall review its entire portfolio of significant concession

agreements, including all existing significant concessions and anticipated new significant concessions that may occur over the course of the upcoming fiscal year, and shall produce a plan ("Plan") detailing the actions anticipated with respect to each such concession agreement set to expire and/or planned for continuation, and each new significant concession agreement planned for solicitation or initiation during the upcoming year. In addition, the concession manager may include in the Plan the actions anticipated with respect to each non-significant concession agreement set to expire and/or planned for continuation, and each new non-significant concession agreement planned for solicitation or initiation during the upcoming year.

(2) The form and content of the Plans shall be prescribed by the CCPO. The Plans shall include, but not be limited to: the borough, address location(s) (including name of parks, if applicable) and community district(s) of the planned concessions, descriptions of the planned concessions, anticipated term and revenue (including a range, if appropriate) of the planned concessions, the name and address of the current concessionaires (if any), the business name of the current concession (if any), an indication of whether each concession is a major concession, the month and year (if available) of the next planned solicitation or initiation for such concession, the selection method to be employed for any concession, the justification for the method to be employed if not a bid or [an RFP] a Request for Proposals, and a brief summary of the terms and conditions of such solicitation.

(3) Each agency shall submit its Plan to the Committee no later than May 1st, provide copies of the Plan to each affected community board and Borough President and consult, on request, with each affected community board and Borough President on developing the scope of any solicitations for significant concessions relevant to each that are included in the Plan, at least [thirty(30)] 30 days in advance of such solicitations.

(4) The Committee shall hold a public hearing on the Plans no later than June 15th, and shall at the same hearing further solicit comment about the provisions of this chapter from the vendor community, civic groups and the public at large. Notice of such public hearing shall appear [in at least ten (10) successive issues] in 1 issue of the *City Record*, in appropriate newspapers and trade publications, shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication, and a copy shall be provided to the members of the Committee within [five] 5 days of its publication. Consideration shall also be given to posting notices in public places, to free radio or television coverage and to such other means as may be appropriate. Such notice shall include:

- (i) Name of each agency that submitted a Plan;
- (ii) A brief description of the portfolio of concessions covered by the Plans;
- (iii) How interested parties may obtain a copy of the Plans;
- (iv) A description of any additional issues on which the Committee wishes to solicit public comment; and
- (v) The date, time, and place of public hearing.

(5) The Committee shall consider the issues raised at the public hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.

#### **§ 1-11 Ratification of Minor Rules Violations.**

(a) *Prior to Registration.* If, prior to registration, it is determined by the concession manager that a violation of these Rules has occurred and the violation has been deemed to have had no significant, adverse impact on the competitive process, then as soon as practicable after discovery, the concession manager shall either:

- (i) Revise the concession to comply with these Rules, or
- (ii) If the minor Rules violation(s) cannot be corrected to comply with these Rules, make a written application to the CCPO, who may ratify the concession provided it is in the best interest of the City to do so, and provided such ratification will not violate any law applicable to the concession process. Such application and ratification shall include the justification(s) therefor. The CCPO shall provide a copy of the application to each member of the Committee, and may not ratify the concession prior to the expiration of [ten (10)] 10 business days from the date such copies are received. If an application is made prior to public hearing and/or FCRC meeting regarding the concession, if any, the Committee shall be informed of such application before such hearing or meeting.

(b) *After Registration.* If, after registration, it is determined that a concession is in violation of these Rules:

- (i) If the selected concessionaire has not acted fraudulently or in bad faith:

(A) The minor Rules violation may be ratified and the concession affirmed, provided it is determined by the concession manager and approved by the CCPO that doing so is in the best interests of the City and provided such ratification will not violate any law applicable to the concession process; such determination and approval shall include the justification(s) therefor; and provided further that the CCPO shall provide a copy of the determination to each member of the Committee, and may not affirm the concession prior to the expiration of [ten (10)] 10 business days from the date that such copies are received, or

(B) The concession may be terminated by the concession manager in accordance with applicable law or contract terms.

(ii) If the selected concessionaire has acted fraudulently or in bad faith:

(A) The concession may be declared null and void by the concession manager; in such event the concessionaire's name shall be entered as a caution in the [VENDEX] PASSPort database, or

(B) The minor Rules violation may be ratified and the concession affirmed, provided it is determined by the concession manager and approved by the CCPO that doing so is in the best interests of the City, including the reasons therefor and provided such ratification will not violate any law applicable to the concession process. The CCPO shall provide a copy of the determination to each member of the Committee, and may not affirm the concession prior to the expiration of [ten (10)] 5 business days from the date such copies are received. Such ratification shall not prejudice the City's rights to damages as may be appropriate.

(c) *Public Notice.* Notice of the ratification of a minor Rules violation shall be submitted to the Committee and published at least once in the *City Record* within [ten] 15 days after the CCPO's ratification determination and posted on the City's website in a location that is accessible by the public simultaneously with its publication. Such notice shall include the name of the concessionaire (when applicable); a brief description of the concession; the dollar amount; the duration of the concession; and the nature of and justification for the ratification of the rules violation.

(d) *Standard.* In no event shall the failure to (1) have a required public hearing, (2) receive required Committee approval, or (3) advertise a public hearing or Committee meeting required for the concession for which the Concession Manager is seeking such ratification or affirmation be considered a minor Rules violation that may be ratified or affirmed.

#### **§ 1-12 Competitive Sealed Bids.**

(a) *General.*

(1) Concessions shall be awarded in accordance with competitive sealed bidding procedures whenever practicable and advantageous to the City. Concessions may be awarded through a competitive sealed proposal process if the agency makes a written determination that the use of competitive sealed bidding is not practicable or not advantageous to the City for one of the reasons set forth in 12 RCNY § 1-13(a). Such determination must be approved in writing by the agency head and must be included in the concession file. A copy thereof shall be forwarded to the Committee.

(2) [Prior] At least 40 days prior to soliciting bids, or less at the discretion of CCPO, the agency shall make a written determination as to whether a concession is a major concession. Such determination shall be approved in writing by the agency head and shall be included in the concession file. If a concession is determined to be a major concession, it shall be subject to review and approval pursuant to Sections 197-c and 197-d of the Charter following the agency selection of the successful bidder. Once this determination has been made, [If a concession is not determined to be a major concession] an agency may proceed with the sealed bid process but shall provide written notification of its determination [that the concession is not a major concession] to each affected community board and Borough President at least ten (10) days prior to issuance of a solicitation, and shall simultaneously post such notification on the City's website in a location that is accessible by the public with its distribution. [provide a] A copy of such notification shall be provided to the members of the Committee within [five] 5 days of provision to the community board(s) and Borough President and publication on the City's website, provided however, that inclusion of the concession in the agency's Plan pursuant to 12 RCNY § 1-10 shall constitute notice to the affected community board and Borough President and posting on the City's website for purposes of this requirement, and no copy need be provided to the members of the Committee in such circumstance. The written notification shall include a summary of the terms and conditions of the proposed solicitation and whether the concession is significant.

(i) If an agency provides the aforementioned notice to the affected community board and Borough President and there are no

material changes to the terms described in the notice, the agency shall not be required to issue a second notice when issuing or reissuing the Invitation for Bids within a 12-month period.

(3) At least [thirty] 40 days prior to soliciting bids for a significant concession, or less, at the discretion of CCPO, the agency shall consult with each affected community board and Borough President on developing the scope of the Invitation for Bid, provided however, that inclusion of the concession in the agency's Plan pursuant to 12 RCNY § 1-10 shall constitute consultations with the affected community board and Borough President for purposes of this requirement.

(i) If an agency provides the aforementioned notice to the affected community board(s) and Borough President(s) and there are no material changes to the terms described in the notice, the agency shall not be required to issue a second notice when issuing or reissuing the Invitation for Bids within a 12-month period.

(b) *Preparation of invitation to bid.*

(1) At least [three] 6 months prior to the expiration date of a concession and/or prior to the anticipated start date of a new concession, the agency shall initiate action for the selection of a concessionaire. The agency action(s) taken shall include the preparation of an Invitation for Bid containing a detailed description of the concession under consideration for resolicitation or initial award. The Invitation should describe the requirements of the agency clearly, accurately, and completely. It should include all documents (whether attached or incorporated by reference) furnished prospective bidders for the purpose of bidding. The following information, together with any other appropriate information, should be included in the Invitation for Bid, as applicable:

(i) Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of the bids; requirements for the electronic submission of bids, if any; time, date, and location of any pre-bid conferences (and a statement whether such conferences are mandatory), and an invitation to inspect the premises, as applicable; and the address where bids are to be delivered;

(ii) Location and a brief description of the proposed concession, its size, its prior use and/or other possible usage of the premises, any fixtures, or equipment, on the premises and its surrounding area, including any special instructions or information necessary, and appropriate materials such as maps, plans or photographs;

(iii) The term of the concession and any terms and conditions upon its award, including warranty and bonding or other security requirements, and a description of any legal restrictions on the use of the location;

(iv) A statement that award shall be made to the highest responsive and responsible bidder;

(v) If not included in the bid documents, a notice of where bidders may obtain a copy of all terms and conditions or other material relating to the proposed concession;

(vi) A provision that bidders should give specific attention to the identification of those portions of their bids that they deem to be confidential proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the bid;

(vii) A notice of the bidder's rights to appeal certain decisions as specified in these rules;

(viii) A statement that bidders should contact the agency prior to submission of bids to verify that all amendments issued have been received, and a requirement for acknowledgment of amendments;

(ix) A notice that the concession award is subject to applicable provisions of federal, [State] state, and local laws and executive orders requiring affirmative action and equal employment opportunity;

(x) Where applicable, a notice that concession award is subject to completion of a [VENDEX] PASSPort questionnaires and review of that information by the Department of Investigation;

(xi) The name, address, [and] telephone number, and email address of a contact person to whom questions and correspondence relating to the bid solicitation can be addressed;

(xii) Instructions for submission of bids, including a requirement that the bidder include the solicitation number, the name and address of the bidder and the time specified for receipt of bids on the outside wrapper; and

(xiii) The following statement:

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity who

believes that there has been unfairness, favoritism or impropriety in the bid process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007; telephone number (212) 669-2323.

(xiv) Where applicable, for concessions that entail construction, the following information shall be additionally included:

(A) A statement establishing minimum insurance requirements which the City will require of the bidder if successful; and

(B) A statement that the bidder will be required to meet all licensing or permit requirements required to perform the construction.

(2) *Publicizing the invitation for bids.*

(i) Bids for concessions shall be solicited by public advertisement in at least [10 successive issues] one issue of the *City Record*, and a notice of the availability of such solicitation of bids shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication. A copy of such notice shall be provided to the members of the Committee and each affected Community Board within [five] 5 days of its first publication. Consideration shall also be given to soliciting bids by public advertisement in appropriate newspapers and trade publications, posting notices in public places, contacting other City agencies that have concessions, free radio or television coverage, website postings, and such other means as may be appropriate. The steps taken to solicit bids shall be documented by the concession manager and included in the concession file. [Agencies shall provide for special outreach to minority and women owned business enterprises certified by the City of New York as such entities are defined in Section 1304 of the Charter.] Current lists of bidders shall be maintained in accordance with 12 RCNY § 1-12(c).

(ii) The advertisement shall include:

(A) The place the Invitation for Bids may be obtained, and the required fee or deposit amount, if any, for obtaining the Invitation for Bids;

(B) The time, date, and location of any pre-bid conference or site visit, if any, and if attendance is mandatory;

(C) The place where and the day and hour when the bids will be publicly opened;

(D) A brief description of the concession under consideration for resolicitation or initial award; and

(E) The name [and phone] telephone number, and email address of the agency contact person.

(iii) A bidding time of at least [10 business] 30 days between the advertisement's [last] first appearance in the *City Record* and the opening of bids shall be provided, unless the concession manager makes a written determination that a shorter period is reasonable. A copy of such determination must be included in the concession file.

(iv) Agencies shall provide for special outreach to minority and women owned business enterprises certified by the City of New York as such entities are defined in Section 1304 of the Charter. Special outreach can include but is not limited to: providing notice in newspapers, trade publications, websites or social media that are dedicated to minority and/or women owner business enterprises or trade groups. Agencies may additionally employ any outreach technique sanctioned by DSBS that is not otherwise in violation of these Rules.

(c) *Soliciting mailing lists.*

(1) *Establishment of lists.*

(i) Solicitation mailing lists may be established by concession managers, and shall be established for any type of concession for which the agency reasonably anticipates soliciting multiple concessions of a similar nature during a given year. Their use can assure the agency that a greater number of potential bidders will be aware of the solicitation. A solicitation mailing list may include any entity in a designated field.

(ii) Lists may be established through any appropriate method, including the following:

(A) Inclusion of names of entities that have submitted unsolicited letters and/or made unsolicited telephone calls;

(B) Inclusion of names of entities that responded to similar solicitations in the past; and

(C) Inclusion of names of other entities that an agency considers capable of filling the requirements of a solicitation. Agencies may refer to appropriate printed directories when compiling the names of entities.

[ (iii) For each type of concession for which an agency has established a solicitation mailing list, the agency shall publish in The City Record at least once annually for five consecutive editions and shall post on the City's website in a location that is accessible by the public simultaneously with its publication, a notice soliciting the names of entities interested in being included on the solicitation mailing list. A copy of such notice shall be furnished to each affected Borough President, each affected Community Board, and the members of the Committee within five days of its publication. Applications for inclusion on such solicitation mailing list shall be continuously available.]

[iv] (iii) Prospective bidders shall be notified that they have been included on solicitation mailing lists.

(2) *Maintenance of lists.*

(i) For each type of concession for which an agency has established a solicitation mailing list, the agency will maintain the mailing lists annually. The agency shall publish in the City Record at least once annually for 5 consecutive editions and shall post on the City's website in a location that is accessible by the public simultaneously with its publication, a notice soliciting the names of entities interested in being included on the solicitation mailing list. A copy of such notice shall be furnished to each affected Borough President, each affected Community Board, and the members of the Committee within 5 days of its publication. Applications for inclusion on such solicitation mailing list shall be continuously available.

[(i)] (ii) Agencies may add names to a solicitation mailing list at any time.

[(ii)] (iii) Agencies may remove a name from a list if an entity fails to respond to [three] 3 solicitation notices. If an agency removes a name from the list for any other reason the agency must notify the entity in writing of the reason(s) for its removal.

[(iii)] (iv) An agency must remove an entity from the list upon the entity's written request.

(3) *Reinstatement on solicitation mailing list.* An entity that has been removed from a solicitation mailing list may be reinstated upon written request or by response to a solicitation.

(4) *Utilization.* When a concession is to be granted in a category for which a solicitation mailing list has been developed, all entities on the list shall be [mailed] sent a solicitation letter. This letter must include the same information contained in the advertisement announcing the solicitation and should be distributed [five] 5 days prior to the advertisement's first appearance in the *City Record*. Once a solicitation letter has been [mailed] sent, it is presumed to have been received by all entities. Agencies have no obligation beyond assuring that the solicitation letter has been [mailed] sent.

(d) *Pre-Bid Conferences.* Pre-bid conferences may be conducted by the concession manager to explain the agency's requirements. Written notice of any conference shall be provided to all prospective bidders. A pre-bid conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by amendment as provided in this section. A summary of the conference shall be prepared and if a transcript is made, it shall be a public record. A record of attendance shall be kept of all conferences.

(e) *Amendments and addenda to the invitation for bid.*

(1) *Authority.* The concession manager shall authorize the issuance of any amendment, including addenda.

(2) *Form.* Each amendment or addendum to an Invitation for Bids shall be identified as such, shall be set forth in writing, and shall require that the bidder acknowledge receipt of all amendments and addenda issued as a condition for consideration of its bid. An amendment shall reference the portion of the Invitation for Bids it amends.

(3) *Distribution.* Amendments and addenda shall be sent to all prospective concessionaires known to have received an Invitation for Bids. Agencies must maintain a list of all entities that were issued a solicitation. Amendments and addenda must be distributed to all potential bidders who were issued the initial Invitation for Bid and to potential bidders who attended a mandatory pre-bid conference or site visit, if applicable.

(4) *Timeliness.* Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, such time shall be increased to the extent necessary, and stated in the amendment or, if necessary, by electronic mail, facsimile, or telephone and confirmed in the written amendment. Once an addendum has been sent, it is presumed to have been received

by potential bidders. Agencies have no obligation beyond assuring that the correspondence has been sent. Agencies may wish to distribute addenda to potential bidders using either "return receipt requested" or express mail courier services.

(5) If a change to an Invitation for Bid is so extensive that it warrants complete revision of a solicitation, the concession manager shall cancel the Invitation for Bid and issue a new one. In making the determination whether to cancel an Invitation for Bid based on a change, the concession manager shall consider whether the change is such that new bidders, as a result of those revisions, might now be interested in satisfying the requirements of the changed Invitation for Bid.

(6) Agencies must require that bidders acknowledge the receipt of all the amendments as part of their bids. Failure to acknowledge the receipt of all amendments in a bid for a significant concession may be waived if the concession manager, upon written approval of the Agency Head, determines that it is in the best interests of the City to do so. Failure to acknowledge the receipt of all amendments in a bid for a concession, other than a significant concession, may be waived if the concession manager makes a written determination that it is in the best interests of the City to do so. Such determination must be included in the concession file.

(f) *Bid deposits.* The concession manager may establish a reasonable bid deposit requirement. Where a deposit amount is specified in the Invitation for Bid, no bid shall be valid unless accompanied by such deposit. Every Invitation for Bid shall contain a provision that in the event of the failure of a successful bidder to execute a concession agreement in accordance with the terms of its bid, any such deposit shall be retained by the City unless the bid has been permitted to be withdrawn.

(g) *Submission of bids.* The Invitation for Bids shall provide a form on which the bidder shall insert the bid price (i.e., proposed revenue) and shall sign and submit along with all other necessary submissions. Bids shall be [typewritten or written legibly] submitted in [ink.] the form required by the Request for Bids and signed by the bidder. Erasures or alterations shall be initialed by the signer [in ink. All bids shall be signed in ink.] If so provided in the solicitation, sealed bids may be submitted [and signed] electronically. Bidders must submit sealed bids to be opened at the time and place stated in the Invitation for the public opening of bids. Each bid shall show the time specified for receipt, the solicitation number and the name and address of the bidder on the outside wrapper.

(h) *Receipt and safeguarding of bids.* All bids received before the time set for the opening of bids shall be placed unopened in a safe or a secured cabinet in the custody of the concession manager. Bids shall be time and date stamped upon receipt. Before bid opening the agency may not disclose the identity of any bidder.

(i) *Bid opening.* The official responsible for conducting the bid opening shall decide when the time set for opening bids has arrived and shall inform those present of that decision. The official shall then:

- (1) Personally and publicly open all bids received before that time;
- (2) If practical, read the bids aloud to the persons present;
- (3) Have the bids recorded; and

(4) Have all persons present sign an attendance form with the name of the entity they represent and official title. The record of bids, the attendance form and opened bids shall be included in the concession file, and shall be available for public inspection at a reasonable time after business opening, but in any case before concessionaire selection, except to the extent the bidder designates trade secrets or other proprietary data to be confidential. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. The concession manager shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. Nondisclosure is permissible only if approved by Agency Counsel, and does not restrict disclosure of such materials to the members of the Committee who, nonetheless, shall remain under a duty of confidentiality except if required by law to disclose such materials. Any decision not to honor a request for confidentiality shall be communicated in writing to the bidder making the submission.

(j) *Late bids and modifications.*

(1) It is the responsibility of a bidder to submit its bid prior to the time set for bid opening to the designated agency location. Bids and modifications received after that exact time are defined as "late". Late bids and modifications must be acknowledged, and time stamped upon receipt and, except under the specific circumstances described below, may not be considered.



(2) A late bid or modification, received before the grant of a concession,

(i) may be considered when the late bid or modification is received within 48 hours after the opening of bids and is the only bid received. (See 12 RCNY § 1-12(m))

(ii) must be considered when a modification of a successful bid makes its terms more favorable to the City. If, based on the above, a late bid or modification is considered, the concession manager must document the circumstances in writing and maintain such documentation as part of the concession file. If a late bid or modification is not considered, such bid or modification shall be promptly returned to the bidder unopened, and the bidder shall be notified of the reason for such action.

(k) *Withdrawal of bids.*

(1) Bids may be withdrawn by written notice received at the designated agency location before the time set for bid opening. [A]

(i) If a bid is withdrawn in accordance with 1-12(k)(1), the bid security, if any, shall be returned to the bidder.

(2) After bid opening, a bidder may not withdraw its bid before the expiration of [forty-five (45)] 45 calendar days after the date of the opening of bids or such longer period as determined by the concession manager and set forth in the solicitation; thereafter, a bidder may withdraw its bid] and only in writing and in advance of an actual grant of a concession. If a bid is withdrawn in accordance with this section, the bid security, if any, shall be returned to the bidder.

(3) The concession manager shall document each request for withdrawal and prepare a written determination, with supporting facts, as to whether or not the bid was permitted to be withdrawn. Such determinations shall be included in the concession file with a copy thereof forwarded to the bidder.

(1) *Mistake in bid.* Allegations of mistakes in bids shall be processed by the concession manager according to 9 RCNY § 3-02(m) of the Rules of the Procurement Policy Board ("PPB Rules"). A written determination shall be made and shall be included in the concession file.

(m) *Single bids.* When a single bid has been received in response to an Invitation for Bid, an award may be recommended only after it has been documented by the concession manager that a sufficient number of other entities had a reasonable opportunity to bid; why, as a result of inquiries made by the agency, representative firms chose not to submit bids; that the bid submitted meets minimum requirements for award; and that a resolicitation would not be in the City's best interest. If the above specified circumstances cannot be documented, the single bid must be rejected and the concession may either be pursued, subject to the approval of the concession manager, by the solicitation of new bids or the concession cancelled. Notwithstanding the foregoing, when a single bid has been received in response to an Invitation for Bid for a concession, other than a significant concession, the agency shall not be required to make inquiries as to why representative firms chose not to submit bids.

(n) *Award and processing.*

(1) The apparent high bidder must submit [VENDEX] PASSPort Questionnaires prior to award when and as directed by the Agency.

(2) The agency granting the concession may reject all bids if it shall deem it for the interest of the City so to do; if not, it shall, without other consent or approval, grant the concession to the highest responsible bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids. A determination to reject all bids for a concession, other than a significant concession, shall be made by the concession manager in writing, and shall be included in the concession file. A determination to reject all bids for a significant concession shall be made by the concession manager in writing, approved by the Agency Head, and shall be included in the concession file. All bidders shall be notified of the reason for such action.

(3) *Tie bids.*

(i) Tie bids are to be decided by the agency granting the concession and the award made. When two or more bids are equal in all respects, concessions shall be awarded in the following order of priority:

(A) Award to minority- and women-owned business enterprises as such entities are defined in Section 1304 of the Charter.

(B) Award to a New York City bidder.

(ii) If two or more bidders still remain equally eligible after application of subparagraph (3)(i) above, award shall be made by a drawing by lot limited to those bidders. If time permits, the bidders involved shall be given an opportunity to attend the drawing. The drawing shall be witnessed by at least [three] 3 appropriate agency

staff personnel, and the concession file shall contain the names and addresses of the witnesses and the person supervising the drawing.

(iii) When an award is to be made by using the priorities under this subparagraph, the concession agreement shall include a provision whereby the concessionaire agrees to perform, or cause to be performed, the concession in accordance with the circumstances justifying the priority used to break the tie or select bids for a drawing by lot.

(iv) The concession manager shall include a statement in the concession file describing how the tie was broken.

(4) If the highest bidder is determined by the agency not to be a responsible bidder pursuant to 12 RCNY § 1-07 or the highest bid is determined by the agency to not meet the requirements and criteria set forth in the Invitation for Bids pursuant to 12 RCNY § 1-06, the agency making such determination may award the concession to the next highest responsive and responsible bidder.

(5) If less than [three] 3 bids have been received, the concession manager shall examine the situation to ascertain the reason for the small number of responses and shall initiate corrective action, if appropriate, to increase competition in future solicitations. A written statement of any corrective action taken shall be included in the concession file. Concessions may be granted notwithstanding the limited number of bids.

(6) It is not permissible to engage in any type of negotiation with any bidder. Notwithstanding the foregoing, prior to award it is permissible for the concession manager to request the successful bidder to increase its bid. The concession manager must document any discussions of this nature and maintain such documentation as part of the concession file. If a bid increase is obtained, written verification thereof shall be furnished by the successful bidder to the concession manager and shall be included in the concession file.

(o) *Bid retention.* The agency must retain all submitted bids and modifications in the permanent concession file. Although the Agency may consider only the latest version of a bid, the retention of these documents will serve as a reference for responses to future inquiries. When bids are rejected or a solicitation canceled after bids are received, the bids shall be retained and the bid security, if any, shall be promptly returned, and the file so documented.

(p) Accessibility

(1) Agencies must provide prospective concessionaires with an opportunity to request and receive reasonable accommodations on the basis of disability to participate in the concession solicitation process described by these rules.

### **§ 1-13 Competitive Sealed Proposals.**

(a) *General.*

(1) Proposals may be solicited through Requests for Proposals ("RFPs") only if the agency makes a written determination that competitive sealed bidding is not practicable or not advantageous to the City for one of the following reasons:

(i) Specifications cannot be made sufficiently definite and certain to permit selection based on revenue to the City alone; or

(ii) Judgment is required in evaluating competing proposals, and it is in the best interest of the City to require a balancing of revenue to the City, quality and other factors. Such determination must be approved in writing by the agency head and must be included in the concession file. A copy thereof shall be forwarded to the Committee.

(2) [Prior] At least 40 days prior to soliciting proposals, or less, at the discretion of CCPO, the agency shall make a written determination as to whether a concession is a major concession. Such determination shall be approved in writing by the agency head and shall be included in the concession file. If a concession is determined to be a major concession, it shall be subject to review and approval pursuant to Sections 197-c and 197-d of the Charter following the agency selection of the successful proposer. [If a concession is not determined to be a major concession a] Once this determination has been made, an agency may proceed with the request for proposal process but shall provide written notification of its determination [that the concession is not a major concession] to each affected community board and Borough President [at least forty days prior to issuance of a solicitation,] and shall simultaneously post such notification on the City's website in a location that is accessible by the public with its distribution. [and shall provide a] A copy of such notification shall be provided to the members of the Committee within [five] 5 days of notification of the community board(s) and Borough President and publication on the City's website, provided however, that inclusion of the concession in the agency's Plan pursuant to 12 RCNY § 1-10 shall constitute notice to the affected community board and Borough President and posting on the City's website for purposes of this requirement, and no copy need be provided to the members of the Committee in such circumstance. The written



notification shall include a summary of the terms and conditions of the proposed solicitation, and whether or not the concession is significant.

(i) If an agency provides the aforementioned notice to the affected community board and Borough President and there are no material changes to the terms described in the notice, the agency shall not be required to issue a second notice when issuing or reissuing the Request for Proposals within a 12-month period.

(3) At least [30] 40 days prior to soliciting proposals for a significant concession, or less, at the discretion of CCPO, the agency shall consult with each affected Community Board and Borough President on developing the scope of the RFP, provided however, that inclusion of the concession in the agency's Plan and consultations pursuant to 12 RCNY § 1-10 shall constitute consultations with the affected community board and Borough President for purposes of this requirement.

(i) If an agency provides the aforementioned notice to the affected community board and Borough President and there are no material changes to the terms described in the notice, the agency shall not be required to issue a second notice when issuing or reissuing the Request for Proposals within a 12-month period.

(b) *Preparation of the request for proposals.* At least [three] 6 months prior to the expiration date of any concession and/or prior to the anticipated start date of a new concession, the agency shall initiate action for the selection of a concessionaire. The agency action(s) taken shall include the preparation of a Request for Proposals containing a detailed description of the concession under consideration for resolicitation or initial award. The RFP should describe as explicitly as possible the requirements of the agency. The RFP should include all documents (whether attached or incorporated by reference) furnished prospective proposers for the purpose of submitting a proposal. The following information, together with any other appropriate information, should be included in the Request for Proposals, as applicable:

(1) Instructions and information to proposers concerning the proposal submission requirements, including the time and date set for receipt of the proposals; requirements for the electronic submission of proposals, if any; time, date, and location of any pre-proposal conferences (and a statement whether such conferences are mandatory), and an invitation to inspect the premises, as applicable; and the address where proposals are to be delivered;

(2) Location, and a brief description of the proposed concession, its size, its prior use and/or other possible usage of the premises, any fixtures, or equipment, on the premises and its surrounding area, including any special instructions or information necessary, and appropriate materials such as maps, plans or photographs;

(3) The term of the concession and any terms and conditions upon its award, including warranty and bonding or other security requirements, amount of proposed capital investment and a description of any legal restrictions on the use of the location;

(4) The evaluation criteria that will be applied to the evaluation of all proposals, their relative importance and/or assigned weight (as applicable) and descriptions of minimum qualification requirements and of the Selection Committee (See 12 RCNY § 1-13(o)(6));

(5) A provision that proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal;

(6) A notice that although discussions may be conducted with offerors submitting acceptable proposals, award may be made without any discussions;

(7) A notice of the proposer's rights to appeal certain decisions as specified in these rules;

(8) A statement that proposers should contact the agency prior to submission of proposals to verify that all amendments issued have been received, and a requirement for acknowledgment of amendments;

(9) A notice that the concession award is subject to applicable provisions of federal, [State] state, and local laws and executive orders requiring affirmative action and equal employment opportunity;

(10) Where applicable, a notice that concession award is subject to completion of [VENDEX] PASSPort questionnaires and review of that information by the Department of Investigation;

(11) The name, address, [and] telephone number, and email address of a contact person to whom questions and correspondence relating to the RFP can be addressed;

(12) Instructions for submission of proposals, including a requirement that the proposer include the solicitation number, the name and address of the proposer and the time for receipt of proposals on the outside wrapper; and

(13) The following statement:

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

(14) Where applicable, for concessions that entail construction, the following information shall be additionally included:

(A) A statement establishing minimum insurance requirements which the City will require of the proposer if successful; and

(B) A statement that the proposer will be required to meet all licensing or permit requirements required to perform the construction.

(c) *Publicizing the request for proposals.*

(1) Requests for proposals for concessions shall be solicited by public advertisement in at least [10 successive issues] 1 issue of the *City Record*. The text of such RFP shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication. A copy of such RFP shall be sent to the members of the Committee and each affected Community Board within [five] 5 days of the first publication of the RFP. Consideration shall also be given to soliciting proposals by public advertisement in appropriate newspapers and trade publications, posting notices in public places, contacting other City agencies that have concessions, free radio or television coverage, website or social media postings, and such other means as may be appropriate. The steps taken to solicit proposals shall be documented by the concession manager and included in the concession file. [Agencies shall provide for special outreach to minority and women owned enterprises as such entities are defined in Section 1304 of the Charter.]

(2) Advertisements to solicit proposals shall include the following information:

(i) The place a paper copy of the RFP may be obtained and the amount of any required fee or deposit,

(ii) The anticipated proposer submission deadline, time and location for proposal submission;

(iii) A brief description of the concession under consideration for renewal or initial award;

(iv) The time, date and location of any pre-proposal conference or site visit, if any, and if attendance is mandatory; and

(v) The name, address [and phone], telephone number, and email address of the agency contact person.

(3) A response time of at least [twenty (20)] 30 days between the advertisement's [last] first appearance in the *City Record* and the proposal submission deadline shall be provided, unless the concession manager makes a written determination that a shorter period is reasonable. A copy of such determination must be included in the concession file.

(4) Agencies shall provide for special outreach to minority and women owned business enterprises certified by the City of New York as such entities are defined in Section 1304 of the Charter. Special outreach can include but is not limited to: providing notice in newspapers, trade publications, websites or social media that are dedicated to minority and/or women owner business enterprises or trade groups. Agencies may additionally employ any outreach technique sanctioned by DSBS that is not otherwise in violation of these Rules.

(d) *Solicitation mailing lists.* Concession managers shall establish, maintain, and use lists of potential sources in accordance with 12 RCNY § 1-12(c).

(e) Pre-proposal conferences may be held in accordance with the procedures set forth in 12 RCNY § 1-12(d).

(f) Amendments and addenda to the RFP may be made in accordance with the procedures set forth in 12 RCNY § 1-12(e).

(g) *Proposal deposits.* Proposal deposits may be required in accordance with the procedures set forth in 12 RCNY § 1-12(f).

(h) *Receipt of proposals.*

(1) Concession managers shall establish procedures for receipt and safeguarding of proposals in accordance with those specified for bids in

12 RCNY § 1-12(h) and (i). Proposals shall be time and date stamped upon receipt.

(2) Proposers are responsible for submitting proposals so as to reach the agency office designated in the solicitation on time. Unless the solicitation states a specific time, the time for receipt is 4:30 p.m. local time for the designated agency office on the date that proposals are due. Each proposal shall show the time for receipt, the solicitation number and the name and address of the proposer on the outside wrapper.

(i) *Opening of proposals.* Proposals may only be opened after the proposal submission deadline. All proposals received by the submission deadline, including letters of declination, are to be opened under the supervision of the responsible official and in the presence of at least one appropriate agency witness. The responsible official must then complete a Proposal Receipt Register. Once opened, proposals should be made available only to those City personnel or consultants acting on behalf of the City who have a direct role in the award of the RFP. The Proposal Receipt Register shall be available for public inspection after the concession has been granted and shall be included in the concession file.

(j) *Late proposals and modifications.*

(1) It is the responsibility of a proposer to submit its proposal prior to the submission deadline to the designated agency location. Proposals and modifications received after that exact time are defined as "late". Late proposals and modifications must be acknowledged, and time stamped upon receipt and, except under the specific circumstances described below, may not be evaluated.

(2)

(i) A late proposal, received before proposals have been opened, may only be accepted and evaluated when the concession manager determines that it is in the best interests of the City to do so. In such event, the concession manager may hold open the receipt of proposals by no more than [three] 3 hours during which time no other competing proposal may be opened. Where a concession manager has determined that it is in the best interests of the City to accept a late proposal, any other late proposal received during the period of extension shall be similarly accepted.

(ii) If, based on the above, a late proposal or modification is accepted and evaluated, the concession manager must document the circumstances in writing and maintain such documentation as part of the concession file. If a late proposal or modification is not evaluated, such proposal or modification shall be promptly returned to the proposer unopened, and the proposer shall be notified of the reason for such action.

(k) *Withdrawal of proposals.*

(1) Proposals may be withdrawn by written notice received at the designated agency location before the time set for proposal [submission deadline.] opening.

(i) If a proposal is withdrawn in accordance with 1-13(k)(1), the proposal security, if any, shall be returned to the proposer.

(2) After proposal opening, a proposer may not withdraw its proposal before the expiration of [forty-five (45)] 45 calendar days after the date of the opening of proposals or such longer period as determined by the concession manager and set forth in the solicitation; thereafter, a proposer may withdraw its proposal] and only in writing and in advance of an actual grant of a concession. [If a proposal is withdrawn in accordance with this section, the proposal deposit, if any, shall be returned to the proposer.]

(3) The concession manager shall document each request for withdrawal and prepare a written determination, with supporting facts, as to whether or not the proposal was permitted to be withdrawn. Such determinations shall be included in the concession file with a copy thereof forwarded to the proposer.

(l) *Mistake in proposal.* Allegations of mistakes in proposals shall be processed by the concession manager according to 9 RCNY § 3-03(i) of the PPB Rules. A written determination shall be made and shall be included in the concession file.

(m) *Single responses to the RFP.* When a single proposal has been received in response to an RFP, an award may be recommended only after it has been documented by the concession manager, that a sufficient number of other entities had a reasonable opportunity to respond; why, as a result of inquiries made by the agency, representative firms chose not to submit proposals; that the proposal submitted meets minimum requirements for award; and that a resolicitation would not be in the City's best interest. If the above specified circumstances cannot be documented, the single proposal must be rejected and the concession may either be pursued, subject to the approval of the concession manager, by the solicitation of new proposals or the concession canceled. Notwithstanding the foregoing,

when a single proposal has been received in response to an RFP for a concession, other than a significant concession, the agency shall not be required to make inquiries as to why representative firms chose not to submit proposals.

(n) *Proposal retention.* The agency must retain all submitted proposals and modifications in the permanent concession file. Although the Selection Committee may consider only the latest version of a proposal, the retention of these documents will serve as a reference for responses to future inquiries. When a proposal [are] is rejected or a solicitation canceled after proposals are received, the proposals shall be retained and the proposal deposit, if any, shall be promptly returned, and the file so documented.

(o) *Evaluation process.*

(1) The RFP must set forth the factors or criteria the agency will use in evaluating proposals. No other factors or criteria shall be used in the evaluation and award of the concession except those specified in the RFP.

(2) Prior to the release of the RFP, the Agency awarding the concession shall determine the evaluation criteria that will be applied to the evaluation of all proposals, their relative importance or assigned weight, the minimum qualification requirements, and the composition of the Selection Committee (See 12 RCNY § 1-13(b)(4) and (o)(6)). Compensation to the City shall be considered in every concession selection. Evaluation criteria that may apply to particular concessions include, but are not limited to, revenue, other (non-cash) compensation to the City, technical excellence, experience, and qualifications.

(3) *Minimum qualification requirements.* The Agency may establish, as minimum qualification requirements, objective standards that all proposers must meet in order to be considered for award. Minimum qualification requirements may neither be waived nor supplemented after proposals have been opened. A proposer's failure to satisfy a minimum qualification requirement shall render the proposal non-responsive, in accordance with 12 RCNY § 1-06.

(4) The concession manager shall document the evaluation criteria, their relative importance and/or assigned weight (as applicable) and all other determinations concerning the evaluation process in the concession file.

(5) *Rating sheet.* Rating sheets or other written evaluation forms shall be used to evaluate proposals and shall be signed and dated by all members of the evaluation committee. Initial ratings may be amended and the amended ratings recorded on either the original or amended ratings sheets. Copies of all initial and amended rating sheets or evaluation forms shall be maintained.

(6) *Selection Committee.*

(i) The Selection Committee is responsible for evaluating proposals based on the established criteria and recommending a proposal based on the best combination of quality, compensation to the City and the other criteria enumerated in the RFP. The Selection Committee should include appropriately experienced personnel to ensure that all components of the RFP will be evaluated. Selection Committees must be comprised of a minimum of [three] 3 members, at least one of whom must neither supervise, nor directly report to any other member of the Selection Committee in the normal course of agency business. Personnel who were involved in developing the RFP specifications may be part of the Selection Committee. Members of the Selection Committee must be free from bias or a potential or actual conflict of interest and each member will be required to sign the following affidavit to this effect when completing the rating sheet:

*Evaluator Affidavit (Check one and sign)*

To the best of my knowledge, information and belief, neither I nor any member of my immediate family is, has ever been, or has current plans to be a sole proprietor, director, officer, stockholder, partner or employee of or has, ever had, or has current plans to have a fiduciary relationship with any of the proposers responding to this RFP, nor have I ever discussed employment upon conclusion of my City service with any such proposers, nor has my evaluation been in any way impacted by interactions or relationships with a concessionaire, current or prospective, operating the concession which is being evaluated.

– I attest that the above statement is true.

– I cannot attest to the above statement, for the reasons set forth in the attached statement.

(ii) All proposals received prior to the submission deadline must be evaluated by the Selection Committee. Only in the case when an agency prescribed minimum qualification requirements may the Selection Committee designate the concession manager to screen proposals to ensure that each has met all such requirements. The concession manager shall document the process used to screen proposals against minimum qualification requirements in the concession file. The documentation shall list all proposals that failed

to meet the minimum qualification requirements with reasons to justify this determination. The concession manager shall make such determination in accordance with 12 RCNY § 1-06.

(iii) Members of the Selection Committee shall independently read and evaluate each proposal and record their evaluations in the form of ratings on the individual rating sheet prepared with the RFP. The only criteria that may be used by the Selection Committee members in their evaluation are those specified in the RFP. All Selection Committee members must sign and date their initial individual rating sheets. The concession manager shall compile the individual ratings of the members of the Selection Committee, in accordance with the criteria specified in the RFP. Upon completion of the initial independent evaluations the Selection Committee may meet to review and discuss the ratings. After such discussions, Selection Committee members may wish to change a rating to reflect new or previously misunderstood information or a change of opinion. Rating sheets may be amended as a result of such Selection Committee discussions. All Selection Committee members must sign and date their individual rating sheets each time they are amended. When such changes are made, however, all original rating sheets or electronic copies must be retained intact and attached to the revised version or an electronic copy thereof, along with an explanation, in writing, for [the] each change that was made.

(iv) (A) Following the Selection Committee's initial discussions, if any, of the individual ratings and any amended ratings that may result therefrom, the Selection Committee may: determine that award should be made on the basis of initial proposals; determine that it is not in the best interests of the City to award solely on the basis of initial proposals, and that best and final offers should be solicited and/or discussions or negotiations should be initiated with all responsive proposers or with a selected group of proposers; or may determine that it is in the best interest of the City to not make an award and to either cancel or resolicit the RFP. In the latter case, such determination must be in writing, approved by the Agency Head and included in the concession file. All proposers should be notified of such action.

(B) If the Selection Committee decides that best and final offers should be solicited and/or discussions or negotiations should be initiated, it may limit such process to those proposers whose proposals are acceptable or are reasonably likely to be made acceptable for the purpose of promoting understanding of the City's requirements and the proposals and/or the proposers' capabilities; obtaining the best compensation proposal for the City; and arriving at a concession that will be most advantageous to the City taking into consideration the evaluation factors set forth in the RFP.

((a)) Proposers shall be accorded fair treatment with respect to any opportunity for discussions and revisions of proposals. Proposers not selected for best and final offers, discussions or negotiations should be notified.

((b)) The Selection Committee shall establish an agenda and schedule for conducting discussions, if any. Any oral clarification of a proposal shall be confirmed in writing by the proposer.

((c)) The Selection Committee may also request best and final offers from proposers prior to, following or in lieu of discussions with individual proposers. The concession manager shall establish a common date and time or timeframe for the submission of best and final offers. The Selection Committee may request best and final offers on the whole proposal or on any one or combination of its component parts (e.g., revenue, technical qualifications, approach, and/or capability). The request shall be the same for all proposers included in the best and final offer process. Best and final offers shall be submitted only once unless the concession manager makes a determination that it is in the City's best interest to conduct additional discussions and/or require another submission of best and final offers, which may be limited to those proposers deemed by the Selection Committee to have a reasonable chance of obtaining the concession award. Proposers shall be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

((d)) Once discussions are commenced with any proposer or after best and final offers are requested, such proposer may correct any mistake in its proposal by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

((e)) Following discussions and/or best and final offers, if any, the Selection Committee may elect to enter into negotiations for a concession award with one or more of the highest rated proposers. Auction techniques (revealing one proposer's revenue proposal to another) and disclosure of any information derived from competing proposals are prohibited. The concession manager shall document the process of best and final offers, discussions, and negotiations in the concession file.

((f)) With respect to competitive sealed proposal awards where the concession has a value that when aggregated with the value of all other City concessions, franchises and contracts held by the same concessionaire is valued at [one hundred thousand dollars] \$100,000 or more, at any point during the process of best and final offers, discussions or negotiations, the concession manager may require those proposers deemed by the Selection Committee to have a reasonable chance of obtaining the concession award to complete [VENDEX] PASSPort questionnaires.

((g)) Decisions to solicit, limit, or not solicit best and final offers or negotiate further with any proposers or any selected group of proposers should be documented, signed and dated by the members of the Selection Committee, and maintained in the concession file.

(C) When an agency determines that there is a need for minor modifications in its requirements during the process of conducting best and final offers, discussions or negotiations, those modifications must be communicated in writing to all of the proposers included in such process. If changes in the requirements are so extensive that they warrant complete revision of a solicitation, the concession manager shall cancel the RFP and issue a new one. In making the determination whether to cancel an RFP based on changes in requirements, the concession manager shall consider whether the changes are such that new proposers, as a result of those revisions, might now be interested in satisfying the requirements of the changed RFP.

(p) *The final recommendation.*

(1) The Selection Committee's final recommendation must be consistent with the RFP specifications and the evaluation criteria. If any Selection Committee member feels that there are procedural or substantive issues which prevent support of the recommendation, this person must be given an opportunity to document that disagreement and include it with the evaluation rating sheets.

(2) Once the Selection Committee has made its recommendation, the chairperson must document the recommendation in a report to be submitted to the concession manager. This report must identify the RFP being considered, the number of proposals received, whether the planned evaluation process and schedule for award was followed and the reasons for deviations, if any, and the proposal recommended. It must include all best and final proposals, the basis for the recommendation, all original rating sheets, all amended rating sheets, any other relevant evaluation material used by the Selection Committee, the recommendation of each of the members, their names and titles, and the signature of the chairperson. If any Selection Committee member prepared a document outlining a disagreement with the recommendation, it must be attached to the report. The concession manager shall file the report in the concession file folder.

(3) Once the concession manager receives the final recommendation from the Selection Committee, together with any documentation from any individual member of the Selection Committee who disagrees with such final recommendation, the concession manager shall proceed to determine responsibility of the prospective concessionaire, in accordance with the procedures set forth in 12 RCNY § 1-07.

(4) If [VENDEX] PASSPort questionnaires have not previously been requested from proposers, the concession manager shall require the highest rated proposer to complete such questionnaires. The Department of Investigation shall review the names on the questionnaires to ascertain whether the business or its affiliated individuals are or have been the subject of an investigation by the Department, in accordance with 12 RCNY § 1-07(e)(1)(iii).

((5)) Once the concession manager receives the final recommendation from the Selection Committee, and the recommended proposer has been determined responsible, they should provide written or electronic notice of non-selection, to any proposers asked to provide best and final offers or otherwise selected for final negotiations, which should be provided within 5 days.

(q) *Public hearings on significant concession awards.*

(1) Prior to an Agency granting any significant concession to be awarded by competitive sealed proposals, the Committee and the Agency shall jointly hold a public hearing on the terms and conditions of each proposed significant concession agreement. Any such public hearing shall be held within 30 days of the filing with the Committee by the Agency of a proposed concession agreement containing the terms and conditions of the proposed concession agreement. A record of comments received at the hearing shall be maintained in the concession file. A notice of each such public hearing, containing a summary of the terms and conditions of the proposed concession and stating the time, date and location of the public hearing, instructions on how the public may submit written testimony prior to the hearing, shall be published once in the *City Record* not less than 15 days prior to the hearing date or a shorter period approved by the CCPO, and shall be given to each affected Community Board, each affected

Borough President, and the members of the Committee not less than 15 days prior to the date of the public hearing.

(2) For concessions where the total value of the compensation to the City will not exceed one million dollars, such notice may include a provision that if the agency does not receive, within 10 days after publication of such notice, from any individual a written request to speak at such hearing or a request from a member of the Committee for the agency to appear at such hearing, then such hearing need not be conducted. Should the decision be made not to hold such hearing, the agency shall publish a notice in the *City Record* canceling such hearing, and shall send a copy of such notice to all members of the Committee.

(r) *Award and processing.*

(1) The concession manager must ensure that the recommended proposal does not vary substantially from the RFP and that the resulting concession agreement will be consistent with the winning proposal. Upon approval by Agency Head, the concession manager may proceed to process the concession agreement.

(2) An agency must obtain the prior approval of the Committee if the Agency Head wishes to deviate from the final recommendation of the Selection Committee. Requests for such approval shall be forwarded to the Committee and shall include a detailed statement, signed by the Agency Head, setting forth the reasons for the request together with all other relevant information. If the Committee approves the request the Agency Head may award the concession as authorized by the Committee.

(s) *Accessibility*

(1) Agencies must provide prospective concessionaires with an opportunity to request and receive reasonable accommodations on the basis of disability to participate in the concession solicitation process described by these rules.

**§ 1-14 Negotiated Concessions.**

(a) *Policy.* Agencies may award negotiated concessions under the circumstances and subject to the conditions set forth in this section.

(b) *Procedures.*

(1) *Preliminary Discussions.* An agency may engage in preliminary discussions with a potential concessionaire to explore the feasibility of a proposed concession. Discussions are not negotiations for the selection of a concessionaire.

(2) The concession manager shall justify the award of a negotiated concession by making a determination that it is not practicable and/or advantageous to award a concession by competitive sealed bids or competitive sealed proposals due to the existence of a time-sensitive situation where a concession must be awarded quickly because:

(i) an agency has an opportunity to obtain significant revenues that would be lost or substantially diminished should the agency be required to solicit the concession by competitive sealed bids or competitive sealed proposals, provided, however, that revenue shall not be considered "substantially diminished" where the diminishment is only to the present value of the revenue because of the additional time needed to solicit competitive sealed bids or competitive sealed proposals;

(ii) or an existing concessionaire has been terminated, has defaulted, has withdrawn from, or has repudiated a concession agreement, or has become otherwise unavailable;

(iii) or an agency has decided, for unanticipated reasons, not to renew an existing concession in the best interest of the City and the agency requires a substitute or successor concessionaire.

(3) The CCPO shall approve the use of the negotiated concession method for a particular concession or for a particular type of concession prior to the agency's conduct of negotiations with potential concessionaires. The CCPO shall state the reasons that permitting the use of such method serves the best interests of the City and shall provide a copy of this determination and of the request by the concession manager to the members of the Committee within [five] 5 days of its issuance.

(4) The agency shall negotiate with all qualified potential concessionaires that have expressed interest unless the concession manager determines for a particular concession or for a particular type of concession that it is in the City's best interest to negotiate with fewer potential concessionaires, and the CCPO approves such determination.

(5) The concession manager shall maintain a written record of the conduct of negotiations and the basis for every determination to continue or suspend negotiations with each potential concessionaire.

(6) The concession manager shall make a determination that award of the concession is in the best interest of the City and the basis thereof.

(c) *Public Notice of Intent to Enter into Negotiations.*

(1) *Frequency.* Notice of intent to enter into negotiations shall be published in the *City Record* [for five consecutive editions], shall be posted on the City's website in a location that is accessible by the public simultaneously with its publication, and a copy shall be provided to the members of the Committee within [five] 5 days of its publication. The last date of publications of such notice shall appear no fewer than [ten] 10 days before negotiations are expected to begin.

(2) *Content.* Such notice of intent shall include:

- (i) Agency name;
- (ii) Brief description of the proposed concession, its size and its location;
- (iii) Projected concession revenue, if any;
- (iv) Summary of the basis of the determination to award the concession as a negotiated concession;
- (v) Projected concession term start and expiration dates;
- (vi) Instructions and information to potential concessionaires concerning how they may express interest in the proposed concession, and how they may obtain additional information concerning the proposed concession, including but not limited to, its prior use and/or other possible usage of the premises, any fixtures or equipment on the premises and its surrounding area, appropriate materials such as maps, plans or photographs; and any terms and conditions upon its award, including warranty and bonding or other security requirements, amount of proposed capital investment and a description of any legal restrictions on the use of the location;
- (vii) The evaluation criteria that will be applied to the evaluation of all proposals;
- (viii) A notice that the concession award is subject to applicable provisions of federal, [State] state, and local laws and executive orders requiring affirmative action and equal employment opportunity;
- (ix) Where applicable, a notice that concession award is subject to completion of a [VENDEX] PASSPort questionnaires and review of that information by the Department of Investigation;
- (x) The name, address, and telephone number of a contact person to whom questions and correspondence relating to the potential concession award can be addressed; and
- (xi) The following statement:

The New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

(3) *Major concession.* Prior to publishing a notice of intent to enter into negotiations, the agency shall make a written determination as to whether a concession is a major and/or significant concession. Such determination shall be approved in writing by the agency head and shall be included in the concession file. If a concession is determined to be a major concession it shall be subject to review and approval pursuant to Sections 197-c and 197-d of the Charter following the agency selection of the successful concessionaire. If a concession is not determined to be a major concession an agency may proceed with negotiations pursuant to paragraph (1) of this subdivision[.but].

Agency shall provide written notification of its determination [that] whether the concession is [not] a major and/or significant concession to each affected community board and Borough President at the time that notice of intent to enter into negotiations is published, and shall provide a copy of such notification to the members of the Committee within [five] 5 days of notification of the community board(s) and Borough President. The written notification shall include a summary of the terms and conditions of the proposed concession.

(d) *Recommendation of award.*

(1) Once the agency has concluded negotiations and has selected a prospective concessionaire, the concession manager shall proceed to determine responsibility of such prospective concessionaire, in accordance with the procedures set forth in 12 RCNY § 1-07. The concession manager shall document the negotiations in a report, which shall include whether potential concessionaires responded to the notice of intent to enter into negotiations, the number of potential concessionaires the agency negotiated with, and the basis for the selection, including all relevant materials submitted by the potential

concessionaires. The concession manager shall file the report in the concession file folder.

(2) The concession manager shall require the prospective concessionaire to complete [VENDEX] PASSPort questionnaires, as applicable.

(3) The Department of Investigation shall review the names on the questionnaires to ascertain whether the business or its affiliated individuals are or have been the subject of an investigation by the Department, in accordance with 12 RCNY § 1-07(e)(iii).

(e) Award and processing. Once the agency has identified a proposed concessionaire pursuant to the procedures set forth in this Section, the agency may proceed to award the concession, provided, however, that the agency shall submit the concession agreement it proposes to enter into with respect to any negotiated concession for prior approval by the Committee, together with the completed [VENDEX] PASSPort questionnaires when the concession has a value that when aggregated with the value of all other City concessions, franchises and contracts held by the same concessionaire is valued at [one hundred thousand dollars] \$100,000 or more. Significant concession agreements shall be subject to the public hearing requirements set forth in 12 RCNY § 1-13(q). Notwithstanding the foregoing, the Committee need not review awards of negotiated concessions that are not subject to renewal and have a term of less than 30 days.

(f) Certain DCAS concessions. Notwithstanding the provisions of subdivision (b) of this Section, the Department of Citywide Administrative Services ("DCAS") may award certain concessions, as set forth below, pursuant to this Section, upon compliance with subdivisions (c), (d), and (e) of this Section. A concession subject to this subdivision (f) is a concession to be awarded by DCAS to an owner of property that is adjacent to the concession property, or to a business located on such adjacent property, where DCAS has made a determination that it is not in the best interest of the City to award the concession pursuant to a competitive process because of the layout or some other characteristic of the property, or because of some unique service that can be performed only by the proposed concessionaire.

(g) Accessibility

(1) Agencies must provide prospective concessionaires with an opportunity to request and receive reasonable accommodations on the basis of disability to participate in the concession solicitation process described by these rules.

**§ 1-15 Small Concessions.**

(a) Definition. Small concessions are those concessions[, otherwise deemed by the concession manager to be appropriate for competitive sealed bid,] for which the agency anticipates compensation to the City of not more than [\$10,000 per year] \$249,999 over the course of the concession term, which may not exceed [five] 1 year, or a maximum of 2 years with renewal. This shall be known as the small concession limit. Small concessions may be awarded only by the method set forth in this section. [Section or by competitive sealed bids as set forth in 12 RCNY § 1-12. The only compensation that may be accepted under the solicitation method set forth in this Section is monetary compensation].

(b) Application. A concession shall not be artificially divided in order to meet the requirements of this section. Changes to and/or renewals of small concessions shall not bring the total value of the concession to an amount or term greater than the small concession limit. [limits.] If a concession is solicited pursuant to this rule and results in one or more bids in excess of the small concession limit, the concession may not be awarded pursuant to this rule.

(c) Scope.

(1) Competition Objective.

(i) Except as specifically set forth in this section, the requirements of these rules shall not be applicable to small concessions awarded pursuant to this section.

(ii) For small concessions awarded pursuant to this section, at least five potential concessionaires shall be solicited at random from the appropriate solicitation mailing list for the type of concession being sought, pursuant to 12 RCNY § 1-12(c), except where such list consists of fewer than five potential concessionaires, in which case all potential concessionaires on the list shall be solicited. The agency may additionally solicit concessionaires who have responded to prior solicitations or whose names have been obtained through referrals from other City agencies, commercial buyers, or general market research. Agencies shall provide for special outreach to minority and women owned business enterprises certified by the City of New York as such entities are defined in Section 1304 of the Charter, and may additionally employ any outreach technique sanctioned by DSBS that is not otherwise in violation of these Rules. Responsive bids shall be obtained from at least two potential concessionaires. For purposes of this section, a response of "no bid" is not a responsive bid. If only one

responsive bid is received in response to a solicitation, an award may be made to that bidder if the concession manager determines that the award of the concession is in the best interests of the City, that the proposed revenue to the City is appropriate and that other potential concessionaires had a reasonable opportunity to respond.

(2) Solicitation.

(i) The agency shall comply with 12 RCNY § 1-12(a)(2) of these rules; provided however, that if [If a concession is determined to be a major concession, the concession may not be awarded pursuant to this [rule] section.

[ (ii) Agencies shall use a written request for bids for each small concession awarded pursuant to this section, which shall contain, at a minimum:

(A) A description of the type of concession requested;

(B) Time, date, place, and form of requested response;

(C) Basis for award; and

(D) Name and telephone number of the concession manager to whom inquiries may be directed.

(d) Award. Small concessions shall be awarded to the highest responsive and responsible bidder.]

(c) Award. Small concessions shall be awarded to a responsive and responsible concessionaire, in accordance with these rules and the solicitation.

(d) Registration. Small concessions are not subject to the requirements of 12 RCNY § 1-17, but the agency must provide a copy of their final executed small concession agreement to the Committee within 5 days of execution by all parties.

(e) Record. The concession file for a small concession awarded pursuant to this section shall include, at a minimum:

(1) Name of the responsible concession manager;

(2) Date of concession award;

(3) Name and address of successful concessionaire;

(4) Brief description of the small concession;

(5) [Name] Details of the [solicitation mailing list used] outreach made in the solicitation of the small concession;

(6) Names of solicited potential concessionaires and [bid amounts] their responses, if any;

(7) Documentation showing [compliance with the requirements of 12 RCNY § 1-12(a)(2);] determination of non-major concession status;

(8) [Written bids;

(9) ] All correspondence;

[ (10) Bid tabulations; and]

(9) any evaluations or tabulations of solicited potential concessionaire responses; and

[(11)] (10) Written basis of award, including responsiveness and responsibility findings.

(f) Renewal. Small Concessions may not be renewed more than once and for a renewal period of no more than one year, with a maximum total term of two years, subject to the small concession limit.

(g) CCPO Determination

(1) At CCPO's discretion, it may be determined that an Agency is not complying with the requirements of the Small Concession method outlined in these rules, in which case, the CCPO may bar an agency from using this method until such a time that they are satisfied that the agency has implemented sufficient corrective steps.

(2) Any such CCPO determination shall be provided in writing to the agency and to the Committee within 5 days of issuance. Likewise, any reversal of this determination shall be provided in writing to the agency and to the Committee within 5 days of issuance.

(h) Accessibility.

(1) Agencies must provide prospective concessionaires with an opportunity to request and receive reasonable accommodations on the basis of disability to participate in the concession solicitation process described by these rules.

**§ 1-16 Committee Approval of Different Procedures.**

(a) No agency shall enter into a concession agreement other than through the processes set forth in 12 RCNY §§ 1-12, 1-13, 1-14, and 1-15 of this Chapter unless the Committee reviews and approves a different procedure. Agencies that wish to enter into Agreements

such as [Not-for-profit] Sole Source Concession Agreements [and Sole Source] or Program-based Concession Agreements must therefore obtain prior Committee approval of different procedures.

(b) Requests for approval of a different procedure shall be forwarded to the Committee and shall include:

(1) A statement of the procedure for which approval is requested;

(2) A summary of the terms and conditions of each concession involved;

(3) An explanation of the reasons for not soliciting bids or proposals as set forth in 12 RCNY §§ 1-12 and 1-13, or for not entering into negotiations as set forth in 12 RCNY § 1-14;

(4) A statement that each affected community board and Borough President has received written notice at least 40 days or less, at the discretion of CCPO, in advance of the Committee meeting that the Agency is seeking Committee approval of a different procedure, together with a listing of each community board and the date of such notification. Such [statement] notification shall also be simultaneously posted on the City's website in a location accessible that is accessible by the public with its distribution. Such notification may be waived with the unanimous approval of the Committee upon a written statement from the Agency of the exigent circumstances;

(5) A determination as to whether a concession is a significant and/or major concession, and a statement that each affected community board and Borough President has received written notice of this determination at least 40 days, or less, at the discretion of CCPO, in advance of the Committee meeting that the Agency is seeking Committee approval of a Different Procedure. Such notification shall also be posted to the City's website in a location that is accessible by the public simultaneously with its distribution. If a concession is determined to be a major concession it shall be subject to review and approval pursuant to Sections 197-c and 197-d of the Charter following the agency selection of the successful concessionaire; and

(6) All other relevant information.

(c) If the Committee approves a different procedure, the agency shall submit the concession agreement it proposes to enter into as a result of that procedure for prior approval by the Committee together with a completed [VENDEX] PASSPort questionnaires when the concession has a value that when aggregated with the value of all other City concessions, franchises and contracts held by the same concessionaire is valued at [one hundred thousand dollars] \$100,000 or more. Significant concession agreements shall be subject to the public hearing requirements set forth in 12 RCNY § 1-13(q). No concession agreement to be awarded by a different procedure shall go into effect until the Committee has approved it.

(d) Notwithstanding the foregoing, the Committee need not review awards of concessions that are not subject to renewal and have a term of less than 30 days.

(e) Program-based Concessions.

(1) 'Program-Based Concessions' are those concessions which are part of a larger program or initiative for which an agency anticipates entering into multiple agreements for the provision of similar goods or services. For program-based concessions, the Committee need not approve the use of a different procedure, so long as the underlying program used to select the concessionaire has been approved by the FCRC per the requirements of 12 RCNY § 1-16(a)-(c).

(f) Accessibility

(1) Agencies must provide prospective concessionaires with an opportunity to request and receive reasonable accommodations on the basis of disability to participate in the concession solicitation process described by these rules.

### **§ 1-17 Registration With the Comptroller.**

(a) *Definition.* Registration of concession agreements is the process through which the Comptroller:

(1) Maintains a registry of City concession agreements;

(2) Presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the concession or that the proposed concessionaire is involved in corrupt activity; and

(3) Tracks City revenues and expenditures associated with the concession agreements.

(b) No concession agreement executed pursuant to the New York City Charter or other law shall be effective until:

(1) A copy of the executed concession agreement and other documentation as described in (c) below have been filed with the Comptroller; and

(2) The Comptroller has registered the concession agreement or [thirty] 30 days have elapsed from the date of filing, during which the Comptroller has neither raised an objection pursuant to subdivision (f) below nor refused to register the concession agreement pursuant to subdivision (e) below.

(c) The following documentation shall be submitted for every concession agreement:

[(1) The original executed concession agreement;]

(1) A copy of the original executed concession agreement;

(2) An advice of award for revenue agreements containing:

(i) The name, address, telephone number and federal taxpayer's identification number of the concessionaire and the location of the concession site;

(ii) The term, annual minimum fees and percentages of the gross receipts stated in the concession agreement;

(iii) The name and/or code of the agency that awarded the concession and the concession agreement number;

(iv) The manner in which the concessionaire was selected, including whether the concessionaire was selected through public letting and if so, whether the concessionaire was the highest responsible bidder; whether the concessionaire was selected through a request for proposal procedure, and if so, whether the concessionaire was the highest responsible bidder; whether the concessionaire was selected through a request for proposal procedure, and if so, whether the concessionaire response to the request offered the highest price option; or whether the concessionaire was selected without competition or as a sole source;

(v) The number of responses to an invitation to bid or request for proposals (excluding a response to an invitation to bid or request for proposals (excluding a response of "no bid" or "no proposal"));

(vi) An indication whether the concessionaire is a not-for-profit organization;

(vii) An indication whether the concessionaire has been certified [by the Office of Economic and Financial Opportunity ("OEFO")] as a woman-owned or uuuu-owned business enterprise]. This subparagraph (vii) shall not take effect until a certification procedure, if any, has been implemented by OEFO] as such entities are defined in Section 1304 of the Charter;

(viii) Any other information for accounting purposes requested by the Comptroller; and

(ix) Any other information for other than accounting purposes requested by the Comptroller and approved by the Committee, or required by law.

(3) Copies of any related written statements, determinations and reports required by the rules of the Committee specific to the concession agreement being registered;

(4) Copies of any approvals of major concessions by the City Council and City Planning Commission;

(5) Copies of any approvals of concessions by the Committee including the date of approval and agenda number;

(6) Copies of all required [VENDEX] PASSPort Questionnaires (See 12 RCNY § 1-11(m)(5)). This requirement will remain in effect until such time as such information is available on line by computer to the Comptroller prior to registration;

(7) Certificates by Corporation Counsel pursuant to § 327(b) and § 394(b) of the Chapter;

(8) Documentation of notification to each affected Community Board(s) and Borough President(s), if applicable (see 12 RCNY §§ 1-11(a)(2) and 1-12(a)(2)); and

(9) For bids, the number of responses and the prices received for each bid that was opened; for convenience, the agency may supply a copy of its bid tabulation sheets. For proposals, the number of proposals received, overall technical rating of each proposal, and the proposed price for each proposal that was opened.

(d) The date of filing pursuant to Section 328 of the Charter shall be the date by which all materials required in subdivision (c) above have been delivered to the Comptroller. Following such date of filing, any question by the Comptroller regarding any such materials shall be responded to by the agency forthwith.

(e) *Refusal of the Comptroller to register the concession agreement.*

(1) The Comptroller may refuse to register a concession agreement if:

(i) The Comptroller has not received a copy of the concession agreement and related materials required by these rules; or

(ii) The Concessionaire has been suspended or debarred from doing business with the City.

(2) *Procedure.* Upon making a determination that there is a basis for refusing to register the concession agreement, the Comptroller shall promptly notify the agency Concession Manager in writing of the determination and return the concession agreement to the Concession Manager.

(f) *Comptroller objections to concession agreement registration.*

(1) The Comptroller may object in writing to the registration of a concession agreement if:

(i) In the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the concession;

(ii) In the Comptroller's judgment, there is sufficient reason to believe that the proposed Concessionaire is involved in corrupt activity.

(2) *Procedure.* The Comptroller's objection shall be delivered to the Mayor and shall set forth in detail the basis for the Comptroller's determination.

(3) *Mayor's response.* The Mayor shall respond in writing to the Comptroller's objection and shall describe:

(i) The corrective action(s), [(if any)] that have been taken or will be taken in response to the Comptroller's objections; or

(ii) The reasons why the Mayor disagrees with the Comptroller's objections.

(4) After the Mayor has responded to the Comptroller's objections, the Mayor may require registration of the concession agreement despite the Comptroller's objections. Such response by the Mayor shall not serve as the basis for future objection by the Comptroller, who shall register the concession agreement within 10 days of the receipt of the Mayor's response.

(g) *Registration is not approval.* Registration of a concession agreement by the Comptroller shall not constitute an approval of the concession as awarded, nor shall it preclude future audits of or objections to the concession agreement.

(h) *Applicability.* Unless otherwise provided by the Charter or these Rules, all concession agreements, amendments, modifications, time extensions, and permits, shall be presented to the Comptroller for registration.

#### **§ 1-18 Concession Extension.**

(a) Agency Head or Concession Manager may extend the term of a concession agreement for good and sufficient cause for a cumulative period of no less than 30 days and not to exceed one year from the date of expiration of the current concession agreement. This determination must be made in writing and approved by the CCPO.

(1) A copy of this determination shall be maintained in the concession file and shall be provided to the members of the Committee within 5 days of CCPO approval.

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

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

**RULE TITLE:** Amendment of Concession Rules

**REFERENCE NUMBER:** FCRC-1

**RULEMAKING AGENCY:** Franchise and Concession Review Committee

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

(ii) Is understandable and written in plain language for the discrete regulated community or communities;

(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

(ii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

August 7, 2025  
Date

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

#### **CERTIFICATION PURSUANT TO CHARTER §1043(d)**

**RULE TITLE:** Amendment of Concession Rules

**REFERENCE NUMBER:** 2025 RG 004

**RULEMAKING AGENCY:** Franchise and Concession Review Committee

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

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

/s/ STEVEN GOULDEN  
Senior Counsel

Date: August 7, 2025

Accessibility questions: (212) 298-0800, by: Tuesday, September 16, 2025, 11:30 A.M.



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## **SPECIAL MATERIALS**

### **HOUSING PRESERVATION AND DEVELOPMENT**

#### **■ NOTICE**

#### **REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

**Notice Date:** August 15, 2025

**To:** Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	106 East 101 <sup>st</sup> Street, Manhattan	48/2025	July 8, 2022 to Present
	207 West 85 <sup>th</sup> Street, Manhattan	49/2025	July 10, 2022 to Present
	205 West 85 <sup>th</sup> Street, Manhattan	56/2025	July 10, 2022 to Present
	470 Jefferson Avenue, Brooklyn	57/2025	July 16, 2022 to Present

**Authority:** SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the



Department of Housing Preservation and Development (“HPD”) stating that there has not been harassment of the building’s lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

**For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call 212-863-8266.**

### PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO

**Fecha de notificación: August 15, 2025**

**Para:** Inquilinos, Inquilinos Anteriores, y Otras  
Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
106 East 101 <sup>st</sup> Street, Manhattan		48/2025	July 8, 2022 to Present
207 West 85 <sup>th</sup> Street, Manhattan		49/2025	July 10, 2022 to Present
205 West 85 <sup>th</sup> Street, Manhattan		56/2025	July 10, 2022 to Present
470 Jefferson Avenue, Brooklyn		57/2025	July 16, 2022 to Present

**Autoridad:** SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una “Certificación de No Acoso” del Departamento de Preservación y Desarrollo de la Vivienda (“HPD”) que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo período. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277** o **(212) 863-8211**.

**Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.**

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## MAYOR’S OFFICE OF CONTRACT SERVICES

### ■ NOTICE

Notice of Intent to Renew or Amend Contract(s) Not Included in FY26 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be entering into the following renewal(s)/amendment(s) of (a) contract(s) not included in the FY 2026 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter §312(a):

Agency: Department of Transportation  
Vendor: FJC Security Services Inc  
Description of Services to be Provided: Security Guard and Related Services Pool 2 - Ferries  
Anticipated Procurement Method: Extension  
Anticipated New Start Date: 12/1/2025  
Anticipated New End Date: 11/30/2026  
Anticipated Modifications to Scope: None  
Reason for Renewal/Extension: Continuation of services  
Job Titles: None  
Headcounts: 0

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Notice of Intent to Issue New Solicitation Not Included in FY26 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitation(s) not included in the FY 2026 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter §312(a):

Agency: Department of Transportation  
Description of Services to be Provided: Elevator and Escalator Maintenance/Repair for The Whitehall and St. George Ferry Terminals, the Ferry Maintenance Facility, three Molinari Class Ferry Boats, and three Ollis Class Ferry Boats.  
Anticipated Contract Start Date: 7/1/2026  
Anticipated Contract End Date: 6/30/2029  
Anticipated Procurement Method: Intergovernmental OGS  
Job Titles: None  
Headcounts: 0

Agency: Department of transportation  
Description of Services to be Provided: Drydocking/ Maintenance & Repair of Staten Island Large Passenger Ferry Vessels  
Anticipated Contract Start Date: 7/1/2026  
Anticipated Contract End Date: 6/30/2029  
Anticipated Procurement Method: Competitive Sealed Bid  
Job Titles: None  
Headcount: 0

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Notice of Intent to Renew or Amend Contract(s) Not Included in FY26 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be entering into the following renewal(s)/amendment(s) of (a) contract(s) not included in the FY 2026 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter §312(a):

Agency: DCAS 856  
Vendor: P&M Electrical  
Description of Services to be Provided: Perform Electrical services at DCAS Facilities throughout the five boroughs.  
Anticipated Procurement Method: Renewal  
Anticipated Start Date: 05/01/2025  
Anticipated End Date: 04/30/2028  
Anticipated Modifications to Scope: None  
Reason for Renewal/Amendment: This contract is currently being utilized by various Lines of Service (LOS) within the Department of Citywide Administrative Services (DCAS), including Fleet Services, Facilities Management, Energy, and Construction Technical Services (CTS). There are ongoing construction projects at present where P&M Electrical is performing the electrical work. Additionally, there are several upcoming projects which are in final stages of design phase and will require the electrical construction work beyond April 30, 2025.  
Job Titles: Electrician; The job title for this work is Electrician which DCAS shop have though they mainly manage the maintenance in all DCAS buildings but lacks the capacity and resources to effectively manage the active electrical construction projects in all boroughs across various LOS within DCAS.  
Headcounts: 7

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