



New York City Comptroller
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Annual Summary Contracts Report
for the City of New York

Fiscal Year 2016



Fiscal Year 2016 Annual Summary Contracts Report for the City of New York

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Introduction

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

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

In addition to discharging the Comptroller's Charter-mandated registration function, BCA is also responsible for publishing an annual summary report on franchises, concessions and contracts for goods and services pursuant to § 6.116.2(f) of the New York City Administrative Code ("Administrative Code").⁴ The current report ("Annual Summary Contracts Report" or "Report") summarizes the City's financial commitment assumed through contracts registered in City Fiscal Year 2016 (or "FY16") and is derived from the City's Financial Management System ("FMS"), a computerized database maintained by the Comptroller and the Mayor pursuant to § 6.116.2(a) of the Administrative Code.⁵ This commitment is based on projected contract amounts at the time of registration and, unless otherwise indicated, is limited to the initial terms of the transactions. As a general matter, it does not include information on actual expenditures or the annual agency budget figures for FY16 registered contracts.

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

Finally, this Report includes certain FY16 annual data required by §§ 6-109 and 6-130 of the Administrative Code to be produced by the Comptroller's Bureau of Labor Law ("BLL").⁷

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

² NYC Charter § 328(a)

³ Id at § 375

⁴ NYC Admin. Code § 6.116.2(f)

⁵ Fiscal Year 2016 covers the period commencing July 1, 2015 through June 30, 2016.

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

⁷ NYC Admin. Code §§ 6.109, 6-130

Report Structure

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

PART I includes this “Introduction.”

PART II includes *Sections 1* and *2*.

Section 1 (Summary Report) offers a high level review of all registered transactions in FY16, including procurement methods, total registered contract values, and pertinent facts relating to the awarding agency, New York City affiliated agency, elected official or the City Council.⁸

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

- Registered Contracts Procured by Competitive Award Methods;
- Registered Contracts Procured by Limited or Non-Competitive Award Methods;
- Registered Contracts Procured by “Other” Award Methods;
- Registered Contracts Exempt under § 1-02(f) of the Procurement Policy Board (PPB) Rules;
- Registered Contract Management Actions; and
- Revenue Contract Registrations.

PART III includes *Section 3*.

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

PART IV includes *Section 4*.

Section 4 (Bureau of Labor Law Fiscal Year 2016 Annual Report) presents certain information required by §§ 6-109 and 6-130 of the Administrative Code.¹⁰

PART V includes *Sections 5* and *6*.

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

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

⁸ A complete list of the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 15*. In general, this list reflects those entities that registered at least one contract action in FY16.

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

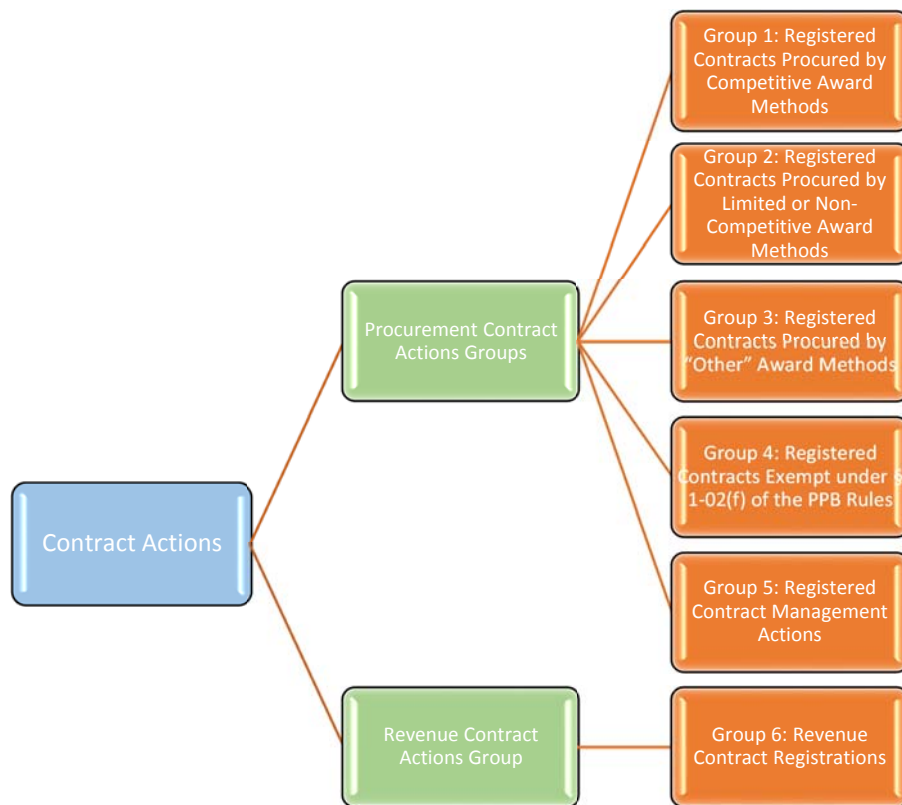
¹⁰ NYC Admin. Code §§ 6-109, 6-130

¹¹ Id at § 6.116.2(f)

Section 1: Summary Report

A total of 14,375 new contract and contract-related transactions (CT1s, RCT1s, MA1s and MMA1s) were registered in FY16 for the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council.¹² This figure includes “Procurement Contract Actions” where the City generally spends money and “Revenue Contract Actions,” where the City typically receives money.¹³ The 14,375 figure does not include the 46,504 modifications (CTRs, MARs), 1,125 task orders awarded pursuant to agency master agreements (CTA1s) or the 138,443 purchase orders (PCC1s, PODs, POCs, PON1s) registered in FY16. As eluded to previously, Procurement Contract Actions and Revenue Contract Actions are each comprised of at least one “Contract Group.” A side-by-side comparison of the categories, which are generally based on FMS Award Method Codes (“AM Codes”) or Contract Type Codes (“CT Codes”), is provided directly below in GRAPH 1.

GRAPH 1: REGISTRATION CATEGORIES



The 14,375 Contract Actions registered in FY16 are broken down as follows:

- 13,378 Procurement Contract Actions (based on the five Contract Groups above) were registered for a total value exceeding \$19.7 billion
- 997 Revenue Contract Actions (based on the single Contract Group above) were registered for a total value exceeding \$573 million¹⁴

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

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

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

CHART I provides a historical comparison of the total number and total contracting volume of registered Contract Actions in FY16. As you can see, the total number of registered Contract Actions (*Procurement Contract Actions + Revenue Contract Actions*) increased slightly from FY15 to FY16. Similarly, the total value of registered Procurement Contract Actions increased by nearly \$2.5 billion and the total value of registered Revenue Contract Actions increased by approximately \$277 million (or 15% and 94%, respectively).

**CHART I: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS
FROM FY14 TO FY16**

REGISTRATION CATEGORY	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Total Number of Registered Contract Actions	12,824	13,203	14,375
Total Value of Registered Procurement Contract Actions ¹⁴	\$23,488,827,627	\$17,145,717,009	\$19,743,944,347
Total Value of Registered Revenue Contract Actions ¹⁵	\$213,514,679	\$296,463,921	\$573,826,328

Registration - Overview

Registration is the process through which the Comptroller: (1) encumbers (sets aside) funds to ensure that encumbered monies are available to pay contractors for contract work to be performed; (2) maintains a registry of City agreements; (3) presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity; and (4) tracks City expenditures and revenues associated with those contracts and agreements.¹⁶ Further, and as briefly referred to in the *Introduction* above, no contract or agreement, franchise, revocable consent or concession executed pursuant to the Charter or other law can be implemented until: (1) a copy has been filed with the Comptroller; and (2) either the Comptroller has registered it or 30 days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed or the Comptroller has grounds for not registering the contract.^{17 18}

¹⁴ Unless otherwise indicated, for the purposes of CHART I and this Report, Procurement Contract Actions include the following AM Codes: 1, 2, 3, 109, 111, 112, 113, 22, 27, 31, 32, 35, 36, 37, 39, 61, 05, 06, 11, 12, 17, 20, 21, 25, 26, 28, 30, 33, 34, 38, 62, 106, 251, 10, 211, 040, 07, 18, 24, 29, 68, 78, 79, 99, 41, 42, 43, 44, 45, 51, 100, 101, 102 and 511 and excludes the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.

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

¹⁶ 9 RCNY § 4-06(a)

¹⁷ NYC Charter § 328(a)

¹⁸ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to in FMS as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

Administrative Code - Annual Summary Contracts Report Minimum Requirements

The Administrative Code requires the Comptroller to include certain information pertaining to franchises, concessions, goods contracts and services contracts exceeding \$10,000 and construction contracts exceeding \$15,000 in a summary contracts report published annually by this Office.¹⁹

Examples of required data include, but are not limited to:

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

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

While the Administrative Code establishes minimum requirements for data inclusion, BCA has further expanded those parameters in this Report to offer a more robust and transparent picture of the projected financial commitments assumed by the City during FY16 based on the combined registered Contract Action values. Examples of this additional information include, but are not limited to:

- All contracts registered in FY16 regardless of dollar value;
- Comprehensive statistical summary of FY16 registered modifications;
- Comprehensive statistical summary of FY16 agency purchase order registrations;
- Comprehensive statistical summary of FY16 contracts registered retroactively;
- Comprehensive statistical summary of FY16 contracts registrations based on industry classifications;
- Comprehensive statistical summary and breakdown of FY16 task orders registered through agency master agreements;
- Comprehensive statistical summary of FY16 lease and license registrations;
- Comprehensive statistical summary of DOE FY16 registrations; and
- Comprehensive statistical summary FY16 Emergency Procurement approvals.

Exclusions

Although this Report provides significant detail regarding Citywide Contract Actions registered in FY16, there are some areas where data is excluded because it is not possible to be reported in the context of this Report or the data is already featured in an alternative report published by the Comptroller's Office, such as the *Comprehensive Annual Financial Report* (or "CAFR"), which details the City's fiscal year financial obligations. For example, and unless otherwise indicated, the registered Contract Actions listed in this Report do not include:

- Increases/decreases in contract value following registration (which are represented in *Section 3* of this Report);

¹⁹ NYC Admin. Code § 6.116.2(f)

- Information relating to subcontractor registrations;²⁰
- Information on actual FY16 expenditures, payments or annual agency budget figures;
- Intra-city agency purchasing agreements; and
- Contracts entered into by New York City Economic Development Corporation (“NYCEDC”), NYC & Co., Brooklyn Navy Yard Development Corporation (“BNYDC”), Governor’s Island and other similar entities affiliated with mayoral City agencies through master contracts.²¹

Registration and Reporting - Who Registered City Contracts in FY16

The City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council had Contract Actions registered in FY16, with the City’s mayoral agencies accumulating the greatest volume of these registrations. Non-mayoral agencies, such as the Department of Education (“DOE”), can also be credited with a significant volume of Contract Action registrations, both in terms of quantity and dollar value. Although the Offices of the Borough Presidents, District Attorneys, Community Boards, City Council and other elected officials are represented in this Report, the overall volume of their registered Contract Actions is relatively small when compared to the substantial and often diverse procurement portfolio of the mayoral and City-affiliated agencies. It is important to keep in mind that, for some agencies, state law preempts the application of the City’s procurement rules. For example, NYC Health + Hospitals or “NYC H+H” (formerly New York City Health and Hospitals Corporation or “HHC”), the New York City Housing Authority (“NYCHA”), the Board of Elections (“BOE”), NYCEDC, DOE, the School Construction Authority (“SCA”), and the Water Board/Authority are either not subject to, or are only partially subject to, the City’s procurement rules.²² These entities, however, may be required to adhere to the contract registration requirements as set forth in §§ 328 and 375 of the Charter by operation of law.

FY16 Annual Summary Contracts Report - Use of “Contract Groups” to Present Data

As previously mentioned, the data presented through this Report is derived from FMS, a database jointly administered by the Mayor and the Comptroller and maintained by FISA as required by § 6.116.2(a) of the Administrative Code.²³ FMS is the primary tool that the City uses to track contracts.

²⁰ Unlike prime contracts, individual subcontracts entered into by prime contractors pursuant to existing contracts are not registered by BCA. Prime vendors are required to receive prior approval from the contracting City agency for every subcontractor it intends to utilize during the contract term. "Subcontractor Approval Forms" are completed, signed and submitted to the contracting City agency for review and approval. Additionally, prime contractors are required to "self-report" subcontractor information by entering certain data into the Payee Information Portal (or "PIP"). However, a significant number of prime contractors either do not enter this data into PIP at all or do not do so on a real-time basis. As a result, subcontractor data is not included in this Report since the available information does not allow for accurate reporting or analysis. Note that a report issued last year by the Comptroller’s Office through its Diversity Office within the Bureau of Policy and Research (*Making the Grade: New York City Agency Report Card on Minority/Women-Owned Business Enterprises*) found that although there has been an increase in the subcontracting data being uploaded from City agencies to PIP, most agencies are not enforcing the requirement that that prime contractors input subcontractor data into PIP.

²¹ For instance, this Report would include the FY16 Master and Maritime Contracts SBS entered and registered with NYCEDC, but not the individual projects captured through contracts between NYCEDC and the contracted entity pursuant to the Master or Maritime Contracts with SBS.

²² See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).

²³ NYC Admin. Code § 6.116.2(a)

Although registered Contract Actions are catalogued in FMS through several identifiers, such as AM Codes,²⁴ CT Codes,²⁵ and Contract Category Codes (“CC Codes”),²⁶ the data published in PART II of this Report, as well as other relevant sections, is primarily analyzed and presented by AM Codes for both clarity and ease of comparison. Based on the current list of over 70 contract AM Codes that are used by City agencies to input registration data into FMS, BCA developed six general “Contract Groups.” These Groups include:

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

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

Because the City’s mayoral agencies are responsible for the majority of FY16 contract registrations, the Contract Groups are generally based on the PPB Rules. Although non-mayoral agencies are not bound by the PPB Rules, the procurement types they utilize to acquire goods and services are often very similar to those that apply to mayoral agencies. For example, the “competitive sealed bidding” (or “CSB”) procurement method is used by both DDC (mayoral agency) and DOE (non-mayoral agency) under similar circumstances. However, DDC must comply with the applicable PPB Rules when awarding a contract solicited by CSB whereas DOE is required to comply with its own *Procurement Policy and Procedures* (or “PPP”) when using a bid to obtain the same goods or services. The same is true for non-mayoral agencies such as NYC H+H, CUNY and NYCHA.

As a result, all FY16 CSB contract registrations, regardless of whether the awarding agency is mayoral or non-mayoral, are captured using the individual AM Codes set forth under “Competitive Sealed Bid Contracts” in TABLE I of this Report. The same logic and approach applies to the four other Contract Groups listed under Procurement Contract Actions. However, the sixth Contract Group listed under Revenue Contract Actions is captured using CT Codes and CC Codes. Due to the large volume of registered FY16 DOE Contract Actions, *Appendix 19* provides a side-by-side comparison of DOE award or contract types with PPB counterparts.

²⁴AM Codes refer to the type of procurement used to select the contractor or vendor. There are currently over 70 AM Codes to select from when entering registration-related data into FMS. See *Appendix 16* for a complete list.

²⁵CT Codes refer to the purpose or nature of the contract. There are over 30 CT Codes to select from when entering registration-related data into FMS. See *Appendix 17* for a complete list.

²⁶CC Codes refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 CC Codes to select from when entering registration-related data into FMS. See *Appendix 18* for a complete list.

CHART II: FY16 REPORT'S CONTRACT GROUPS²⁷

PROCUREMENT CONTRACT ACTIONS (CONTRACT GROUPS 1 – 5)*	
GROUP 1: REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY COMPETITIVE METHODS	
Award Method	Award Method Code(s)
Competitive Sealed Bid Contracts (includes PQVL)	01, 03, 35, 37
Competitive Sealed Proposal Contracts (includes PQVL)	02, 22, 36, 39
Small Purchase Contracts (includes PQVL)	31, 32, 60, 109, 111, 112, 113
Accelerated Procurement Contracts	27

GROUP 2: REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE AWARD METHODS	
Award Method	Award Method Code(s)
Sole Source Contracts	05, 34
Emergency Procurement Contracts	06, 33
Discretionary (Line Item) Contracts	12, 38
Negotiated Acquisition Contracts	21
Innovative Procurement Contracts	20
Demonstration Project Contracts	23
Micropurchase Contracts	30
Government-to-Government Contracts	17, 103
Buy-Against Procurement Contracts	28, 106
Intergovernmental Procurement Contracts	25, 62, 251
Determined by Government Mandate Contracts	26
Determined by Legal Mandate Contracts	11

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

²⁷ See Appendix 16 for corresponding Award Methods.

GROUP 3: REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY "OTHER" AWARD METHODS	
Award Method	Award Method Code(s)
Leases/Lessee Negotiation Agreements	7
Watershed Agreements	79, 107
Assignments	29
Force Account Negotiation Contracts	68
DOE Listing Application Contracts	40
Non-Procurement Contracts	18
Contract Conversions	24
Real Estate Sales & Purchase Agreements	78
Loan Negotiations	8
Bonds	99*
Miscellaneous	99**

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

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

GROUP 4: REGISTERED PROCUREMENT CONTRACT ACTIONS EXEMPT UNDER § 1-02(F) OF THE PPB RULES	
Award Method	Award Method Code(s)
Grant Agreements (includes Grant Renewals)	51, 102, 511
Cable Service Negotiation Contracts	41
Professional Membership Negotiation Contracts	42, 101
Public Utility Contracts	44, 45
Subscription Contracts	43, 100

GROUP 5: REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS	
Award Method	Award Method Code(s)
Renewals (excludes Grant Renewals)	10, 61
Negotiated Acquisition Extensions	211

REVENUE CONTRACT ACTIONS (GROUP 6)²⁸

GROUP 6: REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE

Contract Type	Contract Type Code(s)
Franchise Agreements	15
Concession Agreements	20
Revocable Consent Agreements	17
Corpus Funded Agreements	25
Other	10, 24, 30, 72, 99

Section 2: Contract Registrations by “Contract Group”

This section of the Report provides a range of statistical data, analysis and information pertaining to FY16 registrations.

As stated in *Section 1*, data in this Report is presented categorically and is generally based on the type of selection method utilized by the agency to undertake the contract transaction. As previously indicated, the broad term Contract Actions consists of a total of two categories: Procurement Contract Actions (consisting of 5 Contract Groups) and Revenue Contract Actions (consisting of a single Contract Group). All six of the Contract Groups delineated in this section contain several individual FMS-based AM Codes or CT Codes which correspond to the numerical codes listed in CHART II.

TABLE I and GRAPH 2 (on the pages that follow) provide historical comparisons of the total number of registered Contract Actions and total registered Contract Action value in each of the six Contract Groups between FY14 and FY16. TABLE I also presents the total number of registered actions within each Contract Group as a percentage of all Contract Actions registered within the respective fiscal year. Supporting data for each of the Contract Groups listed in the table below is located in *Appendices 1-6*.

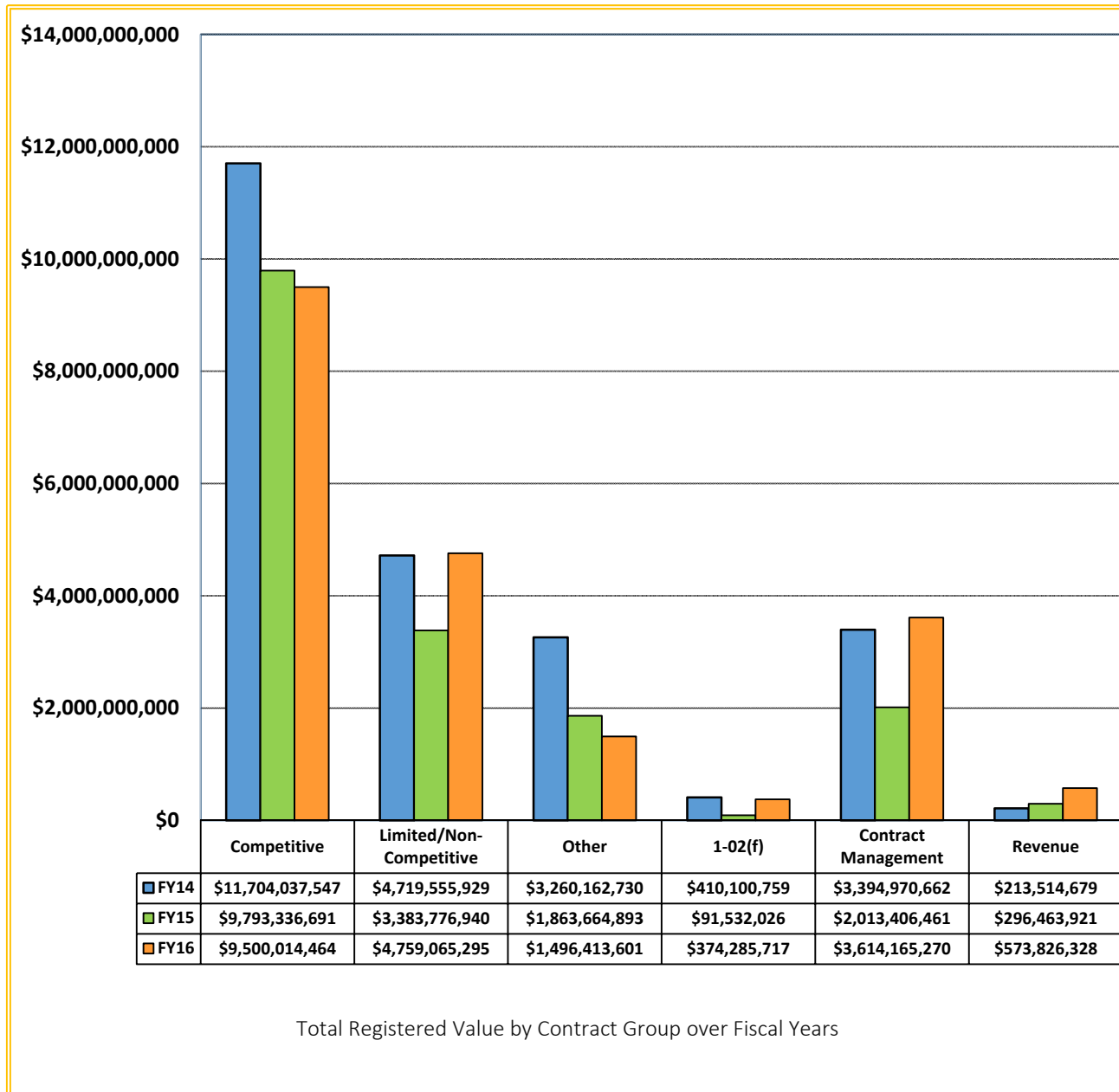
²⁸ Although the award methods used to enter into Revenue Contract Actions may overlap with the awards methods listed in Contract Group Nos. 1 – 5, the transactions in Contract Group No. 6 are identified by Contract Type in order to distinguish between them from Procurement Contract Actions

**TABLE I: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS
BY CONTRACT GROUP**

Contract Group	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016		% Change by Group based on Total No. Registered
	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	
Procurement Contract Actions							
Competitive	5,589	43.6%	6,221	47.1%	6,598	45.9%	6%
Limited/Non-Competitive	4,714	36.8%	3,685	27.9%	4,375	30.4%	19%
Other	428	3.3%	403	3.1%	404	2.8%	0.2%
1-02(f)	348	2.7%	387	2.9%	513	3.6%	33%
Contract Management	1,018	7.9%	1,439	10.9%	1,488	10.4%	3%
Subtotal	12,097	94.3%	12,135	91.9%	13,378	93.1%	
Revenue Contract Actions							
Revenue	727	5.7%	1,068	8.1%	997	6.9%	(7%)
Total	12,824	100%	13,203	100%	14,375	100%	

As illustrated by TABLE I, the total number of registered Contract Actions across the six Contract Groups increased by 1,172 from FY15 to FY16 (or 9% overall). All five Contract Groups under Procurement Contract Actions saw increases between 0.2% and 33%, whereas a 7% decrease in registered Revenue Contract Actions occurred from FY15 to FY16.

**GRAPH 2: COMPARISON OF REGISTERED CONTRACT ACTIONS BY CATEGORY AND REGISTRATION VALUE,
FY14 – FY16**



In addition to the data presented in TABLE I and GRAPH 2, CHART III lists the “Top Ten Registered Procurement Contract Actions by Value in FY16,” CHART IV provides a “Historical Comparison of the Top Ten Agencies by Total Registered Contract Action Value” and CHARTS V and VI lists the “Top Five Agencies” by Total Registered Procurement Contract Action Value in FY16 and Revenue Contract Action Value in FY16, respectively.

CHART III: TOP TEN REGISTERED PROCUREMENT CONTRACT ACTIONS BY VALUE IN FY16

Rank	Contract No.	Agency	Vendor	Contract Description	Award Method	Registered Contract Value
1	20166200901	SBS	NYCEDC	Master Contract for Citywide Economic Development Services	Sole Source	\$1,970,605,000
2	20161420753	ACS	YMS Management Associates, Inc.	Payment Agent Services	RFP	\$1,362,711,757
3	20166200902	SBS	NYCEDC	Master Maritime Contract for Citywide Economic Development Services	Sole Source	\$508,197,000
4	20160002781	DHS	Bowery Residents' Committee, Inc.	Standalone Transitional Residences for Adults	RFP	\$209,781,587
5	20160001547	Mayoralty	The Legal Aid Society	Indigent Criminal Defense Services	Contract Renewal	\$187,398,000
6	20169673416	DOE	Dell Marketing LP	Infrastructure Build-out Services	RFP	\$186,837,485
7	20169673421	DOE	Lighttower Fiber Networks II, LLC	Provide Voice and Data Service	RFP	\$176,329,500
8	20169673417	DOE	Verizon Business Network Services, Inc.	Provision of Voice and Data Services	RFP	\$150,493,408
9	20161410771	DEP	Skanska-Picone 26W Joint Venture	Increase Reliability of 26 th Ward Waste Water Treatment Plant	CSB	\$134,350,000
10	20161413696	DSNY	Zevel Transfer, LLC	Accept, Process and Dispose of the City's Non-Putrescible Waste	CSB	\$123,807,705

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

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

CHART V: TOP FIVE AGENCIES BY
TOTAL REGISTERED PROCUREMENT
CONTRACT ACTION VALUE IN FY16

Rank	Fiscal Year 2016	
	Agency	Total Value
1	ACS	\$2,630,678,142
2	SBS	\$2,624,663,703
3	DOE	\$2,289,981,377
4	DDC	\$1,604,778,145
5	DEP	\$1,294,553,229
Total		\$10,444,654,596

CHART VI: TOP FIVE AGENCIES BY
TOTAL REGISTERED REVENUE
CONTRACT ACTION VALUE IN FY16

Rank	Fiscal Year 2016	
	Agency	Total Value
1	COMP	\$495,230,657
2	DPR	\$36,997,896
3	DCA	\$21,982,069
4	DOT	\$9,392,226
5	DOE	\$5,095,000
Total		\$568,697,848

A. Total Registered Procurement Contract Actions in FY16

Contract Group No. 1: Registered Procurement Contract Actions Awarded by Competitive Methods

A paramount tenet of an effective procurement system is to achieve the best quality goods and services at either the lowest cost or the best value. As a result, use of competitive award methods such as CSBs and Competitive Sealed Proposals (“CSPs”) are frequently employed by the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council to enter into contracts. Not only are these considered the most effective means to procure goods and services for the City, but competitive sealed bidding is the default award method in both the PPB Rules and § 103 of the NYS General Municipal Law.

Agencies may employ use of an alternative method of procurement only when it determines that the use of competitive sealed bidding is not practicable or advantageous to the City. Each agency contract file is required to contain documentation of such “Special Case” determination and of the basis upon which each contract is awarded.²⁹ For purposes of this Report, registered Procurement Contract Actions awarded via “Competitive Award Methods” include CSBs, CSPs, Accelerated Procurements and Small Purchases.

As demonstrated by TABLE II below, while the number of registered Procurement Contract Actions awarded by competitive methods increased by 377 in FY16, the total registered value for these same actions decreased by \$293,322,227 or 3%.

The most significant change from FY15 to FY16 was the uptick in the number of registered Small Purchase awards, which jumped from 3,917 to 4,473, a 14.2% change.

TABLE II: HISTORICAL COMPARISON OF PROCUREMENT CONTRACT ACTION REGISTRATIONS AWARDED BY COMPETITIVE METHODS³⁰

Award Method*	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Competitive Sealed Bid Contracts (includes PQVL)	\$5,256,236,296	1,091	\$6,090,057,726	1,052	\$4,486,525,324	918
Competitive Sealed Proposal Contracts (includes PQVL)	\$6,272,098,724	580	\$3,447,987,429	1,154	\$4,809,487,538	1,116
Accelerated Procurement Contracts	\$44,740,361	119	\$121,828,122	98	\$52,086,346	91
Small Purchase Contracts (includes PQVL)	\$130,962,166	3,799	\$133,463,414	3,917	\$151,915,256	4,473
Total	\$11,704,037,547	5,589	\$9,793,336,691	6,221	\$9,500,014,464	6,598

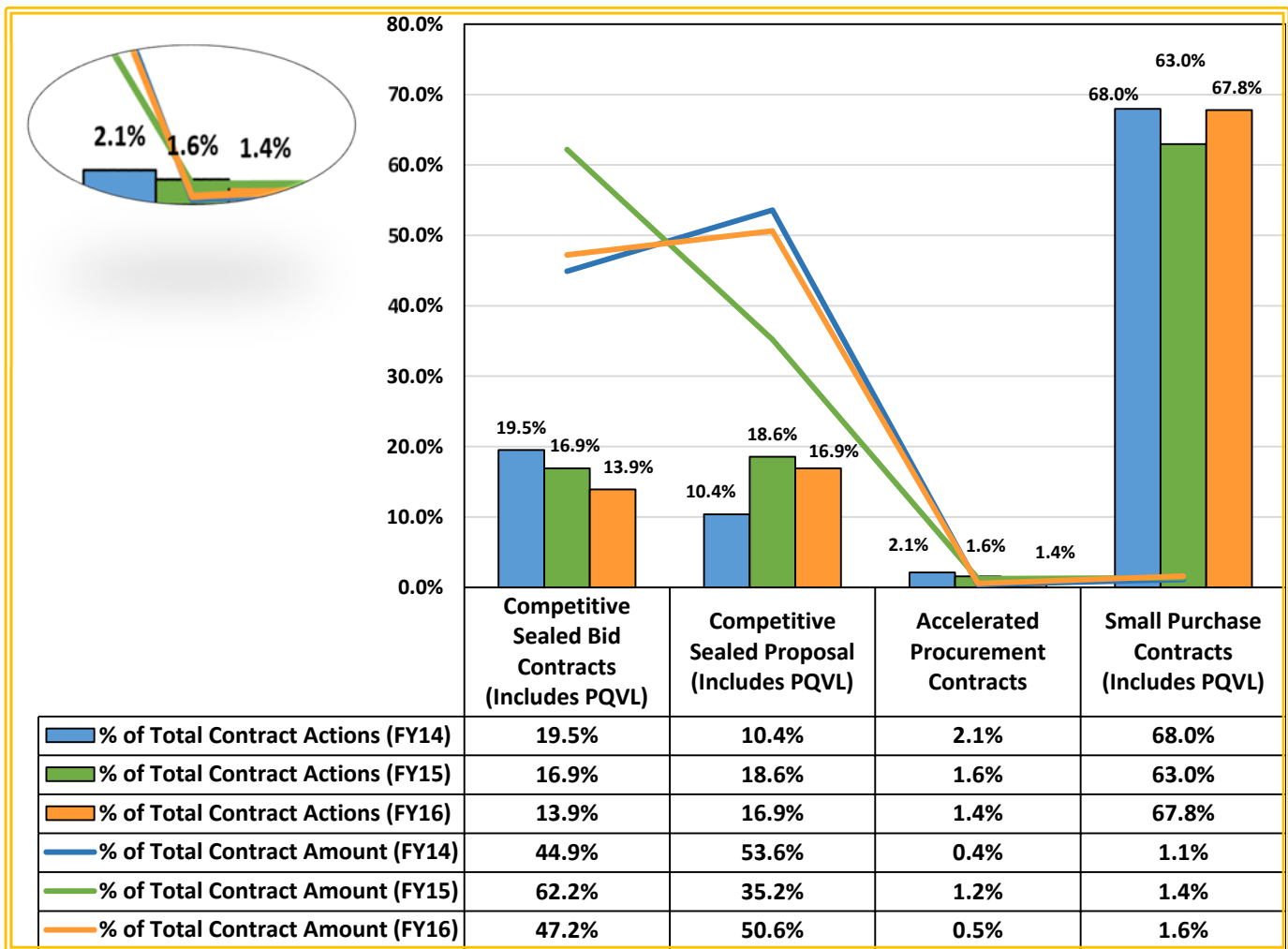
*Excludes RCTIs

²⁹ NYC Charter § 317

³⁰ See Appendix 1 for supporting data pertaining to TABLE II.

GRAPH 3 (below) provides a historical comparison of Procurement Contract Action registrations awarded by competitive methods as a percentage of total dollar value and as a percentage of the total number of actions registered within the applicable fiscal year. For instance, in FY16, agencies most frequently used small purchases when conducting a competitive procurement. In FY16, this method accounted for 68% of the total number of Procurement Contract Actions by agencies. While it represents the most frequently used competitive procurement method, small purchases only represent 1.6% of the total competitive procurement value by dollars.

GRAPH 3: COMPARISON OF PROCUREMENT CONTRACT ACTIONS BY PERCENTAGE OF TOTAL ACTIONS AND PERCENTAGE OF TOTAL DOLLAR VALUE, FY14 – FY16



Competitive Sealed Bid Contracts

CSBs or “Bids” refer to a method of procurement where the award of a contract is made to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids (“IFB”).³¹ Bids are solicited through an IFB that includes a purchase description and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.³² Bids may also be solicited by agencies from vendors who have been prequalified for the provision of a good, service or construction by mailing notice to each prequalified vendor or, if special circumstances require, to a selected prequalified vendors (“PQVL”) list.

A determination to employ selective solicitation for a particular procurement or for a particular class of procurements must be made in writing by the agency and approved by the mayor unless the mayor, upon adequate assurances of an agency's capacity to comply with procedural requirements, has determined that such approval is not required for the agency procurement at issue or for a particular class of procurements.³³

The largest Bid contract registered in FY16 was between DEP and Skanska Picone Joint Venture, for the construction of a sewage disposal system in Brooklyn in the amount of \$134,350,000 (CT1 20161410771). The largest PQVL Bid registered in FY16 was between DDC and John Picone, Inc., for the Citywide reconstruction of collapsed or otherwise defective storm, sanitary and combined sewers, force mains and drainage facilities and their appurtenances on an emergency basis in the amount of \$17,000,000 (CT1 20161420119).

Competitive Sealed Proposal Contracts

A competitive sealed proposal (“CSP”) is a competitive procurement method that an agency may use if it first determines that a CSB is not practicable or advantageous to the City under the circumstances.³⁴ CSPs are typically used to award contracts for information technology, architecture, engineering, accounting, legal, scientific, research and/or other similar services. CSP contracts are typically solicited through a “request for proposals” (or “RFP”) with the award being made to the responsive and responsible offer or whose proposal was determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria as set forth in the RFP.

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

Like Bids, CSPs may also be solicited from vendors who have been prequalified for the provision of a good or service by mailing notice to each prequalified vendor or, if special circumstances require, to a selected PQVL list through a similar procedure as described above for CSBs.³⁵

The largest CSP contract registered in FY16 was a \$1,362,711,757 payment agent services agreement between ACS and YMS Management Associates, Inc. (CT1 20161420753). The second largest agreement was a

³¹ NYC Charter §312

³² Id at § 313

³³ Id at § 318

³⁴ Id at § 319

³⁵ Id at § 320

\$209,781,587 contract between DHS and Bowery Residents' Committee, Inc. for a standalone transitional residence for adults at 233 Landings Road in the Bronx (CT1 20160002781).

Accelerated Procurement Contracts

An Accelerated Procurement contract enables DCAS to quickly procure specific City Chief Procurement Officer ("CCPO") approved commodities (*i.e.*, chemicals, energy, food, etc.) due to PPB-approved markets experiencing significant shortages and/or short-term price fluctuations.³⁶

The largest Accelerated Procurement contract registered in FY16 was between DCAS (DMSS) and Kemira Water Solutions, Inc., for the purchase of liquid ferric chloride for wastewater treatment plants (MA1 20161201681). At the time of registration, this agreement had a total projected value of \$4,375,980.

Small Purchase Contracts³⁷

Small Purchases are those procurements for goods, services, construction and/or construction-related services valued at no more than \$100,000 – the current "Small Purchase Limit." According to the Charter, the Procurement Policy Board³⁸ and the City Council may, by concurrent action, establish dollar limits for the procurement of goods, services, construction and/or construction-related services that may be made without competition or without public advertisement.³⁹ These procurement awards, however, are still subject to the requirements of the PPB Rules.⁴⁰ Additionally, the PPB Rules lay out a competition objective for the way Small Purchases are awarded, currently known as the "5 + 10" method.⁴¹ Through this "5 + 10" method, procurements valued above the two "Micropurchase Limits" but below the Small Purchase Limit are solicited from a list of five randomly selected vendors and at least ten randomly selected certified M/WBE vendors.⁴²

Although a procurement conducted via any other method defined by the PPB Rules may result in a contract value below the Small Purchase Limit, only those contracts awarded via the "5 + 10" method are considered "true" Small Purchases. All "5 + 10" Small Purchases and most other contracts below the Small Purchase Limit are submitted to the Comptroller for registration. However, agencies also have the capability to self-register certain contracts at lower amounts as "in-house" registrations.⁴³

³⁶ 9 RCNY § 3-07

³⁷ The discussion of Small Purchase contracts in this subsection, including references to the Small Purchase Limit and the procedures established to afford more opportunities for M/WBEs and EBEs to compete for City contracts through the "5+10" method, only apply to the City's mayoral agencies.

³⁸ The PPB is comprised of five members; three members appointed by the Mayor and two members appointed by the Comptroller. The PPB is authorized to promote and put into effect rules governing the procurement of goods, services, and construction by the City under Chapter 13 of the Charter.

³⁹ *Id.* at § 3-08

⁴⁰ NYC Charter § 314

⁴¹ 9 RCNY § 3-08

⁴² There are also two lesser limits ("Micropurchases") embedded within the \$100,000 Small Purchase threshold. The first is for construction procurements valued at up to and including \$35,000 and the second is for all other procurements at valued up to and including \$20,000.

⁴³ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to as "self-registration" or registering a contract "in-house." When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

In FY16, Small Purchase registrations accounted for approximately \$152 million of agency purchasing activity.

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

Contract Group No. 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods

Registered contracts procured by limited or non-competitive award methods are the second Contract Group under Procurement Contract Actions. A historical comparison of these actions from FY14 to FY16 is provided in TABLE III and include, but are not limited to, negotiated acquisitions, buy-against procurements, government-to-government procurements and sole sources. Additionally, GRAPH 4 provides an FY16-specific breakdown of the same procurements associated with Contract Group No. 2. Use of limited or non-competitive award methods are typically restricted to situations where full competition is neither practicable nor possible due to factors such as:

- Time-sensitive situations (*i.e.*, the need to preserve continuity of service should an agency terminate a contract with an existing vendor);
- Limited vendor pool with the requisite operating capacity;
- Existence of only a single provider of the necessary goods and/or services; or
- Where the selection process is dictated by the funding source (*i.e.*, federal government grant).⁴⁴

In FY16, 4,375 contracts procured via limited or non-competitive award methods were registered for a total projected value of \$4,759,065,295. Both the total number of registered contracts procured within this category as well as the total projected value of such actions increased by more than \$1.3 billion from FY15 to FY16 (or 41%).

⁴⁴ Id at § 1-02(f)(1)

GRAPH 4 provides a specific look at Procurement Contracts Action registrations awarded by limited or non-competitive award methods as a percentage of the total number of registrations within that Contract Group.

GRAPH 4: PROCUREMENT CONTRACT ACTION REGISTRATIONS BY LIMITED OR NON-COMPETITIVE AWARD METHODS AS A PERCENTAGE OF THE TOTAL NUMBER OF REGISTRATIONS WITHIN THAT CONTRACT GROUP, FY16

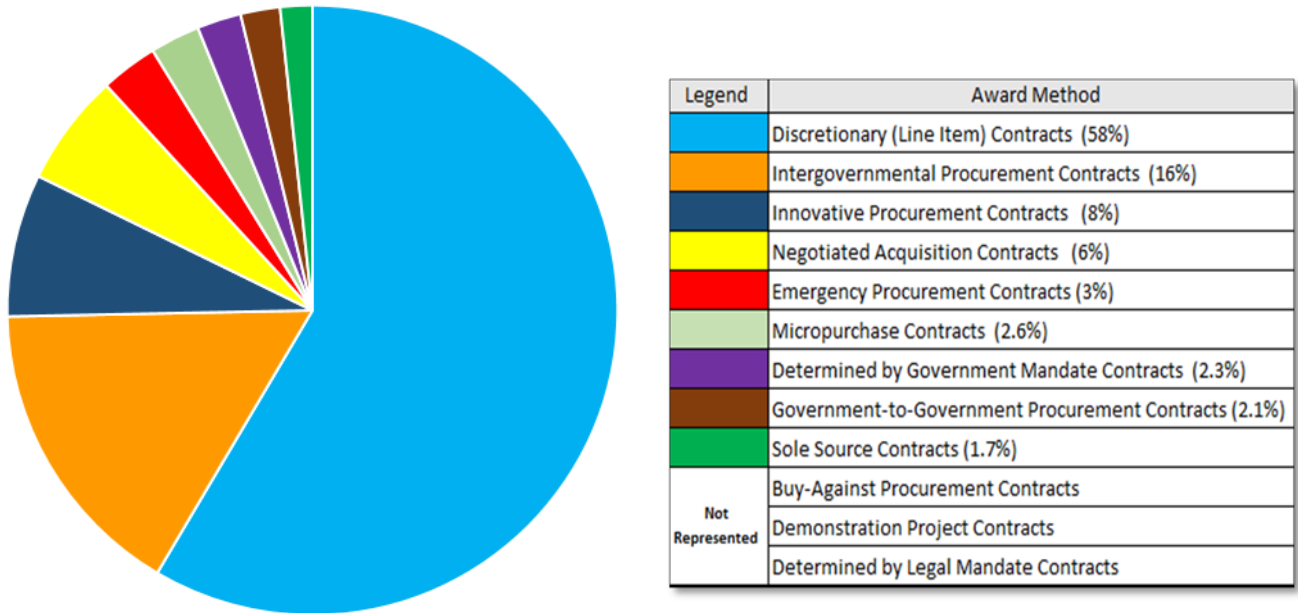


TABLE III: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE METHODS⁴⁵

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Sole Source Contracts	\$2,295,857,379	82	\$1,991,004,709	58	\$2,800,477,398	74
Emergency Procurement Contracts	\$337,131,682	208	\$189,143,190	120	\$155,405,830	132
Negotiated Acquisition Contracts	\$303,127,047	351	\$302,470,335	290	\$290,782,017	259
Innovative Procurement Contracts	\$3,573,806	9	\$327,003	4	\$330,275,039	330
Demonstration Project Contracts	\$2,310,292	11	\$8,281,538	8	\$14,721,801	8
Micropurchase Contracts	\$3,849,150	254	\$2,632,108	164	\$1,702,400	115
Government-to-Government Procurement Contracts	\$285,473,218	70	\$187,507,057	67	\$336,019,954	91
Buy-Against Procurement Contracts	\$224,772,256	32	\$14,684,473	18	\$10,704,392	9
Intergovernmental Procurement Contracts	\$818,088,864	1,176	\$437,816,047	956	\$518,684,116	705
Determined by Government Mandate Contracts	\$196,996,950	138	\$107,295,316	86	\$111,315,624	102
Determined by Legal Mandate Contracts	\$14,046,473	4	\$0	0	\$425,944	2
Discretionary (Line Item) Contracts	\$234,328,812	2,379	\$142,615,164	1,914	\$188,550,780	2,548
Total	\$4,719,555,929	4,714	\$3,383,776,940	3,685	\$4,759,065,295	4,375

Sole Source Contracts

A Sole Source contract is awarded for goods, services and/or construction without competition after a determination has been made that there is only one source for the required goods, services and/or construction.⁴⁶ Additionally, Sole Source contracts are entered into with vendors that own proprietary software since they are the only source for the procurement of that software. Whenever an agency makes the determination that there is only a single source for the needed goods, services or construction, such determination must be published in *The City Record*. To ensure that only one source exists, this determination or “notice” must solicit applications from any vendors qualified to provide such goods, services or construction, or interested in providing such goods, services or construction in the future.⁴⁷

In FY16, 74 Sole Source contracts were registered across 25 agencies for a total registered value of \$2,800,477,398. Of those 25 agencies, the largest cumulative value of registered agreements belong to SBS at \$2,526,616,185 (over five contracts), while DoITT entered into the most Sole Source contracts, at 14, for a

⁴⁵ See *Appendix 2* for supporting data pertaining to TABLE III.

⁴⁶ 9 RCNY § 3-05

⁴⁷ NYC Charter § 321

total cumulative registered value of \$41,118,974. The largest Sole Source agreement registered in FY16 was SBS' Master Economic Development Agreement with NYCEDC at \$1,970,605,000 (MMA1 20166200901) and the second largest was SBS' Master Maritime Agreement with NYCEDC at \$508,197,000 (MMA1 20166200902).

Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an emergency procurement (referred to in the PPB Rules as "Emergency Purchases") may be made with the prior approval of the Comptroller and Corporation Counsel. All procurements entered into pursuant this award method must be made with as much competition as is practical under the circumstances, consistent with applicable provisions of the Charter.⁴⁸

In addition, the procuring agency must include a written determination of the basis for the emergency and the selection of the contractor in the agency contract file while the summary of such determination must be included in the notice of contract award published in *The City Record*.

In FY16, 132 Emergency Procurement contracts were registered. The largest number of registered Emergency Procurements was HPD at 44, followed by DSNY at 28. DOT registered the highest dollar amount in Emergency Procurements at \$54,883,563. DOT also entered into the largest registered contract under this Award Method in FY16 at \$49,475,201 with El Sol/Hylan JV, for services relating to the restoration of the Battery Park Underpass (CT1 20151427192).⁴⁹

Additional information and statistics regarding the number of Emergency Procurement approvals granted by the Comptroller's Office in FY16 is provided in *Section 3* of this Report.

Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO-approval, to negotiate contracts directly with vendors in specific circumstances when it is neither practicable nor advantageous to the City to make the procurements through CSBs or CSPs.^{50 51}

In FY16, the largest registered contract procured via the Negotiated Acquisition method (a \$55,000,000 contract with Project Rebuild, Inc. for the acquisition of Hurricane Sandy damaged properties for redevelopment, was entered into by HPD (CT1 20161414436). The second largest registered Negotiated Acquisition contract was a \$25,000,000 DOHMH contract with Fund for Public Health in New York, Inc. (CT1 20160001727). The most registered Negotiated Acquisition contracts in FY16 were entered into by DOE with 128 and ACS had the largest registered aggregate contract value at \$90,667,188 (across eight contracts).

Innovative Procurement Contracts

An Innovative Procurement is a prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently authorized by the PPB Rules.⁵²

⁴⁸ Id at § 315

⁴⁹ This submission bears a 2015 number because it was submitted in FY 15 (6/3/2015), but was registered in FY16 (7/2/2015).

⁵⁰ 9 RCNY § 3-06

⁵¹ Id at § 1-01(e)

⁵² Id at § 3-12(a)

In FY16, DOE entered into the largest registered Innovative Procurement contract at \$5,964,764 with the Catholic School Region of Central Westchester for Universal Pre-kindergarten Services (CT1 20169650648).

Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City.⁵³ Procurements authorized through this method permit an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of eight Demonstration Project contracts with a projected value at \$14,721,801 were registered in FY16. DOHMH awarded the largest registered Demonstration Project contract at \$3,325,302 for intensive mobile treatment (CT1 20161426986).

Micropurchase Contracts

Micropurchases are considered a subset of the “Small Purchase” award method and consist of the purchase of goods and/or services in an amount not to exceed \$20,000 and construction procurements not to exceed \$35,000 (“Micropurchase Limits”).⁵⁴ As long as the value of the procurement does not exceed the applicable Micropurchase Limit, no formal competition is required. However, agencies must still ensure that Micropurchase awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.⁵⁵

Micropurchases accounted for \$1,702,400 in total FY16 agency Contract Action purchasing activity. DYCD had the largest volume of registered Micropurchase contracts at 44 and the largest total value of registered Micropurchases at \$754,948.

Government-to-Government Contracts

Awards through Government-to-Government contracts occur when an agency determines that it is in the City’s best interest to procure goods, services, construction, or construction-related services from another governmental entity rather than from vendors on the open market.⁵⁶ The accepted price, terms and conditions for these procurements are achieved through negotiation between the City agency and the other governmental entity. All final negotiated prices must still be fair and reasonable for the agency to proceed with the contract.

In FY16, there were 91 Government-to-Government contracts registered totaling \$336,019,954. One example of a Government-to-Government contract registered in FY16 is DOE’s \$6,700,000.00 agreement with CUNY’s NYC Early Childhood Professional Development Institute to provide Universal Pre-Kindergarten teacher certification services for approximately 400 early childhood teachers.

⁵³ 9 RCNY § 3-11(a)

⁵⁴ Id at § 3-09(c)(1)(ii)

⁵⁵ Id at § 3-08(c)(1)(ii)

⁵⁶ Id at § 3-13(a)

Buy-Against Procurement Contracts

Buy-Against Procurements are used by City agencies to obtain goods and services to fulfill its requirements after a vendor defaults or fails to fulfill its contract responsibilities.⁵⁷

Nine Buy-Against agreements with a projected contract value of nearly \$10,800,000 were registered in FY16. DCAS was responsible for entering into the largest registered Buy-Against contract at \$2,639,625 with KFH Industries, Inc., for the procurement of fire hoses (MA1 20161201157).

Intergovernmental Procurement Contracts

The Intergovernmental Procurement award method is used whenever an agency procures, orders or awards a contract for goods, services, construction or construction-related services through a contract let by another government entity.⁵⁸

The two most common government entities that City agencies purchase through are the United States General Services Administration (“GSA”)⁵⁹ and the New York State Office of General Services (“OGS”).⁶⁰ An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. In order to purchase services or construction, an agency must also certify that the price is fair and reasonable.

New York State Finance Law provides OGS with expansive authority permitting the City to purchase through State contracts.⁶¹ Cooperative purchasing, a procurement conducted by one government entity on behalf of other government entities, is also permissible so long as it is determined to be in the City’s best interest.

During FY16, 705 Intergovernmental Procurement contracts were registered. The agency with the highest number of registered Intergovernmental Procurement contracts was DCAS (DMSS), which entered into 102 agreements for a total projected value of \$130,758,350. DoITT had the highest aggregate value of registered Intergovernmental Procurement contracts at \$184,735,921 (across 50 agreements) and entered into the largest Intergovernmental Procurement contract at \$68,100,200 to Coranet Corp., for the procurement of discounted CISCO support services for use by City agencies (MA1 20170000211).⁶²

Determined by Government Mandate Contracts

Required Method

A Required Method is used by a City agency whenever an outside City funding source, a statute or rule, a court order or consent decree or other applicable law, specifies the selection method that must be used to award the contract. While selection of the procurement method itself is not governed by the PPB Rules, the contracting agencies must comply with all other applicable requirements of the Rules.⁶³ For example, Section 162 of the New York State Finance Law provides preferred source status to certain vendors for a pre-determined set of

⁵⁷ Id at § 1-01(e)

⁵⁸ NYC Charter § 316

⁵⁹ Pursuant to 40 U.S.C. § 502(c)(1), GSA’s authority to allow other government entities to use its contracts is limited to Federal Supply Schedules 70 and 84.

⁶⁰ See GML §§ 103(1-b), 104, 104-a, and 104-b. The City has broad authority to use the contracts let by other governments.

⁶¹ SFL § 163(10)(e)

⁶² This submission bears a 2017 number even though it was registered in FY16 as part of the annual pre-processing procedure.

⁶³ 9 RCNY § 1-02(d)

goods and services.⁶⁴ As a result, when an agency requires goods or services covered by this law, it must use the source selection method that the law specifies.

Required/Authorized Source

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

For reporting purposes, the number and value of registered contracts awarded by Required Method and Required/Authorized Source are combined as they share the same AM Code in FMS (AM Code 26). In FY16, 102 Determined by Government Mandate contracts were registered across 18 agencies for a total value of \$111,315,624. The agency with both the highest number and greatest value of these contracts was DHS, with 34 registered agreements, totaling \$40,444,912.

Discretionary (Line Item) Contracts

Discretionary Contracts are agreements between City agencies and not-for-profit organizations or other public service vendors identified by elected City officials (other than the Mayor and the Comptroller).⁶⁵ Although these agreements are funded by the respective elected officials' available discretionary funding, they are administered by City agencies.

In FY16, 2,548 Discretionary Contracts were registered across 20 agencies for a total value of \$188,550,780. The agency that processed the most Discretionary Contracts was DYCD at 1,456 for a total registered value of \$59,344,432. DYCD's registered Discretionary Contracts represent the largest cumulative value of this type of procurement in FY16. The single largest registered Discretionary Contract, on the other hand, was held by the Mayor's Office, at \$4,680,000, with Safe Horizon, Inc. for the Domestic Violence Empowerment Initiative (CT1 20161412766).

Contract Group No. 3: Registered Procurement Contract Actions Awarded by "Other" Methods

The "Other" Registrations Contract Group includes transactions that cannot be easily classified using one of the aforementioned general Award Methods. For purposes of this Report, these include the ten individual Award Methods listed in TABLE IV. A total of 404 registrations by "Other" Award Methods were processed in FY16 for a combined projected value of \$1,496,413,601.

⁶⁴ SFL § 162

⁶⁵ Id at § 1-02(e)

**TABLE IV: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS
AWARDED BY “OTHER” METHODS⁶⁶**

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Leases/ Lessee Negotiation Agreements	\$1,023,343,806	165	\$1,271,086,165	96	\$962,597,739	107
Watershed Agreements	\$11,022,640	46	\$12,354,726	53	\$13,698,058	43
Assignments*	\$2,072,517,718	113	\$450,004,939	139	\$195,312,075	86
Force Account Negotiation Contracts	\$9,871,312	19	\$5,389,091	22	\$10,248,260	27
DOE Listing Application Contracts	\$28,126,223	24	\$86,466,914	42	\$243,301,219	50
Non-Procurement Contracts	\$39,483	1	\$0	0	\$1,000,000	1
Real Estate Sales & Purchase Agreements	\$65,424,096	3	\$45,513	2	\$7,987,300.00	5
Bonds**	\$33,825,000	16	\$18,880,000	12	\$37,441,800	22
Miscellaneous	\$15,508,394	39	\$19,437,544	37	\$24,827,151	63
Total	\$3,260,162,730	428	\$1,863,664,893	403	\$1,496,413,601	404

*Excludes RCT1s

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

Leases/Lessee Negotiation Agreements

Leases are agreements entered into between the City and a landlord for use of real property by the City. In certain situations, the agreement for the use of real property by the City may take the form of an “occupancy permit,” “license” or a “license with option to lease.” The acquisition and use of the real property through a Lease is not subject to the competitive bidding requirements of the PPB Rules or GML § 103. However, they are all still subject to the requirement of registration prior to implementation. As required by the Charter, most Leases for real property are negotiated and entered into by DCAS, generally on behalf of other City agencies, community boards and borough president’s offices.⁶⁷

In FY16, 107 Leases were registered for a total value of \$962,597,739. See *Section 3* of this Report for a more detailed discussion of this area.

⁶⁶ See *Appendix 3* for supporting data pertaining to TABLE IV.

⁶⁷ NYC Charter § 824(a)

Watershed Agreements

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

During FY16, a total of 43 DEP Watershed Agreements were registered for an aggregate registration value of \$13,698,058.

Assignments

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

During FY16, 86 contract Assignments were registered for a total value of \$195,312,075.

Force Account Negotiation Agreements

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

A total of 27 Force Account Negotiation agreements were registered during FY16 across three agencies for a total aggregate registration value of \$10,248,260.

DOE Listing Application Contracts

As the name suggests, the "DOE Listing Application" method is unique to DOE. It permits DOE to create a listing application for the purchase of content provided directly to students, materials that are available only from the publisher, artistic performances and admission to programs offered by cultural institutions.⁶⁸ This method may also be established to pay for costs incidental to presentations or workshops geared toward explaining the methodology of a specific published/copyrighted item or costs incidental to the admission to a cultural event that includes workshops or presentations geared toward teaching tools that will enhance the use of the original materials, performances or programs purchased.

⁶⁸ PPP § 3-06(a)

There were 50 DOE Listing Application contracts registered in FY16 for a total registered value of \$243,301,219.

Real Estate Sales & Purchase Agreements

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

During FY16, five Real Estate Sales & Purchases agreements were registered for a total value of \$7,987,300. Two of these agreements were for (1) the purchase of a condominium by CUNY and (2) the purchase of a building by ACS. The remaining three were DEP Land and utility easement acquisitions to support the construction of the Roundout West Branch Bypass Tunnel Located in Orange County.

Bond Agreements

Bond Agreements or “Letter of Credit” Agreements allow the City to issue variable rate bonds that are intended to reduce the interest rates the City must pay on its bonds and ensure that bonds are purchased in the event of a failed remarketing. Solicitations for these transactions are issued pursuant to § 4.90 of the NYS Local Finance Law and not the PPB Rules.⁶⁹

There were 22 registered Bond Agreements entered into by the Comptroller’s Office in FY16 for a total aggregate registered value of \$37,441,800.

Contract Group No. 4: Registered Procurement Contract Actions Exempt under § 1-02(f) of the PPB Rules

Section 1-02(f) of the PPB Rules identifies five transactions that do not qualify as procurements under Chapter 13 of the Charter and are therefore not subject to the PPB Rules.⁷⁰ They include:

- Grant Agreements;
- Public Utility Agreements;
- Cable Service Negotiations;
- Professional Membership Negotiations; and
- Subscriptions.

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

⁶⁹ See § 4.90 of NYS Local Finance Law requiring variable rate bonds to have letters of credit or liquidity facilities backing them.

⁷⁰ 9 RCNY § 1-02(f)

TABLE V: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS EXEMPT UNDER § 1-02(f) OF THE PPB RULES⁷¹

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Grant Agreements (includes Grant Renewals)	\$114,158,711	182	\$68,427,198	216	\$105,729,637	222
Public Utility Contracts	\$290,269,464	44	\$12,470,978	27	\$232,186,969	35
Cable Service Negotiation Contracts	\$181,594	2	\$138,124	3	\$1,556,820	21
Professional Membership Negotiation Contracts	\$297,213	15	\$150,720	7	\$511,010	17
Subscription Contracts	\$5,193,777	105	\$10,345,005	134	\$34,301,281	218
Total	\$410,100,759	348	\$91,532,025	387	\$374,285,717	513

Grant Agreements

A Grant is a cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization or an individual, for use by the recipient in accomplishing objectives established by the recipient.⁷² A Grant is permissible only to accomplish a public purpose authorized by Federal, State or City law and may be conditional or awarded without other consideration. Federal and State grants are identified by formula or specific allocations in law or in the annual operating budget act, bond authorizations or other acts of Congress or State legislature. Grants are distinct from procurement contracts, which call for the vendor to produce specific products or to deliver specific goods or services. While there are requirements that result in an executed agreement between the grantor and grantee, Grants are not contracts for services.

In FY16, the Department of Consumer Affairs (DCA) had 120 Grants registered for a total of \$21,139,455, SBS had 44 Grants registered for \$1,374,457, and DOE had 35 Grants registered for \$6,930,227. DEP entered into the largest registered Grant in FY16 at \$30,384,185 with Louis Berger & Assoc., PC, for a Super Fund Site support contract for Gowanus Canal and Newtown Creek (CT1 20151427257).

Public Utility Contracts

The Public Utility non-procurement transaction is used by an agency when the work or service is provided by public utilities that are regulated by the New York State Public Service Commission (“NYSPSC”) for which rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.⁷³ Such services typically include local telephone service, electricity, gas, water, and steam.

⁷¹ See *Appendix 4* for supporting data pertaining to TABLE V.

⁷² Id at §§ 1-01(e) and 1-02(f)(1)

⁷³ 9 RCNY § 1-02(f)(2)

During FY16, 35 Public Utility transactions submitted by eight agencies were registered for a total value of \$232,186,969. The majority of these transactions were processed by DCAS, including the largest Public Utility contract with Con Edison of New York, at \$83,625,026, for the purchase of steam for use in various City facilities (CT1 20165000016).

Cable Service Negotiation Contracts

Cable Service Negotiations is another non-procurement transaction for the provision of cable television services or other public services that are regulated by the NYSPSC.⁷⁴ This non-procurement method also includes any interstate public utility that is regulated by either the Federal Energy Regulatory Commission or the Federal Communications Commission.

During FY16, 21 Cable Service Negotiation contracts were registered across seven agencies totaling \$1,556,820.

Professional Membership Negotiation Contracts

The Professional Membership Negotiations non-procurement method is used by agencies when there is a need for a membership or a need to renew a membership in professional associations, such as attorney bar associations or other industry associations.⁷⁵

During FY16, 17 Professional Membership Negotiation contracts were registered across four agencies totaling \$511,010.

Subscription Contracts

The Subscription non-procurement method is used by an agency to purchase subscriptions (including electronic subscriptions) for magazines and periodicals, orders for books and “off-the-shelf” training videotapes, and attendance at standard commercially available training seminars.⁷⁶ Software licenses and various periodicals (both print and online) are also purchased through subscriptions.

During FY16, 218 Subscription agreements were registered for a total value of \$34,301,281. DEP was responsible for entering into the greatest number of registered Subscription agreements at 79 for a total value of \$1,340,924 while DCAS (DMSS) was responsible for the single largest Subscription to be registered in FY16 – a \$25,000,000 Subscription with LexisNexis for the provision of Non-Fair Credit Reporting Act Services (CT1 20161200076).

Contract Group No. 5: Registered Procurement Contract Management Actions

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

⁷⁴ Id at § 1-02(f)(3)

⁷⁵ Id at § 1-02(f)(4)

⁷⁶ Id at § 1-02(f)(5)

As indicated by TABLE VI below, a total of 1,488 Contract Management Actions were registered in FY16 for a collective projected value of \$3,614,165,270. While this represents an increase of 49 actions from FY15 (or 3.4%), the total value of the registered Contract Management Actions increased by \$1,600,758,809 during the same period (or 80%) In general, a significant increase in the number of renewals is responsible for the overall rise in the number of registered Contract Management Actions from FY15 to FY16.

**TABLE VI: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT
CONTRACT MANAGEMENT ACTIONS⁷⁷**

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Renewals (excludes Grant Renewals)	\$2,589,318,539	572	\$1,139,808,106	508	\$3,301,645,281	1,107
Negotiated Acquisition Extensions *	\$805,652,123	446	\$873,598,355	931	\$312,519,989	381
Total	\$3,394,970,662	1,018	\$2,013,406,461	1,439	\$3,614,165,270.11	1488

**Includes DOE Negotiated Services Extensions*

Renewal Agreements

A Renewal is the re-registration of a previous contract with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or items to be supplied.⁷⁸

In FY16, 1,107 Renewals were registered, up 80% from FY15. This figure does not include “Grant Renewals” which are captured in TABLE V under “Grants.”

Negotiated Acquisition Extensions

Negotiated Acquisition Extensions (“NAEs”) are a form of contract extension whereby an existing contract, regardless of the original procurement method, can be extended one or more times beyond the current cumulative twelve-month limit, provided that the vendor’s performance is satisfactory or that any deficiencies have been addressed or are effectively addressed through a corrective action plan, and the extension is for the minimum time necessary to meet the need.⁷⁹

In FY16, 381 NAEs were registered. One example of an NAE registered in FY16 is the \$15,500,000 DoITT agreement with GCOM Software, Inc., for the provision of Citywide standby information technology and telecommunications consulting services (CT1 20166000016).

⁷⁷ See *Appendix 5* for supporting data pertaining to TABLE VI.

⁷⁸ 9 RCNY § 4-04(a)

⁷⁹ Id at § 3-04(b)(2)(iii)

B. Total Registered Revenue Contract Actions in FY16

Contract Group No. 6: Registered Revenue Contract Actions Awarded by Contract Type

The sixth and final Contract Group discussed in this Report is registered Revenue Contract Actions. Franchises, concessions and revocable consents are three types of revenue-generating contracts registered by City agencies and are governed by Chapter 14 of the Charter. Additional authority for these types of Revenue Contract Action awards can be found in the followings sections of the Rules of the City of New York: Title 12 of Chapter 1 (“Concession Rules”), Title 6 of Chapter 2 (“DCA Rules on Revocable Consents”), and Title 34 of Chapter 7 (“DOT’s Revocable Consent Rules”).

Unlike traditional procurements where the City spends money to receive a good or service, City agencies enter into revenue agreements to generate money by allowing a private vendor to operate on or use the City’s inalienable property. For instance, the City’s golf courses are operated by private vendors through concession contracts (typically in the form of license agreements) with DPR and cable companies such as Time Warner Cable and Verizon providing services to the public through approved and registered franchise agreements.

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

TABLE VII: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS
BY CONTRACT TYPE⁸⁰

Contract Type	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Franchises	\$0	2	\$3,265,000	5	\$1,862,000	3
Concessions	\$25,321,319	119	\$43,606,378	43	\$39,384,376	133
Revocable Consents	\$37,332,859	553	\$32,523,139	962	\$31,374,294	786
Corpus Funded	\$128,223,123	29	\$208,131,333	37	\$495,740,657	62
Other ⁸¹	\$226,37,378	24	\$8,938,071	21	\$5,465,000	13
Total	\$213,514,679	727	\$296,463,921	1,068	\$573,826,328	997

Franchise Agreements

A Franchise is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.⁸²

Three Franchise actions were registered in FY16 by DoITT. Two of these Franchise actions were for the installation, operation, and maintenance of cable, wire and fiber for information services (RCT1 20168200451 and RCT1 20168200452) and one was for the installation, operation and maintenance of telecommunications equipment in City light poles (RCT1 20168200811).

Concession Agreements

A Concession is a grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs.⁸³ Concessions do not include franchises, revocable consents and leases.

In FY16, 133 Concessions were registered for a total projected revenue value of \$39,384,376. An example of a Concession agreement registered in FY16 is the \$13,261 permit between DPR and Cakes and Coffee NYC, LLC, for the operation of a mobile food unit (RCT1 20168202641). Another example of a larger Concession agreement registered in FY16 is the \$2,069,226 license between DPR and Fundamental Tennis and Sports, Inc., for the operation and maintenance of an indoor sports facility and clubhouse at Cunningham Park in Queens.

⁸⁰ See *Appendix 6* for supporting data pertaining to TABLE VII.

⁸¹ "Other" includes the following: Other Expense Contracts, Miscellaneous Revenue-No Expense, Programs (Not Tax Levy), Consultant, Others, 29, 86, and 18.

⁸² NYC Charter § 362(b)

⁸³ Id at § 362(a)

Revocable Consent Agreements

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

In FY16, a total of 786 registered Revocable Consent Agreements were entered into by two agencies for a collective value exceeding \$31 million - DOT (91) and DCA (695).

Corpus Funded Agreements

Corpus funds are utilized to finance pension related expenses, such as investment management services.

In FY16, a total of 62 Corpus Funded Agreements were registered by two agencies - the Comptroller's Office (61) and DOE (1).

Section 3: Agency Specific Data & Supplemental Analysis

In FY16, BCA received over 21,612 Contract Actions for registration, all of which were processed through a proprietary workflow application known as the Omnibus Automated Image Storage and Information System (“OAISIS”). Of those, approximately 91% were ultimately registered while around 9% were returned to or withdrawn by the submitting agency. The total number of agency registration submissions in FY16 represents a slight increase (approximately 5%) from the number of FY15 registrations which totaled just over 20,600.

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

A. Registered Modifications

Modifications are used by a City agency to amend or adjust an existing registered contract.⁸⁴ Most often, these changes are effectuated through mechanisms such as “Amendments,” “Amendment Extensions” and “Change Orders.”

An Amendment Extension is a contract amendment that extends the contract term for good and sufficient cause for a cumulative period not to exceed twelve months from the date of expiration of the underlying contract.⁸⁵ A Change Order, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement in some way.⁸⁶

Contract Modifications are also registered for administrative actions, such as changes to accounting lines and revisions to contract end dates on construction completion contracts.

As TABLE VIII indicates, a total of 46,504 Modifications were registered in FY16. Of this figure, 45,858 represent “CTR” Modifications to registered contracts with the following Transaction Codes: CT1, CTA1, and CTA2. Of the 45,858 registered CTRs, 1,462 of the 45,858 include Modification actions where both the term of the agreement (start/end date(s)) and the contract amount were changed. The balance (44,396) represent CTR Modifications where there was only a change in the term or a change in the contract amount or some other revision (such as an administrative revision referenced above).

Additionally, of the 46,504 registered Modifications, 646 represented “MAR” Modifications to registered contracts with the following Transaction Codes: MA1, MMA1 and RCT1. Similar to above, 173 of the 646 MAR Modifications include instances where both the term of the agreement and the contract amount were changed. On the other hand, 473 of the 646 registered MAR Modifications include instances where there was only a change in the term or a change in the contract amount or some other revision, as previously indicated.

⁸⁴ 9 RCNY § 4-02

⁸⁵ Id at § 4-02(b)(iii)

⁸⁶ Id at § 1-01(e)

TABLE VIII: REGISTERED FY16 MODIFICATIONS⁸⁷

Modification Type	Total No. of Registered Modifications
Registered CTR Modifications (CT1, CTA1 and CTA2)	45,858
<i>Change in Term AND Contract Amount</i>	1,462
<i>Change in Term OR Contract Amount OR Other Revision</i>	44,396
Registered MAR Modifications (MA1, MMA1 and RCT1)	646
<i>Change in Term AND Contract Amount</i>	173
<i>Change in Term OR Contract Amount OR Other Revision</i>	473
Total Modifications (CTRs + MARs)	46,504

B. Registered Agency Purchase Orders

The PPB Rules define a “Purchase Order” (or “PO”) as an official document of the City directing the vendor to perform. A PO formalizes a transaction with a vendor for purchases generally at or below the small purchase limits unless the PO is placed against an existing contract.⁸⁸ FMS contains four different PO types:

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

Pursuant to *Comptroller Directive #24* dated April 15, 2004 and re-issued on March 11, 2014, the purchase of commodities below the Small Purchase and Micropurchase limits can be processed through PCC1s, PODs, and POCs. Non-commodity POs (PON1s) may only be used for general agency encumbrances for special, non-procurement expenditures for which a contract or other Purchase Document is not required.⁸⁹

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

In FY16, a total of 138,443 agency POs were registered for a total registered value exceeding \$15.7 million. As indicated in TABLE IX below, the total number of registered POs increased by 10%, with the largest increase stemming from registered POCs, which increased by 17%.

⁸⁷ See *Appendix 7* for supporting data pertaining to TABLE VIII.

⁸⁸ 9 RCNY § 1-01(e)

⁸⁹ Since the original issuance of *Comptroller’s Directive #24* on April 15, 2004, the City’s financial management system was upgraded from FMS2 to FMS3. As a result of such change, many FMS purchase document names were updated. When the Directive was reissued on March 11, 2014, it included an addendum, in the form of a “Crosswalk,” identifying what each FMS2 purchase document type was replaced with when FMS3 was implemented.

TABLE IX: HISTORICAL COMPARISON OF REGISTERED AGENCY PURCHASE ORDERS BY TYPE⁹⁰

Purchase Order Type	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total No.	Total PO Value	Total No.	Total PO Value	Total No.	Total PO Value
PCC1	9,171	\$7,241,321	8,596	\$8,664,116	9,486	\$11,061,142
POD	18,291	\$77,856,423	19,264	\$92,524,269	20,286	\$95,659,630
POC	57,416	\$587,306,653	64,706	\$694,134,285	75,708	\$809,354,200
PON1	82,706	\$15,139,543,753	33,020	\$15,354,744,445	32,963	\$14,799,475,206
Total	167,584	\$15,811,948,150	125,586	\$16,150,067,115	138,443	\$15,715,550,178

CHART VII: TOP FIVE AGENCIES BY TOTAL NUMBER OF PURCHASE ORDERS IN FY16

Top Five Agencies by Number - PCC1s			Top Five Agencies by Number - PON1s		
Agency	Total No.	Total Value	Agency	Total No.	Total Value
HPD	9,339	8,840,839	DOE	19,092	\$3,483,748,600
HHC	92	771,984	CUNY	10,731	\$154,500,748
DDC	21	673,830	CULT	1,222	\$97,038,787
NYPD	12	349,564	HRA (DSS)	599	\$519,114,492
LAW	11	88,777	HPD	204	\$115,938,260
<i>Subtotal (Top 5)</i>	<i>9,475</i>	<i>10,724,994</i>	<i>Subtotal (Top 5)</i>	<i>31,848</i>	<i>\$4,370,340,887</i>
<i>Subtotal (All Other Agencies)</i>	<i>11</i>	<i>336,148</i>	<i>Subtotal (All Other Agencies)</i>	<i>1,115</i>	<i>10,429,134,319</i>
Total	9,486	11,061,142	Total	32,963	14,799,475,206
Top Five Agencies by Number - PODs			Top Five Agencies by Number - POCs		
Agency	Total No.	Total Value	Agency	Total No.	Total Value
DPR	1,880	7,065,716	DOE	70,630	\$112,571,074
DEP	1,443	12,406,166	NYPD	2,838	\$16,043,709
DOHMH	1,439	10,233,243	LAW	449	\$3,177,915
ACS	961	8,458,407	DOT	325	\$4,202,785
CC	877	1,224,974	COMP	258	\$37,602,498
<i>Subtotal (Top 5)</i>	<i>6,600</i>	<i>39,388,507</i>	<i>Subtotal (Top 5)</i>	<i>74,500</i>	<i>\$173,597,982</i>
<i>Subtotal (All Other Agencies)</i>	<i>13,686</i>	<i>56,271,123</i>	<i>Subtotal (All Other Agencies)</i>	<i>1,208</i>	<i>\$635,756,219</i>
Total	20,286	95,659,630	Total	75,708	\$809,354,200

⁹⁰ See Appendix 8 for supporting data pertaining to TABLE IX.

C. Contract Retroactivity

As CHART VIII indicates, of the 14,375 Contract Actions registered in FY16, a total of 9,521 (or 66%) were retroactive. Furthermore, as illustrated by CHARTS IX and X, 8,655 of the 13,378 of the registered Procurement Contract Actions (or 65%) and 866 of the 997 registered Revenue Contract Actions (or 87%) were retroactive. For the purposes of this Report, a contract is considered “retroactive” when its start date (as set forth in the legal instrument or other governing document and reflected on the “Advice of Award” or “AoA”) occurs prior to the FMS contract registration date.

CHART VIII: TOP TEN AGENCIES BY NUMBER OF
RETROACTIVE REGISTERED CONTRACT ACTIONS IN FY16

Agency	Number of Retroactive Contracts	Total Registered Value
DYCD	2,422	\$700,700,619
DOE	866	\$1,700,079,481
DCA	711	\$24,868,975
DFTA	467	\$135,395,229
DOHMH	396	\$174,755,012
DPR	367	\$307,981,078
HRA (DSS)	346	\$666,145,663
DEP	312	\$750,713,235
HPD	269	\$355,628,435
NYPD	253	\$146,855,038
<i>Total (Top 10)</i>	<i>6,409</i>	<i>\$4,963,122,766</i>
<i>Subtotal (All Other Agencies)</i>	<i>3,112</i>	<i>\$11,222,434,099</i>
Total Retroactive Contracts	9,521	\$16,185,556,865

CHART IX: TOP TEN AGENCIES BY NUMBER OF
RETROACTIVE REGISTERED PROCUREMENT CONTRACT ACTIONS IN FY16

Agency	Number of Retroactive Contracts	Total Registered Value
DYCD	2,422	\$700,700,619
DOE	862	\$1,694,984,481
DFTA	467	\$135,395,229
DOHMH	396	\$174,755,012
DPR	367	\$307,981,078
HRA (DSS)	346	\$666,145,663
DEP	312	\$750,713,235
HPD	269	\$355,628,435
NYPD	253	\$146,855,038
ACS	234	\$1,995,590,158
<i>Total (Top 10)</i>	<i>5,928</i>	<i>\$6,928,748,949</i>
<i>Subtotal (All Other Agencies)</i>	<i>2,727</i>	<i>\$8,720,861,484</i>
Total Retroactive Contracts	8,655	\$15,649,610,433

CHART X: TOP TEN AGENCIES BY NUMBER OF
RETROACTIVE REGISTERED REVENUE CONTRACT ACTIONS IN FY16

Agency	Number of Retroactive Contracts	Total Registered Value
DCA	695	\$21,982,069
DOT	94	\$9,392,226
COMP	61	\$495,230,657
DOE	4	\$5,095,000
FISA	3	\$0
DSNY	3	\$510,000
DCAS	2	\$32,525
DOITT	2	\$1,350,000
DOC	1	\$2,353,955
TLC	1	\$0
<i>Total (Top 10)</i>	<i>866</i>	<i>\$535,946,432</i>
<i>Subtotal (All Other Agencies)</i>	<i>0</i>	<i>\$0</i>
Total Retroactive Contracts	866	\$535,946,432

In addition to analyzing retroactivity for registered FY16 Contract Actions, including registered Procurement Contract Actions and Revenue Contract Actions, this Report also analyzed whether or not Task Orders (TOs or CTA1s) issued off of agency Master Agreements (MMA1s) met the above definition of “retroactive” as well.

As CHART XI indicates, 82% of all registered FY16 TOs were retroactive (917 of 1,125 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (739) represents 66% of the total number of registered TOs in FY16, but it represents 81% of all retroactive CTA1 registrations for the same twelve-month period.

CHART XI: TOP TEN AGENCIES BY NUMBER OF REGISTERED RETROACTIVE TASK ORDERS IN FY16

Agency	Number of Retroactive TOs	Total Registered Value
HPD	169	\$115,320,337
SBS	122	\$254,663,363
DOITT	97	\$20,998,770
DSNY	80	\$9,157,001
DOHMH	52	\$4,840,593
DPR	51	\$15,591,351
DOE	48	\$18,111,751
DDC	41	\$54,829,762
DHS	40	\$1,863,962
ACS	39	\$3,847,721
<i>Total (Top 10)</i>	<i>739</i>	<i>\$499,224,611</i>
<i>Subtotal (All Other Agencies)</i>	<i>178</i>	<i>\$67,846,315</i>
Total Retroactive CTA1s	917	\$567,070,926

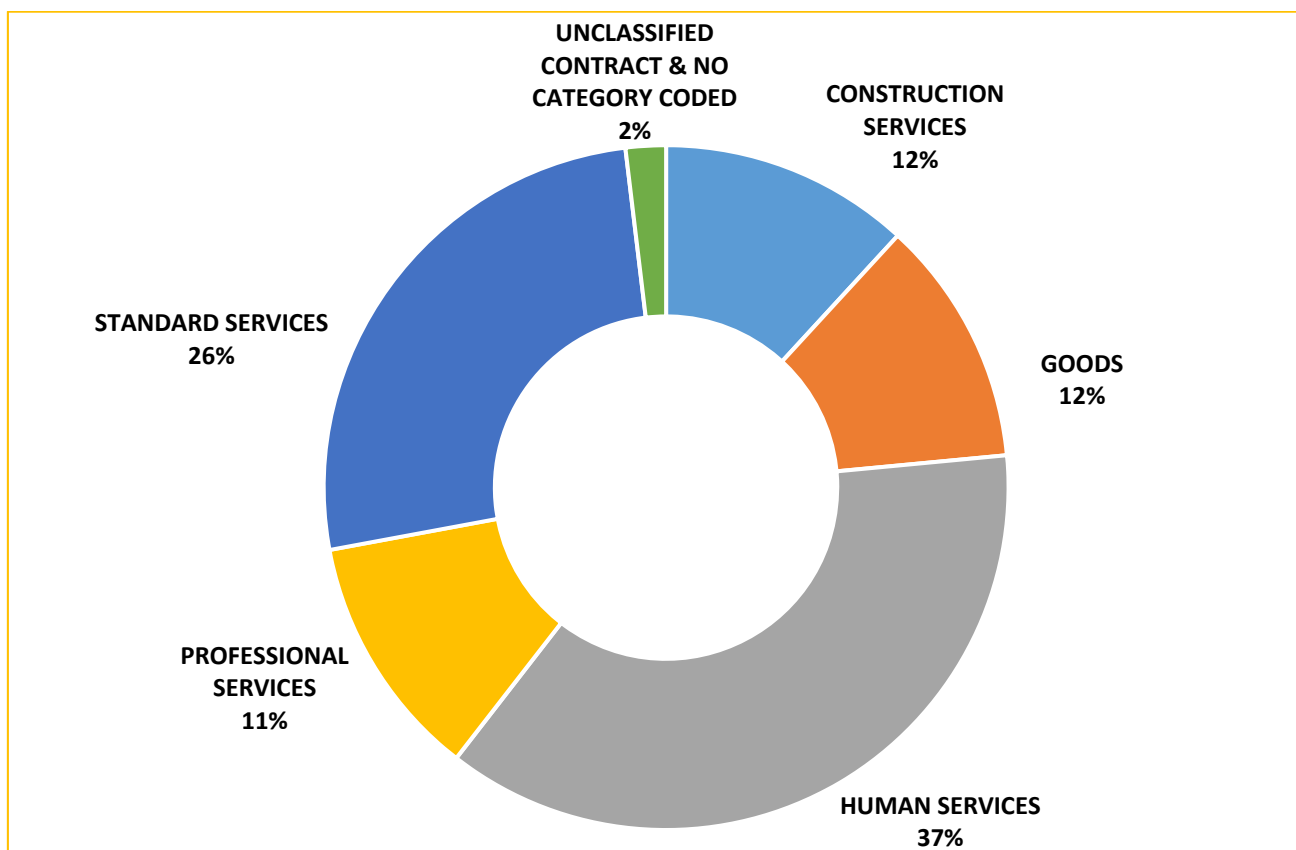
D. Registrations by Industry Classification

This subsection of the Report presents FY16 Contract Action registrations by industry classification based on the industry categories established in Local Law 1 of 2013 (“LL1”). This information has been included to provide members of the public and others unfamiliar with the complexities of government processes and financial reporting with important information about the City’s financial commitment assumed through registered contracts in a simplified manner. It is important to note, however, that while the industry classifications and groups set forth in LL1 were applied, this is not intended to be a LL1 compliance report.

Rather, it is a report detailing overall agency registrations in FY16. As TABLE X below indicates, there are five general categories of industry classifications that a particular contract action may fall under:

- Construction Services
- Goods
- Human Services
- Professional Services (including Architectural/Engineering Services)
- Standard Services

**TABLE X: REGISTERED FY16 CONTRACT ACTIONS BY INDUSTRY CLASSIFICATION
AND PROCUREMENT VALUE⁹¹**



E. FY16 Lease & License Registrations

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

⁹¹ See *Appendix 10* for supporting data pertaining to TABLE X.

(“Miscellaneous Property Rental”) and include new agreements, amendments, extensions and renewals to existing registered agreements.

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

To address an apparent lack of scrutiny applied in the past, BCA implemented changes to ensure that all lease and license submissions were being reviewed properly during the registration process. These changes primarily included the development of checklists and related staff trainings. Given the widespread impact these agreements have on the City and agency programs, BCA also leveraged the expertise of individuals within other Bureaus of the Comptroller’s Office, such as the Office of the General Counsel and the Bureau of Economic Development.

Finally, to assist agencies in the successful processing of registration submissions, BCA scheduled bi-weekly meetings with representatives from DCAS to discuss lease and license agreements submitted for registration or pending submission. As part of this process, BCA and DCAS have established better practices and fiscal controls with respect to these agreements and the processes that impact them (*i.e.*, the legal requirements of the Uniform Land Use Review Procedures (“ULURP”).

The results have been numerous including cost savings to the City’s budget due to BCA’s close examination of the contract documents during the registration process that ensures proper accounting is performed and maintained by both DCAS (and the agency that DCAS is acting on behalf of, if applicable) to use the subject space. As indicated, DCAS may act on its own behalf or on behalf of another City agency. For instance, DCAS entered into a \$4,249,105.17 lease agreement on behalf of the FDNY for the use of space as a parking lot. However, DCAS also leases space for its own use as well. For example, in FY16, a \$20,933,041.39 lease agreement was registered for DCAS’ use of certain space as a Testing Center. BCA has also observed an overall improvement in the clarity and cohesiveness of the documents that are registered as part of the lease and license agreement submissions. As a result, the City is in a better position to identify and prevent waste as well as to ensure the prudent expenditure of City taxpayer funds.

As previously mentioned, a total of 107 lease and license agreements were registered in FY16 totaling \$962,597,739. In addition, 1,184 modifications to existing licenses and leases were registered in FY16.⁹²

F. DOE FY16 Contract Registrations

DOE oversees schools that serve approximately one million students each year.⁹³ Its Division of Contracts and Purchasing (DCP) is responsible for awarding goods and services contracts. Given the volume of DOE procurements, DOE’s diverse procurement portfolio, and DOE’s sheer leverage from a buying/budget/accounting perspective, the Comptroller’s Office determined that a more in-depth review of the agency’s FY16 procurement activity should be included in this Report.

⁹² See *Appendix 11* for supporting data pertaining to lease and license registrations in FY16.

⁹³ <http://schools.nyc.gov/AboutUs/schools/data/stats/default.htm>

Although DOE is governed by NYS Law and is therefore not subject to the PPB Rules, DOE is required by NYS Education Law to create, implement and follow a set of procurement rules.⁹⁴ These rules, known as the *Procurement Policy and Procedures* (or “PPP”) were approved by the Panel of Education Policy (“PEP”) on January 27, 2010.⁹⁵ Amendments to the PPP were subsequently approved by the PEP on December 21, 2012.

The PPP was implemented to “ensure the wise, prudent, and economical use of public money.”⁹⁶ Specifically, they are intended “to ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to maximum quality, lowest cost or lowest possible cost, and efficiency,” “to make as consistent as possible the uniform application of these policies throughout the DOE,” and “to provide for increased public confidence in the DOE’s public procurement procedures.”

Section 3-01 (“Policy”) of the PPP lists 12 procurement award methods available to the DOE. Specifically, § 3-01(a) of the PPP (Methods of Source Selection) indicates that all DOE procurements shall be made using one of the methods listed below unless otherwise authorized by law:

- Competitive sealed bidding;
- Request for proposals;
- Multiple task award contract process;
- Expedited competitive solicitation;
- Listing application;
- Sole source goods procurement;
- Negotiated services;
- Emergency purchases;
- Simplified procurement;
- Purchases through governmental contracts;
- Demonstration projects for innovative products, approaches, or technologies;
- Innovative procurement methods;
- Government-to-government purchases; or
- Consultant contracts with individuals.⁹⁷

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

Unless otherwise provided by law or these Procedures, all contracts, franchises, revocable consents and concessions shall be presented to the Comptroller for registration. Registration of a contract by the Comptroller shall not constitute an approval of the contract nor an approval of the process by which the contract or agreement was awarded.”⁹⁸

⁹⁴ NYS Education Law § 2590-g

⁹⁵ See PPP § 1-01 (“Definitions”) which states that the Panel for Educational Policy is the “The board of education of the city school district of the City of New York consisting of thirteen appointed members as set forth in the New York State Education Law Section § 2590-b of Article 52-A.”

⁹⁶ PPP § 1-01

⁹⁷ Id at § 3-01(a)

⁹⁸ PPP § 2-09(a)

Although § 3-01(b) of the PPP specifies a “Preference for Competitive Sealed Bidding,” the majority of DOE’s procurements were awarded and registered via “Alternate Source Selection Methods.”⁹⁹ Section 3-01(d) of the PPP (“Justification for Alternative Source Selection Method”) states:

*Upon determining that there is a situation which warrants awarding a contract using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, the Procurement Manager shall use the most competitive alternative method of procurement provided for in § 3-01(a) of these Procedures which is appropriate under the circumstances. The Procurement Manager shall make a written determination justifying the basis, including the efficiency, benefit and necessity, for awarding a contract using a procurement method other than competitive sealed bidding.*¹⁰⁰

Additionally (and similar to the PPB Rules), the PPP does not require registration of purchase orders used to make purchases pursuant to requirements contracts that have been registered with by BCA¹⁰¹ nor does the PPP require that “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.¹⁰² Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike mayoral agencies, the PPP does not require that DOE receive prior approval from the Comptroller and Corporation Counsel to invoke use of the “Emergency Procurement” method. Rather, the prior approval is handled internally rather than through independent third party oversight agencies.

During FY16, three DOE Emergency Procurements were registered for a total registration value of \$3,538,981.

Notable Observations Pertaining to DOE FY16 Registered Agreements

- A total of 3,636 DOE Contract Actions were registered in FY16 for a total registered value of \$2,295,076,377. This represents 11.3% of the total registered FY16 Contract Action value Citywide.
- While there was a decrease in DOE’s use of competitive procurement methods (both CSBs and CSPs), there was an increase in the agency’s use of small purchases and innovative procurements which can be seen on TABLE XI.

⁹⁹ See PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”)

¹⁰⁰ PPP § 3-01(d)

¹⁰¹ See PPP § 2-09(b) (“Registration is not required for purchase orders used to make purchases pursuant to requirements contracts that have been registered with the Comptroller.”)

¹⁰² NYC Charter § 328(d)(1)

TABLE XI: TOTAL DOE REGISTERED CONTRACT ACTIONS IN FY16¹⁰³

Award Method	Fiscal Year 2014		Fiscal Year 2015		Fiscal Year 2016	
	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered
Competitive Sealed Bids [01]	\$2,136,008,667	197	\$1,122,481,154	85	\$353,601,463	38
Competitive Sealed Proposals [02]	\$296,442,962	139	\$539,116,702	297	\$785,572,518	48
PQVL Competitive Sealed Proposals [22]	\$68,517,882	101	\$122,631,910	60	\$111,151,348	74
Renewals [10]	\$68,070,274	112	\$203,816,663	74	\$183,483,346	156
Intergovernmental [25]	\$185,333,666	15	\$5,702,648	11	\$14,588,774	8
Emergency Procurements [06]	\$211,087,392	40	\$36,010,621	14	\$3,538,981	3
Negotiated Acquisitions [21]	\$76,226,317	41	\$176,640,046	179	\$44,599,938	128
Buy-Against Procurements [28]	\$216,343,604	25	\$10,770,661	9	\$3,881,975	2
Discretionary (Line Item) Awards [12]	\$4,723,953	18	\$2,057,200	15	\$2,422,858	24
Grants [51]	\$7,010,061	24	\$6,821,424	25	\$4,461,503	19
Grant Renewal [511]	\$509,237	6	\$1,470,199	14	\$2,468,724	16
DOE Listing Application [040]	\$28,126,223	24	\$86,466,914	42	\$243,301,219	50
Sole Source [05]	\$631,014	2	\$0	0	\$105,000,000	1
Small Purchase-Written [32]	\$39,775,000	1,591	\$50,650,000	2,026	\$67,750,000	2,710
Corpus Funded [Contract Type 25]	\$67,200	1	\$285,000	1	\$510,000	1
Government to Government [17]	\$0	0	\$5,887,642	6	\$19,640,085	14
Assignment [29]	\$200,301,659	32	\$135,082,933	26	\$21,624,285	21
Info Tech. - Small Purchase Contract [109]	\$0	0	\$0	0	\$25,000	1
Innovative Procurement [20]	\$0	0	\$0	0	\$323,874,280	320
DOE Negotiated Services Extension [211]	\$0	0	\$0	0	\$3,430,080	1
Intergovernmental Procurements [251]	\$0	0	\$0	0	\$150,000	1
Total	\$ 3,539,175,111	2,368	\$2,505,891,717	2,884	\$2,295,076,377	3,636

¹⁰³ See *Appendix 12* for supporting data pertaining to TABLE XI.

G. FY16 Registered Task Orders Awarded through Agency Master Agreements

Master agreements are set up for the provision of general categories of goods and services that are needed by one or more agencies. Agencies utilize master agreements by issuing task orders to fulfill specific needs.¹⁰⁴ For example, DoITT's Citywide Quality Assurance and System Integration services contacts are set up as master agreements which agencies may use to support individual IT projects.

Master agreements as well as agency task orders are submitted to the Comptroller for registration. The protocol for awarding Task Orders ("TOs") is established in the terms of each master agreement and may include assignment on a rotational basis, by area or expertise or via a second tier of competition such as a mini-bid or mini-proposal process.

In FY16, over 1,100 TOs, also known as CTA1s, were issued and registered pursuant to master contracts held by multiple City agencies for a total value of nearly \$775.2 million. Of these, 102 (9%) were TOs issued and registered from master information technology contracts held by DoITT having a total registration value of approximately \$22,396,644.

**TABLE XII: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS
ISSUED THROUGH AGENCY MASTER AGREEMENTS¹⁰⁵**

CTA1 CATEGORY	Fiscal Year 2014		Fiscal Year 2016		Fiscal Year 2016	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Total CTA1s Registered through DoITT MMA1s	174	\$28,056,871	74	\$93,616,116	102	\$22,396,644
Total CTA1s Registered through Agency (non-DoITT) MMA1s	882	\$912,602,233	822	\$619,364,193	1,023	\$752,787,924
Total	1,056	\$940,659,104	896	\$712,980,309	1,125	\$775,184,568

The three agencies with the largest number of CTA1s registered in FY16 were HPD at 177 (\$137,438,690) followed by DDC at 167 (\$206,659,212) and then SBS at 122 (\$254,663,363). Registrations by these three agencies accounted for over 80% of individually registered CTA1s for non-DOITT agencies, but only 23% of the total registered value. When DoITT is included, the figure drops to only 74% for individually registered CTA1s and stays the same (23%) of the total registered value.

¹⁰⁴ The data provided in this section is limited to TOs (CTA1s) issued pursuant to master agreements registered using the Transaction Code "MMA1." It does not include instances where agencies purchase goods using a Direct Order ("DO") issued through master agreements registered using the Transaction Code "MA1."

¹⁰⁵ See *Appendix 13* for supporting data pertaining to TABLE XII.

H. Emergency Procurements Approvals

As discussed in Part II of this Report, the PPB Rules require that the City's mayoral agencies receive prior approval from both the Comptroller and the Corporation Counsel to utilize the "Emergency Purchases" procurement method once the agency determines that the particular circumstances present a case of unforeseen danger to life, safety, property or a necessary service.¹⁰⁶

Agencies may seek prior approval either verbally or by submitting a written request that typically takes the form of an email or other similar communication. Once the prior approval is granted (either verbally or in response to an email), agencies must take the requisite steps to ensure compliance with the remaining procedural requirements for the Emergency Purchases method, including the submission of a written emergency determination, publication of notices and contract registration submission.

Unlike the Emergency Procurement registration data presented in *Section 2.A* of this Report, here we highlight the number of prior approvals granted by the Comptroller's Office to use the "Emergency Purchases" Award Method to enter into a procurement for goods and/or services, regardless of whether the procurement ultimately negotiated by the agency was also registered in FY16. For instance, a total of 18 agencies registered Emergency Procurement contracts in FY16. However, not all of the Emergency Procurement requests approved in a given fiscal year are also registered within that same fiscal year. While 132 Emergency Procurement were registered in FY16 (across 18 agencies), the Comptroller's Office granted a total of 95 initial prior approval requests received from 14 agencies to utilize the Emergency Purchases procurement method during the same period.

In addition to approving initial requests to enter into an Emergency Procurement, the Comptroller's Office also approved 12 amendments or modifications in FY16 to previously issued Emergency Procurement approvals. These subsequent approvals are generally submitted to the Comptroller's Office when an agency anticipates that it will exceed the maximum contract amount set forth in the original approval. These are also submitted and issued whenever material changes in scope and/or changes to timelines occur.

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

At 72, HPD received the most prior approvals of any other agency during FY16. Of these, 64 were new approvals while eight were revisions to initial approvals. Typically, HPD must wait until DOB observes dangerous conditions at a particular structure (or a portion thereof) and, as a result of the severity of the unsafe condition(s), issues an Emergency Declaration which notifies the structure's owner of the requirement to begin work immediately to remediate the severity of the conditions. If the owner fails to take such remedial action or do so satisfactorily, the City performs the work as detailed in the Emergency Declaration and may seek to recover its expenses from the building owner. In many instances, HPD is responsible for contracting vendors to perform demolition services relating to the failing structure on an emergency basis.

In FY16, BCA provided prior approval for six DOHMH Emergency Procurement requests relating to the agency's preparedness and response to the Zika Virus. One of these approvals enabled DOHMH to procure a

¹⁰⁶ 9 RCNY 3-06(a)

variety of pesticides and mosquito repellents at a not-to-exceed cost of \$949,100. Another approval enabled the agency to purchase lab instruments, related software and calibration equipment to test mosquitos in support of the same Zika Virus preparedness and response initiative at a not-to-exceed cost of \$212,100.

In FY16, BCA also granted prior approval of a DOB Emergency Procurement request for the investigation and analysis of electrical systems in a building elevator located in Brooklyn following an incident where the elevator malfunctioned. As a result of BCA's approval, the agency was able to enter into an emergency contract with an outside expert to perform a prompt investigation into the cause of the elevator malfunction so that the problem could be corrected.

TABLE XIII below provides a breakdown of the total number of Emergency Procurement approvals (by agency) granted by the Comptroller's Office in FY16, regardless of whether the award and resulting contract(s) ultimately negotiated by the agency were also registered in FY16.

TABLE XIII: EMERGENCY PROCUREMENT APPROVALS BY AGENCY IN FY16¹⁰⁷

Requesting Agency	New Approvals	Amended Approvals	Total Approvals
HPD	64	8	72
DOHMH	8	1	9
NYPD	3	0	3
ACS	3	2	5
HRA	3	0	3
DEP	2	0	2
DOB	2	0	2
FDNY	2	0	2
DOT	2	0	2
DCAS	2	0	2
DPR	1	0	1
DDC	1	1	2
DSNY	1	0	1
DOC	1	0	1
Total	95	12	107

¹⁰⁷ See *Appendix 14* for data supporting TABLE XIII.

PART IV

Section 4: BLL FY16 Annual Report pursuant to § 6-109 of the Administrative Code

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

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50; and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.¹⁰⁸

The Comptroller is required by § 6-116.2 of the Administrative Code to include this information in the annual summary contracts report published by BCA on behalf of the Comptroller.¹⁰⁹ The required reporting information is presented in TABLE XIV below.

TABLE XIV: BLL FY16 ANNUAL REPORT PURSUANT TO § 6-109 OF THE ADMINISTRATIVE CODE

TYPE OF WORK	Number of Pending Cases (as of 7/1/14)	Number of New Cases Opened during FY16	Number of Cases Closed during FY16	Closed Result
Temporary Office Services	1	0	0	N/A
Building Services	2	0	0	N/A
Food Services	0	0	0	N/A
Day Care Services	0	0	0	N/A
Head Start Services	0	0	0	N/A
Home Care Services	2	0	0	N/A
Services to Persons with Cerebral Palsy	0	0	0	N/A

¹⁰⁸ NYC Admin. Code § 6-109

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

Section 5: Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Construction: The process of constructing, reconstructing, demolishing, excavating, renovating, altering, improving, rehabilitating, or repairing any building, facility, or physical structure of any kind, excluding the performance of routine

maintenance. (9 RCNY § 1-01(e)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Franchise and Concession Review Committee (FCRC): The FCRC consists of six members: the Mayor who serves as chair, the director of the Office of Management and Budget (OMB), the Corporation Counsel, the Comptroller and one additional appointee of the mayor. The FCRC is primarily responsible for the establishment of rules for the granting of concessions to ensure a competitive and fair process. Each member of the FCRC is entitled to one vote, with the exception

of the borough president who collectively share a single vote. Franchises require at least five votes to be approved whereas applicable concession awards typically require four votes. (NYC Charter § 373).

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

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

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

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

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

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

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

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

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

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

used. (9 RCNY § 1-01(e)).

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

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

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

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

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

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

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

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

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

Procurement Policy Board (PPB): The PPB is the governing entity responsible for the promulgation of the City's

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

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

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

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

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

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

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

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

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

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

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

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

Revocable Consent: A grant of a right, revocable at will, (1) to any person to construct and use for private use pipes,

conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property, or (3) to a public service corporation for facilities ancillary to, but not within a franchise granted prior to July 1, 1990. (NYC Charter § 362 (d)).

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

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

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

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

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

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

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

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

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

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

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

Section 6. Appendices¹¹⁰

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

[APPENDIX 1: FY16 REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY COMPETITIVE METHODS](#)

[APPENDIX 2: FY16 REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE METHODS](#)

[APPENDIX 3: FY16 REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY "OTHER" AWARD METHODS](#)

[APPENDIX 4: FY16 REGISTERED PROCUREMENT CONTRACT ACTIONS *EXEMPT* UNDER § 1-02\(F\) OF THE PPB RULES](#)

[APPENDIX 5: FY16 REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS](#)

[APPENDIX 6: FY16 REGISTERED REVENUE CONTRACT ACTIONS](#)

[APPENDIX 7: REGISTERED MODIFICATIONS](#)

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[APPENDIX 9: CONTRACT RETROACTIVITY](#)

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APPENDIX 15: AGENCY CODES

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APPENDIX 17: CONTRACT TYPE CODES

APPENDIX 18: CONTRACT GROUP CODES

APPENDIX 19: ANALOGIZING DOE PROCUREMENT TO PPB CONTRACT TYPES

APPENDIX 20: APPLICABLE SECTIONS OF THE NYC ADMINISTRATIVE CODE

¹¹⁰ The column heading labeled "Award Level" in Appendices 1 through 8 refers to the level of competition received for an individual procurement. The numbers listed in the "Award Level" column correspond to the following level of competition received: (1) Single Bid; (2) Multiple Responses/Lowest Chosen; (3) Multiple Responses/Not Lowest Chosen; (30) Conversion; (4) Revenue-Single Response Received; (5) Revenue-Highest of Multiple Responses; (6) Revenue-Not Highest/Multiple Responses; and (7) Best Value/Not Lowest Selected.

APPENDIX 15: AGENCY CODES

Agency Code	Agency	Agency Short Name
002	Mayoralty	MAYOR
003	Board of Elections	BOE
004	Campaign Finance Board	CFB
008	Office of the Actuary	OTA
010	Borough President - Manhattan	MBP
011	Borough President - Bronx	BXBP
012	Borough President - Brooklyn	BKBP
013	Borough President - Queens	QBP
014	Borough President - Staten Island	SIBP
015	Office of the Comptroller	COMP
017	Department of Emergency Management	OEM
021	Office of Administrative Tax Appeals	OATA
025	Law Department	LAW
030	Department of City Planning	DCP
032	Department of Investigation	DOI
035	New York Research Libraries	NYRL
037	New York Public Library	NYPL
038	Brooklyn Public Library	BPL
039	Queens Borough Public Library	QBPL
040	Department of Education	DOE
042	City University of New York	CUNY
043	City University Construction Fund	CUCF
054	Civilian Complaint Review Board	CCRB
056	Police Department	NYPD
057	Fire Department	FDNY
059	Board of Standards & Appeals	BSA
068	Administration for Children's Services	ACS
069	Human Resources Administration (Department of Social Services)	HRA (DSS)
071	Department of Homeless Services	DHS
072	Department of Correction	DOC
073	Board of Correction	BOC
095	Pension Contributions	PENSION CONT
096	Human Resources Administration	HRA
099	Debt Service	DEBT

Agency Code	Agency	Agency Short Name
101	Public Advocate	PA
102	City Council	CC or COUNCIL
103	City Clerk	Clerk
125	Department for the Aging	DFTA
126	Department of Cultural Affairs	CULT
127	Financial Information Services Agency	FISA
130	Department of Juvenile Justice	DJJ
131	Office of Payroll Administration	OPA
132	Independent Budget Office	IBO
136	Landmarks Preservation Commission	LPC
156	NYC Taxi and Limousine Commission	TLC
214	Health Payments	HEALTH PYMTS
226	Commission on Human Rights	HRC
260	Department of Youth and Community Development	DYCD
312	Conflicts of Interest Board	COIB
313	Office of Collective Bargaining	OCA
341	Manhattan Community Board # 1	MCB1
342	Manhattan Community Board # 2	MCB2
343	Manhattan Community Board # 3	MCB3
344	Manhattan Community Board # 4	MCB4
345	Manhattan Community Board # 5	MCB5
346	Manhattan Community Board # 6	MCB6
347	Manhattan Community Board # 7	MCB7
348	Manhattan Community Board # 8	MCB8
349	Manhattan Community Board # 9	MCB9
350	Manhattan Community Board # 10	MCB10
351	Manhattan Community Board # 11	MCB11
352	Manhattan Community Board # 12	MCB12
381	Bronx Community Board # 1	BXCB1
382	Bronx Community Board # 2	BXCB2
383	Bronx Community Board # 3	BXCB3
384	Bronx Community Board # 4	BXCB4
385	Bronx Community Board # 5	BXCB5

Agency Code	Agency	Agency Short Name
386	Bronx Community Board # 6	BXCB6
387	Bronx Community Board # 7	BXCB7
388	Bronx Community Board # 8	BXCB8
389	Bronx Community Board # 9	BXCB9
390	Bronx Community Board # 10	BXCB10
391	Bronx Community Board # 11	BXCB11
392	Bronx Community Board # 12	BXCB12
431	Queens Community Board # 1	QCB1
432	Queens Community Board # 2	QCB2
433	Queens Community Board # 3	QCB3
434	Queens Community Board # 4	QCB4
435	Queens Community Board # 5	QCB5
436	Queens Community Board # 6	QCB6
437	Queens Community Board # 7	QCB7
438	Queens Community Board # 8	QCB8
439	Queens Community Board # 9	QCB9
440	Queens Community Board # 10	QCB10
441	Queens Community Board # 11	QCB11
442	Queens Community Board # 12	QCB12
443	Queens Community Board # 13	QCB13
444	Queens Community Board # 14	QCB14
471	Brooklyn Community Board # 1	BKCB1
472	Brooklyn Community Board # 2	BKCB2
473	Brooklyn Community Board # 3	BKCB3
474	Brooklyn Community Board # 4	BKCB4
475	Brooklyn Community Board # 5	BKCB5
476	Brooklyn Community Board # 6	BKCB6
477	Brooklyn Community Board # 7	BKCB7
478	Brooklyn Community Board # 8	BKCB8
479	Brooklyn Community Board # 9	BKCB9
480	Brooklyn Community Board # 10	BKCB10
481	Brooklyn Community Board # 11	BKCB11
482	Brooklyn Community Board # 12	BKCB12

Agency Code	Agency Name	Agency Short Name
483	Brooklyn Community Board # 13	BKCB13
484	Brooklyn Community Board # 14	BKCB14
485	Brooklyn Community Board # 15	BKCB15
486	Brooklyn Community Board # 16	BKCB16
487	Brooklyn Community Board # 17	BKCB17
488	Brooklyn Community Board # 18	BKCB18
491	Staten Island Community Board # 1	SICB1
492	Staten Island Community Board # 2	SICB2
493	Staten Island Community Board # 3	SICB3
781	Department of Probation	DOP
801	Department of Small Business Services	SBS
806	Housing Preservation and Development	HPD
810	Department of Buildings	DOB
816	Department of Health and Mental Hygiene	DOHMH
817	Department of Mental Health	DP MNTL HLTH
819	Health and Hospitals Corporation	HHC
820	Office of Administrative Trials and Hearings	OATH
826	Department of Environmental Protection	DEP
827	Department of Sanitation	DSNY
829	Business Integrity Commission	BIC
836	Department of Finance	DOF
841	Department of Transportation	DOT
846	Department of Parks and Recreation	DPR
850	Department of Design and Construction	DDC
856	Department of Citywide Administrative Services	DCAS
857	DCAS Division of Municipal Supply Service	DCAS (DMSS)
858	Department of Information Technology and Telecommunications	DOITT
860	Department of Records and Information Services	DORIS
866	Department of Consumer Affairs	DCA
901	District Attorney - New York County	DANY
902	District Attorney - Bronx County	DABX
903	District Attorney -Kings County	DAKINGS
904	District Attorney - Queens County	DAQ
905	District Attorney -Richmond County	DARICH
906	Office of Prosecution – Special Narcotics	OOP-SN
943	Public Administrator-Kings County	PA-KINGS
996	Housing Authority	NYCHA
998	Transit Authority	TRANSIT

APPENDIX 16: AWARD METHOD CODES

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

Award Method Code	Award Method
36	Small Purchase – RFP
37	Small Purchase – PQL CSB
38	Micropurchase Council & BP Needs
39	Small Purchase – PQL RFP
040	DOE Listing Application
41	Cable Service Negotiation
42	Professional Membership Negotiation
43	Subscriptions Etc. per PPB
44	Public Utility
45	Small Purchase – Public Utility
51	Grants
60	Small Purchase Rotation List
61	Small Purchase – Renewal
62	Small Purchase – Intergovernmental
68	Force Account Negotiation
78	Real Estate Sales and Purchases
79	Watershed Land Negotiation
99	Miscellaneous
100	Small Purchase - Subscription etc.
101	Small Purchase - Professional Membership
102	Small Purchase - Grants
103	Small Purchase - Government-to-Government
104	Small Purchase – Assignment
105	Condemnations – Exempt OCA Processing
106	Small Purchase - Buy Against
107	Small Purchase Watershed Land Acquisition
109	Small Purchase - Information Technology
111	Small Purchase – IT 25K to 100K
112	Small Purchase Goods and Services 100k
113	Small Purchase Construction 50k to 100k
115	Multiple Awards
211	Negotiated Acquisition Extension and DOE Negotiated Services Extension
251	Intergovernmental Procurement Renewal
511	Grant Renewal

APPENDIX 17: CONTRACT TYPE CODES

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

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

APPENDIX 18: CONTRACT CATEGORY CODES

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

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

APPENDIX 19: ANALOGIZING DOE PROCUREMENT TO PPB CONTRACT TYPES

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

*No direct corresponding FMS AM Code

NYC Admin. Code § 6.116.2 (a)-(f)

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

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

of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers; (7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractor; (8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers; (9) the principal owners and officers of every subcontractor; (10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section; (11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract; (14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending; (15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor; (16) whether city of New York income tax returns, where required, have been filed for the past five years; (17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city; (18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity; (19) criminal proceedings pending against the contractor, and any principal owner or officer of such contractor; (20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status; (21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates; (22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending; (23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract. (ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official. (iii) Information required from a contractor consisting of a contractor's social security number shall be obtained by the agency, elected official or the council entering into a contract as part of the administration of the taxes administered by the commissioner of finance for the purpose of establishing the identification of persons affected by such taxes. (iv) In the event that procurement of goods, services or construction must be made on an emergency basis, as provided for in section three hundred fifteen of the charter, on an accelerated basis as provided for in section three hundred twenty-six of the charter, or expedited action is required due to urgent circumstances, or in such other circumstances as may be determined by rule of the procurement policy board,

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

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

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

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

f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services

having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to: (1) the types and dollar amount of each contract, franchise or concession entered into during the previous fiscal year; (2) the registration number assigned by the comptroller, if any; (3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession; (4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract; (5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section 312 of the charter, where applicable;¹¹¹ and (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder.¹¹² For franchises, this information shall also include whether the authorizing resolution of the council was complied with.¹¹³

¹¹¹ The "displacement" analysis required by § 312(a) of the Charter occurs prior to the submission of a contract action for registration. Confirmation that such award was "deemed appropriate" is conducted by the head of submitting agency or his/her official designee. Additionally, the Mayor or his/her official designee is required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met, including compliance with § 312(a) of the Charter.

¹¹² The PPB Rules require agencies to award contracts procured through a competitive sealed bid to the lowest responsible bidder. Confirmation that each applicable award was appropriately made is attested to by the submitting agency's "Agency Chief Contracting Officer" and/or the Mayor or his/her official designee who are required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met.

¹¹³ The awarding agency and the Corporation Counsel certify, prior to the agency's filing of the franchise action with the Comptroller for registration, that the requirements set forth in an authorizing resolution adopted by the City Council were complied with. Notwithstanding, the two agreements submitted by DCAS and listed in the Appendix 4 as registered franchises (RCT120148200436 and RCT120148200541) were improperly categorized. The agency should have registered both of these contracts as concessions awarded pursuant to § 1-14(f) of the Concession Rules ("Certain DCAS concessions") and not franchise awards.

Acknowledgments

Deputy Comptroller Flores extends a special thank you to Christian Stover of BCA for his invaluable commitment, vision and leadership in creating this Report and to Christo Abraham and Eileen Del Pilar for their steadfast commitment to the integrity of the data.

Deputy Comptroller Flores also recognizes the important contributions to this Report made by Kim Yu, Enrique Diaz, Jessica Silver, Troy Chen, and Archer Hutchinson.



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