



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

STATEN ISLAND BOROUGH PRESIDENT

PUBLIC MEETING

Notice of public meeting on Wednesday, May 2, 2012 of the Staten Island Borough Board in Conference Room 122 at 5:30 P.M. in the Staten Island Borough Hall, Stuyvesant Place, Staten Island, New York 10301.

a26-m2

CITY COUNCIL

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 8, 2012:

**BATTERY MARITIME BUILDING LEASE
MANHATTAN CB - 1 20125571 PNM**
Application pursuant to §1301(2)(f) of the New York City Charter concerning the proposed maritime lease at the Battery Maritime Building between the Department of Small Business Services and the Governors Island Corporation d/b/a The Trust for Governors Island.

a25-m8

HEARINGS

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON MONDAY, APRIL 30 AT 10:30 A.M. IN THE COMMITTEE ROOM AT CITY HALL, NEW YORK, NY 10007 ON THE FOLLOWING MATTER:

Appointment

- **Pre-considered-M**, Michael M. McSweeney, a candidate for re-appointment by the Council as City Clerk and Clerk of the Council pursuant to Section 48 of the *New York City Charter*. If re-appointed by the Council, Mr. McSweeney will be eligible to serve a six-year term that begins on May 13, 2012 and expires on May 12, 2018.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the

Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Alisa Fuentes
Deputy City Clerk

a26-30

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, New York, on Wednesday, May 9, 2012 at 10:00 A.M.

BOROUGH OF QUEENS

No. 1

SILVERCREST SENIOR HOUSING

CD 8 C 110042 ZSQ
IN THE MATTER OF an application submitted by Silvercrest Center for Nursing and Rehabilitation pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a 6-story non-profit with sleeping accommodations on property located at 144-45 87th Avenue a.k.a. 86-19 144th Street (Block 9724, Lots 96 and 196), in an R4-1 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

No.2

83 WALKER STREET

CD 1 C 100149 ZSM
IN THE MATTER OF an application submitted by 83 Walker LLC pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the height regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 23-692 (Height limitations for narrow buildings or enlargements) to facilitate the development of a nine-story residential building, on property located at 83 Walker Street (Block 195, Lot 12), in a C6-2A District within the Tribeca East Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

a26-m9

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 10 - Thursday, May 3, 2012 at 7:45 P.M., Knights of Columbus Hall, 135-45 Lefferts Boulevard, South Ozone Park, NY

Agenda

118-05 North Conduit Avenue, South Ozone Park Pursuant to the New York State Mental Hygiene Law, Section 41-34, it is the intent of Independence Residence, Inc., to establish a community residence(s) for six adults with developmental disabilities.

Department of City Planning will present a proposal for the revised Waterfront Revitalization Program, pursuant to Section 197-a of the New York City Charter, the proposed action would facilitate the revision of the Waterfront Revitalization Program as called for in Vision 2020, the City's Comprehensive Waterfront Plan.

The Director of the Service Design will advise of revisions planned for the MTA Bus Company's Q21 bus route.

a27-m3

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 08 - Monday, April 30, 2012 at 7:30 P.M., Margaret Tietz Nursing Center, 164-11 Chapin Parkway (Rec. Room), Jamaica, NY

The Department of Transportation conducted an investigation to determine the feasibility of installing a speed hump on 82nd Drive between Parsons Blvd. and 161st Street. This meeting is to solicit your comments as to whether or not a speed hump should be installed.

a24-30

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

FRANCHISE ADMINISTRATION

PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, May 7, 2012 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matter of approval of a change of control of mobile telecommunications franchisee Mobilitie Investments II, LLC ("Mobilitie") arising from the sale of all of the equity interests of Mobilitie by the parent company of Mobilitie, Mobilitie Holdings II, LLC to SBA Monarch Acquisition, LLC. Mobilitie's franchise from the City of New York ("the City") grants the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The franchise runs until November 14, 2019. The franchise is limited to the use of 3,000 poles City-wide during the term of the franchise.

Copies of organizational charts reflecting the controlling ownership of the franchisee before and after the above-described change of control (including name changes for the franchisee and its parent), and a copy of Mobilitie's existing franchise agreement with the City, may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from April 16, 2012 through May 7, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of Mobilitie's franchise agreement with the City and copies of the organizational charts may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The franchise agreement and copies of the organizational charts may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th

Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC Media Group channels.

a13-m7

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 8, 2012 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-0937 - Block 266, lot 30-210 Joralemon Street - Borough Hall Skyscraper Historic District
A neo-Classical style civic building designed by McKenzie Voorhees & Gmelin and built in 1923-26. Application is to modify window openings at the ground floor, replace second story windows and install awnings and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8078 - Block 244, lot 17-177 Montague Street - Former Brooklyn Trust Company Bank - Individual Landmark, Interior Landmark
A neo-Italian Renaissance style bank building and banking hall designed by York & Sawyer and built in 1913-16. Application is to install HVAC units at the roof and HVAC controls within the banking hall. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-9037 - Block 247, lot 35-214-216 Hicks Street, aka 82-84 Montague Street - Brooklyn Heights Historic District
A commercial building designed by Murray Klein and built in 1930. Application is to alter an existing storefront, and install new storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-6998 - Block 2120, lot 36-368 Adelphi Street - Fort Greene Historic District
An Italianate style rowhouse built c. 1858. Application is to legalize the removal of ironwork without Landmarks Preservation Commission permits and install new ironwork. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8403 - Block 2090, lot 37-206 Adelphi Street - Fort Greene Historic District
An Italianate style frame rowhouse built circa 1866. Application is to demolish an existing rear yard addition and construct a new rear yard addition. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8323 - Block 2090, lot 44-220 Adelphi Street - Fort Greene Historic District
A highly altered Italianate style rowhouse built in the 1860s. Application is to demolish the existing rear yard addition and construct a new rear yard addition. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-2897 - Block 312, lot 8-285 Clinton Street - Cobble Hill Historic District
A Greek Revival style rowhouse built between 1845 and 1854. Application is to legalize the construction of a rear yard addition without Landmarks Preservation Commission permits. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-8582 - Block 1061, lot 53-223 Berkeley Place - Park Slope Historic District
A neo-Grec style rowhouse with Italianate style features built in 1874. Application is to construct a rear addition. Zoned R7B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7776 - Block 149, lot 29-287 Broadway - 287 Broadway Building - Individual Landmark
An Italianate/Second Empire style bank and office building designed by John B. Snook and built in 1871-1872. Application is for structural and facade work to right the leaning building, and to raise the rooftop cresting, install storefront infill and a ramp. Zoned C6-4A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-6956 - Block 46, lot 3-100 Broadway - American Surety Company Building - Individual Landmark
A neo-Renaissance style office building built in 1894-96 designed by Bruce Price, and enlarged in the 1920s with additions designed by Herman Lee Meader. Application is to install signage. Zoned C5-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-5412 - Block 220, lot 35-46 Laight Street - Tribeca North Historic District
An Italianate style tenement building designed by William H. Waring and built in 1874. Application is for installation of new ground floor infill, extension of a chimney, alterations at the roof level, and installation of air-conditioning equipment without permits. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0434 - Block 228, lot 7-371 Canal Street - SoHo-Cast Iron Historic District
A cast-iron store building designed by Samuel Warner and built in 1883-84. Application is to alter the cast iron facades and reinforce the fire escape. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0939 - Block 7510, lot 475-60 Grand Street - SoHo-Cast Iron Historic District
A neo-Classical style building designed by Cleverdon and Putzel and built in 1895-96. Application is to install a painted wall sign. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8104 - Block 487, lot 30-83 Wooster Street - SoHo-Cast Iron Historic District
A neo-Grec style store and loft building designed by J.B. Snook and built in 1876. Application is to modify storefront infill and the loading dock to provide barrier free access. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0884 - Block 544, lot 72-27 East 4th Street - NoHo Historic District Extension
A garage and repair shop designed by Herman Kron and built in 1945-46. Application is to demolish existing building and construct a new building. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9612 - Block 640, lot 66-24 Bethune Street - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1844-45. Application is to reconstruct the facade. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7860 - Block 588, lot 12-30 Grove Street - Greenwich Village Historic District
A vernacular Greek Revival style townhouse with early Italianate style and transitional features built in 1851-52. Application is to construct rooftop and rear yard additions and alter the ironwork. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9115 - Block 620, lot 1-520-524 Hudson Street, aka 243-247 West 10th Street - Greenwich Village Historic District
An apartment building designed by Samuel Roth and built in 1947. Application is to install storefront infill and excavate the cellar. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9605 - Block 591, lot 4-88-90 7th Avenue South, aka 305-307 Bleecker Street - Greenwich Village Historic District
An Art Deco style building built in 1931. Application is to install storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9114 - Block 622, lot 38-278 West 11th Street - Greenwich Village Historic District
An Italianate style house built in 1853 and altered. Application is to construct a stoop and alter windows, and construct a rear yard addition. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-3893 - Block 644, lot 51 & 52-10-12 Little West 12th Street - Gansevoort Market Historic District
Two vernacular rowhouses built circa 1849. Application is to legalize the installation of storefront infill, signage, and the construction of a rear yard addition, without Landmarks Preservation Commission permits. Zoned M1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7343 - Block 744, lot 20-333 West 20th Street - Chelsea Historic District
A rowhouse built in 1855, and altered in 1893. Application is to construct a rear yard addition. Zoned R7B. Community District 4.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-0241 - Block 1257, lot 2-Bryant Park - Scenic Landmark
A formal French-style garden designed in 1933 by Lusby Simpson and reconstructed and partially redesigned by Hanna/Olin in 1988-91. Application is to establish a master plan governing seasonal installations. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0066 - Block 1378, lot 70-825 Fifth Avenue - Upper East Side Historic District
A neo-Classical style apartment building designed by J.E.R. Carpenter and built in 1926. Application is to reconstruct balconies and railings. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-0199 - Block 1408, lot 20-149 East 73rd Street - Upper East Side Historic District Extension
A Renaissance Revival style apartment building designed by J. E. R. Carpenter and built in 1924. Application is to establish a Master Plan governing the future installation of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9093 - Block 1409, lot 50-170 East 75th Street - Upper East Side Historic District Extension
An Art and Craft style rowhouse designed by Hill and Stout and built in 1880-81, and converted into an automobile stable in 1902.. Application is to construct additions. Zoned C1-8X. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-8722 - Block 1504, lot 29-63 East 92nd Street - Carnegie Hill Historic District
A rowhouse built in 1886 and altered in the neo-Colonial style in 1928 by Edward Webber. Application is to construct rooftop and rear yard additions and alter front and rear facades. Zoned R8B. Community District 8.

ADVISORY REPORT
BOROUGH OF MANHATTAN 13-1115 - Block 2106, lot 1-2301 Amsterdam Avenue - Highbridge Play Center - Individual Landmark
An Art Moderne style pool complex designed by architect Aymar Embury II, landscape architects Gilmore D. Clarke and Allyn R. Jennings, and civil engineers W. Earle Andres and William H. Latham, and built in 1934-36. Application is to demolish a mezzanine and install new infill within the breezeway. Community District 12.

a25-m8

MAYOR'S OFFICE OF OPERATIONS

REPORT AND ADVISORY BOARD REVIEW COMMISSION

■ NOTICE

PUBLIC HEARING NOTICE

The Report and Advisory Board Review Commission will hold its first public hearing to solicit public feedback on whether the Commission should waive the 21 reporting requirements and advisory boards listed below.

- **DATE:** Friday, May 11, 2012
- **TIME:** 2:00 P.M.
- **PLACE:** Department of City Planning, Spector Hall
22 Reade Street
MANHATTAN

Members of the public may also provide comments to Commission staff by email (ReportsandBoards@cityhall.nyc.gov), or by mail: The Report and Advisory Board Commission, Mayor's Office of Operations, Attn: Alexis Offen, 253 Broadway, 10th Floor, New York, NY, 10007. As of April 20, 2012, all new comments sent by mail or email to the Commission will be posted on a weekly basis to www.nyc.gov/ReportsandBoards. Publishing of comments is subject to policies posted on the Commission's website.

Individuals requesting sign language interpreters or other reasonable accommodation for a disability at the public hearing should contact Rosa Reinat by emailing rreinat@cityhall.nyc.gov or by calling (212) 788-1400.

Press may contact the Mayor's Press Office at (212) 788-2958.

Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of certain reporting requirements and advisory boards. The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Office of the Corporation Counsel, the Office of Management & Budget (OMB), and the Department of Information Technology and Telecommunications (DOITT).

More information about the Commission is available at www.nyc.gov/ReportsandBoards or by contacting the Commission staff at ReportsandBoards@cityhall.nyc.gov.

Items for Potential Waiver

Statutory provisions for the following can be found at www.nyc.gov/ReportsandBoards and the Charter and Administrative Code can be reviewed at the City Hall Library, 31 Chambers Street, Room 112, New York, NY, 10007:

Reports

1. Arson Strike Force Report (Administrative Code §15-303)
A report to be published annually on arson-related statistics.
2. Class Size Report (partial waiver) (Charter §522(c)-(f))
A report to be published twice a year comparing the number of classes by school, grade, and program to the number of students in the same categories, in order to show the average class size. Note: The Commission is considering a partial waiver of this report in order to change the frequency of the report from biannual to annual.
3. Criminal Justice Account Allocation of Funds Report (Administrative Code §5-605)
A report to be published annually on the allocation of funds from the criminal justice account and status of the implementation of the safe streets-safe city program.
4. Drug Enforcement/Drug Abuse Task Force Report (Administrative Code §3-111)
A report to be published quarterly on the task force's ongoing coordination activities, as well as a formal annual report on findings and recommendations of the task force.
5. Horse Drawn Cab Stand Report (Administrative Code §19-174)
A report to be published annually on existing locations of horse draw cab stands, as well as any proposals to establish or eliminate horse drawn cab stands.
6. Industrial and Commercial Incentive Program Report (Administrative Code §11-267)
A report to be published annually on the status of the Industrial and Commercial Incentive Program and its effects in the City.
7. Outreach Programs Report (Charter §612(a)(7))
A report to be published quarterly on Department of Homeless Services or contractor outreach programs, and the number of chronically homeless individuals placed into permanent or temporary housing.
8. Permanent Housing Needs Report (Charter §614)
A report to be published annually on expected needs for permanent housing and transitional housing and services in the upcoming fiscal year.
9. Preliminary Mayor's Management Report (Charter §12)
A report to be published annually showing a mid-year snapshot of agency performance across all

- 10. *mayoral agencies.*
Sustainable Stormwater Management Plan Report (Administrative Code §24-526.1)
A report to be published biennially on the status of the sustainable stormwater management plan.
- 11. Temporary and Non-Standard Classroom Report (Charter §522(b))
A report to be published annually on the use of non-standard classrooms within the public school system.
- 12. Ultra Low Sulfur Diesel Fuel for Ferries Report (Administrative Code §19-307)
A report to be published annually on the use of ultra low sulfur diesel fuel and the best available technology for reducing the emission of pollutants for diesel fuel-powered City ferries.
- 13. Use of Refuse Burning Equipment without Control Apparatus Report (Administrative Code §24-158)
A report to be published twice a year on the extent of compliance with the law prohibiting unauthorized incinerator use.
- 14. Zoning and Planning Report (Charter §192(f))
A report to be published every four years on the planning agenda and zoning reform of the Department of City Planning.

Advisory Boards

- 1. Arson Strike Force (Administrative Code §15-301)
A multi-agency strike force to foster cooperation in controlling incidences of arson.
- 2. Consumers Council (Charter §2204)
A council representing consumer interests to advise the Department of Consumer Affairs on needed programs, reports, and cooperative efforts.
- 3. Drug Enforcement and Drug Abuse Task Force (Administrative Code §3-111)
A multi-agency task force to foster cooperation and coordination in the battle against drug use and in providing abuse services.
- 4. Inter-Agency Advisory Council on Towing (Administrative Code §20-521)
A council to make recommendations to the Department of Consumer Affairs concerning the criteria for issuing towing company licenses and participation in the rotation tow and directed accident programs.
- 5. NYC Commission for the Foster Care of Children (Administrative Code §21-118)
A commission to study and recommend programs and standards addressing phases, facilities, and services of foster care.
- 6. Resource Recovery Task Force (Charter §1403)
A Department of Environmental Protection and Department of Sanitation task force to advise and make recommendations on the planning and implementation of energy and materials recovery for solid and liquid wastes.
- 7. Tattoo Regulation Advisory Committee (Administrative Code §17-361)
A Department of Health and Mental Hygiene committee to advise the Commissioner on health issues relating to tattooing.

a20-m11

TRANSPORTATION

■ PUBLIC HEARINGS

COMMUTER VAN SERVICE AUTHORITY APPLICATION Queens

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application for an expansion of vans for an existing commuter van service authority in the Borough of Queens. The existing territory is from a residential area of Queens bounded on the north by Jamaica Avenue from Guy Brewer Boulevard to Hollis Avenue/ Farmers Boulevard, bounded on the east by Hollis Avenue/ Farmers Boulevard/Merrick Boulevard/along Hook Creek Boulevard to 149th Street, bounded on the south by 149th Street/Huxley Street/147th Avenue/225th Street/North Conduit Avenue to Rockaway Boulevard, bounded on the west by Rockaway Boulevard..Baisley Boulevard/ Guy Brewer Boulevard to Jamaica Avenue. The applicant is CEDI Transportation. They can be reached at 161-36 118TH Avenue, Jamaica, NY 11434. The applicant is proposing to add 4 van(s) daily to provide this service 24 hours a day.

There will be a public hearing held on Friday, May 18, 2012 at the Queens Borough Hall, 120-55 Queens Blvd., Room 213, Part 1, Kew Gardens, New York 11424 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street, 9th Floor, New York, NY 10041 no later than May 18, 2012. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

a23-27

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, May 16, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 46 West 69th Street LLC to continue to maintain and use a fenced-in area on the south sidewalk of West 69th Street, east of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$25/annum. the maintenance of a security deposit in the sum of \$3,500 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing 208 East 72nd Street LLC to continue to maintain and use a fenced-in area on the south sidewalk of East 72nd Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2012 to June 30, 2013 - \$286
For the period July 1, 2013 to June 30, 2014 - \$294
For the period July 1, 2014 to June 30, 2015 - \$302
For the period July 1, 2015 to June 30, 2016 - \$310
For the period July 1, 2016 to June 30, 2017 - \$318
For the period July 1, 2017 to June 30, 2018 - \$326
For the period July 1, 2018 to June 30, 2019 - \$334
For the period July 1, 2019 to June 30, 2020 - \$342
For the period July 1, 2020 to June 30, 2021 - \$350
For the period July 1, 2021 to June 30, 2022 - \$358

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing Bottle Tower, Inc. to continue to maintain and use a stoop and a fenced-in area on the east sidewalk of Bedford Street, between Grove and Barrow Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing Doves' Nest NYC, LLC to continue to maintain and use a stoop and a fenced-in area on the south sidewalk of West 10th Street, between Fifth Avenue and Sixth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing Texas Eastern Transmission Partners, LP to construct, maintain and use a 30-inch diameter natural gas pipeline in submerged lands within the New York City owned portion of the Hudson River, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2022 and provides among other terms and conditions for compensation payable to the City:

The annual fee will be calculated pursuant to the Rules of the City of New York

the maintenance of a security deposit in the sum of \$22,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Thirty Five Million Dollars (\$35,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing The Brooklyn Union Gas Company d/b/a National Grid USA to construct, maintain and use 30-inch gas main in the vicinity of Paerdegat Basin, between Bergen Avenue and Seaview Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2022 and provides among other terms and conditions for compensation payable to the City:

The annual fee will be calculated pursuant to the Rules of the City of New York

the maintenance of a security deposit in the sum of \$40,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Thirty Five Million Dollars (\$35,000,000) aggregate.

a26-m16

PROPERTY DISPOSITION

CITY UNIVERSITY

■ SOLICITATIONS

Goods

SALE OF 2007 DARK SILVER CHEVROLET IMPALA LS (AUTOMATIC TRANSMISSION) – Competitive Sealed Bids – PIN# JJ000412A – DUE 05-11-12 AT 4:00 P.M.
● **SALE OF 2004 BLACK CHEVROLET IMPALA LS** – Competitive Sealed Bids – PIN# JJ000412 – DUE 05-11-12 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
John Jay College, Purchasing Department, 555 West 57th St., Rm. 606, New York, NY 10019. Att: Hazel Stewart (212) 237-8510; Fax: (212) 237-8922; hstewart@jjay.cuny.edu

a25-m2

CITYWIDE ADMINISTRATIVE SERVICES

ASSET MANAGEMENT

■ AUCTION

PROPOSED SALE OF CERTAIN NEW YORK CITY REAL PROPERTY PARCELS BY PUBLIC AUCTION

PUBLIC NOTICE IS HEREBY GIVEN THAT The Department of Citywide Administrative Services, Asset Management proposes to offer the properties listed herein for sale at Public Auction.

In accordance with Section 384 of the New York City Charter, a Public Hearing was held on March 6, 2012 for these properties at Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan.

These properties will be sold in accordance with the Standard Terms and Conditions of Sale dated January 18, 2012. An asterisk (*) appears adjacent to those parcels subject to Special Terms and Conditions.

They have been approved for sale by the Mayor of the City of New York, and will be offered at public auction on May 10, 2012.

The brochure for this sale is available on the DCAS website at nyc.gov/dcas. Additionally, brochures are available at 1 Centre Street, 20th Floor South, New York, New York 10007, or by calling (212) 669-8888.

32 Parcels

Borough of The Bronx

Block	Lot(s)	Upset Price
3520	34	\$374,500

Borough of Brooklyn

Block	Lot(s)	Upset Price
1339	38	\$ 82,500
1465	29,42,43,44	\$262,500
1473	14	\$247,500
3432	42	\$101,500
5289	46	\$467,500
7208	302	\$780,000

Borough of Queens

Block	Lot(s)	Upset Price
3916	136	\$114,000
*10107	68,69,70	\$525,000
*10107	74,75,76	\$506,500
10108	316	\$615,000
10193	85	\$ 9,000
12041	99	\$ 28,500
14240	113	\$126,000
14243	1119	\$ 37,500
14243	1169 and 14246, 1169	\$ 36,000
*14246	1189	\$ 60,000
14251	1666	\$ 30,000
14253	1488,1492	\$195,000
14253	1512,1513,1514	\$169,000
14254	1638,1639,1640,2037	\$169,000
*15306	11	\$191,500
*15317	16	\$ 66,000
15600	325	\$ 51,000
15819	145	\$ 62,500
16066	50	\$ 66,000
16103	83,84	\$178,000
16290	999	\$403,500

Borough of Staten Island

Block	Lot(s)	Upset Price
1012	57	\$ 34,000
3671	15	\$ 49,000
6253	9	\$217,500
6353	42	\$487,500

m23-my10

MUNICIPAL SUPPLY SERVICES

■ SALE BY SEALED BID

SALE OF: 18 LOTS OF USED PARKING METERS.

S.P.#: 12019 DUE: April 27, 2012

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

DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

a16-27

SALE OF: 5 USED HOPPER BARGES.

S.P.#: 12020 DUE: May 10, 2012

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

DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

a27-m10

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

ASSET SALES PROGRAM

REQUEST FOR OFFERS

The Department of Housing Preservation and Development ("HPD") of the City of New York (the "City") is issuing a Request for Offers for the purchase of occupied and vacant City-owned residential properties, in the following Boroughs/Community Boards.

Manhattan	Community Board 11
Bronx	Community Board 2
Brooklyn	Community Board 4,5,8,14,16,17 and 18
Queens	Community Board 8,10,12 and 13
Staten Island	Community Board 3

The buildings will be sold in their "as is" condition. After the sale, the new owner would be responsible for complying with all applicable building, zoning and other legal requirements. All purchasers would be solely responsible for securing sufficient financial resources to purchase and operate the properties and perform any necessary rehabilitation or repair work. HPD will NOT offer any subsidies or financial incentives related to the sale or rehabilitation or redevelopment of these properties.

The Request for Offers is available on HPD's website at www.nyc.gov/hpd from Monday, April 30, 2012, 10:00 A.M. through Friday, May 18, 2012, 5:00 P.M.

All sales will be subject to applicable governmental approvals.

a16-27

POLICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants.

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

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

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

"Compete To Win" More Contracts!

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

- Win More Contracts at nyc.gov/competetowin

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

ADMINISTRATION FOR CHILDREN'S SERVICES

SOLICITATIONS

Human / Client Services

NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children's Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038.
Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; patricia.chabla@dca.state.ny.us

j1-n14

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods

GRP: CUMMINS DIESEL ENGINE – Competitive Sealed Bids – PIN# 8571200309 – DUE 05-23-12 AT 10:30 A.M. – Vendors interested in obtaining copies of the bid should contact Anna Wong, (212) 669-8610; Fax: (212) 669-7603; dcasdmssbids@dcas.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.
Jeanette Cheung (212) 669-7729; Fax: (212) 313-3382; jcheung@dcas.nyc.gov

a27

GRP: SEAGRAVE FIRE APPARATUS – Competitive Sealed Bids – PIN# 8571200311 – DUE 05-23-12 AT 10:30 A.M.

● **GRP: BRIGGS AND STRATTON DIESEL ENGINE** – Competitive Sealed Bids – PIN# 8571200373 – DUE 05-23-12 AT 10:30 A.M.

Vendors interested in obtaining copies of the bid should contact Anna Wong, (212) 669-8610; Fax: (212) 669-7603; dcasdmssbids@dcas.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.
Jeanette Cheung (212) 669-7729; Fax: (212) 313-3382; jcheung@dcas.nyc.gov

a27

GRP: PARKER HANNIFIN, HOSE, FITTINGS, ADAPTERS, INC. – Competitive Sealed Bids – PIN# 8571200310 – DUE 05-24-12 AT 10:30 A.M.

● **GRP: WAUSAU-EVEREST PARTS** – Competitive Sealed Bids – PIN# 8571200306 – DUE 05-24-12 AT 10:30 A.M.

● **GRP: RED DOT HEATERS** – Competitive Sealed Bids – PIN# 8571200307 – DUE 05-24-12 AT 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at: <http://a856-internet.nyc.gov/nycvendononline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.
Jeanette Cheung (212) 669-7729; Fax: (212) 313-3382; jcheung@dcas.nyc.gov

a27

AWARDS

Goods

DUST MOP HEADS/FRAMES/HANDLE – Competitive Sealed Bids – PIN# 8571100339 – AMT: \$129,379.70 – TO: Daniel Oyewale, 2000 Banks Road, Ste. 201G, Margate, FL 33063.

a27

FUEL TRAILER – Intergovernmental Purchase – PIN# 8571200555 – AMT: \$202,586.38 – TO: The Hopkins Group Inc. dba EZ Fuel and Tank Solutions, 3883 Rogers Bridge Road #205A, Duluth, GA 30097-2803. GSA Contract #GS-07-0039W.

Suppliers wishing to be considered for a contract with the General Services Administration of the Federal Government are advised to contact the Small Business Utilization Center, Jacob J. Javits Federal Building, 26 Federal Plaza, Room 18-130, NY, NY 10278 or by phone: 212-264-1234.

a27

VENDOR LISTS

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

COMPROLLER

ASSET MANAGEMENT

AWARDS

Services (Other Than Human Services)

INVESTMENT ADVISORY SERVICES – Renewal – PIN# 0150387208IE – AMT: \$4,345,000.00 – TO: Dimensional Fund Advisors LP, 6300 Bee Cave Road, Building One, Austin, TX 78746.

a27

DESIGN & CONSTRUCTION

AWARDS

REI SERVICES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502011HW0053P – AMT: \$1,218,660.16 – TO: Haider Engineering PC/JWP Engineers and Land Surveyors, PC (JV), 755 Merrick Road, Baldwin, NY 11510. HWRC054-R, Resident Engineering Inspection Services for Hylan Blvd. intersection improvement, Staten Island.

● **TOPOGRAPHICAL SURVEYING SERVICES** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502011RQ0008P – AMT: \$1,500,000.00 – TO: Stantec Consulting Services, Inc., 50 West 23rd Street, New York, NY 10010. PW311T07B, Requirements Contract for Topographical Surveying Services for various structures projects, Staten Island.

a27

EDUCATION

CONTRACTS AND PURCHASING

SOLICITATIONS

Goods

CATALOG OF INSTRUCTIONAL MATERIALS BY MELISSA AND DOUG – Competitive Sealed Bids – PIN# Z2108040 – DUE 05-23-12 AT 4:00 P.M. – This is a bid requesting a percentage (percent) increase over the Dealer's Cost Price List for all items in the 2012 Melissa and Doug catalog. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID number and title in the subject line of your e-mail. For all questions related to this BID, please send an e-mail to CGallagher@schools.nyc.gov with the BID number and title in the subject line of your e-mail.

Bid Opening Date and Time: May 24th, 2012 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov

a27

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Human / Client Services

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 09-18-12 AT 4:00 P.M.

– The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site

control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, ACCO, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132.
Huguette Beauport (347) 396-6633; hbeauport@health.nyc.gov

a6-s17

HOUSING AUTHORITY

PURCHASING

■ SOLICITATIONS

Goods

SCO-FURNISH O. THOMPSON ELEVATOR PARTS – Competitive Sealed Bids – SCO# 29488 TE – DUE 05-10-12 AT 10:30 A.M. – Note to Suppliers: This is a RFQ for (3 years) year blanket order agreement. The awarded bidder/vendor agrees to have (what is being bid) readily available for delivery within (21 days) days after receipt of order on an “as needed basis” during the duration of the contract period. The quantities provided are estimates based on current usage and the New York City Housing Authority may order less or more depending on our needs. All price adjustable RFQ’s are fixed for one year after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: NYCHA reserves the right to make award by line or by class as indicated. Samples may be required to be provided within 10 days of request. Failure to do will result in bid being considered non-responsive.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 5th Floor, Long Island City, NY 11101. Terry Eichenbaum (718) 707-5265; Terry.Eichenbaum@nycha.nyc.gov

a27

PARKS AND RECREATION

REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

SNACK BAR AT BEACH 17TH STREET, ROCKAWAY BEACH, QUEENS – Request for Proposals – PIN# Q162-2-SB – DUE 06-25-12 AT 3:00 P.M. – Requests for Proposals for the renovation, operation, and maintenance of a snack bar/beach shop and the optional operation of up to five (5) mobile food units at Rockaway Beach, Queens, N.Y.

The RFP is also available for download, commencing on April 19, 2012 through June 25, 2012, on Parks’ website.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.
Evan George (212) 360-3495; Fax: (917) 849-6623;
evan.george@parks.nyc.gov

a19-m2

OPERATION AND MAINTENANCE OF CONCESSIONS FOR THE SALE OF CHRISTMAS TREES AND RELATED HOLIDAY MERCHANDISE – Competitive Sealed Bids – PIN# TR2012 – DUE 05-23-12 AT 11:00 A.M. – At various locations, Citywide.
● **SALE OF FOOD FROM MOBILE FOOD UNITS** – Competitive Sealed Bids – PIN# CWB2012A/B – DUE 05-30-12 AT 11:00 A.M. - At Central Park and Theodore Roosevelt Park, Manhattan.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.
Glenn Kaalund (212) 360-1397; Fax: (212) 340-3434;
glenn.kaalund@parks.nyc.gov

a23-m4

POLICE

EQUIPMENT

■ SOLICITATIONS

Goods

SHORT SLEEVE UNIFORM SHIRTS (3,000/6,000) – Competitive Sealed Bids – PIN# 05612ES00001 – DUE 05-16-12 AT 11:00 A.M. – All potential vendors who wish to bid are required to enclose one (1) sample of the short sleeve female uniform shirt and one (1) sample of the short sleeve male uniform shirt at the time of bid opening. Failure to submit samples will result in rejection of bid. All potential vendors who wish to bid are required to enclose a certified check for \$1,000.00 made payable to the Police Commissioner, City of New York with their sealed bid at the time of bid opening. Failure to submit a certified check and samples with your sealed bid will result in rejection of submitted sealed bid.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Police Department, One Police Plaza, Room 110B, New York, NY 10038. Sgt. G. Molloy (646) 610-5940.
NYPD Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007.

a27

SMALL BUSINESS SERVICES

PROCUREMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

CITY-WIDE ECONOMIC DEVELOPMENT SERVICES IN THE BROOKLYN NAVY YARD – Sole Source – Available only from a single source - PIN# 80112S0004 – DUE 05-16-12 AT 3:00 P.M. – The New York City Department of Small Business Services intends to enter into sole source negotiations to purchase the above services from the Brooklyn Navy Yard Development Corporation, with experience and in-house expertise in a wide variety of economic development services. Any firm that believes it is qualified and has the in-house expertise to provide such services or would like to provide such services in the future is invited to do so. Please indicate your interest by letter, which must be received no later than May 16, 2012, 3:00 P.M. to Daryl Williams, Agency Chief Contracting Officer, NYC Department of Small Business Services, 110 William Street, 7th Floor, New York, New York 10038.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038.
Daryl Williams (212) 618-8731; Fax: (212) 618-8867;
procurementhelpdesk@sbs.nyc.gov

a26-m2

AGENCY RULES

MAYOR’S OFFICE OF CONTRACT SERVICES

■ NOTICE

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments related to rules concerning waiver of a finding of non-responsiveness.

Date / Time: June 4, 2012
3:00 P.M. – 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor’s Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board by sections 311 and 1043 of the New York City Charter the Procurement Policy Board hereby proposes to amend Chapter 2 of Title 9 of the Rules of the City of New York.

The proposed amendments were not included in the board’s most recent regulatory agenda, because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor’s Office of Contract Services.

Statement of Basis and Purpose

This rule is proposed pursuant to the authority of the Procurement Policy Board under sections 311 and 1043 of the New York City Charter.

According to the rules of the Procurement Policy Board, a responsive bid or proposal complies with:

- all material terms and conditions of the agency’s procurement solicitation, and
- all material requirements of the agency’s specifications for the goods, services, or construction to be procured.

The Agency Chief Contracting Officer (“ACCO”) is required to make a determination of responsiveness before a contract can be awarded to a potential vendor.

Courts interpreting whether a bid must be rejected because it did not comply with bid requirements have stated that to waive a finding of non-responsiveness and award a contract to an otherwise non-responsive bidder, the procuring agency must conclude that such a waiver would not:

- deprive the agency of the assurance that the contract will be performed according to its specific requirements, or
- adversely affect the competition.

The proposed amendment would make the Procurement Policy Board rule regarding non-responsiveness consistent with this interpretation.

New material is underlined and deletions are [bracketed].

Section 1. Subdivision (d) of section 2-07 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:

(d) Rejection of Bids or Proposals. Bids or proposals that fail to conform with the standards set forth above shall be rejected unless the ACCO determines in writing that waiving the nonconformance would not deprive the agency of the assurance that the contract will be performed according to its specified requirements and would not adversely affect the competition by placing a bidder in a position of advantage over other bidders or by otherwise undermining the competition.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Amendment of Rule Governing Responsiveness of Bids and Proposals (Section 2-07)

REFERENCE NUMBER: 2012 RG 20

RULEMAKING AGENCY: Procurement Policy Board

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

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

/s/ STEVEN GOULDEN Date: March 15, 2012
Acting Corporation Counsel

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

CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Rule Governing Responsiveness of Bids and Proposals (Section 2-07)

REFERENCE NUMBER: MOCS-3

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro March 20, 2012
Mayor’s Office of Operations Date

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NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to rules concerning micropurchases.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick, Director
Mayor’s Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by sections 311 and 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 3 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in this board's regulatory agenda.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

The proposed amendment increases the dollar amount below which procurement and award of contracts may be made without competition from \$5,000 to \$20,000, in order to increase micropurchase awards to minority and women-owned business enterprises (M/WBEs). The proposed rule also clarifies that agencies are to include M/WBEs when distributing micropurchase awards amongst responsible vendors. Pursuant to Charter §314 this change will require concurrent action of the New York City Council. The proposed amendment also requires all small purchases of more than \$20,000 to be procured by use of a written solicitation.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Section 3-08 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:**§3-08 Small Purchases**

(a) **Definition.** Small purchases are those procurements in value of not more than \$100,000. This shall be known as the small purchase limit.

(b) **Application.** A procurement shall not be artificially divided in order to meet the requirements of this section. Changes to and/or renewals of small purchases shall not bring the total value of the procurement to an amount greater than the small purchase limits.

(c) **Scope.**

(1) **Competition Objective.**

(i) Public notice of solicitation and award, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX Questionnaire (unless the aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000), and public hearing shall not be required for small purchases awarded pursuant to this section.

(ii) For procurements the value of which is \$20,000 [\$5,000] or less, no competition is required except that in making purchases below this limit, Contracting Officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. Documentation of such purchases shall identify the vendor the item was purchased from, the item purchased, and the amount paid.

(iii) For procurements in value over \$20,000 [\$5,000] through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of "no bid" is not a responsive bid. If only one responsive bid or offer is

received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

(2) **Solicitation Methods and Use.**

(i) Agencies shall use the following solicitation methods ~~f]For small purchases valued at more than \$20,000~~ [\$5,000], agencies shall use [:

(A) for small purchases of goods valued at not more than \$25,000, an oral or written solicitation describing the requirements, or

(B) for small purchases of goods valued at more than \$25,000, a written solicitation describing the requirements, and

(C) for small purchases of services,] a written solicitation describing the requirements[.

(ii) An oral or written solicitation for a small purchase, which shall contain, at a minimum:

(i[A]) a description of the item or service requested;

(ii[B]) time, date, place, and form of requested response;

(iii[C]) basis for award; and

(iv[D]) name and telephone number of the Contracting Officer to whom inquiries may be directed.

(d) **Award.** Small purchases valued at over \$20,000 [\$5,000] shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible offeror that has made the most advantageous offer. After such determination has been made and all necessary approvals have been obtained, the Contracting Officer shall issue a purchase order or contract, as appropriate, to the successful bidder or offeror.

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Governing Micropurchases (Section 3-08)

REFERENCE NUMBER: 2012 RG 022

RULEMAKING AGENCY: Procurement Policy Board

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

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

/s/ STEVEN GOULDEN Date: April 3, 2012
Acting Corporation Counsel

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

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

RULE TITLE: Amendment of Rules Governing Micropurchases (Section 3-08)

REFERENCE NUMBER: MOCS-2

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro Date: April 3, 2012
Mayor's Office of Operations

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to the definitions in the Procurement Policy Board rules.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter, the PPB hereby proposes to amend Chapter 1 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda, because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

The proposed amendments to this rule provide a definition for the first time for "standard services." This definition is needed in light of the Best Value Law. In addition, the proposed amendments provide definitions for "human services" and "professional services". The proposed amendments also delete the definition for "multi-step sealed bidding" because, in light of the Best Value Law, this process (set forth in rule 3-02) is proposed for repeal.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. The definition of "human services/client services", as set forth in subdivision (e) of section 1-01 of Chapter 1 of Title 9 of the Rules of the City of New York, is amended, the definition of "multi-step sealed bidding" is deleted, and new definitions of "professional services" and "standard services" are added, to read as follows:

(e) **Definitions.**

Human Services/Client Services. [See Client Services.] Services contracted for by an agency on behalf of third party clients, including programs to provide social services such as:

- day care,
- foster care,
- home care,
- homeless assistance,
- housing and shelter assistance,
- preventive services,
- youth services,
- senior centers,
- employment training and assistance,
- preventive services,
- health or medical services including those provided by health maintenance organizations;
- legal services,
- vocational and educational programs, and
- recreation programs.

[Multi-Step Sealed Bidding. Source selection method involving two competitive steps. In the first step, vendors submit a technical proposal for furnishing the goods or service described in the solicitation. The solicitation may or may not require submission of a sample as part of the technical proposal. In the second step, the agency evaluates the proposals. If price bids were solicited with the technical

proposals, the agency evaluates the bids of those technical proposals deemed acceptable. If price bids were not solicited with technical proposals (or if based on discussions with vendors, technical proposals are revised), price bids are solicited from those vendors who submitted acceptable technical proposals. In either case, award shall be made, if at all, to the lowest responsive and responsible bidder.]

Professional Services. Services other than human/client services that require specialized skills and the exercise of judgment, including but not limited to:

- accountants,
- lawyers,
- doctors,
- computer programmers and consultants,
- and engineering services, and
- construction management services.

Standard Services. Services other than professional services and human/client services.

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DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

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

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 9, 2012

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro
Mayor's Office of Operations

April 12, 2012
Date

a27

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to rules concerning public hearing requirements for contract awards based on best value.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy

Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 2 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

The proposed amendment to this rule adds the requirement for a public hearing where contracts are to be awarded by competitive sealed bidding on the basis of best value to the City.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Subparagraph (i) of paragraph (1) of subdivision (b) of section 2-11 of Chapter 2 of Title 9 of the Rules of the City of New York is amended as follows:

- (i) contracts to be awarded by competitive sealed bidding, except where the basis for award is best value to the City pursuant to 3-02 (o);

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

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

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 9, 2012

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

I certify that this office has analyzed the proposed rules referenced above as required by Section 1043(d) of the New

York City Charter, and that the proposed rules referenced above:

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

/s/ Francisco Navarro
Mayor's Office of Operations

April 12, 2012
Date

a27

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to procurement rules requiring agencies to make a special case determination for contracts awarded on the basis of best value to the City through competitive sealed bidding.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 3 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda because the amendments were not anticipated at the time the agenda was published .

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
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Procurement Policy Board
253 Broadway, 9th Floor
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or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

In light of the Best Value Law, the proposed amendments to this rule require agencies to make a special case determination where contracts are to be awarded by competitive sealed bidding on the basis of best value to the City.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Paragraph (1) of subdivision (d) of section 3-01 of Chapter 3 of Title 9 of the Rules of the City of New York is amended by adding a new subparagraph (ii), and by renumbering subparagraphs (ii) through (viii) as subparagraphs (iii) through (ix), to read as follows:

- (ii) Competitive sealed bidding where the award will be made to the bidder whose bid represents the best value to the City;

Section 2. Paragraph (2) of subdivision (d) of section 3-01 of Chapter 3 of Title 9 of the Rules of the City of New York is amended by adding a new subparagraph (iii), and subparagraphs (iii) through (vii) are renumbered as subparagraphs (iv) through (viii), to read as follows:

- (iii) it is in the best interest of the City for goods or

standard services to be awarded on the basis of best value to the City by optimizing quality, cost, and efficiency;

Section 3. Paragraph (3) of subdivision (d) of section 3-01 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (3) Source Selection in a Special Case. Upon determining that there is a special case [which warrants procurement by other than competitive sealed bidding], the Contracting Officer shall select the most competitive alternate method of source selection among those listed in Section 3-01 above which is practicable and advantageous to the City.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

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

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN Date: April 9, 2012
Acting Corporation Counsel

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro Date: April 12, 2012
Mayor's Office of Operations Date

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NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to performance evaluations required to be done for contracts for goods procured by competitive sealed bids on the basis of best value to the City.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 4 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

The proposed amendment provides that performance evaluations be done for contracts for goods procured by competitive sealed bids on the basis of best value to the City.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Subdivision (b) of section 4-01 of Chapter 4 of Title 9 of the Rules of the City of New York is amended as follows:

- (b) Frequency. The agency shall monitor the vendor's performance against such standards and indicators on an ongoing basis and sufficiently far in advance of the end of the contract term to determine whether an existing contract should be extended, renewed, terminated, or allowed to lapse. A performance evaluation shall be done no less than once annually except that for procurements of goods by competitive sealed bid other than sealed bids awarded based on best value and procurements below the small purchase limits, an evaluation report shall be prepared only in cases of deficient performance. Notification to the vendor of deficient performance shall be made as soon as practicable, and shall not await the annual evaluation. The CCPO shall establish procedures to ensure systematic evaluation of vendor performance.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

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

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN Date: April 9, 2012
Acting Corporation Counsel

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

I certify that this office has analyzed the proposed rules

referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rules referenced above:

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

/s/ Francisco Navarro
Mayor's Office of Operations

April 12, 2012
Date

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NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to the rule authorizing the purchase of goods and standard services on the basis of best value through competitive sealed bidding.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 3 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

In light of the Best Value Law, the proposed amendments:

- set forth the rules governing competitive sealed bids to be awarded on the basis of best value to the City,
- require agencies to state in the bid for goods or standard services whether the award will be made on the basis of price only or will be made on the basis of best value to the City,
- requires that if award is made on the basis of best value, the bid include a statement of how best value will be determined,
- set forth the criteria that may be considered by the agency when award is to be made on the basis of best value,
- requires documentation by the agency of the reasons for determining that a bid represents best value, and,
- allows multiple award task order purchases among multiple contractors pursuant to competitive sealed bids for the purchase of goods and standard services where it is determined by the agency to be in the best interests of the City.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Subdivision (a) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (a) Application. This section shall apply to all procurements made by competitive sealed bidding [including multi-step sealed bidding].

Section 2. Subparagraph (iv) of paragraph (2) of subdivision (b) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (iv) a statement regarding how the award will be made:
- (A) for construction, a statement that award shall be made to the lowest responsive and responsible bidder;
- (B) for purchase of goods and standard services, a statement that award shall be made to the lowest responsive and responsible bidder or to the bidder whose bid represents the best value to the City by optimizing quality, cost and efficiency. If award will be made on the basis of best value to the City, such statement shall include how best value will be determined in accordance with 3-02(o);

Section 3. Subdivision (d) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (d) Bidder Submissions.
- (1) Bid Form and Content. The IFB shall provide a form on which the bidder shall insert the bid price, or other information requested, if any, pursuant to 3-02 (o)(1), and shall sign and submit along with all other necessary submissions. Bids shall be typewritten or written legibly in ink. Erasures or alterations shall be initialed by the signer in ink. All bids shall be signed in ink. The bid invitation also shall require that the bid be submitted in a sealed envelope, addressed as required in the bid documents, on or before the time and at the place designated in the bid documents. If so provided in the solicitation, sealed bids may be submitted electronically. Where award will be made to the bidder whose bid represents the best value to the City, the IFB may also provide that other information requested, if any, may be submitted within ten (10) days from the bid opening by all bidders whose bids are to be considered pursuant to 3-02(o)(1)(iii).
- (2) Bid Samples and Descriptive Literature. The IFB shall state that the submission of bid samples and descriptive literature [should not be submitted unless expressly requested and that], regardless of any attempt by a bidder to condition the bid, [unsolicited bid samples or descriptive literature that are submitted at the bidder's risk] will not be [examined or tested and will not be] deemed to vary any of the provisions of the IFB.

Section 4. Paragraph (2) of subdivision (l) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (2) Opening and Recording. Bids and modifications shall be opened publicly, at the time, date, and place designated in the IFB. The name of each bidder, the bid price, and such other information as is deemed appropriate shall be read aloud or otherwise made available. These requirements may be met through access to a computer terminal at the location where bids are to be opened, provided that paper documents are available upon request at the time of bid opening. This information also shall be recorded at the time of bid opening. The bids shall be tabulated or a bid abstract prepared and made available for public inspection. The opened bids shall be available for public inspection at a reasonable time after bid opening but in any case before vendor selection except to the extent the bidder designates trade secrets or other proprietary data to be confidential. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. Prices, makes, and model or catalog numbers of the items offered, deliveries, and terms of payment shall be publicly available at a reasonable time after bid opening but in any event before vendor selection regardless of any designation to the contrary at the time of bid opening. For bids on construction contracts submitted in accordance with Section 3-02 (b)(2)([xix]xx)(K)(J) of these Rules, the sealed list of subcontractors submitted with the low bid shall be opened after such low bid has been announced and the names of the subcontractors shall be announced. The sealed lists of subcontractors submitted by all other bidders pursuant to Section 3-02 (b)([xix]xx)(2)(K)(J) of these Rules shall be returned to such bidders unopened after the contract award.

Section 5. Subparagraph (iii) of paragraph (3) of subdivision (m) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (iii) Mistakes Where Intended Correct Bid is Not Evident. Mistakes may not be corrected after bid opening. A bidder may be permitted to withdraw a [low] bid where a unilateral error or mistake has been discovered in the bid and the Contracting Officer makes the following determination, which shall be approved by the ACCO:
- (A) the mistake was known or made known to the agency prior to vendor selection or within three days after the opening of the bid, whichever period is shorter;
- (B) the price bid was based on an error of such magnitude that enforcement would be unconscionable;
- (C) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error;
- (D) the error in bid is actually due to an unintentional and substantial arithmetic error or unintentional omission of a substantial quantity of work, labor, material, goods, or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and
- (E) it is possible to place the City in the same condition that had existed prior to the receipt of the bid.

Upon the approval of the ACCO, the bid may be withdrawn, and the bid bond or other security returned to the bidder. If the bid was the low bid or the bid that represents best value, then [T]he contract shall either be awarded to the next lowest bidder or bidder that represents the next best value to the City, as appropriate, or resolicited pursuant to these Rules. Under no circumstances shall a bid be amended or revised to rectify the error or mistake.

Section 6. Subdivision (o) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (o) Bid Evaluation and Vendor Selection.
- (1) [Bidder]Vendor Selection.
- (i) Contracts for Construction. [General.] The responsible bidder whose bid meets the requirements and objectively measurable evaluation criteria set forth in the IFB, and whose bid price is the lowest responsive and responsible bid price or, if the IFB has so stated, the lowest responsive and responsible evaluated bid price, shall be selected for the contract. A bid shall not be evaluated for any requirement or criterion that is not disclosed in the IFB.
- (ii) Contracts for Purchase of Goods and Standard Services. Prior to the bid, the ACCO shall determine whether the goods or standard services shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible bidder whose bid represents the best value to the City. The responsive and responsible bidder whose bid meets the requirements and objectively measurable evaluation criteria set forth in the IFB, and whose bid price is the lowest, or whose bid represents the best value to the City by optimizing quality, cost and efficiency, shall be selected for the contract.
- (iii) If award will be made based on best value, best value may be determined by the ACCO, or the ACCO may convene a committee to make such determination. Any such committee shall consist of persons with knowledge, expertise and experience sufficient to make a fair and reasonable determination. As set forth below the ACCO, or the committee as the case may be, may determine best value by consideration of price together with other factors deemed relevant by the ACCO and set forth in the IFB. In making such determination the ACCO, or committee, shall consider the low responsive bid and the next low responsive bids that are within ten percent (10%) of the low responsive bid in price, or such higher percentage as approved by the CCPO either on an individual basis or by category or class. Such factors may include:
- (1) features of the offered product or service set forth in detailed specifications for the product offered;
- (2) warranties and or maintenance to be provided with the product or service;

(3) references, past performance and reliability, including reliability or durability of the product being offered and current or past experience with the provision of similar goods or services;

(4) organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;

(5) financial capability; and

(6) record of compliance with all federal, State and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws.

The ACCO, or committee, may consider any and all information related to such factors in determining best value and may require additional information to be submitted by the bidders with the bid, or alternatively, within up to thirty (30) days from the bid opening from all bidders whose bids are to be considered pursuant to in 3-02(o)(1)(iii). If a committee is used to evaluate the bids, then written evaluation forms shall be completed to record the evaluation of the bids and shall be signed and dated by all members of the committee.

(2) Negotiation with the apparent lowest responsive and responsible bidder or responsive and responsible bidder providing best value. Upon determination of the apparent lowest responsive and responsible bidder or responsive and responsible bidder providing best value, pursuant to 3-02(0)(1), and prior to award, the Contracting Officer may elect to open negotiations with the selected vendor in an effort to improve the bid to the City with respect to the price only if award will be made to the lowest responsive and responsible bidder, or if award will be made to the responsive and responsible bidder whose bid represents the best value to the City, with respect to any of the factors considered in determining best value. In the event the apparent [lowest responsive and responsible] winning bidder declines to negotiate, the Contracting Officer may elect to either award the contract to the apparent [lowest responsive and responsible] winning bidder or may, upon written approval by the ACCO, reject all bids in accordance with this section. The result of negotiations, if any, shall be documented in the Recommendation for Award.

(3) Award. Upon the determination of the [lowest responsive and responsible] apparent winning bidder pursuant to 3-02(o)(1), a Recommendation for Award shall be approved by the ACCO and the contract shall be awarded to that bidder. Where the award is based on best value to the City, the ACCO shall set forth in the Recommendation for Award the reasons that the bid represents the best value to the City and the factors considered by the agency.

Section 7. Paragraph (1) of subdivision (p) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (1) Definition. Low Tie Bids are low responsive bids from responsible bidders that are identical in price, meeting all the requirements and criteria set forth in the IFB when the selection of the winning bidder is based on price alone.

Section 8. Subdivisions (s) and (t) of section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York are amended to read as follows:

- (s) [Multi-Step Sealed Bidding]
- (1) Conditions for Use. Multi-step sealed bidding may be used when it is determined by the ACCO that it is impracticable to prepare specifications to support vendor selection based solely on price.
- (2) Evaluation.
- (i) Once the technical proposals have been evaluated, price bids from only those vendors whose technical proposals have been found acceptable shall be considered and evaluated.
- (ii) Price bids may be solicited at the same time as technical proposals, in separate sealed

envelopes, or after evaluation of technical proposals, only from those whose technical proposals have been found acceptable.

- (iii) Price bids shall not be opened until the technical evaluation is complete. Price bids from vendors whose technical proposals have been found unacceptable shall not be opened until after registration of the contract.

Selection of Other Than Lowest Bidder

- (t) Notification of Non-Responsiveness or Non-Responsibility. If the ACCO determines that [the lowest bidder] a bidder is either not responsible or not responsive, [the lowest] such bidder shall immediately be notified in writing of such determination and the reasons therefor, and the right to appeal the determination, if applicable. A copy of the notification shall be filed with the CCPO and Comptroller.

Section 8. Section 3-02 of Chapter 3 of Title 9 of the Rules of the City of New York is amended by adding a new subdivision (t) to read as follows:

- (t) Multiple Award Task Order or Purchase Order Contracts.

(1) Determination. Multiple award task order contracts for standard services or multiple award purchase order contracts for goods may be awarded 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. The criteria to be considered by the ACCO in making such determination may include the following: the nature of the goods or standard services to be procured; the expected frequency of task order or purchase order issuance; the capacity of vendors to provide all of the required services within the required timeframes; and the potential advantage of multiple contracts (e.g., more favorable terms; more competitive pricing, etc.).

- (2) Method.

- (i) Multiple awards may be made for contracts for goods or standard services, pursuant to competitive sealed bids where award is made based on price only, or based on best value pursuant to the criteria set forth in 3-02(o)(1), in conjunction with the procedures prescribed in this subdivision. The IFB shall also state the procedures and criteria to be used in selecting the vendor to perform on an individual task order or goods to be purchased pursuant to an individual purchase order. The agency may:
- select the vendor that represents the best value to the City for that particular task order or purchase order, as determined pursuant to 3-02(o), based on each vendor's bid, or,
 - the agency may solicit offers for each task order or purchase order from all awarded vendors. If the agency solicits offers for each task order or purchase order, each vendor shall receive each solicitation and have a reasonable opportunity to compete to provide the standard services or goods.

The agency may set forth an alternative method of assigning task orders or purchase orders if it is determined by the CCPO to be in the City's best interest and is set forth in the IFB. In the event that such alternative method is used for standard services, each selected vendor shall receive notice of assignment of each task order, regardless of whether each selected vendor received the solicitation for the task order.

- (ii) Price shall be the primary factor considered in making individual vendor selection decisions, and no task order shall be issued unless the ACCO determines that the proposed price is fair and reasonable. Prices set forth in a multiple award contract shall represent maximum prices that may be set forth in individual task orders issued to that vendor.

- (3) Duration. Unless otherwise approved by the CCPO, contracts awarded pursuant to this section shall have a total term including all renewals, of not more than five years. Task orders, or purchase orders may extend beyond the expiration of the contract term, in which event the terms and conditions of the contract shall continue to apply to the task order or purchase order until its termination or expiration. Task orders, or purchase orders, shall have a maximum term of three years or, if issued for a specific project, until the specific project is completed. Notwithstanding the above, a task order may be extended beyond or further extended beyond the expiration of the contract term, or beyond the expiration of the task order, with approval of the CCPO.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

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

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN Date: April 9, 2012
Acting Corporation Counsel

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro April 12, 2012
Mayor's Office of Operations Date

a27

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to authorizing the purchase of goods and standard services on the basis of best value through competitive sealed proposals.

Date / Time: June 4, 2012
3:00 P.M. - 5:00 P.M.

Location: 253 Broadway, 14th Floor Conference Room
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter the PPB hereby proposes to amend Chapter 3 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007
or electronically through NYC RULES at
www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 A.M. and 4:30 P.M. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

In light of the Best Value Law, the proposed amendments to this rule:

- set forth the rules governing the purchase of goods and standard services through competitive sealed proposals,
- require that all awards based on competitive sealed proposals will be made based on the best value to the City as defined in the State Finance Law.
- require the identity of all proposers for goods and standard services to be disclosed at the due date and time for the proposals as required by the amendments to GML §103. and
- allow the multiple award process to be used for the purchase of goods and standard services and set forth the process for how those awards will be made.

Finally the proposed amendments extend the contract length for multiple award task order contracts to 5 years, including renewals, which is a typical length of service contracts awarded by the City.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. Paragraph (1) of subdivision (a) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (1) statement that the contract award will be made to the responsible proposer whose proposal represents the best value to the City by optimizing quality, cost and efficiency and therefore is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP;

Section 2. Clause (B) of subparagraph (ii) of paragraph (1) of subdivision (d) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (B) Content. Such notice shall include:
- ((a)) agency name;
- ((b)) PIN;
- ((c)) title and/or brief description of the goods, services, or construction to be procured;
- ((d)) estimated quantity, if any;
- ((e)) how the solicitation documents may be obtained;
- ((f)) date and time by which, and the place where, proposals shall be submitted and, for goods and standard services, where the identity of all proposers will be disclosed;
- ((g)) required vendor qualifications or eligibility requirements, if any; and
- ((h)) identification of the citywide bidders list used.

Section 3. Paragraph (9) of subdivision (f) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (9) Receipt and Registration of Proposals. The identity of an offeror shall not be disclosed prior to the established date and time for receipt of proposals. Proposals shall not be opened publicly but shall be opened in the presence of two or more City employees. Proposals and modifications shall be time and date-stamped upon receipt and held in a secure place until the established due date and time. The agency shall disclose the identity of all proposers for goods and standard services on the due date and time of the proposals. After the date and time established for the receipt of proposals, a Register of Proposals shall be prepared and shall be open to public inspection after award of a contract. It shall include for all proposals the name of each offeror and the number of modifications received, if any.

Section 4. The first unnumbered paragraph of subdivision (g) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

(g) Evaluation Process. Award, if any, must be made to the responsible proposer whose proposal represents the best value to the City by optimizing quality, cost and efficiency and therefore is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP. In evaluating the proposals, the agency may consider only price and the criteria set forth in the RFP. In considering price, the agency may use methods such as ranking technically viable proposals by price, evaluating price per technical point, or evaluating proposals in accordance with another combination of price and technical merit. Such methods may result in the agency selecting the highest technically rated proposer over another technically qualified proposer who offered a lower fee as a result of factors including, but not limited to, the selected vendor's superior technical skill and expertise, increased likelihood of timely completion, and/or ability to manage several projects simultaneously with lower overall costs to the City, including costs in City personnel time and consultants. However, for construction-related consulting services, including those procured through multiple award task orders, the agency shall rank proposers by technical merit, and then consider price by negotiating a fair and reasonable price with the highest technically ranked proposer(s). Other methods for considering price, including using fee curves based on market-derived data with appropriate consideration of complexity, or evaluating proposals in accordance with another combination of price and technical merit, may be used for construction-related consulting services only with the written approval of the CCPO.

Section 5. Subdivision (j) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (j) Multiple Award Task Order Contracts.
- (1) Determination. Multiple award task order contracts for goods or services may be awarded upon a determination by the ACCO that it is in the best interest of the City to award multiple contracts for services to multiple contractors and to allocate work among such contractors through a task order system. If an agency intends such contracts to be available for use by other City agencies, the provisions of Section 3-14 (Contracts for Services) shall also apply. The criteria to be considered by the ACCO in making such determination may include the following: the nature of the services to be procured; the expected frequency of task order issuance; the capacity of vendors to provide all of the required services within the required timeframes; and the potential advantage of multiple contracts (e.g., more favorable terms; more competitive pricing, etc.).
- (2) Method.
- (i) Multiple awards may be made for contracts for goods or services, pursuant to requests for proposals, in conjunction with the procedures prescribed in this subdivision. Such request for proposals, and the subsequent contracts, shall state the procedures and criteria to be used in selecting the vendor to perform on an individual task order for services or purchase order for goods.
- (A) For services other than standard services, [S]such procedures and criteria shall provide that each vendor shall receive each solicitation and have a reasonable opportunity to compete to provide the services, unless an alternative method of assigning task orders, as set forth below, is determined by the CCPO to be in the City's best interest and is set forth in the request for proposals and the contract. In the event that such alternative method is used, each selected vendor shall receive notice of assignment of each task order, regardless of whether each selected vendor received the solicitation for the task order.
- (B) For goods and standard services, the agency may:
- ((a) select the vendor that represents the best value to the City for that particular task order or purchase order, based on each vendor's contract, or,
- ((b) solicit offers for each task order or purchase order from all awarded vendors. If the agency solicits offers for each task order or purchase order, each vendor shall receive each solicitation and have a reasonable

opportunity to compete to provide the standard services or goods.

The agency may set forth an alternative method of assigning task orders or purchase orders if it is determined by the CCPO to be in the City's best interest and is set forth in the request for proposals and the contract.

- (ii) The following list constitutes acceptable alternative methods of assigning task orders:
- (A) rotation, or other non-discretionary method of assignment, including where assignment pursuant to such method may be varied based on stated criteria (e.g., capacity or past performance);
- (B) assignment to or competition among particular vendor(s) with technical expertise particularly suited to the task order;
- (C) assignment to a particular vendor based on a vendor's particular geographic location, experience or knowledge; and,
- (D) assignment to a particular vendor based on the agency's need to distribute task orders among vendors.
- (iii) Each vendor shall be required to respond to every solicitation for an individual task order or purchase order for which it is solicited. The ACCO may determine that a vendor is in default if it fails to bid without an adequate explanation for such failure.
- (iv) Price shall be among the criteria considered in making individual vendor selection decisions, and no task order shall be issued unless the ACCO determines that the proposed price is fair and reasonable. Prices set forth in a multiple award contract shall represent maximum prices that may be set forth in individual task orders issued to that vendor.

- (3) Duration. Unless otherwise approved by the CCPO, contracts awarded pursuant to this section shall have an initial term, or a total term including all renewals, of not more than [three] five years. Task orders or purchase orders may extend beyond the expiration of the contract term, in which event the terms and conditions of the contract shall continue to apply to the task order until its termination or expiration. Task orders or purchase orders shall have a maximum term of three years or, if issued for a specific project, until the specific project is completed. Notwithstanding the above, a task order or purchase order may be extended beyond or further extended beyond the expiration of the contract term, or beyond the expiration of the task order or purchase order, with approval of the CCPO [shall be required prior to extension of a task order beyond the expiration of the contract term, and for any further extensions of that task order].

Section 6. The first unnumbered paragraph of subdivision (k) of section 3-03 of Chapter 3 of Title 9 of the Rules of the City of New York is amended to read as follows:

- (k) Vendor Selection and Documentation. The ACCO shall make a determination showing the basis on which the contract award was made to the responsible proposer whose proposal was determined to represent the best value to the City and therefore to be the most advantageous to the City, taking into consideration the price and such other factors or criteria that are set forth in the RFP. This determination shall be included in a Recommendation of Award. Each Recommendation for Award shall include at a minimum the following information:

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Best Value Rules

REFERENCE NUMBER: 2011 RG 021

RULEMAKING AGENCY: Procurement Policy Board

I certify that this office has reviewed the above-referenced

proposed rules as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rules:

- (i) are drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) are not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, are narrowly drawn to achieve their stated purposes; and
- (iv) to the extent practicable and appropriate, contain statements of basis and purpose that provide a clear explanation of the rules and the requirements imposed by the rules.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 9, 2012

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

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

RULE TITLE: Best Value Rules

REFERENCE NUMBER: MOCS-4-5-6-7-8-9

RULEMAKING AGENCY: MOCS

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

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

/s/ Francisco Navarro
Mayor's Office of Operations

April 12, 2012
Date

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TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") promulgates rules changing the Taxicab Driver's Rules to create rules for operation of Street Hail Liveries.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of New York State.

On April 19, 2011, a public hearing was held by the TLC at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York and these rules were approved at the hearing on April 19. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The rule changes are organized as follows:

1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on *Street Hail Livery Service* outlining licensing, service and vehicle requirements
4. Amendments to *Medallion Taxicab Drivers* (Chapter 54) to incorporate requirements for

5. drivers of Street Hail Liveries
New chapter on *Technology Vendors* creating a new licensee type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being to implement the program.

Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149th Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
 - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to over-charging.
 - **Safety and Security:** Licensed livery vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.
 - **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
 - **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

Purpose of Rules

The legislation enacted in Albany, which these rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

Vehicle Requirements. Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)
4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

Accessibility. The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries

will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

Driver Requirements. To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

Service Requirements. To ensure that the public receives good customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

Service Options. Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

Enforcement. To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails, these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

Base Requirements. State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmitting the 50 cent MTA surcharge on each hail ride to the MTA.

Technology Vendor Requirements. State legislation authorizes the TLC to license vendors of credit card and customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology—while maintaining TLC oversight and quality control—these rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

Rule Governing Driver Requirements

The Commission proposes these rules to implement the legislation authorizing Street Hail Liveries. The rule governing driver requirements amends Chapter 54, *Medallion Taxicab Drivers*, to provide special requirements that will apply only to drivers of Street Hail Livery Vehicles. State Legislation grants TLC the authority to designate who is eligible to drive a Street Hail Livery Vehicle. This rule sets forth TLC's driver eligibility requirements and driver responsibilities while operating a Street Hail Livery. Specifically, the rule provides the following:

- Eligibility requirements for driving a Street Hail Livery:
 - Taxicab Drivers are authorized to drive Street Hail Liveries
 - Paratransit Drivers are authorized to

- drive Accessible Street Hail Liveries
- For-Hire Drivers are authorized to drive Street Hail Liveries for a limited period.

- Wheelchair passenger assistance training, for certain drivers of Accessible Street Hail Liveries.
- Conduct requirements for Street Hail Livery Drivers.
- Restrictions on Street Hail Livery operation.
- Fare requirements for trips in Street Hail Liveries that are begun when a driver accepts a hail from a passenger in the street (a Hail Trip), including requirement of MTA surcharge of 50 cents per Hail Trip.
- Requirements for and limitations on prearranged trips provided by Street Hail Liveries.
- Restrictions on passenger solicitation and engagement.
- Requirements for vehicle operation and maintenance.
- Requirement for Street Hail Livery Drivers to maintain accurate prearranged trip and Hail Trip records, including requirements for recording Hail Trips and prearranged trips in the Street Hail Livery Technology System ("LPEP")¹.
- Requirements for Street Hail Livery Drivers to accurately use and keep in good working order the meter, the LPEP and the roof light, and prohibitions on tampering with this equipment.

¹ "LPEP" is an acronym for Livery Passenger Enhancements Program and the short form term for Street Hail Livery Technology System.

In addition, this rule makes some changes to existing requirements for Taxicab Drivers, principally in terms of passenger solicitation, to better align the rules with actual conditions of operation and also to correct penalties to better align them with other Chapters of these Rules.

Section 1. The definition of Taxicab Driver's License in Section 51-03(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

Taxicab Driver's License means the authority granted by the Commission to an individual to drive a Taxicab in the City of New York and includes the authority to drive a Street Hail Livery

Section 2. The title of Chapter 54 of Title 35 of the Rules of the City of New York is amended to read as follows:

[Medallion Taxicab] Drivers of Taxicabs and Street Hail Liveries

Section 3. Section 54-02 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (f) and (g) to read as follows;

(f) Livery Drivers operating Street Hail Liveries (i) When a For-Hire Driver is driving a Street Hail Livery, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such For-Hire Drivers driving Street Hail Liveries, even if such drivers are not Taxicab Drivers. (ii) A For-Hire Driver can be issued a summons for a violation of the requirements of this Chapter relating to the operation of a Street Hail Livery during the Livery Driver Authorization Period just as if the Driver was a Taxicab Driver licensed under this Chapter. It will not be a defense to any such summons that the driver is not licensed as a Taxicab Driver.

(g) Paratransit Drivers operating Accessible Street Hail Liveries.

(i) When a Paratransit Driver is operating an Accessible Street Hail Livery, as provided in section 54-04.1 of this chapter, the requirements of this Chapter as to the operation of a Street Hail Livery apply to such Paratransit Drivers driving Accessible Street Hail Liveries even if such drivers are not Taxicab Drivers.

(ii) A Paratransit Driver can be issued a summons for a violation of the requirements of this Chapter relating to the operation of a Street Hail Livery just as if the Driver was a Taxicab Driver licensed under this Chapter. It will not be a defense to any such summons that the driver is not licensed as a Taxicab Driver.

Section 4 Section 54-03(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *General Terms are Specific to "Taxicabs" in this Chapter.*

(i) When used in this Chapter, capitalized terms such as Driver, Vehicle, License, etc., will mean Taxicab Driver, Taxicab Vehicle, Taxicab Driver's License, etc. Vehicle, when used in this Chapter, can mean either a Taxicab or a Street Hail Livery. When the use of the word Driver in this Chapter refers to a Driver of a Street Hail Livery, the term will mean any driver authorized to drive a Street Hail Livery, as provided in this Chapter, including a For-Hire Driver.

(ii) The term Driver can mean a Paratransit Driver operating an Accessible Street Hail Livery. The requirements of this Chapter applicable to Taxicab Drivers will also apply to Paratransit Drivers when such drivers are driving Street Hail Liveries.

(iii) During the Livery Driver Authorization Period, the term Driver, when applied to a person driving Street Hail Livery, can also mean a licensed For-Hire Driver.

(iv) During the Livery Driver Authorization Period, the requirements of this Chapter applicable to Taxicab Drivers will also apply to For-Hire Drivers when such drivers are driving Street Hail Liveries.

Section 5. The chart of mandatory penalties set forth in section 54-02(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

VIOLATION Description	Rule	Mandatory Penalty/Fine - ALL
1. Overcharging Passengers	§54-17(a)(1) & (2), 54-17(i)	First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.
2. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties	§54-20(a)(1)	Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing;
3. Refusal of service – Requiring assistant for disabled Passengers, or seeking to charge additional fares for such an assistant	§54-20(a)(2)	\$1,000 and possible suspension of License for up to 30 days if found guilty following a hearing.
4. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for disabled Passengers	§54-20(a)(3)	Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.
5. Refusal of service – Seeking destination before Passenger is seated inside vehicle	§54-20(a)(4)	

Section 6. Section 54-03(c) (10) of Title 35 of the Rules of the City of New York is amended to read as follows:

(10) *MTA Tax* is the 50 cent tax on taxicab and certain Street Hail Livery trips imposed by Article 29-A of the NYS Tax Law.

Section 7. Section 54-03(c) of Title 35 of the Rules of the City of New York is amended by renumbering paragraphs (17) and (18) as paragraphs (18) and (19) and adding a new paragraph (17), to read as follows:

(17) *Use an Electronic Communication Device (or Using an Electronic Communication Device)*, in this Chapter, means to

- (1) Operate any function of an Electronic Communication Device in any way, or
- (2) Have a device permitting hands-free operation of an Electronic Communication Device in or near the ear.
- (3) *Exception: In a Street Hail Livery, a short business-related communication with a Base is NOT a Use of an Electronic Communication Device if all of the following apply:*
 - (i) The communication is about a Dispatch; and
 - (ii) The communication occurs using either an FCC-licensed commercial two-way radio or a device, including a smart phone, which is mounted in a fixed position and not hand-held; and
 - (iii) The communication occurs using either voice or one-touch pre-programmed buttons or keys.

Section 8. Section 54-04(n) of Title 35 of the Rules of the City of New York is amended to read as follows:

(n) *Wheelchair Passenger Assistance Training.*

- (1) *Training Must be Approved by Commission.* In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance (*Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery.*).
- (2) *Requirements of the Course.* Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
 - (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
 - (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures
 - (iii) Training with an actual person using a wheelchair
 - (iv) Sensitivity awareness, including customer service and conflict resolution policies.
- (3) *Proof of Completion Required.* No Driver may operate an Accessible Taxicab or an Accessible Street Hail Livery unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above. (*Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery.*).
- (4) *Proof must be Kept in Vehicle.* Each Driver subject to the requirement of this subdivision must keep a copy of the certificate of completion in the Accessible Taxicab or Accessible Street Hail Livery and available for inspection.

§54-04(n) (3)-(4) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing Appearance NOT Required

Section 9. Chapter 54 of Title 35 of the Rules of the City of New York is amended to add new sections 54-04.1 and 54-04.2 to read as follows:

§54-04.1 Licensing—Authorization to drive a Street Hail Livery

The following are authorized to drive a Street Hail Livery for hire, subject to the provisions and requirements of this chapter, including that they meet the eligibility requirements of this Chapter and that they comply with all requirements in this Chapter while operating a Street Hail Livery:

- (a) The holder of a Valid Taxicab Driver's License.
- (b) The holder of a Valid Paratransit Driver's License, BUT
 - (1) The holder of a Valid Paratransit Driver's License is authorized ONLY to drive an Accessible Street Hail Livery and
 - (2) The holder of a Valid Paratransit Driver's License must comply with all requirements of this Chapter while operating an Accessible Street Hail Livery.

§54-04.2 Licensing—FHV Driver Authorization to drive a Street Hail Livery

- (a) The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery subject to all the requirements of this Section.
- (b) (Reserved)
- (c) The holder of a Valid For-Hire Driver's License must comply with all requirements of this Chapter while operating a Street Hail Livery
- (d) To drive an Accessible Street Hail Livery the holder of the Valid For-Hire Driver's License must complete all additional authorization requirements contained in Section 54-04.2(e) of these Rules
- (e) *Additional Requirements for Drivers of Accessible Street Hail Liveries*
 - (i) A Driver seeking to use his or her For-Hire Driver's License to drive an Accessible Street Hail Livery must by January 2, 2013 complete and pass a course in passenger assistance training as provided in section 54-04(n) of this chapter.
 - (ii) *Proof of Completion Required.* After January 2, 2013, a For-Hire Driver must not operate an Accessible Street Hail Livery unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above.

§54-04.2(e) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED

Section 10. Section 54-10(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Restrictions on License.* A Driver must comply with all restrictions upon his or her [Taxicab Driver's] Chauffeur's License

Section 11. Section 54-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Driver Must Have Valid Taxicab Driver's License.* A driver must not operate a Taxicab or Street Hail Livery in the City of New York while his or her Taxicab Driver's License is revoked, suspended or expired. A Paratransit Driver must not operate an Accessible Street Hail Livery in the City of New York while his or her Paratransit Driver's License is revoked, suspended, or expired. During the Livery Driver Authorization Period, a For-Hire Driver must not operate a Street Hail Livery while his or her FHV Driver's License is revoked, suspended or expired.

§54-11(a) Fine: \$400 and Summary Suspension until compliance. Appearance NOT REQUIRED

- (b) *Driver Must Have Valid Chauffeur's License.*

- (1) A Driver must not operate a Taxicab or Street Hail Livery without a Valid Chauffeur's License.
- §54-11(b)(1) Fine: \$400 and Summary Suspension until compliance Points: 2 Appearance NOT REQUIRED
- (2) A driver must immediately surrender his or her Taxicab Driver's License to the Commission upon the suspension or revocation of his or her Chauffeur's License.

§54-11(b)(2) Fine: \$100 Points: 1 Appearance NOT REQUIRED

- (c) *Vehicle Must Be Licensed.* A Driver must not knowingly operate a Taxicab or Street Hail Livery for hire unless that vehicle is licensed by the Commission and the License is Valid.

§54-11(c) Fine: \$25-\$350 and/or suspension up to 30 days Summary Suspension until compliance Points: 3 Appearance REQUIRED

- (d) *No Unauthorized Use of Taxicab Driver's License.* A

Driver must not permit any other person to use the Driver's Taxicab Driver's License while operating any vehicle.

§54-11(d) Fine: \$10,000 and revocation Appearance REQUIRED

- (e) *No Unlicensed Use of Taxicab or Street Hail Livery.*

- (1)
 - (i) A Driver must not permit the Taxicab to be operated for hire by a person who does not have a Valid Taxicab Driver's License.

- (ii) A Driver must not permit a Street Hail Livery to be operated for hire by a person who is not authorized to drive a Street Hail Livery

§54-11(e)(1) Fine: \$100-\$300 and/or suspension up to 30 days Appearance REQUIRED

- (2) During the work shift a Driver must not allow another person to operate the Taxicab or Street Hail Livery or occupy the Driver's seat, except in the event of an emergency.

§54-11(e)(2) Fine: \$50 Appearance NOT REQUIRED

- (f) *Street Hail Livery Operation.*

- (1) A Driver of a Street Hail Livery can accept passengers by hail from the street only in the Hail Zone

- (2) A Driver of a Street Hail Livery must not accept a passenger by hail in the Hail Exclusionary Zone.

§54-11(f) Fine: \$500 for the first violation; \$750 for the second violation in 24 months; Revocation for third violation in 120 months Appearance REQUIRED

- (3) A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Pre-Arranged Exclusionary Zone.

§54-11(f)(3) Fine: \$500 Appearance REQUIRED

Section 12. Section 54-12(i)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) A driver must remove all currency from the [Taxicab's] Vehicle's interior prior to its examination by any Commission personnel.

Section 13. Section 54-12(k) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (k) *No use of [Taxicab] Vehicle for Unlawful Purpose.* A Driver must not use or permit any other person to use his [Taxicab] or her Vehicle for any unlawful purpose.

Section 14. The first unnumbered paragraph of section 54-13(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Comply with Traffic Laws.* Taxicab Drivers (and any authorized Driver of a Street Hail Livery, while driving a Street Hail Livery) must comply with all applicable traffic laws, rules, and regulations. Taxicab Drivers (and any authorized Driver of a Street Hail Livery, while driving a Street Hail Livery) are subject to additional fines and penalties that will be imposed by the Commission for violating the traffic laws as follows:

Section 15. Section 54-12(l) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) *Report Attempt to Use [Taxicab] Vehicle for Unlawful Purpose.* A Driver must report immediately to the police any attempt to use his [Taxicab] or her Vehicle to commit a crime or escape from the scene of a crime.

Section 16. Section 54-13(a)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (4) *Report Before Leaving Scene.* A Driver who knows [or should have known] that a traffic accident involving the Driver's [Taxicab] Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

- (i) Show his or her Chauffeur's License, Taxicab Driver's License (or, as applicable, For-Hire Driver's License or Paratransit Driver's License), and Rate Card to the other party involved in the incident.

- (ii) Give the other involved party or the police his or her name, Chauffeur's License number, Taxicab Driver's License (or, as applicable, For-Hire Driver's License or Paratransit Driver's License) number, and Taxicab Medallion number or Street Hail Livery License number, as well as the name of the [Taxicab's] Vehicle's insurance carrier and the insurance policy number.

Section 17. Section 54-13(a)(5) of Title 35 of the Rules of the

City of New York is amended to read as follows:

- (5) Notify [Taxicab] Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab or the Street Hail Livery Licensee.

Section 18. The heading of Section 54-13(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) MTA Tax: Taxicab Rides.

Section 19. Section 54-13 of Title 35 of the Rules of the City of New York is amended by adding new paragraph (d) to read as follows:

- (d) MTA Tax: Street Hail Livery Hail Rides.

(1) The MTA Tax must be charged on any trip in a Street Hail Livery that starts by the vehicle accepting a hail from a person in the street, which trip starts in New York City and ends in any of the following:

- (1) New York City.
- (2) Dutchess County.
- (3) Nassau County.
- (4) Orange County.
- (5) Putnam County.
- (6) Rockland County.
- (7) Suffolk County.
- (8) Westchester County.

(2) A Driver must pay the Street Hail Livery Base with which the Street Hail Livery is affiliated the MTA Tax collected for each trip for which the MTA Tax is due.

Section 20. Section 54-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

§ 54-14 Operations – Passenger and Driver Safety

(a) Reckless Driving Rule. A Driver must not operate his or her [Taxicab] Vehicle in a manner that would violate section 1212 of the NYS Vehicle and Traffic Law [or at a speed unreasonably endangers users of other vehicles, pedestrians, or the Passengers].

§54-14(a) Fine: \$350-\$1,000 and/or suspension up to 30 days, or revocation if Driver is found guilty of having violated this rule more than three times within an 18-month period
Points: 4
Appearance REQUIRED

(b) Driving While Impaired.

- (1) A Driver must not operate a [Taxicab] Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.
- (2) A Driver must not drive or occupy his or her [Taxicab] Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any Drugs.

§54-14(b) Fine: Revocation Appearance REQUIRED

(c) Drug Testing.

- (1) Drug Testing for Cause. If the Commission has a reasonable suspicion that a Driver has used a Drug that makes him or her unfit to operate a [Taxicab] Vehicle safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

§54-14(c)(1) Fine: Suspension until compliance or revocation of license Appearance NOT REQUIRED

(2) Annual Drug Testing.

- (i) All Drivers except (1) Drivers who are City of New York Police Officers or (2) Paratransit Drivers, must be tested annually, at the Driver's expense, for Drugs in order to retain Valid Licenses.
- (ii) The drug testing must be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (iii) For Drivers in the first year of a two-year License, the testing must occur no sooner than 30 days before the one-year anniversary date of the License, and not after the one-year anniversary date.

§54-14(c)(2)(iii) Fine: Summary Suspension until compliance. [n/a] Appearance NOT REQUIRED
(iv) F o [If testing occurs after the one-year anniversary date, but within 30 days after that date, there will be a \$200 penalty for reinstatement] \$200 if compliance is more than 30 days after the deadline
(iv) F d For Drivers in the second year of a two-year License, the annual drug testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.

(iv) For Drivers in the second year of a two-year License, the annual drug testing must occur no sooner than 30 days before the License expiration date, and in no case after the expiration date.

§54-14(c)(2)(iv) If the Driver fails to be tested within this time period, his or her License will expire and will not be renewed [n/a] Appearance NOT REQUIRED

- (3) Results of Drug Test. Driver must pass every drug test, including "For Cause" drug tests under §54-14(c)(1) and "Annual" drug tests under §54-14(c)(2). If the results of either test are positive, or if the sample cannot be tested, the Driver's License can be revoked after a hearing.

§54-14 (c)(3) Fine: Suspension or revocation of license Appearance REQUIRED

(d) Limits on Consecutive Hours of Driving. A Driver must not operate a [Taxicab] Vehicle for more than 12 consecutive hours.

§54-14(d) Fine: \$25 Appearance NOT REQUIRED
Point: 1

(e) Use of Electronic Communication Device.

- (1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

§54-14(e)(1) Fine: \$250 if plead guilty before a hearing; \$350 if found guilty following a hearing, and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended. Appearance NOT REQUIRED

Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.

- (2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule must complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

- (3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report; and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 21. Section 54-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) No Weapons. While operating a Taxicab or Street Hail Livery, a Driver must not have a Weapon or any other instrument intended to be used as a weapon in his or her possession or in the vehicle without the written permission of the Chairperson.

§54-15(a) Fine: Revocation Appearance REQUIRED

(b) Driver Neat & Clean. A Driver must be clean and neat in dress and person and present a professional appearance.

§54-15(b) Fine: \$25 Appearance NOT REQUIRED

(c) No Smoking. A Driver must not smoke in a Taxicab or Street Hail Livery.

§54-15(c) Fine: \$150 Appearance REQUIRED

(d) Locking [Taxicab] Vehicle Doors.

- (1) While on duty, a Driver must not lock either of the rear doors except with the consent or at the request of a Passenger or for a reason specified in these rules.
- (2) A Driver is permitted to lock the front doors. However, a Driver must not refuse to transport a party of four, where one person must occupy the front seat, because the front doors are locked.

§54-15(d) Fine: \$300 if plead guilty before a hearing; \$400 and/or suspension up to 30 days if found guilty following a hearing. Appearance REQUIRED
Points: 2

(e) (Reserved).

(f) E-ZPass® Rules

- (1) A Driver must not operate a [Taxicab] Vehicle for hire that is not equipped with an E-ZPass® tag.
- (2) The Driver must use E-ZPass® at all crossings within the jurisdiction of the Metropolitan Transportation Authority, Triboro Bridge and Tunnel Authority, and wherever else E-ZPass® is accepted and must charge the Passenger for the E-ZPass® toll rate.
- (3) Drivers may use personal E-ZPass® tags to meet this requirement.

§54-15(f)(1)-(3) Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. Appearance NOT REQUIRED

- (4) A Driver must forward all tolls paid by the Passengers to the holder of the E-ZPass® tag at the end of his or her shift or lease period.

- (5) If Driver has been required to establish a replenishment account, as described in §58-27(d)(2) of the Taxicab Owners chapter, the Driver must maintain the required balance in the account.

§54-15(f)(4)-(5) Fine: \$50 plus restitution to the E-ZPass® tag holder of any amount not reimbursed, and suspension until compliance Appearance REQUIRED

(g) Overloading Vehicle. A Driver must not permit more than four Passengers to ride in a four-Passenger [Taxicab] Vehicle, nor more than five Passengers in a five-Passenger [Taxicab] Vehicle, except that an additional Passenger must be accepted if the Passenger is under the age of seven (7) and is held on the lap of an adult Passenger seated in the rear. A Driver must not permit a Street Hail Livery to be overloaded or to carry more passengers than the Vehicle is equipped to seat based on the NYS DMV registration of the Vehicle.

§54-15(g) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(h) Use of Front Seat.

- (1) A Passenger who is unable to enter or ride in the rear seat of the [Taxicab] Vehicle must be permitted to occupy the front Passenger seat.
- (2) If a Passenger's luggage, wheelchair, crutches, other mobility aid or other property occupies the rear seats of the [Taxicab] Vehicle, a Passenger must be permitted to occupy the front Passenger seat.

§54-15(h) Fine: \$75 for a violation involving a person; \$25 for a violation involving luggage Appearance NOT REQUIRED

(i) No Property-Only Transport. A Driver must not transport property, except blood or vital human organs, unless such property is in the possession of a Passenger.

§54-15(i) Fine: \$100 Appearance NOT REQUIRED

(j) No Marketing to Passengers. A Driver must not sell, advertise or recommend any service or merchandise to any Passenger without prior written Commission approval. Exception: A Driver of a Street Hail Livery can promote the services offered by the vehicle's affiliated Base.

§54-15(j) Fine: \$50-\$350 and/or suspension up to 30 days. Appearance REQUIRED

(k) Proper Driver Authorization (not applicable to Street Hail Liveries).

- (1) A Driver must not operate a Taxicab unless either:
 - (i) The Driver's name has been entered onto the Rate Card by

the Commission and, if the Driver is leasing the Taxicab, the Lease has not yet expired; or

(ii) The term "Unspecified Drivers" has been entered onto the Rate Card by the Commission.

§54-15(k)(1) Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days. Appearance REQUIRED
Points: 1

(2) A Driver who is leasing a Taxicab must not sublease the Taxicab.

§54-15(k)(2) Fine: \$100-\$350; for the third or subsequent violation within 36 months, the license may also be suspended for up to 30 days. Appearance REQUIRED

(l) *Courtesy.* A Driver must be courteous to passengers.

§54-15(l) Fine: \$200 if plead guilty before a hearing; \$300 if found guilty following a hearing. Appearance NOT REQUIRED
Points: 2

(m) *Off Duty Procedures for a Taxicab.*

(1) When the Taxicab is operated for personal use, "Personal Use—Off Duty" must be keyed into T-PEP (or made on the written Trip Record), and the "Off Duty" light must be turned on.

§54-15(m)(1) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(2) A Driver must turn on the "Off Duty" light only by use of a manually operated switch on the Taxicab dashboard

§54-15(m)(2) Fine: \$75 Appearance NOT REQUIRED

(n) *Off Duty procedures for a Street Hail Livery*

(1) When the Street Hail Livery is operated for personal use, the designated off duty button on the taximeter must be entered and "Personal Use—Off Duty" must be keyed into LPEP (or made on the written Trip Record).

§54-15(n)(1) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(o) *Street Hail Liveries: Roof Light signaling availability*

(1) The roof light on a Street Hail Livery must be on when the Vehicle is available to accept a passenger.

(2) The roof light on a Street Hail Livery must be off when

A. There is a passenger in the Vehicle.

B. The Vehicle is on the way to begin a Pre-Arranged Trip.

C. The Driver is Off Duty.

§54-15(o) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

Section 22. Section 54-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Request for Specific Route.* The Driver must comply with all reasonable and lawful routing requests of the Passenger. Unless a Passenger makes a specific request, a Driver must proceed to the Passenger's destination by the shortest reasonable route. This is also true for a Hail Trip in a Street Hail Livery (although it is not true for a Pre-Arranged Trip in a Street Hail Livery).

§54-16(a) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(b) *Requests to Change Destination.* Passengers may ask the Taxi Driver or Street Hail Livery Driver on a Hail Trip to change their destination or end their ride during their trip. Drivers must comply with these requests unless it is impossible or unsafe. The Passenger will pay the amount shown on the Taximeter or information monitor when the trip ends. For a Pre-Arranged Trip in a Street Hail Livery a request to change or terminate the trip can result in a different fare or, for a trip which terminates early, the complete fare quoted.

§54-16(b) Fine: \$50-\$200 Appearance REQUIRED
Points: 2.

(c) *Request to Load Luggage.* Upon the request of a Passenger, the Driver must load or unload a Passenger's luggage, wheelchair, crutches or other property into or out of the [Taxicab's] Vehicle's interior or trunk compartment, and must securely

close the door or trunk compartment.

§54-16(c) Fine: \$50 Appearance NOT REQUIRED

(d) *Passenger Receipt.* A Driver must [give] offer a Passenger a receipt for payment of the fare at the end of the trip. The receipt must state the date, time, Medallion or Street Hail Livery license number, fare paid, extras and the "311" Commission Complaint telephone number.

§54-16(d) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED
Points: 1.

(e) *Request to Adjust Audio.*

(i) At the request of a Passenger, the Driver must adjust the volume or turn on or off any audio or video equipment within his or her control. Passengers are also entitled to select what is played on any audio or video equipment in the [Taxicab] Vehicle.

(ii) Whether or not there is a Passenger in the [Taxicab] Vehicle, an audio or video device can only be played at a normal volume and must not violate NYC noise regulations.

§54-16(e) Fine: \$25 Appearance NOT REQUIRED

(f) *Request to Adjust Air Conditioning/Heat.* At the request of a Passenger, the Driver must turn the air conditioning or heating equipment on or off.

§54-16(f) Fine: \$25 Appearance NOT REQUIRED

(g) *Other Reasonable Passenger Requests.* A Driver must comply with all the reasonable requests of a Passenger, including but not limited to giving his or her name, Taxicab Driver's License number (or the FHV Driver's License number or Paratransit Driver's License Number as applicable) and the Medallion or Street Hail Livery license number.

§54-16(g) Fine: \$50-\$200 Appearance REQUIRED
Points: 2

Section 23. Section 54-17(a)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) A Driver must not charge or attempt to charge a fare above the Commission-approved rates. This includes a fare in a Street Hail Livery for a Hail Trip.

Section 24. Section 54-17(a)(3) of Title 35 of the Rules of the City of New York is amended to read as follows:

3. A Driver must not collect or attempt to collect separate fares from individual Passengers who have shared a Taxicab or Street Hail Livery for part or all of a trip unless such fares are specifically authorized as part of a Group Riding program established by the Commission.

Section 25. Section 54-17(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Non-Paying Customers.* If a Passenger refuses to pay the metered fare, the Driver must place the meter in the off or "Vacant" position, illuminate the "Off Duty" light if driving a Taxicab and, if driving a Street Hail Livery, must enter off duty into the taximeter, and:

(1) Record the amount of fare on the Taximeter onto the Trip Record through the Taxicab Technology System (or LPEP if applicable), or onto the written Trip Record if the T-PEP (or LPEP) is not working, and

(2) Proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

Section 26. Sections 54-17(e) and (f) of Title 35 of the Rules of the City of New York are amended to read as follows:

(e) *Must Accept Credit / Debit Card Payment*

(1) (i) All Taxicabs are required to be equipped with T-PEP and Drivers must accept a Passenger's choice to pay by credit/debit card.

(ii) All Street Hail Liveries are required to be equipped with LPEP and Drivers must accept a Passenger's choice to pay by credit/debit card.

(iii) Drivers of Street Hail Liveries in vehicles using a non-fixed one device solution to accept credit/debit card payments are prohibited from taking the Passenger's credit/debit card. A Driver in such a vehicle must pass the one device solution to the Passenger to allow the Passenger to swipe his or her own card.

§54-17(e)(1) Fine: \$100 Appearance REQUIRED

(2) A Driver must not pick up or transport a passenger when the system is incapable of accepting or processing credit or debit card transactions, unless prior to engaging

the Taximeter, the Driver advises the passenger that he/she will not be able to use a credit or debit card for payment

(3) If a customer's effort to pay by debit/credit card at the end of the trip is prevented not by the Taxicab's T-PEP system (or the Street Hail Livery's LPEP system), but because the communication network is unable to process debit/credit card payments at that time, the Driver must offer the customer the option of either:

(i) Paying cash or

(ii) Having the [Taxicab] Driver continue to a location where the wireless payment system can communicate with its network.

§54-17(e)(2)-(3) Fine: \$200 if plead guilty before a hearing; \$300 and/or suspension up to 30 days if found guilty following a hearing. Appearance NOT REQUIRED
Points: 1

(f) *No Mark-up for Credit Payment.* A Driver must not charge any additional fee (mark-up) to any Passenger for credit/debit card transactions for any Trip in a Taxicab or for any Hail Trip in a Street Hail Livery.

§54-17(f) Fine: Appearance REQUIRED
First violation: \$200
Second violation: \$300
Third violation: \$500
In addition to the penalty payable to the Commission, the administrative law judge may order the Driver to pay restitution to the Passenger, equal to the excess amount that was charged to the Passenger.

Section 27. Section 54-17(g)(2)(iii) and (iv) of Title 35 of the Rules of the City of New York are amended to read as follows:

(iii) The rate of fare will be the amount shown on the Taximeter for the portion of the trip within the City, plus twice the amount shown on the Taximeter for the portion of the trip outside City Limits (See Chapter 58, §58-26(d)(2) for Taxicabs and Chapter 82, §82-26(d)(2) for Street Hail Liveries).

(iv) The Driver must tell the Passenger when the [Taxicab] Vehicle crosses the City limits so that the Passenger can check the reading on the Taximeter at that time.

Section 28. Section 54-17(g)(3)(iii) of Title 35 of the rules of the City of New York is amended to read as follows:

(iii) The rate of fare will be the amount shown on the Taximeter plus a surcharge of \$15 (See Chapter 58, §58-26(d)(3) for Taxicabs and Chapter 82, §82-26(d)(3) for Street Hail Liveries).

Section 29. Section 54-17(g)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) For all out-of-City trips, the Driver must record the charges and the out-of-city destination on the written Trip Record, if T-PEP or LPEP is not working.

Section 30. Section 54-17(h) of Title 35 of the Rules of the City of New York is amended to read as follows:

(h) *MTA Tax.* The MTA Tax must be charged on any trip in a Taxicab or in any Hail Trip in a Street Hail Livery that starts in New York City and ends in any of:

(1) New York City.

(2) Dutchess County.

(3) Nassau County.

(4) Orange County.

(5) Putnam County.

(6) Rockland County.

(7) Suffolk County.

(8) Westchester County.

Section 31. Section 54-17 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (i) and (j) to read as follows:

(i) A Driver of a Street Hail Livery in a Pre-Arranged Trip dispatched through the Vehicle's Base must not charge or attempt to charge a fare above the pre-approved rate quoted by the Base's dispatcher.

§54-17(i) Mandatory penalties as set forth in §54-02 Appearance NOT REQUIRED

(j) A Driver of a Street Hail Livery can participate in any Chairperson authorized Group Ride programs in the Hail Zone or in any Chairperson approved multiple passenger ride programs.

Section 32. Sections 54-18(a) and (b) of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) *Inspection Following Trips from Airports.* Immediately after completing a trip to Kennedy, La Guardia or Newark Airports, the Driver must

inspect the interior of the [Taxicab] Vehicle and the trunk compartment, if used, to ensure that Passengers have collected their property.

§54-18(a) Fine: \$25 Appearance NOT REQUIRED

(b) Handling of Lost Property.

(i) Property found by a Driver in a Taxicab must be returned to the Passenger if possible; otherwise, it must be taken without delay to the police precinct closest to where the Passenger was discharged.

(ii) Property found by a Driver in a Street Hail Livery must be returned to the Passenger if possible; otherwise it must be taken without delay to the Vehicle's Street Hail Livery Base.

§54-18(b) Fine: \$25-\$250 Appearance REQUIRED

Section 33. Section 54-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-19 Operations – Passenger Solicitation and Engagement

(a) Limits on Driver Solicitation of Passengers in Taxicabs.

(1) [A Driver must solicit Passengers only from the driver's seat of his or her Taxicab and only using the words "taxi" or "cab" or "Taxicab."]

§54-19(a)(1) Fine: \$50 Appearance NOT REQUIRED] Point: 1

[(2)] A Driver of a Taxicab must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or an Accessible Taxicab dispatcher, to solicit Passengers.

§54-19(a)(2) Fine: \$50 Appearance NOT REQUIRED

[(3)] A Driver must not give false or misleading information to someone in an effort to convince him or her to hire the Taxicab by implying, for instance, that the trip will be shorter or cheaper than it will be. For example, the Driver must not give a false departure time for a train, bus or airplane in order to suggest that the Taxicab can get the Passenger to the terminal in time.]

§54-19(a)(3) Fine: \$50-\$200 Appearance REQUIRED] Points: 3

[(4)] A Driver must not solicit Passengers within 100 feet of any bus stop. Drivers must not stop at bus stops unless hailed.]

§54-19(a)(4) Fine: \$100 Appearance NOT REQUIRED] Points: 1

[(5)] (2) A Driver of a Taxicab must not pick up additional Passengers during a trip except at the Passenger's request.

§54-19(a)(5) Fine: \$100 Appearance NOT REQUIRED

[(6)] (3) A Driver of a Taxicab must not suggest to a current Passenger that an additional person be accepted as a Passenger.

§54-19(a)(6) Fine: \$50 Appearance NOT REQUIRED

[(7)] (4) A Driver of a Taxicab must not solicit or cruise for the purpose of soliciting Passengers:

- (i) At Kennedy, La Guardia or Newark Airports
- (ii) Within 100 feet of any authorized Taxi Stand
- (iii) Within the private streets of Lincoln Center
- (iv) In any area of the City of New York where Taxicab cruising is prohibited
- (v) When driving a Street Hail Livery, in the Hail Exclusionary Zone

§54-19(a)(7) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Points: 1

[(8)] (5) A Driver of a Taxicab who has illuminated the "Off Duty" light must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Taxicab to his or her garage or home.
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or

made a written trip record entry "Returning to garage (or home)".

(iii) The Passenger's destination is directly on the route to the Driver's home or garage.

(iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

§54-19(a)(8) Fine: \$75 Appearance NOT REQUIRED Points: 1

(b) Limits on Driver Solicitation in Street Hail Liveries.

(1) Exclusionary Zone:

(i) A Driver of a Street Hail Livery must not solicit Passengers in the Hail Exclusionary Zone from the Vehicle.

§54-19(b)(1)(i) Fine: \$500 for the first violation, and when local law so authorizes, suspension; \$750 for the second violation in 24 months and, when local law so authorizes, suspension; Revocation for third violation in 120 months Appearance REQUIRED

(ii) A Driver of a Street Hail Livery must not accept a Pre-Arranged Trip beginning in the Hail Exclusionary Zone.

§54-19(b)(1)(ii) Fine: \$500 Appearance REQUIRED

(2) Hail Zone

(i) Inside the Hail Zone, a Driver of a Street Hail Livery can solicit passengers from the driver's seat of his or her Street Hail Livery.

(ii) Inside the Hail Zone, a Driver of a Street Hail Livery can also accept a Pre-Arranged Trip through the Base with which the Street Hail Livery is affiliated

(iii) A Driver of a Street Hail Livery must not solicit or cruise for the purpose of soliciting Passengers within 100 feet of any authorized Taxi Stand.

(iv) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized Group Ride taxi line, or a Street Hail Livery Base, to solicit Passengers.

§54-19(b)(2) Fine: \$50 Appearance NOT REQUIRED

(3) A Driver of a Street Hail Livery who has indicated in the meter or through the LPEP that he or she is off duty must not solicit or accept a Passenger unless ALL of the following are true:

- (i) The Driver is returning the Street Hail Livery to his or her Base or home.
- (ii) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry.

(iii) The Passenger's destination is directly on the route to the Driver's home or garage.

(iv) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

(v) The Driver is in the Hail Zone.

§54-19(b)(3) Fine: \$75 Appearance NOT REQUIRED Points: 1

[(b)] (c) Taxi Stands.

(1) (i) A Driver of a Taxicab has the right to take a position at any Taxi Stand having a vacancy, and no other Taxicab Driver may interfere with that right.

(ii) A Driver of a Street Hail Livery has the right to take a position at any Taxi Stand having a vacancy in the Hail Zone, and no other Driver may interfere with that right. A Driver of a Street Hail Livery does NOT have the right to take a position at a Taxi Stand in the Hail Exclusionary Zone.

§54-19(c)(1) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(2) A Driver must not occupy a Taxi Stand in order to repair his or her [Taxicab] Vehicle, except for minor emergency repairs.

§54-19(c)(2) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(3) A Driver must not overcrowd, crash into or back into a front position on a Taxi Stand; a Driver must take the rear position on the line formed at such a stand, unless it is a relief stand that has a vacancy.

§54-19(c)(3) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(4) A Driver must only occupy a Taxi Stand when on duty or for no longer than one hour while on Relief Time or for Personal Use-Off Duty.

§54-19(c)(4) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(5) The Drivers of each of the first two [Taxicabs] Vehicles on a Taxi Stand, (other than a Relief Stand), must remain in the driver's seat ready to accept Passengers. Any other Driver on a Taxi Stand must be no more than 15 feet from his or her [Taxicab] Vehicle unless he or she is off duty [and the required "Off Duty" light or "Relief Time" sign is visibly displayed].

§54-19(c)(5) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(6) Except where expressly forbidden, a Taxicab or Street Hail Livery is permitted to stop and wait for Passengers in the space immediately in front of a fire hydrant on a street where parking is not prohibited, provided the Driver remains seated in his [Taxicab] or her Vehicle, ready for operation at all times.

§54-19(c)(6) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

[(c)] (d) Terminals.

(1) The rules regarding Taxi Stands also apply to special Taxi Stands and Feed Lines at air, rail, bus and ship terminals (Note: These rules also apply to Street Hail Liveries for terminals located in the Hail Zone.)

(2) Where a terminal provides Taxicab or Street Hail Livery holding areas:

- (i) Drivers must park the [Taxicab] Vehicle in a taxi holding area before leaving on Relief Time.
- (ii) Upon returning from Relief Time, the Driver must join the end of the Feed Line.
- (iii) Drivers are not permitted to bring Passengers into a holding area.

§54-19(d)(2) Fine: \$50 Appearance NOT REQUIRED

(3) Where an airport Taxi Stand offers both Long Haul and Short Haul lines, if there are Taxicabs available in both lines:

- (i) A Driver in the Short Haul line must not accept a Passenger for a Long Haul
- (ii) A Driver in the Long Haul line must not accept a Passenger for a Short Haul.

§54-19(d)(3) Fine: \$100 Appearance NOT REQUIRED

Section 34. Section 54-20(a)(2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Attendant for Disabled Passengers. A Driver must not require a person with a disability to be accompanied by an attendant. However, if a person with a disability is accompanied by an attendant, the Taxicab Driver (or, as applicable, the For-Hire Vehicle Driver or the Paratransit Driver when driving a Street Hail Livery) must not impose or attempt to impose any additional charge for transporting the attendant.

§54-20(a)(2) Mandatory penalties as set forth in §54-02 Appearance NOT REQUIRED

Section 35. Section 54-20(a)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) Destination in Advance. A Driver must not attempt

to learn the destination of a Passenger before the Passenger is seated in the Taxicab or, for a Hail Trip started in the Hail Zone, in the Street Hail Livery.

Section 36. Section 54-20(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Justifications for Refusing Passenger.* The following are permitted reasons for refusing to transport:

- (1) Another Passenger is already seated in the [Taxicab] Vehicle.
- (2) The Driver has already acknowledged a hail from another person, and that other person is being picked up or is about to be picked up. (*CAUTION:* A Driver must not acknowledge the hail of one person over another in order to avoid transporting the person whose hail was not acknowledged.)
- (3) The Passenger is carrying or is in possession of any article, package, case or container which the Driver reasonably believes will cause damage to the [Taxicab] Vehicle. (*CAUTION:* This does NOT include wheelchairs, crutches, a service animal or other mobility aid used by disabled Passengers. Mobility aids must be accepted.)
- (4) The Driver is discharging his last Passenger or Passengers prior to going off duty, and has already:
 - (i) Illuminated his "Off Duty" light if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery, and
 - (ii) Transmitted or entered the appropriate data.
- (5) The Driver is ending his or her work shift, and has already:
 - (i) Illuminated the "Off Duty" sign if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery,
 - (ii) Locked both rear doors, and
 - (iii) Transmitted or entered the appropriate data.
- (6) The Driver must take the Taxicab or Street Hail Livery out of service for required repairs to T-PEP or LPEP, and has already:
 - (i) Illuminated the "Off Duty" light sign [or properly placed the Relief Time sign in the [Taxicab] (or entered the off duty button on the taximeter in a Street Hail Livery),
 - (ii) Locked both rear doors, and
 - (iii) Transmitted or entered the appropriate data.
- (7) The Passenger is accompanied by an animal that is not properly secured in a suitable container. (*CAUTION:* This does not apply to service animals accompanying people with disabilities.)
- (8) The Passenger's destination is Newark Airport or someplace in *Nassau* or *Westchester County,* and the Driver has been operating the [Taxicab] Vehicle for more than eight hours of any continuous 24-hour period.
- (9) The Passenger is disorderly or intoxicated. (*CAUTION:* Drivers must not refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)
- (10) A Passenger asks a Driver on the airport Long Haul line for a Short Haul trip and there are Taxicabs available in the Short Haul line.
- (11) A Passenger asks a Driver in the airport Short Haul line for a Long Haul trip and there are Taxicabs available in the Long Haul line.
- (12) If a Passenger is smoking and has refused the Driver's request to stop, the Driver can discharge the Passenger in a safe location. (*CAUTION:* The Driver must ask the Passenger at least twice to stop smoking before requiring him or her to leave the Taxicab.)
- (13) The Vehicle is a Street Hail Livery and the Passenger is in the Hail Exclusionary Zone.
- (14) The Vehicle is a Street Hail Livery and the Driver has accepted a dispatch call for a Pre-Arranged Trip from the Street Hail Livery Base with which the Vehicle is affiliated.

Section 37. Section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-22 Vehicle – Operation and Condition

(a) *3-Minute Idle.* Drivers must comply with the Air Pollution Control Code of NYC, including the provision that the Driver must not cause or permit the engine of the [Taxicab] Vehicle to idle for longer than three minutes.

§54-22(a) Fine: \$25 Appearance NOT REQUIRED

(b) *Inspection by Driver of Vehicle Condition.* A Driver must not operate a Taxicab or Street Hail Livery without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and Passenger seatbelts and shoulder belts are in good working order.

§54-22(b) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED

(c) *RESERVED.* (*No On-street Maintenance other than Emergency.*)

(d) *Clean Interior.* During his or her work shift, a Driver must keep the [Taxicab's] Vehicle's interior clean.

§54-22(d) Fine: \$50 Appearance NOT REQUIRED

(e) *Exterior Clean and Identification Visible.* During his or her work shift, a Driver must keep the Medallion number or Street Hail Livery number on the front and rear of the roof light clean and unobstructed so that it can be seen at all times.

§54-22(e) Fine: \$50 Appearance NOT REQUIRED

(f) *No Unauthorized Equipment.* A Driver must not operate a Taxicab or Street Hail Livery that uses or has installed any equipment or mechanical devices not specifically listed in these rules, unless authorized in writing by the Commission. *Note: A Street Hail Livery is permitted to have the dispatch equipment required by its Street Hail Livery Base.*

§54-22(f) Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED

(g) *No Unauthorized Signage.* A Driver must not place any signs in a Taxicab or a Street Hail Livery not specifically listed in these rules, unless authorized in writing by the Commission.

§54-22(g) Fine: \$25 Appearance NOT REQUIRED

(h) *Operation of Roof lights and Taximeters.*

(1) While on duty, a Driver must not operate a Taxicab unless:

[(1)(i) The roof light is lit when the Taximeter is not in use, and

[(2)(ii) The roof light is off when the Taximeter is in use.

(2) While on Duty, a Driver must not operate a Street Hail Livery unless:

(i) The roof light is lit when the Taximeter is not in use;

(ii) The roof light is off when the Taximeter is in use; or

(iii) The roof light is off when the Street Hail Livery is traveling to pick up a Passenger for a Pre-Arranged Trip or has a Passenger in the Vehicle who is on a Pre-Arranged Trip or the Driver is off duty.

§54-22(h) Fine: \$50-\$250 and/or suspension up to 30 days Points: 1 Appearance NOT REQUIRED

Section 38. Section 54-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-23 Vehicle – Items Required to be in the Vehicle.

(a) *Items Required in [Taxicab] Vehicle.* A Driver must not operate a Taxicab or Street Hail Livery unless the [Taxicab] Vehicle is equipped or provided with the following:

(1) (i) The Taxicab Technology System (T-PEP) (*or a written Trip Record, when required and permitted*) if the Vehicle is a Taxicab.

(ii) The Street Hail Livery Technology System (LPEP) (*or a written Trip Record, when required and permitted*) if the Vehicle is a Street Hail Livery.

§54-23(a)(1) Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing. Appearance NOT REQUIRED

(2) The Taxicab Driver's License in the appropriate frame (or, as applicable, the For-Hire Driver's License or Paratransit License if the vehicle is a Street Hail Livery being operated by a For-Hire Driver or Paratransit Driver.)

§54-23(a)(2) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Points: 2 Appearance NOT REQUIRED

(3) The Rate Card assigned to the Taxicab or Street Hail Livery, beside the frame containing the Taxicab Driver's License.

§54-23(a)(3) Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 1 Appearance NOT REQUIRED

(4) A New York City five (5) borough indexed street map or geographic position system device.

§54-23(a)(4) Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing. Appearance NOT REQUIRED

(5) Receipts for Passengers.

§54-23(a)(5) Fine: \$25 if plead guilty before a hearing; \$50 if found guilty following a hearing. Appearance NOT REQUIRED

(6) In a Street Hail Livery, the Street Hail Livery License.

§54-23(a)(6) Fine: \$50 if plead guilty before a hearing; \$100 if found guilty following a hearing. Points: 1 Appearance NOT REQUIRED

(b) *Clear View for Passengers.*

(1) A Driver must not block a Passenger's view of the Taximeter, his or her Driver's License, the Rate Card, or the Passenger Information Monitor of the T-PEP System, and, in a Taxicab, must not block in any way a Passenger's access to the medallion number on the Taxicab Identification Raised Lettering Plaque or the Taxicab Identification Braille Plaque, and, in a Street Hail Livery, must not block in any way a Passenger's access to the Street Hail Livery License number.

§54-23(b)(1) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(2) A Driver must not operate a Taxicab or Street Hail Livery after sunset unless the face of the Taximeter, his or her Driver's License, and the Rate Card are illuminated so that they are clearly visible from the rear seat by a Passenger with normal vision.

§54-23(b)(2) Fine: \$25 for violation of each subdivision. No fine for multiple violations in one incident will exceed \$50. Appearance NOT REQUIRED

Section 39. Section 54-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-24 Vehicle – Trip Records.

(a) *Record of Passenger Trip Information.* The Trip Record is the record of all data collected from every for-hire trip made by a Taxicab (and Trip Data as defined in Section 51-03 of these rules will constitute the Trip Record for a Street Hail Livery) and must include, for a Taxicab, the following information:

- (1) The Taxicab Medallion number
- (2) The Taxicab Driver's License number
- (3) The location where each Passenger(s) was picked up
- (4) The time each Passenger(s) was picked up
- (5) The number of Passengers
- (6) The location where each Passenger(s) was dropped off
- (7) The time each Passenger was dropped off
- (8) The total trip mileage
- (9) The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- (10) Method of payment
- (11) The Taximeter readings
- (12) The concluding time of Driver's work shift
- (13) Any toll bridges or tunnels used by the Driver, whether or not with a Passenger
- (14) The trip number
- (15) All other entries required by these rules
- (16) Street Hail Liveries must record Trip Data as specified in Chapter 83 of these rules.

§54-24(a) Fine: \$15 per missing entry on an electronic or written trip record. The total penalty for violation of this rule will not exceed \$30 per electronic or written trip record. Appearance NOT REQUIRED

(b) *Electronic Trip Records—Taxicab Technology*

System (T-PEP) and Street Hail Livery Technology System (LPEP).

- (1)
 - (i) A Driver is required to log in and operate T-PEP in order to obtain the Trip Record data for each trip in a Taxicab.
 - (ii) A Driver is required to log in and operate LPEP in order to obtain the Trip Record data for each trip in a Street Hail Livery.
- §54-24(b)(1) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (2) If necessary, the Driver will transmit any corrections electronically, using T-PEP if driving a Taxicab or LPEP if driving a Street Hail Livery.
- §54-24(b)(2) Fine: \$25 Appearance NOT REQUIRED
- (c) Written Trip Records
 - (1)
 - (i) If the T-PEP is inoperable, the Driver must keep written Trip Records if he or she operates the [Vehicle] Taxicab during the period of time the Taxicab is permitted to operate without a working T-PEP system. (See §54-25).
 - (ii) If the LPEP is inoperable, the Driver must keep written Trip Records if he or she operates the Street Hail Livery during the period of time the Street Hail Livery is permitted to operate without a working LPEP system. (See §54-25.1)
 - (2) Drivers must submit all written Trip Sheets to the Taxicab Owner or Street Hail Livery Base at the conclusion of the Driver's shift or lease period.
- §54-24(c)(1)-(2) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (2)
 - (i) Before beginning each work shift in a Taxicab, a Driver must sign and certify on the Trip Record that the Taxicab and its equipment are in good working condition, and that the items required in the Taxicab are present. (Exception to Certification: If the Taxicab Technology System is not in operation, the certification must note that the Taxicab equipment is in good working order except for the Taxicab Technology System.)
 - (ii) Before beginning each work shift in a Street Hail Livery, a Driver must sign and certify on the Trip Record that the Street Hail Livery and its equipment are in good working condition, and that the items required in the Street Hail Livery are present. (Exception to Certification: If the LPEP is not in operation, the certification must note that the Street Hail Livery equipment is in good working order except for LPEP.)
- §54-24 (c)(3) Fine: Failure to comply with 10-day notice to correct: \$200 and suspension until compliance. Appearance REQUIRED
- (4) When correcting a written Trip Record, a Driver:
 - (i) Must not erase any entry or make it completely unreadable.
 - (ii) Must correct a wrong entry only by drawing a single line through the incorrect entry and recording the date, time and reason for the change.
 - (iii) Must not leave blank lines between entries on any written Trip Record.
- §54-24(c)(4) Fine: \$25 Appearance NOT REQUIRED
- (5) A Driver must not rewrite a written Trip Record either in whole or in part, unless authorized by the Commission.
- §54-24(c)(5) Fine: \$250 Appearance NOT REQUIRED

Section 40. The heading of section 54-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-25 Vehicle Equipment - Taxicab Technology System (Electronic Trip Record System) for Taxicabs.

Section 41. Title 35 of the Rules of the City of New York is

amended by adding a new section 54-25.1, to read as follows:

§54-25.1 Vehicle Equipment - Street Hail Livery Technology System (Electronic Trip Record System) for Street Hail Liveries.

- (a) Good Working Order. LPEP equipment must be in good working order and each of the five core services must function at all times in a Driver's Street Hail Livery.
 - §54-25.1(a) Fine: \$250 and suspension until compliance Appearance REQUIRED
 - (b) LPEP System(s) Malfunction. In the event the Street Hail Livery Technology System malfunctions or fails to operate:
 - (1) The Driver must file an incident report with the authorized LPEP provider within one (1) hour after Driver knows (or should have known) of the system failure, or the end of the Driver's shift, whichever occurs first.
 - (2) If the Street Hail Livery Licensee or Street Hail Livery Base previously filed a timely incident report of the LPEP failure, the Driver will not be required to file a separate incident report. The Driver must get the incident report number from the Street Hail Livery Base or Licensee.
 - §54-25.1(b)(1)-(2) Fine: \$250 and suspension until compliance Appearance REQUIRED
 - (3) A Driver is not permitted to operate a Street Hail Livery in which any of the five Core Services of LPEP are inoperative for more than 48 hours following the timely filing of an incident report.
 - §54-25.1(b)(3) Fine: \$250 and suspension until compliance Appearance REQUIRED
 - (c) Unauthorized Devices or Repairs.
 - (1) A Driver must not connect any unauthorized device to the LPEP.
 - (2) The Driver must not tamper with, repair or attempt to repair the LPEP seals, cable connections or electrical wiring.
 - (3) The Driver must not make any change in the Street Hail Livery's mechanism or its tires which would affect the operation of the LPEP system.
 - §54-25.1(c) Fine: \$50-\$350 and/or suspension up to 30 days Points: 3 Appearance REQUIRED
 - (4) It will be an affirmative defense to a violation of this provision, §54-25.1(c) that the Driver:
 - (i) Did not know of or participate in the alleged LPEP tampering, and
 - (ii) Exercised due diligence to ensure that LPEP tampering did not occur.
 - (d) Passenger Information Monitor (PIM) Malfunction. If the Street Hail Livery has a PIM and the PIM is not operational and can be made operational by the Driver, the Driver must do so.
 - §54-25.1(d) Fine: \$100 Appearance NOT REQUIRED
- Section 42. Section 54-26 of Title 35 of the Rules of the City of New York is amended to read as follows:
- §54-26 Vehicle Equipment - Taximeters**
- (a) Taximeter Condition.
 - (1) Defective Condition. A Driver must not pick up or transport a Passenger when the Taximeter in his or her Taxicab or Street Hail Livery is defective.
 - §54-26(a)(1) Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED
 - (2) Repair and Replacement. A defective Taximeter must be repaired or replaced at a licensed Taximeter shop. A Taximeter must only be replaced with a Taximeter that has been inspected, sealed and approved within the preceding 12 months.
 - §54-26(a)(2) Fine: \$50-\$350 and/or suspension up to 30 days Points: 1 Appearance REQUIRED
 - (3) Seals and Serial Number. A Driver must not drive a Taxicab or Street Hail Livery unless all Taximeter seals and cable housing seals are in good condition and pressed by the Commission or its authorized designee. The serial number of the Taximeter must be the same as that shown on the rate card assigned to the [Taxicab] Vehicle.

- §54-26(a)(3) Fine: \$100 Points: 2 Appearance NOT REQUIRED
- (4) Receipt Paper. A Driver must not pick up or transport a Passenger unless the Taximeter is properly equipped with paper for printing receipts.
- §54-26(a)(4) Fine: \$25 Appearance NOT REQUIRED
- (b) Taximeter Operation.
 - (1) Setting Taximeter to Record. As soon as a Passenger enters the [Taxicab] Vehicle, the Driver must immediately place the Taximeter in the recording or "Hired" position and must keep it in that position until arrival at the destination.
- §54-26(b)(1) Fine: \$200 Points: 1 Appearance NOT REQUIRED
- (2) Entering Passenger with a Disability.
 - (i) If the Passenger is a Person with a Disability, the Taxicab Driver must not place the Taximeter in the recording or "Hired" position while the Driver is assisting a person with a disability to enter the [Taxicab] Vehicle or while assisting with that Passenger's mobility aid.
- §54-26(b)(2)(i) Fine: \$100 Points: 1 Appearance NOT REQUIRED
- (3) Exiting Passenger with a Disability. If the Passenger is an individual with a disability who requires assistance to exit the [Taxicab] Vehicle, the Driver must place the Taximeter in a non-recording position before assisting such Passenger and must leave the Taximeter in a non-recording position until such Passenger has paid the fare and safely exited the [cab] Vehicle.
- §54-26(b)(3) Fine: \$50 Appearance NOT REQUIRED
- (4) Non-Paying Passenger. If the Passenger is not being charged a fare, the Driver must not activate the meter, but must:
 - (i) Illuminate the "Off Duty" light in a Taxicab or, in a Street Hail Livery, not indicate that the Vehicle is available to accept a passenger.
 - (ii) Transmit (or manually add to the written Trip Record) that he or she is off duty and transporting a non-paying Passenger and details of the time and distance of the free fare.
 - (iii) Include the reason the Passenger is not being charged.
- §54-26(b)(4) Fine: \$25 Points: 1 Appearance NOT REQUIRED
- (5) Flat Fare Trip. When the Taxicab or Street Hail Livery is engaged in a flat fare trip from between Kennedy Airport and Manhattan, the Driver must key the information into T-PEP or LPEP, as applicable (or enter on a written Trip Record) that this is a flat fare trip to or from Kennedy Airport and include the time and distance of the trip.
- §54-26(b)(5) Fine: \$100 Points: 1 Appearance NOT REQUIRED
- (6) End of Trip. Upon reaching the Passenger's destination, the Driver must place the Taximeter in a non-recording or "Time Off" position, inform the Passenger of the fare due and leave the Taximeter in a non-recording position until the fare is paid.
- §54-26(b)(6) Fine: \$50 Appearance NOT REQUIRED
- (7) Re-setting the Taximeter. Immediately after the Passenger leaves the [Taxicab] Vehicle, the Driver must clear the Taximeter, placing it in an off or "Vacant" position in which it must remain until the next Passenger enters the [Taxicab] Vehicle.
- §54-26(b)(7) Fine: \$100 Points: 1 Appearance NOT REQUIRED
- (c) Taximeter Tampering.
 - (1) Seal Tampering.
 - (i) A Driver must not operate a Taxicab or Street Hail Livery if the official seals attached to it have been tampered with, broken or altered in any manner.
 - (ii) The Commission will assume that a Driver who operates a

[Taxicab] Vehicle with a broken Taximeter seal knew of the tampering or alteration and deliberately operated the [Taxicab] Vehicle in violation of this Rule, and will take appropriate action against the Driver.

§54-26(c)(1) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED Points: 3

(2) *Unauthorized Devices or Repairs.*

- (i) A Driver must not connect any unauthorized device to the Taximeter.
- (ii) The Driver must not tamper with, repair or attempt to repair the Taximeter seals, cable connections or electrical wiring,
- (iii) The Driver must not make any change in the [Taxicab's] Vehicle's mechanism or its tires which would affect the operation of the Taximeter system.

§54-26(c)(2)(i)-(iii) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED Points: 3

- (iv) It will be an affirmative defense to a violation of this provision, §54-26(c)(2), that the Driver:
 - A. Did not know of or participate in the alleged Taximeter tampering, and
 - B. Exercised due diligence to ensure that Taximeter tampering did not occur.

(3) *Roof Light and other Electrical Connections.*

- (i) A Driver must not tamper with the roof light or any of the interior lights or connections except to replace a defective bulb or fuse.
- (ii) The roof light of a Taxicab or Street Hail Livery must be automatically controlled only by the movement of the Taximeter button or ignition switch so that it is lighted only when the Taximeter is in an off or "Vacant" position and unlighted when the Taximeter is in a recording or "Hired" position.
- (iii) The Commission will assume that a Driver who operates a [Taxicab] Vehicle with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the [Taxicab] Vehicle in violation of this Rule, and the Commission will take appropriate action against the Driver.

§54-26(c)(3) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED Points: 3

(4) *Defect(s) that Arise During Shift.* If the Taximeter breaks down during a trip so that the fare can no longer be monitored, the Driver must immediately tell the Passenger and offer him or her the option of:

- (i) Continuing the trip after mutually agreeing to a reasonable fare, or
- (ii) Terminating the trip and paying the fare shown on the Taximeter to that point.

§54-26(c)(4) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED Points: 1

(5) *Procedures for Terminating Use of [Taxicab] Vehicle with Defective Taximeter.* Upon terminating a trip because of a defective Taximeter, [or] T-PEP, or LPEP, the Driver must:

- (i) Illuminate the "Off Duty" light in a Taxicab and enter the off duty button on the taximeter in a Street Hail Livery
- (ii) Lock the rear doors
- (iii) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP system is inoperative)

- (iv) Return the [Taxicab] Vehicle immediately to the garage of record or a licensed Taximeter repair shop.

§54-26(c)(5) Fine: \$50 Appearance NOT REQUIRED

(d) *Report Signs of Tampering to TLC.* A Driver must notify the Owner (or, in the case of a Street Hail Livery, the Street Hail Livery Base) and the Commission by telephone immediately, and in writing within 24 hours, upon the discovery of any of the following:

- (1) A Taximeter other than the Taximeter approved by the Commission and indicated on the Rate Card, has been installed in the [Taxicab] Vehicle operated by the Driver.
- (2) A Taximeter seal in the [Taxicab] Vehicle operated by the Driver has been removed or tampered with.
- (3) An unauthorized device that may affect the operation of a Taximeter has been connected to the Taximeter, seal, cable connection or electrical wiring of the [Taxicab] Vehicle operated by the Driver.
- (4) Any intervening connections, splices, "Y" connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the [Taxicab] Vehicle operated by the Driver.

§54-26(d) Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

Section 43. Section 54-27(a) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:

(8) Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.

Any points accumulated under this Chapter by a For-Hire Driver or a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License or Paratransit Driver's License as specified in

(i) Section 55-27(a) of these Rules if the Driver is a For-Hire Driver and

(ii) Section 56-13(b) of these Rules if the Driver is a Paratransit Driver,

and the Driver may incur the penalties specified as a result.

Section 44. Section 54-27(b) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:

(8) Authorized Drivers of Street Hail Liveries Licensed under other Chapters of these Rules.

(i) Any points accumulated under this Chapter by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License as provided in Section 55-27(b) of these Rules, and the Driver may incur the penalties specified as a result).

(ii) Any points accumulated under this Chapter by a Paratransit Driver while operating a Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as provided in this subdivision as if the Paratransit Driver's License were a Taxicab Driver's License, and the Driver may incur the penalties specified as a result.

Section 45. Chapter 55 of Title 35 of the Rules of the City of New York is amended by adding a new section 55-28, to read as follows:

§55-28 Street Hail Liveries.

(a) The holder of a Valid For-Hire Driver's License on July 2, 2012 is authorized to drive a Street Hail Livery subject to all the requirements of this Section and Chapter 54 of these Rules.

(b) (Reserved)

(c) The holder of a Valid For-Hire Driver's License must comply with all requirements of Chapter 54 while operating a Street Hail Livery. A Driver operating a Street Hail Livery can be found liable for violating the requirements of Chapter 54.

(d) Special Penalty Programs.

Any points accumulated under Chapter 54 by a For-Hire Driver while operating a Street Hail Livery will count towards and be applied to the Driver's For-Hire Driver's License as specified in

(i) Section 55-27(a) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or

(ii) Section 55-27(b) of this Chapter if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules, and the Driver may incur the penalties specified as a result

Section 46. Chapter 56 of Title 35 of the Rules of the City of New York is amended by adding a new section 56-27, to read as follows:

§56-27 Accessible Street Hail Liveries.

(a) Authorization.

(1) A Paratransit Driver who holds a Valid Paratransit Driver's License is authorized to drive an Accessible Street Hail Livery.

(b) Must Comply with Chapter 54. The holder of a Valid Paratransit Driver's License must comply with all requirements for operation of an Accessible Street Hail Livery as set forth in Chapter 54 of these Rules while operating an Accessible Street Hail Livery. A Driver operating an Accessible Street Hail Livery can be found liable for violating the requirements of Chapter 54.

(c) Special Penalty Programs

Any points accumulated under Chapter 54 by a Paratransit Driver while operating an Accessible Street Hail Livery will count towards and be applied to the Driver's Paratransit Driver's License as specified in

(i) Section 56-13(b) of this Chapter if the points are Critical Driver program points assessed by the Department of Motor Vehicles or

(ii) Section 54-27(b) of these Rules if the points are Persistent Violator Program points assessed by the Commission upon a violation of the Commission's Rules, and the Driver may incur the penalties specified as a result. A Paratransit Driver's License can be suspended or revoked as provided in section 54-27 of these Rules as if it were a Taxicab Driver's License.

• a27

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") promulgates rules to amend the TLC's Taximeter Business Rules to reflect changes needed as the result of creation of Street Hail Livery Service.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of New York State.

On April 19, 2011, a public hearing was held by the TLC at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York and these rules were approved at the hearing on April 19. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The rule changes are organized as follows:

1. Amendment to Definitions (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to For-Hire Service (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on Street Hail Livery Service outlining licensing, service and vehicle requirements
4. Amendments to Medallion Taxicab Drivers (Chapter 54) to incorporate requirements for drivers of Street Hail Liveries
5. New chapter on Technology Vendors creating a new licensee type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being to implement the program.

Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various

locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149th Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
 - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to over-charging.
 - **Safety and Security:** Licensed livery vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.
 - **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
 - **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

Purpose of Rules

The legislation enacted in Albany, which these rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

Vehicle Requirements. Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)
4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

Accessibility. The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

Driver Requirements. To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

Service Requirements. To ensure that the public receives good

customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

Service Options. Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

Enforcement. To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails; these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

Base Requirements. State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmitting the 50 cent MTA surcharge on each hail ride to the MTA.

Technology Vendor Requirements. State legislation authorizes the TLC to license vendors of credit card and customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology—while maintaining TLC oversight and quality control—these rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

Changes to Taximeter Rules

These rules amend the Commission's current rules for taximeter businesses to reflect that

- meters will be installed in Street Hail Liveries, and
- meters and Street Hail Livery Technology Systems ("LPEPs")¹ must be integrated.

The amended rules will provide requirements for taximeters, taximeter manufacturers and LPEP Providers that are identical to those in place today for taxis and T-PEP².

¹ "LPEP" is an acronym for Livery Passenger Enhancements Program and the short form term for Street Hail Livery Technology System.

² "TPEP" is an acronym for Taxicab Passenger Enhancements Program, the four core services available in Taxicabs: credit/debit card payment for fares, text messaging to and from drivers, the ability to record, collect and transmit Trip Record data and the ability to provide passengers information through a Passenger Information Monitor.

New Material is underlined.

[Deleted Material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1 Section 64-03 of chapter 64 of Title 35 of the Rules of the City of New York is amended by relettering definitions (d) and (e) as definitions (e) and (f) and definitions (f) through (l) as definitions (i) through (o) and by adding new definitions (d), (g) and (h), to read as follows:

§64-03 Definitions Specific to this Chapter

- (d) LPEP Provider License has the same meaning given such term in §83-03 of these Rules.
- (g) Street Hail Livery Technology System or LPEP shall have the same meaning given such term in §51-03 of these Rules.
- (h) Street Hail Livery Technology System Provider or LPEP Provider shall have the same meaning given such term in §51-03 of these Rules.

Section 2 Subdivision (j) of section 64-04 of chapter 64 of Title 35 of the Rules of the City of New York is amended to read as follows:

§64-04 Licensing – General Requirements

- (j) Manufacturer's Agreement to Cooperate with T-PEP Providers and LPEP Providers. A [t]Taximeter [m]Manufacturer's application must include its agreement to cooperate with:
 - (1) any approved T-PEP Provider to bring about an interface between the Manufacturer's Taximeters and the T-PEP; and
 - (2) any individual or Business Entity that is seeking to apply for or has been granted an LPEP Provider License to bring about an interface between the Manufacturer's Taximeters and a proposed LPEP.

Section 3 Paragraph (2) of subdivision (a) of section 64-19 of chapter 64 of Title 35 of the Rules of the City of New York is amended to read as follow:

§64-19 Business Requirements – Notifications to TLC of unauthorized or illegal activity

- (a) A Taximeter Business must notify the Commission immediately by telephone and in writing within 24 hours when any of the following occurs:
 - (2) A T-PEP has been presented for installation, repair, adjustment or calibration that the Taximeter Business knows or has reason to know has not been provided by a T-PEP Provider. An LPEP has been presented for installation, repair, adjustment or calibration that the Taximeter Business knows or has reason to know has not been provided by an LPEP Provider.

Section 4 Subdivision (a) of section 64-31 of chapter 64 of Title 35 of the Rules of the City of New York is amended, subdivision (c) of such section is relettered subdivision (d) and, as relettered, is amended, and a new subdivision (c) is added, to read as follows:

§64-31 Taximeter Manufacturers – Requirements

- (a) Cooperation with T-PEP Providers and LPEP Providers. No Taximeter can be used with any Taxicab Technology System unless the Taximeter's [m]Manufacturer has agreed to interface its Taximeter with the Taxicab Technology Systems of all T-PEP Providers that have chosen that Taximeter. No Taximeter can be used with any Street Hail Livery Technology System (LPEP) unless the Taximeter's Manufacturer has agreed to interface its Taximeter with the LPEPs of all individuals or Business Entities that are seeking to apply for or have been granted an LPEP Provider License and that have chosen that Taximeter.
- (c) Street Hail Livery Technology System Installation. When notified that one of its Taximeters has been selected by an individual or Business Entity that is seeking to apply for ("Applicant") or has been granted a LPEP Provider License ("LPEP Provider"), the Taximeter Manufacturer must choose one of the following options:
 - (1) System Installation by Individual, Business Entity or LPEP Provider
 - (i) The Taximeter Manufacturer must provide to the Applicant or LPEP Provider all information on the design and inner operation of the Taximeter that is necessary for the Applicant or LPEP Provider to establish an interface and communication of data between the LPEP and the Taximeter.
 - (ii) Before providing the information on the design and inner operation of a Taximeter, a Taximeter Manufacturer can require the Applicant or LPEP Provider to execute a non-disclosure

agreement ("NDA") that is in a form agreed to by the parties.

(2) System Installation by Taximeter Manufacturer

(i) Within five (5) days of the notification of selection, the Taximeter Manufacturer must execute an NDA with the Applicant or the LPEP Provider in a form substantially similar to the NDA in a form agreed to by the parties, as set forth in subparagraph (1)(ii) above.

(ii) When the NDA is executed, the Applicant or the LPEP Provider must provide to the Taximeter Manufacturer all information on the design and inner operation of the Applicant's or LPEP Provider's LPEP that is necessary for the Taximeter Manufacturer to establish an interface and communication of data between its Taximeter and the LPEP.

(iii) The Taximeter Manufacturer must then perform the work of establishing an interface and communication of data between its Taximeter and the LPEP.

(iv) The Taximeter Manufacturer must ensure that when the LPEP is installed, the interface and communication of data are and will be effective.

(v) The Taximeter Manufacturer must submit to the Commission on an annual basis a signed certification that it has established and continues to establish an interface and communication of data between the LPEP and its Taximeter.

(d) Separate Violations. Each failure on the part of a Taximeter Manufacturer to cooperate with a T-PEP Provider as provided in [subdivisions] paragraphs (b) (1) and (2) of this section will constitute a separate violation of this rule. Each failure on the part of a Taximeter Manufacturer to cooperate with an Applicant or LPEP Provider as provided in subdivision (c) of this section will constitute a separate violation of this rule.

§64-31(a)-(e)(d) Penalty: \$10,000 for first violation; Appearance revocation of License for second violation REQUIRED

Section 5 Paragraph (1) of subdivision (c) of section 64-32 of chapter 64 of Title 35 of the Rules of the City of New York is amended to read as follows:

§64-32 Taximeter Manufacturers – Appointment of Manufacturer's Representative

(c) In the event a Taximeter Manufacturer chooses to appoint a Manufacturer's Representative to hold a License, the following provisions apply:

(1) The Manufacturer's Representative must have the ability to fulfill the requirements and obligations of a Taximeter Manufacturer under this chapter, including the ability to cooperate with T-PEP Providers, as required in §64-31(a) and (b), and the ability to cooperate with an individual or Business Entity that is seeking to apply for or has been granted an LPEP Provider License as required in §64-31(c), and will be held jointly responsible with the Taximeter Manufacturer for fulfilling these duties and responsibilities. The Taximeter Manufacturer's appointment of a Manufacturer's Representative will not relieve it of responsibility for compliance.

Section 6 Subdivision (e) of section 64-33 of chapter 64 of Title 35 of the Rules of the City of New York is amended to read as follows:

§64-33 Comply with Laws – Conduct Rules

(e) Fraud, Misrepresentation & Larceny. A Taximeter Licensee, while performing his or her duties and responsibilities as a Taximeter Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to, calibration of a fare other than that set by the Commission; adjustment of the tire size, driving axle, transducer, wiring, or other equipment for the purpose of generating an inaccurate signal of time or distance into the Taximeter, [or] the Taxicab Technology System or the Street Hail Livery Technology System; the manufacture, sale or installation of any device that is either designed to or does generate a false or inaccurate signal into the Taximeter, [or] the Taxicab Technology System or the Street Hail Livery Technology System; or falsification of Taxicab Technology System or Street Hail Livery Technology System records.

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6865
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/23/2012
3187250	5.0	#1DULS CITY WIDE BY DELIVERY	GLOBAL MONTELLO GROUP	+0.093 GAL.	3.6238 GAL.
3187250	6.0	#1DULS P/U	GLOBAL MONTELLO GROUP	+0.093 GAL.	3.4988 GAL.
3187251	11.0	#1DULS >=80% CITY WIDE BY DELIVERY	SPRAGUE ENERGY Corp.	+0.093 GAL.	3.7695 GAL.
3187251	12.0	#1DULS B100 <=20% CITY WIDE BY DELIVERY	SPRAGUE ENERGY Corp.	+0.093 GAL.	5.0353 GAL.
3187251	13.0	#1DULS P/U	SPRAGUE ENERGY Corp.	+0.093 GAL.	3.6852 GAL.
3187251	14.0	#1DULS B100 <=20% P/U	SPRAGUE ENERGY Corp.	+0.093 GAL.	4.9509 GAL.
3087064	1.0	#1DULSB50 CITY WIDE BY TW	METRO FUEL OIL Corp.	-.0217 GAL.	4.3484 GAL.
3187221	1.0	#2 CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.0047 GAL.	3.2205 GAL.
3187221	4.0	#2 >=80% CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.0047 GAL.	3.2857 GAL.
3187221	5.0	#2 B100 <=20% CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.0047 GAL.	3.4102 GAL.
3187249	1.0	#2DULS CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.0208 GAL.	3.3654 GAL.
3187249	2.0	#2DULS P/U	CASTLE OIL CORPORATION	-.0208 GAL.	3.3239 GAL.
3187249	3.0	#2DULS CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.0208 GAL.	3.3809 GAL.
3187249	4.0	#2DULS P/U	CASTLE OIL CORPORATION	-.0208 GAL.	3.3439 GAL.
3187249	7.0	#2DULS >=80% CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.0208 GAL.	3.3732 GAL.
3187249	8.0	#2DULS B100 <=20% CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.0208 GAL.	3.5104 GAL.
3187249	9.0	#2DULS >=80% P/U	CASTLE OIL CORPORATION	-.0208 GAL.	3.3339 GAL.
3187249	10.0	#2DULS B100 <=20% P/U	CASTLE OIL CORPORATION	-.0208 GAL.	3.4674 GAL.
3187252	15.0	#2DULS BARGE M.T.F. 111 & ST. GEORGE & WI CITY WIDE BY TW	METRO FUEL OIL Corp.	-.0208 GAL.	3.3773 GAL.
3087065	2.0	#2DULSB50 CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.0368 GAL.	4.1880 GAL.
2887274	7.0	#2DULSDISP DISPENSED	SPRAGUE ENERGY Corp.	-.0208 GAL.	3.7018 GAL.
3187222	2.0	#4 CITY WIDE BY TW	CASTLE OIL CORPORATION	-.0782 GAL.	3.0563 GAL.
3187222	3.0	#6 CITY WIDE BY TW	CASTLE OIL CORPORATION	-.1271 GAL.	2.9759 GAL.
3187263	1.0	JETA FLOYD BENNETT	METRO FUEL OIL Corp.	+0.044 GAL.	3.8501 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6866
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/23/2012
3087154	1.0	#2 MANH	F & S PETROLEUM Corp.	-.0047 GAL.	3.3043 GAL.
3087154	79.0	#2 BRONX	F & S PETROLEUM Corp.	-.0047 GAL.	3.3043 GAL.
3087154	157.0	#2 BKLYN, QUEENS, SI	F & S PETROLEUM Corp.	-.0047 GAL.	3.3843 GAL.
3087225	1.0	#4 CITY WIDE BY TW	METRO FUEL OIL Corp.	-.0782 GAL.	3.4998 GAL.
3087225	2.0	#6 CITY WIDE BY TW	METRO FUEL OIL Corp.	-.1271 GAL.	3.3750 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6867
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/23/2012
3087115	1.0	#2 MANH & BRONX	PACIFIC ENERGY	-.0047 GAL.	3.1297 GAL.
3087115	80.0	#2 BKLYN, QUEENS, SI	PACIFIC ENERGY	-.0047 GAL.	3.1349 GAL.
3087218	1.0	#4 CITY WIDE BY TW	PACIFIC ENERGY	-.0782 GAL.	3.4411 GAL.
3087218	2.0	#6 CITY WIDE BY TW	PACIFIC ENERGY	-.1271 GAL.	3.4279 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6868
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/23/2012
3187093	6.0	E85 CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.0622 GAL.	2.4302 GAL.
2887274	6.0	PREM CITY WIDE BY VEHICLE	SPRAGUE ENERGY Corp.	-.1039 GAL.	3.7891 GAL.
3187093	2.0	PREM CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.1039 GAL.	3.4496 GAL.
3187093	4.0	PREM P/U	SPRAGUE ENERGY Corp.	-.1039 GAL.	3.3705 GAL.
2887274	1.0	U.L. MANH P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.6061 GAL.
2887274	2.0	U.L. BX P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.5061 GAL.
2887274	3.0	U.L. BR P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.5061 GAL.
2887274	4.0	U.L. QNS P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.5061 GAL.
2887274	5.0	U.L. S.I. P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.5061 GAL.
3187093	1.0	U.L. CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.1949 GAL.
3187093	3.0	U.L. P/U	SPRAGUE ENERGY Corp.	-.1081 GAL.	3.1188 GAL.

REMINDER FOR ALL AGENCIES:

Please send Inspection copy of Receiving Report for all Gasoline (E85, UL & PREM) Delivered by Tank Wagon to DMSS/ Bureau Of Quality Assurance (BQA), 1 Centre St., 18 Floor, NY, NY 10007.

Please be informed that the \$1.00 per gallon federal tax credit for blenders of biodiesel expired December 31, 2011. Beginning January 1, 2012, the price for biodiesel blended to create any biodiesel blend will be increased by \$1.00 per gallon and itemized as a separate line item on your invoice.

Please be informed that the federal tax credit of \$.45 per gallon on ethanol blended into gasoline expired on December 31, 2011. Beginning January 1, 2012, the price for ethanol will be increased by the amount of the lost tax credit and itemized as a separate line item on your invoice.

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CITY PLANNING

■ NOTICE

**DEPARTMENT OF CITY PLANNING
OFFICE OF MANAGEMENT AND BUDGET
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
NOTICE OF PROPOSED PROGRAM CHANGES TO THE 2012 CONSOLIDATED PLAN
NOTICE OF AVAILABILITY OF THE PROPOSED CITY FISCAL YEAR 2013 COMMUNITY DEVELOPMENT PROGRAM DESCRIPTIONS & BUDGET**

TO ALL AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

Modification to the Community Development Block Grant Program (CD) Pursuant to Section 91.105(c) of the Department of Housing and Urban Development's (HUD) Consolidated Plan Regulations, the City proposes changes in the 2012 Consolidated Plan/Thirty-Eighth Community Development Program Year (CD 38), effective July 1, 2012. The proposed changes are identified in the "Proposed City Fiscal Year 2013 Community Development Program". This document contains the Proposed City Fiscal Year 2013 budget, the Proposed Revised CD Year 38 budget (which will be incorporated into the Amended 2012 Consolidated Plan) and the Proposed CD 39 budget.

On May 3, 2012, the "Proposed City Fiscal Year 2013 Community Development Program" document will be available, one copy per person or organization, at the following locations:

The Department of City Planning, The Book Store, 22 Reade Street, 1st Floor, New York, New York 10007. Monday: 12:00 P.M. to 4:00 P.M. Tuesday - Friday: 10:00 A.M. to 1:00 P.M.

The Office of Management and Budget, 75 Park Place, 8th Floor Reception Area, New York, New York 10007, Monday - Friday: 10:00 A.M. to 5:00 P.M.

The Proposed City Fiscal Year 2013 Community Development Program document will also be made available for downloading in Adobe PDF format through the internet via the Department of City Planning's website at www.nyc.gov/planning.

Written comments on the proposed changes should be directed to Charles V. Sorrentino, Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4th Floor, New York, New York 10007, (email: amended2012CDBG@planning.nyc.gov) by close of business June 4, 2012.

City of New York: Amanda M. Burden, Director, Department of City Planning Mark Page, Budget Director, Office of Management and Budget

Date: April 25, 2012.

a25-m3

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and

a27

provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on May 9, 2012, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 2 and 3 with blocks 5699 and lots 69 and 72.

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

JOHN LIU
Comptroller

a25-m9

OFFICE OF MANAGEMENT AND BUDGET

NOTICE

THE CITY OF NEW YORK - OFFICE OF MANAGEMENT AND BUDGET
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (C.D.)
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

TO ALL INTERESTED AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

This document constitutes the Notice of Intent to Request Release of Funds for the projects identified below. These projects are funded in the Thirty-Eighth Community Development Year (CD 38/Calendar Year 2012). The allocations for CD 38 reflect a spending pattern that was based on the City's assuming its CD 38 grant would be the same as it received for CD 37. The allocations reflected below are expected to be effective only in January - June, 2012. Funds reserved for the last six months of CD 38 will be reallocated in accordance with the adopted City Fiscal Year 2013 Community Development budget. On May 3, 2012 the City will submit to HUD its Request for Release of Funds for these projects. In accordance with 24 CFR Part 58.35 of the HUD Environmental Review Procedures for Title I Community Development Block Grant Programs, the activities conducted under the programs listed below have been determined to be categorically excluded from the Environmental Assessment requirements of the National Environmental Policy Act. This notice is prepared on a programmatic basis.

7A PROGRAM

CD funds are used by the Department of Housing Preservation and Development (HPD) to address hazardous conditions by correcting code violations and to provide systems renovations through 7A Financial Assistance packages to buildings under the management of a 7A administrator. CD 38 Allocation: \$1,405,000.

ALTERNATIVE ENFORCEMENT PROGRAM

The Alternative Enforcement Program is an additional HPD enforcement mechanism that is intended to alleviate the

serious physical deterioration of the most distressed multiple dwellings in New York City by forcing the owner to make effective repairs or have city government do so in a more comprehensive fashion so that emergency conditions are alleviated and the underlying physical conditions related to the emergency housing code violations are addressed.

As described in the law, an owner will be notified by HPD that based upon criteria in the law, his or her multiple dwelling has been chosen for participation in the Alternative Enforcement Program. An owner will have four months to repair the violations, pay all outstanding HPD emergency repair charges and liens, submit a current and valid property registration statement and request an HPD re-inspection. If the owner fails to meet all of the requirements for discharge within the first four months, HPD will perform a building-wide inspection and issue an order outlining the action necessary to address the emergency conditions and the underlying causes of those conditions (to minimize reoccurrence of those conditions). HPD will prepare a scope of work that will address the conditions cited in the order. Should an owner fail to comply with the order (which is similar to the current issuance of repair orders for emergency conditions in privately owned properly covered under CD regulations by the Emergency Repair Program, although with a broader scope), HPD will perform the work. CD 38 Allocation: \$7,712,000.

PROJECT OPEN HOUSE

Under Project Open House, CD funds are used to remove architectural barriers from the homes of New York City residents (Section 8 income eligible) who have mobility impairments. The program is administered by the Mayor's Office for People With Disabilities. CD 38 Allocation: \$240,000.

LANDMARKS HISTORIC PRESERVATION GRANT PROGRAM

The Landmarks Historic Preservation Grant Program provides grants to homeowners and not-for-profits who own or occupy a property that has been designated as a landmark, is located within a designated historic district or is listed in or is eligible to be listed in the National Register of Historic Places. Grants are awarded to homeowners and non-profits for facade improvement. Additionally, non-profits may be awarded grants for interior improvements provided the building has a designated interior. CD 38 Allocation: \$176,000.

BRONX RIVER PROJECT

The Bronx River Alliance, with the support of the New York City Department of Parks and Recreation, helps to restore, protect and manage the terrestrial and aquatic resources of the Bronx River corridor. In addition to monitoring, managing and improving river conditions, the Project's education component helps teachers and community educators to inform students and residents about the river and how to use it appropriately. River-wide recreational activities are also offered. CD funds are used to purchase education and outreach materials, office and restoration supplies, and field equipment; to print and mail newsletters and brochures; and for ecological restoration personnel and program consultants. CD 38 Allocation: \$207,000.

CODE VIOLATION REMOVAL IN SCHOOLS

The Department of Education will use CD funds to prevent or remove code violations in New York City Schools. The activities may include the installation of emergency lighting, fire rated doors and hardware, fire alarm systems, fire suppression systems, fire extinguishers, flame proofing

curtains, sprinkler/standpipe, potable water systems, sewage systems, kitchen ventilation/exhaust systems, heating/cooling/refrigeration systems; building elevator and sidewalk elevator upgrades; and the repair of damaged flooring, ceilings, electrical fixtures and wiring, and the emergency repainting of brick. CD 38 Allocation: \$5,000,000.

DFTA SENIOR CENTER IMPROVEMENTS

CD funds will be used for the renovation of the physical plant and the rectification of code violations in senior centers. Activities may include plumbing upgrade, installation of lighting and emergency lighting systems, security systems, air conditioning/heating/ventilation systems, kitchen fire extinguishing systems, hot water heaters, fire doors, and ramps, window upgrade/replacement, ceiling and roof rehabilitation, kitchen upgrade, bathroom renovation, re-wiring, floor replacement, handicapped access, and security and elevator improvements. CD 38 Allocation: \$2,174,000.

Environmental Review Records respecting the within projects have been made by the City of New York which document the environmental review of the projects. These Environmental Review Records are on file and copies may be obtained at the Office of Management and Budget, Community Development Unit, 75 Park Place, 8th Floor, New York, New York 10007, between 10:00 A.M. and 5:00 P.M., Monday through Friday. Please call (212) 788-6177 to make an appointment to view or obtain a copy of the documents.

The City of New York will undertake the projects described above with CD funds from HUD, under Title I. The City of New York is certifying to HUD that the City and Budget Director Mark Page, in his official capacity as the Certifying Officer for the CD Program, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, New York City may use the CD funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: a) That the certification was not in fact executed by the recipient's Certifying Officer, b) the recipient has failed to make one of the two findings pursuant to 58.41 or to make the written determination decision required by 58.47, 58.53 or 58.64 for the project as applicable, c) the recipient has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an environmental assessment, d) the recipient has omitted one or more of the steps set forth at Subparts H and I for the preparation and completion of an environmental impact statement, e) the recipient did not comply with the historic review provisions of 36 CFR Part 800, f) with respect to a project for which a recipient has decided that 58.47, 58.53 or 58.64 apply, the recipient has failed to include in the ERR the written decision required, or its decision is not supported by the facts specified by the objecting party. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to HUD, Office of Community Planning and Development, 26 Federal Plaza, 35th Floor, New York, New York 10278. Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objection received after May 18, 2012 will be considered by HUD.

City of New York: Office of Management and Budget
Mark Page, Budget Director. Date: April 25, 2012.

a25-m1

CHANGES IN PERSONNEL

Table with columns: NAME, HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 03/30/12, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments.

Table with columns: NAME, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments.

DEPT. OF HOMELESS SERVICES
FOR PERIOD ENDING 03/30/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Homeless Services.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for JENKINS, LEUTHNER, MERCADO, MEYER, MORENZI, MORGAN, ORTIZ, QUINN, RAKHAMIMOV, SARAGOUSI, SCHREIBER, SCOTT, SIROTA, SPERANZA, STALLARD, STEVENS, STROTHERS, TAVERAS, WATERMAN, WATSON.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for ACKERMAN, ALBURY, ALLAH, BLAIR, BLASKOVIC, BOYCE, CAMPBELL, COHEN, COLON, CRUICKSHANK, DEFEX, DEFILIPPIS, EVERETT, EVERETT, GILLON, GLADDEN, HAMILTON, INNAB-TRIESH, JACOBS, KING, LEARY, LEE, LIN, MAISON-LAWSON, MENPARA, MORALES, MURRAY, NAKDIMEN, NELSON, OSSLYN, PETIT, POWELL, REID, RIVERA, ROMAN, SANDOLE, SARGEANT, SMITH, WATKINS, WATSON, WILLSON-BULLOCK.

BOARD OF CORRECTIONS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for JOHNSON AYOKA S.

PUBLIC ADVOCATE FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for MURPHY MARK S.

CITY COUNCIL FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for CACHO, DANIEL, EDWARDS, KING, MARTIN, SHORTER, VILLANUEVA, WHITE.

CITY CLERK FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for CARCIONE WALTER.

DEPARTMENT FOR THE AGING FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for AYALA, BISWAS, BRUMMELL, JAMES, KANEDA, KEESSE, PEREZ, POLANCO, WILLIAMS.

CULTURAL AFFAIRS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for FISHER JAMES S.

FINANCIAL INFO SVCS AGENCY FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for BIBIRE IOSEFINA S.

OFF OF PAYROLL ADMINISTRATION FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for DORIA, LINARES.

INDEPENDENT BUDGET OFFICE FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for BUKSHUPUN, CLEMONS SMITH.

TAXI & LIMOUSINE COMMISSION FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for CHOWDHURY, HARTWELL, JACKSON.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for KANIZ, KIM, PERKINS, RODRIGUEZ, SKALKA, STEPHENS.

PUBLIC SERVICE CORPS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for ADAMS, CALDERON, HE, OH, SIROTA, WEST.

HUMAN RIGHTS COMMISSION FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entry for APRIGLIANO ADAM D.

DEPT OF YOUTH & COMM DEV SRVS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for ACEVEDO, BASHIRU, BENDER, JR., CALVIN, CHANDLER, DAVIS, LOPEZ, MALIK, MCCLARY, MIRAFLORES, NICOLAS, SALIB, SALVAYON, THOMAS, WASSERMAN.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 03/30/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Includes entries for ABADA, ABDELBASET, ABDUR-RAHIM, ABED, ABRAMOFF, ABRAMS, ABRAMSON, ABRANTES, ABREU, ACEVEDO, ADAMS, ADELL, AGOSTA, AGUINAGA, AHMAD, AHMED, AHMED, AHMED, AKERELE, AKERELE, AKHTAR, AKIVA, AKIWUMI, AKTER, AKTER, ALAM, ALAMGIR, ALBERTO, ALEXANDER, ALFONZO, ALFORD, ALI, ALICEA, ALKA, ALLAH, ALLEN, ALLEN, ALLEYNE, ALLISON, ALLMAN, ALLMAN, ALSTON, ALVARADO, ALVAREZ, AMANKWAH, AMBELANG, AMBROISE, AMMIRATO, ANASTASOPOULOS, ANDERSON, ANDERSON, ANDRADE, ANDRIES, ANGLERO, ANTICH, ARCHER, ARCHIE, ARCHIPOLO, AREVALO, ARIAS, ARIAS, ARIAS, ARONOWICH, ARTHUR, ARTIS, ASANTE, ASARO, ASHLEY, ASHTON, ASIYEDU, ATHAYDE, AULESTIA, AVENGER, AWOSIKA, AYALA, AYALA, AYALA, AZORE, BACCHUS, BACCHUS, BACOLAS, BAEZ, BAH, BAILEY, BAKRY, BALDEH, BALDEO, BALDWIN-LITTLE, BALLERO, BANKS, BANKS, BANNON, BAPTISTE, BARI, BARI, BARJON, BARKER, BARNES, BARR, BARRETT.

BARRIERA	DARLENE	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BARRY	KIM	M	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BARTLEY	LORRAINE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BASHER	RAHAB	S	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BASKIN	BATHESHE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BASOV	MICHAEL		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BASSSH-SCOH	PHOEBE	N	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BASTON	TISHA	M	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BATTS	KAYSAUN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BAKTER	DANAVON	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BAZAAR	CHRIS	E	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BEARD	CARRIE	R	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BECKER	ELEANOR	F	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BECKER	PATRICIA	M	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BEGUM	AFSANA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BEHAL	HECTOR	R	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BELANGER	HAROLD	K	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BELAYAT	HOSSAIN		9POLL	\$1.0000	APPOINTED	YES	03/21/12
BELL	ROSETTA		9POLL	\$1.0000	APPOINTED	YES	03/20/12
BELL	SUSAN	P	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BELSKY	ANDREW	J	9POLL	\$1.0000	APPOINTED	YES	03/12/12
BENAVIDES	JUAN	S	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENEDETTO	GAYROSE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENFIELD	GLORIA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENITES	ERIC		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENN	LEONARD	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENNETT	ANNETTE		9POLL	\$1.0000	APPOINTED	YES	03/12/12
BENNETT	JULIA	N	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENNETT	LANCE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BENT	ELIZABET		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BERMAN	EVAN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BERMEJO	MARITZA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BERNARD	FELIX		9POLL	\$1.0000	APPOINTED	YES	03/12/12
BERRIOS	ANASTACI		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BERRY	VICKIE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BESHARA	ANTHONY	V	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BEST	AROMAH		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BEST	MALCOLM	H	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BHAGAT	RAJENDRA		9POLL	\$1.0000	APPOINTED	YES	03/13/12
BHUIYAN	NAZMUL	H	9POLL	\$1.0000	APPOINTED	YES	03/01/12
BIEN-AIME	NADINE	E	9POLL	\$1.0000	APPOINTED	YES	03/19/12
BING	YUN GANG		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BIRNBAUM	JEFFREY	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BISHOP	MARLIN	E	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BIVENS	JESSECA	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BIVETTO	GLORIA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BLACKBARN	CAROLYN	C	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BLAKE-SMALLHORN	PATRICE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BLANKENSHIP	MICHAEL	S	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOBB	MANESSA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOBB	TESSA	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BONESIO	CHRISTOP	K	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BONILLA	WILFRIDO		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOOKER	HAZEL	V	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOONE	ERNEST		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOONE	STANLEY		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BORCHERT	DEBORAH		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BORJA	CRISTINA		9POLL	\$1.0000	APPOINTED	YES	03/14/12
BORLAND	ANNE	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BORRAYO	CHRISTIA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOUDA	JANELLE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOUTIN	GAMALIEL		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOUZIOTIS	MARIA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOWSER-WILLIAMS	BARBARA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOYCE	DANIEL	D	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BOYD	SHELLA	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRACKETT	ROSEMARI	N	9POLL	\$1.0000	APPOINTED	YES	03/21/12
BRADSHAW	EILEEN	U	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRADY	JAMES	E	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRAMBLE	ANETTA	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRANDIN	RODERICK	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRATHWAITE	ROSANNA	P	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRAUN	ROBERT	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRAVO	ANA	M	9POLL	\$1.0000	APPOINTED	YES	03/21/12
BRAVO	NANCY		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRAXTON	MARTIN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BREA	TATIANA	D	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BREEDLOVE	BRITTANY	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRIDGEFORTH	FELICIA		9POLL	\$1.0000	APPOINTED	YES	03/20/12
BRIGGS-AUSTIN	JENNIFER	D	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRINK	CAROLYN	E	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRINSON	ANTHONET		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRIZA	PETER	E	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRONSON	DELORES		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROOKS	JANICE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROOKS	NHEKA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROUNSON	CAROLYN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	ANDREW	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	BURDETTE	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	CANDACE		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	CHARLES		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	ERNESTIN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	GEORGETT	D	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	JEANNETT	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	JEREMIAH		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	LOUISE	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	MARGARET	M	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	MICHAEL	R	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	NICHOLAS	A	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	RAHSHEE	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	RASHEDA	K	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWN	STEVEN	R	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWNFERRIER	ANOELA		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BROWNING	KENNETH	K	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BRYANT	PAMELA	N	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUCHAKIAN	HALDIS	K	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUCHANAN	TAWANDA	S	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUNTS	TRACI		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BURNETTE	KEVIN	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUSH	KEISHA	L	9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUTLER	ASHANTI		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BUTLER	SURAYYAH		9POLL	\$1.0000	APPOINTED	YES	01/01/12
BYNUM	BETTY		9POLL	\$1.0000	APPOINTED	YES	01/01/12
CABALLERO	ANGELICA	I	9POLL	\$1.0000	APPOINTED	YES	01/01/11
CABELLO	CARMEN		9POLL	\$1.0000	APPOINTED	YES	01/01/12
CABREJA	CHARLES		9POLL	\$1.0000	APPOINTED	YES	01/01/12
CABRERA	DANNY	J	9POLL	\$1.0000	APPOINTED	YES	01/01/12
CABRERA	RODOLFO		9POLL	\$1.0000	APPOINTED	YES	01/01/12
CADOGAN	ANNETTE	F	9POLL	\$1.0000	APPOINTED	YES	01/01/12

☛ a27

LATE NOTICE

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARING

MAY 8, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, **May 8, 2012, 10:00 A.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

534-65-BZ

APPLICANT – Alfonso Duarte, for Parker Yellowstone, owner.
SUBJECT – Application March 9, 2012 – Extension of Term permitting surplus tenant parking spaces, within an accessory garage, for transient parking pursuant to §60 (3) of the Multiple Dwelling Law (MDL), which expired on July 13, 2010; Waiver of the Rules. R7-1 zoning district.
PREMISES AFFECTED – 104-40 Queens Boulevard, northeast corner Yellowstone Boulevard, Block 3175, Lot 1, Borough of Queens.
COMMUNITY BOARD #6Q

749-65-BZ

APPLICANT – Sheldon Lobel, P.C., for Henry Koch, owner.
SUBJECT – Application April 9, 2012 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (72-21) for the continued operation of a UG16 Gasoline Service Station (*Getty*) which expired on March 8, 2012.
PREMISES AFFECTED – 1820 Richmond Road, southeast corner of Richmond Road and Stobe Avenue, Block 3552, Lot 39, Borough of Staten Island.
COMMUNITY BOARD #2SI

339-04-BZ

APPLICANT –Eric Palatnik, P.C., for Kramer and Wurtz, Inc., owners.
SUBJECT – Application January 17, 2012 – Extension of Term (§11-411) of a previously variance which permits an automotive service station (UG 16B) which expires on June 4, 2012. R3-1 zoning district.
PREMISES AFFECTED – 157-30 Willets Point Boulevard, south side of the intersection formed by Willets Point Boulevard and Clintonville Street, Block 4860, Lot 15, Borough of Queens.
COMMUNITY BOARD #7Q

APPEALS CALENDAR

32-12-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative Inc., owner; Noreen & William Goodwin, lessees.
SUBJECT – Application February 8, 2012 –The proposed reconstruction and enlargement of the existing single family dwelling not fronting a mapped street is contrary to Article 3, Section 36 of the General City Law. The proposed upgrade to the existing private disposal system located partially in the bed of the service road is contrary to Building Department policy.
PREMISES AFFECTED – 110 Beach 220th Street, west side Beach 220th Street, 160' south of Breezy Point Boulevard, Block 16350, Lot p/0400, Borough of Queens.
COMMUNITY BOARD #14Q

51-12-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Patricia Davey, lessee.
SUBJECT – Application March 7, 2012 –The proposed re-construction of the existing building is located on a site where the building lies partially in the bed of a mapped Beach 216 Street as per Art.3 Sect. 35 of the GCL and contrary to the Department of Building policy. The proposed upgrade of the private disposal system is not located in the bed of a mapped street.R4 zoning district.
PREMISES AFFECTED – 46 Tioga Walk, east of Beach 216th Street, 45' north of 6th Avenue, Block 16350, Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

52-12-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Michael Mullaly, lessee.
SUBJECT – Application March 7, 2012 –The proposed re-construction of the existing building is located on a site where the building lies in the bed of a mapped street as per Art 3 Sect. 35 of the GCL, is not fronting a mapped street as per Art 3 Sect. 36 GCL and contrary to the Department of Buildings policy. The proposed upgrade of the private disposal system is located in the bed of a mapped street. R4 zoning district.
PREMISES AFFECTED – 35 Janet Lane, north of Janet Lane, east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

MAY 8, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, **May 8, 2012, at 1:30 P.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

42-10-BZ

APPLICANT – Sheldon Lobel, P.C., for 2170 Mill Avenue LLC, owner.
SUBJECT – Application March 29, 2010– Variance (§72-21) to allow for a mixed use building contrary to use (§22-10), floor area, lot coverage, open space (§23-141), maximum dwelling units (§23-22), height (§23-631). R3-1/C2-2 zoning district.
PREMISES AFFECTED – 2170 Mill Avenue, 116' west of intersection with Strickland Avenue, Block 8470, Lot 1150, Borough of Brooklyn.
COMMUNITY BOARD #18BK

117-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Sisters of St. Joseph, owners.
SUBJECT – Application August 15, 2011 – Variance (ZR 72-21) to permit the development of a new athletic center (*Sisters of St. Joseph Athletic Center*) building accessory to an existing Use Group 3 school. R1-2 & R5 zoning districts.
PREMISES AFFECTED – 86-50 Edgerton Boulevard, corner through lot bounded by Dalny Road, Wexford Terrace, and Edgerton Boulevard, block 9885, Lot 8, borough of Queens.
COMMUNITY BOARD # 8Q

5-12-BZ

APPLICANT – Moshe M. Friedman, P.E., for Aaron Herzog, owner.
SUBJECT – Application January 12, 2012 – Variance (§72-21) for the addition of a third floor to an existing two family residential building which is contrary to front yard requirements ZR 23-146(c) front yards and side yard requirement ZR 23-146 (d). R5 Borough Park zoning district.
PREMISES AFFECTED – 812 Dahill road, northwest corner of Dahill Road and 19th Avenue, Block 5445, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #12BK

8-12-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Gladys Mandalaoui and Solomon Mandalaoui, owners.
SUBJECT – Application January 17, 2012 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yards (23-461) and less than the required rear yard (23-47); R4 zoning district in the Special Ocean Parkway District.
PREMISES AFFECTED – 705 Gravesend Neck Road, north side of Gravesend Neck Road, between East 7th Street and East 8th Street, block 7159, Lot 39, Borough of Brooklyn.
COMMUNITY BOARD #15BK

44-12-BZ

APPLICANT – Sheldon Lobel, P.C., for 952-1064 Flatbush Avenue ELB LLC, owner; 1024 Flatbush Avenue Fitness Group, LLC, lessee.
SUBJECT – Application February 23, 2012 – Application filed pursuant to ZR§73-36 seeking a special permit to allow the operation of a physical culture establishment (*Planet Fitness*) within an existing four-story building that is located in a C4-4A zoning district.
PREMISES AFFECTED – 1024 Flatbush Avenue, west side of Flatbush Avenue between Regent Place and Beverly Road, Block 5125, Lot 56, Borough of Brooklyn.
COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

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