



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

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, November 1, 2012 at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD11 - BSA #85-91 BZ — IN THE MATTER of an application submitted by Carl A. Sulfaro, Esq. and Lada Limited Liability Company, pursuant to Section 11-411 of the NYC Zoning Resolution to reopen and amend a previously granted variance to extend the term and amend the previous resolution to permit a change of the hours of operation and accessory signage for an existing veterinary office (UG 6) with accessory kennels and a caretaker's apartment in an R3-1 district located at 204-18 46th Avenue, Block 7304, Lot 17, Zoning Map 11b, Bayside, Borough of Queens.

CD12 - BSA #167-95 BZ — IN THE MATTER of an application submitted by Walter T. Gorman, P.E. on behalf of Springfield LI Cemetery Society, pursuant to Section 72-01 of the NYC Zoning Resolution, to waive the rules of practice and procedure, extend the term of variance for a term of ten (10) years and to amend the resolution by reducing the area covered by the previously granted variance allowing vehicle and equipment maintenance, repair and storage in an R3A district, located on the west side of Springfield Boulevard 166.16' south of 121st Avenue, Block 12695, Lot 1, Zoning Map 19a, Jamaica, Queens.

CD07 - BSA #30-12 BZ — IN THE MATTER of an application submitted by Eric Palatnik, PC on behalf of Don Ricks Associates, pursuant to Section 73-49 of the New York City Zoning Resolution, to permit accessory parking on the roof of an existing one-story supermarket located in an R6/C2-2 district located at 142-41 Roosevelt Avenue, Block 5020, Lot 34, zoning map 10a, Flushing, Borough of Queens.

CD07 - BSA #113-12 BZ — IN THE MATTER of an application submitted by Mitchell S. Ross, Esq. on behalf of St. Paul ChongHa-Sang R.C. Church., pursuant to Section 72-21 of the New York City Zoning Resolution for a variance to permit parapet wall to exceed front wall height restrictions and beyond the sky exposure plane located at 32-05 Parsons Boulevard, Block 4789, Lot 14, zoning map 10a, Flushing, Borough of Queens.

o26-n1

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, NY, on Wednesday, November 14, 2012 at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

CROTONA PARK CHILD CARE CENTER

CD 3 C 120259 PQX
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 1600 Crotona Park East (Block 2939, Lot 90), for continued use as a child care center.

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

o30-n14

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, NY, on Wednesday, October 31, 2012 at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

ZEREGA HAVEMEYER

CD 9 C 130001 PPX
IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located at 535-537 Zerega Avenue (Block 3540, Lots 29 and 40), pursuant to zoning.

BOROUGH OF MANHATTAN

Nos. 2, 3 & 4

DURST WEST 57TH STREET

No. 2

CD 4 C 120396 ZMM
IN THE MATTER OF an application submitted by Durst Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-2 District property bounded by West 58th Street, a line 125 feet westerly of Eleventh Avenue, a line midway between West 58th Street and West 57th Street, and a line 125 feet easterly of Twelfth Avenue, as shown on a diagram (for illustrative purposes only) dated July 11, 2012 and subject to the conditions of CEQR Declaration E-286.

No. 3

CD 4 C 120397 ZSM
IN THE MATTER OF an application submitted by Durst Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of

total allowable floor area under the applicable district regulations without regard for zoning district lines; and

2. Section 74-743(a)(2) - to allow the location of buildings without regard for the front wall height and initial setback requirements of Section 33-432, the tower requirements of Section 33-451, and the distance between building requirements of Section 23-711;

in connection with a proposed mixed-use development, on property bounded by West 58th Street, Eleventh Avenue, West 57th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43), within a Large-Scale General Development, in C4-7 and C6-2* Districts, within the Special Clinton District (Other Areas (Northern Subarea C1)).

*Note: The site is proposed to be rezoned by changing an M1-5 District to a C6-2 District under a concurrent related application C 120396 ZMM.

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.

No. 4

CD 4 C 120398 ZSM
IN THE MATTER OF an application submitted by Durst Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 285 spaces on portions of the ground floor and mezzanine level of a proposed mixed-use building on the westerly portion of property bounded by West 58th Street, Eleventh Avenue, West 57th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43), within a Large-Scale General Development, in C4-7 and C6-2* Districts, within the Special Clinton District (Other Areas (Northern Subarea C1)).

*Note: The site is proposed to be rezoned by changing an M1-5 District to a C6-2 District under a concurrent related application C 120396 ZMM.

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.

NOTICE

On Wednesday, October 31, 2012, at 10:00 A.M. in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Supplemental Environmental Impact Statement (DSEIS) (CEQR # 12DCP020M) concerning a zoning map amendment for an area encompassing a portion of the block bounded by West 57th and West 58th Streets, Eleventh and Twelfth Avenues (Block 1105, the project block) in Manhattan, Community District 4. The proposal also includes special permits as well as modifications to existing special permits and an existing Restrictive Declaration. The proposed actions would facilitate a proposal by the applicant, Durst Development L.L.C., to develop approximately 1.1 million gross square feet of residential, commercial, community facility, and parking uses on the project block. Written comments on the DSEIS are requested and would be received and considered by the Lead Agency until Tuesday, November 13, 2012.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 12DCP020M.

BOROUGH OF THE BRONX

No. 5

CROTONA PARK CHILD CARE CENTER

CD 3 C 120259 PQX
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-

c of the New York City Charter for the acquisition of property located at 1600 Crotona Park East (Block 2939, Lot 90), for continued use as a child care center.

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

o18-31

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 17 - Monday, November 5, 2012 at 7:00 P.M., 39 Remsen Avenue, Brooklyn, NY

Fiscal Year 2014 Capital and Expense Budget priorities.

o30-n5

DISTRICTING COMMISSION

■ PUBLIC MEETING

NOTICE IS HEREBY GIVEN THAT the City of New York 2012-2013 Districting Commission has rescheduled its October 30, 2012 public meeting to November 5, 2012. In accordance with section 51 of the New York City Charter, a public meeting will be held on November 5, 2012 at 1:00 p.m. at New York Law School, 185 West Broadway, New York, NY 10013. This meeting will be open to the public, but will not provide an opportunity for public testimony. The meeting location is fully accessible to those with physical disabilities.

o30

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, **November 13, 2012 at 9:00 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 QUEENS 13-5362 - Block 8050, lot 58-225 Park Lane - Douglaston Historic District
 A contemporary style house constructed in 1964. Application is to demolish the house and construct a new house. Zoned R1-2. Community District 11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 13-7507 - Block 1444, lot 28-34-48 84th Street - Jackson Heights Historic District
 An Anglo-American Garden Home style attached house, designed by Pierce L. Kiesewetter, and built in 1928-29. Application is to legalize the replacement of entrance steps without Landmarks Preservation Commission permits. Community District 3.

BINDING REPORT
BOROUGH OF QUEENS 13-6701 - Block 5917, lot 1-Fort Totten - Fort Totten Historic District
 A Military Complex of fortifications and dwellings originally built in 1862 and altered over time. Application is to install concrete pads, generators, fences and plantings within two parking lots and a lawn within the historic district. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7657 - Block 5202, lot 57-511 East 16th Street - Ditmas Park Historic District
 A Bungalow style house designed by Arlington D. Isham and built in 1909. Application is to replace windows. Community District 14.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-2953 - Block 2101, lot 53-242 Cumberland Street - Fort Greene Historic District
 An Italianate style rowhouse built c.1852. Application is to construct a rear yard addition and reconstruct the rear facade. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-6849 - Block 295, lot 29-364 Henry Street and 129 Congress Street - Cobble Hill Historic District
 An Italianate style rowhouse built in 1852-53 and a two-story brick stable building built c.1860. Application is to alter the facades, construct rooftop and rear yard additions, install a stoop, bay windows, light fixtures, roof deck, a metal fence, alter window openings on the stable and modify and add curb cuts. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-1756 - Block 221, lot 29-70 Henry Street - Brooklyn Heights Historic District
 A one-story store building built in the 19th Century and later altered. Application is to demolish the existing building and construct a new building. Zoned R7-1, C1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-5741 - Block 270, lot 7-

167 State Street - Brooklyn Heights Historic District
 An Anglo-Italianate style house built in 1861-79. Application is to enlarge a rear yard addition. Zoned R6 LH1. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-2190 - Block 249, lot 34-146 Montague Street - Brooklyn Heights Historic District
 A 19th century rowhouse, later altered with Gothic style elements and to include a store and office. Application is to legalize a display box installed without a Landmarks Preservation Commission permit. Zoned R7-1, C1-3. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-5287 - Block 1060, lot 7501-25 8th Avenue - Park Slope Historic District
 A Venetian-Gothic palazzo style club building designed by Francis H. Kimball and built in 1889-91. Application is to create a door opening and install a pergola. Community District 6.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF BROOKLYN 13-1153 - Block 1089, lot 55-545 8th Street - Park Slope Historic District
 A brick house designed by Scott & Prescott and built in 1922. Application is to construct a rear yard addition and to alter the entrance. Zoned R6B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-7856 - Block 1964, lot 55-40 Cambridge Place - Clinton Hill Historic District
 A vernacular French Second Empire style semi-detached frame house, built circa 1866. Application is to construct a rear addition and entrance portico and replace windows and a fence. Zoned R-6B. Community District 2.

BINDING REPORT
BOROUGH OF BROOKLYN 13-6010 - Block 1102, lot 12-1402 8th Avenue - Fourteenth Regiment Armory - Individual Landmark
 A Castellated style armory building built in 1891-95 designed by William A. Mundell. Application is to install new doors, signage, and flagpoles. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-4696 - Block 1151, lot 80-175 Prospect Place - Prospect Heights Historic District
 An altered Italianate style rowhouse built circa 1870. Application is to excavate the rear yard and to construct a rear yard addition. Zoned R6B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1310 - Block 43, lot 2-40 Wall Street, aka 25-39 Pine Street -Manhattan Company Building-Individual Landmark
 A skyscraper designed by H. Craig Severance with Yasue Matsui and built in 1929-1930. Application is to replace ground floor infill, modify a stair, and install a canopy and signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1190 - Block 150, lot 6-66 Reade Street - Tribeca South Historic District
 An Italianate style store and loft building designed by Samuel A. Warner and built in 1856-57. Application is to construct a rooftop addition and bulkhead. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-4670 - Block 150, lot 12-78 Reade Street - Tribeca South Historic District
 An Italianate style store and loft building designed by James H. Giles and built in 1859-60. Application is to legalize the installation of a fire escape without Landmarks Preservation Commission permits. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3062 - Block 146, lot 21-134 Duane Street - Tribeca South Historic District
 An Italianate style store and loft building built in 1859-1860. Application is to install a deck, planters, and fence at the roof. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6495 - Block 173, lot 19-78 Leonard Street - Tribeca East Historic District
 A Second Empire style store and loft building, built in 1864-1865, and an Italianate style store and loft building, designed by James H. Giles and built in 1860-1862. Application is to replace storefront infill. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-5662 - Block 210, lot 19-302 Canal Street - Tribeca East Historic District
 An Italianate style store and loft building designed by Trench & Snook and built in 1851-52. Application is to install a barrier-free access ramp. Zoned M-1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-5558 - Block 294, lot 8-54 Canal Street - S. Jarmulowsky Bank Building - Individual Landmark
 A neo-Renaissance style bank and office building designed by Rouse & Goldstone and built in 1911-12. Application is to construct a rooftop addition, and to install balconies and ground-floor infill. Zoned C6-2C. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-5387 - Block 189, lot 39-2 North Moore Street - Tribeca West Historic District
 A Utilitarian style store and loft building with neo-Grec style elements built in 1870 and designed by M.H. Scott. Application is to install a rooftop pergola and planters. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-7197 - Block 188, lot 7503-127 Hudson Street - Tribeca West Historic District
 An Early Twentieth Century Commercial style building with neo-Renaissance style elements designed by Charles C. Haight and built in 1912. Application is to install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-7571 - Block 496, lot 14-70 Prince Street, aka 105 Crosby Street - SoHo- Cast Iron Historic District Extension
 A Federal style brick dwelling built circa 1827. Application is to legalize the installation of a bracket sign without Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6113 - Block 229, lot 36-17 Greene Street - SoHo- Cast Iron Historic District
 A warehouse designed by Samuel A. Warner and built in 1894-95. Application is to install storefront infill. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-2921 - Block 474, lot 1-42 Greene Street - SoHo- Cast Iron Historic District
 A store and loft building with French Renaissance style details built in 1869. Application is to alter the fire escapes. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-4979 - Block 392, lot 10-605 East 9th Street, aka 605-615 East 9th Street and 350-360 East 10th Street - (Former) Public School 64- Individual Landmark
 A French Renaissance Revival style school building designed by C.B.J. Snyder and built in 1904-06. Application is to replace windows. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-7396 - Block 57, lot 646-421-425 West 13th Street - Gansevoort Market Historic District
 A neo-Renaissance style warehouse building designed by Hans E. Meyen and built in 1901-02. Application is to legalize the creation of a new window opening without Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6366 - Block 583, lot 47-14 St. Luke's Place - Greenwich Village Historic District
 A rowhouse built in 1852-53. Application is to construct rooftop and rear yard additions and excavate the cellar. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-8069 - Block 632, lot 29-129 Charles Street - Greenwich Village Historic District Extension
 A vernacular style stable and dwelling designed by Henry Andersen, and built in 1897. Application is to alter at the ground floor and construct rooftop and rear yard addition. Zoned C6-1. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6318 - Block 672, lot 1-601 West 26th Street - Starrett-Lehigh Building - Individual Landmark
 An International style warehouse building designed by Russell G. and Walter M. Cory with Yasuo Matsui and built in 1930-31. Application is to replace windows. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-5325 - Block 719, lot 13-449 West 21st Street - Chelsea Historic District
 An Italianate style rowhouse built in 1856-57. Application is to construct rooftop and rear yard additions. Zoned R7B. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-7111 - Block 876, lot 17-Gramercy Park - Gramercy Park Historic District
 A private square developed in the 19th Century. Application is to extend the temporary installation of a sculpture. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3258 - Block 1116, lot 36-55 Central Park West, aka 2-4 West 66th Street - Upper West Side/Central Park West Historic District
 An Art Deco style apartment building designed by Schwartz & Gross and built in 1930. Application is to replace doors. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3941 - Block 1212, lot 61,62,63,163-176-182 West 82nd Street - Upper West Side/Central Park West Historic District
 A Romanesque Revival style flathouse designed by Gilbert A. Schellenger and built in 1892-93. Application is to construct a rooftop addition, demolish a portion of the rear, construct a new rear facade, and install a barrier-free access ramp and a canopy. Zoned C2-7A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6969 - Block 1218, lot 149-152 West 88th Street - Upper West Side/Central Park West Historic District
 A Renaissance Revival style rowhouse designed by Neville & Bagge and built in 1893. Application is to construct rooftop and rear yard additions and replace windows. Zoned R7-2. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6306 - Block 1379, lot 51-30 East 65th Street - Upper East Side Historic District
 An apartment house designed by Kikkins & Lyras and built in 1959. Application is to modify the vestibule and replace the canopy. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6515 - Block 1382, lot 10, 11-11 and 13 East 67th Street - Upper East Side Historic District

A neo-French Classic style dwelling designed by Foster & Gade and built in 1913 and a English neo-Classical style dwelling designed by Harry Allan Jacobs and built in 1920-21. Application is to combine the buildings, reconstruct rooftop and rear yard additions, rear extensions and rear facades, excavate the cellars, install new areaway ironwork, and modify an opening. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6757 - Block 1382, lot 48-34 East 68th Street - Upper East Side Historic District
A neo-Grec style rowhouse designed by R.W. Buckley and built in 1879. Application is to reconstruct the front and rear facades, and construct a rooftop addition. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-3914 - Block 1406, lot 11-123 East 71st Street - Upper East Side Historic District
An Italianate style residence built c.1865, and heavily altered in 1904 by Thomas Nash. Application is to construct a rooftop addition. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9464 - Block 1389, lot 44, 45-38-40 East 75th Street - Upper East Side Historic District
A rowhouse built in 1881-82 and highly altered in 1926 by John W. Ingle; and a neo-Grec style rowhouse designed by Thom & Wilson and built in 1881-82, with Beaux-Arts style additions designed by Herts & Tallant in 1910. Application is to combine the buildings, construct a rooftop addition, and alter the facades. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6695 - Block 1773, lot 62-120 East 125th Street - Fire Hook & Ladder Co. No. 14 (now Engine Co. 36) - Individual Landmark
A Romanesque Revival style fire house designed by Napoleon LeBrun & Sons and built in 1888-89. Application is to alter ground floor openings, install new ground floor infill, signage, light fixtures, wall murals, and rooftop mechanical equipment. Community District 11.

o30-n13

SMALL BUSINESS SERVICES

NOTICE

NOTICE OF PUBLIC SCOPING Department of Small Business Services

NOTICE IS HEREBY GIVEN THAT, pursuant to Section 5-07(b) of the Rules of Procedure for City Environmental Quality Review (CEQR), a public scoping meeting will be held on Tuesday, November 13, 2012, at 6:00 P.M., in the Music Hall of the Snug Harbor Cultural Center & Botanical Garden, located at 1000 Richmond Terrace Staten Island, New York, as submitted by the New York City Department of Small Business Services, to hear comments from the public regarding the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for the St. George Waterfront Redevelopment Project.

The project is the proposed development of two sites along the St. George Waterfront located adjacent to and on either side of the Richmond County Bank Stadium (the "Stadium"), and just north of the Staten Island Ferry St. George Terminal (the "Ferry Terminal"). One of the sites would include the development of a 625-foot tall Observation Wheel, an approximately 113,000-square foot Wheel Terminal Building accommodating, commercial and retail space, restaurants, exhibition space, theater space, and parking. The other site closer to the Ferry Terminal would include an approximately 340,000-square foot retail outlet center, a 200-room 130,000-square foot hotel, a catering facility, and parking.

The purpose of the scoping meeting is to provide the public with the opportunity to comment on the scope of analysis proposed to be included in the DEIS for the referenced project.

A copy of the draft scoping document for the project may be obtained by any member of the public by sending an email to StGeorgeWaterfront@nycedc.com or calling (212) 312-3938.

Copies of the EAS and Scoping Document will be available for reference at the St. George New York Public Library located at: 5 Central Avenue Staten Island, NY 10301. The EAS and Scoping Document may also be downloaded online from: www.nycedc.com/project/st-george-waterfront

Written comments will be accepted through November 23, 2012 and may be submitted at the public scoping meeting or sent to Meenakshi Varandani at the address below.

Meenakshi Varandani
New York City Economic Development Corporation
110 William Street
New York, New York 10038
StGeorgeWaterfront@nycedc.com

NOTE: Individuals requesting Sign Language Interpreters 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 FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL Verizon Relay Service.

o15-30

TRANSPORTATION

PUBLIC HEARINGS

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, November 7, 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 Dorothy Lichtenstein to continue to maintain and use a fenced-in area on the east sidewalk of Washington Street, between Bethune Street and Bank Street, 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 - \$1,503
For the period July 1, 2013 to June 30, 2014 - \$1,545
For the period July 1, 2014 to June 30, 2015 - \$1,587
For the period July 1, 2015 to June 30, 2016 - \$1,629
For the period July 1, 2016 to June 30, 2017 - \$1,671
For the period July 1, 2017 to June 30, 2018 - \$1,713
For the period July 1, 2018 to June 30, 2019 - \$1,755
For the period July 1, 2019 to June 30, 2020 - \$1,797
For the period July 1, 2020 to June 30, 2021 - \$1,839
For the period July 1, 2021 to June 30, 2022 - \$1,881

the maintenance of a security deposit in the sum of \$2,800 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 Douglas Kepple to continue to maintain and use a stoop and a fenced-in area on the west sidewalk of Bedford Street, north of Morton Street, 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 \$5,010 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 Kenneth Cole Consumer Direct, LLC to continue to maintain and use a stair on the east sidewalk of Mercer Street, south of Hudson Street, 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 - \$ 973
For the period July 1, 2013 to June 30, 2014 - \$1,000
For the period July 1, 2014 to June 30, 2015 - \$1,027
For the period July 1, 2015 to June 30, 2016 - \$1,054
For the period July 1, 2016 to June 30, 2017 - \$1,081
For the period July 1, 2017 to June 30, 2018 - \$1,108
For the period July 1, 2018 to June 30, 2019 - \$1,135
For the period July 1, 2019 to June 30, 2020 - \$1,162
For the period July 1, 2020 to June 30, 2021 - \$1,189
For the period July 1, 2021 to June 30, 2022 - \$1,216

the maintenance of a security deposit in the sum of \$4,000 and the insurance shall be 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 NYC Serenade, LLC to continue to maintain and use nine bollards on the south sidewalk of Platt Street, west of Gold Street, 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 others terms and condition for compensation payable to the city according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$1,125/annum

the maintenance of a security deposit in the sum of \$20,000 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.

#5 In the matter of a proposed revocable consent authorizing TC Ravenswood, LLC to continue to maintain and use a tunnel under and across 36th Avenue, west of Vernon Boulevard, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2005 to June 30, 2015 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2005 to June 30, 2006 - \$20,296
For the period July 1, 2006 to June 30, 2007 - \$21,441
For the period July 1, 2007 to June 30, 2008 - \$22,123
For the period July 1, 2008 to June 30, 2009 - \$23,249
For the period July 1, 2009 to June 30, 2010 - \$23,263
For the period July 1, 2010 to June 30, 2011 - \$23,756
For the period July 1, 2011 to June 30, 2012 - \$24,660
For the period July 1, 2012 to June 30, 2013 - \$25,044
For the period July 1, 2013 to June 30, 2014 - \$25,743
For the period July 1, 2014 to June 30, 2015 - \$26,442

The maintenance of a security deposit in the sum of \$26,500 and the insurance shall be in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) per occurrence, and Five Million Dollars (5,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing TC Ravenswood, LLC to continue to maintain and use conduits under and across 36th Avenue, west of Vernon Boulevard, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$14,649
For the period July 1, 2011 to June 30, 2012 - \$15,132
For the period July 1, 2012 to June 30, 2013 - \$15,372
For the period July 1, 2013 to June 30, 2014 - \$15,801
For the period July 1, 2014 to June 30, 2015 - \$16,230

For the period July 1, 2015 to June 30, 2016 - \$16,659
For the period July 1, 2016 to June 30, 2017 - \$17,088
For the period July 1, 2017 to June 30, 2018 - \$17,517
For the period July 1, 2018 to June 30, 2019 - \$17,946
For the period July 1, 2019 to June 30, 2020 - \$18,375

The maintenance of a security deposit in the sum of \$18,400 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.

o17-30

COURT NOTICE

SUPREME COURT

NOTICE

KINGS COUNTY IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER 17342/12

In the Matter of the Application of the

NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY,

Petitioner,

To Acquire By Exercise of its Powers of Eminent Domain Title in Fee Simple Absolute to Certain Real Property Known as Tax Block 5342, Lots 6, 8, 26, 28, 30, Located in the Borough of Brooklyn City of New York, in Connection With the Construction of P.S./I.S. 338K.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Kings, IA Part 74 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Kings on October 10, 2012, the application of the Petitioner, New York City School Construction Authority (the "NYC SCA"), to acquire certain real property, required for the construction of P.S./I.S. 338K, was granted and the NYC SCA was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the NYC SCA, was filed with the City Register on October 11, 2012. Title to the real property vested in the NYC SCA on October 11, 2012.

PLEASE TAKE FURTHER NOTICE, that the NYC SCA has acquired the following parcels of real property:

Block	Lot
5342	6
5342	8
5342	26
5342	28
5342	30

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof, shall have a period of two years from the date of service of the Notice of Acquisition for this proceeding, to file a written claim or a notice of appearance with the Clerk of the Court of Kings County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

- (A) the name and post office address of the condemnee;
- (B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- (C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- (D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

Dated: October 16, 2012, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for the Condemnor,
New York City School Construction Authority
100 Church Street
New York, New York 10007
Tel. (212) 788-0718

o22-n2

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

ASSET MANAGEMENT

PUBLIC AUCTION

PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY SEALED BID PUBLIC LEASE AUCTION

PUBLIC NOTICE IS HEREBY GIVEN THAT The Department of Citywide Administrative Services, Asset

Management will conduct a Sealed Bid Public Lease Auction pertaining to Long-Term Leases, Short-Term Leases and Licenses on December 4, 2012, at 1 Centre Street, 18th floor Bid Room, New York, New York 10007. Sealed bids will be accepted from 10:00 A.M. to 11:00 A.M. and opened at 11:00 A.M.

The offerings, including Terms and Conditions and Special Terms and Conditions, are set forth in a brochure which will be available on November 1, 2012. For further information, including a brochure and a bid packet, please visit the DCAS website after November 1, 2012 at nyc.gov/dcas or contact Shelley Goldman at 212-386-0608.

In accordance with Section 384 of the City Charter, long term leases will be offered for the properties listed below at Sealed Bid Public Lease Auction. A Public Hearing was held on August 15, 2012 at 22 Reade Street, in the Borough of Manhattan in the matter of the two properties listed below.

Brooklyn, Block 6036, Part of Lot 1

Property Address: 8501 Fifth Avenue
Property Type: Ground floor retail store and basement space
Minimum Annual Bid: \$99,960
Inspection Dates: Thursday, November 8, 2012, 11:00 A.M. to 12:00 P.M.
Friday, November 16, 2012, 10:00 A.M. to 11:00 A.M.

Brooklyn, Block 6036, Part of Lot 1

Property Address: 8509 Fifth Avenue
Property Type: Ground floor retail store and basement space
Minimum Annual Bid: \$85,680
Inspection Dates: Thursday, November 8, 2012, 10:00 A.M. to 11:00 A.M.
Friday, November 16, 2012, 11:00 A.M. to 12:00 P.M.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, NY 10007, (212) 788-7490, no later than fourteen (14) days prior to the auction.

TDD users should call VERIZON relay services.

o16-d4

CITYWIDE PURCHASING

NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

ENVIRONMENTAL PROTECTION

NOTICE

Forest Management Project # 5035 "Acorn Hill Forest Management Project"
NOTICE OF PROJECT AVAILABILITY

Description: The City of New York will sell approximately 236 thousand board feet of standing mixed hardwood and softwood timber and more than 410 cords of hardwood cordwood through Forest Management Project #5035. The project is located within the Acorn Hill Forest Management Project Area on New York City-owned watershed land in the Ashokan Reservoir basin, Town of Olive, Ulster County, NY. Bid Solicitation information is available by contacting NYCDEP Watershed Forester, Todd Baldwin, at 845-340-7854, or requesting via e-mail at tbaldwin@dep.nyc.gov.

Show Dates: Prospective bidders are required to attend one of the two public showings in order to receive a bid package necessary to submit a valid bid. The showings will be held on Tuesday, November 13, 2012 at 2:00 P.M. and Wednesday, November 14, 2012 at 8:00 A.M. on location, NYS Route 28A, west of the intersection with NYS Route 213 (Atwood Road) and east of County Rt. 3 and Acorn Hill Road, Olivebridge, NY.

Bidding: All bid proposals must be received by Todd Baldwin, 71 Smith Avenue, Kingston, New York 12401 (845-340-7854), **NO LATER THAN Tuesday, November 20, 2012 at 4:00 P.M., local time.** Sealed bids will be publicly opened at the DEP Office, 71 Smith Avenue, Kingston, NY on Wednesday, November 21, 2012 at 9:00 A.M., local time. The projected date for awarding the bid is on or about December 1, 2012.

o30-31

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



"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

AGING

AWARDS

Human / Client Services

OMBUDSMAN PROGRAM – Required/Authorized Source – Available only from a single source - PIN# 125130MBD604 – AMT: \$562,004.00 – TO: New York Foundation for Senior Citizens, Inc., 11 Park Place, Suite 1416, New York, NY 10007.

Long Term Care Ombudsman Program services involve the training of senior volunteers, aged 60 and over, to serve as ombudsmen and act as advocates on behalf of other senior citizens who are nursing home residents or who are under the care of a home health agency. The contract term shall be from July 1, 2012 to June 30, 2013.

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CITYWIDE ADMINISTRATIVE SERVICES

CITYWIDE PURCHASING

SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

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, 66-26 Metropolitan Avenue, Queens Village, NY 11379.
Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dleppore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods

GROCERIES - DYFJ – Competitive Sealed Bids – PIN# 8571300165 – DUE 11-14-12 AT 10:00 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendronline/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.
Edith Fezzuoglio (212) 669-8589; Fax: (212) 313-3164; efezzu@dcas.nyc.gov

o30

CRANE, ROUGH TERRAIN - DOT

– Other – PIN# 857PS1300116 – DUE 11-13-12 AT 9:30 A.M. Pre-Solicitation conference for the above-listed commodity will be held on November 13, 2012 at 9:30 A.M. at DCAS/OCF, 1 Centre Street, 18th Floor South, New York, NY 10007. Please review attached specification and bid document prior to attending a conference.

A copy of the bid can be downloaded from the City Record online site at <http://a856-internet.nyc.gov/nycvendronline/home.asp>. Enrollment is free.

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.
Edward Andersen (212) 669-8509; eanderso@dcas.nyc.gov

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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:

- Collection Truck Bodies
- Collection Truck Cab Chassis
- 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

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

SOLICITATIONS

Services (Other Than Human Services)

ASSESSMENT TOOL FOR THE INDIVIDUALIZED CORRECTIONS ACHIEVEMENT NETWORK (ICAN) PROGRAM – Negotiated Acquisition – PIN# 072201325SPP – DUE 11-19-12 AT 2:00 P.M. – The Department is seeking an interview-based assessment tool that can be administered in 30 minutes or less, that has been validated nationally and that can be administered to males and females, adults, and adolescents.

A copy of the solicitation and RFP can be downloaded from the DOC website at <http://www.nyc.gov/html/doc/html/contracting/contracting.shtml>

There is a limited number of suppliers available and able to perform the work. I-CAN will provide skill-building and discharge preparation services to eligible pre-trial and sentenced male and female inmates during their incarceration and post-release in the community.

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 Correction, The Bulova Corporate Center, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370.
Shaneza Shinath (718) 546-0684; Fax: (718) 278-6218; shaneza.shinath@doc.nyc.gov

o30-n15

DESIGN & CONSTRUCTION

AWARDS

Construction / Construction Services

PEDESTRIAN CIRCULATION IMPROVEMENTS ON QUEENS BOULEVARD AT VARIOUS INTERSECTIONS, QUEENS – Competitive Sealed Bids – PIN# 85011B0059 – AMT: \$1,577,595.55 – TO: Triumph Construction Corp., 1354 Seneca Avenue, Bronx, NY 10474. Project ID: HWC988QB4. DDC PIN#: 8502012HW0058C.

o30

ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction / Construction Services

NYC CONSTRUCTION MENTORSHIP PROGRAM - PRE-QUALIFICATION FOR GREEN INFRASTRUCTURE IMPROVEMENTS AT EDENWALD HOUSES – Request for Qualifications – PIN# 826MPQL01 – DUE 02-01-13 AT 4:00 P.M. – As part of the NYC Construction Mentorship Program, DEP is seeking qualifications from General Construction Contractors to establish a pre-qualified list of firms to implement Green Infrastructure Improvements at Edenwald Houses.

NYC CONSTRUCTION MENTORSHIP PROGRAM

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 Environmental Protection,
 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.
 Glorivee Roman (718) 595-3226; Fax: (718) 595-3208;
 glroman@dep.nyc.gov*

o24-30

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

■ SOLICITATIONS

Goods

OC AUTO MICRO 80 (FECAL OCCULT) ANALYZER REAGENTS – Competitive Sealed Bids – PIN# QHN2013-1034QHN – DUE 11-26-12 AT 2:00 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.
*Queens Health Network, 82-68 164th Street, "S" Building,
 Jamaica, NY 11432. Margaret Palma (718) 883-6000;
 palmam@nychhc.org*

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Goods and Services

ORTHOPAEDICS ITEMS – Competitive Sealed Bids – PIN# 0001113003 – DUE 11-19-12 AT 3:00 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.
*Bellevue Hospitals, 462 First Avenue, Room A 700, New York,
 NY 10016. Melissa Cordero (212) 562-2016;
 Fax: (212) 562-4998; melissa.cordero@bellevue.nychhc.org*

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HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Services (Other Than Human Services)

ETEST STRIPS FOR PUBLIC HEALTH LABS – Sole Source – Available only from a single source - PIN# 13LB014301R0X00 – DUE 11-05-12 AT 3:00 P.M. DOHMH intends to enter into a Sole Source agreement with BioMerieux, Inc. to provide Etest strips for the testing of aerobic bacteria such as Shingella and fastidious organisms such as Pneumococci, Haemophilus, Meningococci, and Gonococci. These Estrips will be utilized in the Public Health Laboratory. This contract will be from 7/1/13 to 6/30/16.

Any vendor who are interested in providing such services in the future can send an expression of intent via email to swillia9@health.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.
*Health and Mental Hygiene, 455 First Avenue, 12th Floor,
 New York, NY 10016. Geri Bell (212) 447-2588;
 gbell@health.nyc.gov; swillia9@health.nyc.gov*

o29-n2

PURCHASE OF RADIATION DOSIMETER KIT – Sole Source – Available only from a single source - PIN# 13BR026101R0X00 – DUE 11-14-12 AT 4:00 P.M. The Department intends to enter into a contract with Landauer, Inc. to purchase a dosimeter reader kits to measure radiation dose for emergency staff workers who might be exposed to radiation when in the field during routine or emergency deployments. The term of the contract will be from 01/01/2013 to 02/28/2013. Any vendor which believes that it can provide these services is invited to submit an expression of intent which must be received no later than November 14, 2012, 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.
*Health and Mental Hygiene, 125 Worth Street, CN57,
 New York, NY 10013. Barbara Blakely (212) 442-9386;
 bblakely@health.nyc.gov*

o30

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

GSD LEGAL SERVICES AND CONSULTATION IN MATTERS CONCERNING REAL ESTATE LAW AND REAL ESTATE DEVELOPMENT – Request for Proposals – PIN# 58960 – DUE 11-30-12 AT 3:00 P.M. – Inquiries regarding this Solicitation shall be directed to the Solicitation Coordinator, Ms. Kim Young, via email: kim.young@nycha.nyc.gov no later than 12:00 P.M., November 8, 2012. Proposers should refer to Section-II.B. RFP Timetable, Section III.B. Proposals Packaging and Submission Requirements and Section III.C. Proposal Content Requirements of this RFP for details in the submission. Each proposer is required to submit one (1) signed original and six (6) copies of its Proposal Package. The original Proposals must be signed by a principal officer of the Proposer who is duly authorized to commit the Proposer to fulfilling the Proposal. The contents of the Proposal package must include all required items.

Interested firms may obtain a copy on the NYCHA's website: [Http://www.nyc.gov/nychabusines](http://www.nyc.gov/nychabusines) Click on "Doing Business with NYCHA." Vendors are instructed to access the "Selling Goods and Services to NYCHA" link; then click on "Getting Started" to access and create a log-in. Upon access, reference applicable RFP number per solicitation ID. Proposers electing to obtain a non-electronic paper document will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFP documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor, General Services Procurement Group. A RFP package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
*Housing Authority, 90 Church Street, 12th Fl., New York, NY
 10007. Kim Young (212) 306-6676; kim.young@nycha.nyc.gov*

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GSD_MEAL PROGRAM AT SARATOGA AND COOPER PARK SENIOR CENTERS, BROOKLYN

Request for Proposals – PIN# 53926 – DUE 11-20-12 AT 4:00 P.M. Inquiries regarding this Solicitation shall be directed to the Solicitation Coordinator, Mr. Jacques Barbot, via email: jacques.barbot@nycha.nyc.gov (c; Sunny.Philip@nycha.nyc.gov) no later than 4:00 P.M., November 5, 2012. Proposers should refer to Section-IV. Proposal Submission Requirements and Section V. Proposal Content Requirements of this RFP for details in responding to this RFP. Electronic response is not permissible. The original Proposals must be signed by a principal officer of the Proposer who is duly authorized to commit the Proposer to fulfilling the Proposal. The contents of the Proposal package must include all required items.

Interested firms may obtain a copy on the NYCHA's website: [Http://www.nyc.gov/nychabusines](http://www.nyc.gov/nychabusines) Click on "Doing Business with NYCHA." Vendors are instructed to access the "Selling Goods and Services to NYCHA" link; then click on "Getting Started" to access and create a log-in. Upon access, reference applicable RFP number per solicitation ID. Proposers electing to obtain a non-electronic paper document will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFP documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor, General Services Procurement Group. A RFP package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
*Housing Authority, 90 Church Street, 12th Fl., New York, NY
 10007. Jacques Barbot (212) 306-3265;
 jacques.barbot@nycha.nyc.gov*

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HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

■ AWARDS

Human / Client Services

NON-RESIDENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06913H082205 – AMT: \$375,309.00 – TO: H.E.L.P. Social Service Corp., 5 Hanover Square, 17th Floor, NY, NY 10004. Term: 10/1/2012-9/30/2013. E-PIN: 06906X0067CNVN003.

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AGENCY CHIEF CONTRACTING OFFICER/CONTRACTS

■ AWARDS

Goods & Services

IT CONSULTING SERVICES FOR VOIP INITIATIVE PROJECT – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 09612G0014001 – AMT: \$250,664.40 – TO: Asen Computer Associates,

900 North National Parkway, Suite 155, Schaumburg, IL 60173. Agency PIN: 069-13-310-3004. Period of Performance: 07/01/2012-06/30/2015.

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CONTRACT MANAGEMENT

■ AWARDS

Services (Other Than Human Services)

VARIOUS LEXMARK PRINTERS, ACCESSORIES WITH TWO (2) YEARS ONSITE REPAIR – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 09612O0052001 – AMT: \$874,823.38 – TO: T and G Industries D/B/A TGI Office Automation, 120 3rd Street, Brooklyn, NY 11231. The contract term shall be from 10/1/12 - 9/30/15 and the internal pin number is 069-13-110-6047.

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PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ AWARDS

Construction / Construction Services

RECONSTRUCTION OF THE SIDEWALK AND PERIMETER FENCE AT JARDIN DE LA FAMILIA – Competitive Sealed Bids – PIN# 8462012X320C02 – AMT: \$154,575.00 – TO: A-1 United Enterprises, Inc., 33 North Durkee Drive, Hauppauge, NY 11772. Located on E. 171st Street between Washington Avenue and Park Avenue, The Bronx, known as Contract #X320-111MA.

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REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF TWO (2) BOOKSTALLS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-BK-2012 – DUE 11-27-12 AT 3:00 P.M. – And a maximum of eight (8) related tables on Fifth Avenue between East 60th and East 61st Streets, Central Park, Manhattan.

There will be a recommended proposer meeting on Wednesday, November 7, 2012 at 11:30 A.M. We will be meeting in Room 407 of the Arsenal, which is located at 830 5th Avenue, in Central Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended meeting.

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.
 Venus Melo (212) 360-1397; Fax: (212) 360-3434;
 venus.melo@parks.nyc.gov*

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

EDUCATION

■ PUBLIC HEARINGS

Committee on Contracts Agenda (Revised)

The Department of Education's (DOE) Chancellor's Committee on Contracts (COC) has been asked for approval to enter into contract negotiations with the following organization(s) for the services described below. Other organizations interested in providing these services to the DOE are invited to indicate their ability to do so in writing to Jay G. Miller at 65 Court Street, Room 1201, Brooklyn, NY, 11201. Responses should be received no later than 10:00 A.M., Monday, November 5, 2012. Any COC approval will be contingent upon no expressions of interest in performing services by other parties.

Items for Consideration:

1. The Council on the Environment, Inc. d/b/a GrowNYC

Service(s): The Division of School Facilities in partnership with the Mayor's Fund and State is seeking an agreement with The Council on the Environment, Inc. d/b/a GrowNYC to expand the citywide school garden initiative, Grow to Learn.

Grow to Learn was founded by the Mayor's Fund and GrowNYC in 2010, and is run by GrowNYC, an independent non profit organization. Grow to Learn promotes healthy eating habits to students by creating and helping to maintain school gardens.

Term: 7/1/12 – 6/30/16

Total Contract Cost Not-to-Exceed: \$600,000

2. Hudson Valley Systems

Service(s): The Division of Financial Systems & Business Operations is seeking an agreement with Hudson Valley Systems to implement a transition to the DOE of the production, support and maintenance functions for the Galaxy system. Galaxy services schools and central offices by providing finance and human resource support. This transition entails staff acquisition, training, and turnover, while maintaining current levels of service and performance.

Term: 12/11/12 – 12/10/2018

Estimated Total Contract Cost: \$18,600,000

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AGENCY RULES

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would amend the TLC's Rules to create rules to accommodate electronic hailing (e-hail) of taxicabs.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, November 29, 2012. The hearing will be in the Commission hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on November 29, 2012. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by November 29, 2012.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, November 22, 2012.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and sections 19-503 and 19-511 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

A number of companies have approached the TLC about introducing services that would allow taxicab passengers within the City to arrange on demand taxi service through an electronic hail (E-Hail) application sent from a smartphone or other electronic device. Passenger survey data obtained by the TLC indicates that more than 50% of those questioned were interested in both the ability to E-Hail a taxicab (57%), and the ability to pay for their fare (55%) using an electronic device (E-Payment). TLC's current governing regulations, many of which predate E-Hail technology, do not authorize such services.

As E-Hail applications have emerged, TLC has undertaken serious diligence in exploring options that will encourage innovation and provide new and desired services to taxi passengers. To expand such passenger amenities, TLC and the City wish to permit E-Hails. These proposed rules, which apply to medallion owners, application developers and taxicab drivers who may engage in E-Hails, will modify TLC's current regulations to allow passengers to E-Hail New York taxicabs.

The proposed rule changes include:

- Additions to Definitions (Chapter 51) to include terms related to E-Hail.
- Amendments to prohibit a Driver from charging a

Passenger any fee above TLC-approved rates for an E-Hail trip, describing the payment process through T-PEP for E-Hail, establishing restrictions on the use of E-Hail Applications by a Driver including prohibited locations, and requiring Drivers to utilize only E-Hail Applications licensed and approved by TLC. (Chapter 54). Amendments regarding Owner payments to Drivers for E-Hail trips, the requirement that the Taximeter be used to calculate the time and distance charges for all E-Hail trips and that E-Hail Applications that also provide E-Payment must operate through the T-PEP system (Chapter 58).

- Amendments that require that all Taxicabs be equipped with a T-PEP system that includes the collection and transmission of data on all trips including E-Hail trips (Chapter 67).

Purpose of Proposed Rules

These proposed rules will modify TLC's current regulations to accommodate electronic hailing (E-Hail) of taxicabs with the aim of improving the City's taxicab and for-hire services for Passengers and Drivers.

The proposed rules:

- Modify requirements for Drivers for E-Hail Application and E-Payment use.
- Require E-Hail Applications that also provide E-Payment to integrate with T-PEP and that Trip Record information be collected by T-PEP for E-Hail trips.
- Clarify when and where a Driver may use an E-Hail Application.
- Modify T-PEP requirements to require integration between T-PEP and E-Hail Applications.

In addition, these proposed rules provide for the licensing of the providers of E-Hail applications and establish standards for usage, security and other features to ensure that application usage does not interfere with the ability of the T-PEP technology to collect and accurately record trip data. Accordingly, the Commission proposes rules (in the form of a new Chapter 78) to license E-hail applications.

Specifically, these rules:

- Establish licensing standards and requirements for E-Hail application providers
- Establish a one year license term
- Require applications that also provide E-Hail Payment to integrate with T-PEP
- Set forth technical requirements for E-Hail applications
- Set forth security standards for E-Hail applications that process payments

The Commission's authority for these rules is found in section 2303 of the New York City Charter and sections 19-503 and 19-511 of the New York City Administrative Code.

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 51-03 of Title 35 of the Rules of the City of New York is amended by including additional definitions as follows:

E-Hail Application. A Software program licensed by TLC under Chapter 78 residing on a smartphone or other electronic device and integrated with the TPEP system which performs one or more of the following functions:

- 1) allows a passenger to identify the location(s) of available Taxicabs in a given area and allows a Driver to identify the location of a passenger who is currently ready to travel;
- 2) allows a passenger to Hail a Taxicab via the electronic device;
- 3) allows a Driver to receive a Hail request from such a passenger if the application provides for connecting a passenger to a Driver; or
- 4) E-Hail Payment.

E-Hail Payment. A feature of a licensed E-Hail Application that

- 1) Allows a passengers to pay through the E-Hail Application;
- 2) Is limited to taxi fare and tip; and
- 3) Integrates with TPEP and meets all security standards as established in §75-25 and §78-21 of these Rules.
In accordance with the Rules of the Commission, a portion of each payment may be required to be remitted to the TPEP Provider as set forth in §78-21(b)(3) of these Rules.

Hail. A request, either through a verbal (audio) action such as calling out, yelling, or whistling, and/or a visible physical action such as raising one's hand or arm, or through an electronic method, for on-demand taxicab service by a person who is currently ready to travel.

§2. Paragraph (1) of subdivision (a) of section 54-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *No Overcharges.*

- (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 or a fare for any trip initiated or accepted

through an E-Hail Application.

§3. Section 54-17 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (k) to read as follows:

(k) *E-Hail Payments.*

- (1) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Hail Payment. The time and distance portion of any fare paid for by E-Hail Payment must be calculated by the Taximeter and not by any other method.
- (2) The fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the TPEP, and the payment must be transmitted from the E-Hail Application to the TPEP for confirmation. No portion of the E-Hail Payment process may be completed through manual input of the fare by the Driver or any other person into the E-Hail Application.
- (3) A violation of these provisions is an overcharge under sections 54-17(a)(1) and 54-17(i) and a Driver can be subject to the penalties for an overcharge under Section 54-02

§54-17(k)(1)-(3) Mandatory penalties as set forth in §54-02 Appearance NOT REQUIRED

- (4) A Driver must not accept payment from a Passenger by any electronic application other than an E-Hail Payment through a licensed E-Hail Application.

§54-17(k)(4) Fine: \$500 Appearance NOT REQUIRED

- (5) A Driver must not accept payment for a trip from an E-Hail Application or Owner that exceeds the fare for the trip, plus tolls and tip if any.

§54-17(k)(5) Fine: \$500 Appearance NOT REQUIRED

§4. Paragraph (1) of subdivision (a) of section 54-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) 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, however a Driver can use a licensed E-Hail Application. Use of an E-Hail Application by the Driver is optional.

§5. Paragraph (4) of subdivision (a) of section 54-19 of Title 35 of the Rules of the City of New York is amended by adding a new subparagraph (v), to read as follows:

- (v) A Driver must not accept a Passenger for transportation with the use of an E-Hail Application at any location identified in (i) or (ii) above.

§6. Subdivision (b) of section 54-20 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (15) to read as follows:

- (15) The Driver has affirmatively accepted a Hail through an E-Hail Application.

§7. Subdivision (f) of section 54-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (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. A Driver can use a device with an E-Hail Application installed that allows the Driver to accept Hails electronically, but the Driver, when using this device, must comply with the Electronic Communication Device requirements set forth in section 54-14(e) of this Chapter. Use of such device by a Driver is optional. *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 Appearance REQUIRED Points: 1

§8. Subparagraph (i) of paragraph (1) of subdivision (b) of section 54-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (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, including those trips that begin with the use of an E-Hail Application.

§9. Paragraph (4) of subdivision (d) of section 54-25 of Title 35 of the Rules of the City of New York is renumbered paragraph (5), and a new paragraph (4) is added, to read as follows:

- (4) A Driver may only use a licensed E-Hail Application.

(i)

§10. The heading and paragraphs (1) and (2) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (f) [Credit Card Charges]Non-cash Payments.

(1) For any lease of a Taxicab (vehicle and

Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all [credit card] non-cash payments and E-Hail Payments through TPEP made during the Driver's shift, less the \$.06 per trip driver health surcharge described in [subdivision] paragraph 58-21(f)(5);

(2) For any lease not described in [subparagraph] paragraph (1), an Owner (or Owner's Agent) must pay the Driver in cash, on no less than a weekly basis, the total amount of all [credit card] non-cash payments and E-Hail Payments through TPEP made during that period, less the \$.06 per trip driver health surcharge described in [subdivision] paragraph 58-21(f)(5).

§58-21(f)(1)& (2) Fine: \$100 Appearance NOT REQUIRED

§11. Section 58-26 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (i) to read as follows:

(i) E-Hail Payments.

- (1) The payment for the ride for any trip paid for using an E-Hail Payment must not exceed Commission approved rates.
- (2) The fare must be calculated as required by these rules and the Taximeter must be used for all trips, including trips paid for by E-Hail Payment. The time and distance portion of any fare paid for by E-Hail Payment must be calculated by the Taximeter and not by any other method.
- (3) The fare amount charged to the Passenger must be automatically transmitted to the E-Hail Application from the TPEP, and the payment must be transmitted from the E-Hail Application to the TPEP for confirmation. No portion of the E-Hail Payment process may be completed through manual input of the fare by the Driver or any other person into the E-Hail Application.
- (4) A violation of these provisions is an overcharge under sections 54-17(a)(1) and 54-17(i) and a driver can be subject to the penalties for an overcharge under Section 54-02.

§58-26(i) Fine: \$500 Appearance NOT REQUIRED

§12. Section 58-34 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

(f) E-Hail Application Devices.

- (1) A Taxicab can be equipped with or the Driver may utilize a device that permits a Driver to use an E-Hail Application. A Driver's use of an E-Hail Application is subject to the requirements of subdivision 54-14(e) of these Rules. Use of such device by a Driver is optional and an Owner cannot require a Driver to use an E-Hail Application.
- (2) An Owner must not permit a Taxicab to be equipped with a device that allows a Driver to accept payment electronically other than:
 - (i) TPEP, and
 - (ii) A device that permits a Driver to use a licensed E-Hail Application.
- (3) If a device is installed, the device and installation must be approved by the TLC.

§58-34(f) Fine: \$500 Appearance NOT REQUIRED

§13. Section 58-40 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

(c) E-Hail Application. Any licensed E-Hail Application must operate through the T-PEP system. No application can be used to process any payment that is not a licensed E-Hail Application.

§58-40(c) Fine: \$500 Appearance NOT REQUIRED

§14. Subdivision (c) of section 67-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Trip Data Collection and Transmission. Unless exempt under §58-41(c), every Taxicab must be equipped with T-PEP that permits the collection and transmission of data, including data regarding all trips that begin with the use of an E-Hail Application, to the Commission in accordance with the following requirements:

§15. Title 35 of the Rules of the City of New York is amended by adding a new Chapter 78 to read as follows:

Chapter 78

Licensing & Rules for Providers of E-Hail Applications

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- §78-02 Penalties

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- §78-04 Licensing – General Requirements
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- §78-06 Licensing – Bond Required
- §78-07 Licensing – Fees and Term of License
- §78-08 Licensing – Cause for Denial
- §78-09 General Requirements – Unlicensed Activity
- §78-10 General Requirements – Compliance with Applicable Law
- §78-11 General Requirements – Indemnification
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- §78-13 General Requirements – Notice to TLC
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- §78-15 Business Requirements – Fees Charged by Licensees
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- §78-17 Business Requirements – Compliance with E-Hail Application Requirements and Service Levels
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- §78-19 Business Requirements – E-Hail Application Provider Liability for Conduct of Employees
- §78-20 Comply with Laws – Conduct Rules
- §78-21 Technical Requirements – E-Hail Application

§78-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, make available for use, software programs residing on smartphones or other electronic devices which are E-Hail Applications.
- (b) To establish technical requirements for the E-Hail Applications which must be met in order for E-Hail Application Providers to apply for and obtain a license.
- (c) To establish services to be provided by E-Hail Application Providers for the benefit of Licensees and the public.
- (d) To establish appropriate penalties for the violation of these rules.

§78-02 Penalties

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service by:
 - (i) Any E-Hail Application Provider Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License from the Commission for the E-Hail Application.
 - (2) Unlicensed Activity specifically includes the activities listed in §78-09 of these Rules and can result in License suspension, revocation, and other penalties.

(b) Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section will also state whether the violator must attend a Hearing.

(c) Payment of Fines.

- (1) Fines are due within thirty (30) days of the day the Respondent is found guilty of the violation.
- (2) If the Respondent files an appeal of the decision imposing the fines within thirty (30) days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within seven (7) calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of:

 - thirty (30) days from the date of the decision, or
 - twenty-one (21) days from the date the recording is issued.
- (3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten (10) business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

(d) Non-Renewal of License; Suspension; Revocation.

- (1) Non-Renewal of License.
 - (i) If an E-Hail Application Provider License is not timely renewed, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the expired License.

(ii) Upon expiration of the E-Hail Application Provider License, the E-Hail Application Provider must not enter into any new service agreements with Licensees or the public for sale, lease or use of the previously licensed E-Hail Application approved under the expired License, and must not renew the existing service agreements with Licensees who are using the E-Hail Application approved under the expired License.

(iii) Upon expiration of the E-Hail Application Provider License, the E-Hail Application Provider must not offer the E-Hail Application for use to any Licensee or the public in New York City.

(2) Suspension.

- (i) If an E-Hail Application Provider's License has been suspended by the Commission, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the suspended License:
 - Of the dates during which the License is suspended,
 - that the Licensee must terminate usage of the E-Hail Application, and
 - if the Licensee has a service agreement to use the E-Hail Application which is scheduled to be renewed during the period of suspension, the Licensee can elect not to renew the service agreement.

(ii) While the E-Hail Application Provider's License is suspended, the Provider must cease offering the E-Hail Application and must not enter into any new service agreements with Licensees or the public in New York City for sale, lease or use of the E-Hail Application approved under the suspended License, but may renew, at the option of both parties, the existing service agreements with Licensees who are using the E-Hail Application approved under the suspended License.

(3) Revocation.

- (i) If an E-Hail Application Provider's License has been revoked by the Commission, the E-Hail Application Provider must immediately notify each Licensee who is using the E-Hail Application approved under the revoked License that:
 - its service agreement with the E-Hail Application Provider will be deemed terminated as of the date of License revocation, and
 - that the Licensee must not continue to use the E-Hail Application.

(ii) Upon revocation of the E-Hail Application Provider's License, the Provider must not enter into any new or renewal service agreements with Licensees or the public in New York City for sale, lease or use of the E-Hail Application approved under the revoked License.

(iii) An E-Hail Application Provider whose License has been revoked must cease offering use of the E-Hail Application.

§78-02(d) Penalty: \$1,000 fine Appearance NOT REQUIRED

§78-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal E-Hail Application Provider License.
- (b) Credit, Debit, and Prepaid Card Services. The portion of the E-Hail Application used to process Passenger payment of fare in a Vehicle by credit, debit, or prepaid card as described in §78-21(a) of these Rules.
- (c) E-Hail Application means the same as the same term in §51-03 of these Rules.
- (d) E-Hail Application Provider is a person or entity licensed by these Rules to offer an E-Hail Application.
- (e) E-Hail Application Provider License. A license issued to a E-Hail Application Provider pursuant to this Chapter.

- (f) E-Hail Application Provider Licensee. The E-Hail Application Provider to whom a E-Hail Application Provider License is issued pursuant to this Chapter.
- (g) E-Hail Payment means the same as the same term in §51-03 of these Rules.
- (h) Hail means the same as the same term in §51-03 of these Rules.
- (i) License. When the term "License" is used by itself in this Chapter—and in this Chapter ONLY—it refers to an E-Hail Application Provider License.
- (j) Licensee. When the term "Licensee" is used by itself, in this Chapter— and in this Chapter ONLY— it refers to the holder of a License issued by the Commission that is NOT a License issued under this Chapter
- (k) Modification of E-Hail Application. Any modification to the E-Hail Application or related services after the Commission has issued a License for such E-Hail Application that would materially alter any of the following:
- (1) functionality, performance characteristics, security measures, or technical environment of the E-Hail Application or related services;
 - (2) interfaces to T-PEP or to the Software, Hardware, network, or other E-Hail Application components;
 - (3) the manner in which the E-Hail Application or related services are provided.
- The addition or modification of a component allowing payment through the E-Hail Application constitutes a Modification.
- A Modification of E-Hail Application does not include:
- (4) fixes and/or maintenance patches necessary to conform the E-Hail Application or any of its components or related services to the requirements set forth in §78-21 of these Rules; and
 - (5) security patches to the extent such fixes or patches are necessary in the E-Hail Application Provider's good faith judgment to maintain the continuity of the E-Hail Application or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the E-Hail Application or related services.
- (l) PCI Standards. The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org
- (m) Service Levels. The standards of performance of the E-Hail Application and its components that are described in §§78-17 and 78-21 of these Rules.

§78-04 Licensing – General Requirements

- (a) Licenses. An Applicant for an E-Hail Application Provider License or its renewal may be an individual or a Business Entity.
- (b) License for Each E-Hail Application. An application for a new or renewal E-Hail Application Provider License must be filed for each E-Hail Application for which Commission approval is sought. A separate E-Hail Application Provider License will be issued or renewed for each approved E-Hail Application. All License requirements of this Chapter apply to each License to be issued or renewed. An application for an E-Hail Application License must include (and the License for the E-Hail Application must include) any payment feature linked to the E-Hail Application whether or not the E-Hail Application Provider provides the feature. The E-Hail Application, combined with the feature, must meet all requirements for E-Hail Payment.
- (c) Certification. Any new or renewal application for an E-Hail Application Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the application is true, under penalty of perjury.
- (d) Proof of Identity. The individual or Business Entity Person submitting the application for an E-Hail Application Provider License must provide to the Commission proof of identity in the form of a valid photo identification issued by the United States, a state or territory of the United States, or any political subdivision of a state or territory of the United States
- (e) Age. The individual or Business Entity Person submitting an application for an E-Hail Application Provider License or its renewal must be at least 18 years of age.
- (f) Fit to Hold a License. An Applicant applying for an E-Hail Application Provider License or its renewal must demonstrate that they are Fit to Hold a License.

- (g) Partnership Filings. When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located.
- (h) Corporate or LLC Filings. When the Applicant is a corporation, it must file with its License application all of the following:
- (1) One of the following certificates:
 - (i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application
 - (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application
 - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation
 - (2) Limited Liability Companies (LLCs). When the Applicant is a limited liability company, it must file with its application the following:
 - (i) A copy of its articles of organization
- (i) Uniqueness of Name. The Commission has the right to reject the proposed name of any E-Hail Application Provider that the Commission finds to be substantially similar to any name in use by another E-Hail Application Provider Licensee.
- (j) Payment of Fines and Fees.

- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
 - (i) the Commission,
 - (ii) NYC Department of Finance,
 - (iii) NYC Department of Consumer Affairs,
 - (iv) NYS DMV's Traffic Violations Bureau, and
 - (v) any of their successor agencies.
 - (2) This requirement includes payment of fines and fees owed as of the date of the application by
 - (i) any Business Entity Persons of the Applicant
 - (ii) any Business Entity of which the Applicant is a Business Entity Person, and
 - (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
- (k) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §78-14 of these Rules.

§78-05 Licensing – Specific Requirements

- (a) E-Hail Application Approval for New License. The Commission will not issue an E-Hail Application Provider License to any Applicant unless the Commission approves the E-Hail Application proposed for sale, lease or use by the Applicant. In determining whether to approve the E-Hail Application, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to subdivision (b) of this section (as required) adequately demonstrates that the E-Hail Application complies with all of the requirements set forth in §78-21 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section.
- (b) Documentation for E-Hail Application Approval. The Applicant must submit with its License application the following documentation if the Application includes E-Hail Payment:
- (1) An acceptance test plan that uses information technology industry testing tools, techniques and methodologies designed to comprehensively test whether the E-Hail Application and related services comply with all of the requirements set forth in §78-21 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (f) of this section;

- (2) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed acceptance testing consistent with the acceptance test plan, and certification by the independent third party of the successful results of the acceptance testing;
 - (3) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed security testing of the E-Hail Application and related services to determine compliance with the security standards set forth in §78-21 of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (f) of this section, and certification by the independent third party of the successful results of the security testing; and
- (c) Modification of E-Hail Application. If after the E-Hail Application Provider License is issued pursuant to this Chapter, the E-Hail Application Provider Licensee wants to implement a Modification, the E-Hail Application Provider Licensee must submit an application for approval of a Modification of E-Hail Application by submitting all documentation required by subdivision (b) of this section (as required) and the fee required in §78-07(c) of these Rules. The Commission will treat the submission as an application for a new E-Hail Application Provider License. If the Commission approves the Modification, the existing E-Hail Application Provider License will apply to the modified E-Hail Application.
- (d) Required Insurance. After submission of an application for a new E-Hail Application Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision when the Commission requests it. Upon submission of an application to renew an E-Hail Application Provider License, the Licensee must provide to the Commission proof of the insurance required in this subdivision.
- (1) Commercial General Liability Insurance.
 - (i) The Applicant shall maintain Commercial General Liability ("CGL") Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Five Million Dollars (\$5,000,000) per occurrence. Such insurance must protect the City and the Applicant from claims for property damage and/or bodily injury, including death that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities licensed under this Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and must be "occurrence" based rather than "claims-made."
 - (ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's CGL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.
 - (iii) Such CGL Insurance must name the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.
 - (2) Professional Liability Insurance.
 - (i) In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars

(\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or anyone employed by the Applicant.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under subparagraph (i) of this paragraph must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.

(iii) Claims-made policies will be accepted for Professional Liability Insurance. All such policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of such insurance unless a new policy is secured with a retroactive date, including at least the last policy year.

(3) Crime Insurance.

(i) The Applicant must maintain crime insurance to protect against employee dishonesty, covering tangible property or moneys against loss, damage or destruction resulting from larceny, theft, embezzlement, forgery, robbery, misappropriation, willful misapplication or other fraudulent or dishonest acts committed by the Applicant's employees or agents. The liability limits under the policy must be at least One Million Dollars (\$1,000,000) per occurrence.

(ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's crime insurance under item (i) above must cover the subcontractor(s) employees or agents or such subcontractor(s) must maintain its/their own crime insurance subject to all other requirements herein.

(4) General Requirements for Insurance Coverage and Policies.

(i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.

(ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.

(iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which such policies are subject, whether or not the City is an insured under the policy.

(iv) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the Commission. Any such self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.

(v) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:

(A) the minimum limits set forth in this subdivision; or

(B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(5) Proof of Insurance.

(i) For each policy required under this subdivision, the Applicant must file a Certificate of Insurance with the Commission. All Certificates of Insurance must be:

(A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;

(B) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an Additional Insured pursuant to subparagraph (iii) of paragraph (1) of this subdivision; and

(C) accompanied by either a duly executed "Certification by Broker" in the form provided by the Commission or copies of all policies referenced in the Certificate of Insurance. If complete policies have not yet been issued, binders are acceptable, until such time as the complete policies have been issued, at which time such policies must be submitted.

(ii) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.

(iii) Acceptance by the Commission of a certificate or a policy does not excuse the E-Hail Application Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.

(iv) If the E-Hail Application Provider receives notice, from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the E-Hail Application Provider must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission
Attn: General Counsel
33 Beaver Street 22nd Floor
New York, New York 10004

New York City Comptroller
Attn: Office of Contract Administration
Municipal Building, One Centre Street,
Room 1005
New York, New York 10007.

(6) Miscellaneous Insurance Provisions.

(i) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision, the E-Hail Application Provider must provide the insurer with timely notice thereof on behalf of the City. Such notice must be given even where the E-Hail Application Provider may not have coverage under such policy (for example, where one of the E-Hail Application Provider's employees was injured). Such notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:

- the number of the insurance policy;
- the name of the named insured;
- the date and location of the damage, occurrence, or accident;
- the identity of the persons or things injured, damaged, or lost; and
- the title of the claim or suit, if applicable.

The E-Hail Application Provider must simultaneously send a copy of such notice to:

The City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007. If the E-Hail Application Provider fails to comply with the requirements of this subparagraph, the E-Hail Application Provider must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.

(ii) Insurance coverage in the minimum amounts required in this subdivision shall not relieve the E-Hail Application Provider Licensee of any liability for indemnification under this Chapter.

(iii) The E-Hail Application Provider waives all rights against the City, including its officers and employees, for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the E-Hail Application Provider and/or its subcontractors required to be licensed under this Chapter.

(iv) If the E-Hail Application Provider requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the E-Hail Application Provider as an additional insured under such insurance, the E-Hail Application Provider must ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

(e) Renewals of Required Insurance Policies. The E-Hail Application Provider must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (d) of this section expires. Certificates of Insurance must comply with the requirements of subparagraph (d)(5)(i) above.

§78-05(e) Penalty: \$1,500 fine and/or suspension up to 60 days or revocation Appearance NOT REQUIRED

(f) Waivers or Modifications. Except where expressly prohibited by law, the Commission may, in its discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Commission.

§78-06 Licensing – Bond Required

(a) Amount of Bond. An Applicant for an E-Hail Application Provider License or renewal must deposit or have deposited with the Commission a fifty thousand dollar (\$50,000) bond per E-Hail Application, payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.

(b) Bond Guarantees. The bond must guarantee that the Applicant or licensed E-Hail Application Provider will:

- comply with all applicable provisions of law and rules of the Commission,
- pay all fines imposed by the Commission, and

- pay all judgments or settlements arising from any action connected in any way with the E-Hail Application Provider License.
- (c) *Fines and Judgments.* The E-Hail Application Provider is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 78-02(c) of these Rules, the Commission may draw upon the bond.

§78-07 Licensing – Fees and Term of License

- (a) *Annual Fee.* Every application for a new or renewal E-Hail Application Provider License must be accompanied by a non-refundable application fee of \$500 for each License to be issued or renewed for the term as provided in subdivision (h) of this section. If the License term is for more than six months and less than one year, the fee will be prorated.
- (b) *Half-Year Fee.* The application fee for any E-Hail Application Provider License to be issued for a term of six months or less will be one-half of the annual fee.
- (c) *Modification of E-Hail Application Fee.* Every application for approval of a Modification of E-Hail Application must be accompanied by a non-refundable application fee of \$500 for each E-Hail Application for which a Modification of E-Hail Application is sought.
- (d) *Form of Payment.* All application fees must be paid in the form authorized by §52-40 of these Rules.
- (e) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (f) *License Replacement Fee.* The fee to replace any lost, damaged or destroyed License is \$25.
- (g) *Late Filing Fee.* If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (h) *Term of License.* The term of an E-Hail Application Provider License will be one year or less and each License will expire on October 31st.
- (i) *When to File for Renewal.*
 - (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
 - (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a "late application". The fee for the late application will be \$25.
 - (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
 - (4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.
- (j) *Suspended Licenses.*
 - (1) If a License is suspended and it is also due to be renewed, the Licensee must apply for renewal as required in subdivision (i) above if the Licensee wants to renew the License. Failure to complete the renewal requirements means that the License cannot be renewed.
 - (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This applies even if the Applicant has filed an application for a renewal.

§78-08 Licensing – Cause for Denial

- (a) *Failure to Continuously Comply.* Whenever the Commission determines that the E-Hail Application Provider no longer meets the requirements for the E-Hail Application Provider License, the Commission may suspend or revoke the License and deny any application for renewal.
- (b) *Summary Suspension.* Nothing in this section limits the authority of the Commission to summarily suspend any E-Hail Application Provider License when a threat to public health, safety, or welfare exists.
- (c) *Failure to Complete Application Requirements*
 - (1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.
 - (2) The Chairperson may deny an application for a renewal License if the Applicant has

not completed all the requirements of an application by the expiration date of the prior License.

- (d) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within a reasonable period as requested or failure to appear at a scheduled interview will result in a denial of the application.

§78-09 General Requirements – Unlicensed Activity

- (a) *E-Hail Application Provider License Required.* An individual or Business Entity must not sell, lease, or make available for use an E-Hail Application or enter into or renew a service agreement with a Licensee for the sale, lease, or use of an E-Hail Application without a Valid E-Hail Application Provider License.
- (b) An E-Hail Application Provider must not permit the use of an electronic payment system unless that system uses
 - (i) an E-Hail Payment that is contained within a licensed E-Hail Application and that meets all the requirements of this Chapter, or
 - (ii) an E-Hail Payment that is linked to an E-Hail Application, whether or not provided by the E-Hail Application Provider, that meets all requirements of this Chapter.

§78-09 Penalty: \$10,000 Appearance REQUIRED

§78-10 General Requirements – Compliance with Applicable Law

- (a) *Licenses and Permits.* An E-Hail Application Provider Licensee must obtain licenses and permits required by applicable local law, state or federal law.
- (b) *Occupational Safety & Health Administration.* An E-Hail Application Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the E-Hail Application Provider Licensee's place of business, as well as all other federal, state, and local laws governing its business.
- (c) *Payment of All Fines and Fees.* An E-Hail Application Provider Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.
- (d) *Workers' Compensation Laws.* An E-Hail Application Provider Licensee must comply with all laws regarding workers' compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§78-10 Penalty: \$1,000 fine and/or suspension until compliance Appearance NOT REQUIRED

§78-11 General Requirements – Indemnification

- (a) *General Indemnification.* An E-Hail Application Provider Licensee must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the E-Hail Application Provider Licensee and/or its employees, agents or subcontractors in connection with any of the activities licensed under this Chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the E-Hail Application Provider Licensee, the City shall be partially indemnified by the E-Hail Application Provider Licensee to the fullest extent permitted by law.
- (b) *Infringement Indemnification.* An E-Hail Application Provider Licensee must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the E-Hail Application Provider Licensee, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any third-party claim would preclude the City from being

completely indemnified by the E-Hail Application Provider Licensee, the City shall be partially indemnified by the E-Hail Application Provider Licensee to the fullest extent permitted by law.

- (c) *Not Limited by Insurance.* The indemnification obligations set forth in this section shall not be limited in any way by the E-Hail Application Provider Licensee's obligations to obtain and maintain insurance as provided in §78-05(d) of these Rules.

§78-11(a)-(b) Penalty: \$1,000 fine and/or suspension until compliance Appearance NOT REQUIRED

§78-12 General Requirements – Unlawful Activities Prohibited

- (a) An E-Hail Application Provider Licensee must not file with the Commission any statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

§78-12 (a) Penalty: \$10,000 fine and revocation Appearance REQUIRED

§78-13 General Requirements – Notice to TLC

- (a) *Material Change in Information.* An E-Hail Application Provider Licensee must notify the Commission of any material change in the information contained in its current E-Hail Application Provider License application or renewal.

§78-13(a) Penalty: \$1,000 fine and/or suspension up to 30 days Appearance NOT REQUIRED

- (b) *Suspension or Revocation of License.* An E-Hail Application Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the E-Hail Application Provider Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§78-13(b) Penalty: \$1,000 fine and suspension until compliance Appearance NOT REQUIRED

- (c) *Security Breach.* The E-Hail Application Provider Licensee must inform the Commission if it is required to make disclosures under State or Federal law regarding security breaches, including the New York State Information Security Breach and Notification Act (General Business Law §899-aa).

§78-13(c) Penalty: \$1,000 fine and suspension until compliance Appearance NOT REQUIRED

§78-14 Business Requirements – Mailing and Email Address

- (a) Each E-Hail Application Provider must designate and provide the Commission the street address of its primary E-Hail Application Provider location as its Mailing Address.
- (b) An E-Hail Application Provider must have and provide the Commission a working Email Address and telephone number at all times.
- (c) An E-Hail Application Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

§78-14(a)-(c) Fine: \$100 Appearance NOT REQUIRED

- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the E-Hail Application Provider.
- (e) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the E-Hail Application Provider.

§78-15 Business Requirements – Fees Charged by Licensees

- (a) *Tips and Gratuities.*
 - (1) An E-Hail Application Provider cannot charge a Passenger a fee for a tip or gratuity unless
 - (i) The Driver receives the full amount of such tip or gratuity, without any withholding or sharing, and
 - (ii) The Passenger can elect to change or withhold payment of such tip or gratuity.
 - (iii) An E-Hail Application Provider cannot charge as a tip or gratuity (or using the words "tip" or "gratuity" or something similar) any fee that the Provider will retain.

§78-15(a) Penalty: \$200 fine Appearance NOT REQUIRED

- (b) *Fares.* An E-Hail Application and an E-Hail Application Provider must NOT charge any

Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter, permitted in §58-26 of these Rules.

§78-15(b) Penalty: \$1000 fine Appearance NOT REQUIRED

§78-16 Business Requirements – Use of E-Hail Application

All of the following conditions apply with regard to an E-Hail Application Provider's making an E-Hail Application available for use:

(a) The E-Hail Application Provider must not make an E-Hail Application available for use unless the E-Hail Application has been approved by the Commission pursuant to this Chapter and the E-Hail Application to be used is identical to the E-Hail Application that was approved;

(b) No modification will be made to any Vehicle to install a device on which the E-Hail Application is to be used without the permission of the Chairperson.

§78-16 Penalty: \$500-\$1,500 fine and/or Appearance REQUIRED suspension up to 60 days or revocation for each subdivision violated

§78-17 Business Requirements – Compliance with E-Hail Application Requirements and Service Levels

(a) *Credit, Debit, and Prepaid Card Payment.*

(1) An E-Hail Application Provider must ensure that an E-Hail Application that includes E-Hail Payment provides Credit, Debit, and Prepaid Card Services in compliance with the requirements of §78-21(a) of these Rules.

(2) An E-Hail Application Provider must ensure for an E-Hail Application that includes E-Hail Payment that when Passengers pay by credit, debit, or prepaid card, the Licensee receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the E-Hail Application, except for incidents when there is a fraud investigation.

(3) An E-Hail Application must not provide a Driver compensation for a trip that exceeds the fare for the trip plus tolls and tip if any.

§78-17 (a) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation for each subdivision violated

(4) An E-Hail Application can permit Passengers to split a fare.

(b) *Trip Data Collection and Transmission.* An E-Hail Application Provider must ensure that an E-Hail Application provides Trip Data collection and transmits such data to T-PEP in compliance with the requirements in §78-21(c) of these Rules.

§78-17(b) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(c) *Fees to T-PEP.* An E-Hail Application Provider must ensure that an E-Hail Application provide payment to the T-PEP Provider as provided in §78-21 (b)

§78-17(c) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(d) *Use Restrictions.* An E-Hail Application Provider must ensure that an E-Hail Application restricts usage of the Application in compliance with the use restrictions in §78-21(d) of these Rules.

§78-17(d) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(e) *Security.* An E-Hail Application Provider must ensure that with respect to an E-Hail Application, the E-Hail Application Provider is in compliance with the security requirements in §78-21(e) of these Rules.

§78-17(e) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(f) *Data Retention.* An E-Hail Application Provider must ensure that with respect to an E-Hail Application, all data required to be maintained pursuant to §78-21 of these Rules is maintained for the period required in §78-21(f).

§78-17(f) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(g) *Inspection by TLC.* An E-Hail Application Provider must ensure that an E-Hail Application can be inspected and accessed by Commission personnel.

§78-17(g) Penalty: \$500 fine and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(h) *Commission Ordered Testing.* In any proceeding where the E-Hail Application Provider has been found guilty of a violation of any of the subdivisions above, the Commission may order the E-Hail Application Provider to provide, within sixty (60) days of the final decision on the violation: documentation demonstrating that subsequent to the violation an independent third party with relevant expertise, acceptable to the Commission, has performed testing of the E-Hail Application and related services to determine that the condition giving rise to the violation has been corrected, and certification by such third party of the successful results of such testing.

§78-18 Business Requirements – Cooperation with the Commission

(a) Upon request of the Commission, an E-Hail Application Provider shall provide at no charge a fully operable demonstration of the E-Hail Application and access to the Application.

§78-18(a) Penalty: \$500 fine and Appearance NOT REQUIRED suspension for each subdivision violated

§78-19 Business Requirements – E-Hail Application Provider Liability for Conduct of Employees

(a) *Liability for Employee Conduct.* An E-Hail Application Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. For clarity, this subdivision (a) and the following subdivision (b) shall not be applicable to Drivers, or to individuals or business entities performing work for any E-Hail Application Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.

(b) *Familiarizing Employees with Rules and Regulations.* An E-Hail Application Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.

(c) *Compliance with Laws.* An E-Hail Application Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

§78-19(a)-(c) Penalty: \$500 fine and/or Appearance NOT suspension up to 60 days REQUIRED or revocation

§78-20 Comply with Laws – Conduct Rules

(a) *Acceptance of Gift or Gratuity.* An E-Hail Application Provider Licensee or any person acting on his or her behalf must not accept any gift, gratuity, or thing of value from an owner or driver of any vehicle licensed by the Commission or from anyone acting on behalf of an owner or driver for the purpose of violating any of these rules through acts of commission or omission.

(b) *Reporting Requests for Gift or Gratuity.* An E-Hail Application Provider Licensee, any person acting on the E-Hail Application Provider's behalf, or any of the E-Hail Application Provider's employees must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity, or thing of value by any employee, representative, or member of the Commission or by any public servant.

(c) *Offer of Gifts and Gratuities.* An E-Hail Application Provider Licensee or any person acting on his or her behalf must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

§78-20(a)-(c) Penalty: \$10,000 fine and revocation Appearance REQUIRED

(d) *Reporting Offers of Gift or Gratuity.* An E-Hail Application Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.

(e) *Fraud, Misrepresentation & Larceny.* An E-Hail Application Provider Licensee, while performing his or her duties and responsibilities as an E-Hail Application Provider 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;
- falsification of Trip Data.

§78-20(d)-(e) Penalty: \$10,000 fine and revocation Appearance REQUIRED

(f) *Willful Acts of Omission and Commission.*

(1) *Omission.* While performing the duties and responsibilities of an E-Hail

Application Provider Licensee, an E-Hail Application Provider Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

(2) *Commission.* While performing the duties and responsibilities of an E-Hail Application Provider Licensee, a Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§78-20(f) Penalty: \$350 and/or Appearance NOT REQUIRED suspension up to 30 days or revocation

(g) *Notice of Criminal Conviction.*

(1) An E-Hail Application Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Licensee or any of the E-Hail Application Provider Licensee's Business Entity Persons.

(2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

§78-20(g) Penalty: \$500 and/or Appearance NOT REQUIRED suspension up to 30 days

(h) *Threats, Harassment, Abuse.* An E-Hail Application Provider Licensee must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing his or her duties and responsibilities as an E-Hail Application Provider Licensee.

§78-20(h) Penalty: \$500 and/or Appearance NOT REQUIRED suspension up to 30 days or revocation

(i) *Use or Threat of Physical Force.* An E-Hail Application Provider Licensee must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing his or her duties and responsibilities as an E-Hail Application Provider Licensee.

§78-20(i) Penalty: \$500 and/or Appearance NOT REQUIRED suspension up to 60 days or revocation

(j) *Failure to Cooperate with Law Enforcement.* An E-Hail Application Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

§78-20(j) Penalty: \$250 fine Appearance NOT REQUIRED

(k) *Failure to Cooperate with the Commission.* An E-Hail Application Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. An E-Hail Application Provider Licensee must produce his or her Commission License and other documents whenever the Commission requires.

§78-20(k) Penalty: \$250 fine and Appearance REQUIRED suspension until compliance

§78-21 Technical Requirements – E-Hail Application

No E-Hail Application will be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §78-05(f) of these Rules.

(a) *Payment*

(1) *Credit, Debit, and Prepaid Card Payment.* An E-Hail Application can be capable of accepting for payment of fares the following credit, debit, and prepaid cards: Visa, MasterCard, American Express, Discover, and any other cards specified by the Commission. An E-Hail Application that is capable of accepting payment of fares must conform to the following specifications:

(i) The E-Hail Application must offer the Passenger a receipt in accordance with paragraph (2) below; the receipt can be an electronic receipt.

(ii) Payment can be initiated at the beginning or made at the end of the trip, in accordance with §75-25(a)(2)(iv) of these Rules.

(iii) An E-Hail Application can offer pre-set payment options, including tip percentages, provided that the Passenger is

19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The TLC requires all medallion taxicabs to be equipped with a Taxicab Technology System ("T-PEP")¹, which processes credit, debit, and prepaid card payments, enables taxicab drivers to receive text messages from the TLC, allows the TLC to collect electronic trip sheet data, and possesses a Passenger Information Monitor ("PIM"), which displays content to taxicab passengers.

Currently, medallion taxicabs must acquire a T-PEP system from a vendor under contract with the TLC. In 2005, the TLC issued a Request for Proposals ("RFP") using the innovative procurement method, seeking one or more vendors to build, install, and maintain equipment that provided the capabilities described above. In 2006, the TLC signed contracts with four vendors to provide T-PEP systems and services to medallion taxicabs. One of the four vendors subsequently went into bankruptcy, leaving three remaining vendors to install and service T-PEP systems in medallion taxicabs. TLC did not renew one vendor's contract and thus it expired in 2011. The remaining two vendors' contracts are scheduled to expire on February 15, 2013.

Advances in technology since the original T-PEP RFP have given the TLC reason to revisit the requirements and standards of T-PEP systems in order provide medallion owners, taxicab drivers, and taxicab passengers with the most up-to-date service and technology. Rather than extend the remaining T-PEP contracts or engage in the procurement process again, the TLC intends to govern the relationship between medallion owners and T-PEP vendors by means of an Authorized Provider approach.

Under an Authorized Provider approach, any vendor who can meet TLC requirements can apply to become an Authorized T-PEP Provider and be placed on a list of Authorized T-PEP Providers from which medallion taxicabs can select an Authorized Provider from whom to purchase, lease, or use a T-PEP system. This approach will maintain provider competition and allow the TLC to create and enforce consistent service standards for all Authorized T-PEP Providers. Additionally, the TLC believes that an Authorized Provider approach will enable it to revisit and revise standards as technology and other factors continue to advance. The TLC believes that the competition permitted by an Authorized Provider approach is key to both keeping prices affordable and improving service quality. Allowing multiple vendors to develop and provide T-PEP systems is important for fostering innovation and giving medallion owners choices in providers.

In order to maintain the ability for multiple vendors to provide T-PEP systems—while maintaining TLC oversight, quality control, and a consistent passenger experience—these proposed rules outline the process and standards for becoming an Authorized T-PEP Provider. These rules establish a formal procedure by which a vendor can become an Authorized T-PEP Provider, set forth technical requirements for T-PEP systems supplied by Authorized Providers, and establish the services to be provided by such Providers.

¹ "T-PEP" is the acronym for Taxicab Passenger Enhancement Program and is the short form for Taxicab Technology System.

Requirements for becoming an Authorized T-PEP Provider include:

- Providing an acceptance and usability testing plan and demonstrating that an independent third party certifies that the T-PEP and the T-PEP Provider meet all of the requirements in Chapter 75
- Providing a security testing certification from an independent third party
- Providing a disaster recovery plan
- Providing proof of various types of insurance
- Completing a financial disclosure form
- Entering into a Memorandum of Understanding with the TLC

The proposed rule changes are organized as follows:

- Additions to Definitions (Chapter 51) to include and modify terms related to T-PEP.
- Amendments to require medallion owners to equip their Taxicabs with T-PEP systems obtained from Authorized T-PEP Providers (Chapter 58).
- Technical amendments to conform Chapters 63, 64 and 67 to the Authorized Provider approach.
- Addition of Chapter 75 which establishes a formal procedure by which a vendor can become an Authorized T-PEP Provider, sets forth technical requirements for T-PEP systems, and establishes the services to be provided.

The Commission's authority for this rules change is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

New material is underlined.

[Material inside brackets indicates deleted material.]

"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 51-03 of Title 35 of the Rules of the City of New York is amended by adding a new definition, in alphabetical order, to read as follows:

Authorized T-PEP Provider is an individual or Business Entity authorized by the Commission, pursuant to Chapter 75 of these Rules, to sell, lease, make available for use, install, service, and repair Taxicab Technology Systems in Medallion Taxicabs.

§2. The following definitions, set forth in section 51-03 of Title 35 of the Rules of the City of New York, are amended to read as follows:

Automatic Vehicle Location System or AVL refers to an electronic device incorporated into a Taxicab Technology System (T-PEP) or Street Hail Livery Technology System (LPEP) that accurately determines the geographic location, direction and positioning of a Taxicab or Street Hail Livery and records and transmits such information. An AVL may include, but is not limited to, a global positioning system (GPS). An AVL shall not be capable of being used as an Electronic Communications Device.

Core Services. The [five] core services provided by [the] a Taxicab Technology System (T-PEP) or Street Hail Livery Technology System (LPEP) as set forth in the definitions thereof and as more fully described in §75-25 and §83-31 of these Rules.

Fit to Hold a License or Fit to be an Authorized T-PEP Provider means

- The Applicant, Authorized T-PEP Provider, or Licensee meets and will continue to meet all of the qualifications for the License or Authorization sought or held as established by applicable Rules and laws.
- The Applicant, Authorized T-PEP Provider, or Licensee is of good moral character.
- The Applicant, Authorized T-PEP Provider, or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant, Authorized T-PEP Provider, or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License or Authorization.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License or Authorization, the Applicant shows that he or she will not engage in similar conduct in the future.

Hardware. Equipment or machinery, together with all associated components, media, firmware and other embedded software and instructions provided, operated or maintained in connection with the functioning of a Taxicab Technology System (T-PEP) or Street Hail Livery Technology System (LPEP).

Passenger Information Monitor or PIM. The interactive, audio-visual device that is a component of the Taxicab Technology System (T-PEP) and Street Hail Livery Technology System (LPEP) and that has the features described in §75-25(d) or §83-31 (d)(3) of these Rules.

Taxicab Technology Service Provider (or T-PEP Provider) means a vendor who has [contracted with] been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.

Taxicab Technology System (or T-PEP) [means the] is an integrated system of [h]Hardware and [s]Software that complies with the technical requirements set forth in §75-25 of these Rules, and provides the following [four] core services to Taxicabs:

- (1) Credit, debit and prepaid card payment;
- (2) Text messaging;
- (3) Trip data collection and transmission; [and]
- (4) Data transmission by means of the passenger information monitor[.]; and
- (5) Automatic Vehicle Location System and location services.

Trip Data is the data that is required to be collected and transmitted by a (1) Taxicab Technology System including those items described in §75-25(c) of these Rules; and (2) Street Hail Livery Technology System including those items described in §83-31 (c)(2) of these Rules.

§3. Paragraph (2) of subdivision (a) of section 58-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) Commercial Advertising and Commercial Sponsorships on the Back of Taximeter Receipts.

- (i) Commercial advertising and commercial sponsorships may be printed on the back of receipts produced by a taximeter.
- (ii) Any such advertising and sponsorships appearing on a receipt must comply with the commercial advertising and commercial sponsorship standards [as set forth in the contracts between the Commission and] that apply to content on the Passenger Information Monitor of a Taxicab

Technology [Service Provider(s)] System as set forth in §75-25(d)(4) of these Rules.

- (iii) Any such advertising and sponsorships appearing on a receipt must not interfere with the readability of the fare information on the face of the receipt.
- §58-16(a)(2) Fine: \$200 if plead guilty Appearance NOT REQUIRED
(ii) and (iii) before a hearing; \$300 if found guilty following a hearing.

§4. Subparagraph (viii) of paragraph (5) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Rate Rules.

* * *
(5) Limits on Additional Charges. In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee (of a Taxicab or Medallion-only) any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind above the Standard Lease Cap (as adjusted) except for the following):

- * * *
- (viii) In addition to these charges, an Owner can deduct from credit card receipts payable to the Driver amounts [charged] collected by the T-PEP Provider, pursuant to the T-PEP Provider's [contract with] authorization by the Commission, provided that
 - A. [such amounts are provided for by contract between the T-PEP Provider and the commission or by rule of the Commission;
 - B.] such amounts are dedicated for the purpose of providing healthcare services and disability coverage for drivers; [and
 - C)]B. such amounts do not exceed \$0.06 per trip; and
 - C. such amounts are provided by rule of the Commission.

§5. Subdivision (b) of section 58-40 of the Rules of Title 35 of the City of New York is amended to read as follows:

- (b) Required Installation. Owners must ensure that all of their Taxicabs are equipped with the T-PEP provided by an Authorized T-PEP Provider, and otherwise meet the requirements of these provisions.

§58-40(b) Fine: \$1,000 and suspension Appearance REQUIRED until compliance

§6. Subdivision (g) of section 63-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (g) Taxicab Technology Service Provider ("T-PEP Provider") means a vendor who has [contracted with] been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.

§7. Subdivision (j) of section 64-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (j) Taxicab Technology Service Provider (or T-PEP Provider) means a vendor who has [contracted with] been authorized by the Commission to install and maintain the Taxicab Technology System in Taxicabs.

§8. Subparagraphs (ii) and (v) of paragraph (1) of subdivision (d) of section 67-15 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (d) Passenger Information Monitor ("PIM")
 - (1) Unless exempt under §58-41(c), every Taxicab must be equipped with T-PEP that includes a passenger information monitor that meets the following requirements:

* * *

 - (ii) The monitor has a screen [that is no less than ten inches measured diagonally] of the size required in §75-25(d)(1) of these Rules.
 - (v) At the Medallion owner's option, the monitor may also be used to display limited media content, which may include commercial advertising and commercial sponsorships as permitted [in the contract between the Commission and] pursuant to the T-PEP [Provider(s)] Provider's authorization by the Commission.

§9. Title 35 of the Rules of the City of New is amended by adding a new chapter 75, to read as follows:

Chapter 75

Rules for Authorization of Taxicab Technology Service Providers

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§75-01 Scope of the Chapter

- (a) To establish a formal procedure for authorizing businesses to sell, lease, make available for use, install, service and repair Taxicab Technology Systems (TPEP)¹ for Taxicabs.
- (b) To establish technical requirements for TPEP, in addition to those contained within the National Institute of Standards and Technology Handbook 44, and to approve Taxicab Technology Service Providers whose systems meet such requirements as Authorized TPEP Providers.
- (c) To establish services to be provided by Authorized TPEP Providers for the benefit of Passengers, Medallion Owners, Taxicab Drivers, and the Commission.
- (d) To establish appropriate conditions under which a TPEP Provider will be denied or lose TPEP Provider Authorization.

¹ "TPEP" is an acronym for Taxicab Passenger Enhancements Program and stands for Taxicab Technology System.

§75-02 Non-Compliance with Conditions of Authorization

- (a) *Unauthorized Activity.*
- (1) Unauthorized Activity is the act of providing or advertising the provision of any service described in this Chapter by:
- (i) Any TPEP Provider whose Authorization is revoked or expired and not yet renewed, or
- (ii) Any person who does not hold a Valid Authorization from the Commission to be a TPEP Provider.
- (2) Unauthorized Activity specifically includes the activities listed in §75-09 of these Rules and may result in Authorization revocation.
- (b) *Non-Compliance with Rules.* Failure to comply with any of the provisions of this Chapter may result in a revocation of TPEP Provider Authorization, following a written Notice of Non-Compliance and an opportunity to respond to such notice, as provided in this subdivision.
- (1) Written Notice of Non-Compliance. If the Commission has reason to believe that an Authorized TPEP Provider has failed to comply with any of the provisions of this Chapter, the Commission will send the Authorized TPEP Provider a written Notice of Non-Compliance, which will include the following: (i) the specific rule(s) with which the Provider failed to comply; (ii) the date by which the Provider's written response to the Notice of Non-Compliance is due as provided in paragraph (2) of this subdivision; and (iii) a statement that the failure to timely submit a response will result in the automatic revocation of the TPEP Provider Authorization.
- (2) Opportunity to Respond to Notice of Non-Compliance. Upon receipt of a Notice of Non-Compliance, an Authorized TPEP Provider is required to submit a written response to the Notice of Non-Compliance to the Commission within twenty (20)

business days of the date of issuance of the Notice of Non-Compliance. If the Commission is not in receipt of such response within twenty (20) business days of the issuance date, the Commission will deem the Provider to be in non-compliance with the specific rules identified in the Notice of Non-Compliance and the Provider's TPEP Authorization will be automatically revoked. In the event of such automatic revocation, the Commission will provide notice of the automatic revocation to the TPEP Provider, and the Provider will be required to notify the Medallion Owners as required in paragraph (3) of subdivision (c) of this section.

- (3) *Decision of the Deputy Commissioner.* After receipt of a written response to a Notice of Non-Compliance from the TPEP Provider, a Deputy Commissioner of the Commission will issue a written decision on the notice within five (5) business days of receipt or such longer period as may be consented to by the TPEP Provider. The decision of the Deputy Commissioner will state whether or not the Commission has found the Provider in compliance with the specific rules identified in the Notice of Non-Compliance and will state findings of fact and conclusions of law upon which such finding is based. If the Deputy Commissioner finds that the TPEP Provider failed to comply with one or more of the specific rules identified in the Notice of Non-Compliance, the Deputy Commissioner will in his or her discretion either: (i) prescribe the time period(s) for cure of the non-compliance of each of the specific rules; or (ii) revoke the TPEP Provider Authorization in accordance with paragraph (5) of this subdivision. The decision of the Deputy Commissioner shall constitute the final determination of the Commission unless appealed pursuant to paragraph (4) of this subdivision.

- (4) *Appeals to the Chairperson.* Upon the Deputy Commissioner's issuance of a decision as provided in paragraph (3) of this subdivision, a TPEP Provider may appeal such decision in writing to the Chairperson of the Commission within five (5) business days of the issuance of such decision. The Chairperson may accept, reject, or modify the decision of the Deputy Commissioner. The decision of the Chairperson will constitute the final determination of the Commission.

- (5) *Basis for Discretionary Revocation.* The Commission may in its discretion revoke a TPEP Provider Authorization upon a finding that the continued Authorization will likely have an adverse impact on Medallion Owners, Taxicab Drivers, Passengers, and/or public safety and convenience.

(c) *Non-renewal of Authorization; Notification to Medallion Owners of Notice of Non-Compliance; Revocation.*

- (1) Non-renewal of Authorization.
- (i) If a TPEP Provider Authorization is not timely renewed, the Authorization expires on the day after the last date to renew and the TPEP Provider must immediately notify each Medallion Owner who is using the TPEP approved under the expired Authorization that the Medallion Owner has thirty (30) days from the date of Authorization expiration to obtain a TPEP and related services from another TPEP Provider. The TPEP Provider must provide to the Commission a confirmation that each Medallion Owner has been so notified.
- (ii) Upon expiration of the TPEP Provider Authorization, the TPEP Provider must not enter into any new contracts with Medallion Owners for sale, lease or use of the TPEP approved under the expired Authorization, and must not renew the existing contracts with Medallion Owners who are using the TPEP approved under the expired Authorization.
- (iii) Upon expiration of the TPEP Provider Authorization, the TPEP Provider must continue to provide to each such Medallion Owner all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all Rules including the terms of the Memorandum of Understanding

as if its TPEP Provider Authorization had not expired for:

- A. fifty (50) days after Authorization expiration, or
- B. until all such Medallion Owners have obtained TPEPs and related services from other TPEP Providers, whichever is earlier.
- (iv) A TPEP Provider whose Authorization has expired must provide to each Medallion Owner who used the TPEP approved under the expired Authorization the following:
- A. De-installation of the TPEP at no charge;
- B. A refund of all installation-related charges and all other non-recurring charges paid or payable by the Medallion Owner; and
- C. If the Medallion Owner purchased the TPEP for ownership, a refund of the purchase price of the TPEP based on the net book value of such TPEP,
- (I) applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value for new units; and
- (II) applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life from the original installation date, with no salvage value for used units.
- (v) Upon expiration of the TPEP Provider Authorization, the TPEP Provider must continue to provide to the Commission all services required by this Chapter, including but not limited to, maintaining and providing access to data and reporting services, text messaging capabilities, and processing updates to TLC Content, for:
- A. one hundred fifty (150) days after Authorization expiration, or
- B. until all Medallion Owners have obtained TPEPs and services from other TPEP Providers and the Commission certifies that the TPEP Provider services are no longer required, whichever is earlier.
- (2) Notification to Medallion Owners of Notice of Non-Compliance.
- (i) Following receipt of a Notice of Non-Compliance as provided in paragraph (1) of subdivision (b) of this section, an Authorized TPEP Provider must immediately notify each Medallion Owner who is using the TPEP approved under the Authorization:
- (A) Of the date of issuance of the Notice of Non-Compliance and that if the TPEP Provider does not submit a written response within twenty (20) business days of the issuance of the Notice of Non-Compliance, the Commission will deem the Provider to be in non-compliance with the specific rules identified in the notice and automatically revoke the Provider's TPEP Authorization, or, if the TPEP Provider submits a written response within twenty (20) business days of the issuance of the Notice of Non-Compliance, a Deputy Commissioner of the Commission will issue a written decision within five (5) business days. Thereafter, an appeal of such decision to the Chairperson is available which, if timely requested, will result in the final determination of the Commission.
- (B) That, if the TPEP provider is found to not be in compliance

with one or more of these rules and is required to cure such non-compliance within specified time period(s) and fails to effectuate a timely cure (as demonstrated by the Commission's issuance of another Notice of Non-Compliance after the expiration of the cure period and a final decision that such cure was not timely effectuated), the Medallion Owner has the option to terminate or not renew its contract with the Authorized TPEP Provider, and in the event of termination or non-renewal, the Medallion Owner has thirty (30) days from a final Commission decision that such cure was not timely effectuated to obtain a TPEP and related services from another TPEP Provider

- (ii) Pending the final Commission determination on a Notice of Non-Compliance, the Provider must not enter into any new contracts with Medallion Owners for sale, lease or use of the TPEP approved under the Authorization, nor renew the existing contracts with Medallion Owners who are using the TPEP approved under the Authorization.
- (iii) Pending the final Commission determination on a Notice of Non-Compliance, the TPEP Provider must continue to provide to such Medallion Owners all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all Rules including the terms of the Memorandum of Understanding.
- (iv) If the Medallion Owner opted to terminate or not renew its contract with the TPEP Provider pursuant to item (B) of subparagraph (i) of this paragraph, the TPEP Provider must provide:
 - (A) all services required by this Chapter;
 - (I) for one hundred twenty (120) days after a final Commission determination on a Notice of Non-Compliance is issued, or
 - (II) until the Medallion Owners has obtained a TPEP and related services from another TPEP Provider, whichever is earlier; and
 - (B) de-installation at no charge and refunds as described in paragraph subparagraph (iv) of paragraph (1) of this subdivision to the Medallion Owner who used the TPEP approved under the Authorization.

(3) **Revocation.**

- (i) If a TPEP Provider's Authorization has been revoked by the Commission, the TPEP Provider must immediately notify each Medallion Owner who is using the TPEP approved under the revoked Authorization that:
 - (A) its contract with the TPEP Provider will be deemed terminated thirty (30) days following the date of Authorization revocation, or
 - (B) its contract with the TPEP Provider may be terminated earlier by the Medallion Owner giving written notice of termination, and,
 - (C) the Medallion Owner has up to thirty (30) days from the date of Authorization revocation to obtain a TPEP and related services from another TPEP Provider.

The TPEP Provider must provide to the Commission a confirmation that each Medallion Owner has been so notified.

- (ii) Upon revocation of the TPEP Provider's Authorization, the Provider must not:
 - (A) enter into any new contracts

with Medallion Owners for sale, lease or use of the TPEP approved under the revoked Authorization, or

- (B) renew the existing contracts with Medallion Owners who are using the TPEP approved under the revoked Authorization.
- (iii) Upon revocation of the TPEP Provider Authorization, if the TPEP approved under the revoked Authorization is functioning properly, the TPEP Provider must continue to provide to such Medallion Owners all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all Rules including the terms of the Memorandum of Understanding as if its TPEP Provider Authorization had not been revoked, for:
 - (A) fifty (50) days after Authorization revocation, or
 - (B) until all such Medallion Owners have obtained TPEPs and related services from other TPEP Providers, whichever is earlier.
- (iv) If the TPEP is not functioning properly, the TPEP Provider must cease its operations with respect to such TPEP.
- (v) A TPEP Provider whose Authorization has been revoked must provide de-installation at no charge and refunds as described in paragraph (c)(1)(iv) above to each Medallion Owner who used the TPEP approved under the revoked Authorization.
- (vi) Upon revocation of the TPEP Provider Authorization, the TPEP Provider must continue to provide to the Commission all services required by this Chapter, including but not limited to, maintaining and providing access to data and reporting services, text messaging capabilities, and processing updates to TLC Content, for:
 - A. one hundred fifty (150) days after the revocation, or
 - B. until all Medallion Owners have obtained TPEPs and services from other TPEP Providers and the Commission certifies that the TPEP Provider services are no longer required, whichever is earlier.

§75-03 Definitions Specific to this Chapter

- (a) *Accessible Taxicab* means the same as the same term in §51-03 of these Rules.
- (b) *Applicant* in this Chapter means an Applicant for an original or renewal TPEP Provider Authorization.
- (c) *Authorization*. When the term "Authorization" is used by itself in this Chapter—and in this Chapter ONLY—it refers to a TPEP Provider Authorization.
- (d) *Authorized TPEP Provider* means the same as the same term in § 51-03 of these Rules.
- (e) *Automatic Vehicle Location System or AVL* means the same as the same term in §51-03 of these Rules.
- (f) *Business Entity Person* means, for purposes of this Chapter only, a principal owner, officer, partner, or member of a Business Entity designated by the Business Entity to submit an application for a TPEP Provider Authorization.
- (g) *Credit, Debit, and Prepaid Card Services*. The portion of the TPEP used to process Passenger payment of fare in a Taxicab by credit, debit, or prepaid card as described in §75-25(a) of these Rules.
- (h) *Critical Performance Failure*. A failure of the TPEP or any of its components that satisfies any of the conditions set forth in §75-25(j) of these Rules.
- (i) *Driver Information Monitor or DIM*. The display unit that is part of the TPEP, enables Taxicab Drivers at a minimum to receive and send text messages, and has the features described in §75-25(b) of these Rules.
- (j) *E-Hail Application* means the same as the same term in §51-03 of these Rules.

- (k) *E-Hail Payment* means the same as the same term in §51-03 of these Rules.
- (l) *Emergency Public Service Announcement or Emergency PSA*. A Public Service Announcement that addresses an imminent public health, safety or welfare concern.
- (m) *Epilogue*. The series of screens to be run on a Passenger Information Monitor at the end of each trip as described in §75-25(d)(2)(i)(A) of these Rules.
- (n) *Fit to be an Authorized Provider* means the same as the same term in §51-03 of these Rules.
- (o) *Hardware* means the same as the same term in §51-03 of these Rules.
- (p) *Information System*. An interconnected set of information resources under the same direct management control that shares common functionality. An Information System normally includes Hardware, Software, information, data, applications, communications, and people.
- (q) *Maintenance Service*. All of the services required to be provided by the TPEP Provider pursuant to §75-20 of these Rules.
- (r) *Medallion Owner* means the same as the same term in §51-03 of these Rules.
- (s) *Memorandum of Understanding or MOU* means a written, signed agreement between the Commission and an Authorized TPEP Provider as described in §75-05(h) of these Rules.
- (t) *Merchant* means the same as the same term in §51-03 of these Rules.
- (u) *Modification of TPEP*. Any modification to the TPEP or related services, after the Commission has issued a TPEP Provider Authorization for such TPEP, that would materially alter any of the following:
 - (1) functionality, performance characteristics, security measures, or technical environment of the TPEP or related services;
 - (2) interfaces to the Software, Hardware, network, or other TPEP components;
 - (3) the manner in which the TPEP or related services are provided;
 - (4) the manner in which the Commission, Medallion Owners, Taxicab Drivers or Passengers use the TPEP or related services; or
 - (5) the composition of the TPEP or related services.

A Modification of TPEP excludes:

 - (6) fixes and/or maintenance patches necessary to conform the TPEP or any of its components or related services to the requirements set forth in §75-25 of these Rules; and
 - (7) security patches to the extent such fixes or patches are necessary in the TPEP Provider's good faith judgment to maintain the continuity of the TPEP, its security and certifications, or related services, or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the TPEP or related services.
- (v) *NIST Handbook 44* means the handbook of standards issued by National Institute of Standards and Technology as it may change from time to time. See www.nist.gov
- (w) *Notice of Non-Compliance* means a notice issued to an Authorized TPEP Provider pursuant to §75-02(b) of these Rules, informing the Authorized TPEP Provider that the TLC has reason to believe that the TPEP Provider is not in compliance with the specified section(s) of these Rules.
- (x) *On-duty Location Positioning*. The date, time and geographic position, including latitude, longitude, and human-readable street address, of an on-duty Taxicab (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.
- (y) *Passenger Information Monitor or PIM* means the same as the same term in §51-03 of these Rules.
- (z) *Passenger Route Map*. The interactive route map featured in the PIM for viewing by a Passenger and as further described in §75-25(d)(2)(ii) of these Rules.
- (aa) *Passenger Surveys*. In-vehicle surveys on the Passenger Information Monitor that can be taken by Passengers as described in §75-25(d)(2)(i)(C) of these Rules.

- (bb) PCI Standards. The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org.
- (cc) Performance Failure. An event that causes the TPEP or the related services to fail to satisfy any of the Service Levels required in §75-25(i) of these Rules.
- (dd) Personal Information. Any information that can specifically identify an individual, such as name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number is not Personal Information. The name of a Taxicab Driver and the Driver's Commission license number is not Personal Information.
- (ee) Prologue. The series of screens to be run on a Passenger Information Monitor at the start of each trip as described in §75-25(d)(2)(i)(A) of these Rules.
- (ff) Provider. When the term "Provider" is used by itself in this Chapter—and in this Chapter ONLY—it refers to an Authorized TPEP Provider.
- (gg) Public Service Announcement or PSA. A governmental public service announcement to Passengers and/or Taxicab Drivers from the Commission, the City or any other City agency.
- (hh) Security Incident. The attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an Information System.
- (ii) Service Levels. The standards of performance of the TPEP and its components that are described in §75-25(i) of these Rules.
- (jj) Software means the same as the same term in §51-03 of these Rules.
- (kk) Taxicab means the same as the same term in §51-03 of these Rules.
- (ll) Taxicab Driver means the same as the same term in §51-03 of these Rules.
- (mm) Taxicab License means the same as the same term in §51-03 of these Rules.
- (nn) Taxicab Technology Service Provider or TPEP Provider means the same as the same term in §51-03 of these Rules.
- (oo) Taxicab Technology System or TPEP means the same as the same term in §51-03 of these Rules.
- (pp) Taxicab Technology Service Provider Authorization or TPEP Provider Authorization. The designation of a Taxicab Technology Service Provider as an Authorized TPEP Provider pursuant to this Chapter.
- (qq) Taximeter means the same as the same term in §51-03 of these Rules.
- (rr) TLC Audio/Video Content means content displayed on a PIM provided by or on behalf of the Commission, the City and/or its agencies from time to time in graphic or text files or other format and at the sole discretion of the Commission.
- (ss) TLC Content. The content defined in §75-25(d)(2)(i) of these Rules.
- (tt) Trip Data means the same as the same term in §51-03 of these Rules.
- (uu) 24 x 7 x 365 Basis. A level of effort provided by the TPEP Provider that makes the applicable service relating to the TPEP available 24 hours per day, 7 days per week, 365 days per year without regard to local, national, international or other holidays or events.
- (vv) Update. All revisions, updates, modifications, corrections, releases, versions, fixes and enhancements to Software or Hardware that is a component of the TPEP.

§75-04 Authorization – General Requirements

- (a) Applicants. An Applicant for a TPEP Provider Authorization or an Authorization renewal may be an individual or a Business Entity.
- (b) Authorization for each TPEP. An application for a new or renewal TPEP Provider Authorization must be filed for each TPEP for which Commission authorization is sought. A separate TPEP Provider Authorization will be issued or renewed for each authorized TPEP. If an Applicant wishes to submit more than one TPEP for Authorization and more than one of the TPEPs share characteristics, the Commission, in its discretion, may permit the Applicant to certify (1) that the documentation required in §75-05(b) of these Rules applies to more than one of the TPEPs; and (2) the reasons such documentation is sufficient for more than one of the

TPEPs. All requirements of this Chapter apply to each Authorization to be issued or renewed.

- (c) Certification. Any new or renewal application for TPEP Provider Authorization must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the Application is true, under penalty of perjury.
- (d) Proof of Identity. The individual or Business Entity Person submitting the application for TPEP Provider Authorization must provide to the Commission proof of identity with all of the following:
- (1) A valid form of photo identification issued by the United States, a state or territory of the United States, or any political subdivision of such state or territory; and
 - (2) A valid, original social security card.
- (e) Age. The individual or Business Entity Person applying for TPEP Provider Authorization or its renewal must be at least 18 years of age.
- (f) Proficiency in the English Language. The individual or Business Entity Person applying for TPEP Provider Authorization or its renewal must be able to speak, read, write, and understand the English language.
- (g) Fit to be an Authorized TPEP Provider. The individual or Business Entity Person applying for TPEP Provider Authorization or its renewal must demonstrate that he, she, or it is Fit to be an Authorized TPEP Provider. Any occurrence of the following may preclude an individual or Business Entity from being Fit to be an Authorized TPEP Provider:
- (1) Criminal Conviction: Any criminal conviction within five years of the application for Authorization of the individual applying for Authorization or of any principal owner, officer, partner, or member of a Business Entity applying for Authorization; or
 - (2) Revocation by the TLC: Any revocation of TPEP Provider Authorization within five years of the application for Authorization; or
 - (3) Unauthorized Activity: Any unauthorized activity, as defined in §75-02(a), within five years of the application for Authorization; or
 - (4) Termination of Contract or Revocation in Other Markets: Where Provider was a party to a contract or held any license, authorization or permit in a market outside New York City, which contract, license, authorization or permit required or permitted the Provider to furnish systems and services substantially similar to those governed by this Chapter, any termination of such contract for cause or revocation for cause of any such license, authorization or permit within five years of the application for Authorization.
- (h) Partnership Filings. When the Applicant is a partnership, it must file with its Authorization application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located. In addition, each partner must satisfy the requirements of identity, age, and English language proficiency, as specified in subdivisions (d) – (f) of this section.
- (i) Corporate or LLC Filings. When the Applicant is a corporation, it must file with its Authorization application all of the following:
- (1) One of the following certificates:
 - (i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the Authorization application
 - (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the Authorization application
 - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation
 - (2) When the Applicant is a privately held company, a list of its officers and shareholders holding at least a five (5) percent ownership interest in the corporation, including names, residence addresses, telephone numbers, and percentage of ownership interest of each listed officer and shareholder

- (3) A certified copy of the minutes of the organizational meeting at which the current officers were elected
- (4) Limited Liability Companies (LLCs). When the Applicant is a limited liability company, it must file with its application all of the following:
 - (i) A copy of its articles of organization
 - (ii) A copy of its operating agreement
 - (iii) A list of the members, with the percentages of the Applicant owned by each.
- (j) Uniqueness of Name. The Commission may reject the proposed name of any TPEP Provider that the Commission finds to be substantially similar to any name in use by another Authorized TPEP Provider.
- (k) Intellectual Property. An Applicant must own the rights to or hold licenses to all the intellectual property associated with the Applicant's proposed TPEP. The Commission reserves the right to request proof of such rights or licenses at any time during the Authorization period.
- (l) Payment of Fines and Fees.
 - (1) An Applicant, including an applicant for a renewal Authorization, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
 - (i) the Commission,
 - (ii) NYC Department of Finance,
 - (iii) NYC Department of Consumer Affairs,
 - (iv) NYS DMV's Traffic Violations Bureau, and
 - (v) any of their successor agencies.
 - (2) This requirement includes payment of fines and fees owed as of the date of the application by
 - (i) any principal owner, officer, partner, or member of the Applicant, and
 - (ii) any Business Entity of which the Applicant is a Business Entity Person.
- (m) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §75-15 of these Rules.
- (n) Interview and Presentation. Applicants may be required to provide an in-person interview and/or presentation to the Commission.

§75-05 Authorization – Specific Requirements

- (a) TPEP Approval for New Authorization. The Commission will not issue a TPEP Provider Authorization to any Applicant unless the Commission approves the TPEP proposed for sale, lease or use by the Applicant and the Applicant has signed a Memorandum of Understanding with the Commission as provided in subdivision (h) of this section. In determining whether to approve the TPEP, the Commission will consider, in its reasonable discretion, whether the documentation and demonstration model required to be submitted by the Applicant pursuant to subdivision (b) of this section adequately demonstrates that the TPEP complies with all of the requirements set forth in §75-25 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section.
- (b) Documentation and Demonstration Model for TPEP Approval. The Applicant must submit with its Authorization application the following documentation for each TPEP being made available by the TPEP Provider:
- (1) Acceptance Testing Documentation
 - (i) An acceptance test plan that uses information technology industry testing tools, techniques, and methodologies designed to comprehensively test whether the TPEP and related services comply with all of the requirements set forth in §75-25(a)-(e), (i), and (l)-(p) of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section;
 - (ii) Documentation demonstrating that an independent third party certified by the International Organization for Standardization ("ISO") 9001 or

<p>other certification body acceptable to the Commission, has performed acceptance testing consistent with the acceptance test plan, and certification by the independent third party of the successful results of the acceptance testing;</p>	<p>(vii) <u>Wired and wireless connection devices.</u></p> <p>The demonstration model need not be installed into a vehicle for demonstration purposes so long as the components are connected and the model can demonstrate how the TPEP functions.</p>	<p>CGL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.</p>
<p>(2) <u>Security Testing Documentation</u></p>	<p>(c) <u>Modification of TPEP.</u> In order to implement a Modification of TPEP, after the TPEP Provider Authorization is issued pursuant to this Chapter, the Authorized TPEP Provider must submit an application for approval of a Modification of TPEP by submitting all documentation and a demonstration model required by subdivision (b) of this section and the fee required in §75-07(c) of these Rules. The TPEP Provider may submit documentation covering just the changes proposed in the Modification of TPEP, so long as the TPEP Provider also provides a certification that its original documentation is still applicable for the portions of the TPEP that will remain un-changed. The Commission will treat the submission as an application for a new TPEP Provider Authorization. If the Commission approves the Modification of TPEP, the existing TPEP Provider Authorization will apply to the modified TPEP.</p>	<p>(iii) <u>Such CGL Insurance must name the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.</u></p>
<p>(i) <u>A security test plan that uses information technology industry testing tools, techniques, and methodologies designed to comprehensively test whether the TPEP and related services comply with all of the requirements set forth in §75-25(f) of these Rules and Commission security standards to be promulgated at a later time, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section;</u></p>	<p>(d) <u>TPEP Approval Upon Renewal.</u> If, upon renewal of the TPEP Provider Authorization,</p>	<p>(2) <u>Professional Liability Insurance.</u></p>
<p>(ii) <u>Documentation demonstrating that an independent third party certified by ISO 27001 or other certification body acceptable to the Commission, has performed security testing of the TPEP and related services to determine compliance with the security standards set forth in §75-25(f) of these Rules and Commission security standards to be promulgated at a later time, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and certification by the independent third party of the successful results of the security testing;</u></p>	<p>(1) <u>there has been a change to the Commission Rules or NIST Handbook 44 that requires a Modification of TPEP in order to bring the TPEP into compliance with such changes, the TPEP Provider must seek approval of a Modification of TPEP and must meet all of the requirements applicable to a Modification of TPEP pursuant to subdivision (c) of this section;</u></p>	<p>(i) <u>In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities authorized under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars (\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or anyone employed by the Applicant.</u></p>
<p>(3) <u>Disaster Recovery Plan</u></p> <p><u>A disaster recovery plan that complies with the requirements set forth in §75-25(g) of these Rules;</u></p>	<p>(2) <u>there has not been a change to the Commission Rules that requires a Modification of TPEP in order to bring the TPEP into compliance with such changes, however the TPEP Provider wishes to seek approval of a Modification of TPEP, the TPEP Provider must meet all requirements applicable to a Modification of TPEP pursuant to subdivision (c) of this section;</u></p>	<p>(ii) <u>If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities authorized under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.</u></p>
<p>(4) <u>Usability Testing Documentation</u></p> <p>(i) <u>A usability test plan to comprehensively test the usability of the TPEP for both Taxicab Drivers and Passengers, including but not limited to: software ergonomics, human system interaction processes, displays and display-related hardware, user performance test methods, and tactile and haptic interactions (ISO 9241 100, 200, 300, and 900 series);</u></p> <p>(ii) <u>Documentation demonstrating that an independent third party certified by ISO 9241 or other certification body acceptable to the Commission, has performed usability testing of the TPEP consistent with the usability test plan, and certification by the independent third party of the successful results of the usability testing;</u></p>	<p>(3) <u>there has not been a change to the TPEP Rules or NIST Handbook 44 that requires a Modification of TPEP in order to bring the TPEP into compliance with such changes, the Provider does not seek approval of a Modification of TPEP, and there has been no Modification of TPEP since the prior Commission approval of the Authorization or prior Commission approval of a Modification of TPEP, the Provider must certify this and also certify that all prior certifications by independent third parties submitted to the Commission are still valid.</u></p>	<p>(iii) <u>Claims-made policies will be accepted for Professional Liability Insurance. All such policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of such insurance unless a new policy is secured with a retroactive date, including at least the last policy year.</u></p>
<p>(5) <u>System Documentation</u></p> <p><u>A detailed system design document, functional system description, and a procedures manual/user guide that describe the features and operations of the TPEP;</u></p>	<p>(e) <u>Required Insurance.</u> As a part of its submission of an application for a new TPEP Provider Authorization, an Applicant must provide to the Commission proof of the insurance required in this subdivision. As part of its submission of an application to renew a TPEP Provider Authorization, the Provider must provide to the Commission proof of the insurance required in this subdivision. Required insurance coverage must be valid for the duration of the Authorization period, and the Commission reserves the right to request proof of insurance at any time during the Authorization period.</p>	<p>(3) <u>Crime Insurance.</u></p> <p>(i) <u>The Applicant must maintain crime insurance to protect against employee dishonesty, covering tangible property or monies against loss, damage or destruction resulting from larceny, theft, embezzlement, forgery, robbery, misappropriation, willful misapplication or other fraudulent or dishonest acts committed by the Applicant's employees or agents. The liability limits under the policy shall be at least One Million Dollars (\$1,000,000) per occurrence.</u></p>
<p>(6) <u>Operations Support Documentation</u></p> <p><u>An operations support plan that outlines how the TPEP Provider plans to meet the Maintenance Service requirements outlined in §75-20 and §75-25(i)(6) of these Rules, the requirements of §75-21 of these rules, and respond to any outages or reasonable requests from the Commission.</u></p>	<p>(1) <u>Commercial General Liability Insurance.</u></p> <p>(i) <u>The Applicant shall maintain Commercial General Liability ("CGL") Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Five Million Dollars (\$5,000,000) per occurrence. Such insurance must protect the City and the Applicant from claims for property damage and/or bodily injury, including death that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities authorized under this Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and must be "occurrence" based rather than "claims-made."</u></p>	<p>(ii) <u>If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities authorized under this Chapter, either the Applicant's crime insurance under item (i) above must cover the subcontractor(s) employees or agents or such subcontractor(s) must maintain its/their own crime insurance subject to all other requirements herein.</u></p>
<p>(7) <u>Demonstration Model</u></p> <p><u>A working demonstration model of the TPEP integrated with a Taximeter, inclusive of the following components:</u></p> <p>(i) <u>Hardware,</u></p> <p>(iii) <u>Software,</u></p> <p>(iv) <u>Driver Information Monitor,</u></p> <p>(v) <u>Passenger Information Monitor,</u></p> <p>(vi) <u>AVL receiver, and</u></p>	<p>(ii) <u>If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities authorized under this Chapter, either the Applicant's</u></p>	<p>(4) <u>Workers' Compensation, Disability Benefits, and Employer's Liability Insurance.</u></p> <p><u>The Applicant must maintain, and ensure that its subcontractor(s) who is/are performing or will perform services in connection with any of the activities authorized under this Chapter maintain, Workers' Compensation Insurance, Disability Benefits Insurance, and</u></p>

- Employer's Liability Insurance in accordance with the laws of the State of New York on behalf of, or with regard to, all employees performing services to the Applicant in connection with any of the activities authorized under this Chapter. For clarity, this paragraph (4) shall not be applicable to Taxicab Drivers, and individuals or business entities employed by any TPEP Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees.
- (5) Unemployment Insurance. To the extent required by law, the Applicant must provide Unemployment Insurance for its employees.
- (6) Business Automobile Liability Insurance.
- (i) If vehicles are being used or will be used by the Applicant in connection with any of the activities authorized under this Chapter, then the Applicant must maintain Business Automobile Liability ("BAL") Insurance in the amount of at least One Million Dollars (\$1,000,000) each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles to be used in connection with any of the activities authorized under this Chapter. Coverage must be at least as broad as the most recently issued ISO Form CA0001.
- (ii) If vehicles are being used or will be used by the Applicant's subcontractor(s) in connection with any of the activities authorized under this Chapter, either the Applicant's BAL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own BAL Insurance subject to all other requirements herein.
- (iii) For clarity, this paragraph does not apply to any Taxicab, Taxicab vehicle owner or Taxicab Driver, and the TPEP Provider as such will not be responsible for obtaining any insurance for Taxicabs.
- (7) General Requirements for Insurance Coverage and Policies.
- (i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.
- (ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.
- (iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which such policies are subject, whether or not the City is an insured under the policy.
- (iv) There must be no self-insurance program with regard to any insurance required under this subdivision unless approved in writing by the Commission. Any such self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision, including but not limited to the defense obligations that insurers are required to undertake in liability policies.
- (v) The City's limits of coverage for all types of insurance required under this subdivision must be the greater of:
- A. the minimum limits set forth in this subdivision; or
- (A) the limits provided to the
- Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.
- (8) Proof of Insurance.
- (i) For Workers' Compensation Insurance and Employer's Liability Insurance, the Applicant must submit to the Commission one of (A), (B), (C), (D), or (E) below:
- (A) C-105.2 Certificate of NYS Workers' Compensation Insurance Coverage;
- (B) U-26.3 — State Insurance Fund Certificate of Workers' Compensation Insurance;
- (B) Request for WC/DB Exemption (Form CE-200);
- (C) Equivalent or successor forms used by the New York State Workers' Compensation Board; or
- (D) Other proof of insurance in a form acceptable to the Commission
- ACORD forms are not acceptable proof of workers' compensation coverage.
- (ii) For Disability Benefits Insurance, the Applicant must submit to the Commission one of (A), (B), (C), or (D) below:
- (A) DB-120.1 Certificate of Insurance Coverage under the NYS Disability Benefits law;
- (B) Request for WC/DB Exemption (Form CE-200)
- (C) Equivalent or successor forms used by the New York State Workers' Compensation Board; or
- (D) Other proof of insurance in a form acceptable to the Commission.
- ACORD forms are not acceptable proof of disability benefits coverage.
- (iii) For each policy required under this subdivision, except for Workers' Compensation Insurance, Disability Benefits Insurance, Employer's Liability Insurance, and Unemployment Insurance, the Applicant must file a Certificate of Insurance with the Commission. All Certificates of Insurance must be:
- (A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;
- (B) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an additional insured pursuant to subdivision (e)(1)(iii) above; and
- (C) accompanied by either a duly executed "Certification by Broker" in the form provided by the Commission or copies of all policies referenced in the Certificate of Insurance. If complete policies have not yet been issued, binders are acceptable, until such time as the complete policies have been issued, at which time such policies must be submitted.
- (iv) The Applicant must provide the Commission with a copy of any policy required under this subdivision upon demand by the Commission or the New York City Law Department.
- (v) Acceptance by the Commission of a certificate or a policy does not excuse the Provider from maintaining policies consistent with all provisions of this subdivision (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.
- (vi) If the Provider receives notice,
- from an insurance company or other person, that any insurance policy required under this subdivision will expire, be cancelled, or terminated for any reason, the Applicant must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:
- NYC Taxi and Limousine Commission
Attn: General Counsel
33 Beaver Street 22nd Floor
New York, New York 10004
- New York City Comptroller
Attn: Office of Contract Administration
Municipal Building, One Centre Street,
Room 1005
New York, New York 10007.
- (9) Miscellaneous Insurance Provisions.
- (i) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision, the Provider must provide the insurer with timely notice thereof on behalf of the City. Such notice must be given even where the Provider may not have coverage under such policy (for example, where one of Provider's employees was injured). Such notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:
- (A) the number of the insurance policy;
- (B) the name of the named insured;
- (C) the date and location of the damage, occurrence, or accident;
- (D) the identity of the persons or things injured, damaged, or lost; and
- (E) the title of the claim or suit, if applicable.
- The Provider must simultaneously send a copy of such notice to:
- The City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division,
New York City Law Department,
100 Church Street, New York, New York 10007.
- If the Provider fails to comply with the requirements of this subdivision (e)(9)(i), the Provider must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.
- (ii) Insurance coverage in the minimum amounts required in this subdivision do not relieve the Provider of any liability for indemnification under this Chapter.
- (iii) The Provider waives all rights against the City, including its officials and employees for any damages or losses that are covered under any insurance required under this subdivision (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the Provider and/or its subcontractors required to be authorized under this Chapter.
- (iv) If the Provider requires any subcontractor to procure insurance in connection with any of the activities authorized under this Chapter and requires the subcontractor to name the Provider as an additional insured under such insurance, the Provider must ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

<p>(f) <u>Renewals of Required Insurance Policies.</u> The Authorized TPEP Provider must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (e) of this section expires. Certificates of Insurance must comply with the requirements of subparagraphs (i), (ii), and (iii) of paragraph (8) of subdivision (e), as applicable.</p>		<p>the TPEP Provider or its agents while installing or maintaining the TPEP in such Taxicab. For clarity, modifications to the Taxicab, including without limitation, replacing the partition, drilling holes in the dashboard, etc. that are consistent with standard installation of TPEPs shall not constitute physical damage to the Taxicab;</p>	<p>contract upon five (5) business days written notice to the other party (A) if such other party ceases to do business as a going concern, or (B) upon the insolvency of, or commencement of any proceeding by or against, the other party, either voluntarily or involuntarily, under the Bankruptcy Code, or relating to the insolvency, receivership, liquidation, or composition of the other party for the benefit of creditors;</p>	
<p>(g) <u>Waivers or Modifications.</u> Except where expressly prohibited by law, the Commission may, in its discretion, waive or modify any requirements for Authorization under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Commission.</p>	(vi)	<p>The TPEP Provider agrees to maintain the insurance required by §75-05(e) of the Taxi and Limousine Commission Rules;</p>	(xiii)	<p>If the Medallion Owner is eligible and opts to terminate its contract with the TPEP Provider pursuant to §75-02(c)(2) of the Taxi and Limousine Commission Rules, the TPEP Provider must comply with such rule, which includes continuing to provide services to the Medallion Owner as required by such Rule;</p>
<p>(h) <u>Memorandum of Understanding.</u> Prior to Authorization, a TPEP Provider must enter into a Memorandum of Understanding with the Commission, as provided in this subdivision.</p>	(vii)	<p>Each party agrees to defend, indemnify and hold harmless the other party from and against any and all damages, fines, penalties, deficiencies, losses, liabilities and expenses (including reasonable attorneys' fees) arising from or in connection with third-party claims attributable to any of the following:</p>	(xiv)	<p>The TPEP Provider must reimburse the Medallion Owner for all Fines caused by the TPEP Provider's failure to perform as required by the Taxi and Limousine Commission Rules or caused by the TPEP Provider's breach of any term or condition of the contract. The term "Fine" means any and all fees, fines, or financial penalties imposed on the Medallion Owner or Taxicab Driver by the City, the Taxi and Limousine Commission, or other City agency;</p>
<p>(1) The MOU must include, but is not limited to, terms and conditions that are consistent with the following provisions:</p>	(A)	<p>the death or bodily injury of any agent, employee, business invitee, or business visitor or other person proximately caused by the tortious or willful conduct of the indemnifying party; or</p>	(xv)	<p>If the Taxi and Limousine Commission, Medallion Owner or Taxicab Driver notifies the TPEP Provider in writing of a Performance Failure, the TPEP Provider must remedy the Performance Failure within a cure period of thirty (30) days following receipt of notification. If the TPEP Provider does not remedy the Performance Failure within the 30-day cure period, then the TPEP Provider must apply a five (5) percent credit of the monthly fees for the first month following the cure period. If the Performance Failure continues during the second month and subsequent months following the 30-day cure period, the TPEP Provider must apply a credit of ten (10) percent of the monthly fees for the second month and for each month thereafter;</p>
<p>(i) The TPEP Provider must pay liquidated damages to the Commission in the amount of \$100 per day for each day of non-compliance with the terms and conditions of the MOU or any provision of Chapter 75 of the Commission Rules;</p>	(B)	<p>the damage, loss or destruction of any real or tangible personal property proximately caused by the tortious or willful conduct of the indemnifying party. For clarity, modifications to the Taxicab, including without limitation, replacing the partition, drilling holes in the dashboard, etc., that are consistent with standard installation of TPEPs shall not constitute physical damage to the Taxicab;</p>	(xvi)	<p>The TPEP Provider must provide to the Medallion Owner all intellectual property licenses needed to operate and use the TPEP.</p>
<p>(ii) The TPEP Provider must comply with the indemnification provisions in §75-11 of the Commission Rules;</p>	(viii)	<p>The TPEP Provider agrees to defend, indemnify and hold harmless the Medallion Owner against any and all damages, fines, penalties, losses, liabilities and expenses (including reasonable attorneys' fees) arising from or in connection with any third-party claims or actions alleging infringement of a third party's intellectual property rights attributable to the provision by the TPEP Provider, or use by the Medallion Owner, Taxicab Driver, or Passenger, of the TPEP, any component thereof, or any service related to the TPEP, except to the extent the alleged infringement is due to the unauthorized alteration or use of the TPEP by the Medallion Owner or a Taxicab Driver.</p>	(xvii)	<p>Neither party may assign the contract, or any of its rights and obligations under the contract, without the prior written consent of the other party. Consent must not be unreasonably withheld or delayed;</p>
<p>(iii) The TPEP Provider must submit to the Commission on a monthly, quarterly and annual basis reports showing the itemized revenue accruing to the TPEP Provider in connection with the TPEPs approved under the Authorization;</p>	(ix)	<p>Each party agrees that any limitation of liability in the contract shall not apply to:</p>	(xviii)	<p>If the TPEP Provider subcontracts any services related to the TPEP, the TPEP Provider will be fully responsible to the Medallion Owner for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by such subcontractors as the TPEP Provider is for the acts and omissions of any persons directly employed by it;</p>
<p>(iv) The TPEP Provider must immediately notify the Commission if the Provider knows or should have known of any illegal, unlicensed, or unauthorized activity involving the installation, maintenance, or use of a TPEP or Taximeter;</p>	(A)	<p>the obligations to provide indemnification required in subparagraphs (vii) and (viii) of this paragraph; or</p>	(xix)	<p>The parties agree that the contract shall be deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and shall be governed by and construed in accordance with the laws of the State of New York (without regard to conflict of law principles) and the laws of the United States, where applicable;</p>
<p>(v) The parties agree that the MOU shall be deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and shall be governed by and construed in accordance with the laws of the State of New York (without regard to conflict of law principles) and the laws of the United States, where applicable; and</p>	(B)	<p>any and all damages, fines, penalties, losses, liabilities and expenses (including reasonable attorneys' fees) arising from direct claims between the parties based on damage to real or tangible personal property, death or bodily injury caused by the tortious or willful conduct of a party.</p>	(xx)	<p>The parties agree that any and all claims asserted by or against either party arising under or related to the contract shall solely be heard and determined either in the courts of the</p>
<p>(2) The MOU must require that the TPEP customer contract to be entered into between the TPEP Provider and a Medallion Owner as described in §75-18(b) of these Rules include the following terms and conditions, and the TPEP Provider must obtain approval from the Commission of the form of such customer contract the Provider intends to use:</p>	(x)	<p>The Medallion Owner may terminate the contract for convenience upon at least twenty (20) days prior written notice to the TPEP Provider and payment of an agreed upon termination fee.</p>	(xxi)	<p>Either party may terminate the contract for cause if the other party defaults in the performance of any of its material obligations under the contract, and does not cure the default within thirty (30) days of receipt of a notice of default from the non-defaulting party;</p>
<p>(i) The contract term shall be for a time period of up to one year, but such contract term shall be subject to the term of the TPEP Provider's Authorization;</p>	(xii)	<p>Either party may terminate the</p>		
<p>(ii) The TPEP Provider must maintain Valid TPEP Provider Authorization under Chapter 75 of the Taxi and Limousine Commission Rules and comply with all of the provisions of such Chapter 75 throughout the duration of the contract;</p>				
<p>(iii) The TPEP Provider agrees to provide Maintenance Service in accordance with §75-20 of the Taxi and Limousine Commission Rules;</p>				
<p>(iv) The TPEP Provider agrees to comply with the TPEP requirements and Service Levels as required by §75-21 of the Taxi and Limousine Commission Rules;</p>				
<p>(v) The TPEP Provider agrees that it shall be responsible for any and all physical damage to any Taxicab incurred by the Medallion Owner where such damage is caused by the negligence or willful conduct of</p>				

United States located in the City of New York or in the courts of the State located in the City and County of New York; and

- (xxi) Such additional terms and conditions agreed to by the parties that are not inconsistent with the terms and conditions in subparagraphs (i) through (xx) of this paragraph.

- (3) A TPEP Provider's non-compliance with any of the terms and conditions of the MOU shall be deemed to be non-compliance with this Chapter.

§75-06 Authorization – Financial Disclosure

For privately held companies, each individual Applicant and each principal owner, officer, partner, or member of a Business Entity Applicant for a new or renewal TPEP Provider Authorization must file a financial disclosure statement with the Commission. This financial disclosure statement must be on a form approved by the Chairperson and must include a list of assets, liabilities and bank accounts and must specify any interest in any Taxicab and any other information requested by the Chairperson.

§75-07 Authorization – Fees and Term of Authorization

- (a) *Annual Fee.* Every application for a new or renewal TPEP Provider Authorization must be accompanied by a non-refundable application fee of \$500 for each Authorization to be issued or renewed for the term as provided in subdivision (g) of this section. If the Authorization term is for more than six months and less than one year, the fee will be prorated.
- (b) *Half-Year Fee.* The application fee for any TPEP Provider Authorization to be issued for a term of six months or less will be one-half of the annual fee.
- (c) *Modification of TPEP Fee.* Every application for approval of a Modification of TPEP must be accompanied by a non-refundable application fee of \$500 for each TPEP for which a Modification of TPEP is sought.
- (d) *Form of Payment.* All application fees must be paid by credit card, money order, or certified check.
- (e) *No Refund if Application Denied.* The Commission will not refund fees if it denies or disapproves the application.
- (f) *Late Filing Fee.* If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (g) *Term of Authorization.* The term of Authorization for a TPEP Provider will be one year or less and each Authorization will expire on October 31st.
- (h) *When to File for Renewal.*
- (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the Authorization.
 - (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a "late application". The fee for the late application will be \$25.
 - (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
 - (4) The Commission will not accept a renewal application after the expiration date of the Authorization. If the application is not filed before the expiration date, the Authorization cannot be renewed.

§75-08 Authorization – Cause for Denial

- (a) *Failure to Continuously Comply.* Whenever the Commission determines that the Authorized TPEP Provider no longer meets the requirements for Authorization, the Commission may revoke the Authorization and deny any application for renewal, pursuant to the procedures set forth in §75-02 of these Rules.
- (b) *Summary Revocation.* Nothing in this section limits the authority of the Commission to summarily revoke any TPEP Provider Authorization when a threat to public health, safety, or welfare exists.
- (c) *Failure to Complete Application Requirements*
- (1) The Chairperson may deny an application for a new Authorization if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.
 - (2) The Chairperson may deny an application for a renewal Authorization if the Applicant has not completed all the requirements of an application by the expiration date of the prior Authorization.
- (d) *Additional Consideration of an Application.* If a

review of the application leads the Chairperson to believe that the Applicant may not be Fit to be an Authorized TPEP Provider, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within a reasonable time period as requested, or failure to appear at a scheduled interview, will result in a denial of the application.

§75-09 General Requirements for Maintaining Authorization – Unauthorized Activity

TPEP Provider Authorization Required. An individual or Business Entity must not sell, lease, make available for use, install, maintain, service or repair a TPEP in any Taxicab, or enter into or renew a contract with a Medallion Owner for the sale, lease, use, installation, maintenance, service or repair of a TPEP without a Valid TPEP Provider Authorization.

§75-10 General Requirements for Maintaining Authorization – Compliance with Applicable Law

- (a) *Licenses and Permits.* An Authorized TPEP Provider must obtain licenses and permits required by applicable local, state or federal law.
- (b) *Occupational Safety & Health Administration.* An Authorized TPEP Provider must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the Provider's place of business, as well as all other federal, state, and local laws governing its business.
- (c) *Payment of All Fines and Fees.* An Authorized TPEP Provider must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.
- (d) *Workers' Compensation Laws.* An Authorized TPEP Provider must comply with all laws regarding workers' compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§75-11 General Requirements for Maintaining Authorization – Indemnification

- (a) *General Indemnification.* An Authorized TPEP Provider must defend, indemnify and hold the City, its officers and employees harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of any operations of the Authorized TPEP Provider and/or its employees, agents or subcontractors in connection with any of the activities authorized under this Chapter to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Authorized TPEP Provider, the City shall be partially indemnified by the Authorized TPEP Provider to the fullest extent permitted by law.
- (b) *Infringement Indemnification.* An Authorized TPEP Provider must defend, indemnify and hold the City harmless from any and all third-party claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the Authorized TPEP Provider, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the activities authorized under this Chapter. Insofar as the facts or law relating to any third-party claim would preclude the City from being completely indemnified by the Authorized TPEP Provider, the City shall be partially indemnified by the Authorized TPEP Provider to the fullest extent permitted by law.
- (c) *Not Limited by Insurance.* The indemnification obligations set forth in this section shall not be limited in any way by the Authorized TPEP Provider's obligations to obtain and maintain insurance as provided in §75-05(e) of these Rules.

§75-12 Business Requirements for Maintaining Authorization – Premises

A TPEP Provider must operate its business only within the structures described in the certificate of occupancy for the premises. No installation, service, or repairs of any type can be performed on a public street or any facility other than the TPEP Provider's premises.

§75-13 Business Requirements for Maintaining Authorization – Signage

- (a) At all times, a TPEP Provider must maintain a sign

that displays its business name and the words, "Authorized Taxicab Technology Service Provider". A TPEP Provider must not display the foregoing sign if its TPEP Provider Authorization or any other necessary license is expired, suspended, or revoked.

- (b) Each Authorized TPEP Provider must also display, on each of its business premises, a printed sign bearing its business name and the TLC complaint number.

§75-14 General Requirements for Maintaining Authorization – Notice to TLC

- (a) *Material Change in Information.* An Authorized TPEP Provider must notify the Commission of any material change in the information contained in its current TPEP Provider Authorization application or renewal, including but not limited to a change to the Provider's mailing or e-mail address.
- (b) *Suspension or Revocation of License or Authorization.* An Authorized TPEP Provider must immediately notify the Commission in writing of any suspension or revocation of any license or authorization granted to the Provider, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.
- (c) *Criminal Conviction*
- (1) An Authorized TPEP Provider must notify the Commission in writing within two (2) days after any criminal conviction of the Provider or any principal owner, officer, partner, or member of the Provider.
 - (2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.
- (d) *Security Breach.* The Applicant must inform the Commission if they are required to make disclosures under State or Federal law regarding security breaches including the New York State Information Security Breach and Notification Act (General Business Law §899-aa).

§75-15 Business Requirements for Maintaining Authorization – Mailing and Email Address

- (a) Each TPEP Provider must designate and provide the Commission the street address of its primary TPEP Provider location as its Mailing Address.
- (b) A TPEP Provider must have and provide the Commission a working Email Address and telephone number at all times.
- (c) A TPEP Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail or email within ten days.
- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address or Email Address provided by the TPEP Provider.
- (e) Any communication from the Commission is sufficient if sent by email to the last Email Address provided by the TPEP Provider.

§75-16 Business Requirements for Maintaining Authorization – Change in Business Ownership

- (a) *Notice of Transfer of Ownership.* An Authorized TPEP Provider must notify the Commission of any transfer of ownership interest in the TPEP Provider or of any change in the officers, directors, members, partners or general partners. Any person or Business Entity acquiring an ownership interest in an Authorized TPEP Provider must meet all requirements applicable to such person or Business Entity under this Chapter.
- (b) *Approval for Change to Application Information.* An Authorized TPEP Provider must obtain the Commission's approval before making any change in the location of its business premises where it interacts with customers, the location of its facility where installation and/or repairs of TPEPs are performed, corporate name, trade name, or any other material deviation from the description of the TPEP Provider as stated in the original or renewal application.

§75-17 Business Requirements for Maintaining Authorization – Fees Charged by Providers

- (a) *Filing of Fee Schedule with TLC.* An Authorized TPEP Provider must file with the Commission a current schedule of fees in a format prescribed by the Commission for:
- (1) Services related to the sale, lease, use, installation, maintenance, service or repair of the TPEP approved under this Chapter;
 - (2) Credit, debit, and prepaid card processing charges imposed by the TPEP Provider and by the credit/debit/prepaid card services provider.

- (3) Training provided by the TPEP Provider over and above the training required by §75-18(i) of these Rules;
- (4) Late payment charges, if any, for undisputed, invoiced amounts that are not paid by the Medallion Owner on or before thirty (30) days from the due date;
- (5) De-installation of a TPEP; and
- (6) Moving a TPEP from one vehicle to another.

(b) Filing of Fee Changes with TLC. An Authorized TPEP Provider must file any change in fees with the Commission at least ten (10) days before the fees are scheduled to change.

(c) Prominent Display of Fee Schedule. An Authorized TPEP Provider must not engage in any activity required to be authorized under this Chapter unless a current fee schedule as set forth in subdivision (a) of this section is displayed clearly to the public on the business premises and website. All fee schedules must be filed with the Commission before being displayed.

(d) Overcharges Prohibited. In any transaction involving TPEPs and related services, an Authorized TPEP Provider must not charge more than the fees set by its fee schedule.

§75-18 Business Requirements for Maintaining Authorization – Sale, Lease or Use of TPEP

All of the following conditions apply with regard to a TPEP Provider's sale, lease, making available for use, and installation of a TPEP for use in a Taxicab:

- (a) The TPEP Provider must not sell, lease, make available for use, or install a TPEP for use in a Taxicab unless the TPEP has been approved by the Commission pursuant to this Chapter and the TPEP installed in the Taxicab is identical to the TPEP that was approved;
- (b) Prior to the sale, lease, making available for use, or installation of a TPEP, a TPEP Provider must present to the Medallion Owner a contract for execution by the TPEP Provider and the Medallion Owner that meets the requirements contained in the Memorandum of Understanding;
- (c) The TPEP and its components may be new, or may be used if they operate and appear as if new with no functional or outwardly apparent deficiencies;
- (d) The TPEP Provider must install the TPEP in the Taxicab and conduct customer acceptance testing of the TPEP to demonstrate, to the reasonable satisfaction of the Medallion Owner, that the TPEP complies with all of the requirements set forth in §75-25 of these Rules;
- (e) The TPEP Provider must provide the results of customer acceptance testing to the Medallion Owner;
- (f) If upon receipt of the customer acceptance testing results at the time of installation, the Medallion Owner has a reasonable good faith basis to conclude that the TPEP will not operate in substantial compliance with any of the requirements set forth in §75-25 of these Rules, the Medallion Owner is not obligated to accept the TPEP and may request the TPEP Provider to correct any deficiencies disclosed by the customer acceptance testing or identified by the Medallion Owner. If the Medallion Owner requests correction(s) of such deficiencies, the TPEP Provider must perform such corrections until the Medallion Owner is reasonably satisfied that the TPEP substantially complies with all of the requirements set forth in §75-25 of these Rules. If the Medallion Owner is not reasonably satisfied with the corrections, the Medallion Owner is not obligated to complete the contract for sale, lease or use of the TPEP.
- (g) Upon the Medallion Owner's acceptance of the TPEP, the TPEP Provider must present a customer acceptance form approved by the Commission for the Medallion Owner's signature.
- (h) The TPEP Provider must not enable any TPEP to be operated in a Taxicab until such TPEP has been accepted by the Medallion Owner as evidenced by the Medallion Owner's signature on the customer acceptance form.
- (i) Prior to installation of a TPEP, or prior to making a TPEP operational, the TPEP Provider must offer to the Medallion Owner and Taxicab Driver(s), at no additional charge, at least one training session on the proper use and operation of the TPEP. The TPEP Provider must also train others designated by the Medallion Owner to conduct training sessions (i.e., train-the-trainer training). The content of the training must be sufficient to enable the Medallion Owner and Taxicab Driver(s) to properly use and operate the TPEP.
- (j) Prior to installation of a TPEP, or prior to making a TPEP operational, the TPEP Provider must produce and provide a hard copy of a driver user guide on the proper use and operation of the TPEP at no charge to the Medallion Owner and Taxicab

Driver(s). The driver user guide must be approved by the Commission prior to distribution.

(k) At the request of the Commission, any TPEP Provider that has completed a contract for sale, lease or use of one or more TPEPs must provide to the personnel of the Commission or its designee, at no cost to the Commission, training sessions, and both a hard copy and an electronic copy of the driver user guide referred to in subdivision (j) of this section and a user guide on the proper way to access and use data required to be maintained by the TPEP Provider pursuant to §75-25 of these Rules.

(l) A TPEP Provider may require a Medallion Owner to enter into an agreement with a credit, debit, and prepaid card services provider as a condition of the sale, lease or use of a TPEP.

§75-19 Business Requirements for Maintaining Authorization – Contract with Medallion Owner

The form of contract between the TPEP Provider and the Medallion Owner for the sale, lease or use of a TPEP must meet the requirements contained in the Memorandum of Understanding.

§75-20 Business Requirements for Maintaining Authorization – Maintenance of TPEP

(a) Warranty Service.

- (1) The TPEP Provider must pass through to the Medallion Owner all standard warranties of third party manufacturers of Hardware, Software or other components of the TPEP.
- (2) During the applicable warranty periods of the standard warranties described above, the TPEP Provider must provide or pass through warranty service at no additional charge in accordance with the warranty terms applicable to the TPEP component.

(b) Maintenance Service.

- (1) The TPEP Provider must provide to a Medallion Owner such maintenance services as are necessary to maintain the TPEP in good working order and in accordance with the requirements in §75-25 of these Rules. Such maintenance services must be provided on a 24 x 7 x 365 Basis, and must include but not be limited to:
- (i) Providing preventive and remedial maintenance of the TPEP at a maintenance facility that is available on a 24 x 7 x 365 Basis and reachable on a 24 x 7 x 365 Basis by telephone. The location of such a maintenance facility must be provided to Taxicab Drivers and Medallion Owners;
- (ii) Providing and installing replacement parts, and Hardware and Software Updates;
- (iii) Keeping an electronic maintenance log for each TPEP installed by the TPEP Provider that states in detail all preventive maintenance, remedial maintenance and other maintenance and actions performed on such TPEP. The TPEP Provider must provide a copy of the maintenance log (either electronic or hardcopy, at the requestors preference) when a Medallion Owner or the Commission requests one.
- (2) The TPEP Provider must correct any problem, error, or malfunction of the TPEP caused by any of the following events:
- (i) Any alteration of the Taxicab by the Medallion Owner, Taxicab Driver or their agent where such alteration:
- A. results in the TPEP failing to comply with the requirements in §75-25 of these Rules;
- B. is made without the TPEP Provider's prior consent; and
- C. is not required by applicable law;
- (ii) Vandalism of, or deliberate and unauthorized modification or repair to, the TPEP or components thereof by someone other than the TPEP Provider, where such vandalism or unauthorized modification or repair is not due to the fault or negligence of the TPEP Provider;

(iii) Accidental damage to the TPEP not due to the fault or negligence of the TPEP Provider; or

(iv) The Medallion Owner's failure to follow all written operation and user instructions provided by the TPEP Provider.

(c) Maintenance Service Levels. The TPEP Provider must provide Maintenance Services in compliance with the Service Levels in §75-25(i)(6) of these Rules.

(d) Inspection Upon Repair. The TPEP Provider must inspect the TPEP upon completion of a repair to verify that the TPEP operates in compliance with all of the requirements set forth in §75-25 of these Rules.

§75-21 Business Requirements for Maintaining Authorization – Compliance with TPEP Requirements and Service Levels

(a) Payment by Credit, Debit, and Prepaid Card, Smartphone Payment Application, and E-Hail Payment Application.

(1) A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab provides Credit, Debit, and Prepaid Card Services, and services for any smartphone payment application and E-Hail Payment application licensed and/or authorized by the Commission, in compliance with the requirements in §75-25(a) and the Service Levels in §75-25(i)(1) of these Rules.

(2) A TPEP Provider must ensure that when Passengers pay by credit, debit, or prepaid card, smartphone payment application, and E-Hail Payment application (to the extent that the smartphone payment application or E-Hail Payment application provides credit/debit/prepaid card payment data to the TPEP Provider for processing the transaction), the Medallion Owner receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the TPEP, except for incidents when there is a fraud investigation.

(b) Driver Information Monitor and Text Messaging. A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab provides text messaging in compliance with the requirements of §75-25(b) and the Service Levels specified in §75-25(i)(2) of these Rules.

(c) Trip Data Collection and Transmission. A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab provides Trip Data collection and transmission in compliance with the requirements of §75-25(c) and the Service Levels specified in §75-25(i)(3) of these Rules.

(d) Passenger Information Monitor. A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab provides a Passenger Information Monitor in compliance with the requirements in §75-25(d), including all requirements relating to content and the Service Levels specified in §75-25(i)(4) of these Rules.

(e) Automatic Vehicle Location System and Location Services. A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab provides an Automatic Vehicle Location System and location services in compliance with the requirements of §75-25(e) of these Rules and the Service Levels specified in §75-25(i)(5) of these Rules.

(f) Security. A TPEP Provider must ensure that with respect to a TPEP that has been installed in a Taxicab, the TPEP Provider is in compliance with the security requirements of §75-25(f) of these Rules.

(g) Disaster Recovery. A TPEP Provider must ensure that with respect to a TPEP that has been installed in a Taxicab, the TPEP Provider is in compliance with the disaster recovery requirements of §75-25(g) of these Rules.

(h) Data Retention. A TPEP Provider must ensure that with respect to a TPEP that has been installed in a Taxicab, all data required to be maintained pursuant to §75-25 of these Rules is maintained for the period required in §75-25(h).

(i) Service Level Procedures.

(1) The TPEP Provider must implement and maintain procedures, tools and records to monitor, measure, and record performance of the TPEP and related services provided by the TPEP Provider for compliance with the Service Levels specified in §75-25(i) of these Rules.

(2) The TPEP Provider must provide the Commission with reasonable access to the procedures, tools and records monitoring, measuring and recording compliance with Service Levels.

- (j) Critical Performance Failures. The occurrence of a Critical Performance Failure constitutes a failure to comply with this rule.
 - (k) Inspection by TLC. A TPEP Provider must ensure that a TPEP that has been installed in a Taxicab can be inspected by Commission personnel as required by §75-25(k) of these Rules.
 - (l) Affirmative Defense. It shall be an affirmative defense to any failure to comply with paragraph (a)(1) or subdivisions (b), (d), or (e) of this section that at the time of the non-compliance the TPEP Provider:
 - (1) did not know or have reason to know of the non-compliance; or
 - (2) was making reasonable efforts to remedy such non-compliance as evidenced by documentation.
 - (m) Commission Ordered Testing. If the Commission has made a determination that the TPEP Provider has failed to comply with subdivisions (a), (b), (c), (d), (e), (f), (g) or (k) of this section, the Commission may order the TPEP Provider to provide, within sixty (60) days of the final decision on the non-compliance:
 - (1) documentation demonstrating that subsequent to the non-compliance an independent third party certified by ISO 9001 or other certification body acceptable to the Commission, has performed testing of the TPEP and related services to determine that the condition giving rise to the non-compliance has been corrected, and
 - (2) certification by such third party of the successful results of such testing.
- §75-22 Business Requirements – Recordkeeping and Reporting Requirements**
- (a) Recordkeeping and Reporting. In addition to any records required to be maintained pursuant to this Chapter, a TPEP Provider must maintain the records described below on a monthly, quarterly, and annual basis, and file with the Commission reports of the required information for the preceding month, quarter, and year. The information contained in the report must start on the first of the month, quarter, and year, and cover a full month, quarter, or year. All records and reports must be in the form and manner prescribed by the Commission:
 - (1) A list of all Medallion Owners (by name, Medallion Number, and date) for whom a TPEP has been installed by the TPEP Provider in a Taxicab;
 - (2) A list of all Medallion Owners (by name, Medallion Number, and date) for whom a TPEP has been de-installed by the TPEP Provider;
 - (3) An electronic list of the Medallion Owners (by name, Medallion Number, and date) that currently contain a TPEP installed by the TPEP Provider as of the generation of the report;
 - (4) A list of all Maintenance Service incidents not resolved within twenty-four (24) hours for each TPEP in a Taxicab (by name of Medallion Owner and Medallion Number) and the disposition thereof;
 - (5) A description of the performance of each TPEP installed by the TPEP Provider in a Taxicab (by name of Medallion Owner and Medallion Number) and the performance of the TPEP Provider in attaining or failing to attain the applicable Service Levels, and with respect to deviations from the Service Levels, the steps taken or planned for corrective action;
 - (6) A description of all Security Incidents affecting each TPEP in a Taxicab (by name of Medallion Owner and Medallion Number) or affecting related services provided by the TPEP Provider, and corrective actions taken in response;
 - (7) A description of all content displayed on each TPEP in a Taxicab (aggregated across all TPEPs installed by the TPEP Provider), the number of times each of the content items were displayed, broken into the following categories:
 - (i) TLC Content (as described in § 75-25(d)(2)(i) of these Rules),
 - (ii) Commercial advertising and sponsorships,
 and the number of times a Passenger used a screen touch or turned on or off the PIM, and the averages per trip.
 - (b) Record Retention Period. A TPEP Provider must maintain the records required by this section for five (5) years.

- (c) Examination of Records. A TPEP Provider must allow agents of the Commission or other authorized law enforcement officers to examine at any time all of the records the TPEP Provider is required to maintain under this Chapter.
 - (d) Inspection of Premises. A TPEP Provider must allow any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time, as permitted by law.
- §75-23 Business Requirements – Use of Personal Information and Certain Location-Based Data**
- (a) The TPEP Provider must use and process Personal Information provided to it or to which it has access in connection with the activities authorized under this Chapter solely for the purposes of performing such authorized activities and in compliance with all applicable privacy and data protection laws.
 - (b) Except to the extent necessary to provide Credit, Debit, and Prepaid Card Services and services for any smartphone payment application and E-Hail Payment application, the TPEP Provider must not collect any Personal Information on any Passenger without such Passenger's express, informed and documented consent. Such prohibition includes but is not limited to collecting Personal Information through any cookie, applet, web bug, beacon or similar technology.
 - (c) The TPEP Provider must ensure that Personal Information collected by a credit/debit/prepaid card services provider engaged by the TPEP Provider is stored in database management systems maintained and administered by the credit/debit/prepaid card services provider or its processing agent in compliance with the applicable PCI Standards.
 - (d) Except as may be permitted in the contract between a Medallion Owner and the TPEP Provider or as otherwise required by law, a TPEP Provider must not disseminate, and must not permit its agents to disseminate, to any other person or entity any Taxicab location-based information regarding a Taxicab while it is off-duty.
- §75-24 Business Requirements – Cooperation with the Commission**
- (a) The TPEP Provider shall make all efforts, as described below, to cooperate with the Commission, its designees and any contractor(s) of the Commission:
 - (1) in the development and support of any application(s) developed by the Commission or the Commission's designees, where such applications are developed specifically for the purpose of interoperating with the TPEP (including but not limited to smartphone applications); and
 - (2) in the facilitation of any data connection required by the Commission between the TPEP and any systems of a contractor of the Commission, such as a contractor who will provide services for dispatch of Accessible Taxicabs.
 - (b) Cooperation as described in subdivision (a) above may be effectuated by agreements (including non-disclosure agreements) among and/or between the Commission or its designees or contractors, and the TPEP Provider on mutually agreeable terms.
 - (c) Upon request of the Commission, a TPEP Provider shall provide at no charge to any Commission-approved driver training school the following:
 - (1) one complete tabletop demonstration TPEP including the services related to the TPEP; and
 - (2) one complete driver user guide as described in §75-18(j) of these Rules (in electronic format) and a perpetual license to use and reproduce an unlimited number of copies of the guide.
- §75-25 Technical Requirements – Taxicab Technology System (TPEP)**
- No TPEP shall be approved by the Commission pursuant to this Chapter unless it complies with all of the requirements set forth in this section, in addition to those set forth in NIST Handbook 44, or as such requirements may be waived or modified by the Commission pursuant to §75-05(g) of these Rules.
- (a) Payment by Credit, Debit, and Prepaid Card, Smartphone Payment Application, or E-Hail Payment Application.
 - (1) In addition to designating a payment made in cash, a TPEP must be capable of accepting payment of fares from credit, debit, and prepaid cards, and any smartphone payment applications or E-Hail Payment applications approved by the Commission.
 - (i) The TPEP must be capable of accepting payment of fares

- (ii) The TPEP must only accept payment from Commission-approved and/or Commission-licensed smartphone payment applications and E-Hail Payment applications; and
 - (iii) At the option of the TPEP Provider, the TPEP may accept either PIN-based debit processing, signature-based debit processing, or both.
- (2) The TPEP must conform to the following specifications:
- (i) The following information must be provided to Passengers:
 - (A) a prominent notice containing a list of all credit cards, debit cards, and pre-paid cards accepted for fare payment;
 - (B) a statement indicating that fares for all trips may be paid using the listed credit/debit/prepaid cards, or Commission-authorized or licensed smartphone payment applications or E-Hail Payment applications. TPEP Providers that provide the option to pay using PIN-based debit cards may also include their capability to do so in this same statement; and
 - (C) a statement that no additional fee or surcharge may be imposed on Passengers who pay using one of the listed credit/debit/prepaid cards, or Commission-approved or licensed smartphone payment applications or E-Hail Payment applications;
 - (ii) The PIM must be used to provide payment processing by credit/debit/prepaid card, smartphone payment application, and E-Hail Payment application by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and default tip of 0 percent with tip options of 20 percent, 25 percent and 30 percent, and permitting Passengers to manually enter (through the PIM or their smartphone payment application or E-Hail Payment application) another tip amount or percentage at their option. The PIM must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due, including details for paying by split fare as described in subparagraph (iii) of this paragraph;
 - (iii) The TPEP may allow more than one Passenger to split and pay for the total fare for a single trip. If split fare is offered by the TPEP, the following requirements must be met:
 - (A) The TPEP must evenly split the total fare across the Passengers wishing to split the fare, using a single form of tender (all credit/debit/pre-paid cards, all the same smartphone payment application, all the same E-Hail Payment application), and must calculate and display the split fare amount per Passenger to the Passengers on the PIM;
 - (B) The TPEP must not charge any additional amount to the Passengers to provide the service of splitting the fare. Only the total fare inclusive of all tolls, surcharges, extras and taxes as reflected on the Taximeter, plus tips at the Passengers' discretion, may be charged to the Passengers;
 - (C) The Passengers must be able to indicate the number of Passengers paying for the trip and the TPEP must store and provide this information to the Commission as a part of the Trip Data collected. The TPEP

- must designate a single Passenger as the 'primary' Passenger, and provide credit/debit/prepaid card data and smartphone payment application or E-Hail Payment application data (if paid for by smartphone payment application or E-Hail Payment application) for the primary Passenger as set forth in subdivision (c) of this section, including the credit/debit/prepaid card used, tip, and last four digits of the card to the Commission as a part of the Trip data;
- (D) The TPEP must allow each Passenger to add tip against his or her portion of the fare using the same method of payment as is used to pay for the fare; and
- (E) The TPEP must be able to comply with the receipt requirements described in subparagraph (v) of this paragraph;
- (iv) The TPEP must allow the Passenger to initiate payment before the trip is complete.
- (A) For cash transactions, this means that the Passenger must be able to indicate that he or she will pay in cash while the Taximeter is still engaged;
- (B) For credit/debit/prepaid card, or smartphone payment application or E-Hail Payment application transactions, this means that the Passenger must be able to enter his or her account number using the card reader or a Commission authorized or licensed smartphone payment application or E-Hail Payment application and have the option to pre-assign a tip amount as described in subparagraph (ii) of this paragraph while the Taximeter is still engaged.
- (I) If the Passenger elects to pre-assign a tip, the TPEP must allow the Passenger to either pre-approve the transaction for the (still undetermined) total fare plus pre-assigned tip, or allow the Passenger to wait until the Taximeter is disengaged and the total itemized fare is calculated and displayed to approve the transaction for the total fare plus pre-assigned tip. In both cases, once the Taximeter is disengaged at the end of the trip, the PIM must display the total itemized fare (including pre-assigned tip amount) as described in subparagraph (ii) of this paragraph;
- (II) If the Passenger does not elect to pre-assign a tip, once the Taximeter is disengaged at the end of the trip, the TPEP must display the total itemized fare and allow the Passenger to enter tip as described in subparagraph (ii) of this paragraph;
- (C) Credit/debit/prepaid card information captured by the TPEP when the Passenger entered their account number must be securely stored by the TPEP until the point at which the payment is processed for the total amount designated by the Passenger (including tip), and the TPEP receives confirmation that the payment has been authorized and completed. At this point, the TPEP must wipe any credit/debit/prepaid card data;
- (D) At any point during the trip, the TPEP must allow a Passenger that has initiated payment before the trip is complete to edit or amend his or her payment type and/or tip amount;
- (v) The TPEP must be able to generate an accurate receipt for payment of fare, whether payment is made by cash, credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application, and such receipt must be able to be generated for each Passenger making a payment. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain the following information:
- (A) Medallion number;
- (B) Taxicab Driver's License number;
- (C) trip number;
- (D) pick-up date and time;
- (E) drop-off date and time;
- (F) pick-up location;
- (G) drop-off location;
- (H) trip distance;
- (I) itemized tolls (if applicable) by toll name and amount;
- (J) itemized surcharges by surcharge type and amount;
- (K) itemized extras (if applicable) by extra type and amount;
- (L) taxes (if applicable) for the entire trip;
- (M) itemized listing of each rate code used, by the rate code, and the total amount of time-and-distance-calculated fare for that rate code;
- (N) total amount due;
- (O) the amount that the Passenger paid, if split fare;
- (P) the amount that the Passenger tipped, if paid by credit/debit/prepaid card or smartphone payment application or E-Hail Payment application;
- (Q) last four digits of credit, debit or prepaid card account number used by the Passenger, if applicable. All receipts for credit, debit, and prepaid card, smartphone payment application, and E-Hail Payment application transactions must mask account numbers except for the last four digits;
- (R) the "311" Commission complaint telephone number; and
- (S) the name and 24-hour phone number of the Agent (if there is an Agent), the Fleet (if the Fleet is the Agent), or the Medallion Owner (if there is no Agent).
- (vi) Individual Passengers' portion of the fare totaling \$25.00 or less must not require a Passenger signature. Individual Passengers' portion of the fare totaling \$25.01 and more may require a signature at the TPEP Provider's discretion. This signature can be captured either via electronic signature or paper receipt;
- (vii) The credit/debit/prepaid card reader may be either integral to the Passenger Information Monitor or a freestanding unit that is securely attached to the interior structure of the vehicle and located near the Passenger Information Monitor or in a location convenient to the Passenger. The card reader must support bi-directional card swiping, must comply with contactless card requirements, must be Near Field Communication (NFC)-enabled, and must be compliant with the PCI Standards;
- (viii) The TPEP Provider will be required to integrate into the TPEP payment for fares by a Passenger using smartphone payment applications and E-Hail Payment applications approved and/or licensed by the Commission. Integration with such a smartphone payment application and E-Hail Payment application must follow the guidelines outlined in subdivision (n) of this section;
- (ix) The TPEP must comply with all applicable PCI Standards. The Passenger's card and account number must not be stored in the TPEP after the TPEP has received confirmation that the payment has been authorized;
- (x) The TPEP must be able to complete a credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application transaction (to the extent that the smartphone payment application or E-Hail Payment application provides credit/debit/prepaid card payment data to the TPEP Provider for processing the transaction) utilizing floor-limit authorization via a store and forward capability when wireless access is unavailable. The TPEP must authorize and store for later transmission up to ten (10) floor-limit approved transactions. For the purposes of this subparagraph and if a TPEP Provider enables split fares, a split fare transaction is considered a single transaction. The TPEP must automatically provide the floor-limit approval for transactions of \$75.00 and under if either the TPEP does not provide a valid response in less than twenty-five (25) seconds or there is a failure in the wireless network;
- (xi) If the mechanism for acceptance of credit/debit/prepaid cards, smartphone payment applications, or E-Hail Payment applications is not operational or the TPEP has stored ten (10) floor-limit approved transactions and the Passenger Information Monitor is still operational, the following message must be displayed on the Passenger Information Monitor, as applicable: "Credit Card System Currently Not Available;"
- (xii) The TPEP must be capable of generating the following payment data, whether payment is made by cash, credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application, as further described in subdivision (c) of this section:
- (A) reasonably detailed data of individual and cumulative payment transactions (including sufficient detail to support daily and monthly reconciliations and to perform problem resolution);
- (B) if the payment is by credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application, in addition to the information specified in item (A) of this subparagraph, the name of the credit/debit/prepaid card and/or smartphone payment application or E-Hail Payment application, and the name of the credit card merchant engaged by the TPEP Provider and/or smartphone payment application or E-Hail Payment application; and
- (C) end-of-shift data summarizing the number of fares, the total fare amount, and as applicable, the number of credit/debit/prepaid card, smartphone payment application, and E-Hail Payment application transactions and the total fares of such transactions. End-of-shift data must be made available to the Taxicab Driver by printing from the Taximeter or accessing electronically, at the Taxicab Driver's preference, and must contain the following information:
- (I) Medallion number;
- (II) Taxicab Driver's License number;
- (III) shift start date and time;
- (IV) shift end date and time;
- (V) distance traveled over the duration of the shift;
- (VI) number of cash trips;
- (VII) total cash fares collected;
- (VIII) number of credit/debit/prepaid card trips;
- (IX) number of credit/debit/prepaid card trips requiring a signature;

- (X) total credit/debit/prepaid fares collected; and
- (XI) total credit/debit/prepaid tips collected;
- (XII) number of trips paid by smartphone payment application and E-Hail Payment application;
- (XIII) number of smartphone payment application and E-Hail Payment application trips requiring a signature;
- (XIV) total smartphone payment application and E-Hail Payment application fares collected;
- (XV) total smartphone payment application and E-Hail Payment application tips collected;
- (xiii) The data described in subparagraph (xii) of this paragraph and its component elements must be stored, maintained and accessible to the Commission and any designee as follows:
- (A) in a standardized format and layout prescribed by the Commission that is open and non-proprietary;
- (B) accessible by an unrestricted application programming interface prescribed by the Commission and viewable in near real time via a web-based portal established and operated by the TPEP Provider (or by another method acceptable to the Commission). The web-based portal must be extremely stable and have an up-time of 99.9 percent or greater; and
- (C) by secure File Transfer Protocol (FTP) transfer according to a format, layout, procedure, and frequency prescribed by the Commission, or at the Commission's option and according to its specification by replicating the data to a server maintained by the Commission.
- (D) The data must also be accessible to Medallion Owners and end users such as Taxicab Drivers, Commission-authorized and/or licensed smartphone payment applications and E-Hail Payment applications, and Merchants both via web access and/or printed copies, according to their preference, to the extent that such Medallion Owners own the medallion for the subject Taxicab and Taxicab Drivers, smartphone payment applications and E-Hail Payment applications, and Merchants are involved in or have any responsibility for the transactions;
- (xiv) The TPEP must wipe any credit/debit/prepaid card, smartphone payment application, and E-Hail Payment application (as applicable) transaction data following stored and forwarded payment transaction processing or when any equipment or component of the TPEP is replaced;
- (xv) The TPEP must provide the Medallion number to the credit card providers in order to display the Medallion number on a Passenger's credit or debit card statement; and
- (xvi) If a Passenger uses a credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application to pay for the fare, the TPEP must provide an indication to the Driver through the DIM when payment for the total fare has been completed.
- (b) Driver Information Monitor and Text Messaging. The TPEP must include a Driver Information Monitor that is securely mounted in the driver-seat area with the following capabilities either itself or in conjunction with the other components of the TPEP:
- (1) The DIM must enable the TPEP to be turned on and interact with the Taximeter only upon log in which requires:
- (i) entry of an active and Valid Taxicab Driver's License number and an optional unique password set up by the Taxicab Driver; and
- (ii) system-initiated search of an active and Valid Medallion number of the vehicle;
- (2) The DIM must enable the Commission, other City agencies, and any other entity approved by the Commission to send text messages to a specific Taxicab, a selected group of Taxicabs and/or all Taxicabs equipped with a TPEP.
- (i) TPEP Providers must enable this text messaging capability by providing an unrestricted application programming interface prescribed by the Commission and via a web-based portal established and operated by the TPEP Provider.
- (ii) Medallion Owners and TPEP Providers servicing the Taxicab must be able to send text messages to the Taxicab Driver in connection with the conduct of their respective businesses via a web-based portal provided and maintained by the TPEP Provider.
- (3) The DIM, application programming interface, and the web-based portal must enable the following text messaging management:
- (i) text messages must be able to be sent both in real time and future time ranges of up to thirty (30) days in advance;
- (ii) the same text message must be able to be scheduled to go out to the same set of Taxicabs at multiple dates/times;
- (iii) text messages must be able to be sent based on a Taxicab's geographic location, full or partial Medallion number, full or partial Taxicab Driver's License number and/or TPEP Provider;
- (iv) emergency text messages must be able to be scheduled by the Commission to preempt any other message;
- (v) the sender of the text message must be able to receive delivery notification of receipt of the message by a Taxicab, should he or she so require;
- (vi) at least fifty (50) messages a day, and more in case of an emergency, must be able to be scheduled and sent up to thirty (30) days in advance;
- (vii) if transmission of a text message cannot be completed due to loss of communication or other causes, the TPEP must:
- (A) record the attempted transmission;
- (B) store the message for up to one (1) week for later transmission; and
- (C) continuously attempt to retransmit the message until delivered or purged.
- If after one (1) week the message has not been received, the message must be purged and a separate message sent to the sender referencing the purged message and indicating that it has been purged;
- (viii) the Taxicab Driver must be able to access and respond to the text message only when the vehicle is not in motion;
- (ix) the DIM must receive and display text messages of up to 500 bytes. If necessary, a message of 256 bytes or more may be divided into two parts;
- (x) the DIM must store received text messages and subsequently display them;
- (xi) the DIM must be able to encrypt and decrypt text messages; and
- (xii) messages that have been scheduled must be able to be modified and/or deleted at any point up until they are delivered.
- (4) The DIM must be capable of displaying and printing out the last three trips performed by the vehicle; and
- (5) The DIM must enable the Taxicab Driver to enter the following "off-duty" two-digit codes and any other codes designated by the Commission, by selection of one or two push-buttons:
- (i) 01, Going Home;
- (ii) 02, Relief Time;
- (iii) 03, Off-Duty;
- (iv) 04, Defective Equipment;
- (v) 05, E-Hail Accepted.
- Upon entry of a code, the TPEP must produce a receipt for the Taxicab Driver showing the two-digit code, the descriptor, and the date and time of entry of the code. In addition, entry of an off-duty code must be captured as a part of the Trip Data as described in paragraph (2) of subdivision (c) of this section, the Taxicab's Medallion light must automatically go off, and the Taximeter must be disengaged until the Taxicab Driver logs back on-duty via the TPEP;
- (6) All text messages sent through the TPEP Provider web-based portal or web-service and received via the Driver Information Monitor, and the date and time that all such messages were sent and received, must be stored, maintained and accessible to the Commission and any designee as follows:
- (i) in a standardized format and layout prescribed by the Commission that is open and non-proprietary; and
- (ii) accessible by an unrestricted application programming interface prescribed by the Commission and viewable in near real time via a web-based portal established and operated by the TPEP Provider (or by another method acceptable to the Commission);
- (7) The data described in paragraph (6) of this subdivision must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the partial or complete license number of a Taxicab and/or a Taxicab Driver, and time and date of the message, and the data retrieved must be capable of identifying the Taxicab and/or Taxicab Driver that received a particular message.
- (8) The DIM must allow the Taxicab Driver to enter a toll in the following ways:
- (i) Either accept or decline a toll automatically triggered by the Taxicab's Automatic Vehicle Location System when within the five boroughs of New York City (as further described in subdivision (e) of this section);
- (ii) Select a toll from a predetermined list that includes all tolls within the five boroughs of New York City. The TPEP must automatically add the correct toll amount to the fare based on the EZ-Pass rate for that toll and time of day; and
- (iii) When outside of the five boroughs of New York City, the Taxicab Driver must be able to enter a custom toll amount that is added to the total fare.
- (c) Trip Data Collection and Transmission. A TPEP must be capable of collecting and transmitting to the Commission Trip Data as described below. The TPEP must conform to the following specifications:
- (1) The TPEP must be capable of collecting and transmitting Trip Data as required in paragraph (4) of this subdivision for all fare trips for each Taxicab made during a shift;

- (2) The Trip Data to be collected and transmitted must include the information set forth below. For purposes of this subdivision, all times are required to be measured to the hour, minute, and second:
- (i) date, time, and location (latitude, longitude, and human-readable street address) of the pick-up and drop off, based on the reading from the TPEP;
 - (ii) Trip start date, time and mileage from the Taximeter;
 - (iii) Trip end date, time and mileage from the Taximeter;
 - (iv) trip duration measured in time and mileage from the Taximeter;
 - (v) trip number from the TPEP;
 - (vi) the number of Passengers that payment of the fare was split by (if no split fare, default to one Passenger) from the TPEP;
 - (vii) itemized fare for the trip (itemized by time/distance fare, tolls, surcharges, extras, taxes, and total tip amount for credit/debit/prepaid card, smartphone payment application, and E-Hail Payment application payments) from the Taximeter;
 - (viii) payment type (cash, credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application), pre-tip amount, and tip amount (if captured) for the primary Passenger from the TPEP;
 - (ix) transaction status, card type, and time for credit/debit/prepaid card, smartphone payment application, and E-Hail Payment application transactions processed via the TPEP;
 - (x) total number of Passengers from the TPEP;
 - (xi) Medallion number from the TPEP;
 - (xii) Taxicab Driver's License number from the TPEP;
 - (xiii) all changes to the Taxicab Driver's on or off-duty status and the date, time, and location (latitude, longitude, and human-readable street address) when a change occurs. This includes the date, time, and location (latitude, longitude, and human-readable street address) when all off-duty codes referred to in paragraph (5) of subdivision (b) of this section are entered by a Taxicab Driver, and the date, time, and location (latitude, longitude, and human-readable street address) when the Taxicab Driver goes back on-duty from the TPEP;
 - (xiv) the TPEP login and TPEP logout date, time, and location (latitude, longitude, and human-readable street address) from the TPEP;
 - (xv) the TPEP shift number from the TPEP;
 - (xvi) time between each trip based on the time the Taximeter is disengaged at the end of one trip and the time the Taximeter is engaged at the beginning of the next trip;
 - (xvii) distance between each trip (in miles) based on the Taximeter mileage reading at the end of one trip and the beginning of the next trip;
 - (xviii) Taximeter reading (time and date) at the start of each shift, where start of the shift is based on when the Taxicab Driver logs into the TPEP;
 - (xix) Taximeter reading (time and date) at the end of each shift where end of the shift is based on when the Taxicab Driver logs off of the TPEP;
- (xx) first two and last four digits of each credit, debit, or prepaid card used for paying fares either directly or through a smartphone payment application or E-Hail Payment application for the primary Passenger from the TPEP;
 - (xxi) On-duty Location Positioning from the TPEP available in accordance with the data retention requirements outlined in subdivision (h) of this section;
 - (xxii) All rate codes in effect during a trip from the Taximeter, and the rate of fare and the times and locations (latitude, longitude, and human-readable street address) such rate of fare was in effect, including but not limited to the time and location when Rate Code 4 went into effect and the fare at the time Rate Code 4 was initiated from the Taximeter and/or TPEP. In addition to collecting and transmitting the information in this subparagraph, the TPEP must display the rate codes in effect during a trip from the Taximeter; and
 - (xxiii) All meter-initiated codes.
- (3) The TPEP must be equipped with external antennas if necessary to facilitate the TPEP data transfer functions;
- (4) The Trip Data for each Taxicab must be stored and maintained by the TPEP Provider in accordance with the following requirements:
- (i) The Trip Data and its component elements must be stored and maintained in a standardized format and layout prescribed by the Commission that is open and non-proprietary;
 - (ii) The Trip Data must not contain any Personal Information of a Passenger;
 - (iii) All Trip Data points specified in paragraph (2) of this subdivision must be accessible to the Commission and to any designee of the Commission in accordance with items (A) and (B) below:
 - (A) accessible by an unrestricted application programming interface prescribed by the Commission and viewable in near real time via a web-based portal established and operated by the TPEP Provider (or by another method acceptable to the Commission). Such portal must be extremely stable with an average uptime of 99.9 percent or greater; and
 - (B) by secure File Transfer Protocol (FTP) transfer according to a format, layout, procedure and frequency prescribed by the Commission, or at the Commission's option and according to the Commission's specification, by replicating the data to a server maintained by the Commission;
 - (iv) The Trip Data relating to a particular Taxicab must be accessible to the Medallion Owner and to the TPEP Provider servicing that Taxicab;
 - (v) The Trip Data and rate of fare information relating to a particular trip by a Taxicab Driver must be made available by the TPEP Provider to that Taxicab Driver without charge in electronic or hard copy form at the Taxicab Driver's preference within three (3) business days of the TPEP Provider's receipt of a written or electronic request from that Driver, or within two hours of an in-person request from that Driver at the TPEP Provider's premises;
 - (vi) In the event of a failure or interruption in transmission of Trip Data, the TPEP must be capable of saving and restoring transmission of the data
- without any degradation of data integrity or loss of data;
- (vii) The Trip Data must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches, in near real time, at the end of each shift, and for prior trips, and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the following:
 - (A) any Trip Data elements;
 - (B) a partial or complete license number of a Taxicab and/or a Taxicab Driver to get the current geographic location or prior geographic location of the Taxicab and/or Driver;
 - (C) a specific pick up and/or drop off location(s); and
 - (D) a specific geographic location(s) or area(s);
 - (viii) In addition to retrieving information by searches described in subparagraph (vii) of this paragraph, the search function must be capable of retrieving the following:
 - (A) a list of Taxicabs and/or Taxicab Drivers (identified by Medallion number and/or Taxicab Driver's license number) that dropped off or picked up Passengers at a specific location (or within a specific geographic area) within a specific timeframe;
 - (B) a list of pick up and/or drop off locations for a specific Taxicab and/or Taxicab Driver (identified by Medallion number and/or Taxicab Driver's license number) within a specific timeframe; and
 - (C) the time and location a Taxicab Driver went off duty.
- (5) The Commission may use the data internally and may make the data publicly available for use by the general public and by third parties.
- (d) Passenger Information Monitor. A TPEP must have a Passenger Information Monitor that reads credit/debit/prepaid cards as provided below. The TPEP must conform to the following specifications:
- (1) The Passenger Information Monitor must have the following features:
 - (i) The PIM must be located in the back-seat area of the vehicle and must provide a Passenger sitting in the rear of the vehicle with an unobstructed view of the PIM;
 - (ii) The PIM must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism;
 - (iii) The PIM must be comprised of a touch screen display that is interactive, has audio capability, full-color display, and its measurement must not be greater than 15.5 inches measured diagonally and not less than 10 inches measured diagonally. The screen size may be less than 10 inches but not less than five-and-one-half inches measured diagonally in the following vehicles that do not require a partition: Hybrid Electric Vehicles used as Taxicabs; Clean Air Vehicles used as Taxicabs; Taxicabs powered by alternative fuel; and other low emission Taxicabs;
 - (iv) The PIM must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare (and as applied to split fare, if available) by credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application as

required in subparagraph (iii) of paragraph (2) of this subdivision, and must continuously display the running total fare inclusive of all extras, tolls, and surcharges as well as the rate code currently in effect.

- (A) If Rate Code 4 is enabled, the PIM must display a pop-up message alerting the Passenger of the rate code change. The notification should read: "Your metered fare has been increased to reflect an out-of-town rate. If you are within the 5 boroughs of New York City please inform the Driver that this is a violation of your passenger rights. Call 311 to report a violation."
- (B) If a toll is added to the fare, the PIM must display a pop-up message alerting the Passenger of the toll charge. The notification should read (at a minimum): "Your fare has been increased to reflect a toll. If you think this is in error, notify your driver immediately. You can also call 311 to report a violation or visit www.nyc.gov/311."
- (C) The notifications required in items (A) and (B) above must display prominently on the PIM screen for a minimum of 15 seconds immediately after the rate code is changed or the toll is added. If the rate code is changed or the toll is added while the PIM is displaying the Prologue, the notification should either interrupt the Prologue or appear immediately after the Prologue has concluded. Such notifications should appear on the PIM regardless of what channel is playing, and whether or not the PIM has been turned off by the Passenger.
- (v) The volume of the PIM must be able to be controlled by the Passenger, and may be muted during and following the display of TLC Content known as the Prologue (see item (A) of subparagraph (i) of paragraph (2) of this subdivision);
- (vi) The PIM may be turned off by the Passenger, with the following conditions:
- (A) If a Passenger attempts to turn off the PIM, all information that is required to be shown, such as the Prologue and Epilogue and fare notifications must remain visible for all or a reasonable portion of the Passenger trip; and
- (B) The PIM must come back on when the Taximeter disengages, to display payment processing information;
- (vii) The TPEP must track and record Passenger use of the PIMs, including when a Passenger uses a screen touch to access TLC Content and alternative channels, and turns the PIM on or off;
- (2) Required features relating to PIM content are as follows:
- (i) TLC Content. TLC Content consists of content that is produced by the Commission and submitted to the TPEP Provider for presentation to Passengers via the PIM. The Commission has the sole discretion to select TLC Content, and to decide whether the content is presented in audio and/or video formats. TLC Content includes, but is not limited to, the Prologue and Epilogue, TLC Audio/Video Content, Emergency PSAs, and Passenger Surveys, as described in clauses (A) through (C) below. TLC Content does not include the passenger route map described in subparagraph (ii) of this paragraph, payment processing information described in subparagraph (iii) of this paragraph, news and entertainment content described in subparagraph (v) of this paragraph, commercial

advertisements and sponsorships supplied by or for the TPEP Provider as described in subparagraph (iv) of this paragraph, or any other content not supplied by the Commission to the TPEP Provider. TLC Content shall be displayed on the PIM in accordance with the applicable provisions of this paragraph.

- (A) Prologue and Epilogue. The Commission will provide the TPEP Provider with a series of screens to be run at the start (Prologue) and end (Epilogue) of each trip. The text and graphic content for the screens will be provided on a CD-Rom, by email, or by other method acceptable to the Commission. The Prologue must be allocated up to one minute of run time and will include any TLC Audio / Video Content provided by the Commission. The Prologue should be played at a low volume (and mutable) or muted, at the discretion of the Commission. The Epilogue must be allocated up to 30 seconds of run time (whether in audio, video, or both) alone on the PIM screen. Except as permitted in this subdivision (d) of this section, or as otherwise exempted by the Commission, the Prologue and Epilogue must not be interrupted or interfered with by other PIM content and must be given 100 percent of the screen display (including banners and borders).
- (B) TLC Audio/Video Content and Emergency PSAs. A PIM must present to Passengers all of the TLC Audio/Video Content and Emergency PSAs provided by or on behalf of the Commission, the City and/or its agencies from time to time in graphic or text files or other format and at the sole discretion of the Commission. The TLC Audio/Video Content and Emergency PSAs must be presented in the manner prescribed by the Commission, such as during the Prologue and/or Epilogue, at certain times during the content loop, or by showing certain TLC Audio/Video Content at certain times of the day or in certain Taxicabs. The Commission may require that Emergency PSAs preempt all other content on the PIM. The Passenger must have the option of viewing any additional TLC Audio/Video Content not in the Prologue or Epilogue. The TPEP must allow the Commission to target the delivery of such TLC Audio/Video Content and Emergency PSAs to all Taxicabs or to a subset of Taxicabs, specified by full or partial Medallion number, random subset of Taxicabs (specified by percentage or number), or by Authorized TPEP Provider. The Commission must be able to update TLC Audio/Video Content at any time. TLC Audio/Video Content will be provided on a CD-Rom or via email or other electronic file transmission method acceptable to the Commission.
- (C) Passenger Surveys. A PIM must permit the Passenger to take in-vehicle surveys, the results of which are to be provided to the Commission on a daily basis electronically as described in item (II) below. The option for a Passenger to elect to participate in surveys must be prominently displayed and available by link or button on the main home screen of the PIM using verbiage and design specified or approved by the Commission for easy access by the Passenger. This link or button must always be visible, and should be no smaller than 2 percent of the total screen, including banners and borders.
- (I) Survey Distribution and Management. The TPEP must be able to allow for the targeted delivery of surveys (by survey type) to all Taxicabs or to a subset of Taxicabs, specified by

full or partial Medallion number, full or partial Taxicab Driver's License number, random subset of Taxicabs (specified by number or percentage), or Authorized TPEP Provider. The TPEP must support the delivery of up to five surveys to a single TPEP unit at a time, and the Commission must be able to update survey content at any time.

(II) Survey Results. Survey results must be provided to the Commission on a daily basis in a delimiter-separated value data format or other format and layout specified by the Commission. Survey results must be linked to the survey version and unique trip on which they are based.

(III) Survey Content. Survey questions must be able to support yes/no responses and multiple choice responses (with the option to specify a single option or select multiple options from a list). The TPEP must be able to accommodate skip logic specified by the Commission, by which the flow of the survey questions changes depending on the responses selected by the Passenger to previous survey questions.

(D) Reserved Space Requirements.

(I) The PIM must provide an initial channel for content that is activated when the Taximeter is activated. The initial channel must display the Prologue and Epilogue, TLC Audio/Video Content, Emergency PSAs, and Passenger Surveys. In addition to the Prologue and Epilogue, the Commission must be reserved up to four (4) minutes of space in the 12 minute content loop on the initial channel to present TLC Audio/Video Content, Emergency PSAs, and other content. The TLC Audio/Video Content, Emergency PSAs, and other content on the initial channel must be reserved at least 60 percent of the total screen space (inclusive of banners and borders) unless the Commission approves otherwise, and the aspect ratio devoted to the aforementioned content should not change as any of the PIM content is updated by either the Commission or the TPEP Provider, in order to prevent distortion or stretching of the content provided by the Commission.

(II) The PIM must provide a second channel for content that is capable of being voluntarily activated by a Passenger via a prominently displayed link, button or tab on the PIM (Channel 2). The verbiage and design of Channel 2 will be prescribed or approved by the Commission. The link, button or tab must be available from the main home screen, always visible, and should be no smaller than 2 percent of the total screen, including banners and borders. The PIM must provide a means for a Passenger to return the PIM screen to the initial channel from Channel 2. Channel 2 must display any additional TLC Audio/Video Content submitted to the TPEP Provider by the Commission. The Commission must be reserved on Channel 2 not less than 9 minutes of space in the 12 minute content loop, and 60 percent of the total screen space (inclusive of banners and borders), unless the Commission approves otherwise, to present additional TLC Audio/Video Content. The aspect ratio devoted to the aforementioned content should not change as any of the content is updated by either the Commission or the TPEP Provider, in order to prevent distortion or stretching of the content provided by the Commission.

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| <p>(E) <u>Update of TLC Content.</u> Provided that twelve (12) hour notice is given to the TPEP Provider (with the exception of Emergency PSAs which may be provided at any time), the Commission may update its content on the PIM daily to add new TLC Content (including but not limited to the Prologue, Epilogue, TLC Audio/Video Content, Emergency PSAs, and Passenger surveys), or delete or modify existing TLC Content, indicating the date such update is to take effect. The TPEP Provider must implement such update on the PIM by the date indicated, at no cost to the Commission.</p> | | | |
| <p>(ii) <u>Passenger Route Map.</u> The PIM must feature an interactive route map for viewing by a Passenger.</p> | <p>(vii) <u>Contact 311.</u> The PIM must contain a prominently displayed link or button containing information about how to contact 311, whose verbiage and design is prescribed or approved by the Commission. This link or button must be available from the main home screen, always visible, and should be no smaller than 2 percent of the total screen, including banners and borders;</p> | <p>(3) <u>The content on the Passenger Information Monitor</u> must not contain, imply, or declare endorsement by the City, the Commission, or any other agency of the City without the prior written consent of the Commission;</p> | <p>(xi) <u>Display Relating to Use of Smartphone Applications.</u> The PIM must display any additional content necessary to enable the syncing and use by Passengers of any smartphone payment applications or E-Hail Payment applications approved by the Commission.</p> |
| <p>(A) <u>The route map must be driven by on-board Automatic Vehicle Location System capabilities, where the current start point (location where Taximeter is engaged), ongoing route, and end point (location where Taximeter is disengaged) is clearly displayed in real time using real-time continuous vehicle location data with the Taxicab position updated every five seconds. The route map must not be used to provide routing or directions to the Taxicab Driver or Passenger;</u></p> | <p>(viii) <u>Taxi Information.</u> The PIM must contain a prominently displayed link or button to Taxi Information whose verbiage and design is prescribed or approved by the Commission, the content of which will be provided and updated by the Commission. Taxi Information is information for the benefit of the Passenger describing rates of fare, out of town trips, and other information relevant to riding a Taxicab, and includes Taxicab Driver Information as described in item (B) of this subparagraph. This link or button must be available from the main home screen, always visible, and should be no smaller than 2 percent of the total screen, including banners and borders;</p> | <p>(4) <u>The commercial advertising and commercial sponsorships on the Passenger Information Monitor</u> must not contain any content that falls within the following categories:</p> | <p>(i) <u>Advertisements or any other material or information promoting unlawful or illegal goods, services, or activities;</u></p> |
| <p>(B) <u>The route map must display the names of highways and commonly known streets;</u></p> | <p>(A) <u>The TPEP must provide an option to select Taxicab Driver Information from within the Taxi Information menu as the Taxicab Driver Information described in item (B) of this subparagraph becomes available through current or emergent technology.</u></p> | <p>(i) <u>Advertisements or any other material or information containing obscene images or material (see New York Penal Law 235.00, as such provisions may be amended, modified, or supplemented from time to time);</u></p> | <p>(ii) <u>Advertisements or any other images, material or information containing obscene images or material (see New York Penal Law 235.00, as such provisions may be amended, modified, or supplemented from time to time);</u></p> |
| <p>(C) <u>The route map must include a 50 mile radius from Columbus circle; and</u></p> | <p>(B) <u>The Taxicab Driver Information includes the information contained on the Taxicab Driver's License based on the information entered to activate the TPEP, including but not limited to, the Taxicab Driver's License number and expiration date, and a photo of the Taxicab Driver.</u></p> | <p>(iii) <u>Advertisements or any other material, images, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended, modified, or supplemented from time to time;</u></p> | <p>(iii) <u>Advertisements or any other material, images, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended, modified, or supplemented from time to time;</u></p> |
| <p>(D) <u>The route map must be capable of being maximized to the full PIM screen at the Passenger's request for at least two (2) minutes.</u></p> | <p>(ix) <u>TLC Feedback.</u> The PIM must contain a prominently displayed link or button to a TLC feedback form whose verbiage and design is prescribed or approved by the Commission for the purpose of providing feedback to the TLC.</p> | <p>(iv) <u>Advertisements or any other images, material or information that are libelous, defamatory, infringe intellectual property rights, including but not limited to trademark, copyright or patent rights, of a third party, or violate New York Civil Rights Law Section 50 as such provisions may be amended, modified, or supplemented from time to time;</u></p> | <p>(iv) <u>Advertisements or any other images, material or information that are libelous, defamatory, infringe intellectual property rights, including but not limited to trademark, copyright or patent rights, of a third party, or violate New York Civil Rights Law Section 50 as such provisions may be amended, modified, or supplemented from time to time;</u></p> |
| <p>(iii) <u>Payment Processing Information.</u> The PIM must be used to process payment by credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid cards, smartphone payment applications, or E-Hail Payment applications, default tip of 0 percent with tip options of 20 percent, 25 percent, and 30 percent, and permitting Passengers to manually enter (through the PIM or their smartphone payment application or E-Hail Payment application) another tip amount or percentage at their option. The PIM must display all content required to meet the requirements of subdivision (a) of this section, including enabling the splitting of fares.</p> | <p>(A) <u>This link or button must be available from the main home screen, always visible, and should be no smaller than 2 percent of the total screen, including banners and borders.</u></p> | <p>(v) <u>Advertisements or any other images, material or information that demean or disparage an individual or group of individuals. For purposes of determining whether any such advertisements or other images, material or information demean or disparage an individual or group of individuals, the TPEP Provider will determine whether a reasonably prudent person, knowledgeable of the Taxicab ridership and using prevailing community standards, would believe that such advertisements or other images, material or information ridicule or mock, are abusive or hostile to, or debase the dignity or stature of, an individual or group of individuals;</u></p> | <p>(v) <u>Advertisements or any other images, material or information that demean or disparage an individual or group of individuals. For purposes of determining whether any such advertisements or other images, material or information demean or disparage an individual or group of individuals, the TPEP Provider will determine whether a reasonably prudent person, knowledgeable of the Taxicab ridership and using prevailing community standards, would believe that such advertisements or other images, material or information ridicule or mock, are abusive or hostile to, or debase the dignity or stature of, an individual or group of individuals;</u></p> |
| <p>(iv) <u>Commercial Advertising and Sponsorships.</u> At the option of the Medallion Owner, the TPEP Provider may provide for the display on a PIM of commercial advertising and sponsorships in compliance with paragraphs (3) and (4) of this subdivision;</p> | <p>(B) <u>The TLC feedback form must auto-populate the Medallion number, trip number, Driver's License number, date, and time, and provide a list of up to 10 standard responses (provided and updated by the Commission) that the Passenger can select from. The TLC feedback information must be transmitted to the Commission on a daily basis in a format, layout, and manner approved by the Commission.</u></p> | <p>(vi) <u>Advertisements or any other material or information that propose a commercial transaction where the material or information contained in it is false, misleading, or deceptive;</u></p> | <p>(vi) <u>Advertisements or any other material or information that propose a commercial transaction where the material or information contained in it is false, misleading, or deceptive;</u></p> |
| <p>(v) <u>News and Entertainment Content.</u> A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (iv) of this paragraph must feature reasonably fresh and up-to-date news and entertainment-based content, including weather and sports information.</p> | <p>(C) <u>The TLC feedback form must contain a statement (approved by the Commission) indicating that formal complaints should be submitted via 311;</u></p> | <p>(vii) <u>Advertisements or any other material or information that propose a commercial transaction, and promote tobacco or tobacco-related products; and</u></p> | <p>(vii) <u>Advertisements or any other material or information that propose a commercial transaction, and promote tobacco or tobacco-related products; and</u></p> |
| <p>(vi) <u>Minimally Required TLC Content.</u> Notwithstanding any other provision to the contrary, a PIM that does not display commercial advertising and/or sponsorships must feature minimally required TLC Content including the Prologue and Epilogue, up to one minute</p> | <p>(x) <u>Links and Buttons.</u> Links or buttons to TLC Content on the main screen must be grouped together on the PIM display.</p> | <p>(viii) <u>Advertisements or any other material or information that do not promote a commercial message or do not propose a commercial transaction;</u></p> | <p>(viii) <u>Advertisements or any other material or information that do not promote a commercial message or do not propose a commercial transaction;</u></p> |

- Prior to allowing any PIM content (other than TLC Content) to be displayed on the Passenger Information Monitor, the TPEP Provider shall be responsible for reviewing such content to determine whether the content falls within any of the proscribed categories above. The TPEP Provider may consult with the Commission on whether any proposed content falls within the proscribed categories above.
- (5) The TPEP Provider must provide access to the Commission and any designee to all content displayed electronically by the TPEP as follows:
- (i) by viewing the content in near real time via a web-based portal established and operated by the TPEP Provider (or by another method acceptable to the Commission) and accessible by an unrestricted application programming interface prescribed by the Commission; and
- (ii) via a working demonstration model of the TPEP as described in subdivision (k) of this section.
- (6) The content on the Passenger Information Monitor must comply with TV-Y through TV-G ratings in accordance with the standards established by the TV Parental Guidelines rating system from 8:00 A.M. - 8:00 P.M. daily.
- (7) The PIM must be able to display the following required content in both the English, Spanish, and any other languages required by the Commission, with a default language of English:
- (i) The payment screen must enable English, Spanish, and any other language-speaking Passengers the Commission requires, to conduct payment processing.
- (ii) The Prologue and Epilogue must enable English, Spanish, and any other language-speaking Passengers the Commission requires, to view the content.
- (e) Automatic Vehicle Location System and Location Services. A TPEP must have an Automatic Vehicle Location System and must provide location services as provided below. The TPEP must conform to the following specifications:
- (1) The TPEP must capture and transmit On-duty Location Positioning and store and maintain the data in accordance with the requirements of paragraph (c)(4) and subdivision (h) of this section;
- (2) The TPEP must prevent the Taxicab Driver from engaging Rate Code 4 within the five boroughs of New York City or when there is a mandated fare;
- (3) The TPEP must prevent the Taxicab Driver from engaging any Rate Code unless the vehicle is within the five boroughs of New York City;
- (4) Tolls located within the five boroughs of New York City must be automatically triggered by the TPEP using the Taxicab's AVL. When the Taxicab's AVL detects that the Taxicab is at a toll crossing, the Taxicab Driver must be prompted via the DIM to either accept or decline the toll, and the TPEP must automatically add the correct toll amount to the fare based on the EZ-Pass rate for that toll and time of day.
- (5) The TPEP must capture and transmit all elements of the Trip Data involving geographic location data, and store and maintain the data in accordance with the requirements of paragraph (c)(4) and subdivision (h) of this section; and
- (6) The TPEP must capture geographic location data sufficient to display the Passenger Route Map on the PIM in accordance with the requirements of subparagraph (ii) of paragraph (2) of subdivision (d) of this section.
- (f) Security.
- (1) All features of the TPEP, including the collection, transmission and maintenance of data by the TPEP Provider, required by this section must conform to the following security standards:
- (i) Applicable PCI Standards;
- (ii) Department of Information Technology and Telecommunications Citywide Information Security Policy for Service Providers and Encryption Standards ("DOITT Standards"), currently located on the web at <http://www.nyc.gov/html/doitt/html/business/security.shtml>; and
- (iii) Commission security standards to be promulgated at a later time.
- (2) Access to all data required to be collected, transmitted and maintained by this section must be by log-in identification and password controls or other equivalent security measures, all of which must be approved by the Commission.
- (g) Disaster Recovery. All data required to be collected, transmitted and maintained by the TPEP and the TPEP Provider pursuant to this section must be backed up and recoverable in accordance with a disaster recovery plan prepared by the TPEP Provider and approved by the Commission. The disaster recovery plan must include, but not be limited to, the following:
- (1) A duplicate copy of all data must be stored in a separate, secure site for back-up and recovery purposes. In the event of a failure or interruption in the operation of the TPEP or in any services provided by the TPEP Provider relating to data collection, transmission or maintenance, the TPEP and any such services must be capable of saving and restoring all data without any degradation of data integrity or loss of data;
- (2) The back-up data center should be geographically dispersed, preferably located at least 100 miles from the primary data center;
- (3) The back-up data center should preferably reside on a separate power grid from the primary data center; and
- (4) In the event the back-up data center is located within 100 miles of the primary data center or uses a common power grid with the primary data center, the disaster recovery plan must describe in detail how the plan will ensure the continuity of service and recovery of data when a single disaster affects both primary and back-up data centers.
- (h) Data Retention. All data required to be collected, transmitted and maintained pursuant to this section must be maintained by the TPEP Provider for at least three (3) years, with the exception of On-duty Location Positioning data that is captured on a thirty second interval, which must be maintained by the TPEP Provider for at least six months.
- (i) Service Levels. The TPEP and the TPEP Provider must perform in accordance with the requirements of this section and with the following service levels:
- (1) Payment by Credit, Debit, and Prepaid Card, Smartphone Payment Application, and E-Hail Payment Application.
- (i) The mean response time of an authorization request shall be five (5) seconds or less. Ninety-nine (99) percent of all authorization requests must occur in less than twenty-five (25) seconds. The response time is measured from the time of payment authorization initiation (e.g., card swipe or other contact, receipt of payment data from a smartphone payment application or E-Hail Payment application, or other triggering event) to the authorization response by the TPEP, for payments processed by the TPEP.
- (ii) The availability of the authorization system must be greater than ninety-eight (98) percent, if floor-limit authorizations are excluded, and must be greater than ninety-nine (99) percent if floor-limit authorizations are included. Availability is measured by the ratio of the authorization responses to the authorization requests.
- (iii) The payment screen must appear in less than two (2) seconds after the Taxicab Driver presses the button to indicate the end of the fare or the Passenger triggers pre-payment by the depression of a cash selection button, the swiping (or other contact) of a credit/debit/prepaid card, or other method of triggering pre-payment.
- (2) Text Messaging; Driver Information Monitor.
- (i) The availability of completing a text message to a single Taxicab on the first attempt shall be greater than ninety-six percent (96%). The availability of completing a text message to all on-duty operating Taxicabs installed by a TPEP Provider on the first attempt shall be greater than ninety-seven (97) percent. Availability is measured by the ratio of completed messages to message transmission requests.
- (ii) The availability of the text messaging system shall be greater than ninety-nine (99) percent. Availability is measured by the ratio of uptime to total operating time.
- (iii) At least fifty (50) percent of all messages sent from the Commission or other City agencies to operating Taxicabs installed by a TPEP Provider must be received in less than five (5) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Taxicab.
- (iv) At least ninety-five (95) percent of all messages (256 bytes or smaller) sent from the Commission or other City agencies to operating Taxicabs installed by a TPEP Provider must be received in less than ten (10) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Taxicab.
- (v) The Driver Information Monitor must have a mean time between failures (MTBF) greater than 67,500 hours and a mean time to repair (MTTR) of one (1) hour. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged in the required Maintenance Service log.
- (3) Trip Data Collection and Transmission.
- (i) The TPEP must accurately collect, transmit and maintain Trip Data 99.99 percent of the time. This service level is measured by the ratio of total Trip Data collected, transmitted and maintained as captured from Taximeter readings taken at the Commission's inspection facility to the total number of trips per Taxicab as recorded in the Trip Data records.
- (ii) The availability and accessibility to the Commission of Trip Data must be greater than 99.9 percent, available on a 365 x 24 x 7 Basis. Scheduled maintenance must be communicated to the Commission at least 24 hours in advance, and notifications of unplanned outages must be communicated to the Commission and logged within 12 hours of being identified.
- (iii) The Trip Data must be retrievable by the Commission in response to a Commission initiated query within five (5) seconds at least fifty (50) percent of the time and within ten (10) seconds at least ninety-five (95) percent of the time. This service level is measured from the time of initiating the query to receipt of a response.
- (4) PIM.
- The PIM must have a mean time between failures (MTBF) greater than 8,000 hours and a mean time to repair (MTTR) of two (2) hours. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged in the required Maintenance Service

- log. The MTTR is measured from the time the Taxicab arrives at an authorized repair facility.
- (5) Automatic Vehicle Location System and Location Services.
 - (i) The AVL must determine the vehicle location in On-duty Location Positioning to within fifteen (15) meters at least ninety-eight (98) percent of the time and to within twenty-five (25) meters at least ninety-nine (99) percent of the time. In order to maintain this service level, TPEP Providers must proactively monitor the AVL in their customers' TPEPs every 24 hours to ensure that the AVL is functioning as expected, with a goal of resolving malfunctioning systems within 24 hours of identification.
 - (ii) The availability of the AVL and location services shall be greater than 99.9 percent. Availability is measured as follows: (drop-off point determination + pick-up point determinations from Taximeter readings taken at Commission inspection facility) / (2 x number of paid trips as recorded in the Trip Data records).
- (6) Maintenance Services.

Ninety-nine and nine tenths (99.9) percent of Maintenance Service tickets or incidents must be resolved by the TPEP Provider within twenty-four (24) hours. Service ticket or incident resolution time is measured from the time of first reporting of an incident until the time TPEP service is restored enabling the Taxicab to continue service.
- (7) Maximum Boot-Up Time.

The maximum boot-up time for a TPEP must not exceed three (3) minutes.
- (j) Critical Performance Failures. A Critical Performance Failure exists when any of the following conditions are satisfied:
 - (1) Eight (8) percent or more of the credit card processing units installed by a TPEP Provider are unable to process payment by credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application (as applicable) for more than four (4) consecutive hours;
 - (2) The Commission or other City agencies are unable to transmit an emergency text message to at least twenty-five (25) percent of the DIMs installed by a TPEP Provider within four (4) hours of the TPEP Provider receiving the message via the application programming interface; or
 - (3) During any month, more than eight (8) percent of PIMs in TPEPs installed by a TPEP Provider prevent a Passenger from making payment by credit/debit/prepaid card, smartphone payment application or E-Hail Payment application (as applicable), viewing (or hearing) TLC Content, taking a Passenger survey, or tracking the trip on the Passenger route map.
- (k) Inspection by TLC. The TPEP Provider must enable the Commission to inspect all components and inner workings of the TPEP by providing Commission inspection personnel with a working demonstration model (inclusive of the Taximeter) of each TPEP for which the Provider has obtained Authorization, and providing regular maintenance to the demonstration model(s). Such components and inner workings include, but are not limited to:
 - (1) Hardware,
 - (2) Software,
 - (3) Driver Information Monitor,
 - (4) Passenger Information Monitor,
 - (5) AVL receiver, and
 - (6) Wired and Wireless connection devices.
- (l) TPEP and Taximeter Functionality. The TPEP must enable the following functionality with regard to components of the TPEP and the Taximeter:
 - (1) The TPEP may require the Taxicab Driver to enter both a user name and unique password via the DIM in order to engage the TPEP and Taximeter. The TPEP must enable a Taxicab Driver to login by pulling the Taxicab Driver's

- information from a smartcard for authentication when this technology becomes available;
- (2) The TPEP must check the Taxicab Driver's training status before allowing a Taxicab Driver to engage an Accessible Taxicab via the DIM. Taxicab Drivers that have not completed the appropriate training specified by the Commission must not be able to engage the TPEP and Taximeter via the DIM in an Accessible Taxicab;
- (3) The TPEP must check the Taxicab Medallion's status before allowing the Taxicab Driver to log into the Taximeter via the DIM. If a Taxicab Medallion is not Valid and active, the Taxicab Driver must not be able to engage the TPEP and Taximeter via the DIM;
- (4) The TPEP must check the Taxicab Driver's License before allowing the Taxicab Driver to log into the Taximeter via the DIM. If the Taxicab Driver's License is already logged in to another TPEP (whether or not that TPEP is provided by the same or a different TPEP Provider), the TPEP must not allow the Taxicab Driver to log into the Taximeter via the DIM.
- (5) When Taximeters are able to support electronic linkage to the TPEP, the TPEP must be programmed to only recognize and activate when connected to the Taximeter with which it was installed as approved by the Commission, in order to prevent unauthorized individuals from modifying or exchanging the Taximeter in any way. If a Taximeter is replaced, the TPEP must be reprogrammed by the TPEP Provider at an authorized maintenance facility to recognize the new Taximeter.
- (6) The TPEP must automatically log a Taxicab Driver out of the TPEP in the following situations:
 - (i) After a 60 minute period of inactivity when the Taxicab's engine is off; and
 - (ii) If another Taxicab Driver logs into the TPEP where the previous Taxicab Driver is still logged in to that same TPEP.
- (7) The Taximeter, DIM, PIM, AVL, and credit card processing unit must all be connected and functioning in order for the TPEP to engage. If any one of them is disconnected or not functioning (other than a network connectivity issue with the credit card processing unit, which is covered by the store and forward requirements outlined in subparagraph (x) of paragraph (2) of subdivision (a) of this section), the TPEP must notify the Taxicab Driver that the TPEP needs to be serviced. If the TPEP is not repaired within 48 hours of the notification to the Taxicab Driver, the TPEP must not allow any Taxicab Driver to engage the Taximeter and pick up a Passenger until the TPEP is repaired.
- (m) Application Programming Interface and Web Portal. The TPEP must provide the following functions through an unrestricted application programming interface (API) established by the TPEP Provider that is prescribed by the Commission and by providing a web-based portal:
 - (1) The API and web-based portal must allow the Commission, other City agencies, and any other entity approved by the Commission, Medallion Owners, and TPEP Providers servicing the TPEP to manage and send text messages as described in subdivision (b) of this section;
 - (2) The API and web-based portal must allow the Commission and any designee to search and access Trip Data as described in subdivision (c) of this section;
 - (3) The API and web-based portal must allow the Commission and any designee to generate and download such types of text message and Trip Data informational reports based on technical requirements described in this section as prescribed by the Commission;
 - (4) Different levels of user access that provide or limit access to the key features available through the TPEP Provider's web-based portal, including but not limited to those described in paragraphs (1) – (3) of this subdivision.
- (n) Smartphone Application Integration. TPEP Providers must integrate with Commission licensed and authorized smartphone payment applications

- and E-Hail Payment applications as follows:
- (1) TPEP Providers must develop and maintain an application programming interface enabling Commission authorized and/or licensed smartphone app developers to integrate their apps directly into the TPEP data collection and transaction processing systems. Integration into the TPEP data collection and transaction processing systems includes but is not limited to:
 - (i) Providing smartphone payment applications and E-Hail Payment applications access to itemized fare data including base fare, tolls, surcharges, extras, taxes, and tip from the TPEP and Taximeter;
 - (ii) Ability of TPEP to receive a confirmation from a smartphone payment application or E-Hail Payment application that payment for the total fare amount has been received;
 - (iii) Ability of TPEP to receive payment information from a smartphone payment application or E-Hail Payment application to the extent necessary to collect and transmit Trip Data in accordance with subdivision (c) of this section; and
 - (iv) Any other functionality agreed to by the Commission, the Commission approved smartphone application developer, and the TPEP Provider.
- (2) Integration into the TPEP's data collection and transaction processing systems as described above must be provided by the TPEP Provider to all Commission licensed E-Hail Payment applications that provide fees to the TPEP Provider as set forth in paragraph (3) of subdivision (b) of §78-21 of these Rules. For trips where the Passenger uses a licensed E-Hail Application to complete E-Hail Payment:
 - (i) the TPEP must collect and provide Trip Data as described in subdivision (c) of this section; and
 - (ii) the TPEP must provide an indication to the Driver through the DIM when payment for the total fare has been completed as described in subdivision (a) of this section.
- (o) TPEP Accessibility. TPEP Providers must provide the following accessibility features for Passengers:
 - (1) Accommodations for Passengers with visual disabilities to activate the following accessibility features:
 - (i) The PIM and credit card reader must be installed in the same Passenger compartment in each Taxicab,
 - (ii) periodic audio fare updates and at the end of the trip to facilitate payment,
 - (iii) audio rate code change notifications and toll notifications,
 - (iv) audio instructions enabling an individual to successfully complete fare payment, including discretionary tipping, without requiring the assistance of a Taxicab Driver, and
 - (v) providing the Passenger a verbal and hardcopy or electronic receipt.
- (p) Firmware Updates. TPEP Providers must provide a mechanism for automatically distributing and installing firmware updates to their TPEP systems, and must provide written notification to the Commission of planned firmware updates at least 24 hours in advance.
 - (1) Firmware updates and security patches must be regression tested against the existing TPEP functionality to ensure no disruption in service, as required in Commission security standards to be promulgated at a later time;
 - (2) Any firmware updates must be successfully distributed and installed within 72 hours of the update being made available for the TPEPs installed by the TPEP Provider in order to ensure

consistency across Taxicabs, provided that the TPEP is turned on and engaged within that 72 hour period; and

(3) Each Taxicab's firmware status must be viewable by Medallion number via the TPEP Provider's web-based portal and an unrestricted application programming interface prescribed by the Commission.

(q) Processing of Payments

(1) Paying Drivers Directly. TPEP Providers may offer to pay a Taxicab Driver directly for fares processed via or passed through the TPEP. The Taxicab Driver can receive funds directly from the TPEP Provider if both the Taxicab Driver and the Medallion Owner elect to have the Taxicab Driver paid directly by the TPEP Provider.

(i) If the TPEP Provider pays the Taxicab Driver directly and the Taxicab Driver is not also the Medallion Owner, the TPEP Provider must not withhold from the Taxicab Driver any fees for processing the credit/debit/prepaid card, smartphone payment application, or E-Hail Payment application.

(ii) If the TPEP Provider pays the Taxicab Driver directly using a method other than payment in cash (i.e. via an electronic debit to an account set up for the Taxicab Driver), funds must be available in accordance with §58-21(f)(1) and (2) of these Rules, there must be no cost to the Taxicab Driver to access or withdraw their funds, and the Taxicab Driver must be able to withdraw funds at a location that is within 0.5 miles of the fleet's garage.

(2) Healthcare Fee. Notwithstanding any provision in this subdivision to the contrary, TPEP Providers must deduct a healthcare fee of \$0.06 per trip for all trips recorded by the TPEP (regardless of whether the trip was paid for by cash, credit/debit/prepaid card, smartphone payment application, or E-Hail Payment

application), and deposit these funds in an account specified by the Commission.

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

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Rules Governing Authorization of T-PEP Vendors

REFERENCE NUMBER: 2012 RG 084

RULEMAKING AGENCY: Taxi and Limousine Commission

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: October 26, 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: Rules Governing Authorization of T-PEP Vendors

REFERENCE NUMBER: TLC-41

RULEMAKING AGENCY: TLC

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: October 26, 2012
Mayor's Office of Operations

SPECIAL MATERIALS

OFFICE OF THE MAYOR

NOTICE

Notice of Intent to Extend a Contract Not Included in FY 2013 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension of a contract not included in the FY 2013 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Health and Mental Hygiene
Vendor: Wei Wei & Co., LLP

Nature of services: Audits of Delegate Agencies

Method of extension the agency intends to utilize:

Amendment Extension

New start date of the proposed extended contract: 1/1/2013

New end date of the proposed extended contract: 6/30/2014

Modifications sought to the nature of services performed under the contract: Increase the number of audits assigned from 42 to 205.

Reason(s) the agency intends to extend the contract: Audit work is being re-assigned from a contracted CPA that is currently under investigation.

Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

CHANGES IN PERSONNEL

DEPARTMENT OF CITY PLANNING
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of City Planning.

DEPARTMENT OF INVESTIGATION
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Investigation.

TEACHERS RETIREMENT SYSTEM
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Teachers Retirement System.

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Civilian Complaint Review Board.

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Civilian Complaint Review Board.

POLICE DEPARTMENT
FOR PERIOD ENDING 10/12/12

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

Large table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments including City Planning, Investigation, Teachers Retirement System, Civilian Complaint Review Board, and Police Department.

FLAHERTY	CHRISTOP T	70235	\$79763.0000	PROMOTED	NO	09/28/12
FLETCHER	WILLIAM E	70235	\$79763.0000	PROMOTED	NO	09/28/12
FLORIO	ERIC M	70235	\$79763.0000	PROMOTED	NO	09/28/12
FOX	KIERAN P	70235	\$79763.0000	PROMOTED	NO	09/28/12
FRANCIS	CYNTHIA A	7026D	\$154300.0000	RETIRED	NO	10/01/12
FRANCIS	MAUREEN	70205	\$9.8800	RESIGNED	YES	09/11/12
FRANCIS	TAMARA A	71651	\$36210.0000	INCREASE	NO	08/30/12
FREYTES	JESUS	7023B	\$100054.0000	PROMOTED	NO	09/28/12
FRIAS	STEPHANI	71651	\$29217.0000	APPOINTED	NO	09/01/12
FULTON	DENNIS M	7026E	\$162472.0000	PROMOTED	NO	09/28/12
GARCIA	ELVIS	70210	\$41975.0000	TERMINATED	NO	09/21/12
GARCIA	JENNIFER A	70205	\$10.2600	RESIGNED	YES	08/22/12
GARCIA	JOSEPH A	70235	\$79763.0000	PROMOTED	NO	09/28/12
GIANNELLI	ROBERT J	7026K	\$195480.0000	APPOINTED	NO	03/01/10
GILES	ANTHONY L	71651	\$36210.0000	INCREASE	NO	08/30/12
GILL	MARY P	70235	\$98072.0000	RETIRED	NO	10/01/12
GOODWINE	JACINTA N	60817	\$35323.0000	RESIGNED	NO	07/12/12
GRANT	GLENN	71651	\$33600.0000	RESIGNED	NO	08/30/12
GREEN	RICHARD J	7026D	\$154300.0000	PROMOTED	NO	09/28/12
GRICZEWICZ	SCOTT	70210	\$76488.0000	RETIRED	NO	09/25/12
GRULLON	ZAIDA	71651	\$36210.0000	INCREASE	NO	08/30/12
GUIDO	RICKY J	70210	\$41975.0000	RESIGNED	NO	07/13/12
HARRINGTON	MICHAEL	7026F	\$171142.0000	PROMOTED	NO	09/28/12
HASAN	MOHAMMED R	71651	\$36210.0000	INCREASE	NO	08/30/12
HAYES	JAMES G	70235	\$79763.0000	PROMOTED	NO	09/28/12
HAYNES-MACK	FIORA N	71014	\$60265.0000	RETIRED	NO	10/01/12
HEILIG	JEFFREY M	70235	\$79763.0000	PROMOTED	NO	09/28/12
HENRY	SCOTT	7026D	\$154300.0000	PROMOTED	NO	09/28/12
HERNANDEZ	HECTOR J	70235	\$79763.0000	PROMOTED	NO	09/28/12
HERNANDEZ	JOSE A	71651	\$33600.0000	RESIGNED	NO	08/07/12
HERNANDEZ	MANUEL J	70260	\$112574.0000	RETIRED	NO	10/01/12
HIRSCH	FORREST N	70235	\$79763.0000	PROMOTED	NO	09/28/12
HODGSON	VALERIE	06632	\$72685.0000	RETIRED	YES	03/02/11
HOLCOMB	DELARINE V	71651	\$36210.0000	RESIGNED	NO	09/15/12
HOMSI	LAUREN C	71651	\$33600.0000	RESIGNED	NO	08/16/12
HUSSAIN	SYED A	71651	\$36210.0000	INCREASE	NO	08/30/12
IRIZARRY	JANINE C	70265	\$146583.0000	RETIRED	NO	09/28/12
JACKSON	BRASAI	70235	\$79763.0000	PROMOTED	NO	09/28/12
JACKSON	LANETTE D	60817	\$35323.0000	RESIGNED	NO	09/18/12
JAMISON	NATHANIE	7021D	\$87278.0000	RETIRED	NO	10/01/12
JOHNSON	SCHEREYL	70205	\$12.9000	RESIGNED	YES	08/22/12
JONES	RAHSIEM B	70235	\$79763.0000	PROMOTED	NO	09/28/12
JUSZA	THOMAS F	70235	\$79763.0000	PROMOTED	NO	09/28/12
KAISER	MICHAEL K	70235	\$79763.0000	PROMOTED	NO	09/28/12
KIKEL	JOSEPH	92071	\$312.9700	RETIRED	NO	10/01/12
KORN	JONATHAN W	70210	\$41975.0000	RESIGNED	NO	09/25/12
LANZA	JOE J	70235	\$79763.0000	PROMOTED	NO	09/28/12
LARKIN JR	WILLIAM	7023A	\$112574.0000	RETIRED	NO	10/01/12
LEE	CHI P	10232	\$17.0000	RESIGNED	YES	05/15/12
LEHR	KENNETH C	7026E	\$162472.0000	PROMOTED	NO	09/28/12
LEWIS	JENNELYN A	70205	\$9.8800	RESIGNED	YES	09/18/12
LIOI	CHRISROP C	70235	\$98072.0000	RETIRED	NO	10/04/12
LLOYD	NATALIE	10124	\$51445.0000	INCREASE	NO	08/30/12
LOMBARDO	ANTHONY J	70235	\$79763.0000	PROMOTED	NO	09/28/12
LOPEZ	FRANCISC U	70235	\$79763.0000	PROMOTED	NO	09/28/12
LYNN	CHERYL	10144	\$35571.0000	RETIRED	NO	09/20/12
MA	LING F	70235	\$79763.0000	PROMOTED	NO	09/28/12
MACKAY	SCOTT	7023B	\$100054.0000	PROMOTED	NO	09/28/12
MANICCHIA	FRANCESC R	92508	\$34667.0000	RESIGNED	YES	09/15/12
MARINO	MARC	70210	\$76488.0000	RETIRED	NO	10/01/12
MARQUEZ	JIMMY	70210	\$76488.0000	RETIRED	NO	10/01/12
MARTIN	GARY H	92510	\$250.9600	APPOINTED	YES	09/24/12
MARTINEZ	DIANNA M	60817	\$35323.0000	RESIGNED	NO	09/05/12
MARTINEZ	MILDRED E	70210	\$76488.0000	RETIRED	NO	09/30/12
MATEO	DILCIA M	90644	\$14.8900	RETIRED	YES	10/02/12
MATTHEWS	KEVIN J	70210	\$76488.0000	RETIRED	NO	10/01/12
MC CULLOUGH	JAMES D	60817	\$35433.0000	RESIGNED	NO	09/28/12
MC WHORTER	BARBARA	60817	\$35323.0000	RETIRED	NO	10/06/12
MCCRAY	WANDA	70210	\$76488.0000	RETIRED	NO	10/01/12
MCDONALD	TAWANA M	71012	\$38136.0000	INCREASE	NO	09/14/12
MCDONALD	TAWANA M	71651	\$36210.0000	APPOINTED	NO	09/14/12
MCEVOY	KATHLEEN M	52110	\$62191.0000	APPOINTED	YES	09/16/12
MEDINA	CARLOS J	70235	\$79763.0000	PROMOTED	NO	09/28/12
MEJIA	JOHN S	70235	\$79763.0000	PROMOTED	NO	09/28/12
MELHADO	DARYL L	70235	\$79763.0000	PROMOTED	NO	09/28/12
MELHUS	JESSE P	70235	\$79763.0000	PROMOTED	NO	09/28/12
MENDEZ	GAMALIER	7021A	\$87278.0000	RETIRED	NO	10/01/12
MILES	NOVLET A	60817	\$35323.0000	RESIGNED	NO	09/29/12
MIOLAN	ANTHONY	70235	\$79763.0000	PROMOTED	NO	09/28/12
MIRANDA	DANIEL J	70235	\$79763.0000	PROMOTED	NO	09/28/12
MITCHELL	JOHNNY	71651	\$36210.0000	RETIRED	NO	09/25/12
MOORE	DENISE I	70210	\$76488.0000	RETIRED	NO	09/29/12
MORALES	MARTIN	7026F	\$171142.0000	PROMOTED	NO	09/28/12
MOSCATT	JOSEPH F	7026E	\$162472.0000	PROMOTED	NO	09/28/12
MUCARIA	MARILYN J	10144	\$35285.0000	RETIRED	NO	10/06/12
MUGGEO	PAUL C	70235	\$79763.0000	PROMOTED	NO	09/28/12
MURPHY	JESSIE A	30087	\$77015.0000	INCREASE	YES	10/30/11
MYERS	CHERYL S	70210	\$76488.0000	RETIRED	NO	10/01/12
NAIK	NASEER A	70235	\$79763.0000	PROMOTED	NO	09/28/12
NARDI	ROBERT F	7021C	\$112574.0000	RETIRED	NO	10/01/12
NG	JACK	7023B	\$100054.0000	PROMOTED	NO	09/28/12
NUNEZ	RIGOBERT	70235	\$79763.0000	PROMOTED	NO	09/28/12
O' BRIEN	SEAN P	70235	\$98072.0000	RETIRED	NO	10/01/12
PADELL	RYAN V	70235	\$79763.0000	PROMOTED	NO	09/28/12
PEREZ	INGRID I	7165A	\$40640.0000	RESIGNED	NO	10/04/12
PETERS	ENNO E	70260	\$112574.0000	RETIRED	NO	10/01/12
PETERSON	JEFFREY M	70260	\$112574.0000	RETIRED	NO	09/27/12
PIRANDO	JOHN P	70235	\$79763.0000	PROMOTED	NO	09/28/12
POPE	TYRON	7023B	\$100306.0000	RETIRED	NO	10/01/12
QUINN	GEROME	60821	\$65886.0000	INCREASE	NO	08/03/12
QUINN	MICHAEL V	7026G	\$198500.0000	PROMOTED	NO	09/28/12
RAGNAUTH	RANJEE R	12200	\$28975.0000	RESIGNED	NO	08/04/12
RHODES	DEVAL D	70210	\$76488.0000	RETIRED	NO	10/01/12
RILEY	BERNITA A	70210	\$76488.0000	RETIRED	NO	10/01/12
RINCON	ADOLFO	60817	\$35323.0000	RESIGNED	NO	09/12/12
RIVERA	ANTHONY	70210	\$76488.0000	RESIGNED	NO	10/04/12
RIVERA	CYNTHIA	60817	\$35323.0000	RESIGNED	NO	08/13/12
ROACH	CRAIG	70235	\$79763.0000	PROMOTED	NO	09/28/12
ROTONDI	ANTHONY	1002A	\$74956.0000	INCREASE	YES	08/30/12
ROTONDI	ANTHONY	12627	\$68466.0000	APPOINTED	NO	08/30/12
ROWEN	CELLA A	60817	\$31259.0000	RESIGNED	NO	09/15/12
RUOCCO	JAMES	70260	\$112574.0000	RETIRED	NO	09/28/12
RUTHIZER	TYLER N	70235	\$79763.0000	PROMOTED	NO	09/28/12
SAKENDU	JOSEPH T	10232	\$17.0000	RESIGNED	YES	09/15/12
SANASSI	DOODWATI	10124	\$51445.0000	INCREASE	NO	08/30/12
SANCHEZ	ADAM D	70235	\$98072.0000	RETIRED	NO	10/01/12
SANCHEZ	CARMELA	70205	\$12.9000	RESIGNED	YES	09/19/12
SANON	WIDLER	70210	\$56609.0000	RESIGNED	NO	08/25/12
SANTIAGO	ROBERTO	7023B	\$100054.0000	PROMOTED	NO	09/28/12
SANTOS	FERNANDO	70235	\$79763.0000	PROMOTED	NO	09/28/12
SARKER	MD Z	71651	\$36210.0000	INCREASE	NO	08/30/12
SAYERS	RODERICK W	71012	\$45017.0000	RETIRED	NO	09/26/12
SCALISE	BRIAN C	70235	\$79763.0000	PROMOTED	NO	09/28/12
SCHMITT	MATTHEW D	70235	\$98072.0000	RETIRED	NO	10/01/12
SCHROEDER	KEVIN P	7021C	\$112574.0000	RETIRED	NO	10/01/12
SHAHJAHAN	MOHAMMAD	71651	\$36210.0000	INCREASE	NO	08/30/12
SINHA	SUSHIL	71651	\$36210.0000	INCREASE	NO	08/30/12
SINNOTT	VINCENT L	7021C	\$112574.0000	RETIRED	NO	09/30/12

SMALLS	ALLEN	12626	\$58232.0000	RETIRED	NO	10/01/12
SMALLS	SEAN B	70210	\$76488.0000	RETIRED	NO	09/25/12
STEVENSON	EVANGELI Y	71651	\$33600.0000	RESIGNED	NO	09/18/12
STEWART	SHEREEN T	71012	\$44899.0000	RESIGNED	NO	09/28/12
STEWART-PIPER	DIANNE N	71651	\$36210.0000	INCREASE	NO	08/30/12
STRAKER	TAMEL E	60817	\$35323.0000	RESIGNED	NO	09/22/12
SU	DIXUN	70235	\$79763.0000	PROMOTED	NO	09/28/12
SUAZO	YURAIMA	70205	\$9.8800	RESIGNED	YES	09/11/12
SUCHOICKI	MARIUSZ	70235	\$79763.0000	PROMOTED	NO	09/28/12
SUERO	FRANCISC A	71651	\$36210.0000	INCREASE	NO	08/30/12
TIMLIN	PATRICK	12859	\$199000.0000	RETIRED	YES	02/01/12
TINNI	DIPA D	60817	\$31259.0000	RESIGNED	NO	09/15/12
TOMASULO III	JAME L	70235	\$79763.0000	PROMOTED	NO	09/28/12
TROTTMAN	DIANNE E	60817	\$35323.0000	RESIGNED	NO	09/13/12
TSANG	EDDIE	70235	\$79763.0000	PROMOTED	NO	09/28/12
TUFFOUR	RICHARD J	10209	\$10.3600	RESIGNED	YES	09/30/12
TUSEN	LINA M	60817	\$35323.0000	RESIGNED	NO	09/23/12
VEGA	JOSE L	70210	\$76488.0000	RETIRED	NO	10/01/12
VENTURA	RONALDY	70235	\$79763.0000	PROMOTED	NO	09/28/12
VIRGA	THOMAS	70210	\$76488.0000	RETIRED	NO	09/24/12
VITO	TARA M	70235	\$79763.0000	PROMOTED	NO	09/28/12
VITULLI	ROSE	10144	\$37051.0000	RETIRED	NO	09/27/12
WAGNER	MYESHIA T	40526	\$42049.0000	INCREASE	NO	08/28/12
WATSON-CAPESTAN	LINDA W	10147	\$42769.0000	RETIRED	NO	10/02/12
WHALEN	MARK A	70210	\$76488.0000	APPOINTED	NO	09/24/12
WHITE	PRESTON B	70210	\$76488.0000	RETIRED	NO	10/01/12
WILLIAMS-LAVING	YAMESE P	60821	\$65886.0000	INCREASE	NO	08/03/12
WOODARD	CRYSTAL G	70210	\$76488.0000	RETIRED	NO	09/28/12
YARBROUGH	ROBERT D	7021D	\$87278.0000	RETIRED	NO	10/01/12
YNOA	FREDDY A	70235	\$79763.0000	PROMOTED	NO	09/28/12
ZIMMER	DAVID P	7026D	\$154300.0000	PROMOTED	NO	09/28/12

FIRE DEPARTMENT
FOR PERIOD ENDING 10/12/12

NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
BARNINGHAM	ETHAN	53054	\$43690.0000	APPOINTED	NO	09/23/12
BAYLEY	RYAN	53040	\$66.4500	INCREASE	YES	09/30/12
BEHRINGER	JOHN J	70310	\$76488.0000	RETIRED	NO	09/28/12
BELNAVIS	GEORGE S	70370	\$146583.0000	RETIRED	NO	09/27/12
BENJAMIN	ALFRED	70310	\$76488.0000	RETIRED	NO	10/05/12
BONNER	MICHAEL G	70365	\$112574.0000	RETIRED	NO	09/29/12
CAMPANELLI	DANIEL R	53054	\$43690.0000	APPOINTED	NO	09/23/12
CANCEL	EURIPIDE	53053	\$48153.0000</			

READER'S GUIDE

The City Record (CR) is published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in The City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptroller's Office at www.comptroller.nyc.gov, and click on Prevailing Wage Schedules to view rates.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

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.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women-Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about this program, contact the Department of Small Business Services at (212) 513-6311 or visit www.nyc.gov/sbs and click on M/WBE Certification and Access.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City pays interest on all late invoices. However, there are certain types of payments that are not eligible for interest; these are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year: in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

CSB	Competitive Sealed Bidding including multi-step <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
DP	Demonstration Project
SS	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances (<i>Client Services/CSB or CSP only</i>)
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price <i>Award to Other Than Lowest Responsible & Responsive Bidder or Proposer/Reason (award only)</i>
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 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.

NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in The City Record