



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

Annual Summary Contracts Report  
for the City of New York  
*Fiscal Year 2015*





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## Fiscal Year 2015 Annual Summary Contracts Report for the City of New York

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# Introduction

The Comptroller's Office is charged with a number of New York City Charter (Charter) mandated responsibilities intended to safeguard the City's financial health, including contract registration. Specifically, the Charter requires that all contracts and agreements entered into by City<sup>1</sup> agencies be registered by the Comptroller prior to implementation.<sup>2</sup> This requirement extends to all agreements memorializing the terms of franchises, revocable consents and concessions.<sup>3</sup> The contract registration process ensures there is adequate funding in the City's treasury (or under the control of the City) to cover the cost of contracts as well as to ensure that both the contracted vendors and process are free from corruption. The Comptroller's Bureau of Contract Administration (BCA) fulfills this registration responsibility by serving as the final oversight in the City's procurement process.

In addition to fulfilling the Comptroller's Charter-mandated registration function, BCA is also charged with publishing an annual report on registered Contract Actions pursuant to § 6.116.2(f) of the New York City Administrative Code (Administrative Code).<sup>4</sup> The current *Annual Summary Contracts Report* (Report) summarizes statistical data for City Fiscal Year 2015<sup>5</sup> (or "FY15") and is generated from the City's Financial Management System (FMS), a computerized database maintained by the Comptroller and the Mayor pursuant to § 6.116.2(a) of the Administrative Code. This Report reflects the City's financial commitment assumed through registered Contract Actions during the prior fiscal year. This commitment is based on projected contract amounts at the time of registration and, unless otherwise indicated, is limited to the initial terms of the transactions. As a general matter, it does not include information on actual expenditures or the annual agency budget figures for FY15 registered Contract Actions.<sup>6</sup> Similar to last year, BCA's goal in preparing the FY15 Report was to produce a comprehensive analysis of the City's registered contracts and agreements as well as highlight how BCA is working towards expanding its impact beyond the traditional Charter-mandated functions. One way in which we advance this goal is by presenting comparative data and analysis of FY14 and FY15 registered Contract Actions.

Finally, this Report includes certain FY15 annual data produced by the Comptroller's Bureau of Labor Law (BLL) as required by §§ 6-109 and 6-130 of the Administrative Code.<sup>7</sup>

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<sup>1</sup> "City" refers to the City of New York.

<sup>2</sup> NYC Charter § 328(a)

<sup>3</sup> Id at § 375

<sup>4</sup> NYC Admin. Code § 6.116.2(f)

<sup>5</sup> Fiscal Year 2015 covers the period commencing July 1, 2014 through June 30, 2015.

<sup>6</sup> Unless otherwise indicated for the purposes of this Report, Contract Actions include both Procurement Contract Actions and Revenue Contract Actions.

<sup>7</sup> NYC Admin. Code §§ 6-109 and 6-130

## Report Structure

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

PART I includes this “Introduction.”

PART II includes *Sections 1* through *3*.

*Section 1* (Summary Report) offers a high level review of all registered transactions in FY15, including procurement methods, total registered contract values, and pertinent facts relating to the awarding agency, New York City affiliated agency<sup>8</sup>, elected official or the City Council.

*Section 2* (Contract Registrations by Award Method) is organized by six general Procurement Method Categories, each of which contains multiple individual Award Methods. These categories include: (1) Registered Contracts Procured by Competitive Award Methods; (2) Registered Contracts Procured by Limited or Non-Competitive Award Methods; (3) Registered Contracts *Exempt* under § 1-02(f) of the Procurement Policy Board (PPB) Rules; (4) Revenue Contract Registrations<sup>9</sup>; (5) Registered Contract Management Actions; and (6) Registered Contracts Procured by “Other” Award Methods.

*Section 3* (Modifications) contains information on contract transactions intended to extend or in some way enhance existing registered agreements.

PART III includes *Sections 4* and *5*.

*Section 4* (Highlights for FY15) features some notable registration and procurement-related initiatives undertaken by BCA and Comptroller's Office during FY15. It also presents some new contract-based analysis of interest, such as retroactivity.

*Section 5* (Agency Specific Data & Analysis) features procurement portfolios of interest, including contracts registered through DOE as well as DoITT Information Technology Master Agreements and related Task Orders.

PART IV includes *Section 6*.

*Section 6* (Bureau of Labor Law Fiscal Year 2015 Annual Report) presents certain required information required by §§ 6-109 and 6-130 of the Administrative Code.<sup>10</sup>

PART V includes *Sections 7* and *8*.

*Section 7* (Glossary) defines relevant key City procurement and contract registration terminology.

*Section 8* (Appendices) contains complete supporting data sets for the interposed tables as well as other pertinent information required by the Administrative Code that is not specifically referenced in PARTS I through IV of the Report.<sup>11</sup>

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<sup>8</sup> A complete list of the City's mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 10*. For the most part, this list reflects those entities that registered at least one contract action in FY15.

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

<sup>10</sup> NYC Admin. Code §§ 6-109 and 6-130

<sup>11</sup> NYC Admin. Code § 6.116.2(f)

PART II

# Section 1: Summary Report

A total of 13,203 Contract Actions were registered in FY15. Unless otherwise indicated, for the purposes of CHART I and this Report, Contract Actions include both Procurement Contract Actions (contracts where the City spends money) and Revenue Contract Actions (contracts where the City receives money or where money is neither expended nor received).

Of these Contract Actions, 12,135 were Procurement Contract Actions having a total registration value exceeding \$17.1 billion and 1,068 were Revenue Contract Actions having a total registered value exceeding \$296 million.<sup>12</sup> Collectively, the 13,203 figure represents total registered Contract Actions entered into by City mayoral agencies, City-affiliated agencies, elected officials and the City Council during FY15.

As CHART I indicates, while the total number of registered Contract Actions increased slightly from FY14 to FY15, the total value of registered Procurement Contract Actions decreased by nearly \$5 billion. Conversely, the total value of registered Revenue Contract Actions increased by approximately \$80 million during that same period.

CHART I: SUMMARY OF TOTAL REGISTERED CONTRACT ACTIONS FROM FY14 TO FY15

REGISTRATION CATEGORY	FISCAL YEAR 2014	FISCAL YEAR 2015
Total Number of Registered <i>Contract Actions</i>	12,824	13,203
Total Value of Registered <i>Procurement Contract Actions</i> <sup>13</sup>	\$23,488,827,627	\$17,145,717,009
Total Value of Registered <i>Revenue Contract Actions</i> <sup>14</sup>	\$213,514,679	\$ 296,463,921

## Registration - Overview

Registration is the process through which the Comptroller: (1) encumbers (sets aside) funds to insure that encumbered monies are available to pay contractors for contract work to be performed; (2) maintains a registry of City agreements; (3) presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity; and (4) tracks City expenditures and revenues associated with those contracts and agreements.<sup>15</sup> Further, and as briefly referred to in the "Introduction" above, no contract or agreement, franchise, revocable consent or concession executed pursuant to the Charter or other law can be implemented until: (1) a copy has been filed with the Comptroller; and (2) either the Comptroller has registered it or 30 days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed or the Comptroller has grounds for not registering the contract.<sup>16</sup>

<sup>12</sup> Note that registered values represented in this Report are rounded to the nearest whole number.

<sup>13</sup> Unless otherwise indicated, for the purposes of CHART and this Report, *Procurement Contract Actions* include the following Award Method Codes: 1, 2, 3, 109, 111, 112, 113, 22, 27, 31, 32, 35, 36, 37, 39, 61, 05, 06, 11, 12,17, 20, 21, 25, 26, 28, 30, 33,34, 38, 62, 106, 251, 10, 211, 040, 07, 18, 24, 29, 68, 78, 79, 99, 41, 42, 43, 44, 45, 51, 100, 101, 102 and 511 and *exclude* the following Contract Type Codes: 10,15,17,20,25,29,30,72 and 99.

<sup>14</sup> Unless otherwise indicated, for the purposes of CHART I and this Report, *Revenue Contract Actions* include the following Contract Type Codes: 10,15,17,20,25,29,30,72 and 99.

<sup>15</sup> 9 RCNY § 4-06(a)

<sup>16</sup> NYC Charter § 328(a)



## Administrative Code - Annual Summary Contracts Report Minimum Requirements

The Administrative Code requires the Comptroller to include certain information pertaining to franchises, concessions, goods contracts and services contracts exceeding \$10,000 and construction contracts exceeding \$15,000 in a summary contracts report published annually by this Office.<sup>17</sup> Examples of required data include, but are not limited to:

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

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

While the Administrative Code establishes minimum requirements for data inclusion, BCA has further expanded those parameters for the FY15 Report to offer a more robust and transparent picture of the projected financial commitments assumed by the City during the prior fiscal year based on the combined registered Contract Action values. Examples of this additional information include, but are not limited to:

- All registered contracts Citywide regardless of dollar value;
- Comprehensive statistical summary of FY15 registered Modifications;
- Comprehensive statistical summary and breakdown of all FY15 Task Orders (CTA1s) registered through Master Agreements (MA1s or MMA1s);
- Micropurchase Contracts;
- Summary of Recently Adopted Amendments to the PPB Rules;
- Agency Purchase Order Registrations including, but not limited to: PON1s (Non-Commodity Purchase Orders), PODs (Commodity Purchase Orders - Micropurchases), POCs (Commodity Purchase Orders – Small Purchases) and PCC1s (Commodity Purchase Orders - Small Purchase Construction);
- Contract Retroactivity; and
- Emergency Procurement Approvals in FY15, regardless of the registration status of the resulting contract award(s).

## Exclusions

Although this Report provides significant detail regarding Citywide Contract Actions registered in FY15, there are some areas where data is excluded because it is not possible to be reported in the context of this Report or the data is already featured in an alternative report published by the Comptroller's Office, such as the *Comprehensive Annual Financial Report (CAFR)*, which details the City's fiscal year financial obligations. For example, this Report does *not* include:

- Increases/decreases in contract value following registration (unless otherwise indicated);
- Information relating to subcontractor registrations<sup>18</sup>;

<sup>17</sup> NYC Admin. Code § 6.116.2(f)

<sup>18</sup> Unlike prime contracts, individual subcontracts entered into by prime contractors pursuant to existing contracts are not registered by BCA. Prime vendors are required to receive prior approval from the contracting City agency for every subcontractor it intends to utilize during the contract term. "Subcontractor Approval Forms" are completed, signed and submitted to the contracting City agency for review and approval. Additionally, prime contractors are required to "self-report" subcontractor information by entering certain data into the Payee Information Portal (or "PIP"). However, a significant number of prime contractors either do not enter this data into PIP at all or do not do so on a real-time basis. As a result, subcontractor data is not included in this Report since the available information does not allow for accurate reporting or analysis. Note that a report issued last year by the Comptroller's Office through its Diversity Office within the Bureau of Policy and Research (*Making the Grade: New York City Agency Report Card on Minority/Women-Owned Business Enterprises*) found that although there has been an increase in the subcontracting data being



- Information on actual FY15 expenditures, payments or annual agency budget figures;
- Intra-City Agency Purchasing Agreements; and
- Contracts entered into by New York City Economic Development Corporation (NYCEDC), NYC & Co., Brooklyn Navy Yard Development Corporation (BNYDC), Governor's Island and other similar entities affiliated with mayoral City agencies through master contracts;<sup>19</sup>

## Registration and Reporting - Who Registered City Contracts in FY15

The City's mayoral agencies, City-affiliated agencies, elected officials and the City Council all had Contract Actions registered in FY15. The majority of the FY15 Contract Actions were registered by the City's mayoral agencies. However, non-mayoral agencies such as the Department of Education (DOE) can also be credited with a significant volume of contract action registrations, both in terms of quantity and dollar value. Although the Offices of the Borough Presidents, District Attorneys, Community Boards and City Council and other elected officials are represented in this Report, the overall volume of their registered Contract Actions is relatively small when compared to the substantial and often diverse procurement portfolio of the mayoral and City-affiliated agencies.<sup>20</sup>

It is important to point out that, for some agencies, state law preempts the application of the City's procurement rules. For example, NYC Health + Hospitals (formerly known as "HHC"), the New York City Housing Authority (NYCHA), the Board of Elections (BOE), NYCEDC, DOE, School Construction Authority (SCA) NYCHA, BOE, EDC, DOE, SCA and Water Board/Authority are either not subject to, or are only partially subject to, the City's procurement rules.<sup>21</sup> These entities, however, may be required by law to adhere to the contract registration requirements as set forth in § 328 of the City Charter.

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uploaded from City agencies to PIP, most agencies are not enforcing the requirement that that prime contractors input subcontractor data into PIP.

<sup>19</sup> For instance, this Report would include the FY15 Master and Maritime Contracts SBS entered and registered with NYCEDC, but not the individual projects captured through contracts between NYCEDC and the contracted entity pursuant to the Master or Maritime Contracts with SBS.

<sup>20</sup> A complete list of the City's mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 10*. For the most part, this list reflects those entities that registered at least one contract action in FY15.

<sup>21</sup> See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).

## FY15 Summary Contracts Report - Use of Contract Procurement Method Categories to Present Data

As previously mentioned, the data presented through this Report is derived from FMS, a database jointly administered by the Mayor and the Comptroller and maintained by FISA as required by § 6.116.2(a) of the Administrative Code.<sup>22</sup> FMS is the primary tool that the City uses to track contracts.

Although registered Contract Actions are catalogued in FMS through several identifiers, including contract Award Method,<sup>23</sup> Contract Type<sup>24</sup> and Contract Category,<sup>25</sup> the data published in PART II of this Report, as well as other relevant sections, is primarily analyzed and presented by Award Method for both clarity and ease of comparison. BCA has created six general Procurement Method Categories from the current list of over 70 contract Award Methods used by City agencies when inputting registration data into FMS. They are:

1. Registered Contracts Procured by Competitive Award Methods;
2. Registered Contracts Procured by Limited or Non-Competitive Award Methods;
3. Registered Contracts Exempt under § 1-02(f) of the Procurement Policy Board (PPB) Rules;
4. Revenue Contract Registrations;<sup>26</sup>
5. Registered Contract Management Actions; and
6. Registered Contracts Procured by “Other” Award Methods.

With the exception of the registered Revenue Contract Actions subsection of this Report and unless otherwise indicated, all statistical information presented herein is based on this categorization. CHART II (commencing on the following page) defines these six Procurement Method Categories as well as the individual Contract Award Method codes or Contract Type codes that each category is comprised of.

Due to the fact the City’s mayoral agencies are responsible for the majority of the FY15 contract registrations, the Procurement Method Categories created for the purpose of this Report are based on the PPB Rules. Although non-mayoral agencies are not necessarily bound by the PPB Rules, the types of award methods used by them to procure goods and services are often very similar to the ones each mayoral agency complies with. For example, the “Competitive Sealed Bidding” Award Method is used by both DDC (mayoral agency) and DOE (non-mayoral agency) under similar circumstances. However, DDC must comply with the applicable section(s) of the PPB Rules whereas DOE is required to comply with its own *Procurement Policy and Procedures* (or “PPP”) when using a bid to procure the same goods or services. The same is true for non-mayoral agencies such as HHC, CUNY and NYCHA.

As a result, all competitive sealed bid contract registrations in FY15, regardless of whether the awarding agency is mayoral or non-mayoral, are captured using the individual Award Method codes set forth under “Competitive Sealed Bid Contracts” in TABLE I of this Report. The same logic and approach applies to the other Procurement Method Categories and corresponding Award Method codes (or Contract Type codes for Revenue Contract Actions). Due to the large volume of registered FY15 DOE Contract Actions, *Appendix 14* provides a side-by-side look at DOE Award Method types with PPB counterparts.

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<sup>22</sup> NYC Admin. Code § 6.116.2(a)

<sup>23</sup> Contract *Award Method* refers to the type of procurement used to select the contractor or vendor. There are currently over 70 Award Method codes to select from when entering registration-related data into FMS. *See Appendix 11* for a complete list.

<sup>24</sup> Contract *Type* refers to the purpose or nature of the contract. There are over 30 contract types to select from when entering registration-related data into FMS. *See Appendix 12* for a complete list.

<sup>25</sup> Contract *Category* refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 Contract Category Codes to select from when entering registration-related data into FMS. *See Appendix 13* for a complete list.

<sup>26</sup> In order to preserve transparency, supporting data for the tables included in each of the above-referenced categories and this Report are included as appendices at the end of the document.

CHART II: PROCUREMENT METHOD CATEGORIES<sup>27</sup>

CATEGORY 1: REGISTERED CONTRACTS PROCURED BY COMPETITIVE AWARD METHODS	
Award Method	Award Method Code(s)
Competitive Sealed Bid Contracts	01, 03, 35*, 37*
Competitive Sealed Proposal Contracts	02, 22, 36, 39*
Small Purchase Contracts	31, 32, 36, 60, 61, 109, 111, 112*, 113
Accelerated Procurement Contracts	27

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

CATEGORY 3: REGISTERED CONTRACTS <i>EXEMPT</i> UNDER § 1-02(F) OF THE PPB RULES	
Award Method	Award Method Code(s)
Grant Contracts (includes Grant Renewals)	51, 102, 511
Cable Service Negotiation Contracts	41
Professional Membership Negotiation Contracts	42, 101
Public Utility Contracts	44, 45
Subscription Contracts	43, 100

<sup>27</sup> See *Appendix 11* for corresponding FMS Award Methods.



CATEGORY 4: REVENUE CONTRACT REGISTRATIONS	
Contract Type	Contract Type Code
Franchise Agreements	15
Concession Agreements	20
Revocable Consent Agreements	17
Corpus Funded Agreements	25
Other Expense Contracts	24
Miscellaneous Revenue – No Expense	30
Programs (Not Tax Levy)	72
Consultant Contracts	10
Other Contracts	99

CATEGORY 5: REGISTERED CONTRACT MANAGEMENT ACTIONS	
Award Method	Award Method Code(s)
Renewal Agreements (excludes Grant Renewals)	10*, 61
Negotiated Acquisition Extensions	211*

CATEGORY 6: REGISTERED CONTRACTS PROCURED BY "OTHER" AWARD METHODS	
Award Method	Award Method Code(s)
Leases/Lessee Negotiation Agreements	7
Watershed Agreements	79, 107
Assignments	29*
Force Account Negotiation Contracts	68
DOE Listing Application Contracts	40
Non-Procurement Contracts	18
Contract Conversions	24
Real Estate Sales & Purchase Agreements	78
Loan Negotiations	8
Bonds	99**
Miscellaneous	99***

\* Excludes Revenue Contract Actions or "RCT1s" from the individual Award Method codes.

\*\*Includes Contract Type 88 (Bonds) and Contract Category 104 (Bonds/Letters of Credit).

\*\*\*Miscellaneous excludes Contract Type 88 (Bonds) and Contract Category 104 (Bonds/Letters of Credit).

## Section 2: Contract Registrations by Procurement Method Category

This section of the Report provides statistical data, analysis and information pertaining to the registration of FY15 *Contract Actions*.

For the purpose of this Report, data is presented categorically based on the type of selection method utilized to undertake the procurement. There are six primary Procurement Method Categories delineated in this section, each containing several individual FMS-based Award Methods which correspond to the numerical codes listed in CHART II (with the exception of registered Revenue Contract Actions).

TABLE I and GRAPH 1 provide historical comparisons of the total number of registered Contract Actions in each of the six Procurement Method categories from FY14 to FY15. TABLE I also presents the total number of registered actions within each Procurement Method Category as a percentage of the all Contract Actions registered within the respective fiscal year. Supporting data for each of the Procurement Method Categories listed in the table below is located in Appendices 1-6.

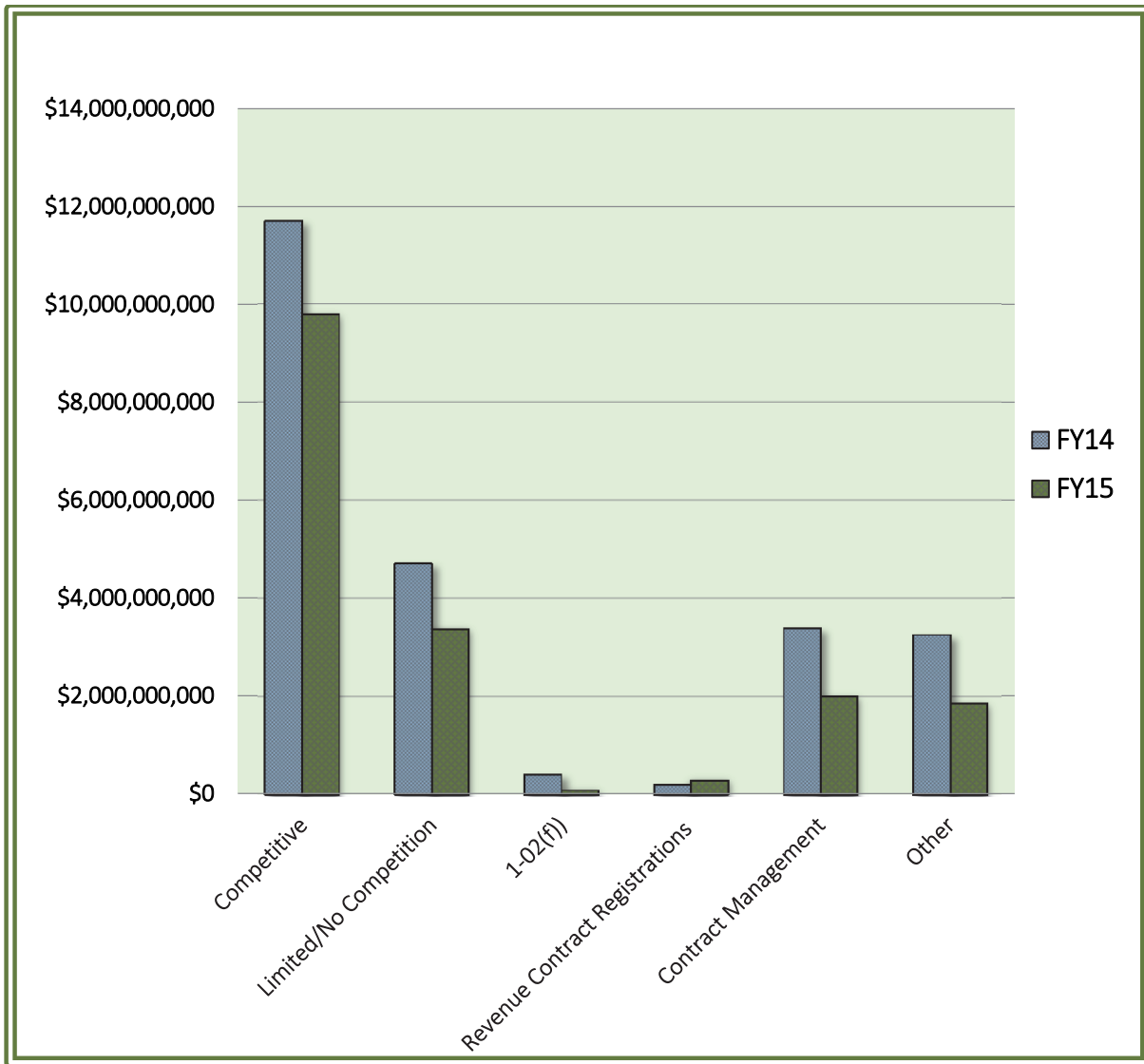
TABLE I: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS  
BY PROCUREMENT METHOD CATEGORY

PROCUREMENT METHOD CATEGORY	FISCAL YEAR 2014		FISCAL YEAR 2015		% Change from FY14 to FY15
	Total No. Registered	Total No. Registered by %	Total No. Registered	Total No. Registered by %	
Competitive	5,589	43%	6,221	47%	11%
Limited/Non-Competitive	4,714	37%	3,685	28%	-22%
1-02(f)	348	3%	387	3%	11%
Revenue	727	6%	1,068	8%	47%
Contract Management	1,018	8%	1,439	11%	41%
Other	428	3%	403	3%	-6%
<b>Total</b>	<b>12,824</b>	<b>100%</b>	<b>13,203</b>	<b>100%</b>	

As shown in TABLE I, the total number of registered Contract Actions across the six Procurement Method Categories increased by a total of 379 registrations from FY14 to FY15. While the number of registered contracts within the Competitive award category and those “exempted” contracts under 1-02(f) of the PPB Rules saw 11% increases from FY14 to FY15, the number of registered Contract Management Actions increased by 41% and the number of registered Revenue Contract Actions soared 47%.

Only two Procurement Method Categories demonstrated decreases in the number of registrations from FY14 to FY15 – contracts procured via “Other” Award Methods decreased 6% and the number of registrations for contracts awarded via Limited/Non-Competitive Award Methods fell 22%.

GRAPH I: HISTORICAL COMPARISON OF REGISTERED CONTRACT ACTIONS BY PROCUREMENT METHOD CATEGORY AND TOTAL REGISTRATION VALUE



In addition to the data presented in TABLE I and GRAPH I, CHART III lists the “Top Ten Registered Procurement Contract Actions by Value in FY15,” CHART IV provides a “Historical Comparison of the Top Ten Agencies by Total Registered Procurement Contract Action Value” and CHART V identifies the “Top Ten Non-Mayoral Registered Procurement Contract Actions by Value in FY15.”



CHART III: TOP TEN REGISTERED PROCUREMENT CONTRACT ACTIONS BY VALUE IN FY15

Rank	Contract No.	Agency	Vendor	Contract Description	Award Method	Registered Contract Value
1	20156200826	SBS	NYCEDC	Economic Development	Sole Source	\$1,686,097,000
2	20151425458	DEP	Kiewit-Shea Constructors, AJV	Delaware Rondout Aqueduct Bypass Tunnel Construction	PQVL Competitive Bid List	\$706,605,852
3	20151417944	DCAS (DMSS)	World Trade Center Properties LLC	Lease of Space at 4 World Trade Center	Lessee Negotiation	\$577,876,144
4	20151415996	ACS	YMS Management Associates, Inc.	Payment Agency for Childcare Voucher Program	NAE/ DOE Negot. Svcs Extens.	\$452,677,598
5	20151424708	DDC	Sullivan Land Services, Ltd.	Professional Services (Engineering & Architectural)	CSP	\$292,672,875
6	20151424706	DDC	Tishman Construction Corporation of NY	Professional Services (Engineering & Architectural)	CSP	\$281,497,282
7	20151424707	DDC	LiRo Program & Construction Management, PC	Professional Services (Engineering & Architectural)	CSP	\$275,530,566
8	20151423401	DOT	Mill Basin Bridge Constructors LLC	Reconstruction of Mill Basin Creek Br/ Belt Pkwy, Brooklyn	CSB	\$263,683,736
9	20156200841	SBS	NYCEDC	Economic Development	Sole Source	\$237,524,000
10	20159571751	DOE	Teri Nichols Institutional Food Merchant, LLC	Food-Related Services	CSB	\$197,494,930

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

RANK	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Agency	Total Value	Agency	Total Value
1	DSNY	\$4,481,746,134	DOE	\$2,532,763,255
2	DOE	\$3,955,309,967	DDC	\$2,101,192,606
3	HRA (DSS)	\$2,332,971,738	SBS	\$2,006,842,902
4	SBS	\$1,969,862,576	DEP	\$1,533,295,188
5	DCAS (DMSS)	\$1,806,066,175	DCAS (DMSS)	\$1,206,667,493
6	DEP	\$1,352,263,727	HRA (DSS)	\$1,180,743,726
7	DDC	\$1,128,678,670	DSNY	\$1,094,211,105
8	ACS	\$1,072,787,497	ACS	\$1,004,458,027
9	DOHMH	\$862,516,143	DOT	\$899,654,700
10	DOITT	\$842,299,370	DYCD	\$551,241,422
<i>Total Registered Procurement Contract Action Value</i>		<b>\$23,488,827,627</b>	<b>\$17,145,717,009</b>	

The total value of DOE's FY15 registered Procurement Contract Actions represents 14.5% of the total value of all registered Procurement Contract Actions in FY15, a decrease from DOE's 16.8% share of registered Procurement Contract Actions in FY14. By comparison, DSNY's total share of all registered Procurement Contract Actions decreased from 19.1% in FY14 to 6.4% in FY15. This reduction is commensurate with DSNY's drop in rank from the agency with the largest aggregate value of registered Procurement Contract Actions in FY14 to seventh largest in FY15.

CHART V: TOP TEN NON-MAYORAL REGISTERED  
PROCUREMENT CONTRACT ACTIONS BY VALUE IN FY15

RANK	FISCAL YEAR 2015	
	Agency	Total Value
1	DOE	\$197,494,930
2	DOE	\$135,832,655
3	DOE	\$123,112,720
4	DOE	\$96,674,170
5	DOE	\$82,181,370
6	DOE	\$78,396,833
7	NYCTA	\$60,000,000
8	DOE	\$52,200,000
9	DOE	\$49,511,000
10	DOE	\$45,865,008

## A. Registered Contracts Procured by Competitive Award Methods

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

Agencies may only use alternative methods of procurement where the agency determines that the use of competitive sealed bidding is not practicable or advantageous to the City. Each agency contract file is required to contain documentation of such “Special Case” determination and of the basis upon which each contract is awarded.<sup>28</sup> For purposes of this Report, registered contracts procured via a “Competitive Award Method” include CSBs, CSPs, Accelerated Procurements and Small Purchases.

As evidenced by TABLE II below, while the number of registered competitive contracts increased from FY14 to FY15 by 632, the total registered value for these actions decreased by \$1,910,700,856.

The most significant change from FY14 to FY15 was the rise in the number of registered CSP awards, which increased from 580 to 1,154, notwithstanding the fact that the total registered value decreased for the same method by nearly \$3 billion. This increase is primarily attributed to an increase in the number of CSP awards by DYCD, which went from 7 in FY14 to 443 in FY15, as well as an increase in the number of CSP awards by DOE, which went from 240 in FY14 to 357 in FY15.

TABLE II: HISTORICAL COMPARISON OF CONTRACT REGISTRATIONS PROCURED BY COMPETITIVE AWARD METHODS<sup>29</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Competitive Sealed Bid Contracts*	1,091	\$5,256,236,296	1,052	\$6,090,057,726
Competitive Sealed Proposal	580	\$6,272,098,724	1,154	\$3,447,987,429
Accelerated Procurement Contracts	119	\$44,740,361	98	\$121,828,122
Small Purchase Contracts**	3,799	\$130,962,166	3,917	\$133,463,414
<b>Total</b>	<b>5,589</b>	<b>\$11,704,037,547</b>	<b>6,221</b>	<b>\$9,793,336,691</b>

\*Excludes “RCT1s” for Award Methods 35 and 37.

\*\*Excludes “RCT1s” for Award Method 112

Finally, it is worth mentioning that five “best value” CSBs were registered in FY15.<sup>30</sup> This is the first fiscal year in which a best value CSB has been registered since the revisions to § 3-02 of the PPB Rules were adopted on April 8, 2013. Competitive sealed bid awards based on best value permit the awarding of a contract for goods or standard services which optimizes quality, cost and efficiency among responsive and responsible bidders or offerors, reflecting, whenever possible, objective and quantifiable analysis.<sup>31</sup>

<sup>28</sup> NYC Charter § 317

<sup>29</sup> See *Appendix 1* for supporting data pertaining to this table.

<sup>30</sup> 9 RCNY 3-02

<sup>31</sup> GML §103; SFL § 163



## Competitive Sealed Bid Contracts

CSBs or “Bids” refer to a method of procurement where the award of a contract is made to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids.<sup>32</sup> Bids are solicited through an invitation for bids that includes a purchase description and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.<sup>33</sup> Bids may also be solicited by agencies from vendors who have been prequalified for the provision of a good, service or construction by mailing notice to each prequalified vendor or, if special circumstances require, to a selected list of prequalified vendors.

A determination to employ selective solicitation for a particular procurement or for a particular category of procurement must be made in writing by the agency and approved by the mayor unless the mayor, upon adequate assurances of an agency's capacity to comply with procedural requirements, has determined that such approval is not required for an agency's contracts or particular categories of contracts.<sup>34</sup>

The largest bid contract registered in FY15 was between DOT and Mill Basin Bridge Constructors LLC for the reconstruction of the Mill Basin Creek Bridge/Belt Parkway in Brooklyn in the amount of \$263,683,736 (CT120151423401). The largest PQVL bid registered in FY15 was between DEP and Kiewit-Shea Constructors, AJV for the construction of the Delaware-Rondout Aqueduct Bypass Tunnel in the amount of \$706,605,852 (CT120151425458).

## Competitive Sealed Proposal Contracts

CSPs are a competitive procurement method that an agency may use if a bid is not practicable or advantageous to the City under the circumstances.<sup>35</sup> A CSP is typically used by the City to award contracts for services in information technology, architecture, engineering, accounting, legal, scientific, research and/or other similar services. CSPs may be solicited through a request for proposals (RFP) with the award being made to the responsive and responsible offeror whose proposal was determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria as set forth in the RFP.

No other factors or criteria may be used in the evaluation and award of the contract except those specified in the request for proposals. Discussions may be conducted with responsible offerors who submit proposals, provided that offerors shall be accorded fair treatment with respect to any opportunity for discussion and revision of the proposals.

Like bids, CSPs may also be solicited from vendors who have been prequalified for the provision of a good or service by mailing notice to each prequalified vendor or, if special circumstances require, to a selected list of prequalified vendors through similar procedures described above for CSBs.<sup>36</sup>

The largest CSP procurement registered in FY15 was a \$292,672,875 agreement between DDC and Sullivan Land Services Ltd. for CM/Design-Build services related to a residential community recovery project in Staten Island (CT120151424708). The second largest agreement was a \$281,497,282 bid contract between DDC and Tishman Construction Corporation of NY for a similar project in Queens (CT120151424706).

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<sup>32</sup> NYC Charter §312

<sup>33</sup> Id at § 313

<sup>34</sup> Id at § 318

<sup>35</sup> Id at § 319

<sup>36</sup> Id at § 320

## Accelerated Procurement Contracts

An Accelerated Procurement contract enables DCAS to quickly procure specific City Chief Procurement Officer (CCPO)-approved commodities (*i.e.*, chemicals, energy, food, etc.) due to PPB-approved markets experiencing significant shortages and/or short-term price fluctuations.<sup>29</sup>

The largest Accelerated Procurement agreement registered in FY15 was between DCAS (DMSS) and United Metro Energy Corporation for the purchase of heating oil & bio heating oil with a projected value of \$62,063,770 (MA120151203751).

## Small Purchase Contracts<sup>37</sup>

The PPB and the City Council may, by concurrent action, establish dollar limits for the procurement of goods, services, construction and/or construction-related services that may be made without competition or without public advertisement.<sup>38</sup> However, these procurement awards are still subject to the requirements of the PPB Rules.<sup>39</sup> The current “Small Purchase Limit” is \$100,000.

Small Purchase registrations accounted for over \$133 million of agency purchasing activity in FY15. Emerging competitors, including many M/WBEs, are afforded more opportunities to compete for City contracts let by mayoral agencies through this award method. The PPB Rules lay out a competition objective for the way small purchases are awarded, known as the “5 + 5” method.<sup>40</sup> Procurements valued above the Micropurchase Limit (\$20,000) and below the Small Purchase Limit are solicited from a list of five randomly selected non-M/WBE vendors and at least five randomly selected certified M/WBE vendors.

A procurement conducted via any other method defined by the PPB Rules may result in a contract value below the Small Purchase Limit, but only those contracts awarded via the “5 + 5” method are considered true Small Purchases. All “5 + 5” Small Purchases and most other contracts below the Small Purchase Limit are submitted to the Comptroller for registration. Agencies also have the ability to self-register certain contracts at lower amounts as “in-house” registrations.<sup>41</sup>

***Note on Small Purchases:** The figures provided for the “Small Purchases” subset of the “Competitive” award category do not include all individual award methods that FMS identifies as “Small Purchases” by name. Rather, certain “Small Purchase” FMS Award Methods are collapsed into the more “General Procurement” Award Method. For instance, CSBs in the “Competitive” award category include standard Competitive Sealed Bids (Award Method 01), Small Purchase Competitive Sealed Bids (Award Method 03), Competitive Sealed Bids from a PQVL (Award Method 35) and Small Purchase Competitive Sealed Bids from a PQVL (Award Method 37). A similar approach was used for CSPs.*

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<sup>37</sup> The discussion of Small Purchase contracts in this subsection, including references to the Small Purchase Limit and the procedures established to afford more opportunities for M/WBEs and EBEs to compete for City contracts through the “5+5” method only applies to the City’s mayoral agencies.

<sup>29</sup> 9 RCNY § 3-07

<sup>38</sup> *Id.* at § 3-08

<sup>39</sup> NYC Charter § 314

<sup>40</sup> 9 RCNY § 3-08

<sup>41</sup> Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

## B. Registered Contracts Procured by Limited or Non-Competitive Award Methods

Registered Procurement Contract Actions procured by a limited or non-competitive process include Negotiated Acquisitions, Buy-Against Procurements, Government-to-Government Procurements, Sole Sources as well as several others listed in "TABLE III" below.

Use of these Award Methods is typically limited to situations where full competition is neither practicable nor possible due to factors such as:

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

In FY15, 3,685 contracts procured via limited or non-competitive award methods were registered for a total projected value of \$3,383,776,940. Both the total number of registered contracts procured by a limited or non-competitive process as well as the total projected value of such actions decreased from FY14 to FY15.

TABLE III: HISTORICAL COMPARISON OF REGISTERED CONTRACTS PROCURED BY LIMITED OR NON-COMPETITIVE AWARD METHODS<sup>42</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Sole Source Contracts	82	\$2,295,857,379	58	\$1,991,004,709
Emergency Procurement Contracts	208	\$337,131,682	120	\$189,143,190
Negotiated Acquisition Contracts	351	\$303,127,047	290	\$302,470,335
Innovative Procurement Contracts	9	\$3,573,806	4	\$327,003
Demonstration Project Contracts	11	\$2,310,292	8	\$8,281,538
Micropurchase Contracts	254	\$3,849,150	164	\$2,632,108
Government-to-Government Procurement	70	\$285,473,218	67	\$187,507,057
Buy-Against Procurement Contracts	32	\$224,772,256	18	\$14,684,473
Intergovernmental Procurement Contracts	1,176	\$818,088,864	956	\$437,816,047
Determined by Government Mandate	138	\$196,996,950	86	\$107,295,316
Determined by Legal Mandate	4	\$14,046,473	0	\$0.00
Discretionary (Line Item) Contracts	2,379	\$234,328,812	1,914	\$142,615,164
<b>Total</b>	<b>4,714</b>	<b>\$4,719,555,929</b>	<b>3,685</b>	<b>\$3,383,776,940</b>

<sup>42</sup> See Appendix 2 for supporting data pertaining to this table.

## Sole Source Contracts

Sole Source contracts are awarded for a good, service or construction without competition when a determination is made that there is only one source for the required good, service or construction.<sup>43</sup> Sole source contracts are also typically entered into with vendors that own proprietary software as they are the only source for the software. Whenever an agency makes a determination that there is only a single source for a good, service or construction, such a determination must be published in *The City Record*. This notice shall solicit the application of vendors qualified to provide such good, service or construction, or interested in providing such good service or construction in the future.<sup>44</sup>

In FY15, BCA registered 58 Sole Source contracts submitted by 19 agencies for a total registered value of \$1,991,004,709. Of those 19 agencies, SBS registered the largest cumulative value at \$1,923,699,540 (across three contracts), while DPR entered into the most Sole Source contracts at eight for a total registered valued of \$2,472,617. The largest Sole Source agreement registered in FY15 was SBS' Master Agreement with NYCEDC for \$1,686,097,000 (MMA120156200826) and the second was SBS' Maritime Agreement with NYCEDC for \$237,524,000 (MMA120156200841).

## Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an emergency procurement (referred to in the PPB Rules as "Emergency Purchases") may be made with the prior approval of the Comptroller and Corporation Counsel, provided that such procurement shall be made with as much competition as is practical under the circumstances, consistent with applicable provisions of the Charter.<sup>45</sup>

A written determination of the basis for the emergency and the selection of the contractor shall be placed in the agency contract file and the determination or summary of such determination shall be included in the required publication of the notice of contract award.

In FY15, the agency with the largest number of registered Emergency Procurements was HPD with 64, followed by DOE at 14. DOT registered the highest dollar amount in Emergency Procurements at \$101,256,942. DOT also registered the largest Emergency Procurement contract in FY15 with Koch Skanska, Inc. at \$469,814,154 for services relating to the restoration of the City's 12 moveable bridges (CT120151419202).

Additional information and statistics regarding the number of Emergency Procurement approvals issued by the Comptroller's Office in FY15, regardless of registration status, is provided in *Section 4.E* of this Report.

## Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO-approval, to negotiate contracts,<sup>46</sup> due to specific circumstances and subject to the enumerated PPB-based conditions in which it is not practicable and/or advantageous to the City to make the procurement through CSBs or CSPs.<sup>47</sup>

In FY15, DFTA awarded and registered the two largest contracts procured via the Negotiated Acquisition method; a \$15,924,750 contract with Personal - Touch Home Care of NY, Inc. for the provision of homecare services to the elderly (CT120150002402) and a \$13,371,900 contract with People Care, Inc. for similar services (CT120150001309). DOE registered the most Negotiated Acquisition contracts in FY15 at 179 contracts. DOE was also responsible for registering the largest aggregate contract value at \$176,640,046.

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<sup>43</sup> 9 RCNY § 3-05

<sup>44</sup> NYC Charter § 321

<sup>45</sup> Id at § 315

<sup>46</sup> 9 RCNY § 3-06

<sup>47</sup> Id at § 1-01(e)

## Innovative Procurement Contracts

An Innovative Procurement is a prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently authorized by the PPB Rules.<sup>48</sup>

In FY15, the Comptroller's Office submitted the largest Innovative Procurement contract at \$327,000 with Causeway Capital Management LLC for the provision of professional service management analysis, special studies and other services pursuant to an investment management agreement (CT120151415346).

## Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology (for goods, services or construction) not currently used by the City.<sup>49</sup> Procurements authorized through this method permit an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of eight Demonstration Project contracts with a projected value exceeding \$8,250,000 were registered in FY15.

## Micropurchase Contracts

Micropurchases are considered a subset of the "Small Purchase" award method and consist of the purchase of goods and/or services in an amount not to exceed \$20,000 ("Micropurchase Limit").<sup>50</sup> As long as the value of the procurement does not exceed the Micropurchase Limit, no formal competition is required. However, agencies must still ensure that Micropurchase awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.

Micropurchases accounted for \$2,632,108 in agency purchasing activity in FY15. DCA registered the most Micropurchase Contracts at 41 and also had the largest total value of registered Micropurchases in FY15 at \$725,123.

## Government-to-Government Contracts

A Government-to-Government purchase is made by an agency when it determines that it is in the City's best interest to procure goods, services, construction, or construction-related services from another governmental entity.<sup>51</sup> The accepted price, terms and conditions for these procurements are achieved through negotiation between the City agency and the other governmental entity.

In FY15, there were 67 Government-to-Government purchases totaling \$187,507,057.

## Buy-Against Procurement Contracts

Buy-Against Procurements are used by City agencies to obtain goods and services to fulfill its requirements after a vendor defaults or fails to fulfill its contract responsibilities.<sup>52</sup>

In FY15, 18 Buy-Against contracts with a projected value of nearly \$14,700,000 were registered in FY15. DOE was responsible for registering the largest Buy-Against contract at \$2,345,495 with Boro Transit, Inc. for summer pupil transportation for grades K-12 (MA120159570376).

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<sup>48</sup> Id at § 3-12(a)

<sup>49</sup> 9 RCNY § 3-11(a)

<sup>50</sup> Id at § 3-09(c)(1)(ii)

<sup>51</sup> Id at § 3-13(a)

<sup>52</sup> Id at § 1-01(e)



## Intergovernmental Procurement Contracts

The Intergovernmental Procurement award method is used when an agency procures, orders or awards a contract for goods, services, construction or construction-related services through a contract let by another government entity pursuant to § 3-09 of the PPB Rules.<sup>53</sup>

The two most common government entities that City agencies purchase through are the United States General Services Administration (GSA)<sup>54</sup> and the New York State Office of General Services (OGS).<sup>55</sup> An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. In order to purchase services or construction, an agency must certify that the price is fair and reasonable.

New York State Finance Law provides OGS with expansive authority to allow the City to purchase through State contracts.<sup>56</sup> Cooperative purchasing, a procurement conducted by one government entity on behalf of other government entities, is also permissible so long as it is in the City's best interest.

956 Intergovernmental Procurement contracts were registered in FY15. The agency with the highest number and value of Intergovernmental Procurement was DCAS (DMSS), which entered 230 contracts for a total projected value of \$238,254,445. DCAS (DMSS) also entered into the largest single Intergovernmental Procurement contract with CDW Government LLC at \$35 million for the procurement of information technology goods and related services for use by City agencies (MA120151202522). However, this contract was ultimately assigned by DCAS to DoITT and registered on November 19, 2015 (MA185820161201100).

## Determined by Government Mandate

### Required Method

A Required Method is used when a source of funds outside the City, statute or rule, the terms of a court order or consent decree, or other applicable law, identifies the selection method the City agency must use to award the contract. While selection of the procurement method is not governed by the PPB Rules, all other applicable PPB Rules must be followed.<sup>57</sup> For example, New York State Finance Law provides preferred source status to certain vendors for a pre-determined set of goods and services.<sup>58</sup> As a result, when an agency requires a good or service covered by this law, it follows the source selection method required by the State law.

### Required/Authorized Source

A Required/Authorized Source is used when a source of funds outside the City, statute or rule, the terms of a court order or consent decree, or other applicable law, identifies the vendor that City agencies must contract with to obtain the goods or services. With the exception of source selection, all other applicable PPB Rules must be followed by the contracting agency. For example, if an agency applies for funding from the United States Department of Agriculture in which the vendor is named, the agency will contract with the selected vendor directly.

For reporting purposes, the number and value of registered contracts awarded by Required Method or Required/Authorized Source are combined as they share the same Award Method code in FMS (Award Method 26).

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<sup>53</sup> NYC Charter § 316

<sup>54</sup> Pursuant to 40 U.S.C. § 502(c)(1), GSA's authority to allow other government entities to use its contracts is limited to Federal Supply Schedules 70 and 84.

<sup>55</sup> See GML §§ 103(1-b), 104 and 104-b. The City has broad authority to use the contracts let by other governments.

<sup>56</sup> SFL § 163(10)(e)

<sup>57</sup> 9 RCNY § 1-02(d)

<sup>58</sup> SFL § 162

In FY15, BCA registered 86 of these “Determined by Government Mandate” contracts across 20 agencies for a total value of \$107,295,316. The agency with the highest number and value of these contracts was DOHMH, with 34 contracts totaling \$38,632,126.

### Discretionary (Line Item) Contracts

Discretionary contracts are agreements made with not-for-profit organizations or other public service vendors identified by elected City officials other than the Mayor and the Comptroller.<sup>59</sup> The agreements are funded by the respective elected officials available discretionary funding but are administered by City agencies.

In FY15, 1,914 Discretionary contracts processed by 18 agencies were registered for a total value of \$142,615,164. The agency that processed the most discretionary contracts was DYCD, with 1,055 contracts and a total registered value of \$30,502,889. DDC registered the largest cumulative value of Discretionary contract registrations in FY15 at \$35,359,473 (across 32 individual registered agreements). DDC was also responsible for registering the largest single Discretionary contract at \$5,168,000 with Maimonides Medical Center for the purchase of radiology lab machines (CT120151403530).

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<sup>59</sup> Id at § 1-02(e)

## C. Registered Contracts *Exempt* under § 1-02(f) of the PPB Rules

Section 1-02(f) of the PPB Rules lists five transactions that do not qualify as procurements under Chapter 13 of the Charter and are therefore not subject to the PPB Rules:<sup>60</sup>

- Grants;
- Public utility agreements;
- Cable service negotiations;
- Professional membership negotiations; and
- Subscriptions

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

TABLE IV: HISTORICAL COMPARISON OF REGISTERED CONTRACTS *EXEMPT* UNDER § 1-02(F) OF THE PPB RULES<sup>61</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Grant Agreements*	182	\$114,158,711	216	\$68,427,198
Public Utility Contracts	44	\$290,269,464	27	\$12,470,978
Cable Service Negotiation Contracts	2	\$181,594	3	\$138,124
Professional Membership Negotiation	15	\$297,213	7	\$150,720
Subscription Contracts	105	\$5,193,777	134	\$10,345,005
<b>Total</b>	<b>348</b>	<b>\$410,100,759</b>	<b>387</b>	<b>\$91,532,026</b>

\*includes Grant Renewals

### Grant Agreements

A Grant is a cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization or an individual, for use by the recipient in accomplishing objectives established by the recipient.<sup>62</sup> A grant is permissible only to accomplish a public purpose authorized by Federal, State or City law. A grant may be conditional or awarded without other consideration. Federal and State grants are identified specifically by formula or specific allocations in law or in the annual operating budget act, bond authorizations or other acts of Congress or the State legislature. Grants are distinct from procurement contracts, which call for the vendor to produce specific products or to deliver specific goods or services. While there are requirements that result in an executed agreement between the grantor and grantee, grants are not contracts for services.

DCLA registered 111 grants in FY15 for a total of \$18,963,950, SBS processed 48 actions for \$1,693,619, and DOE registered 39 grant agreement actions for \$8,291,623. DDC registered the largest grant award at \$11,100,000 with the American Museum of Natural History to begin the exterior envelope reconstruction work for the museum (CT120151424691).

<sup>60</sup> 9 RCNY § 1-02(f)

<sup>61</sup> See *Appendix 3* for supporting data pertaining to this table.

<sup>62</sup> Id at §§ 1-01(e) and 1-02(f)(1)

## Public Utility Contracts

The Public Utility non-procurement transaction is utilized by agencies where the work or service is provided by public utilities that are regulated by the New York State Public Service Commission (NYSPSC) for which rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.<sup>63</sup> Such services typically include local telephone service, electricity, gas, water, and steam.

During FY15, BCA registered 27 Public Utility transactions submitted by multiple agencies, for a total of \$12,470,978. The majority of these transactions were submitted by DCAS, including the largest public utility contract with Con Edison of New York at \$4,209,193 for the purchase of electricity for use in various City buildings (CT12015500030).

## Cable Service Negotiation Contracts

Cable Service Negotiations is another non-procurement method transaction for the provision of cable television services, or other public services, that are regulated by the NYSPSC.<sup>64</sup> This also includes any interstate public utility that is regulated by either the Federal Energy Regulatory Commission or the Federal Communications Commission.

During FY15, BCA registered three Cable Service Negotiations transactions totaling \$138,124 across two agencies.

## Professional Membership Negotiation Contracts

The Professional Membership Negotiations non-procurement method is a transaction used by agencies when there is a membership or need to renew membership in professional associations, such as attorney bar associations or other industry associations.<sup>65</sup>

During FY15, BCA registered seven Professional Membership Negotiations transactions totaling \$150,720 across four agencies, including the Comptroller's Office.

## Subscription Contracts

The Subscription non-procurement method is a transaction used by agencies to purchase subscriptions including electronic subscriptions for magazines and periodicals, orders for books and "off-the-shelf" training videotapes, and attendance at standard commercially-available training seminars.<sup>66</sup> Software licenses are also purchased through subscriptions as well as various periodicals (both print and online).

During FY15, 134 Subscription contracts were registered for a total of \$10,345,005. DCAS was responsible for the greatest number, with 19 Subscription contracts registered for a combined total value of \$896,601. The largest single Subscription agreement registered was between NYPD and Flightsafety International, Inc. at \$2,500,000 for the provision of pilot training (CT120151409332).

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<sup>63</sup> 9 RCNY § 1-02(f)(2)

<sup>64</sup> Id at § 1-02(f)(3)

<sup>65</sup> Id at § 1-02(f)(4)

<sup>66</sup> Id at § 1-02(f)(5)

## D. Revenue Contract Action Registrations

Franchises, Concessions and Revocable Consents are three types of revenue-generating contracts registered by City agencies. Revenue contracts awarded as Franchises, Concessions and Revocable Consents are governed by Chapter 14 of the Charter. Additional authority for these types of Revenue Contract awards are found in the followings sections of the Rules of the City of New York: Title 12 of Chapter 1 (Concession Rules), Title 6 of Chapter 2 (DCA Rules on Revocable Consents), and Title 34 of Chapter 7 (DOT’s Revocable Consent Rules).

Unlike traditional procurements where the City spends money to receive a good or service, City agencies enter into revenue agreements to generate money by allowing a private vendor to operate on the City’s inalienable property. For instance, concessions awarded by DPR through CSPs generally require the selected vendor to pay the City a “Guaranteed Annual Minimum Fee” or a “Percentage of Gross Receipts,” whichever figure is higher. However, alternate payment structures may be established on a contract-by-contract basis to ensure the best interests of the City are being protected, consistent with governing rules, regulations, local laws, and the parameters of the underlying solicitation, if applicable. With limited exceptions, all monies generated from registered Revenue agreements are deposited into the City’s General Fund.

TABLE V: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE<sup>67</sup>

CONTRACT TYPE	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Franchises	2	\$0.00	5	\$3,265,000
Concessions	119	\$25,321,319	43	\$43,606,378
Revocable Consents	553	\$37,332,859	962	\$32,523,139
Corpus Funded	29	\$128,223,123	37	\$208,131,333
Other Expense Contracts	6	\$22,285,000	9	\$8,938,071
Miscellaneous Revenue-No Expense	4	\$0.00	2	\$0.00
Programs (Not Tax Levy)	11	\$0.00	9	\$0.00
Consultant	1	\$0.00	0	\$0.00
Others	2	\$352,378	1	\$0.00
<b>Total</b>	<b>727</b>	<b>\$213,514,679</b>	<b>1,068</b>	<b>\$296,463,921</b>

### Franchise Agreements

A Franchise is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a *public service*.<sup>68</sup>

Five Franchise actions were registered in FY15 by DoITT. One of these Franchise Agreements was with Citybridge, LLC for the installation and maintenance of public communications structures—specifically, the LinkNYC plan to transform pay phone sites into interactive, WiFi-enabled kiosks.<sup>69</sup> (RCT120158202566). The remaining four Franchises were for the installation, operation and maintenance of cable, wire, and fiber for information services.

<sup>67</sup> See *Appendix 4* for supporting data pertaining to this table.

<sup>68</sup> NYC Charter § 362(b)

<sup>69</sup> <https://www.link.nyc/>



## Concession Agreements

A Concession is a grant made by an agency for the *private* use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs.<sup>70</sup> Concessions do not include franchises, revocable consents and leases.

In FY15, 43 Concessions were registered for a total of \$43,606,378. An example of a Concession agreement registered in FY15 is the \$20,750,000 agreement between DPR and the Crystal Ball Group, Inc. d/b/a Terrace on the Park for the renovation, operation and maintenance of a catering facility, snack bar and/or restaurant at the heliport building in Flushing Meadows Corona Park, Queens for a potential 20-year term (RCT120158203676). This Concession agreement was awarded by CSP.

## Revocable Consent Agreements

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

In FY15, 962 Revocable Consent agreements were registered by DOT (88) and DCA (874) in FY15 for a combined total value exceeding \$32.5 million.

## Corpus Funded Agreements

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

Two agencies were responsible for awarding and registering the 37 Corpus Funded agreements processed in FY15; the Comptroller's Office (36) and DOE (1).

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<sup>70</sup> Id at § 362(a)

## E. Registered Contract Management Actions

Registered “Contract Management Actions” refer to those procurement methods intended to extend or enhance existing registered agreements.

As indicated by TABLE VI below, BCA registered a total of 1,439 Contract Management Actions in FY15 for a collective projected value of \$2,013,406,461. While this represented an increase of 421 from FY14, the total value of the registered Contract Management Actions decreased by \$1,381,564,201. In general, a significant increase in the number of registered Negotiated Acquisition Extensions from FY14 to FY15 is responsible for the overall increase in the number of registered Contract Management Actions.

TABLE VI: HISTORICAL COMPARISON OF REGISTERED CONTRACT MANAGEMENT ACTIONS<sup>71</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Renewals (excludes Grant Renewals)	572	\$2,589,318,539	508	\$1,139,808,106
Negotiated Acquisition Extensions*	446	\$805,652,123	931	\$873,598,355
<b>Total</b>	<b>1,018</b>	<b>\$3,394,970,662</b>	<b>1,439</b>	<b>\$2,013,406,461</b>

\*Includes DOE Negotiated Services Extensions

### Renewal Agreements

A Renewal is the re-registration of a previous contract with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or items to be supplied.<sup>72</sup>

508 renewals were registered in FY15, down 11% from FY14. This figure does not include Grant Renewals which are captured in TABLE IV of Subsection C under “Grant Renewals.”

### Negotiated Acquisition Extensions

Negotiated Acquisition Extensions (NAEs) are a form of contract extension whereby an existing contract, regardless of the original procurement method, can be extended one or more times beyond the current cumulative twelve-month limit, provided that the vendor’s performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan, and the extension(s) is for the minimum time necessary to meet the need.<sup>73</sup>

931 NAEs were registered in FY15. One example of an NAE registered in FY15 is the \$452,677,598 agreement entered into by ACS with YMS Management Associates, Inc. for the provision of childcare voucher payment services (CT120151415996).

<sup>71</sup> See *Appendix 5* for supporting data pertaining to this table.

<sup>72</sup> 9 RCNY § 4-04(a)

<sup>73</sup> Id at § 3-04(b)(2)(iii)

## F. Registered Contracts Procured by “Other” Award Methods

“Other” Registrations include contract actions that cannot be easily classified using one of the aforementioned general award categories. For purposes of this Report, these include the ten individual award methods listed in TABLE VII below.

A total of 403 registrations by “Other” Award Methods were processed in FY15 for a combined projected value of \$1,863,664,893. Although the total registrations in this category decreased by 25 from FY14 to FY15, the number of registered assignments, DOE Listing Applications, Watershed Agreements and Force Account Negotiation Contracts all increased. The most significant decrease from FY14 to FY15 pertains to the registration of Leases/Lessee Negotiation Agreements which saw a 42% drop in the number of registered transactions.

TABLE VII: HISTORICAL COMPARISON OF REGISTRATIONS BY “OTHER” AWARD METHODS<sup>74</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Leases/ Lessee Negotiation Agreements	165	\$1,023,343,806	96	\$1,271,086,165
Watershed Agreements	46	\$11,022,640	53	\$12,354,726
Assignments*	113	\$2,072,517,718	139	\$450,004,939
Force Account Negotiation Contracts	19	\$9,871,312	22	\$5,389,091
DOE Listing Application	24	\$28,126,223	42	\$86,466,914
Non-Procurement Contracts	1	\$39,483	0	\$0.00
Contract Conversions	2	\$484,058	0	\$0.00
Real Estate Sales & Purchase Agreements	3	\$65,424,096	2	\$45,513
Bonds**	16	\$33,825,000	12	\$18,880,000
Miscellaneous	39	\$15,508,394	37	\$19,437,544
<b>Total</b>	<b>428</b>	<b>\$3,260,162,730</b>	<b>403</b>	<b>\$1,863,664,893</b>

\*Excludes “RCT1s.”

\*\* Includes Contract Type 88 (Bonds) and Contract Category 104 (Bonds/Letter of Credit).

### Leases/Lessee Negotiation Agreements

Leases are agreements entered into between the City and a landlord for use of real property by the City. In certain situations, the agreement for the use of real property by the City can take the form of a “license.” The acquisition and use of the real property through a Lease is not subject to the competitive bidding requirements of the PPB Rules or GML § 103. As required by the Charter, most Leases for real property are negotiated and entered into by DCAS, generally on behalf of other City agencies, community boards and borough president’s offices.<sup>75</sup>

In FY15, 96 Leases were entered into for a total value of \$1,271,086,165.

<sup>74</sup> See Appendix 6 for supporting data pertaining to this table.

<sup>75</sup> NYC Charter § 824(a)

## Watershed Agreements

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

During FY15, a total of 53 Watershed Agreements were registered for DEP for an aggregate registration value of \$12,354,726.

## Assignments

A contract Assignment is a transaction that is generally used to transfer an active registered agreement, or portion thereof, from the original contractor to a new contractor for completion of the original deliverables. The terms and conditions of the original agreement, as assigned, do not change.

During FY15, 139 Assignments were registered for a total value of \$450,004,939.

## Force Account Negotiation Agreements

A Force Account is the payment method used for extra work if the contractor, primarily the New York City Transit Authority (NYCTA or TRANSIT), Long Island Rail Road (LIRR), and the City have not agreed on a unit price or lump sum amount, or if those methods are impracticable. Force account payments cover labor, materials, and equipment and they may also cover other miscellaneous expenses.

A total of 22 Force Account Negotiation agreements across three agencies were registered during FY15 for an aggregate registration value of \$5,389,091.

## DOE Listing Application Contracts

As the name suggests, the "DOE Listing Application" Award Method is unique to DOE. It permits the creation of a listing application for the purchase of content provided directly to students, materials that are available only from the publisher, artistic performances and admission to programs offered by cultural institutions.<sup>76</sup> This method may also be established to pay for costs incidental to presentations or workshops geared toward explaining the methodology of a specific published/copyrighted item or costs incidental to the admission to a cultural event that includes workshops or presentations geared toward teaching tools that will enhance the use of the original materials, performances or programs purchased.

Forty-two DOE Listing Application contracts were registered in FY15 for a total registered value of \$86,466,914.

## Real Estate Sales & Purchase Agreements

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

During FY15, two Real Estate Sales & Purchases agreements were registered for a total value of \$45,513.

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<sup>76</sup> PPP § 3-06(a)

## Bond Agreements

Bond agreements or “Letter of Credit” agreements allow the City to issue variable rate bonds that are intended to reduce the interest rates the City must pay on its bonds and ensure that bonds are purchased in the event of a failed remarketing. Solicitations for these transactions are issued pursuant to NYS Local Finance Law and not the PPB Rules.<sup>77</sup>

Twelve Bond agreements were registered in FY15 for the Comptroller’s Office, with an aggregate registered value of \$18,880,000.

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<sup>77</sup> See § 4.90 of NYS Local Finance Law which requires variable rate bonds to have letters of credit or liquidity facilities backing them.



## Section 3: Modifications

Modifications are used by a City agency to modify or adjust an existing registered contract.<sup>78</sup> Most often, these changes are effectuated through methods such as Amendment Extensions and Change Orders.

An Amendment Extension is a contract amendment that extends the contract term for good and sufficient cause for a cumulative period not to exceed twelve months from the date of expiration of the underlying contract.<sup>79</sup> A Change Order, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement in some way.<sup>80</sup> There are generally two types of Change Orders: Construction Change Orders and Design Change Orders.

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

In FY15, 43,847 Modifications were registered by City Agencies. This number represents all categories of Modifications.

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<sup>78</sup> 9 RCNY § 4-02

<sup>79</sup> Id at § 4-02(b)(iii)

<sup>80</sup> Id at § 1-01(e)

## PART III

# Section 4: Highlights from FY15

In FY15 2015, BCA received over 20,600 Contract Actions for registration, all of which were processed through a proprietary workflow application known as the Omnibus Automated Image Storage and Information System (OAISIS). Of those, approximately 91% were ultimately registered while around 9% were returned to or withdrawn by the submitting agency. The total number of Contract Actions submitted to BCA in FY15 represents a slight decrease (around 3%) from FY14 submissions that totaled just over 21,000.

BCA strives to ensure that the City's funds are properly safeguarded by identifying ways to increase transparency, accountability and efficiency in the procurement process. In FY15, BCA undertook several initiatives, often in collaboration with other bureaus within the Comptroller's Office and/or the Administration, to further this goal. A few of these initiatives are summarized below.

### A. Amendments to the PPB Rules

On September 14, 2015, a City Administrative Procedures Act ("CAPA") Public Hearing was held concerning seven amendments proposed by the PPB to Chapters 1, 2 and 3 of Title 9 of the Rules of the City of New York (or "PPB Rules").

On October 21, 2015, the PPB unanimously adopted all seven amendments, as follows:<sup>81</sup>

- **Emergency Procurements:** The adopted amendment modifies Chapter 3 of Title 9 of the Rules of the City of New York to reflect new City Council notification requirements whenever City agencies procure emergency goods, services or construction. The changes were based on amendments to Section 315 of the Charter as of result of Local Law 135 of 2013.
- **Micropurchases:** The adopted amendment increased the Micropurchase Limit for the award of construction contracts that can be made without competition from \$20,000 to \$35,000 in a sustained effort to increase M/WBE Micropurchase awards.
- **Extension of Time for Performance:** The adopted amendment expanded the requirements for the application and approval of time extension requests for contracts requiring construction, goods, and non-construction related services to permit all services contracts and task orders under task order contracts to be extended pursuant to the rule.
- **Investment Services:** The adopted amendment permits one or more of the City retirement systems to use the negotiated acquisition award method to allow direct contracts with a vendor that has successfully provided investment management services to such system under an emerging manager program.
- **Public Notice:** The adopted amendment requires that agencies email invitations for bids (IFBs), request for proposals (RFPs) or notices of their availability to vendors unless a CCPO-approved waiver is obtained. Additionally, it requires that IFBs, RFPs or notices of their availability include the email address of the agency contract person, if applicable.
- **Best Value:** The adopted amendment established requirements for implementing quantitative factors for M/WBEs when evaluating bids and offers for awarding of contracts as per State Finance Law § 163(1)(j).

According to CAPA, an adopted amendment generally becomes effective 30 days after a notice of adoption containing the final amended rule is published in *The City Record*.

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<sup>81</sup> The PPB is comprised of five members; three members appointed by the Mayor and two members appointed by the Comptroller. The PPB is authorized to promote and put into effect rules governing the procurement of goods, services, and construction by the City under Chapter 13 of the Charter.

## B. Agency Purchase Orders (PON1s, PODs, POCs and PCC1s)

The PPB Rules define a “Purchase Order” as an official document of the City directing the vendor to perform. A purchase order formalizes a transaction with a vendor for purchases generally at or below the small purchase limits unless the purchase order is placed against an existing contract.<sup>82</sup> FMS contains four different purchase order types: PCC1, POD, POC and PON1.

Pursuant to Comptroller Directive #24 dated April 15, 2004 and re-issued on March 11, 2014, the purchase of commodities below the small purchase and micro-purchase limits can be processed through PCC1s, PODs, and POCs. Non-commodity purchase orders (PON1s) may only be used for general agency encumbrances for special, non-procurement expenditures for which a contract or other Purchase Document is not required.<sup>83</sup>

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

In FY15, the total number of purchase orders processed decreased by 25%. Most significantly, the total number of PON1s decreased by 60%.

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<sup>82</sup> 9 RCNY § 1-01(e)

<sup>83</sup> Since the original issuance of Comptroller’s Directive #24 on April 15, 2004, the City’s financial management system was upgraded from FMS2 to FMS3. As a result of such change, many FMS purchase document names were updated. When the Directive was reissued on March 11, 2014, it included an addendum, in the form of a “Crosswalk,” identifying what each FMS2 purchase document type was replaced with when FMS3 was implemented.

TABLE VIII: HISTORICAL COMPARISON OF AGENCY PURCHASE ORDERS BY TYPE<sup>84</sup>

PURCHASE ORDER TYPE	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No.	Total PO Value	Total No.	Total PO Value
PCC1*	9,171	\$7,241,321	8,596	\$8,664,116
POD**	18,291	\$77,856,423	19,264	\$92,524,269
POC***	57,416	\$587,306,653	64,706	\$694,134,285
PON1****	82,706	\$15,139,543,753	33,020	\$15,354,744,445
<b>Total</b>	<b>167,584</b>	<b>\$15,811,948,150</b>	<b>125,586</b>	<b>\$16,150,067,115</b>

\*PCC1 refers to a Commodity Purchase Order - Small Purchase Construction

\*\*POD refers to a Commodity Purchase Order - Micropurchase

\*\*\*POC refers to a Commodity Purchase Order – Small Purchase

\*\*\*\*PON1 refers to a Non - Commodity Purchase Order

CHART VI: TOP FIVE AGENCIES BY TOTAL NUMBER OF PURCHASE ORDERS IN FY15

Top Five Agencies by Number - PCC1s			Top Five Agencies by Number - PON1s		
Agency	Total No.	Total Value	Agency	Total No.	Total Value
HPD	8,507	\$8,143,222	DOE	18,737	\$3,809,924,638
HHC	78	\$368,459	CUNY	10,695	\$145,056,475
BPL	5	\$88,887	DCLA	1,050	\$90,540,082
NYPD	3	\$38,603	HRA(DSS)	575	\$553,669,382
LAW	3	\$24,944	HPD	204	\$51,586,611
<b>Subtotal (Top 5)</b>	<b>8,596</b>	<b>\$8,664,116</b>	<b>Subtotal (Top 5)</b>	<b>31,261</b>	<b>\$4,650,777,188</b>
<b>Subtotal (All Other Agencies)</b>	<b>0</b>	<b>\$0.00</b>	<b>Subtotal (All Other Agencies)</b>	<b>1,759</b>	<b>\$10,703,967,257</b>
<b>Total PCC1s</b>	<b>8,596</b>	<b>\$8,664,116</b>	<b>Total PON1s</b>	<b>33,020</b>	<b>\$15,354,744,445</b>
Top Five Agencies by Number - PODs			Top Five Agencies by Number - POCs		
Agency	Total No.	Total Value	Agency	Total No.	Total Value
DPR	1,693	\$6,686,696	DOE	59,405	\$97,235,541
DEP	1,550	\$12,637,118	NYPD	3,209	\$18,815,858
DOHMH	1,256	\$9,370,810	LAW	453	\$3,051,939
ACS	1,076	\$10,693,382	DOT	345	\$4,595,888
COUNCIL	943	\$1,188,309	HPD	245	\$422,670,803
<b>Subtotal (Top 5)</b>	<b>6,518</b>	<b>\$40,576,314</b>	<b>Subtotal (Top 5)</b>	<b>63,657</b>	<b>\$546,370,029</b>
<b>Subtotal (All Other Agencies)</b>	<b>12,746</b>	<b>\$51,947,955</b>	<b>Subtotal (All Other Agencies)</b>	<b>1,049</b>	<b>\$147,764,256</b>
<b>Total PODs</b>	<b>19,264</b>	<b>\$92,524,269</b>	<b>Total POCs</b>	<b>64,706</b>	<b>\$694,134,285</b>

<sup>84</sup> See Appendix 7 for supporting data pertaining to this table.

## C. Contract Retroactivity

Of the 13,203 Contract Actions registered in FY15, a total of 9,152 (or 69.3%) were retroactive. For the purposes of this Report, a contract is considered “retroactive” when its start date (as set forth in the legal instrument or other governing document and reflected on the Advice of Award) occurs *prior* to the FMS Contract Registration Date.

Of the 13,203 Contract Actions registered in FY15, a total of 9,152 (or 69.3%) were retroactive. 67% of Procurement Contract Actions were retroactive, while 96% of registered Revenue Contract Actions were retroactive.

CHART VII: TOP TEN AGENCIES BY NUMBER OF  
RETROACTIVE REGISTERED CONTRACT ACTIONS IN FY15

Agency	Number of Retroactive Contracts	Total Registered Value
DYCD	1,984	\$511,773,970.85
DCA	903	\$23,564,095.89
DOE	839	\$2,338,533,122.14
DOHMH	554	\$211,177,882.83
DFTA	473	\$88,931,077.63
HRA (DSS)	421	\$1,147,804,235.71
DCAS (DMSS)	373	\$811,126,307.03
DEP	297	\$372,384,449.51
HPD	273	\$126,648,703.66
DPR	265	\$135,928,104.58
<i>Total (Top 10)</i>	<i>6,382</i>	<i>\$5,767,871,950</i>
<i>Subtotal (All Other Agencies)</i>	<i>2,770</i>	<i>\$6,705,801,943</i>
<i>Total Retroactive Contracts</i>	<i>9,152</i>	<i>\$12,473,673,893</i>
<i>Total Registered Contracts Actions</i>	<i>13,203</i>	<i>\$17,442,180,931</i>



CHART VIII: TOP TEN AGENCIES BY NUMBER OF  
RETROACTIVE REGISTERED PROCUREMENT CONTRACT ACTIONS IN FY15

Agency	Number of Retroactive Contracts	Total Registered Value
DYCD	1,984	\$511,773,971
DOE	838	\$2,338,248,122
DOHMH	552	\$211,177,883
DFTA	473	\$88,931,078
HRA (DSS)	412	\$1,147,804,236
DCAS (DMSS)	373	\$811,126,307
DEP	297	\$372,384,450
HPD	273	\$126,648,704
DPR	264	\$135,807,605
NYPD	237	\$218,786,974
<b>Total (Top 10)</b>	<b>5,703</b>	<b>\$5,962,689,328</b>
<b>Subtotal (All Other Agencies)</b>	<b>2,423</b>	<b>\$6,259,347,922</b>
<b>Total Retroactive Contracts</b>	<b>8,126</b>	<b>\$12,222,037,252</b>
<b>Total Registered (Procurement)</b>	<b>12,135</b>	<b>\$17,145,717,009</b>

CHART IX: TOP TEN AGENCIES BY NUMBER OF  
RETROACTIVE REGISTERED REVENUE CONTRACT ACTIONS IN FY15

Agency	Number of Retroactive Contracts	Total Registered Value
DCA	874	\$21,744,042
DOT	86	\$9,502,197
COMP	36	\$207,846,333
HRA (DSS)	9	\$0.00
DOITT	5	\$3,265,000
DSNY	4	\$7,620,000
DCAS	3	\$1,228,071
NYPD	2	\$0.00
SBS	2	\$25,500
DOHMH	2	\$0.00
<b>Total (Top 10)</b>	<b>1,023</b>	<b>\$251,231,143</b>
<b>Subtotal (All Other Agencies)</b>	<b>3</b>	<b>\$405,500</b>
<b>Total Retroactive Contracts</b>	<b>1,026</b>	<b>\$251,636,643</b>
<b>Total Registered (Revenue)</b>	<b>1,068</b>	<b>\$ 296,463,921</b>

In addition to analyzing retroactivity for registered Contract Actions in FY15, including registered Procurement Contract Actions and registered Revenue Contract Actions, this Report also analyzed whether or not Task Orders (TOs or CTA1s) issued off of agency Master Agreements (MA1s or MMA1s) met the above definition of “retroactive” as well.

As CHART X indicates, 86.4% of all registered TOs in FY15 were retroactive (774 of 896 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (162) represents 18.1% of the total number of registered TOs in FY15, but only 21% of all retroactive CTA1 registrations for the same twelve-month period.

CHART X: TOP TEN AGENCIES BY NUMBER OF  
RETROACTIVE REGISTERED TASK ORDERS (CTA1s) IN FY15

Agency	Number of Retroactive CTA1s	Total Registered Value
SBS	113	\$186,172,457
DOE	102	\$38,695,063
DOITT	72	\$89,850,541
DOHMH	69	\$4,692,090
HPD	65	\$17,524,726
DSNY	54	\$5,360,144
DDC	44	\$38,547,696
DPR	43	\$16,415,990
DHS	29	\$455,305
DOT	21	\$78,624,325
<b>Total (Top 10)</b>	<b>612</b>	<b>\$476,338,337</b>
<b>Subtotal (All Other Agencies)</b>	<b>162</b>	<b>\$180,517,078</b>
<b>Total Retroactive CTA1s</b>	<b>774</b>	<b>\$656,855,415</b>
<b>Total Registered CTA1s</b>	<b>896</b>	<b>\$712,980,309</b>

## D. Emergency Procurements Approvals

As discussed in Part II of this Report, the PPB Rules require that the City’s mayoral agencies receive prior approval to utilize the “Emergency Purchases” procurement method from both the Comptroller and the Corporation Counsel after determining that the particular circumstances present a case of unforeseen danger to life, safety, property or a necessary service.<sup>85</sup>

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

Unlike the Emergency Procurement registration data presented in Section of this Report, here we highlight the number of prior approvals granted by the Comptroller’s Office to use the “Emergency Purchases” procurement method to enter into a contract(s) for goods and/or services, regardless of whether the award and contract(s) ultimately negotiated by the agency was also registered in FY15. For instance, a total of 16 agencies registered Emergency procurement contracts in FY15. However, not all Emergency procurement requests approved in a given fiscal year are also registered within that same fiscal year. While the Comptroller’s Office registered 120 Emergency Procurement contracts across 16 agencies in FY15, it approved 92 initial requests submitted by 14 agencies to utilize the Emergency Purchases procurement method during the same period.

In addition to approving initial requests to enter into an Emergency procurement, the Comptroller’s Office also approved 14 amendments or modifications to previously issued Emergency procurement approvals. These subsequent approvals are generally submitted to the Comptroller’s Office when an agency anticipates that it will exceed the maximum contract amount set forth in the original approval. These are also submitted and issued whenever material changes in scope and/or changes to timelines occur.

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

At 65, HPD received the most prior approvals of any other agency during FY15. Of these, 59 were new approvals while six were revisions to initial approvals. Typically, HPD must wait until DOB observes dangerous conditions at a particular structure (or a portion thereof) and, as a result of the severity of the unsafe condition(s), issues an Emergency Declaration which notifies the structure’s owner of the requirement to begin work immediately to remediate the severity of the conditions. If the owner fails to take such remedial action or do so satisfactorily, the City performs the work as detailed in the Emergency Declaration and may seek to recover its expenses from the building owner. In many instances, HPD’s is responsible for contracting vendors to perform demolition services relating to the failing structure on an emergency basis.

In FY15, BCA provided prior approval for five DOHMH Emergency Procurement requests relating to the agency’s preparedness and response to the Ebola Virus Disease (EVD). One of these approvals enabled DOHMH to procure six (6) BioFire FilmArray instruments and up to 50 reagent kits at an estimated cost of \$316,000. Another approval enabled the agency to purchase a VITEK MS System at an estimated cost of \$205,000 in support of the same EVD preparedness and response initiative.

TABLE IX below provides a breakdown of the total number of Emergency Procurement Approvals (by agency) issued by the Comptroller’s Office in FY15, regardless of whether the award and contract(s) ultimately negotiated by the agency was also registered in FY15.

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<sup>85</sup> 9 RCNY 3-06(a)

TABLE IX: EMERGENCY PROCUREMENT APPROVALS BY AGENCY IN FY15<sup>86</sup>

AGENCY	EMERGENCY PROCUREMENT APPROVALS		TOTAL APPROVALS
	New Approvals	Amended Approvals	
HPD	59	6	65
DOHMH	8	2	10
NYPD	4	3	7
DOT	4	1	5
DSNY	4	0	4
DEP	3	0	3
ACS	2	0	2
OEM	2	0	2
DHS	1	1	2
DOC	1	1	2
DPR	1	0	1
TLC	1	0	1
DCAS	1	0	1
BOE	1	0	1
<b>Total</b>	<b>92</b>	<b>14</b>	<b>106</b>

<sup>86</sup> See *Appendix 8* for data supporting this table.

## Section 5: Agency Specific Data & Analysis

### A. DOE FY15 Contract Registrations

DOE oversees schools that serve approximately one million students each year.<sup>87</sup> Its Division of Contracts and Purchasing (DCP) is responsible for awarding goods and services contracts. Given the volume of DOE procurements, DOE's diverse procurement portfolio and DOE's sheer leverage from a buying/budget/accounting perspective, the Comptroller's Office determined that a more in-depth review of the agency's FY15 procurement activity should be included in this Report.

Although DOE is a creature of NYS Law and is therefore not subject to the PPB Rules, DOE is required by NYS Education Law to create, implement and follow a set of procurement rules.<sup>88</sup> These rules, known as the *Procurement Policy and Procedures* (PPP) were approved by the Panel of Education Policy (PEP) on January 27, 2010.<sup>89</sup> Amendments to the PPP were subsequently approved by the PEP on December 21, 2012.

The PPP was implemented to "ensure the wise, prudent, and economical use of public money."<sup>90</sup> Specifically, they are intended "to ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to maximum quality, lowest cost or lowest possible cost, and efficiency," "to make as consistent as possible the uniform application of these policies throughout the DOE," and "to provide for increased public confidence in the DOE's public procurement procedures."

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

- Competitive sealed bidding;
- Request for proposals;
- Multiple task award contract process;
- Expedited competitive solicitation;
- Listing application;
- Sole source goods procurement;
- Negotiated services;
- Emergency purchases;
- Simplified procurement;
- Purchases through governmental contracts;
- Demonstration projects for innovative products, approaches, or technologies;
- Innovative procurement methods;
- Government-to-government purchases; or
- Consultant contracts with individuals.<sup>91</sup>

As mentioned in the FY14 Report, the PPP is very similar to the PPB in terms of intent, award methods, and requirements. However, there are some considerable differences between the two which offer DOE significantly more discretion in the contract solicitation, vetting and award process. One constant, however,

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<sup>87</sup> <http://schools.nyc.gov/AboutUs/schools/data/stats/default.htm>

<sup>88</sup> NYS Education Law § 2590-g

<sup>89</sup> See PPP § 1-01 ("Definitions") which states that the Panel for Educational Policy is the "The board of education of the city school district of the City of New York consisting of thirteen appointed members as set forth in the New York State Education Law Section § 2590-b of Article 52-A."

<sup>90</sup> PPP § 1-01

<sup>91</sup> Id at § 3-01(a)

is the requirement that DOE contracts funded partially or in full by the City treasury be registered with the Comptroller's Office prior to implementation. According to § 2-09(a) of the PPP (Applicability):

Unless otherwise provided by law or these Procedures, all contracts, franchises, revocable consents and concessions shall be presented to the Comptroller for registration. Registration of a contract by the Comptroller shall not constitute an approval of the contract nor an approval of the process by which the contract or agreement was awarded.<sup>92</sup>

Although § 3-01(b) of the PPP specifies a “Preference for Competitive Sealed Bidding,” the majority of DOE’s procurements were awarded and registered via “Alternate Source Selection Methods.”<sup>93</sup> Section 3-01(d) of the PPP (“Justification for Alternative Source Selection Method”) states:

Upon determining that there is a situation which warrants awarding a contract using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, the Procurement Manager shall use the most competitive alternative method of procurement provided for in § 3-01(a) of these Procedures which is appropriate under the circumstances. The Procurement Manager shall make a written determination justifying the basis, including the efficiency, benefit and necessity, for awarding a contract using a procurement method other than competitive sealed bidding.<sup>94</sup>

Additionally, the PPP does not require registration of purchase orders used to make purchases pursuant to requirements contracts that have been registered with by BCA<sup>95</sup> nor does the PPP require that “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.<sup>96</sup>

Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike mayoral agencies, the PPP does not require that DOE receive prior approval from the Comptroller and Corporation Counsel to invoke use of the “Emergency Procurement” method. Rather, the prior approval is handled internally rather than through independent third party oversight agencies.

During FY15, 14 Emergency Procurements were registered by DOE for a total registration value of \$36,010,621.

#### Notable Observations Pertaining to DOE FY15 Registered Agreements

- A total of 2,891 DOE Contract Actions were registered in FY15 for a total registered value of \$2,532,763,255. This represents 14.5% of the total registered FY15 Contract Action value Citywide.
- While DOE’s use of Emergency Procurements accounted for less than 1% of its own total FY15 contract registration portfolio (14 of 2,891 contracts), it accounted for approximately 13.2% of the total citywide Emergency Contracts awarded and registered in FY15 (14 of 106 contracts). This represented just over 1% of DOE’s total registered contract value in FY15, but over 19% of the total value of registered Emergency contracts for the same period Citywide.
- While DOE’s use of Negotiation Acquisition Award Method accounted for approximately 6.2% of its total number of FY15 Contract Actions registrations (179 of 2,891 contracts), it accounted for

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<sup>92</sup> PPP § 2-09(a)

<sup>93</sup> See PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”)

<sup>94</sup> PPP § 3-01(d)

<sup>95</sup> See PPP § 2-09(b) (“Registration is not required for purchase orders used to make purchases pursuant to requirements contracts that have been registered with the Comptroller.”)

<sup>96</sup> NYC Charter § 328(d)(1)



approximately 61.5% of the total Citywide Negotiated Acquisition contracts awarded and registered in FY15 (179 of 291 contracts).

- While DOE’s use of the Buy-Against Award Method accounted for less than 1% of its total FY15 contract registrations (9 of 2,891 contracts), it accounted for approximately 50% of the total Citywide Buy-Against Contracts awarded and registered in FY15 (9 of 18 contracts).
- While DOE’s use of the Assignment procurement method accounted for less than 1% of its total FY15 contract registrations (26 of 2,891 contracts), it accounted for just over 18% of the total Citywide Buy-Against Contracts awarded and registered in FY15 (26 of 143 contracts).

TABLE X: TOTAL DOE REGISTERED CONTRACT ACTIONS IN FY15<sup>97</sup>

AWARD METHOD	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Competitive Sealed Bids [01]	197	\$2,136,008,667	85	\$1,122,481,154
Competitive Sealed Proposals [02]	139	\$296,442,962	297	\$539,116,702
PQVL Competitive Sealed Proposals [22]	101	\$68,517,882	60	\$122,631,910
Renewals [10]	112	\$68,070,274	74	\$203,816,663
Intergovernmental [5]	15	\$185,333,666	11	\$5,702,648
Emergency Procurements [06]	40	\$211,087,392	14	\$36,010,621
Negotiated Acquisitions [21]	41	\$76,226,317	179	\$176,640,046
Buy-Against Procurements [28]	25	\$216,343,604	9	\$10,770,661
Discretionary (Line Item) Awards [12]	18	\$4,723,953	15	\$2,057,200
Lessee [07]	26	\$415,684,856	5	\$23,854,624
Grants [51]	24	\$7,010,061	25	\$6,821,424
Grant Renewal [511]	6	\$509,237	14	\$1,470,199
DOE Listing Application [040]	24	\$26,971,223	42	\$86,466,914
Sole Source [05]	2	\$631,014	0	\$0.00
Determined by Government Mandate [26]	1	\$450,000	0	\$0.00
Small Purchase-Written [32]	1,591	\$39,775,000	2,026	\$50,650,000
Corpus Funded [Contract Type 25]	1	\$67,200	1	\$285,000
Government to Government [17]	0	\$0.00	6	\$5,887,642
Demonstration Project [23]	0	\$0.00	1	\$431,440
Miscellaneous [99]	0	\$0.00	1	\$2,585,473
Assignment [29]	32	\$200,301,659	26	\$135,082,933
<b>Total</b>	<b>2,395</b>	<b>\$3,955,309,967</b>	<b>2,891</b>	<b>\$2,532,763,255</b>

<sup>97</sup> See Appendix 8 for supporting data pertaining to this table.

## B. DoITT FY15 Information Technology Contract Registrations (Task Orders Awarded through Master Agreements)

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

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

In FY 15, over 800 Task Orders (TOs)—also known as CTA1s—issued pursuant to master contracts held by multiple City agencies were registered for a total value of nearly \$713 million. Of these, 74 (8.3%) were TOs issued and registered from master information technology contracts held by DoITT with a total registration value of approximately \$93,616,116.

TABLE XI: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS (CTA1s)  
ISSUED THROUGH MASTER AGREEMENTS<sup>98</sup>

CTA1 CATEGORY	FISCAL YEAR 2014		FISCAL YEAR 2015	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
Total CTA1s (DOITT)	174	\$28,056,871	74	\$93,616,116
Total CTA1s (ALL Other Agencies)	882	\$912,602,233	822	\$619,364,193
<b>Total</b>	<b>1,056</b>	<b>\$940,659,104</b>	<b>896</b>	<b>\$712,980,309</b>

<sup>98</sup> See *Appendix 9* for supporting data pertaining to this table.

PART IV

## Section 6: BLL FY15 Annual Report pursuant to § 6-109 of the Administrative Code

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

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50 and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.<sup>99</sup>

The Comptroller is required by § 6-116.2 of the Administrative Code to include this information in the annual summary contracts report published by BCA on behalf of the Comptroller.<sup>100</sup> The required reporting information is presented in CHART XI below.

CHART XI: BLL FY15 ANNUAL REPORT PURSUANT TO § 6-109 OF THE ADMINISTRATIVE CODE

TYPE OF WORK	Number of Pending Cases (as of 7/1/14)	Number of New Cases Opened during FY15	Number of Cases Closed during FY15	Closed Result
Temporary Office Services	1	0	0	N/A
Building Services	2	0	0	N/A
Food Services	0	0	0	N/A
Day Care Services	0	0	0	N/A
Head Start Services	0	0	0	N/A
Home Care Services	0	3	1	No Violation
Services to Persons with Cerebral Palsy	0	0	0	N/A

<sup>99</sup> NYC Admin. Code § 6-109

<sup>100</sup> In addition to the report required by § 6-109, BLL is also responsible for the Comptroller's compliance with an annual reporting requirement set forth in § 6-130(d)(1) of the Administrative Code. BLL reports that the NYC Economic Development Corporation provided the Comptroller's Office with a list of covered developers on March 10, 2015 pursuant to § 6-130(c)(7) of the Administrative Code. Furthermore, BLL reports that it received no complaints of underpayment under the statute.

## PART V

# Section 7: Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Fiscal Year:** Unless otherwise indicated, the word "year" as it related to terms of contracts shall mean the City's fiscal year. (9 RCNY § 1-01(e)). For the purpose of this Report, the fiscal year covered is Fiscal Year 2015 which runs from July 1, 2014 through June 30, 2015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Section 8: Appendices<sup>101</sup>

*Appendices 1 – 9 and 16* are available by clicking the appropriate link below. *Appendices 10 - 15* are available on the pages that immediately follow.

**APPENDIX 1: FY15 REGISTERED CONTRACTS PROCURED BY COMPETITIVE AWARD METHODS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-1.xlsx>

**APPENDIX 2: FY15 REGISTERED CONTRACTS PROCURED BY LIMITED OR NON-COMPETITIVE AWARD METHODS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-2.xlsx>

**APPENDIX 3: FY15 REGISTERED CONTRACTS EXEMPT UNDER § 1-02 OF THE PPB RULES**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-3.xlsx>

**APPENDIX 4: FY15 REGISTERED REVENUE CONTRACT ACTIONS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-4.xlsx>

**APPENDIX 5: FY15 REGISTERED CONTRACT MANAGEMENT ACTIONS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-5.xlsx>

**APPENDIX 6: FY15 REGISTERED CONTRACTS PROCURED BY "OTHER" AWARD METHODS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-6.xlsx>

**APPENDIX 7: FY15 REGISTERED AGENCY PURCHASE ORDERS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-7.xlsx>

**APPENDIX 8: FY15 REGISTERED DOE CONTRACT ACTIONS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-8.xlsx>

**APPENDIX 9: FY15 TASK ORDERS AWARDED THROUGH MASTER AGREEMENTS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-9.xlsx>

**APPENDIX 16: FY15 BCA EMERGENCY PROCUREMENT APPROVALS**

<http://comptroller.nyc.gov/wp-content/uploads/2016/01/FY15-ANNUAL-CONTRACTS-REPORT-Appendix-16.xlsx>

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<sup>101</sup> The column heading labeled “Award Level” in Appendices 1 through 8 refers to the level of competition received for an individual procurement. The numbers listed in the “Award Level” column correspond to the following level of competition received: (1) Single Bid; (2) Multiple Responses/Lowest Chosen; (3) Multiple Responses/Not Lowest Chosen; (30) Conversion; (4) Revenue-Single Response Received; (5) Revenue-Highest of Multiple Responses; (6) Revenue-Not Highest/Multiple Responses; and (7) Best Value/Not Lowest Selected.

APPENDIX 10: AGENCY LIST

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

Agency Code	Agency Name	Agency Short Name
096	Human Resources Administration	HRA
101	Public Advocate	PA
102	City Council	CC or COUNCIL
125	Department for the Aging	DFTA
126	Department of Cultural Affairs	CULT or DCLA
127	Financial Information Services Agency	FISA
130	Department of Juvenile Justice	DJJ
131	Office of Payroll Administration	OPA
132	Independent Budget Office	IBO
136	Landmarks Preservation Commission	LPC
156	NYC Taxi and Limousine Commission	TLC
226	Commission on Human Rights	HRC
260	Department of Youth and Community Development	DYCD
312	Conflicts of Interest Board	COIB
313	Office of Collective Bargaining	OCA
341	Manhattan Community Board # 1	MCB1
342	Manhattan Community Board # 2	MCB2
343	Manhattan Community Board # 3	MCB3
344	Manhattan Community Board # 4	MCB4
345	Manhattan Community Board # 5	MCB5
346	Manhattan Community Board # 6	MCB6
347	Manhattan Community Board # 7	MCB7
348	Manhattan Community Board # 8	MCB8
349	Manhattan Community Board # 9	MCB9
350	Manhattan Community Board # 10	MCB10
351	Manhattan Community Board # 11	MCB11
352	Manhattan Community Board # 12	MCB12
381	Bronx Community Board # 1	BXCB1
382	Bronx Community Board # 2	BXCB2
383	Bronx Community Board # 3	BXCB3
384	Bronx Community Board # 4	BXCB4
385	Bronx Community Board # 5	BXCB5
386	Bronx Community Board # 6	BXCB6



Agency Code	Agency Name	Agency Short Name
387	Bronx Community Board # 7	BXCB7
388	Bronx Community Board # 8	BXCB8
389	Bronx Community Board # 9	BXCB9
390	Bronx Community Board # 10	BXCB10
391	Bronx Community Board # 11	BXCB11
392	Bronx Community Board # 12	BXCB12
431	Queens Community Board # 1	QCB1
432	Queens Community Board # 2	QCB2
433	Queens Community Board # 3	QCB3
434	Queens Community Board # 4	QCB4
435	Queens Community Board # 5	QCB5
436	Queens Community Board # 6	QCB6
437	Queens Community Board # 7	QCB7
438	Queens Community Board # 8	QCB8
439	Queens Community Board # 9	QCB9
440	Queens Community Board # 10	QCB10
441	Queens Community Board # 11	QCB11
442	Queens Community Board # 12	QCB12
443	Queens Community Board # 13	QCB13
444	Queens Community Board # 14	QCB14
471	Brooklyn Community Board # 1	BKCB1
472	Brooklyn Community Board # 2	BKCB2
473	Brooklyn Community Board # 3	BKCB3
474	Brooklyn Community Board # 4	BKCB4
475	Brooklyn Community Board # 5	BKCB5
476	Brooklyn Community Board # 6	BKCB6
477	Brooklyn Community Board # 7	BKCB7
478	Brooklyn Community Board # 8	BKCB8
479	Brooklyn Community Board # 9	BKCB9
480	Brooklyn Community Board # 10	BKCB10
481	Brooklyn Community Board # 11	BKCB11
482	Brooklyn Community Board # 12	BKCB12
483	Brooklyn Community Board # 13	BKCB13

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

**APPENDIX 11: LIST OF AWARD METHOD CODES**

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

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

APPENDIX 12: CONTRACT TYPES LIST

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

**APPENDIX 13: CONTRACT CATEGORIES LIST**

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



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

**APPENDIX 14: ANALOGIZING DOE PROCUREMENT TO PPB CONTRACT TYPES**

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

*\*No direct corresponding FMS Award Method Code*

**NYC Admin. Code § 6.116.2 (a)-(f)**

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

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

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

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

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

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

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

f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to: (1) the types and dollar amount of each contract,

franchise or concession entered into during the previous fiscal year; (2) the registration number assigned by the comptroller, if any; (3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession; (4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract; (5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section 312 of the charter, where applicable;<sup>102</sup> and (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder.<sup>103</sup> For franchises, this information shall also include whether the authorizing resolution of the council was complied with.<sup>104</sup>

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<sup>102</sup> The "displacement" analysis required by § 312(a) of the Charter occurs prior to the submission of a contract action for registration. Confirmation that such award was "deemed appropriate" is conducted by the head of submitting agency or his/her official designee. Additionally, the Mayor or his/her official designee is required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met, including compliance with § 312(a) of the Charter.

<sup>103</sup> The PPB Rules require agencies to award contracts procured through a competitive sealed bid to the lowest responsible bidder. Confirmation that each applicable award was appropriately made is attested to by the submitting agency's "Agency Chief Contracting Officer" and/or the Mayor or his/her official designee who are required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met.

<sup>104</sup> The awarding agency and the Corporation Counsel certify, prior to the agency's filing of the franchise action with the Comptroller for registration, that the requirements set forth in an authorizing resolution adopted by the City Council were complied with. Notwithstanding, the two agreements submitted by DCAS and listed in the Appendix 4 as registered franchises (RCT120148200436 and RCTI20148200541) were improperly categorized. The agency should have registered both of these contracts as concessions awarded pursuant to § 1-14(f) of the Concession Rules ("Certain DCAS concessions") and not franchise awards.

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