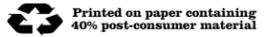




THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

■ PUBLIC HEARINGS

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, AUGUST 25, 2010, AT 10:30 A.M. IN THE 16TH FLOOR HEARING ROOM AT 250 BROADWAY, NEW YORK, NY 10007 ON THE FOLLOWING MATTER:

Advice and Consent

● M-178, Communication from the Mayor submitting the name of Joel Forman, MD for appointment as a member of the New York City Board of Health pursuant to §§ 31 and 553 of the New York City Charter. Should Dr. Forman receive the advice and consent of the Council, he will serve the remainder of a six-year term that expires on May 31, 2012.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

a19-25

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, August 25, 2010 at 10:00 a.m.

BOROUGH OF BROOKLYN Nos. 1 & 2 PROVIDENCE HOUSE I No. 1

CD 9 C 100325 ZSK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section

74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District.

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

No. 2

CD 9 C 100326 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 329 Lincoln Road (Block 1329, Lot 59) as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 6-story building, tentatively known as Providence House I, with approximately 26 units.

BOROUGH OF MANHATTAN

No. 3

885 6TH AVENUE OF THE AMERICAS

CD 5 C 080524 ZSM
IN THE MATTER OF an application submitted by Tower 111 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 201 spaces, on portions of the ground floor, cellar and sub-cellar of a mixed-use development on property located at 885 Avenue of the Americas (Block 807, Lots 34, 43, 48 and 50), in C6-6 and C6-4.5 Districts, within the Special Midtown District.

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

No. 4

SPECIAL 125TH STREET DISTRICT TEXT

CD 9, 10, 11 N 100373 ZRM
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Cafe Regulations) and Article IX, Chapter 7 (Special 125th Street District), to modify the regulations pertaining to the location of sidewalk cafes within the Special 125th Street District in the Borough of Manhattan, Community Districts 9, 10 and 11.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article 1 - General Provisions

* * *

Chapter 4 Sidewalk Cafe Regulations

* * *

14-43 Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk café locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

Manhattan:

* * *

63rd Street - from Second Avenue to Fifth Avenue
86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only
116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
Special 125th Street District ***
First Avenue - from 48th Street to 56th Street
Third Avenue - from 38th Street to 62nd Street
Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street

* * *

*Small sidewalk cafes are not allowed on 14th Street
**Small sidewalk cafes are not allowed on 86th Street
***As shown on Map 2 in Appendix A of the Special 125th Street District

* * *

14-44 Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	Yes No	Yes No
Battery Park City District	Yes	Yes
Clinton District	Yes	Yes
Limited Commercial District	No	No*
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes**
Manhattanville Mixed Use District	No***	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue
** #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway
*** Enclosed sidewalk cafes are allowed in Subdistrict B

* * *

Article IX - Special Purpose Districts

Chapter 7 Special 125th Street District

97-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (#Special 125th Street District#) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

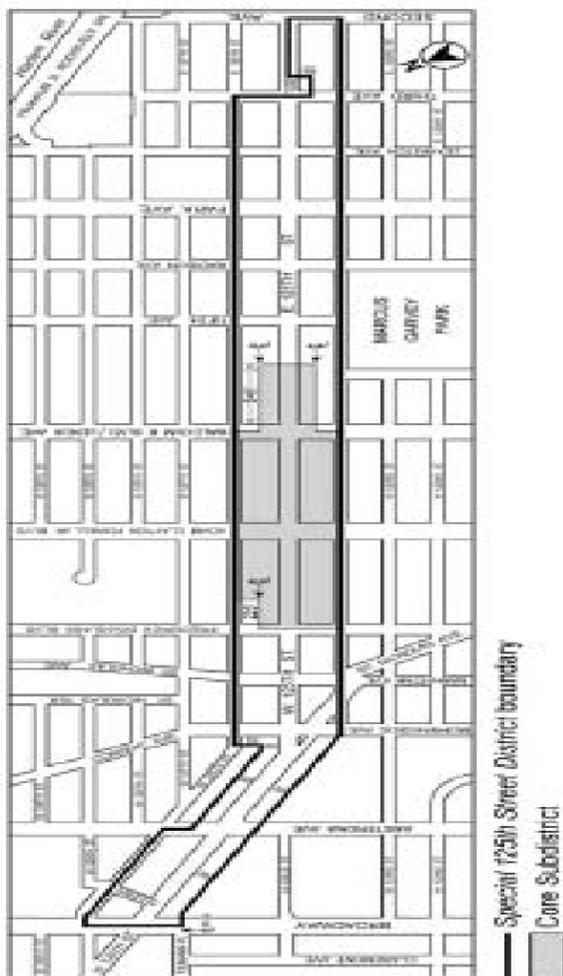
97-10 SPECIAL USE AND LOCATION REGULATIONS

97-13 Permitted Small Sidewalk Cafe Locations

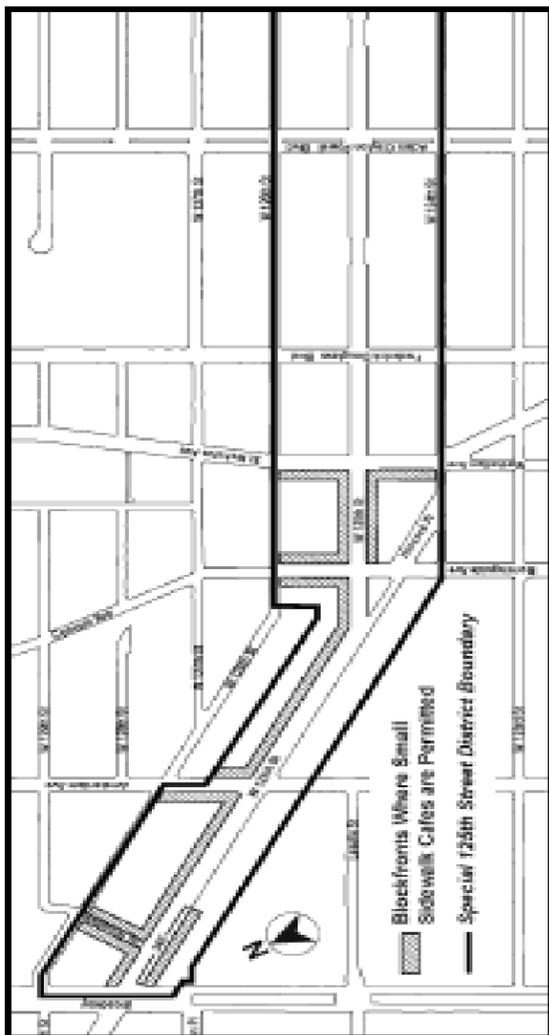
#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated in Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A to this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

Appendix A Special 125th Street District Plan

Map 1 - Special 125th Street District



Map 2 - Permitted Small Sidewalk Cafe Locations



os. 5 & 6 3RD AVENUE CORRIDOR REZONING AND TEXT AMENDMENT No. 5

CD 3 N 100419 ZRM IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas).

Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted; Matter within # # is defined in 12-10 or *** indicates where unchanged text appears in the Zoning Resolution

Appendix F (3/3/10) Inclusionary housing designated areas

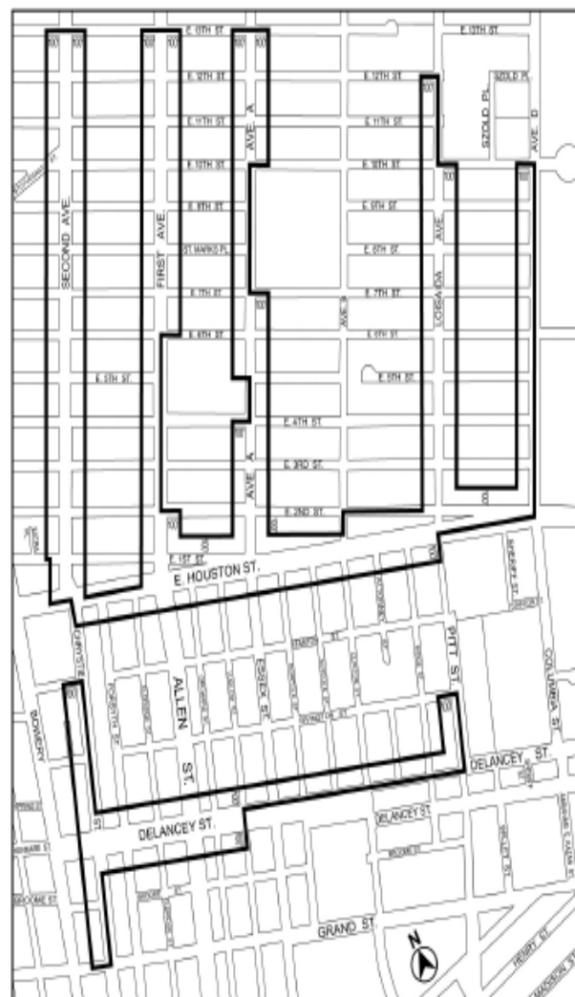
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#.

Manhattan

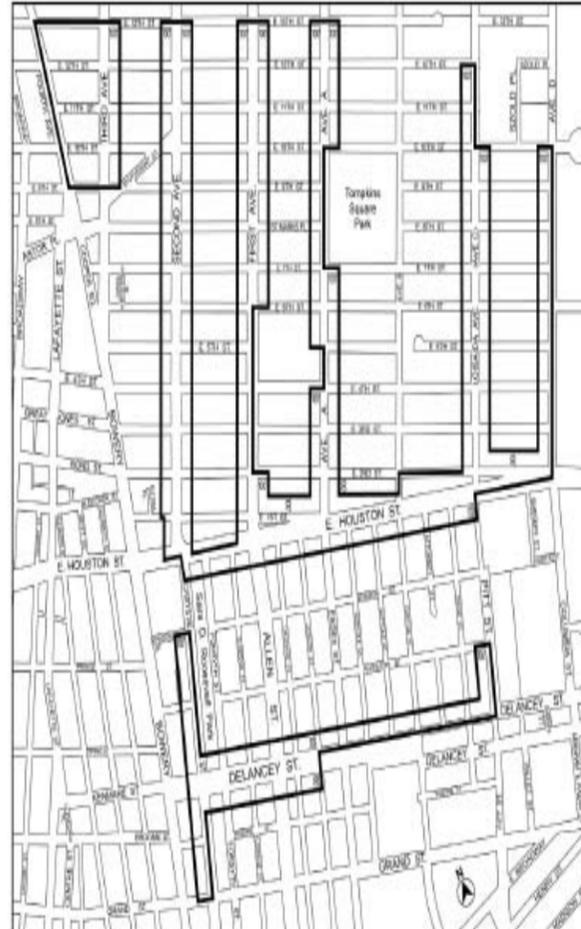
Manhattan Community District 3

In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:

Map 1 - (11/19/08)



Existing Map Above: to be deleted



Proposed Map Above: New, to be added Portion of Community District 3, Manhattan ***

No. 6

CD 3 C 100420 ZMM IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by changing from a C6-1 District to a C6-2A District property bounded by East 13th Street, a line 100 feet easterly of Third Avenue, East 9th Street, and Fourth Avenue, as shown on a diagram (for illustrative purposes only) dated May 24, 2010, and subject to the conditions of CEQR Declaration E-254.

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

a12-25

HOUSING AUTHORITY

MEETING

SPECIAL NOTICE

Please be advised that the New York City Housing Authority's Board Meeting scheduled for Wednesday, September 1, 2010 has been rescheduled to Tuesday, August 31, 2010 at 10:00 A.M. in the Board Room on the 12th Floor at 250 Broadway, N.Y., N.Y.

a23-31

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, September 07, 2010 at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 10-8887 - Block 8106, lot 5 - 8 Prospect Avenue, aka 42-25 240th Street - Douglaston Hill Historic District

A Queen Anne style free-standing house designed by John A. Sinclair and built in 1899-1900. Application is to construct additions, an entrance portio, and terrace; modify masonry openings; install skylights; and alter a garage and driveway. Zoned R1-2. Community District 11.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 10-9509 - Block 8106, lot 69 - 240-35 43rd Avenue - Douglaston Hill Historic District A neo-Colonial style free-standing house designed by D.S. Hopkins and built in 1900-1901. Application is to construct a rear addition and patio and install a roof railing. Zoned R1-2. Community District 11.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 10-9653 - Block 1278, lot 44 - 78-01 37th Avenue - Jackson Heights Historic District

A Moderne style commercial building designed by Oscar I. Silverstone and built in 1941. Application is to install new storefront openings, replace storefront infill and install a marquee and signage. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-8939 - Block 944, lot 40 - 128 6th Avenue - Park Slope Historic District
A neo-Grec style rowhouse designed by M. J. Morrill and built in 1876. Application is to replace the sidewalk. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-1206 - Block 942, lot 17 - 102 Park Place - Park Slope Historic District
A neo-Grec style rowhouse built in 1877. Application is to legalize the installation of an areaway fence without Landmarks Preservation Commission permits. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-9729 - Block 323, lot 39 - 6 Strong Place - Cobble Hill Historic District
A transitional Greek Revival/Italianate style townhouse built in the 19th century. Application is to legalize the installation of windows in noncompliance with Certificate of No Effect 02-6845. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-1398 - Block 1945, lot 8 - 357 Waverly Avenue - Clinton Hill Historic District
A vernacular 19th century carriage house and residence. Application is to modify security grilles installed without Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-9480 - Block 2072, lot 4 - 174 Washington Place - Fort Greene Historic District
An Italianate style rowhouse built c. 1868. Application is to construct rooftop and rear yard additions. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-1511 - Block 28, lot 5 - 25 Washington Street - DUMBO Historic District
An American Round Arch style factory building, designed by William Higginson and built in 1901. Application is to establish a master plan governing the future installation of windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8866 - Block 46, lot 9 - 14 Wall Street - 14 Wall Street Building-Individual Landmark
A Classical Revival style office building designed by Trowbridge & Livingston, and built in 1910-12, with a Modern Classic style addition designed by Shreve, Lamb & Harmon and built in 1931-33. Application is to install two escalators. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9620 - Block 97, lot 7503 - 222 Front Street - South Street Seaport Historic District
A brick building built 1798-1800. Application is to legalize the installation of a sign armature without Landmarks Preservation Commission permits, and install new signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0390 - Block 147, lot 12 - 135 West Broadway - Tribeca South Historic District
A Federal style house with a commercial base built in 1810. Application is to install storefront infill and signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8997 - Block 196, lot 3 - 406 Broadway - Tribeca East Historic District
A mid-twentieth century commercial style store and office building, designed by Frederic P. Kelley & Arthur Paul Hess and built in 1938. Application to construct a rear addition and install storefront infill. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9483 - Block 179, lot 68 - 137 Franklin Street - Tribeca West Historic District
An empty lot. Application is to construct a new building. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1542 - Block 497, lot 15 - 558 Broadway - SoHo-Cast Iron Historic District
A commercial building built in 1860 and altered in 1920. Application is to replace the storefront. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0608 - Block 529, lot 72 - 65 Bleecker Street - Bayard-Condict Building, Individual Landmark
A Sullivanesque style office building designed by Louis Sullivan and built in 1897-99. The application is to install signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0087 - Block 589, lot 5 - 245 Bleecker Street - Greenwich Village Extension II
A Federal style row house built in 1829 with major alterations completed in 1926. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1642 - Block 590, lot 1 - 257 Bleecker Street - Greenwich Village Historic District Extension II
An altered-Federal style brick rowhouse built in 1829 with alterations in 1921 and 1930. Application is to install new storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0414 - Block 590, lot 2 - 263 Bleecker Street - Greenwich Village Historic District Extension II

A Renaissance Revival style tenement building designed by Horenburger & Straub and built c.1904. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0431 - Block 1047, lot 7502 - 300 West 57th Street - Hearst Magazine Building-Individual Landmark
An Art-Deco/Viennese Seccessionist style office building designed by Joseph Urban and Geroge B. Post and Sons, and built in 1927-1928. Application is to install signage and a marquee. Zoned C6-6. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3999 - Block 1381, lot 7504 - 21 East 66th Street - Upper East Side Historic District
A neo-Gothic style apartment building designed by Fred F. French Company and built in 1921. Application is to construct a rooftop addition. Zoned C5-1. Community District 8.

a24-s7

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, September 1, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 415/22 Associates, LLC to construct, maintain and use a fenced-in area, together with planted area, on the north sidewalk of West 22nd Street, west of Ninth Avenue, in the Borough of Manhattan.

The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

From the date of Approval by the Mayor to June 30, 2011

- \$1,500/annum

For the period July 1, 2011 to June 30, 2012 - \$1,546
For the period July 1, 2012 to June 30, 2013 - \$1,592
For the period July 1, 2013 to June 30, 2014 - \$1,638
For the period July 1, 2014 to June 30, 2015 - \$1,684
For the period July 1, 2015 to June 30, 2016 - \$1,730
For the period July 1, 2016 to June 30, 2017 - \$1,776
For the period July 1, 2017 to June 30, 2018 - \$1,822
For the period July 1, 2018 to June 30, 2019 - \$1,868
For the period July 1, 2019 to June 30, 2020 - \$1,914
For the period July 1, 2020 to June 30, 2021 - \$1,960

the maintenance of a security deposit in the sum of \$7,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Plaxall, Inc. to continue to maintain and use a fenced-in area on and along the east sidewalk of Jackson Avenue, south of 47th Road, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$16,873
For the period July 1, 2011 to June 30, 2012 - \$17,374
For the period July 1, 2012 to June 30, 2013 - \$17,875
For the period July 1, 2013 to June 30, 2014 - \$18,376
For the period July 1, 2014 to June 30, 2015 - \$18,877
For the period July 1, 2015 to June 30, 2016 - \$19,378
For the period July 1, 2016 to June 30, 2017 - \$19,879
For the period July 1, 2017 to June 30, 2018 - \$20,380
For the period July 1, 2018 to June 30, 2019 - \$20,881
For the period July 1, 2019 to June 30, 2020 - \$21,382

the maintenance of a security deposit in the sum of \$21,400 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Bloomingdale Woods Homeowners Association, Inc. to continue to maintain and use a force main, together with manholes, and a gravity sewer pipe under and along Veterans Road East, between Pitney Avenue and Poplar Avenue, in the Borough of Staten Island.

The proposed revocable consent is for a terms of ten years from July 1, 2008 to June 30, 2018 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2008 to June 30, 2009 - \$70,008
For the period July 1, 2009 to June 30, 2010 - \$72,108
For the period July 1, 2010 to June 30, 2011 - \$74,315
For the period July 1, 2011 to June 30, 2012 - \$76,522
For the period July 1, 2012 to June 30, 2013 - \$78,729
For the period July 1, 2013 to June 30, 2014 - \$80,936
For the period July 1, 2014 to June 30, 2015 - \$83,143
For the period July 1, 2015 to June 30, 2016 - \$85,350
For the period July 1, 2016 to June 30, 2017 - \$87,557
For the period July 1, 2017 to June 30, 2018 - \$89,764

the maintenance of a security deposit in the sum of \$89,800 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Ramaz School to continue to maintain and use an electrical

conduit under and along East 85th Street, west of Lexington Avenue, in the Borough of Manhattan.

The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$1,886
For the period July 1, 2011 to June 30, 2012 - \$1,944
For the period July 1, 2012 to June 30, 2013 - \$2,002
For the period July 1, 2013 to June 30, 2014 - \$2,060
For the period July 1, 2014 to June 30, 2015 - \$2,118
For the period July 1, 2015 to June 30, 2016 - \$2,176
For the period July 1, 2016 to June 30, 2017 - \$2,234
For the period July 1, 2017 to June 30, 2018 - \$2,292
For the period July 1, 2018 to June 30, 2019 - \$2,350
For the period July 1, 2019 to June 30, 2020 - \$2,408

the maintenance of a security deposit in the sum of \$2,400 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

a12-s1

COURT NOTICES

SUPREME COURT

■ NOTICE

QUEENS COUNTY IA PART 8 NOTICE OF ACQUISITION INDEX NUMBER 5208/2010

In the Matter of the Application of the

NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY,

Petitioner,

To Acquire By Exercise of its Powers of Eminent Domain Title in Fee Simple Absolute To Certain Real Property Known as Tax Block 1247, Lots 40 and 41, Located in the Borough of Queens, City of New York, in Connection With the Construction of I.S. 230Q, Annex- Queens

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Queens, IA Part 8 (Hon. Jaime A. Rios, J.S.C.), duly entered in the office of the Clerk of the County of Queens on July 30, 2010, the application of the Petitioner, New York City School Construction Authority (“the Authority”), to acquire certain real property for the construction of intermediate school I.S. 230Q Annex – Queens, was granted and the Authority was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the Authority, was filed with the City Register on August 5, 2010. Title to and possession of the real property vested in the Authority on August 5, 2010.

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

Damage Parcel	Block	Lot
1	1247	40
2	1247	41

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before 180 days, to file a written claim with the Clerk of the Court of Queens County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

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

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

Dated: August 10, 2010, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007
Tel. (212) 788-0446

a16-31

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 11001-E

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, September 1, 2010 (SALE NUMBER 11001-E). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>
-OR-

<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

a20-s1

■ SALE BY SEALED BID

SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES

S.P.#: 11003

DUE: August 31, 2010

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

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

a18-31

DIVISION OF REAL ESTATE SERVICES

PUBLIC NOTICE IS HEREBY GIVEN THAT the Deputy Commissioner of the Department of Citywide Administrative Services, Division of Real Estate Services, or his/her designee, will conduct a Sealed Bid Public Lease Auction pertaining to Long-Term Leases, Short-Term Leases and Licenses and Request For Bids pertaining to Occupancy Permits on Thursday, September 2, 2010, at 1 Centre Street, 20th Floor North Conference Room, New York, NY 10007. Sealed bids will be accepted from 10:00 A.M. to 11:00 A.M. and opened at 11:00 A.M.

The offerings, including Terms and Conditions and Special Terms and Conditions are set forth in a brochure. For further information, including a brochure and a bid packet, contact Valeria Vines at 1 Centre Street, 19th Floor North, New York, NY 10007, or call (212) 669-2111. This information is also posted on the DCAS website at nyc.gov/auctions.

In accordance with New York Administrative Code Section 4-203, the properties listed below will be offered at Sealed Bid Public Lease Auction:

Manhattan, Block 1485, Part of Lot 15

Property Description: Unimproved land located at the north side of East 73rd Street, approximately 384 feet east of York Avenue

Minimum Monthly Bid: \$8,850

Inspection Dates:

Thursday, August 12, 2010, 1:30 P.M. to 2:30 P.M.

Friday, August 20, 2010, 1:30 P.M. to 2:30 P.M.

Queens, Block 14260, Part of Lot 1

Property Description: Unimproved land located south of the south side of 146th Avenue between 153rd Court and 157th Street, starting at a point approximately 84 feet west and 50 feet south of the northwest corner of 157th Street and 146th Avenue

Minimum Monthly Bid: \$22,500

Inspection Dates:

Friday, August 13, 2010, 9:30 A.M. to 10:30 A.M.

Wednesday, August 18, 2010, 1:30 P.M. to 2:30 P.M.

Queens, Block 13432, Lots: Part of Lot 6, Part of Lot 20, Part of Lot 21, Part of Lot 40, Part of Lot 46, Part of Lot 49, Part of Lot 53, Part of Lot 59, Part of Lot 65, Part of Lot 67; and

Block 13433, Lots: Part of Lot 2, 5, 10, 15, 20, Part of Lot 23, Part of Lot 29, Part of Lot 34, Part of Lot 36, Part of Lot 53, Part of Lot 55, Part of Lot 57, 59, 69, Part of Lot 999 (formerly known as 150th Road)

Property Description: Unimproved land located at the east side of 183rd Street, 80 feet north of Rockaway Boulevard

Minimum Monthly Bid: \$21,750

Inspection Dates:

Friday, August 13, 2010, 11:30 A.M. to 12:30 P.M.

Wednesday, August 18, 2010, 11:30 A.M. to 12:30 P.M.

Queens, Block 13420, Lots: 8 and 999

Property Description: Unimproved land located at the west side of 183rd Street, 200 feet south of the southwest corner of 150th Drive and 183rd Street

Minimum Monthly Bid: \$3,850

Inspection Dates:

Friday, August 13, 2010, 1:00 P.M. to 2:00 P.M.

Wednesday, August 18, 2010, 10:00 A.M. to 11:00 A.M.

In accordance with New York City Concession Rules (Title 12 of the Rules of the City of New York), the properties listed below will be offered through Request For Bids:

Brooklyn, Block 803, Part of Lot 5

Property Description: Two story building and unimproved land located at the south side of 52nd Street, approximately 865 feet west of 1st Avenue

Minimum Monthly Bid: \$4,950

Inspection Dates:

Tuesday, August 10, 2010, 9:30 A.M. to 10:30 A.M.

Monday, August 16, 2010, 10:00 A.M. to 11:00 A.M.

Brooklyn, Block 803, Part of Lot 5

Property Description: Unimproved land located at the south side of 52nd Street, approximately 465 feet west of 1st Avenue

Minimum Monthly Bid: \$3,150

Inspection Dates:

Tuesday, August 10, 2010, 10:30 A.M. to 11:30 A.M.

Monday, August 16, 2010, 11:00 A.M. to 12:00 P.M.

NOTE: Individuals requesting Sign Language Interpreters should contact Valeria Vines at 1 Centre Street, 19th Floor North, New York, NY 10007, (212) 669-2111, no later than fourteen (14) days prior to the auction. TDD users should call Verizon relay services.

jy29-s2

POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

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

QUEENS BOROUGH PRESIDENT

■ INTENT TO AWARD

Services (Other Than Human Services)

PHOTOGRAPHY SERVICES – Renewal – PIN# 01320110003 – DUE 08-25-10 AT 5:00 P.M. – In accordance with PPB Rules, Section 4-04, Renewals, this is an INTENT TO RENEW for photography services for the Queens Borough President’s Office to Dominick Totino Photography, Inc. The contract shall run from September 1, 2010 to August 31, 2011 (second of three renewals) and may not exceed \$85,000.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Queens Borough President, 120-55 Queens Boulevard Room 250, Kew Gardens, NY 11424. P. Horan (718) 286-2660 phoran@queensbp.org

a19-25

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

LUMBER, HARDWOOD, DOCK BUILDING – Competitive Sealed Bids – PIN# 8571000790 – DUE 09-10-10 AT 10:30 A.M.

● **SIGN BLANKS, ALUMINUM** – Competitive Sealed Bids – PIN# 8571100074 – DUE 09-13-10 AT 10:30 A.M.

● **FLASHLIGHTS AND LANTERNS** – Competitive Sealed Bids – PIN# 8571000878 – DUE 09-20-10 AT 10:30 A.M.

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

Department of Citywide Administrative Services
1 Centre Street, Room 1800, New York, NY 10007.
Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

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■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ SOLICITATIONS

Construction/Construction Services

INSTALLATION OF HIGH PRIORITY PEDESTRIAN SAFETY SIDEWALKS, ADJACENT CURBS AND PEDESTRIAN RAMPS, CITYWIDE

– Competitive Sealed Bids – PIN# 8502010HW0057C – DUE 09-16-10 AT 11:00 A.M. – PROJECT NO.: HWS2011CW.

Experience Requirements.

Apprenticeship participation requirements apply to this contract.

Bid documents are available at: <http://www.nyc.gov/buildnyc>. This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see “Bid Opportunities.” For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Vendor Source ID#: 70350.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid document deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.
Department of Design and Construction
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

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OFFICE OF EMERGENCY MANAGEMENT

■ AWARDS

Services (Other Than Human Services)

MAINTENANCE FOR EMERGENCY OPERATIONS CENTER COMMAND AND CONTROL SOFTWARE – Renewal – PIN# 01709S0001CNVR001 – AMT: \$134,048.00 – TO: NC4 Public Sector LLC, 28202 Cabot Road, Suite 300, Laguna Niguel, CA 92677. Pursuant to Section 4-04 of the Procurement Policy Board Rules (PPB), OEM has exercised its option to renew a contract with NC4 Public Sector LLC. NC4 Public Sector LLC provides maintenance and support for the Emergency Operations Center (EOC) Command and Control Software (“E Team”) currently used by the agency.

This contract was originally procured by sole source in accordance with Section 3-05 of the PPB rules. The period of this renewal shall be from 7/1/10 through 6/30/11.

☛ a25

ENVIRONMENTAL PROTECTION

BUREAU OF WASTEWATER TREATMENT

■ SOLICITATIONS

Services (Other Than Human Services)

SERVICE AND REPAIR OF BOILERS AT VARIOUS DEP FACILITIES NORTH REGION, CITYWIDE – Competitive Sealed Bids – PIN# 826111275BLR – DUE 09-09-10 AT 11:30 A.M. – Project #1275-BLR. Document Fee: \$40.00. There will be a pre-bid conference on 9/02/10 at 10:00 A.M., 96-05 Horace Harding Expressway, 2nd Floor, Conference Room #4, Flushing, NY 11373. Saied Islam, Project Manager, (718) 595-4823. This contract is subject to the Project Labor Agreement. Vendor ID#: 69744.

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

Department of Environmental Protection
59-17 Junction Blvd., Flushing, NY 11373.
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

☛ a25

HEALTH AND HOSPITALS CORPORATION

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

j1-d31

■ SOLICITATIONS

Goods

STEAM HEATED AIR CURTAINS FOR THE ER ENTRANCE DOORS – Competitive Sealed Bids – PIN# 231-11-018 – DUE 09-13-10 AT 9:30 A.M. – For the Engineering and Maintenance Department at Woodhull Medical and Mental Health Center located at 760 Broadway, Brooklyn, NY 11206. To request a bid package at no charge, email Deborah.Royster@woodhullhc.nychhc.org. Bid package request deadline is September 7, 2010.

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

North Brooklyn Health Network, 100 North Portland Avenue, Rm. C-32, Brooklyn, NY 11205.
Deborah Royster (718) 260-7694, fax: (718) 260-7619,
Deborah.Royster@woodhullhc.nychhc.org

☛ a25

ELECTRODE CELL TYPE D CELL HAS ALLOY ELECTRODES – Sole Source – Available only from a single source - PIN# 231-11-017SS – DUE 08-31-10 AT 10:00 A.M. – The North Brooklyn Health Network intends (NBHN) to enter into a sole source contract for the US Patent #6929740 ionization cell - D Cell - HAS (70 percent cu/30 percent ag) Alloy Electrodes, with Enrich Products, Inc., 1018 Penn Avenue, Pittsburgh, PA 15221.

Any other supplier who is capable of providing this product for the NBHN may express their interest in doing so by writing to Millicent Thompson, Procurement Analyst, 100 North Portland Avenue, Rm. C-32, Brooklyn, NY 11205 or Millicent.Thompson@woodhullhc.nychhc.org on or before 10:00 A.M. Monday, August 30, 2010.

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

North Brooklyn Health Network, 100 North Portland Avenue, Rm. C-32, Brooklyn, NY 11205.
Millicent Thompson (718) 260-7686, fax: (718) 260-7619,
millicent.thompson@woodhullhc.nychhc.org

a23-27

ORTHOPEDIC IMPLANT SUPPLIES – Competitive Sealed Bids – PIN# 22211007 REBID – DUE 09-08-10 AT 3:00 P.M.

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

Lincoln Hospital Center, 234 East 149th Street, Bronx, NY 10451. Daisy Aquino (718) 579-6371, fax: (718) 579-4788,
Daisy.Aquino@nychhc.org

☛ a25

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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

Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

PROCUREMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

MAINTENANCE AND SUPPORT SERVICES FOR ORACLE LICENSES – Sole Source – Available only from a single source - PIN# 071-11S-04-1492 – DUE 09-07-10 AT 2:00 P.M. – The Department of Homeless Services (DHS) intends to negotiate a sole source contract with Oracle Corporation to provide software maintenance and technical support services for Oracle programs purchased by DHS. This contract will be done via Sole Source pursuant to Section 3-05 (c)(1)(i) of the Procurement Policy Board Rules to solicit expressions of interest from potential vendors qualified to compete.

It is anticipated that the contract with Oracle Corporation will be from July 1, 2010 to June 30, 2011.

Any qualified vendor(s) that believes they can provide this service are encouraged to submit a written Expression of Interest (EOI) by September 7, 2010, by 2:00 P.M. to: Department of Homeless Services, 33 Beaver Street, 13th Floor, NY, NY 10004. Janine Woodley-Brown, Deputy Agency Chief Contracting Officer, (212) 361-8415, fax: (917) 637-7077, jwoodley@dhs.nyc.gov

a23-27

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

GSD INSTALLATION OF V/C FLOOR TILE IN APARTMENTS – Small Purchase – DUE 09-15-10 – PIN# 27262 - Throggs Neck and Throggs Neck Addition Houses - Bronx Due at 10:50 A.M.
PIN# 27263 - Wise Towers and 589 Amsterdam Houses - Manhattan Due at 10:55 A.M.
PIN# 27264 - Pomonok Houses - Bronx Due at 11:00 A.M.
PIN# 27265 - Douglas, Douglas Addition and 830 Amsterdam Avenue Houses - Manhattan Due at 11:05 A.M.
● **GSD INSTALLATION OF V/C TILE AND CUSTOM FLOORING IN APARTMENTS - VARIOUS QUEENS** – Small Purchase – PIN# 27266. – DUE 09-15-10 AT 11:30 A.M. – Toil Custom Flooring specified. All flooring shall be non-asbestos formulated.

Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business/business.shtml>; Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS - Money order/Certified check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor, General Services Procurement Group. A bid package will be generated at time of request.

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

Housing Authority, 90 Church Street, 12th Fl., New York, NY 10007. Sabrina Steverson (212) 306-6771,
sabrina.steverson@nycha.nyc.gov

☛ a25

GSD MAINTENANCE PAINTING OF APARTMENTS – Small Purchase – DUE 09-15-10 – PIN# 27251 - Todt Hill and Berry Houses - Staten Island Due at 10:00 A.M.
PIN# 27252 - Sack-Wern Houses and Clason Pont Gardens - Bronx Due at 10:05 A.M.
PIN# 27253 - Coney Island and Haber Houses - Brooklyn Due at 10:10 A.M.
PIN# 27255 - Lafayette Gardens - Brooklyn Due at 10:15 A.M.
PIN# 27256 - Nostrand Houses - Brooklyn Due at 10:20 A.M.
PIN# 27257 - Sedgwick Houses and West Tremont Ave.- Sedwick Ave. - Bronx Due at 10:25 A.M.
PIN# 27258 - Boston Secor Houses - Bronx Due at 10:30 A.M.
PIN# 27259 - Stapleton Houses -Staten Island Due at 10:35 A.M.
PIN# 27260 - Murphy and 1010 E. 178th Street Houses - Bronx Due at 10:40 A.M.
PIN# 27261 - Latimer Gardens and Leavitt Street - 34th Ave. - Queens Due at 10:45 A.M.

Maintenance painting of apartments. Pre-qualification: Bidder must be established "approved" supplier via NYCHA-Technical Services Paint Program and appear on the active approved vendor list; non-compliance will result in the bid/bidder being deemed non-responsive. Please ensure that

bid response includes documentation as required and attached/included in electronic bid proposal submittal. Failure to comply will result in your bid being deemed non-responsive.

Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business/business.shtml>; Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money order/Certified check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor, General Services Procurement Group. A bid package will be generated at time of request.

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

Housing Authority, 90 Church Street, 12th Floor, New York NY 10007. Sabrina Steverson (212) 306-6771
sabrina.steverson@nycha.nyc.gov

☛ a25

HOUSING PRESERVATION & DEVELOPMENT

DIVISION OF MAINTENANCE

■ VENDOR LISTS

Construction/Construction Services

PREQUALIFICATION – Pre-Qualification Application and Information for inclusion on a Pre-Qualified Bidders List may be obtained: in person, Monday through Friday between the hours of 10:00 A.M. - 12:00 noon and 2:00 P.M. - 4:00 P.M.; by writing to HPD, Division of Maintenance, Contractor Compliance Unit, 100 Gold Street, Room 6J, New York, NY 10038; or by visiting HPD's Website at www.nyc.gov/hpd

Pre-Qualified Bidders List: The Contractor Compliance Unit in the Division of Maintenance requests applications from contractors who are qualified to perform emergency and non-emergency repairs, maintenance and construction related work in residential and commercial buildings in all boroughs of New York City.

The Pre-Qualified Bidders List will be used to solicit invitations to bid on a high volume of maintenance, repair and construction related Open Market Orders (OMOs) and Purchase Orders (POs) valued up to \$100,000, except for Demolition Work. As part of the approval process, vendors will be provided with the opportunity to participate in a 24-hour panel, which is a sub-set of the Pre-Qualified Bidders List. Contractors with: positive integrity; financial capabilities; knowledge and experience; record of compliance with all Federal, State, and Local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards; a commitment to working with Minority and Women Business Enterprises, are encouraged to apply for inclusion on lists for the following trades:

ASBESTOS ANALYSIS AND ABATEMENT
- Analysis - Third Party Monitoring - Abatement

BOILER REPAIRS
- Boiler Rental - Boiler Installation - HVAC, including Duct Work - Emergency Gas Restoration - Emergency Gas and Oil Heat/Hot Water Restoration

DEMOLITION
- Demolition of entire buildings and/or land clearing of development sites - Bracing and Shoring

ELECTRICAL REPAIRS
- Repairs/Removal of Electrical Violations - Fire Alarm Systems

ELEVATOR REPAIR AND MAINTENANCE

GENERAL CONSTRUCTION
- Concrete - Masonry - Carpentry - Roofs - Sidewalk Bridges(Steel Pole, Permanent and Rental) - Windows and Window Guards - Fencing - Scrape, Plaster and Paint

INTERCOM SYSTEMS

IRON WORK
- Fire Escape Repair/Replacement - Stairwell Repair/Replacement - Welding

LEAD BASED PAINT ANALYSIS AND ABATEMENT
- Abatement - Analysis (Dust Wipe/Paint Chip/Soil)- XRF Testing

MOLD AND MILDEW ABATEMENT

MOVING, RELOCATION AND FURNITURE STORAGE SERVICES

OIL SPILL REMOVAL AND CLEAN UP
- Testing
- Remediation and Clean Up

PEST CONTROL SERVICES

PLUMBING REPAIRS
- Plumbing Repairs - Water Mains - Sewer Mains - Water Towers - Sprinkler Systems - Septic Systems - Sewer Stoppage

RUBBISH AND TRADE WASTE
- Clean Outs - Roll-Off Containers

SOIL AND WATER QUALITY TESTING
- Industrial Hygienist Services - Chemical Analysis for Organics and Heavy Metals

All Contractors performing Lead Abatement and XRF Testing, must be EPA Certified. Contractors involved in all other trades must take EPA Approved, One-day 'Lead Safe Practices' and 'Train the Trainer' courses. Contractors must be appropriately licensed to perform their designated trades; general construction applicants must have a Home Improvement contractors license from the NYC Department

of Consumer Affairs. All contractors who perform work that disturbs specific amounts of lead paint in dwelling units with children under age six must be EPA certified lead abatement firms and workers must be specially trained. All contractors who perform work that disturbs lead in any pre-1978 dwelling must additionally be licensed EPA Renovation firms.

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

Housing Preservation and Development, 100 Gold Street, Room 6J, New York, NY 10038.
Barbara Schechter (212) 863-7815, schechtb@hpd.nyc.gov

a23-27

JUVENILE JUSTICE

SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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

Department of Juvenile Justice, 110 William Street
14th Floor, New York, NY 10038.
Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

PARKS AND RECREATION

REVENUE AND CONCESSIONS

AWARDS

Services (Other Than Human Services)

OPERATION OF ONE (1) PROCESSING MOBILE TRUCK – Competitive Sealed Bids – PIN# Q336-MT – The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Nandkumar Khellawan, 107-31 Waltham Street, Jamaica, NY 11435, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items at Vleigh Place Playground: Vleigh Place and 141st Street, Queens, NY. The 2 concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2014. Compensation to the City is as follows: Year 1: \$1,100.00; Year 2: \$1,200.00; Year 3: \$1,300.00; Year 4: \$1,350.00; Year 5: \$1,400.00. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE TRUCK** – Competitive Sealed Bids – PIN# Q92-MT. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Harish Kumar, 117-33 122 Place, South Ozone Park, NY 11420, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items at Edward Byrne Park: 135th Avenue between 131st and 132nd Streets, Queens, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2014. Compensation to the City is as follows: Year 1: \$600.00; Year 2: \$660.00; Year 3: \$726.00; Year 4: \$810.00; Year 5: \$900.00. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE TRUCK** – Competitive Sealed Bids – PIN# Q410-MT. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Telmo Cabrera, 35-37 Street, Jackson Heights, NY 11372, for the operation of one (1) processing mobile truck for the sale of Parks approved menu items at Hinton Park: 113th Street and 114th Street, Queens, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2014. Compensation to the City is as follows: Year 1: \$4,000; Year 2: \$4,200; Year 3: \$4,410; Year 4: \$4,630; Year 5: \$5,000. Vendor may only operate during hours that the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF A TENNIS PROFESSIONAL CONCESSION** – Competitive Sealed Bids – PIN# B129-TP. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Josif Shikhil, 65 Oriental Blvd., Apt. 12L, Brooklyn, NY 11235, for the operation of a tennis professional concession at Kaiser Park, Neptune Ave. and 28th Street, Brooklyn, N.Y. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on November 17, 2013. Compensation to the City is as follows: Year 1: \$2,950.00; Year 2: \$3,300.00; Year 3: \$3,650.00; Year 4: \$4,100.00. Vendor may only operate during hours that the park is open.

● **OPERATION OF A TENNIS PROFESSIONAL CONCESSION** – Competitive Sealed Bids – PIN# B60-TP. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Stephen J. Carberry, 105 71st Street, Brooklyn, NY 11209, for the operation of a tennis professional concession at McKinley Park 7th Avenue, Bay Ridge Pkwy., and Fort Hamilton Pkwy., Brooklyn, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on November 17, 2013. Compensation to the City is as follows: Season 1: \$3,100.00; Season 2: \$3,257.00; Season 3: \$3,475.00; Season 4: \$3,685.00. Vendor may only operate during hours that the park is open.

● **OPERATION OF A TENNIS PROFESSIONAL CONCESSION** – Competitive Sealed Bids – PIN# B51-TP. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Bogdana Romansky-Livianu, 1530 E. 19th Street, Apt. 1H, Brooklyn, NY 11230, for the operation of a tennis professional concession at William E. Kelly Memorial Park, between E. 14th Street and E. 15th Street, Brooklyn, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on November 17, 2013. Compensation to the City is as follows: Season 1:

\$3,100.00; Season 2: \$3,255.00; Season 3: \$3,400.00; Season 4: \$3,600.00. Vendor may only operate during hours that the park is open.

● **OPERATION OF A TENNIS PROFESSIONAL CONCESSION** – Competitive Sealed Bids – PIN# M42-TP. - The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Russell Cormier, 505 Columbus Ave., Apt. 4B, New York, NY, for the operation of a tennis professional concession at Inwood Hill Park, between 207th Street and Isham Street, Manhattan, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a four (4) year term, expiring on November 17, 2013. Compensation to the City is as follows: Season 1: \$3,475.00; Season 2: \$3,650.00; Season 3: \$3,835.00; Season 4: \$4,030.00. Vendor may only operate during hours that the park is open.

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TRANSPORTATION

SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF PIERS STATEN ISLAND FERRY FACILITY – Competitive Sealed Bids – PIN# 84110SISI463 – DUE 10-06-10 AT 11:00 A.M. – Reconstruction of Piers at the Staten Island Ferry Maintenance Facility. A pre-bid meeting (optional) will be held on Tuesday, September 14, 2010 at 10:00 A.M. at 55 Water Street, Ground Floor, New York, NY 10041. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract/Bid Documents. NO CASH ACCEPTED. Refund will be made only for Contract/Bid Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the south side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building’s security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (ii Drivers License, Passport, Identification card) is available upon request. Please ensure that your company’s address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. Contract available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. For additional information please contact Earl Baim at (212) 487-3137. Vendor Source ID#: 70322.

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

Department of Transportation, Contract Management Unit,
Office of the Agency Chief Contracting Officer
55 Water Street, Ground Floor, New York, NY 10041.
Bid Window (212) 839-9435.

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Construction Related Services

BUS SHELTER BRANDING DECALS FOR BUS SERVICE ROUTES – Competitive Sealed Bids – PIN# 84110MBPS506 – DUE 09-15-10 AT 11:00 A.M. – Furnishing, installation and replacement of Bus Shelter Branding Decals for Select Bus Service Routes, in Manhattan and The Bronx. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract/Bid Documents. NO CASH ACCEPTED. Refund will be made only for Contract/Bid Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the south side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building’s security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (ii Drivers License, Passport, Identification card) is available upon request. Please ensure that your company’s address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. Contract available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. For additional information please contact Joseph Barr at (212) 839-6695. Vendor Source ID#: 70342.

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

Department of Transportation, Contract Management Unit,
Office of the Chief Contracting Officer, 55 Water Street,
Ground Floor, New York, NY. Bid Window (212) 839-9435.

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” **NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

OFFICE OF EMERGENCY MANAGEMENT

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 2, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the New York City Office of Emergency Management and C&G

Partners LLC, principal office located at 116 East 16th Street, New York, NY 10003, for graphic design services for Ready New York and other OEM campaigns for emergency preparedness. The contract amount shall not exceed \$250,000. The contract term shall be from September 15, 2010 to September 14, 2012 and will contain three two-year options to renew from September 15, 2012 to September 14, 2014, from September 15, 2014 to September 14, 2016 and from September 15, 2016 to September 14, 2018. E-PIN #: 01710P0001001.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of Emergency Management, 165 Cadman Plaza East, Brooklyn, NY 11201, on business days, excluding Holidays, from August 25, 2010 to September 2, 2010, from 9:00 A.M. to 5:00 P.M.

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AGENCY RULES

BUSINESS INTEGRITY COMMISSION

NOTICE

NOTICE OF ADOPTION OF RULES RELATING TO TRADE WASTE REMOVAL BUSINESSES, PUBLIC WHOLESALE MARKETS, SEAFOOD DISTRIBUTION AREAS, SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD DISTRIBUTION AREAS, AND MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

NOTICE IS HEREBY GIVEN pursuant to section 1043(h)(1) of the New York City Charter and exercising the authority vested in the Business Integrity Commission by sections 1043(a) and 2101(b)(6) of the New York City Charter, the Commission hereby promulgates and adopts rules relating to trade waste removal businesses, public wholesale markets, seafood distribution areas, seafood distribution outside seafood distribution areas, and market businesses, labor unions and labor organizations operating in seafood distribution areas. Material that is added is underlined, and material that is deleted is shown below in brackets.

The rules were proposed and published in The City Record on May 27, 2010 and July 2, 2010. The required public hearing was held on June 28, 2010 and August 3, 2010.

This rule was included in the 2010 regulatory agenda of the Business Integrity Commission.

Section 1. Subdivision (a) of section 1-03 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

(a) A hearing conducted pursuant to [subdivision b of section 2-08, subdivision (c) of section 3-01 or subdivision (b) or (c) of section 3-02 of] this chapter may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction; provided, however that hearings related to the violation of the provisions of section 16-505 of the Code and the rules of conduct set forth in subchapters E, F and G of this chapter [shall] may, except where the Commission is seeking revocation or suspension of a license or registration on the basis of such violations, be conducted by the Department of Consumer Affairs. All such hearings shall be conducted following the procedures set forth in the rules of OATH (48 RCNY §1-01 et seq.); except in the case of hearings conducted by the Department of Consumer Affairs, which shall be held pursuant to the procedures for adjudication set forth in the rules of such Department. In the event that a hearing is conducted by an administrative law judge employed or designated by the Commission, by OATH or by other administrative tribunal, such administrative law judge shall make recommended findings of fact and a recommended decision to the Commission, which shall make the final determination. In the event that a hearing is held by the Department of Consumer Affairs, the Commissioner of such Department shall make the final determination.

§ 2. Section 5-01 of chapter 1 of title 17 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

(d) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a licensee must contain the license number assigned to the licensee by the Commission. The license number must be clearly identified as a Commission license number. Any listing consisting solely of the name, address and telephone number of the licensee need not include the licensee’s license number.

§ 3. Section 7-01 of chapter 1 of title 17 of the Rules of the City of New York is amended to read as follows:

§7-01 Posting of Registration. (a) A registrant shall conspicuously post the registration issued by the Commission at the registrant’s place of business.

(b) All written communications with a customer or potential customer (including, without limitation, receipts and correspondence), all advertisements and the letterhead of a

registrant must contain the registration number assigned to the registrant by the Commission. The registration number must be clearly identified as a Commission registration number. Any listing consisting solely of the name, address and telephone number of the registrant need not include the registrant's registration number.

§ 4. The section heading of section 6-03 of chapter 1 of title 17 of the Rules of the City of New York is amended and a new subdivision (c) of such section is added to read as follows:

§6-03 Collection of Fees Prohibited; Contract Duration.
(c) A contract for the provision of brokering services to a commercial establishment shall not exceed two years in duration.

§ 5. Title 17 of the rules of the city of New York is amended by adding a new chapter 2 to read as follows:

CHAPTER 2 MARKETS

Subchapter	A	Public Wholesale Markets
	B	Seafood Distribution Areas
	C	Seafood Distribution Outside Seafood Distribution Areas
	D	Market Businesses, Labor Unions and Labor Organizations Operating in Seafood Distribution Areas

SUBCHAPTER A PUBLIC WHOLESALE MARKETS

§11-01	Scope and construction.
§11-02	Definitions.
§11-03	Terms and Fees.
§11-04	Wholesale Business and Market Business Registration Required.
§11-05	Application for a Wholesale Business or Market Business Registration.
§11-06	Photo Identification Cards Required.
§11-07	Temporary Photo Identification Cards and Visitors Passes.
§11-08	Application for a Photo Identification Card.
§11-08.1	Photo Identification Card; Investigation by the Commission.
§11-09	Wholesale Business and Market Business Operations.
§11-10	Labor Union and Labor Organization Registration Required.
§11-11	Application for a Labor Union or Labor Organization Registration.
§11-12	Wholesale Trade Association Registration Required.
§11-13	Application for a Wholesale Trade Association Registration.
§11-14	Record Keeping Requirements for Wholesale Trade Associations.
§11-15	Notification of Material Change in Information, Addition of New Principal and Change in Composition of Business.
§11-16	Acquisitions and Subleases.
§11-17	Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.
§11-18	Emergency Suspension of Registration or Photo Identification Card.
§11-19	Prohibited Acts Generally.
§11-20	Notice.
§11-21	Administrative Hearings.
§11-22	Fines and Penalties.
§11-23	Commission Delegations to the Chairperson.
§11-24	Additional Powers of the Commission.
§11-25	Traffic Regulation and Parking Within the Market.
§11-26	Administration.

§11-01 Scope and construction.

(a) This subchapter shall be applicable to each public wholesale market.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§11-02 Definitions.

For the purposes of this subchapter, the following terms shall have the following meanings:

Applicant. "Applicant" shall mean, if a business entity submitting a registration application, the entity itself and all the principals thereof; if a person submitting an application for a photo identification card, such person.

Code. "Code" shall mean the Administrative Code of the City of New York.

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesalers in a market area to assist with the management of the market area.

Employee. "Employee" shall mean a person who works or has been hired to work in a market on a full-time, part-time or seasonal basis for a wholesaler, market business, or a wholesale trade association, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been

hired to work for a wholesaler or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler or a market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 11-21(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Labor union or labor organization. "Labor union" or "labor organization" shall mean a union or organization that represents or seeks to represent, for purposes of collective bargaining, employees directly involved in the movement, handling or sale of goods in the markets. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred (200) employees in any public wholesale market or combination of public wholesale markets in the City of New York; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in a public wholesale market for a purpose not directly related to the movement, handling or sale of goods in such market; or (iii) an affiliated national or international labor union of local labor unions required to register pursuant to section 11-10 of this subchapter.

Market business. "Market business" shall mean any business located or operating within a market that is engaged in providing goods or services to wholesalers or retail purchasers in such market that are related to the conduct of a wholesale business or the purchase of food or related agricultural products or horticultural products by retailers or others, or that receives such goods within a market for delivery, forwarding, transfer or further distribution outside such market. "Market business" shall include, but not be limited to, the provision of security services within a market, the provision of services related to the collection of fees for entrance into a market and parking, the supply of ice, and the unloading, loading, transfer or distribution of food or related agricultural products or horticultural products. The term "market business" shall not include a business located or operating within a market the main offices of which are located outside a market and which (i) supplies the food or related agricultural products or products sold by wholesalers or is engaged in the trucking or shipping thereof to the market or (ii) supplies electrical, plumbing, construction, renovation or other similar services to wholesalers in the market and does not earn fifty (50) percent or more of its income from such wholesalers.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in a public wholesale market. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-B of Title 22 of the Code or such rules; supervision of Commission staff employed in the markets; response to complaints relating to the operation of businesses in the market; examination of documents required to be maintained by a registrant pursuant to Chapter 1-B of Title 22 of the Code or this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the markets; and such other functions and duties as the Commission may assign consistent with the provision of Chapter 1-B of Title 22 of the Code or the rules promulgated pursuant to such chapter and this subchapter.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a wholesale trade association required to register pursuant to section 11-12 of this subchapter or of a labor union or labor organization required to register pursuant to section 11-10 of this subchapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Public wholesale market or market. "Public wholesale market" or "market" shall mean any building, structure or

place owned by the City or located on property owned by the City or under lease to or in the possession of the City or any part of a street, avenue, parkway, plaza, square or other public place that has been designated as a public market by resolution of the former Board of Estimate of the City or a local law enacted by the City Council to be used or intended to be used for the wholesale buying, selling or keeping of food, flowers or ornamental plants; except that the term "public wholesale market" shall not, unless otherwise set forth in this subchapter, include any building, structure or place within the market area as defined in section 12-02 of subchapter B of this chapter. For purposes of this subchapter, the term "public wholesale market" shall also include the area adjacent to the New York City Terminal Cooperative Produce Market beginning at the point where the westerly street line of Garrison Avenue intersects the northerly street line of Lafayette Avenue; thence easterly along the northerly street line of Lafayette Avenue to the easterly street line of Halleck Street; thence southerly along the easterly street line of Halleck Street to the southerly street line of Ryawa Avenue; thence westerly along the southerly street line of Ryawa Avenue to the westerly street line of Manida Street; thence northerly along the westerly street line of Manida Street to the southerly street line of Viele Avenue; thence westerly along the southerly street line of Viele Avenue to the westerly street line of Tiffany Street; thence northerly along the westerly street line of Tiffany Street to the southerly street line of Oak Point Avenue; thence westerly along the southerly street line of Oak Point Avenue to the westerly street line of Barry Street; thence northerly along the westerly street line of Barry Street to the southerly street line of Leggett Avenue; thence westerly along the southerly street line of Leggett Avenue to the westerly street line of Garrison Avenue; thence northerly along the westerly street line of Garrison Avenue to the point of beginning, and the premises known as 240 Food Center Drive.

Registration. "Registration" shall mean: (a) wholesaler registration or market business registration as required pursuant to section 22-253 of the Code and section 11-04 of this subchapter; (b) labor union or labor organization registration as required pursuant to section 22-264 of the Code and section 11-10 of this subchapter; or (c) wholesale trade association registration as required pursuant to section 22-265 of the Code and section 11-12 of this subchapter.

Wholesale trade association. "Wholesale trade association" shall mean an entity, the majority of whose members are wholesale businesses and/or market businesses, having as a primary purpose the promotion, management or self-regulation of a market or such wholesale businesses or market businesses within such market or the facilities utilized by such businesses, including, but not limited to a corporation, cooperative, unincorporated association, partnership, trust or limited liability partnership or company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes. The term "wholesale trade association" shall include a cooperative association. The term "wholesale trade association" shall not include any entity the majority of whose members are primarily engaged in retail sales outside a public wholesale market.

Wholesaler or wholesale business. "Wholesaler" or "wholesale business" shall mean any business engaged in selling food or related agricultural products or horticultural products at wholesale prices for resale by a wholesaler or retailer or for use by an institution or other similar establishment, whether or not such business also sells directly to the public, except that such terms as used in this subchapter shall not include a "wholesaler" or "wholesale seafood business" as defined in section 12-02 of this chapter; provided, however, that a wholesale business to which customers do not regularly come to pick up purchases and that does not deal from such location primarily in perishable products shall not be subject, unless otherwise provided by rule of the Commission, to the provisions of sections 22-252, 22-254 and 22-255 of chapter 1-B of title 22 of the Code and the rules promulgated pursuant to such sections.

§11-03 Terms and Fees.

(a) A registration shall be valid for three (3) years and may be renewed for three (3) -year periods thereafter.

(b) The fee for registration shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for a permanent photo identification card shall be one hundred dollars (\$100), and the fee for the replacement of a photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(d) The fee for fingerprinting pursuant to sections 22-259 (pertaining to wholesale businesses, market businesses and photo identification cards), 22-264 (pertaining to labor unions and labor organizations and officers), and 22-265 (pertaining to trade associations and officers) of the Code shall be as determined by the New York State Division of Criminal Justice Services.

(e) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253, subdivision b of section 22-264, or subdivision b of section 22-265 of the Code shall be six hundred dollars (\$600).

(f) A wholesale business or a market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(g) The fees provided for in this section shall be payable to the Commission.

§11-04 Wholesale Business and Market Business Registration Required. No person shall operate a wholesale business or market business in a public wholesale market without first receiving a registration or registration number from the Commission.

§11-05 Application for a Wholesale Business or Market Business Registration.

(a) An application for registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all principals of the applicant business. The

registration application shall include, without limitation, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter:

(1) The Commission may, when there is reasonable cause to believe that an applicant for a registration or any or all of the principals of such applicant does not possess good character, honesty and integrity, require that such applicant or any or all of the principals of such applicant be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination. After providing notice and an opportunity to be heard, the Commission may refuse to register such applicant for the reasons set forth in section 22-259 of the Code, or defer a decision whether to register such applicant when there is a pending indictment or criminal action or pending civil or administrative action as provided in paragraph (ii) of subdivision b of section 22-259 of the Code.

(2) If at any time subsequent to the registration of a wholesale business or a market business the Commission has reasonable cause to believe that any or all of the principals of such business do not possess good character, honesty and integrity, the Commission may require that any or all of the principals be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall apply.

§11-06 Photo Identification Cards Required.

(a) No person who is a principal or employee of any wholesale business or market business operating in a public wholesale market, or any other business operating in a public wholesale market located on City property, shall perform any function in such market without having been issued a photo identification card by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code and section 11-08.1 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Photo identification cards shall be in the possession of principals and employees of wholesale businesses, market businesses or other businesses at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this

subchapter. A wholesale or market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of a wholesale or market business shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's or principal's photo identification card and surrender it to the market manager.

(f) No wholesale or market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

(g) The photo identification card of a person who is a principal or employee of more than one wholesale business or market business operating in a public wholesale market shall reflect the multiple affiliations of such person.

§11-07 Temporary Photo Identification Cards and Visitors Passes.

(a) The Commission may designate the cooperative association of any public wholesale market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(b) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of section 11-06 of this subchapter.

(c) The Commission may designate the cooperative association of any public wholesale market to issue visitor passes at the public wholesale market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(d) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(e) Temporary photo identification cards and visitors passes shall be in the possession of all persons required to have them at all times when such persons are in the market, and shall be produced upon demand to an authorized employee or agent of the Commission.

§11-08 Application for a Photo Identification Card. An application for a photo identification card shall include the information requested in the application form provided by the Commission. The application shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

§11-08.1 Photo Identification Card; Investigation by the Commission. Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card who is a principal or employee of a wholesale or market business does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

§11-09 Wholesale Business and Market Business Operations.

(a) Registration or registration number not transferable. Wholesale businesses and market businesses shall not transfer their registration or registration numbers as part of the sale of such businesses.

(b) Furnishing and display of registration or registration numbers. A wholesale business or market business shall conspicuously and prominently display its registration certificate issued by the Commission at its place of business.

(c) Recordkeeping. Wholesale businesses or market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

(d) Worker's compensation insurance. Wholesale businesses or market businesses shall submit proof that they have obtained the required worker's compensation and disability benefits coverage, or that they are exempt from section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's

Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) Liability insurance. Wholesale businesses or market businesses shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property that may arise from or in connection with the business:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesale business or market business, whether or not owned by the business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by these rules shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration. Such policy or policies of insurance shall be obtained from a company or companies duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license. A registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) Wholesale businesses and market businesses shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of their employees or agents.

(h) Each wholesale businesses and market businesses shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§11-10 Labor Union and Labor Organization Registration Required. Labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any public wholesale market shall register with the Commission, unless such labor union or labor organization is exempt from registration pursuant to subdivision 22-264(a) of the Code.

§11-11 Application for a Labor Union and Labor Organization Registration.

(a) An application for a labor union or labor organization registration pursuant to section 22-264 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but not be limited to, the following information: (1) the names of all officers and agents; (2) all criminal convictions, in any jurisdiction, of such labor union or labor organization; (3) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial, investigative or regulatory agency; (4) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. §1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (5) judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5) year period preceding the date of the application; and (6) the appointment of an independent auditor, monitor, receiver, administrator or trustee to oversee any activities of such labor union or labor organization in the five (5) year period preceding the date of the application. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or 29 U.S.C. § 1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to subdivision 22-264(a) of the Code shall submit the information required by subdivision 22-264(b) of the Code on a form prescribed by the Commission.

(c) Notwithstanding any provision of this subchapter, where there is reasonable cause to believe that an officer of a labor union or labor organization does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition

to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be reported to the Commission by such union or organization or officer, in a signed and notarized writing, within thirty (30) calendar days thereof.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§11-12 Wholesale Trade Association Registration Required. Wholesale trade associations shall register with the Commission before operating in a public wholesale market.

§11-13 Application for a Wholesale Trade Association Registration.

(a) An application for a wholesale trade association registration pursuant to section 22-265 of the Code, or for a renewal of such registration, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by an officer of the applicant. The application shall include, but be not limited to, the following information: (1) the names of all members of such association; (2) the names of all persons holding office in such association; and (3) any criminal or civil investigation by a federal, state, or local prosecutorial, investigative or regulatory agency.

(b) An officer of a wholesale trade association required to be registered with the Commission pursuant to section 22-265 of the Code shall submit the information required by subdivision 22-265(b) of the Code on a form provided by the Commission.

(c) Notwithstanding any provision of this subchapter, when there is reasonable cause to believe that an officer of the trade association does not possess good character, honesty and integrity, the Commission may require that such officer be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) After providing notice and opportunity to be heard, the Commission may disqualify an officer from holding office in a wholesale trade association based on the grounds set forth in subdivision c of section 22-265 of the Code and in accordance with the procedure for such disqualification set forth in such subdivision.

(e) If an application for the renewal of a registration is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a wholesale trade association registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§ 11-14 Record Keeping Requirements for Wholesale Trade Associations.

(a) Wholesale trade associations shall retain copies of all invoices and other documents reflecting payment to and from wholesalers and market businesses, leases, sub-leases, union contracts, and all other records produced or maintained in the normal course of business for a minimum of thirty-six (36) months.

(b) Such books and records shall be made available for immediate inspection and/or copying upon request by the market manager, a designee of the market manager or an employee of the Commission.

§ 11-15 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form submitted pursuant to this subchapter. Subsequent to the issuance of the registration or photo identification card, the registrant or photo identification card holder shall notify the Commission within thirty (30) calendar days of any material change in the information submitted in an application or disclosure form.

(b) A registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange). The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the registrant may add such new principal pending the completion of review by the Commission. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal

pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(c) The registrant shall also notify the Commission within thirty (30) days calendar days, of the ownership composition of the business.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§ 11-16 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale business or market business shall submit an application for a wholesale business or market business registration pursuant to the provisions of Chapter 1-B of Title 22 of the Code and the rules set forth in this subchapter for a preliminary review of such application by the Commission. Upon the submission of purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition or sale is to take effect, the Commission will conduct an expedited application review.

(b) A registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however, that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale businesses and market businesses shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a wholesale business or market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale business or market business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of chapter 1-B of Title 22 of the Code and the rules set forth in this subchapter, issue a registration number to such sublessee. Absent such registration number no wholesale business or market business may permit a sublessee to operate a wholesale business or market business on such premises.

§ 11-17 Refusal to Issue Registration or Photo Identification Card; Revocation and Suspension of Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a registration to a wholesale business or market business applicant or a photo identification card applicant, the applicant shall be notified in writing of the reasons for the proposed refusal of such registration or photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend the registration of a wholesale business or market business or a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation section 11-19 of this subchapter. Notice shall be provided in accordance with the provisions of section 11-20 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of this subchapter.

(c) Revocation or suspension of a registration, discontinuance of business operations in the market area by a registrant, or denial of an application for registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the registrant. Violation of the provisions of this subdivision may result in immediate revocation of a suspended registration and/or the imposition of sanctions and penalties as provided in section 22-258 of the Code.

(d) Revocation or suspension of photo identification cards or denial of an application for a photo identification card (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§ 11-18 Emergency Suspension of Registration or Photo

Identification Card. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a wholesale business or market business or the presence of any person in the public wholesale market creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission who shall determine such appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision (b) of section 11-21 of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by a wholesale business or market business whose registration has been suspended without a prior hearing, permit such business to remain in the market for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the market.

§ 11-19 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (11) sell in any market any merchandise that the Commission has prohibited to be sold therein; (12) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (13) perform any act that may tend to damage or clog drains or sewers; or (14) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of wholesalers or market businesses, officers of labor unions and labor organizations, and officers of wholesale trade associations. Such persons shall not:

(1) authorize another person to use the name of the wholesale business, labor union or organization, wholesale trade association or market business to which a registration number has been issued for such business;

(2) authorize another person to conduct a wholesale business or market business with the registration number that has been issued to such business;

(3) conduct a wholesale business or market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws or regulations;

(5) in the case of a wholesale business or market business, fail to notify the Commission of any change in the information pursuant to section 11-15 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or to any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a wholesale, market or other business, continue to employ within any market a person who is required to have but has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 11-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the

Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§ 11-20 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-B of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, registrant or photo identification card holder or on the registration issued to the business. All such notices served on an employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§ 11-21 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-B of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or by other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card or registration, such hearing shall, at the discretion of the Commission, be conducted by the Commission, a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-261 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct a fair and impartial hearing, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default the hearing officer shall make recommended findings and a recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§ 11-22 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a wholesale business, market business, or wholesale trade association, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-B of Title 22 of the Code or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A wholesale business, market business, or wholesale trade association shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§ 11-23 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson

any authority of the Commission set forth in this subchapter or Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 11-24 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by the Commission.

(b) Entry into any market may be regulated by the Commission. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commission shall have first approved the amount of such fee. The Commission may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§ 11-25 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and with any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owner.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations and procedures of any other government agency having jurisdiction over motor vehicles.

§ 11-26 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such premises no later than five (5) days after such surrender.

SUBCHAPTER B SEAFOOD DISTRIBUTION AREAS

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§ 12-01 Scope and construction.

(a) This subchapter shall govern licensing, registration and other requirements relating to seafood distribution in seafood distribution areas, including the market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§ 12-02 Definitions.

For the purposes of this subchapter, the following terms shall have the following meanings:

Applicant. "Applicant" shall mean, if a business entity submitting a response to a request for licensing proposals, an application for a temporary license or a registration application, the entity itself and all the principals thereof; if an individual submitting an application for a photo identification card, such individual.

Business related to seafood distribution. "Business related to seafood distribution" shall mean any business located in the market area other than an unloading, loading, wholesaler or seafood delivery business, that provides or maintains items or services necessary to seafood distribution, including, but not limited to, the provision or maintenance of ice or other equipment or supplies.

Business entity. "Business entity" shall mean a sole proprietorship, partnership, corporation, or other entity established under law and authorized to conduct business within the state of New York.

Code. "Code" shall mean the Administrative Code of the City of New York.

Chairperson. "Chairperson" shall mean the Chairperson of the New York City Business Integrity Commission.

Commission. "Commission" shall mean the New York City Business Integrity Commission. The term "Commission" also shall refer to an action of the Chairperson of the Commission, taken under delegation from the Commission.

Cooperative association. "Cooperative association" shall mean the cooperative association established, with the approval of the Commission, by wholesale seafood businesses in a market area to assist with the management of the market area.

Designated waiting area. "Designated waiting area" shall mean that area set aside by the market manager during regular unloading hours in which trucks shall wait until unloaders are assigned to them.

Designee of the commission. "Designee of the commission" shall mean the Department of Citywide Administrative Services and, with respect to loading services or the direction of traffic within the market area, the Department of Transportation.

Employee. "Employee" shall mean a person who works or who expects to work in a market area on a full-time, part-time or seasonal basis for a wholesaler, seafood delivery business, loading business, unloading business or market business, but shall not include persons hired to work on an occasional basis. A person hired to work on an occasional basis is any person who works or has been hired to work for a wholesaler, seafood delivery business, loading business, unloading business or market business and works no more than five (5) days in any given month for the same employer. Any person who works for a wholesaler, seafood delivery business, loading business, unloading business or market business is presumed to be an employee unless the presumption is overcome by credible evidence produced by the person and/or the employer.

Hearing officer. "Hearing officer" shall mean a person appointed or designated to conduct hearings pursuant to the procedures set forth in subdivision 12-26(b) of this subchapter relating to the suspension or revocation of a license, registration, or photo identification card. "Hearing officer" shall not include a person assigned to preside over a case that has been referred to the Office of Administrative Trials and Hearings.

Loader. "Loader" shall mean any person who performs loading services.

Loading area. "Loading area" shall mean a location, approved or designated by the market manager, in which designated loading business shall provide loading services. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Loading business. "Loading business" shall mean any business entity that, for a payment, provides loading services.

Loading services. "Loading services" shall mean services performed by a loader and provided by a loading business for a purchaser of seafood, including parking such purchaser's vehicle, moving such vehicle when necessary for traffic control, loading seafood onto such vehicle, and ensuring the security of such vehicle and the seafood loaded thereon; provided, however, that the term shall not mean the loading of seafood onto the vehicle of a purchaser when such loading is performed by an employee of a wholesaler delivering seafood from such wholesaler to the vehicle of the purchaser thereof or by a purchaser or an employee of such purchaser.

License. "License" shall mean an unloading business license or a loading business license issued by the Commission authorizing the conduct of such business in the market area.

Market area. "Market area" shall mean:

(1) The area in Hunts Point in the Borough of the Bronx that includes (i) the structure known as the New Fulton Fish Market at Hunts Point and all parking and other areas adjacent thereto, beginning at the intersection of the bulkhead line in the East River and the easterly street line of Halleck Street extended, thence northwesterly to the intersection of the easterly street line of Halleck Street extended and the southerly street line of Food Center Drive, thence easterly along the southerly street line of Food Center Drive to the intersection of the southerly street line of Food Center Drive and the southerly street line of Farragut Street, thence easterly along the southerly street line of Farragut Street continuing to its easterly terminus, thence easterly to the intersection of Farragut Street extended and the bulkhead line in the East River, thence westerly along said bulkhead line to the place of beginning, but excluding (A) the southern portion of the above-described area that is under the jurisdiction of the Department of Correction and includes

a prison barge and adjacent parking lot and other facilities and areas controlled by the Department of Correction, and (B) the eastern portion of the above-described area that is under the jurisdiction of the Department of Sanitation and includes a marine transfer station and other facilities and areas controlled by the Department of Sanitation; and(ii) the parking lot for use by persons employed at the New Fulton Fish Market at Hunts Point, including the pathway connecting such parking lot with Food Center Drive and the driveway connecting such parking lot with Halleck Street, that lies northwest of the area described in paragraph (i) of this subdivision, northeast of Halleck Street, southeast of the northerly street line of Viele Street extended, and southwest of the Hunts Point Meat Market.

The aerial photograph constituting Appendix A of this subchapter illustrates the market area described above. Such appendix is for illustration purposes only, and the area indicated therein is not necessarily to scale. If there is a conflict between the description set forth above and the area illustrated by such photograph, the description set forth above shall prevail.

(2) Any other area declared to be a seafood distribution area pursuant to section 22-222 of the Code.

Market hours. "Market hours" shall mean the hours of operation of the market area as designated by the market manager. Such hours shall be posted in appropriate locations throughout the market area.

Market manager. "Market manager" shall mean a person designated by the Commission to supervise operations in the market area. Such supervision shall include, without limitation: implementation of these rules and the authority to enforce violations of any provision of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter; supervision of Commission staff employed in the market area; response to complaints relating to the operation of businesses in the market area; examination of documents required to be maintained by a licensee or registrant pursuant to this subchapter; referrals, where appropriate, to any law enforcement, adjudicatory, investigative or prosecutorial agency of matters occurring within the market area; and such other functions and duties as the Commission may assign consistent with the provisions of Chapter 1-A of Title 22 of the Code or the rules promulgated pursuant to such chapter.

Non-seafood business. "Non-seafood business" shall mean any business that operates within a market area on City property that is not a loading, unloading, wholesale seafood or seafood delivery business or a market business, as that term is defined in section 14-02 of this chapter.

Person. "Person" shall include entities as well as natural persons unless the context indicates otherwise.

Principal. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer, director and stockholder holding ten (10) percent or more of the outstanding shares of the corporation; of a partnership, all the partners; of another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons having an ownership interest of ten (10) percent or more; and with respect to all business entities, all other persons participating directly or indirectly in the control of such business entity. Where a partner or stockholder holding ten (10) percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, a "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding ten (10) percent or more of the outstanding shares of such corporation, as is appropriate. For the purposes of this subchapter (1) a person shall be considered to hold stock in a corporation where such stock is owned directly or indirectly by or for (i) such person, (ii) the spouse of such person (other than a spouse who is legally separated from such person pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such person is domiciled), (iii) the children, grandchildren and parents of such person, (iv) a partnership in which such person is a partner, in proportion to the partnership interest of such person, and (v) a corporation in which any of such person, the spouse, children, grandchildren and parents of such person own fifty (50) percent or more in value of the stock; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant where such corporation holds fifty (50) percent or more in value of the stock of a third corporation that holds stock in the applicant corporation.

Registration. "Registration" shall mean wholesale seafood registration as required by section 22-209 of the Code or a seafood deliverer registration as required by section 22-211 of the Code.

Regular loading hours. "Regular loading hours" shall mean the hours designated by the market manager for the loading of seafood. Notice of such designation and of any changes thereto shall be posted in appropriate locations.

Regular unloading hours. "Regular unloading hours" shall mean the hours designated by the market manager for the unloading of seafood from trucks. Notice of such designation and of any changes thereto shall be posted in appropriate locations.

Seafood. "Seafood" shall mean fish, seafood or consumables derived therefrom.

Seafood delivery business or seafood deliverer. "Seafood delivery business" or "seafood deliverer" shall mean any business entity, that, for payment, delivers seafood from wholesalers in the market area by truck or other vehicle to retail establishments or other wholesalers in the City of New York or other locations outside the market area.

Stand permit. "Stand permit" shall mean an occupancy permit granted by the Commission subject to such conditions as the Commission shall prescribe authorizing use of city property by a wholesaler for the placement of seafood in an area extending into a city street.

Unloader. "Unloader" shall mean any person who performs unloading services.

Unloading area. "Unloading area" shall mean a location, approved or designated by the market manager, in which seafood may be unloaded from trucks for delivery to

wholesalers or for transfer and distribution to other locations. Notice of such designations and of any changes thereto shall be posted in appropriate locations.

Unloading business. "Unloading business" shall mean any business entity that, for a payment, provides unloading services.

Unloading dispatcher. "Unloading dispatcher" shall mean any person designated by the market manager to supervise the unloading procedure.

Unloading services. "Unloading services" shall mean the unloading of seafood from a truck or other vehicle that has transported such seafood from suppliers and the delivery thereof to wholesalers or the transfer thereof to other trucks or vehicles for transport to other locations.

Wholesaler or wholesale seafood business. "Wholesaler" or "wholesale seafood business" shall mean any business entity which sells or offers to sell seafood for resale to the public, whether or not such business entity also sells or offers to sell seafood directly to the public; except that "wholesaler" shall not include any such entity that is primarily engaged in the sale of seafood that has been processed and packaged by another business for sale to consumers in such packaged form.

§12-03 Terms and Fees.

(a) Licenses.

(1) License term. An unloading or loading license issued pursuant to this subchapter shall be valid for two (2) years and may be extended for an additional (1) year at the discretion of the Commission. A temporary license issued pursuant to subdivision 22-204(g) or 22-206(g) shall be valid for a period not to exceed one (1) year, provided that such license shall not extend beyond the remainder of the term of the original license.

(2) License fee. The fee for an unloading or loading license shall be seven thousand five hundred dollars (\$7500) and the fee for extension of such license for an additional year shall be three thousand seven hundred and fifty dollars (\$3750). The fee for a temporary license shall be prorated to the term of an original license.

(3) Disclosure fee for principals of license applicants. The fee for each principal disclosure in connection with an unloading or loading license shall be six hundred dollars (\$600).

(b) Registrations.

(1) Registration term. A wholesale seafood business or a seafood delivery business registration issued pursuant to this subchapter shall be valid for two (2) years, and may be renewed for two (2)-year periods thereafter.

(2) Registration fee. The fee for registration of a wholesale seafood business or a seafood delivery business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) Stand permits.

(1) Stand permit term. A stand permit issued pursuant to this subchapter shall be valid for two years, and may be renewed for two year periods thereafter.

(2) Stand permit fee. The fee for a stand permit shall be based on the square footage of the area encompassed by the stand permit.

(d) Photo identification fee. The fee for a Class B photo identification card issued by the market manager shall be one hundred dollars (\$100), and the fee for the replacement of a Class B photo identification card that has been lost or stolen shall be one hundred dollars (\$100). The fee for Class A photo identification card issued by the market manager shall be one hundred and fifty dollars (\$150), and the fee for the replacement of a Class A photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) Investigative fee. The fee for a background investigation pursuant to subdivision b of section 22-209 and subdivision b of section 22-211 shall be six hundred dollars (\$600) and the fee for a background investigation pursuant to subdivision b of section 22-203 of the Code shall be two hundred dollars (\$200).

(f) Fingerprint fee. The fee for fingerprinting shall be as determined by the New York State Division of Criminal Justice Services.

(g) A wholesale seafood business, a seafood delivery business, a loading business or an unloading business shall be responsible for the payment of any fee imposed by this section with respect to an employee, principal or agent of such business or any person seeking to become an employee, principal or agent of such business.

(h) The fees provided for in this section shall be payable to the Commission.

§12-04 Photo Identification Cards and Visitors Passes.

(a) Class A and Class B Photo Identification Cards. No person who is a principal or employee of any unloading, loading, wholesale, seafood delivery or non-seafood business who performs any function in the market area, or any agent of such a business who performs any function in the market area directly related to the handling or transportation of seafood, shall perform such function without a Class A or Class B photo identification card issued by the market manager pursuant to this subchapter and section 22-203 of the Code. A person who performs any function in the market area who is a principal or employee of an unloading or loading business subject to the licensing requirement in sections 22-204 and 22-206 of the Code, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class A photo identification card issued by the market manager. A person who performs any function in the market area who is a principal or employee of a wholesale or seafood delivery business subject to the registration requirement in sections 22-209 and 22-211 of the Code or a non-seafood business, or an agent of such business who performs any function in the market area directly related to the handling or transportation of seafood, must first obtain a Class B photo identification card from the market manager.

(b) Notwithstanding the foregoing, any person required to have a photo identification card who has filed an application therefor and obtained a temporary photo identification card, may continue to perform such functions unless and until (1) the application of such person for a photo identification card

has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-203 and 22-216 of the Code and section 12-05 of this subchapter, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(c) Temporary Photo Identification Cards and Visitors Passes. (1) The Commission may designate the cooperative association of any market to issue temporary photo identification cards to persons required to have a photo identification card within such market. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose.

(2) Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraphs (1), (2) or (3) of subdivision (b) of this section.

(3) The Commission may designate the cooperative association of any market to issue visitor passes at the market in which it operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such visitors passes and such terms and conditions as the Commission may impose.

(4) Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall immediately notify the market manager of the addition or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment in the market or who ceases to be a principal of an unloading, loading, wholesale, seafood delivery or non-seafood business shall immediately surrender his or her photo identification card to the market manager. A business that terminates an employee possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) Photo identification cards and visitors passes shall be displayed at all times within the market area so as to be readily visible to others.

(g) No loading, unloading, wholesale seafood, seafood delivery or non-seafood business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§12-05 Application for Class A and Class B Photo Identification Cards.

(a) An applicant for a Class A photo identification card shall be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records, provide in full the background information required pursuant to subdivision a of section 22-216 of the Code in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(b) An applicant for a Class B photo identification card shall submit the information requested in the application form as prescribed by the Commission. The application form shall be signed and certified under penalty of perjury by the applicant. The application shall include the following information: names, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and other such information deemed appropriate by the Commission.

(c) Notwithstanding any provision of this subchapter:

(1) the Commission may, when there is reasonable cause to believe that an applicant for, or holder of, a Class B photo identification card (other than a principal, employee or agent of a non-seafood business) does not possess good character, honesty and integrity, require that such applicant or Class B holder be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission pursuant to sections 22-203 and 22-216 of the Code. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation, documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(d) The Class B photo identification card of a person who is a principal, employee or agent of more than one wholesale seafood business or seafood delivery business shall reflect the multiple affiliations of such person.

§12-06 Unloading and Loading Licenses Required.

(a) Unloading licenses. No person shall operate an unloading business in the market area without having first obtained a license to conduct such business issued by the Commission.

(b) Loading licenses. No person shall operate a loading business in the market area without having first obtained a license to conduct such business issued by the Commission.

§12-07 Application for License.

(a) Procedure. (1) An applicant business required by section 22-204 or section 22-206 of the Code, where applicable, to obtain a license to operate an unloading business or a loading business in the market area shall submit an application for a license and a response to a request for licensing proposal issued by the Commission pursuant to section 22-204 or section 22-206 of the Code no later than the dates specified in such request for licensing proposal.

(2) Notice of the availability of requests for licensing proposals to conduct an unloading business or a loading business in the market area, and the date or dates by which such proposals must be submitted, shall be posted in locations within the market area and published in The City Record and any other locations and publications as the Commission may determine are appropriate.

(3) An applicant for an unloading or loading license shall submit the information contained in the license application form and the required disclosure form provided by the Commission. In addition, each principal of the applicant business shall be fingerprinted by a person designated for such purpose by the Commission. The Commission may compel attendance, examine witnesses, take testimony and require the production of evidence as the Commission deems necessary to investigate the truth and accuracy of the information submitted.

(b) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-08 Information Required on a License Application.

(a) The application for a loading or unloading license accompanying the response to the request for licensing proposals shall be signed by all principals of the applicant and certified under penalty of perjury.

(b) The application shall include, but not be limited to the following information:

(1) The name and address of the applicant submitting such response and the social security numbers of the principals of the applicant business.

(2) (i) If such applicant is a corporation, a copy of the certificate of incorporation and the names and addresses of all officers and directors.

(ii) If such applicant is a partnership, a copy of partnership papers, certified by the County Clerk.

(iii) If such applicant is a limited liability company, a copy of the articles of organization and the names and addresses of all members.

(iv) If the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk.

(3) Complete responses by the applicant business and by all of the principals of the business to the applicable disclosure form required by the Commission pursuant to subdivision a of section 22-216 of the Code.

(4) The names and addresses and dates of birth of all employees and/or agents of the applicant who will perform work directly or indirectly related to loading or unloading, as the case may be, whether inside or outside the market area; driver's license numbers, with the class and expiration date, or other required operator's licenses, of all employees and/or agents who will operate vehicles within the market area; and completed disclosure forms, as required pursuant to section 22-216 of the Code for each current or identified employee and/or agent who will be required to possess a Class A photo identification card.

(5) A business telephone number and a business address within the City of New York where notices may be delivered and legal process may be served, and where records required by these rules shall be maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process.

(6) A tax identification number.

(7) A statement of financial responsibility in the form prescribed by the Commission demonstrating the capacity to conduct the business for which the license is sought and setting forth the amounts and sources of funds used or intended to be used in the operation of the business. Proof of such financial capacity shall include, at a minimum, a demonstration of the current financial ability to pay all monthly expenses relating to required equipment, insurance, personnel, and other items for a period of at least three months.

(8) Proof of insurance required.

(i) Before a license is issued, an applicant shall submit proof that the following insurance policies have been secured:

(A) The required worker's compensation and disability benefits coverage, or that the applicant is exempt from section 57 of the Worker's Compensation Law and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(B) Liability insurance against claims for injuries to persons or damage to property which may arise from or in connection with the applicant's business pursuant to the license. The applicant may purchase such policies in conjunction with one or more other licensees, provided that the following coverages are maintained:

(I) Commercial general liability insurance with liability limits of for unloading businesses no less than one million dollars (\$1,000,000) and for loading businesses no less than five hundred thousand dollars (\$500,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(II) Business automobile liability insurance covering every vehicle operated by the applicant in its business, whether or not owned by the applicant, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(III) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(i) The policy or policies of insurance required by this paragraph shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(ii) The licensee shall maintain all required insurance coverage throughout the term of the license. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the license.

(iv) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(v) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf must be delivered to the Commission prior to the effective date of the license.

(9) Proof of a performance bond, or other security that the Commission in its discretion so requires, in an amount, if any, determined by the Commission that will secure the City for the provision of unloading services or loading services, as the case may be, in the event of a default of a licensee as provided by section 22-204 or section 22-206 of the Code. The requirement of a performance bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a license has been issued.

(c) Requirements for proposals. Responses to requests for proposals shall be in the form prescribed by the Commission and shall contain the proposal information concerning the services to be performed and the conduct of the business described in subdivision b of section 22-204 of the Code with respect to unloading licenses and in subdivision b of section 22-206 of such Code with respect to loading licenses. The proposal shall be signed by all the principals of the applicant and certified under penalty of perjury.

(d) Examination of records. The Commission may require an applicant to produce for inspection such business records as the Commission deems necessary to verify the truth and accuracy of information submitted pursuant to an application for a license.

§12-09 License Issuance.

(a) Following review of proposals submitted in response to a request for licensing proposals issued pursuant to section 22-204 or section 22-206 of the Code, as the case may be, the Commission may, at its discretion, issue one or more licenses to conduct an unloading business or a loading business in the market area to the business entity or entities the Commission has determined are most qualified to provide such services in a safe, orderly and cost-efficient manner.

(b) The Commission may refuse to consider a proposal, refuse to issue a license or defer a decision on whether to consider such proposal or issue such license pursuant to the provisions set forth in subdivision b of section 22-216 of the Code.

(c) When a license or consideration of a proposal is denied for lack of good character, honesty and integrity or when the decision to issue such license or to consider such proposal is deferred, the applicant shall be given notice of the reasons for such denial or deferral and may respond in writing within ten (10) days of receipt of such notice. The Commission shall review such response and shall make a final determination whether to issue the license or consider the proposal.

(d) Notwithstanding any other provision of this section, the Commission may, for the reasons set forth in section 22-208 of the Code, determine not to issue a license or licenses to conduct unloading or loading businesses, as the case may be, in the market area and instead arrange for the Commission, a designee of the Commission or an entity under contract to the Commission, or any combination thereof, to provide such services.

§12-10 License Conditions. A license to conduct an unloading business in the market area shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements as may be set forth as conditions of such license pursuant to subdivision d of section 22-204 of the Code. A license to conduct a loading business shall be subject to conditions specifying rates, insurance and bonding, performance standards and customer service, and any other requirements set forth as conditions of such license pursuant to subdivision d of section 22-206 of the Code. In addition, a license to conduct an unloading business and a license to conduct a loading business shall be subject to the following conditions:

(a) Maintenance of insurance. A licensee shall demonstrate that he, she or it has secured the insurance coverage required pursuant to section 12-8 of this subchapter, and shall maintain such required insurance coverage throughout the term of the license.

(b) A license issued by the Commission pursuant to this subchapter shall not be transferable. A licensee shall not permit the use by any other person of the license or license number issued pursuant to this subchapter.

(c) A license shall not be altered by a licensee. Any license that is altered by the licensee shall be null and void.

§12-11 Unloading Operations. An unloading business shall comply with the conditions for conducting unloading

operations that are contained in the license issued to such unloading business pursuant to section 22-204 and subdivision b of section 22-222 of the Code. In addition, an unloading business shall be subject to such provisions of this section as the market manager may direct.

(a) Order of unloading. (1) Upon arrival, trucks shall be directed to the designated waiting area. The unloading dispatcher designated by the market manager shall record relevant information, including the license number and time of arrival and shall inspect and make a copy of the manifest for seafood to be delivered by each truck that enters a designated waiting area.

(2) Trucks shall remain in the designated waiting area until directed by the unloading dispatcher to proceed to a designated unloading area.

(3) Except as otherwise provided in paragraph (4) of this subdivision, unloaders shall unload trucks in order of their arrival at the designated waiting area, based on the time of arrival recorded by the unloading dispatcher.

(4) Notwithstanding paragraph (3) of this subdivision, the unloading dispatcher may permit the unloader to unload out of order of arrival if the truck is delivering fewer than three (3) pallets of seafood; if the truck contains live seafood; if the seafood requires special handling or equipment which only a particular unloader can provide; or for other reasons which the unloading dispatcher determines justify expedited unloading.

(b) Unloading assignments and hours. (1) An unloading business shall not conduct unloading in an unloading area unless the market manager has approved the use of such area by such unloading business or has assigned such unloading business to such unloading area. The market manager may rotate such assignments.

(2) (i) Except as provided in subdivision (b) of this section, an unloading business licensed pursuant to this subchapter shall be available throughout the regular unloading hours to unload trucks directed to such business by the unloading dispatcher.

(ii) If, toward the end of the regular unloading hours, the market manager determines that the presence of an unloading business is not required because of the small number of trucks awaiting unloading or expected to unload, he or she may allow such unloading business to leave. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall arrange for the rotation of such businesses required to remain present during such periods.

(iii) The market manager shall provide that an unloading business be on call to unload any truck that may arrive after the regular unloading hours and shall designate such unloading business. Where more than one unloading business is operating pursuant to an unloading license issued by the Commission, the market manager shall rotate the responsibility to unload trucks after regular unloading hours on a periodic basis. Each unloading business shall provide for an unloading crew and a supervisor of such unloading crew to be on duty during the hours that such business is on call. Such unloader may, where authorized in the conditions of its unloading license, charge a surcharge not to exceed the amount specified in such conditions for unloading after the regular unloading hours. Such surcharge shall be posted with the unloading rates as required in subdivision (c) of this section.

(3) An unloading business and an unloader shall at all times unload trucks in the order directed by the unloading dispatcher.

(4) An unloading business and an unloader shall not refuse to unload any truck directed to his, her or its approved or assigned unloading area by the unloading dispatcher.

(c) Rates, billing procedures and record keeping. (1) An unloading business may charge no more than those rates for unloading that are specified in the conditions of the unloading license issued pursuant to section 22-204 of the Code and the provisions of this subchapter, and shall post such rates in such appropriate locations within the market area as the market manager shall specify.

(2) An unloading business shall direct the unloader to verify that the information on the bill of lading conforms to the seafood delivered to the wholesaler, and to sign and legibly record the license number of the unloading business on the bill of lading and obtain a signature thereon from the wholesaler or a person authorized by the wholesaler to sign for such delivery acknowledging receipt of the seafood indicated thereon, noting any discrepancies.

(3) Except as otherwise authorized in writing by the market manager, an unloading business shall provide for the weekly billing of wholesalers for seafood delivered, shall retain copies of all such bills and of all other records produced in the normal course of business for thirty-six (36) months and shall make all such records available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager. Each bill shall specify for each delivery the shipper, the date and time of delivery to the wholesaler, the quantity and type of seafood delivered and amount charged for the delivery.

(4) The provisions of this subdivision shall not apply where the Commission, a designee of the Commission or an entity under contract to the Commission performs unloading services pursuant to paragraph (ii) of subdivision g of section 22-204 or 22-208 of the Code.

(d) Prohibited acts for unloaders.

(1) An unloading business or an unloader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the unloading business adequately and effectively to perform unloading activities under this subchapter.

(2) An unloading business or an unloader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the unloading process by threats, intimidation or coercion, or by unloading any truck out of order or soliciting any other unloading business or unloader to unload any truck out of order, or by refusing to unload or soliciting any other unloading business or unloader to refuse to unload any truck directed to him, her or it by the unloading dispatcher.

(3) An unloading business or an unloader shall not charge

any fees in addition to the fees for unloading specified in the conditions of the unloading license issued by the Commission, nor shall an unloading business or an unloader request or accept other fees or gratuities relating to unloading from wholesalers or truckers.

(4) An unloading business or an unloader shall not violate applicable federal, state and city regulations regarding the handling of seafood.

(5) In addition to the foregoing, the following rules also apply to principals, employees and agents of an unloading business or an unloader. Such persons shall not:

- (i) authorize another person to use the name of the unloading business or unloader to which a license has been issued;
- (ii) authorize another person to conduct an unloading business or act as an unloader with the license that has been issued to such unloading business or unloader;
- (iii) conduct an unloading business under any name other than the name under which such business has been licensed with Commission;
- (iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);
- (v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;
- (vi) falsify any business record;
- (vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;
- (viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;
- (ix) engage in any unfair labor practice under federal and state labor laws as applicable.
- (x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;
- (xi) violate or fail to comply with any order or directive of the Commission;
- (xii) fail to pay federal, state and local taxes;
- (xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-12 Loading Operations. A loader shall comply with the conditions for conducting a loading business that are contained in the license issued to such loading business pursuant to section 22-206 and subdivision b of section 22-222 of the Code. In addition, a loading business shall be conducted subject to the provisions of this section as the market manager may direct.

(a) **Loading charges and vouchers.** (1) A loading business shall post copies of the schedule of the rates set forth in the conditions of its license to be charged for the parking of vehicles and for the services performed by such loading business in appropriate areas within the market area as determined by the market manager. The market manager or the designee of the market manager may issue vouchers for sale to persons who wish to park and use loading services in the market area. Where the market manager or the designee of the market manager has issued such vouchers, persons parking and using loading services in the market area shall pay loaders for such parking and loading services only with vouchers purchased from the market manager or his or her designee.

(2) A loading business or a loader shall not charge more than the rates that are contained in the conditions of the loading license and are shown on a schedule posted pursuant to paragraph (1) of this subdivision. Where the market manager or his or her designee has issued vouchers pursuant to this subdivision, loaders shall accept payment for parking and loading services only in voucher form and shall not charge, request or accept any cash payment or other fees or gratuities in connection with loading. Where such vouchers have been issued, the market manager or his or her designee shall redeem those vouchers presented to him or her by a loading business for payment.

(b) **Loading Assignments and Hours.** (1) A loading business shall not conduct loading in a loading area unless the market manager has approved the use of such area by such loading business or has assigned such loading business to such loading area. The market manager may rotate such assignments.

(2) All loading and services related to loading shall take place during the regular loading hours designated by the market manager.

(c) **Prohibited acts for loaders.**

(1) A loading business or a loader shall not engage in any other business or perform any other service in the market area that would interfere with the ability of the loading business to perform loading activities adequately and effectively under this subchapter.

(2) A loading business or a loader shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or obstruct the orderly functioning of the market area.

(3) Where the market manager or the designee of the market manager has issued vouchers pursuant to subdivision (a) of this section, a loading business or a loader shall accept payment for parking and loading services only in voucher form. A loading business or a loader shall not charge other than the fees contained in the conditions of the loading license and shown in the schedule of rates posted pursuant to subdivision (a) of this section nor shall a loading business or a loader solicit or accept gratuities from purchasers of seafood or fees other than for the services specified on such schedule.

(4) A loading business or a loader shall not attempt to force any person to park his or her vehicle in the location designated or approved by the market manager for the use of

such loading business.

(5) A loading business or a loader shall not refuse to perform loading or services related to loading for any person when space is available for such person's vehicle in the location designated or approved by the market manager for the use of the loading business.

(6) A loading business or a loader shall not, by threats, intimidation or any other action, force any person to agree to use the services of such business or prevent any person from using the services of any other loading business. A loading business or a loader shall not solicit, threaten, or enter into agreement with another loader to refuse loading services to any person.

(7) A loading business or a loader shall not move or otherwise interfere with any vehicle, except that a loader may move a vehicle for the purposes of facilitating traffic flow or loading operations when the owner of such vehicle has entrusted the loader with the keys to the vehicle.

(8) A loading business or a loader shall not violate applicable federal, state or city regulations regarding the proper handling of seafood.

(9) In addition to the foregoing, the following rules also apply to principals, employees and agents of a loading business or a loader. Such persons shall not:

- (i) authorize another person to use the name of the loading business or loader to which a license has been issued;
- (ii) authorize another person to conduct a loading business or act as a loader with the license that has been issued to such loading business or loader;
- (iii) conduct an loading business under any name other than the name under which such business has been licensed with Commission;
- (iv) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);
- (v) make, file or submit a false or misleading statement to the Commission or to a government agency or employee;
- (vi) falsify any business record;
- (vii) continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;
- (viii) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 12-8 of this subchapter;
- (ix) engage in any unfair labor practice under federal and state labor laws as applicable.
- (x) refuse to answer an inquiry from the Commission or provide false or misleading information to the Commission;
- (xi) violate or fail to comply with any order or directive of the Commission;
- (xii) fail to pay federal, state and local taxes;
- (xiii) fail to pay any fines or civil penalties imposed by the Commission, a court, or the Environmental Control Board for violations of Chapter 1-A of Title 22 of the Code and of this subchapter.

§12-13 Wholesale Seafood Business and Seafood Deliverer Registration Required.

(a) No person shall operate a wholesale seafood business in the market area without having first registered with the Commission and received a registration or registration number from the Commission.

(b) No person shall operate a seafood delivery business in the market area without having first registered with the Commission and having received a registration or registration number from the Commission.

§12-14 Application for a Wholesale Seafood Business and Seafood Delivery Business Registration.

(a) An application or renewal thereof for a wholesale seafood business or a seafood delivery business, pursuant to sections 22-209 and 22-211 of the Code, shall be made on a form prescribed by the Commission. The application shall be certified under penalty of perjury and signed by all principals of the applicant business. The registration application shall include, but not be limited to, the following information: (1) the name, address and telephone number(s) of the business submitting such application; (2) the names, addresses, telephone number(s) and social security numbers of all current and past principals of the applicant and a description of the positions occupied or ownership interest held by each such principal; (3) the names, job titles, social security numbers and addresses of all other employees or agents of the applicant; (4) a list of vehicles used in the course of the applicant's business; (5) employment and business background information on the principals such as the principal's employment history, wholesale or market business interests, and any related business interests; (6) if the applicant is doing business under an assumed name, a Certificate of Assumed Name, certified by the County Clerk if a sole proprietorship or partnership, or by the Secretary of State if a corporation; (7) if the applicant business is a sole proprietorship, a notarized copy of the business certificate certified by the County Clerk; (8) if the applicant is a corporation, a copy of the certificate of incorporation; (9) if the applicant is a partnership, a copy of partnership papers, certified by the County Clerk; (10) a listing of the names and addresses of any person having a beneficial interest in the applicant, and the amount and nature of such interest; (11) a listing of any determination by a federal, state or city regulatory agency of a violation by such applicant of laws or regulations relating to the conduct of the applicant's business where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of such business or in a civil fine, penalty, settlement or injunctive relief; (12) a listing of all criminal convictions, in any jurisdiction, of the applicant; (13) a federal or state tax identification number; and (14) such other information that the Commission deems appropriate.

(b) Notwithstanding any provision of this subchapter: (1) the Commission may, when there is reasonable cause to

believe that an applicant for registration as a wholesale seafood business or seafood delivery business or any or all of the principals of such applicant business does not possess good character, honesty and integrity, require that any or all such principals be fingerprinted by a person designated for such purpose by the Commission and pay the prescribed fee for the purpose of obtaining criminal history records and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) If at any time subsequent to the registration of a wholesale seafood business or a seafood delivery business, the Commission has reasonable cause to believe that any or all of the principals, employees or agents of such business do not possess good character, honesty and integrity, the Commission may require that any or all of such principals be fingerprinted by a person designated for such purpose by the Commission and pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records and provide the disclosure required by the form provided by the Commission. The Commission also may require additional information, in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(c) If a renewal application is not submitted to the Commission within the time period required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and in this subchapter.

§12-15 Wholesale Seafood Business Operations.

(a) **Registration not transferable.**

(1) A wholesale seafood business shall not transfer its registration or registration number as part of the sale of such business.

(2) A wholesaler shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued.

(3) A wholesaler shall not allow any other person to place seafood in the space which the wholesaler has subleased from a cooperative association, except that a wholesaler may, as provided in subdivision d of section 22-209 of the Code, permit the use of such space by another registered wholesaler who has received a shipment of seafood that cannot be accommodated in the space from which such registered wholesaler operates. No fee may be charged for such temporary use and any such use must be reported to the Commission as soon as practicable, with details specifying the dates, times and extent of such use. A wholesaler may also, as set forth in subdivision e of section 22-209 of the Code and pursuant to the provisions regarding approval of the Commission and limitations upon the charging of fees set forth in such subdivision, allow the use by no more than one other registered wholesaler on other than a temporary basis of no more than forty-nine (49) percent of the space which the wholesaler has subleased from a cooperative association.

(b) **Furnishing and display of registration numbers.** (1) A wholesaler shall furnish, by telephone or in writing, to each supplier, distributor or other person from whom the wholesaler orders or agrees to receive seafood the registration number and the name of the business to which such registration number has been issued.

(2) The name and registration number of a wholesale seafood business shall be affixed and prominently displayed on all premises from which such wholesale seafood business is conducted.

(c) **Record keeping.** (1) Wholesalers shall retain copies of all bills from and records of payments to unloaders, suppliers and shippers of seafood and payment from retailers. Such bills and records shall accurately reflect the amount of seafood involved in each transaction and shall, along with all other records produced in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager or an employee of the Commission.

(2) Wholesalers or a designee of the wholesaler shall sign each bill of lading acknowledging delivery and receipt of the seafood indicated thereon, noting any discrepancies.

(d) **Worker's compensation insurance.** A wholesaler shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(e) **Liability insurance.** A wholesaler shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the wholesale business. The wholesaler may purchase such policies in conjunction with one or more other wholesalers, provided that the following coverages described in this subdivision are maintained with respect to each wholesaler:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for

such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the wholesaler, whether or not owned by the wholesaler, and every vehicle hired by the wholesaler with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(f) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A wholesaler shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

(g) Payment bond. A wholesaler shall, in the discretion of the Commission, procure and maintain a payment bond or other security ensuring payment to suppliers of such wholesaler or to unloading businesses in an amount, if any, to be determined by the Commission taking into account such factors as the wholesaler's volume of business and credit worthiness. The requirement of a payment bond, or other security that the Commission in its discretion so requires, may be imposed by the Commission at any time, including after a registration has been issued.

§12-16 Seafood Delivery Operations. A seafood deliverer shall be subject to the requirements for conducting a seafood delivery business that are contained in this section.

(a) The market manager may designate an area or areas within the market area where seafood deliverers shall park while picking up seafood from wholesalers for delivery.

(b) (1) Seafood deliverers shall possess a valid driver's license as required by section 501 of the Vehicle and Traffic Law.

(2) All vehicles employed in a seafood delivery business shall possess: proper vehicle registration as required by section 401 of the Vehicle and Traffic Law; a valid inspection sticker obtained pursuant to the provisions of Article 5 of the Vehicle and Traffic Law; and insurance coverage as required by Article 6 of the Vehicle and Traffic Law.

(c) A seafood deliverer shall not offer seafood for sale within the market area for resale to the public unless the seafood deliverer is also registered as a wholesaler.

(d) Seafood deliverers shall comply at all times with all applicable federal, state and city regulations regarding the proper handling of seafood.

(e) Worker's compensation insurance. A seafood deliverer shall submit proof that it has obtained the required worker's compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and subdivision eight of section 220 of the Disability Benefits Law. Proof of coverage can be established by submitting the following Worker's Compensation Board forms:

C-105.2 Application for Certificate of Worker's Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Worker's Compensation or Disability Benefits Coverage.

(f) Liability insurance. A seafood deliverer shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the seafood deliverer's business. The seafood deliverer may purchase such policies in conjunction with one or more other seafood deliverers, provided that the following coverages described in this subdivision are maintained with respect to each seafood deliverer:

(1) Commercial general liability insurance with liability limits of no less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000).

(2) Business automobile liability insurance covering every vehicle operated by the seafood deliverer, whether or not owned by the seafood deliverer, and every vehicle hired by the seafood deliverer with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employer's liability insurance with limits of one million dollars (\$1,000,000) per accident.

(g) (1) The policy or policies of insurance required by this section shall name the Commission as certificate holder and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission.

(2) A seafood deliverer shall demonstrate that it has secured the insurance coverage required pursuant to this subdivision and shall maintain such required insurance coverage throughout the term of the registration. Failure to maintain continuous insurance coverage meeting the requirements of these rules will result in revocation of the registration.

(3) All required policies of insurance shall be obtained from

a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating.

(4) Two (2) certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commission prior to the effective date of the license.

§12-17 Regulation for Safety, Order and Health in the Market Area.

(a) In order to ensure safe, orderly and healthful conditions in the market area, the market manager may take measures, including but not limited to the following: (1) designate areas in which activities not otherwise regulated by the provisions of this subchapter and related to the distribution of seafood in the market area may be conducted;

(2) prohibit any activity that may present a threat of (i) intimidation or disruption of businesses in the market area, (ii) traffic congestion or (iii) unsafe, unlawful or unsanitary conditions, and exclude from the market area any person or business conducting such activity;

(3) regulate the movement of traffic throughout the market area; and

(4) prescribe methods for the sanitary disposal of waste in the market area.

(b) With respect to the conduct of business and activities related to the distribution of seafood in the market area, where any provision of this subchapter is inconsistent with any other provision of this chapter, the provisions of this subchapter shall apply.

§12-18 Prohibited Acts Generally.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any other person within the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility that is specifically designed for such purpose; (5) violate any measure imposed by the market manager pursuant to section 12-17 of this subchapter; (6) violate any other order of the market manager issued in accordance with Chapter 1-A of Title 22 of the Code or this subchapter; (7) violate any applicable federal, state or local law or regulation regarding the handling of seafood; (8) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; (9) sell in any market any merchandise that the Commission has prohibited to be sold therein; (10) discharge into or leave in tidal water, sewage or drainage that may result in the pollution of water; (11) perform any act that may tend to damage or clog drains or sewers; or (12) provide false or misleading information to the Commission.

(b) Where any provision of Chapter 1-A of Title 22 of the Code or this subchapter prohibits or otherwise restricts any activity or conduct of licensees or registrants, the principals, employees and agents of such licensees and registrants, or holders of photo identification cards, such provision also is applicable to applicants for such licenses and registrations, and principals, employees and agents thereof, and applicants for photo identification cards, as the case may be.

§12-19 Prohibited Acts for Wholesalers and Seafood Deliverers.

(a) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not solicit an unloader to unload a truck out of order.

(b) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not interfere with the market manager or his or her staff or the employees of the Commission in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the market.

(c) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to use the name of the business to which a registration or registration number has been issued for such wholesale or seafood delivery business.

(d) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not authorize another person to conduct a wholesale seafood business or a seafood delivery business with the registration or registration number that has been issued to such wholesaler or seafood deliverer.

(e) A wholesaler and its employees and agents shall not sublease or otherwise allow the use of its premises by a person who does not possess a registration number issued by the Commission pursuant to this subchapter.

(f) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not conduct a wholesale seafood business or a seafood delivery business under any name other than the name under which such business has been registered with the Commission.

(g) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall discard seafood in accordance with applicable federal, state, and local law governing the disposal of seafood and seafood products.

(h) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate applicable federal, state and city regulations regarding the proper handling of seafood.

(i) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to notify the Commission of any change in the information provided pursuant to section 12-21 of this subchapter with respect to the composition or ownership of

the wholesale business, or of any change in the employment status of its employees.

(j) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not associate with a person whom such person knows or should know is a member or associate of an organized crime group. A person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group.

(k) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not make, file or submit a false or misleading statement to the Commission or to a government agency or employee.

(l) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not falsify any business record.

(m) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not engage in any unfair labor practice under federal and state labor laws as applicable.

(n) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not refuse to answer an inquiry from the Commission.

(o) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not violate or fail to comply with any order or directive of the Commission.

(p) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay federal, state and local taxes.

(q) A wholesaler and its employees and agents and a seafood delivery business and its employees and agents shall not fail to pay any fines or civil penalties imposed pursuant to Chapter 1-A of Title 22 of the Code or this subchapter.

§12-20 Applicability When Commission Performs Unloading or Loading Services.

a. The sections of this subchapter relating to licensing requirements shall not apply where the Commission determines, pursuant to paragraph (ii) of subdivision g of section 22-204, paragraph (ii) of subdivision g of section 22-206 or section 22-208 of the Code, that the Commission, a designee of the Commission, an entity under contract to the Commission, or a combination thereof shall provide unloading services or loading services in the market area.

b. Where the Commission makes such a determination, such loading or unloading services shall be provided in accordance with all rules governing the conduct of such services prescribed under sections 22-205 and 22-207 of the Code, other than insurance and bonding requirements.

§12-21 Notification of Material Change in Information, Addition of Principal and Change in Composition of Business.

(a) An applicant for a license, registration or a photo identification card shall notify the Commission within ten (10) calendar days of any material change in the information submitted in an application or disclosure form.

(b) Subsequent to the issuance of a license, registration or photo identification card, the licensee, registrant or card holder shall notify the Commission within thirty (30) calendar days of any material change in the information submitted in an application or disclosure form.

(c) A licensee or registrant shall provide the Commission with notice of at least ten (10) business days of the proposed addition of a new principal (other than a person who becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) to the business of such registrant. The Commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the Commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this subchapter, the licensee or registrant may add such new principal pending the completion of review by the Commission. The licensee or registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this subchapter. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the license or registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee or registrant, as the case may be, within the time period prescribed by the Commission.

(d) Any notification pursuant to this section shall be in writing, sworn and notarized.

(e) For the purposes of this section "material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

§12-22 Acquisitions and Subleases.

(a) A person who intends to acquire a registered wholesale seafood business or a seafood delivery business shall submit an application for a wholesale seafood business or seafood delivery business registration pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter and a purchase and sale agreement for review by the Commission no later than thirty (30) days before such acquisition is to take effect. The Commission will conduct an expedited review of such application and agreement. If the person seeking to acquire the wholesale seafood business or seafood delivery business currently holds a registration for another such business in a market, the Commission at its discretion may waive the requirement of a new application or require that only certain portions of the application be submitted for review.

(b) A loading or unloading licensee or a wholesale seafood

business or seafood delivery business registrant shall notify the Commission within ten (10) calendar days of contract closing of any change in the capital stock or ownership in the business of the licensee or registrant, including but not limited to a stock transfer or sale of the outstanding shares of the business or sale or merger of such business; provided, however that a business whose equity securities are publicly traded on a national or regional stock or securities exchange shall be required to make disclosure of only such stock transfer or sale required to be disclosed by the Securities Exchange Commission or other Federal or State regulatory body. Such notification shall include a list of any persons formerly possessing ownership interest in the registrant business who will have any beneficial interest in the current business and a copy of the contract or agreement.

(c) Sublessee required to apply for registration. Wholesale seafood businesses and seafood delivery businesses shall not allow the use by any other person of the registration or registration number or the name of the business to which such registration has been issued. In the event that a wholesale seafood business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a wholesale seafood business by another person, where such sublease is permitted under the terms of the lease, the Commission may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of Chapter 1-A of Title 22 of the Code and this subchapter, issue a registration to such sublessee. Absent such registration, no wholesale seafood business may permit a sublessee to operate a wholesale seafood business on such premises.

§12-23 Refusal to Issue License, Registration or Photo Identification Card; Revocation and Suspension of License, Registration or Photo Identification Card.

(a) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-216 of the Code, to issue a license, registration or photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal and may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such license, registration or photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the license, registration or photo identification card, the nature of the issues raised in connection therewith, and the response submitted by the applicant, may make a final determination regarding the issuance of such license, registration or photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

(b) For any of the reasons set forth in sections 22-216 and 22-217 of the Code, including the violation of any rule promulgated pursuant to section 22-223 of the Code, the Commission may suspend or revoke a provisional photo identification card, and after notice and hearing, revoke or suspend (1) the license of a loader or unloader, (2) the registration of a wholesale seafood business or seafood delivery business or (3) a Class A or Class B photo identification card. Notice shall be provided in accordance with the provisions of section 12-25 of this subchapter. Hearings shall be afforded in accordance with the provisions of section 12-26 of this subchapter.

(c) Revocation or suspension of a license or registration, the discontinuance of business operations in the market area by a licensee or registrant, or denial of an application for a license or registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals, employees and/or agents of the licensee or registrant. Violation of the provisions of this subdivision may result in the imposition of the sanctions and penalties provided in sections 22-215 and 22-219 of the Code.

(d) Revocation or suspension of a photo identification card or denial of an application for a photo identification card (including provisional photo identification cards) shall require the immediate surrender of such card to the market manager.

§12-24 Emergency Suspension of License, Registration or Photo Identification Card. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a loading or unloading business, a wholesale seafood business or seafood delivery business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, may immediately suspend the license or registration of such business or the photo identification card of such person without a prior hearing, provided that such suspension may be appealed to the Deputy Commissioner for Legal Affairs of the Commission, who shall determine such appeal forthwith. If the Deputy Commissioner for Legal Affairs upholds the suspension, an opportunity for a hearing pursuant to the provisions of subdivision 12-26(b) of this subchapter shall be provided on an expedited basis. The Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Chairperson may, upon application by the business whose license or registration has been suspended, permit such business to remain in the market area for such time as is deemed necessary by the Chairperson to allow for the expeditious sale, consignment or removal of a perishable product if, in the Chairperson's judgment, such permission is consistent with the safety of the market area.

§12-25 Notice. Unless otherwise provided, all notices pursuant to Chapter 1-A of Title 22 of the Code or this subchapter, including but not limited to notice related to hearings, violations and subpoenas, may be served by first class mail addressed to the business address provided to the Commission by the applicant, licensee, registrant or photo identification card holder or on the license or registration issued to the business. All such notices served on an

employee or agent may be served by first class mail to the address listed for such employee or agent in the information provided to the Commission. Such notice also may be served by personal service or in any other manner reasonably calculated to achieve actual notice, including but not limited to any method authorized in the Civil Practice Law and Rules.

§12-26 Administrative Hearings. (a) Hearings on the violation of any provision of Chapter 1-A of Title 22 of the Code or any provision of the rules promulgated pursuant to such chapter may be conducted by the Environmental Control Board or any other administrative tribunal of competent jurisdiction, and shall be held pursuant to the procedures for adjudication set forth in the rules of such Board or tribunal.

(b) Where a hearing is conducted in relation to the suspension or revocation of a photo identification card, license or registration, such hearing shall, at the discretion of the Commission, be conducted by a hearing officer or by the Office of Administrative Trials and Hearings.

(1) Where such hearing is conducted by the Commission or a hearing officer, such hearing shall be conducted as follows:

(i) The hearing officer or the Commission shall set a time and place for such hearing and the respondent shall be provided the respondent with notice of such time and place no less than ten (10) days prior to the date of the hearing, except that in the case of an immediate suspension requiring an expedited hearing pursuant to section 22-218 of the Code, such notice shall be provided no later than one (1) business day following such suspension.

(ii) All parties shall be afforded due process of law, including the opportunity to be represented by counsel, to issue subpoenas or request that a subpoena be issued, to call and examine witnesses and to present arguments on the law and facts. Relevant material and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence.

(iii) All persons giving testimony as witnesses shall be placed under oath.

(iv) The Chairperson, or his or her designee, or the hearing officer, as the case may be, shall preside over the hearing and shall have all powers necessary to conduct fair and impartial hearings, to avoid delay in the disposition of proceedings, and to maintain order, including but not limited to the following: to compel the attendance of witnesses and the production of documents; to issue orders for discovery upon motion for good cause shown; to rule upon offers of proof and receive evidence; to regulate the course of the hearing and the conduct of the parties and their counsel therein; to hold conferences for the purposes of settlement or any other purpose; and to examine witnesses.

(v) The hearing officer or the Commission, as the case may be, shall arrange for the hearing to be either stenographically transcribed or mechanically recorded. The transcript or recording and all exhibits received in evidence shall constitute the hearing record.

(vi) When the hearing is conducted by a hearing officer, as soon as possible after the hearing, the hearing officer shall present recommended findings of fact and a recommended decision to the Commission. The Commission shall then make its final determination and notify the respondent of such determination. When the hearing is conducted by the Commission, the Commission shall make a final determination and notify the respondent of such determination.

(vii) Failure of a respondent to make a timely written response, appear or proceed as required by the hearing officer or the Commission, as the case may be, shall constitute a default. When the hearing is conducted by a hearing officer, upon default, the hearing officer shall make recommended findings and recommended decision as is appropriate under the pleadings and such evidence as he or she shall have received. The Commission shall then make a final determination and shall notify the respondent of such determination. Where the hearing is before the Commission, upon default the Commission shall make a final determination and shall notify the respondent thereof.

(2) Where such hearing is conducted by the Office of Administrative Trials and Hearings, such hearing shall be governed by the rules of procedure utilized by that tribunal. After the conclusion of the hearing, the Office of Administrative Trials and Hearings shall issue proposed findings and a report and recommendation to the Commission. The Commission shall review such findings and report and recommendation and shall issue a final determination. The Commission shall notify the respondent in writing of its determination.

§12-27 Fines and Penalties.

(a) The Commission may issue a notice of violation to any person, including a loading or unloading business, wholesale seafood business, seafood delivery business, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A of Title 22 of the Code or of this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-215 of the Code.

(b) A loading or unloading business, wholesale seafood business or seafood delivery business shall be jointly and severally liable for any violation of Chapter 1-A of Title 22 of the Code or of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.

§12-28 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter or Chapter 1-B of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 12-29 Additional Powers of the Commission. In addition to the other powers of the Commission, the Commission shall have the following powers:

(a) Hours of operation of any market may be regulated by

the Commissioner.

(b) Entry into any market may be regulated by the Commissioner. No fee shall be charged for entry into a market or for parking therein, nor shall any existing fee be increased, unless the Commissioner shall have first approved the amount of such fee. The Commissioner may establish or authorize the establishment of an identification card and pass system as a prerequisite for entry of any persons into any market.

§12-30 Traffic Regulation and Parking Within the Market.

(a) All persons operating a vehicle within the market shall obey and comply with any traffic direction of any police officer or employee of the Commission indicated by gesture or otherwise and any parking or traffic sign posted by the Commission or other City agency.

(b) No person shall obstruct the movement of traffic or stop, stand or park a vehicle, freight car or other conveyance except in designated places.

(c) All disabled vehicles must be promptly removed from paved roadways and removed from the market within three (3) hours. If not removed, such vehicles will be removed by City personnel or licensed tow operators at the expense of the vehicle owners.

(d) No person shall grease, lubricate or make repairs, except of a minor and emergency nature, to any vehicle within the market.

(e) All persons operating a vehicle within the market shall operate such vehicles at all times in full compliance with all New York State and New York City traffic laws, rules and regulations and all laws, rules and regulations of any other government agency having jurisdiction over motor vehicles.

(i) When the Commissioner finds that there is reasonable cause to believe that a seafood wholesale business or a seafood delivery business has regularly failed to make timely payment for services rendered and/or products provided by an unloading business or a seafood wholesale business, the Commission may require such business to post a payment bond.

§12-31 Administration.

(a) No lease for any property located within any market and described in any lease with the City shall be assigned or transferred without notifying the Commission at least five (5) days prior to such assignment or transfer.

(b) All market premises described in any lease with the City and all equipment used on such market premises shall be kept and maintained in good repair and condition in accordance with the terms of any applicable license or registration issued by the Commission and the terms of any lease with the City (including any sublease thereunder), and otherwise in a manner consistent with the orderly functioning of the market.

(c) All market premises described in any lease with the City shall be surrendered in good order and condition at the expiration or sooner termination of such lease. The Commission shall be notified of any surrender of such premises no later than five (5) days after such surrender.

SUBCHAPTER C

SEAFOOD DISTRIBUTION OUTSIDE SEAFOOD DISTRIBUTION AREAS AND THE DECLARATION AND ESTABLISHMENT OF SEAFOOD DISTRIBUTION AREAS

§13-01 Scope and construction.

§13-02 Definitions.

§13-03 Terms and Fees.

§13-04 Wholesaler Registration Required.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area.

§13-07 Commission Delegations to the Chairperson.

§13-01 Scope and construction. (a) This subchapter shall govern: (1) the registration of wholesale seafood businesses outside of seafood distribution areas, and the requirements applicable to such businesses; and (2) the declaration and establishment of seafood distribution areas pursuant to subdivision b of section 22-222 of the Code, and the licensing, registration and other requirements relating to seafood distribution in such areas.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§13-02 Definitions. Unless otherwise provided in this subchapter, the terms used herein shall have the meanings provided for such terms in section 22-202 of the Code and section 12-02 of subchapter B of this chapter.

§13-03 Terms and Fees.

(a) Registration term. A wholesale seafood business registration issued pursuant to this subchapter shall be valid for two years, and may be renewed for two-year periods thereafter.

(b) Registration fee. The fee for registration of a wholesale seafood business shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§13-04 Wholesaler Registration Required.

(a) No person shall operate a wholesale seafood business in the City of New York, outside the market area, without having first registered with the Commission and having

received a registration or registration number from the Commission.

(b) An application for a registration or renewal thereof shall be made on a form prescribed by the Commission. The application form shall be certified under penalty of perjury and signed by all the principals of the applicant business. If a renewal application is not submitted to the Commission with the time period as required by the Commission, the Commission may reject the renewal application and instead require the applicant to file a new application in accordance with the provisions pertaining to the application process as set forth in Chapter 1-A of Title 22 of the Code and this subchapter.

§13-05 Wholesaler Registration Requirements in a Seafood Distribution Area. Notwithstanding any provisions of this subchapter, where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood business have been established to be a seafood distribution area, all wholesale seafood businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing wholesaler registration set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-06 Licensing and Seafood Delivery Business Registration Requirements in a Seafood Distribution Area. Where the Commission, pursuant to subdivision b of section 22-222 of the Code, declares and establishes an area where one or more wholesale seafood businesses have been established to be a seafood distribution area, all unloading businesses, loading businesses, and seafood delivery businesses which operate within such area, and the principals, employees and/or agents of such businesses, shall be subject to all the provisions governing such businesses and their principals, employees and/or agents, set forth in Chapter 1-A of Title 22 of the Code and subchapter B of this chapter, except as may be otherwise determined by the Commission pursuant to section 22-222(c) of the Code. When such provisions are applied to a seafood distribution area, the term "market area" as contained therein shall be deemed to include such seafood distribution area.

§13-7 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and any related provision of Chapter 1-A of Title 22 of the Code that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

SUBCHAPTER D MARKET BUSINESSES, LABOR UNIONS AND LABOR ORGANIZATIONS OPERATING IN SEAFOOD DISTRIBUTION AREAS

§14-01 Scope and construction.

§14-02 Definitions.

§14-03 Market Business Registration Required.

§14-04 Issuance of Registration.

§14-05 Photo Identification Cards Required.

§14-06 Temporary Photo Identification Cards.

§14-07 Issuance of Photo Identification Cards.

§14-08 Terms and Fees.

§14-09 Market Business Operations.

§14-10 Revocation or Suspension of Registration or Photo Identification Cards.

§14-11 Emergency Suspension of Registration or Photo Identification Cards.

§14-12 Labor Union and Labor Organization Registration Required.

§14-13 Registration Procedure.

§14-14 Prohibited Acts.

§14-15 Fines and Penalties.

§14-16 Commission Delegations to the Chairperson.

§14-01 Scope and construction. (a) This subchapter shall govern the registration of and other requirements relating to: (1) market businesses located and operating within any market area; and (2) labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area.

(b) Any act prohibited by this subchapter shall extend to and include the permitting, allowing, causing, procuring, aiding or abetting of such act.

(c) No provision in this subchapter shall make unlawful the act of any employee of the Commission or other government official in the performance of his or her official duties.

(d) Any act prohibited by this subchapter not otherwise prohibited by law or any other government rule or regulation shall be lawful if performed pursuant to and in strict compliance with written authorization by the Chairperson.

(e) This subchapter is in addition to and supplements all laws, rules and regulations of the City and State of New York and federal government and all terms and conditions set forth in any lease, license, registration or permit.

§14-02 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings:

Market business. "Market business" shall mean any business located or operating within any market area that is engaged in providing goods or services to wholesalers or retail purchasers in market area that are related to the conduct of a wholesale seafood business or the purchase of seafood products by retailers or others, or that receives such goods within such market area for delivery, forwarding, transfer or further distribution outside such market area. "Market business" shall include, but not be limited to, the supply of ice or refrigeration services, security, and transfer or distribution of seafood, and shall exclude suppliers of seafood.

Labor union and labor organization. "Labor union" and "labor organization" shall mean a union or other organization that represents or seeks to represent, employees directly involved in the movement, handling or sale of goods in the market area. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred employees in any market area; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in the market area for a purpose not directly related to the movement, handling or sale of goods in such market; (iii) affiliated national or international labor unions of local labor unions required to register pursuant to this subchapter.

Material change. "Material change" shall mean a change in any information provided in response to an item identified as such on an application or disclosure form submitted to the Commission or by any other directive issued by the Commission. "Material change" also includes the occurrence of any event after the submission of an application or disclosure that would have been required to be disclosed on such form had it occurred prior to such submission.

Officer. "Officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a market business, labor union or labor organization required to register pursuant to this subchapter.

Registration. "Registration" shall mean a market business registration, as required by section 22-253 of the Code, or a labor union or labor organization registration, as required by section 22-212.1 of the Code.

Unless otherwise provided in this subchapter, all other terms used herein shall have the meanings provided for such terms in section 12-02 of subchapter B of this chapter.

§14-03 Market Business Registration Required. No person shall operate a market business in the market area without first receiving a registration or registration number from the Commission.

§14-04 Issuance of Registration.

(a) A person wishing to register a market business shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by all principals of such business, and accompanied by the certification form provided by the Commission, fully executed by all principals of such business.

(b) A market business is required to notify the Commission of any change in the ownership composition of the business, any changes regarding persons employed by the business, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted pursuant to subdivision (a) of this section during the term of its registration, and shall notify the Commission, in writing, of any such change within ten (10) calendar days thereof.

(c) In the event that a registrant notifies the Commission of the proposed addition of a new principal (other than a person or entity that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) as required by subdivision (b) of this section, the registrant shall simultaneously submit the registration application form provided by the Commission completed, signed and certified by such prospective principal. Except where the Commission determines within fifteen (15) days, based upon information available to him or her, that the addition of such new principal may have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code, the registrant may add such new principal pending the completion of review by the Commission. The Commission may waive or shorten such fifteen (15) day period upon a showing that there exists a bona fide business requirement therefor. The registrant shall be afforded an opportunity to demonstrate to the Commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code. If upon the completion of such review, the Commission determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such registrant, as the case may be, within the time period prescribed by the Commission.

(d) Notification pursuant to this section shall be signed and sworn to before a notary public.

(e) Notwithstanding any provision of this subchapter: (1) the Commission may, when it determines that there is reasonable cause to believe that any or all of the principals of an applicant or a registrant lack(s) good character, honesty or integrity, require that such principal(s) (i) be fingerprinted in accordance with paragraph 22-259(a)(i) of the Code; (ii) provide to the Commission the information requested in the background investigation form provided by the Commission; (iii) appear to be interviewed by the Commission; and/or (iv) pay the fee for a background investigation and provide to the Commission the disclosure required by the form provided by the Commission.

(2) The Commission may refuse to register a market business for the reasons set forth in subdivisions b, c, d and e of section 22-259 of the Code, or may defer a decision whether to register such market business when an indictment or a criminal or civil action is pending as provided in paragraph (b)(ii) of such section.

(f) A market business denied registration for lack of good character, honesty or integrity pursuant to section 22-259(b) of the Code shall be given notice of the reasons for such denial, and may respond in writing to the Commission within ten days of the mailing of such notice. The Commission shall review such response and make a final determination.

§14-05 Photo Identification Cards Required.

(a) No person who is a principal or employee of any market business operating in any market area who performs any function directly related to the provision of goods or services

to wholesalers or retail purchasers in such area shall perform such function without having been issued a photo identification card issued by the Commission pursuant to the provisions of this subchapter and section 22-252 of the Code. Notwithstanding the foregoing, principals and employees of any market business required to have photo identification cards who have filed applications therefor and obtained temporary photo identification cards, may continue to perform such functions unless and until (1) the application of such person for a photo identification card has been denied, or (2) the temporary photo identification card of such person has been revoked, or (3) in cases where the Commission has required such person to be fingerprinted, submit background information and/or appear for an interview pursuant to sections 22-252 and 22-259 of the Code, such person has failed, within the time period prescribed by the Commission, to be fingerprinted, submit the required information, or appear for an interview.

(b) Photo identification cards shall be displayed at all times within the market area so as to be readily visible to others.

(d) Where a photo identification holder changes employment in the market, the photo identification holder shall notify the market manager of the change of employment and submit the transfer form provided by the market manager. The photo identification holder shall also be required to apply for a new photo identification card and pay the requisite fee in accordance with the provisions of this subchapter. A market business shall immediately notify the market manager of the addition of or other change of status of a photo identification holder.

(e) A person who discontinues his or her employment with a market business or who ceases to be a principal thereof shall immediately surrender his or her photo identification card to the market manager. A business that terminates any employee or principal possessing a photo identification card shall obtain that employee's photo identification card and surrender it to the market manager.

(f) No market business shall continue to employ a person who is required to but does not possess a valid photo identification card issued in accordance with the provisions of this subchapter.

§14-06 Temporary Photo Identification Cards. The Commission may designate the cooperative association of any market area to issue temporary photo identification cards to principals and employees (including seasonal employees) of market businesses at the market area in which such cooperative association operates. The duties of such designated cooperative association are to be performed pursuant to the provisions of the Code and this subchapter relating to such temporary photo identification cards and such terms and conditions as the Commission may impose. Such temporary photo identification cards shall be valid for a period of one year but shall cease to be valid upon the issuance by the Commission of a permanent photo identification card or the occurrence of any of the events set forth in paragraph (1), (2) or (3) of subdivision (a) of section 14-05 of this chapter. Any cooperative association designated by the Commission to issue temporary identification cards may impose fees and set amounts for such fees for the performance of the functions set forth in this section with the prior written permission of the Commission. No change in a fee or amount of such fee imposed pursuant to this section shall be made without prior written permission of the Commission.

§14-07 Issuance of Photo Identification Cards.

(a) A person wishing to apply for a photo identification card shall provide the information required in the application form provided by the Commission, which form shall be signed and certified under penalty of perjury by the applicant. The application shall include, but not be limited to, the following information: name, address and telephone number(s) of the applicant, the applicant's employment history, the applicant's business interests, and any other such information required by the Commission.

(b) Persons required to have photo identification cards shall notify the Commission of any material change in the information submitted pursuant to subdivision (a) of this section, including without limitation, any change in employment, as well as any arrests or criminal convictions, and shall notify the Commission, in a signed and notarized writing, of any such change within ten (10) calendar days thereof.

(c) Notwithstanding any provision of this subchapter, the Commission may, when there is reasonable cause to believe that an applicant for or holder of a photo identification card does not possess good character, honesty and integrity, require that such person be fingerprinted by a person designated for such purpose by the Commission, pay the fee prescribed by the Division of Criminal Justice Services for the purpose of obtaining criminal history records, and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information in lieu of or in addition to such fingerprinting and/or disclosure, including without limitation documents and/or an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(2) The Commission may refuse to issue a photo identification card for the reasons set forth in subdivisions b, d and e of section 22-259 of the Code, or may defer a decision whether to issue such card when there is an indictment or a criminal or civil action pending against or involving the applicant as provided in paragraph (b)(ii) of such section.

(d) Where the staff of the Commission recommends that the Commission refuse, pursuant to section 22-259 of the Code, to issue a photo identification card, the applicant shall be notified in writing of the reasons for the proposed refusal of such photo identification card and that the applicant may, within ten (10) business days of the date of such notification, respond in writing to the Commission setting forth the reasons such applicant believes that it should not be denied such photo identification card. In the exercise of its discretion, the Commission, considering the reasons for the proposed refusal to issue the photo identification card, the nature of the issues raised in connection therewith, and the

response submitted by the applicant, may make a final determination regarding the issuance of such photo identification card or afford the applicant such further opportunity to be heard in such proceeding as is deemed appropriate. A final determination and the reasons therefor shall be communicated to the applicant in writing.

§14-08 Terms and Fees.

(a) A registration issued pursuant to this subchapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(b) The fee for registration of a market business shall be four thousand dollars (\$4000), and the fee for renewal of such registration shall be four thousand dollars (\$4000).

(c) The fee for photo identification cards and temporary photo identification cards shall be one hundred dollars (\$100).

(d) The fee for the replacement of any photo identification card that has been lost or stolen shall be one hundred dollars (\$100).

(e) A market business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

(f) Investigative fee. The fee for a background investigation pursuant to subdivision d or e of section 22-252 shall be two hundred dollars (\$200) and the fee for a background investigation pursuant to subdivision b of section 22-253 or subdivision b of section 22-264 of the Code shall be six hundred dollars (\$600).

§14-09 Market Business Operations.

(a) (1) A market business shall not transfer its registration number as part of the sale of such market business.

(2) A market business shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a market business by another person, where such sublease is permitted under the terms of the lease, the Commissioner may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of these rules, issue a registration number to such sublessee. Absent the issuance of such registration number, no market business may permit a sublessee to operate a market business on such premises.

(b) The name and registration number of a market business shall be affixed and prominently displayed on all premises and vehicles from which such market business is conducted.

(c) Market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six (36) months, and shall be made available for immediate inspection and/or copying upon request by the market manager or a designee of the market manager.

(d) A market business shall submit proof that it has obtained the required workers' compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and section 220(8) of the Disability Benefits Law. Proof of coverage can be established by submitting the following Workers' Compensation Board forms:

C-105.2 Application for Certificate of Workers' Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured.

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Workers' Compensation or Disability Benefits Coverage.

(e) Liability Insurance. A market business shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property which may arise from or in connection with the market business:

(1) Commercial General Liability Insurance with liability limits of no less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000.00).

(2) Business Automobile Liability Insurance covering every vehicle operated by the market business, whether or not owned by the market business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' Liability Insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by this rule shall name the City of New York and the Commission and any other agency or entity of the City as may be required as parties insured thereunder, and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty (60) days prior written notice to the Commission. Failure to maintain continuous insurance coverage meeting the requirements of these rules may result in revocation or suspension of registration. Such policy or policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Commission to accept a company with a lower rating. Two (2) certificates of Insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commissioner prior to the effective date of the registration. A

registrant shall demonstrate that the registrant has secured the insurance coverage required pursuant to this section and shall maintain such required insurance coverage throughout the term of the registration.

(g) A market business shall be jointly and severally liable for any violation of Chapter 1-B of Title 22 of the Code or of this subchapter by any of its employees or agents.

(h) Each market business shall permit the Commission, or any person designated by the Commission, to enter its premises whenever in the discretion of the Commission such entry is necessary.

§14-10 Revocation or Suspension of Registration or Photo Identification Cards.

(a) The Commission may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend (1) the registration of a market business or (2) a photo identification card for any of the reasons set forth in section 22-260 of the Code, or for violation of any rule promulgated pursuant to section 22-266 of the Code, including without limitation sections 14-09 and 14-17 of this subchapter. Notice shall be provided in accordance with the provisions of section 11-20 of subchapter A of this chapter. Hearings shall be afforded in accordance with the provisions of section 11-21 of subchapter A of this chapter.

(b) Revocation or suspension of registration shall require the immediate surrender to the market manager of all photo identification cards issued to the principals and employees of the registrant. If a registration has been suspended, violation of the provisions of this subdivision may result in immediate revocation of a registration and/or the imposition of penalties as provided in section 22-258 of the Code.

(c) Revocation or suspension of photo identification cards (including temporary photo identification cards) shall require the immediate surrender of such cards to the market manager.

§14-11 Emergency Suspension of Registration or Photo Identification Cards. Notwithstanding the foregoing provisions, the Chairperson may, if he or she has reasonable cause to believe that the operation of a market business or the presence of any person in the market area creates an imminent danger to life or property or to the orderly and lawful operation of the market, or that there has likely been false or fraudulent information submitted to the Commission, immediately suspend the registration of such business or the photo identification card of such person, as applicable, without a prior hearing, provided that, such suspension may be appealed to the Deputy Commissioner of Legal Affairs. If such Deputy Commissioner upholds the suspension imposed by the market manager, an opportunity for a hearing pursuant to the provisions of section 11-21 of subchapter A of this chapter shall be provided on an expedited basis within a period not to exceed four (4) business days, and the Commission shall issue a final determination no later than four (4) business days following the conclusion of such hearing. The Commission may, upon application by a market business whose registration has been suspended without a prior hearing, permit such market business to remain in the market area for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commission's judgment, such permission is consistent with the safety of the public and the market area.

§14-12 Labor Union and Labor Organization Registration Required.

(a) Labor unions and labor organizations shall register with the Commission.

(b) A registration issued pursuant to this chapter shall be valid for three (3) years, and may be renewed for three (3)-year periods thereafter.

(c) The fee for registration of a labor union or labor organization shall be four thousand dollars (\$4000) and the fee for renewal of such registration shall be four thousand dollars (\$4000).

§14-13 Registration Procedure.

(a) A labor union or labor organization shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by an officer and certified under penalty of perjury, including (i) the information required by section 22-264(a) of the Code, (ii) all criminal convictions, in any jurisdiction, of such labor union or labor organization, (iii) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial agency, investigative agency or regulatory agency, in the five (5)-year period preceding the date of registration, (iv) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the Penal Law, as such statutes may be amended from time to time, (v) all judicial or administrative consent decrees entered into by such labor union or labor organization in the five (5)-year period preceding the date of registration, and (vi) the appointment of an independent auditor or monitor or receiver or administrator or trustee over such labor union or labor organization in the five (5)-year period preceding the date of registration. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization with the Secretary of Labor pursuant to 29 U.S.C. § 431 et seq. or § 1001 et seq. if a copy of such report, or of the portion thereof containing such information, is furnished to the Commission.

(b) An officer of a labor union or labor organization required to be registered with the Commission pursuant to section 22-264 of the Code shall provide the information requested in the registration application form provided by the Commission, which form shall be signed by such officer under penalty of perjury.

(c) Any material change in the information submitted pursuant to subdivision (a) or (b) of this section shall be

reported to the Commission by such union or organization or officer, in a signed and notarized writing, within ten (10) calendar days thereof.

(d) Notwithstanding any provision of this subchapter, the Commission may, if it has reasonable cause to believe that an officer of a labor union or labor organization lack good character, honesty or integrity, require that such officer be fingerprinted in accordance with section 22-264 of the Code, and pay the requisite fees and provide to the Commission the disclosure required by the form provided by the Commission. The Commission also may require such additional information, in lieu of or in addition to, such fingerprinting and/or disclosure, including without limitation documents and an in-person interview, as the Commission determines is appropriate and reasonable to render a determination.

(e) After providing notice and opportunity to be heard, the Commission may disqualify an officer of a labor union or labor organization from holding office based on the grounds set forth in subdivision c of section 22-264 of the Code and in accordance with the procedure for such disqualification set forth in this subdivision.

(f) If an application for the renewal of a registration is not submitted to the Commission with the time period required by the Commission, the Commission may reject the renewal application and require the applicant to file a new application for a labor union and labor organization registration. If a new application is required by the Commission, the provisions pertaining to the application process as set forth in Chapter 1-B of Title 22 of the Code and of this subchapter shall govern.

§14-14 Prohibited Acts.

(a) No person shall (1) interfere, or attempt to interfere, with the market manager, his or her staff or the employees of the Commission in the discharge of their functions, or interfere with or otherwise obstruct the orderly functioning of the market; (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any person in the market; (3) take into, carry through, leave in, throw, or discharge into or on any market any rubbish, litter or refuse, except that rubbish, litter or refuse generated within any market may be discarded in receptacles that are specifically designed for such purpose or as otherwise provided for by this subchapter; (4) urinate or defecate in any market, or in or upon any market building or structure, except in a facility which is specifically designed for such purpose; (5) damage, remove or destroy any property or equipment without authority; (6) engage in, instigate or encourage a fight or other disturbance; (7) commit any act injurious to any person, animal or property; (8) bring into any market or have in his possession any firearms, illegal knives, hatchets, machetes, slingshots, fireworks or other dangerous instruments or explosives; (9) play any game of chance, participate in the conduct of an illegal lottery, or use any slot machine, gaming table or instrument or have in his or her possession any implements or devices commonly used, or intended to be used, for gambling purposes; (10) make a misrepresentation of any kind with respect to merchandise offered for sale or the take any unfair advantage of a purchaser or any attempt to take such unfair advantage; or (11) disobey any lawful order of any employee of the Commission or other employee of the City or disobey or violate any lawful notice, prohibition, instruction or direction of the Commission or any other City agency.

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of market businesses and officers of labor unions and labor organizations. Such persons shall not:

(1) authorize another person to use the name of the market business or labor union or organization to which a registration number has been issued for such market business;

(2) authorize another person to conduct a market business with the registration number that has been issued to such market business;

(3) conduct a market business under any name other than the name under which such business has been registered;

(4) violate applicable federal, state or city laws and regulations;

(5) in the case of a market business, fail to notify the Commission of any change in the information provided pursuant to section 14-04 of this subchapter;

(6) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(7) make, file or submit a false or misleading statement to the Commission or any other government agency or employee;

(8) threaten or attempt to intimidate a customer or prospective customer;

(9) retaliate against a customer or prospective customer of any business in the market or against any person who has made, or who is associated with any person who has made, a complaint concerning conduct involving the market to the Commission or any other governmental entity;

(10) falsify any business record;

(11) in the case of a market business, continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked or suspended;

(12) utilize any motor vehicle in connection with a business operating in the market that is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 14-09 of this subchapter;

(13) engage in any unfair labor practice under federal or state labor law;

(14) refuse to respond to an inquiry from the Commission;

(15) violate or fail to comply with any order or directive of the Commission; or

(16) fail to pay any fines or civil penalties imposed by the Commission or any court or administrative tribunal of competent jurisdiction for violations of Chapter 1-B of Title 22 of the Code or this subchapter.

§14-15 Fines and Penalties.

(a) The Commission may issue a notice of violation to a market business, labor union or labor organization, or any of their principals, employees, agents or officers, for the violation of any provision of Chapter 1-A or 1-B of Title 22 of the Code or subchapter A or B of this chapter (as such provision of such Chapter or subchapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area) or this subchapter. Any person who violates any such provision shall be subject to the civil and criminal fines and penalties and injunctive relief as provided in section 22-258 of the Code.

(b) A market business, labor union or labor organization shall be jointly and severally liable for the violation of any such provision committed by any of its officers, employees and/or agents acting within the scope of their employment.

§14-16 Commission Delegations to the Chairperson. The Commission may by resolution delegate to the Chairperson any authority of the Commission set forth in this subchapter and Chapter 1-B of Title 22 of the Code, as such chapter relates to market businesses located and operating within any market area and labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in any market area, that is lawful and appropriate to delegate. Such resolution shall state the authority delegated and the extent of such delegation, including any limitations on the authority delegated.

§ 6. Appendix A of subchapter C of Title 66 of the rules of the city of New York is redesignated Appendix A of subchapter B of chapter 2 of Title 17 of the rules of the city of New York.

§ 7. Section 1-58 of Title 66 of the rules of the city of New York, which declared the new fulton fish market at hunts point as a new seafood distribution area pursuant to section 22-222 of the administrative code of the city of New York made provision for licenses, registrations, photo identification cards, stand permits and enforcement within such area, is REPEALED.

§ 8. This rule shall take effect on September 26, 2010.

Statement of Basis and Purpose of Rule

The NYC Business Integrity Commission is amending its trade waste regulations and adopting regulations relating to the public wholesale markets.

In order to ensure that the Commission provides hearings in an expeditious manner, the Commission has amended its trade waste rules so that all hearings may be conducted by the Commission or, in the discretion of the Commission, by an administrative law judge employed or designated by the Commission, by the Office of Administrative Trials and Hearings (OATH) or by other administrative tribunal of competent jurisdiction, and that the Commission have the discretion to conduct hearings related to the violation of the provisions of section 16-505 of the Administrative Code and the rules of conduct set forth in the trade waste rules. In addition, in order to facilitate the Commission's enforcement of its licensing and registration requirements, the rules require that licensees and registrants put their Commission-

issued license or registration number on their letterhead and advertisements, and include that number on all written communications with customers or potential customers.

The remainder of the rules relate to the Commission's authority pursuant to chapter 63 of the City Charter to adopt rules with respect to its regulation of the public wholesale markets and wholesale seafood distribution within the City. At the general election held on November 6, 2001, the City Charter was amended to, among other things, transfer the jurisdiction over these activities from the Department of Business Services (now, the Department of Small Business Services) ("DSBS") to the Commission. Since that time, the Commission has used DSBS's rules in chapter 66 of the Rules of the City of New York to regulate these markets. The rules now adopted by the Commission, in conjunction with DSBS's repeal of its rules relating to the public wholesale markets and wholesale seafood distribution, create a comprehensive and transparent regulatory scheme that combines the Commission's rules in a single title.

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SPECIAL MATERIALS

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on September 9, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 11, 12, and 16 and 17.

Acquired in the proceeding, entitled: Fifth Amended Brooklyn Center Urban Renewal Project, Phase 2, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu Comptroller

a25-s9

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on September 8, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 1 and 1A, 2, and 3 and 3A.

Acquired in the proceeding, entitled: Udall's Cove Ravine Addition subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu Comptroller

a24-s8

TRANSPORTATION

NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED AT THIRD AVENUE, EAST 149TH STREET, WILLIS AVENUE AND EAST 148TH STREET, BOROUGH OF THE BRONX

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located at Third Avenue, East 149th Street, Willis Avenue and East 148th Street in the Bronx ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise.

Subconcessions would be awarded based on solicitations issued by the concessionaire in the basic form of Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the South Bronx Overall Economic Corporation as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not-for-profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by September 7, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

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

a16-s7

CHANGES IN PERSONNEL

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 07/23/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for HRA/Dept of Social Services.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments including LORMEJUSTE, JOSEPH, MA, MACEDO, MATTERA, MAYNARD, MAZUMDER, MCCAULEY, MCDERMOTT, MILAN, MIRIAM, MOJICA, MONTESANO, MORRIS, NDAME, NIKITAYEV, OLIVERA, ORTIZ, PASS, PECK, PIECYK, PLATONOVA, QUARTEY, RADINSKAYA, REDDIE, RINGER, RIVERA, RUTMAN, SAMBU, SANTOS, SARMAD, SHARMA, SOTO, STEPHENS, STRATIEVA, TABB, TAI, TASNIM, UZAMERE, VELASQUEZ, WARNER, WILLIAMS, WILLIAMS, WILLIS, WRIGHT, WRIGHT, WU, YUEN.

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 07/23/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Dept. of Homeless Services.

PATTERSON	CHERYL	56058	\$52457.0000	APPOINTED	YES	07/04/10
PIERRE	JACQUES M	52304	\$40224.0000	APPOINTED	NO	06/13/10
QUINONES	ANDREA	52275	\$50702.0000	APPOINTED	YES	07/06/10
SILVER	DIANE	52312	\$57731.0000	RETIRED	NO	07/01/10
SIMMS	SHAKELAH C	10232	\$20.5800	APPOINTED	YES	07/11/10
SPEER	VINCENTA E	12627	\$59536.0000	APPOINTED	YES	07/06/10
STEINLIGHT	ALEXANDR	56058	\$52457.0000	RESIGNED	YES	06/27/10
YAGEEL	SONIA	52304	\$40224.0000	RETIRED	NO	07/13/10

DEPARTMENT OF CORRECTION
FOR PERIOD ENDING 07/23/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ABDUL WALI	FAROOQ J	54610	\$49677.0000	RETIRED	YES	07/09/10
ADAMS	MATHEW	60948	\$43414.0000	INCREASE	YES	07/11/10
ALLAH	YAHKEEM M	70410	\$46903.0000	RESIGNED	NO	07/06/10
BARCIA	KHALIL S	60948	\$43414.0000	INCREASE	YES	07/11/10
CASTRILLO	IVA M	10209	\$10.3600	RESIGNED	YES	07/06/10
COUGHLIN	KATHLEEN	10026	\$153155.0000	RESIGNED	YES	07/10/10
DAWSON	LATOYA	60948	\$43414.0000	INCREASE	YES	07/11/10
EDWARDS	THOMAS R	70410	\$41965.0000	RESIGNED	NO	07/06/10
GAILLARD-LAWREN	PAMELA D	70410	\$73546.0000	RETIRED	NO	07/13/10
GRIFFIN	VERNIQUE T	70410	\$51221.0000	TERMINATED	NO	07/12/10
GRIFFITH	NADIA	70400	\$35285.0000	INCREASE	YES	07/01/10
GUEVARA	CAROL	60948	\$43414.0000	APPOINTED	YES	07/12/10
HOLDER	MARTHA	70410	\$73546.0000	APPOINTED	NO	07/11/10
HUNTER	DANA	10605	\$30683.0000	APPOINTED	YES	07/06/10
KEARNEY	SHAKISHA M	60948	\$37751.0000	INCREASE	YES	07/11/10
KEARNEY	SHAKISHA M	10605	\$30683.0000	APPOINTED	NO	07/11/10
LAM	EDWARD	70410	\$37579.0000	RESIGNED	NO	07/15/10
MILLER	MARCY A	70410	\$73546.0000	RETIRED	NO	07/15/10
MOLINE	STEVE H	70410	\$73546.0000	DECEASED	NO	07/06/10
MOREL	RICHARD L	70410	\$73546.0000	RESIGNED	NO	07/14/10
MUSTAPHER	JORDAN	10234	\$8.1500	APPOINTED	YES	07/06/10
PASCUCCI	MARK T	91232	\$48882.0000	APPOINTED	YES	06/25/10
PRASHAD	SURUJNIE D	60948	\$43414.0000	INCREASE	YES	07/11/10
PRASHAD	SURUJNIE D	10251	\$35285.0000	APPOINTED	NO	07/11/10
RANDOLPH	ANGELA D	70410	\$73546.0000	APPOINTED	NO	07/11/10
RIVERA	ZULAIKA E	60948	\$43414.0000	INCREASE	YES	07/11/10
ROSARIO	NYASIA S	10124	\$45978.0000	RESIGNED	YES	07/16/10
SHAMSUZZAMAN	A K M	60948	\$43414.0000	INCREASE	YES	07/11/10
STEELE	MARILYN E	70410	\$73546.0000	RETIRED	NO	07/13/10
STOUTE	LASHAUN	60948	\$43414.0000	INCREASE	YES	07/11/10
TORRES JR.	JOSE	70410	\$73546.0000	RETIRED	NO	07/13/10

PUBLIC ADVOCATE
FOR PERIOD ENDING 07/23/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
NOVIKOV	FEDOR	94496	\$10.0000	APPOINTED	YES	06/29/10

CITY COUNCIL
FOR PERIOD ENDING 07/23/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
AARONSON	JOSHUA L	94381	\$92135.0000	RESIGNED	YES	07/15/10
ALEXIS	ANTHONY	94074	\$45000.0000	APPOINTED	YES	07/06/10
BOURNE	CHARISSE N	94074	\$25000.0000	RESIGNED	YES	07/04/10
BRYAN	AARON	94074	\$30000.0000	APPOINTED	YES	07/01/10
CORCORAN	MARY B	94425	\$8.5700	APPOINTED	YES	07/13/10
ESSIEN	JASMINE	94074	\$14600.0000	APPOINTED	YES	07/07/10
GADSON	NICHEAL T	94074	\$4540.0000	RESIGNED	YES	07/04/10
GIULIANI	RUDELPH S	30183	\$42500.0000	APPOINTED	YES	07/11/10
GODLEWICZ	REBECCA N	94074	\$31600.0000	RESIGNED	YES	07/10/10
GORDON	JASON D	94074	\$45000.0000	APPOINTED	YES	06/20/10
HAN	JULIANA	30166	\$33.0000	RESIGNED	YES	06/19/10
KNIGHT	MELISSA R	94074	\$12515.0000	APPOINTED	YES	06/06/10
LAM	CHIEN K	94074	\$31000.0000	APPOINTED	YES	07/06/10
LESPINASSE	MIGNA B	94381	\$51917.0000	RESIGNED	YES	06/26/10
MALHOTRA	KUNAL K	94074	\$37856.0000	RESIGNED	YES	07/10/10
MOBLEY	CARRIE L	30183	\$68989.0000	RESIGNED	YES	07/01/10
NASH	SHARLENE	94074	\$16269.0000	APPOINTED	YES	06/16/10
O REILLY	KEVIN J	94425	\$13.0000	APPOINTED	YES	07/06/10
POREDA RYAN	REGINA	94365	\$92000.0000	INCREASE	YES	07/04/10
RICCI	TINA L	94425	\$11.0000	RESIGNED	YES	07/16/10
RICHARDS	JAMILLAH S	94074	\$34000.0000	APPOINTED	YES	07/01/10
RODRIGUEZ	ISRAEL	94381	\$51826.0000	RESIGNED	YES	07/13/10
SHAIKH	RAMISA G	94074	\$8.5700	APPOINTED	YES	07/06/10
SMITH MURRY	TRI	94074	\$35000.0000	APPOINTED	YES	07/07/10
SWEENEY	WILLIAM H	94074	\$70000.0000	RESIGNED	YES	07/02/10
VASSSELL	ALYCIA M	94425	\$11.0000	RESIGNED	YES	07/16/10
WOJEHOWSKI	JOSHUA	94074	\$50000.0000	RESIGNED	YES	07/02/10
WRIGHT	DIONNA A	94074	\$4540.0000	RESIGNED	YES	07/04/10

CITY CLERK
FOR PERIOD ENDING 07/23/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BARRERA	JESUS A	10209	\$8.0000	APPOINTED	YES	06/29/10
GALVANTE	ERIC G	10116	\$7.2500	APPOINTED	YES	07/07/10
LIN	MARIE Q	10209	\$8.0000	APPOINTED	YES	07/01/10

DEPARTMENT FOR THE AGING
FOR PERIOD ENDING 07/23/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ABREU	ROSARIO	09749	\$7.2500	RESIGNED	YES	06/13/10
ADAMS	EUNICE	09749	\$7.2500	APPOINTED	YES	07/06/10
AHEARN	KENNETH	09749	\$7.2500	APPOINTED	YES	07/06/10
ANTHONY	JOYCELYN	09749	\$7.2500	APPOINTED	YES	07/06/10
BAILEY	PATSY A	52441	\$2.6500	APPOINTED	YES	07/07/10
BAKHROUSHIN	DIMITRI B	09749	\$7.2500	APPOINTED	YES	07/06/10
BAPTISTE	OVID E	09749	\$7.2500	RESIGNED	YES	05/23/10
BURGOS	JOSE A	09749	\$7.2500	APPOINTED	YES	07/06/10
CABA	ANGEL	09749	\$7.2500	APPOINTED	YES	06/27/10
CALVIN	CAROLYN	09749	\$7.2500	APPOINTED	YES	06/27/10
CARRASCO	LOURDES	09749	\$7.2500	APPOINTED	YES	07/06/10
CORREA	FEDIMA D	09749	\$7.2500	APPOINTED	YES	07/06/10
DAVIS	RESSIE	09749	\$7.2500	APPOINTED	YES	07/06/10
DAVIS	ROBERT H	09749	\$7.2500	APPOINTED	YES	06/27/10
DELESTRE	GLADYS	09749	\$7.2500	APPOINTED	YES	07/06/10
DI IORIO	GRACIELA	09749	\$7.2500	APPOINTED	YES	07/06/10
DIMANDJA	AGNES L	09749	\$7.2500	APPOINTED	YES	07/06/10
DUNBAR	SHIRLEY A	52441	\$2.6500	APPOINTED	YES	06/27/10
FLORES	FRANCISC	09749	\$7.2500	APPOINTED	YES	07/06/10
FLORES	NILDA A	09749	\$7.2500	APPOINTED	YES	07/06/10
FLOYD	HELEN	52441	\$2.6500	APPOINTED	YES	06/27/10
FRADIN	CHUNG M	09749	\$7.2500	APPOINTED	YES	06/27/10
GEIGER	CLARA M	52441	\$2.6500	RESIGNED	YES	01/10/10
GHATTAS	SAMIR K	09749	\$7.2500	RESIGNED	YES	04/16/10
GONG	KEE CHOO	09749	\$7.2500	APPOINTED	YES	07/06/10
GORDILLO DESANY	OLGA	09749	\$7.2500	APPOINTED	YES	07/06/10
GUASP	MILAGROS	09749	\$7.2500	APPOINTED	YES	07/06/10
HAIR	VANESSA	09749	\$7.2500	APPOINTED	YES	06/27/10
HAMILTON	GLORIA	09749	\$7.2500	APPOINTED	YES	07/06/10
HAUGHTON	ENETT E	09749	\$7.2500	APPOINTED	YES	06/27/10
HORVATH	ELIZABET	09749	\$7.2500	APPOINTED	YES	07/06/10
HUBBARD	ANNIE	09749	\$7.2500	RESIGNED	YES	06/27/10
JARVIS	BERNADET	09749	\$7.2500	APPOINTED	YES	07/06/10
JARVIS	LUDMILLA D	09749	\$7.2500	APPOINTED	YES	06/27/10
JEREMIAH	THELMA L	09749	\$7.2500	APPOINTED	YES	07/06/10
JOHNSTON	NORMAN	09749	\$7.2500	APPOINTED	YES	07/06/10
JONES	PHILLIP	09749	\$7.2500	APPOINTED	YES	06/27/10
KEH	MYUNG J	09749	\$7.2500	APPOINTED	YES	06/27/10
KHOSHABA	AILEEN P	09749	\$7.2500	APPOINTED	YES	07/06/10
KUNIN	LIDIA Z	10232	\$14.0000	APPOINTED	YES	07/07/10
LEE	RICHARD G	09749	\$7.2500	RESIGNED	YES	06/22/10
LI	ZE	10234	\$12.0000	APPOINTED	YES	06/29/10
MAJOR	FRANCINE	09749	\$7.2500	APPOINTED	YES	06/27/10
MANN	YANKICK	09749	\$7.2500	APPOINTED	YES	06/27/10
MARWELL	MARIANNA L	09749	\$7.2500	APPOINTED	YES	06/27/10
MERRITT	JUANITA	09749	\$7.2500	APPOINTED	YES	07/06/10
MONTIEL	MARYLOU F	09749	\$7.2500	APPOINTED	YES	06/27/10
MUSA	MINERVA	52441	\$2.6500	RESIGNED	YES	05/30/10
OLMO	APPARO	09749	\$7.2500	APPOINTED	YES	07/06/10
ORTIZ	CARLOS	09749	\$7.2500	APPOINTED	YES	06/27/10

PARK	YONG H	09749	\$7.2500	APPOINTED	YES	06/27/10
RAY	KENNETH	09749	\$7.2500	APPOINTED	YES	07/06/10
REEVES	CHRISTIN	09749	\$7.2500	APPOINTED	YES	07/06/10
REILLY	BLANCA A	09749	\$7.2500	APPOINTED	YES	07/06/10
ROLLAND	JOSEPHIN E	09749	\$7.2500	APPOINTED	YES	07/06/10
SAGET	LOUIS C	09749	\$7.2500	APPOINTED	YES	06/27/10
SMITH	VERNA J	09749	\$7.2500	APPOINTED	YES	07/06/10
STOUTE	JEAN	09749	\$7.2500	APPOINTED	YES	07/06/10
TURNER	MARY K	09749	\$7.2500	APPOINTED	YES	07/06/10
UMEAKUIKE	OSY C	09749	\$7.2500	APPOINTED	YES	07/06/10
VARGAS	ROSA M	52441	\$2.6500	APPOINTED	YES	07/06/10
WOO	YOUNG CH	09749	\$7.2500	APPOINTED	YES	06/27/10
XU	FEILI	52441	\$7.2500	APPOINTED	YES	06/27/10

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LATE NOTICES

ADMINISTRATION FOR CHILDREN'S SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held at the Administration for Children's Services, 150 William Street, 9th Floor - Conference Room 9C-1, Borough of Manhattan, on August 27, 2010 commencing at 10:00 A.M. on the following:

IN THE MATTER of three (3) proposed negotiated acquisition extensions between the Administration for Children's Services of the City of New York and the contractors listed below, for the provision of General Preventive Services - Citywide. The term of the contracts will be from approximately October 1, 2010 to June 30, 2011.

Contractor/Address

- 1) Community Mediation Services Inc.
89-64 163rd Street, Jamaica, NY 11432

PIN# 06810X0030CNVN003

Amount \$750,716

- 2) Jewish Board of Family and Children's Svcs. Inc.
120 West 57th Street, New York, NY 10019

PIN# 06810X0043CNVN003

Amount \$1,508,472

- 3) The Child Center of New York, Inc.
60-02 Queens Blvd., Woodside, NY 11377

PIN# 06810X0044CNVN003

Amount \$1,298,086

The proposed contractors have been selected by means of a Negotiated Acquisition Extension Process, pursuant to Section 3-04 (b)(2)(iii) of the Procurement Policy Board Rules.

A copy of the draft contracts is available for inspection at the New York City Administration for Children's Services, Office of Child Welfare Services, 150 William Street, 9th Floor, Borough of Manhattan, on business days from August 25, 2010 through August 27, 2010, exclusive of holidays, between the hours of 10:00 A.M. and 4:00 P.M. Please contact Rafael Asusta of the Office of Child Welfare Services Contracts at (212) 341-3511 to arrange a visitation.

IN THE MATTER of two (2) proposed contracts between the Administration for Children's Services of the City of New York and the contractor listed below, for the provision of Bronx-General Preventive Services. The term of the contract will be from approximately October 1, 2010 to June 30, 2011.

Contractor/Address

- 1) Catholic Guardian Society/Home Bureau
1011 First Avenue, New York, New York 10022

PIN# 06809X0216CNVN002

Amount \$2,533,318

- 2) Children's Aid Society
105 East 22nd Street, New York, New York 10010

PIN# 06809X0197CNVN002

Amount \$711,166

The proposed contractors have been selected by means of a Negotiated Acquisition Extension Process, pursuant to Section 3-04 (b)(2)(iii) of the Procurement Policy Board Rules.

A copy of the draft contracts is available for inspection at the New York City Administration for Children's Services, Office of Child Welfare Services, 150 William Street, 9th Floor, Borough of Manhattan, on business days from August 25, 2010 - August 27, 2010, exclusive of holidays, between the hours of 10:00 A.M. and 4:00 P.M. Please contact Rafael Asusta of the Office of Child Welfare Services Contracts at (212) 341-3511 to arrange a visitation.

READER'S GUIDE

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

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

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

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

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

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE.....Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

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

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS.....Procurement from a Required Source/ST/FED
- NA.....Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12.....Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/OOther
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE..... **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/crecycled preference
- OLB/d.....other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

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

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

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

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.