

EXECUTIVE ORDER NO. 24
OCTOBER 27, 1978

ESTABLISHMENT OF THE OFFICE OF DIRECTOR OF CONSTRUCTION
By virtue of the power vested in me as Mayor of The City of New York, it is hereby ordered:

Section 1. *Office of Director of Construction Established.* There is established in the Office of the Mayor the Office of Director of Construction, headed by the Director of Construction (hereinafter called the Director).

§ 2. *Construction Board Established.* There is established in the Office of the Mayor a Construction Board consisting of the Director, who shall serve as Chairman, the Director of the Office of Management and Budget (hereinafter called OMB), the Director of Operations, the Corporation Counsel and the Chairman of the City Planning Commission, or their delegates, and, with the agreement of the Comptroller, the Comptroller or his delegate. All rules and regulations and directives issued by the Director that involve the Comptroller's duties and responsibilities mandated by law and the fiscal policies and procedures that ensue from them or the budgetary policies of the OMB shall be submitted to the Comptroller or to OMB respectively prior to promulgation.

§ 3. *Responsibilities of the Director.* The Director shall establish procedures pursuant to Section 228(e) of the City Charter for all agencies with respect to the planning, design, processing, implementation and execution of all construction projects, including, but not limited to:

(a) the format, content, and level of detail required for programs to ensure adequate definition of project scope and the establishment of accurate cost estimates prior to project budgeting;

(b) the selection and evaluation of consulting architects, engineers, and construction managers and the review, in conjunction with the Corporation Counsel, of contract terms and conditions;

(c) the review of design drawings and project specifications to ensure rapid processing of documents, consistent with City construction standards;

(d) the preparation of documents for bid, advertising and award of contracts, processing of change orders, acceptance of completed projects, record retention and, where appropriate, termination of projects;

(e) the inspection of construction progress, evaluation of contractor performance, and the establishment of qualifications and standards for award of construction, architectural, engineering and planning contracts; and

(f) the monitoring and expedition of the processing of periodic and final payments to consultants and contractors in connection with construction projects.

§ 4. The Director shall require all agencies to prepare and submit periodic reports on the progress of all construction projects including construction schedules and explanations of any delays as required by Section 228(d) of the City Charter.

§ 5. The Director shall manage major construction projects when so directed by the Mayor. Where there is a multi-agency construction project, the Director shall designate the agency with prime responsibility for the project.

§ 6. The Director shall cooperate with the Director of OMB in establishing and maintaining a Management Information System covering the City's capital program.

§ 7. The Director shall identify all construction projects which have experienced or can reasonably be expected to experience serious delays and report to the Mayor on the causes thereof. The Director is authorized to direct the agency involved to take appropriate action to stop or minimize the delay or potential delay including, but not limited to, such actions as:

(a) requiring that contracts for construction, consultants or other services be enforced strictly;

(b) requiring that a default hearing be held; and

(c) revising contract procedures, vouchering and construction practices.

In addition, the Director may recommend to the Mayor that:

(a) budget modifications be made, and

(b) agency personnel be transferred from or reassigned to the project.

§ 8. The Director may conduct appropriate studies in price trends, construction materials, methods, management and bidding practices to obtain maximum advantage for the City in contracting.

§ 9. Subject to limitations of funding and in consultation with OMB, the Director shall be responsible for approving the use of private consulting services.

§ 10. The Director shall establish procedures to expedite the issuance of blanket certificates of funding covering all types of construction projects.

§ 11. The Director shall promulgate rules and regulations establishing goals, timetables and response times for all agencies involved with construction projects.

§ 12. The Director shall promulgate rules and regulations in conjunction with OMB setting forth procedures to implement Sections 232 and 233 of the City Charter.

§ 13. The Director shall serve as liaison with the Construction industry in New York City. He shall attempt to resolve problems which arise in connection with private construction work by bringing those problems to the attention of the appropriate operating agency for action and providing, where appropriate, assistance in their resolution. Such problems shall be acted upon expeditiously by each agency.

§ 14. The Director shall seek ways to increase the willingness of private contractors to do construction work for the City by meeting with representatives of the construction industry including the building trades on a regular basis.

§ 15. The Director shall consult with a committee or other advisory body established by the Mayor on the capital construction process of the City.

§ 16. All rules, regulations and directives issued by the Director under authority of this executive order shall be binding on all agencies.

§ 17. Executive Order No. 28 dated November 19, 1970, as amended by Executive Order No. 16 dated July 9, 1974, is hereby revoked.

§ 18. This Order shall take effect immediately.

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EDWARD I. KOCH, Mayor.

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