



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## BOARD MEETINGS

### NOTICE OF MEETINGS

#### City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

#### City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

#### Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

#### Design Commission

Meets in City Hall, Third Floor, Manhattan, New York 10007 on the second Monday of the month, except August. For changes in the schedule, copies of monthly agendas, or additional information, please call (212) 788-3071 or visit our web site at [nyc.gov/artcommission](http://nyc.gov/artcommission)

#### Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

#### Board of Elections

32 Broadway, 7th floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner

#### Environmental Control Board

Meets at 66 John Street, 10th floor, conference room, New York, NY 10038 at 9:15 A.M., once a month at the call of the Chairman.

#### Board of Health

Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

#### Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

#### Board of Higher Education

Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

#### Citywide Administrative Services

Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

#### Commission on Human Rights

Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

#### In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

#### Franchise And Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, Commencing 2:30 P.M., and other days, times and location as warranted.

#### Real Property Acquisition And Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, Commencing 10:00 A.M., and other days, times and location as warranted.

#### Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks).

#### Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

#### Housing Authority

Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at [nyc.gov/nycha](http://nyc.gov/nycha) or contact the Office of the Secretary at (212) 306-6088. Copies of the Agenda are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Minutes are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting. These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the Agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting. For additional information, please visit NYCHA's Website or contact (212) 306-6088.

#### Parole Commission

Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

#### Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

#### Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

#### Tax Commission

Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

## AGING

### PUBLIC HEARINGS

#### CANCELLATION OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 27, 2010, at the Department for the Aging, 2 Lafayette Street, 4th Floor

Conference Room, Borough of Manhattan, commencing at 11:00 A.M. on the following:

**IN THE MATTER** of the one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below, for the provision of Caregiver Services. The contract term shall be from July 1, 2010 to June 30, 2011, with renewal options from July 1, 2011 to June 30, 2013 and from July 1, 2013 to June 30, 2016. The contract amount and the Community Districts in which the program is located are identified below.

#### Contractor/Address

Jewish Community Center of Staten Island  
1466 Manor Road, SI, NY 10314

E-PIN# 12510P0005

Amount \$390,000

Boro/CD SI, CDs 1-3

The proposed contractor has been selected by means of the Competitive Sealed Proposal process pursuant to Section 3-03 of the PPB Rules.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Betty Lee, Agency Chief Contracting Officer at the Department for the Aging (DFTA), 2 Lafayette St, NY, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the public hearing.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th floor, New York, New York 10007, on business days, from May 12, 2010 to May 27, 2010, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

m24-27

## BANKING COMMISSION

### MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Meeting of the Banking Commission on Wednesday, June 2, 2010 at 11:00 A.M. in Conference Room A, 66 John Street, 12th Floor, Manhattan.

m24-28

## QUEENS BOROUGH PRESIDENT

### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN THAT** a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, May 27, 2010 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

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

**CD11 - BSA# 887-54BZ - IN THE MATTER** of an application submitted by Eric Palatnik, Esq. on behalf of 218 Bayside Operating LLC, pursuant to Section 11-411 of the NYC Zoning Resolution, to reopen and amend an existing variance for an additional term of ten (10) years, for an existing automotive service station (U.G. 16) with an accessory convenience store in an C2-2/R6B district located at **218-01 Northern Boulevard**, Block 6321, Lot 21, Zoning Map 11a, Bayside, Borough of Queens.

**CD07 - BSA# 11-93 BZ - IN THE MATTER** of an application submitted by the Sheldon Lobel P.C. on behalf of Joykiss Management, LLC pursuant to Section 11-411 of the Zoning Resolution of the City of New York, to request an extension of the term of the variance previously granted by the Board of Standards and Appeals, to legalize certain alterations, and a waiver of the Rules of Practice and Procedure for continued operation of an existing eating and drinking establishment in an R3-2 district, located at **46-45 Kissena Boulevard**, zoning map 10d, Flushing, Borough of Queens.

**CD04 - BSA# 189-96BZ - IN THE MATTER** of an application submitted by John C. Chen on behalf of Ping Yee

pursuant to Sections 73-244 of the New York City Zoning Resolution to re-open and extend the term of the previously granted special permit which will expire on June 7, 2010 for an additional term of three (3) years for continued use of first floor of a two-story building as an eating and drinking establishment with dancing (use group 12A) in an R6/C2-3 district, located at **85-10, 85-12 Roosevelt Avenue**, Block 1502, Lot 3, zoning map 9d, Jackson Heights, Borough of Queens.

**CD01 - BSA# 32-10BZ** - IN THE MATTER of an application submitted by Kramer Levin Naftalis & Frankel LLP on behalf of North 30 Associates LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a variance to allow a dormitory use (Use Group 3) in an M1-5 district located at **30-30 Northern Boulevard**, Block 239, Lot 60, Zoning Map 9b, Long Island City, Borough of Queens.

m21-27

## CAPITAL RESOURCE CORPORATION

### ■ PUBLIC HEARINGS

The New York City Capital Resource Corporation (the "Corporation") is a not-for-profit local development corporation organized under Sections 402 and 1411 of the Not-for-Profit Corporation Law of the State of New York. In accordance with the aforesaid law, and pursuant to its certificate of incorporation, the Corporation has the power to issue non-recourse revenue bonds and to make the proceeds of those bonds available for projects that promote community and economic development in The City of New York (the "City"), and to thereby create jobs in the non-profit and for-profit sectors of the City's economy. The Corporation has been requested to issue such bonds for the financings listed below in the approximate dollar amounts respectively indicated. As used herein, "bonds" are the bonds of the Corporation, the interest on which may be exempt from local and/or state and/or federal income taxes; and, with reference to the bond amounts provided herein below, "approximately" shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10% of such stated bond amount.

Approximately \$17,000,000 in triple tax-exempt Recovery Zone Facility Bonds on behalf of Fleet Financial Group, Inc. ("Fleet"), a developer and asset management firm, in connection with the construction, renovation, equipping and/or furnishing of an approximately 80,000 square foot commercial medical treatment facility and an approximately 65,000 square foot below-grade parking garage, to be known as North Queens Medical Center, located on an approximately 32,532 square foot parcel of land located at 42-31 Union Street (Block 5181, Lot 11), Flushing, Queens, New York 11355 and approximately \$12,280,000 in taxable revenue bonds for the benefit of Fleet to refinance its land acquisition costs and other expenses. The financial assistance proposed to be conferred by the Corporation will consist of such tax-exempt and taxable bond financing.

The Corporation will hold a public hearing on the proposed financings described hereinabove at the offices of the New York City Economic Development Corporation ("NYCEDC"), located at 110 William Street, 4th Floor, New York, New York 10038, commencing at 10:00 A.M. on **Thursday, June 3, 2010**. Interested members of the public are invited to attend. The Corporation will invite comments at such hearing on the proposed financings. In addition, at such hearing the Corporation will provide the public with an opportunity to review the financing application and the cost-benefit analysis for each of the proposed financings. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about noon on the Friday preceding the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation at [www.nycedc.com](http://www.nycedc.com) or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Corporation at the address or phone number shown below. Written comments may be submitted to the Corporation to the attention of Ms. Frances Tufano at the address shown below. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting [ftufano@nycedc.com](mailto:ftufano@nycedc.com) on or about noon on the Friday preceding the hearing.

New York City Capital Resource Corporation  
Attn: Ms. Frances Tufano  
110 William Street, 5th Floor  
New York, New York 10038  
(212) 312-3598

m24

## CITY UNIVERSITY

### ■ PUBLIC HEARINGS

### BOARD OF TRUSTEES

Notice of Annual Bronx Borough Hearing on Monday, June 21, 2010, 5:00 P.M. at Hostos Community College, 3rd Floor Cafeteria, 450 Grand Concourse, Bronx, New York 10451.

m24

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF REAL ESTATE SERVICES

### ■ PUBLIC HEARINGS

#### PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY

#### PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Division of Real Estate Services proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the City Charter, a public hearing will be held regarding the proposed leases on Wednesday, July 14, 2010 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in the City Record.

Further information, including public inspection of the proposed leases may be obtained at the Department of Citywide Administrative Services, Division of Real Estate Services, Bureau of Property Management and Leasing, 1 Centre Street, 19th Floor North, New York, New York 10007. To schedule an inspection, please contact Martin O'Hara at (212) 669-4052 or [mohara@dcas.nyc.gov](mailto:mohara@dcas.nyc.gov).

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

2 Parcels

PREMISES ADDRESS: 8509 Fifth Avenue  
LOCATION: East side of Fifth Avenue, approximately 60 feet south of 85th Street

BOROUGH: Brooklyn  
BLOCK: 6036  
LOT: Part of Lot 1  
PROPERTY TYPE: Ground floor retail store and basement space

SQUARE FOOTAGE: Approximately 2,024 square feet on ground floor and 2,024 square feet of basement space  
USE: Retail  
ZONE: C4-2A  
LEASE TERM: Five (5) Years  
RENEWAL TERMS: Two (2) five (5) year renewal terms  
MINIMUM ANNUAL BID: \$91,200  
RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the lease commencement date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days preceding the commencement of the long term lease.

PREMISES ADDRESS: 8501 Fifth Avenue  
LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street

BOROUGH: Brooklyn  
BLOCK: 6036  
LOT: Part of Lot 1  
PROPERTY TYPE: Ground floor retail store and basement space

SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space  
USE: Retail  
ZONE: C4-2A  
LEASE TERM: Five (5) Years  
RENEWAL TERMS: Two (2) five (5) year renewal terms  
MINIMUM ANNUAL BID: \$106,800  
RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the lease commencement date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days preceding the commencement of the long term lease.

m24

## CITY PLANNING COMMISSION

### ■ PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, May, 26, 2010, commencing at 10:00 A.M.**

### BOROUGH OF THE BRONX

#### No. 1 LINDENGUILD HALL

**CD 3 C 100259 HUX**  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the fourth amendment to the Bathgate Urban Renewal Plan for the Bathgate Renewal Area.

### BOROUGH OF MANHATTAN

#### Nos. 2, 3, 4, 5 & 6 15 PENN PLAZA No. 2

**CD 5 C 100047 ZMM**  
IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West 32nd Street, and a line 200 feet easterly of Seventh Avenue- Fashion Avenue, as shown on a diagram (for illustrative purposes only) dated February 8, 2010.

#### No. 3

**CD 5 N 100048 ZRM**  
IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal.

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

\* \* \*

#### ARTICLE VIII, Chapter 1 Special Midtown District

\* \* \*

**81-066**  
Special permit modifications of Section 81-254, Section 81-40, and certain Sections of Article VII, Chapter 7

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

- (a)(1) that the modifications of mandatory plan elements, #floor area# allocation, or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#.
- (b)(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be an integral part of the #development#, both physically and programmatically;
- (c)(3) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (d)(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (e)(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (f)(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 in accordance with Section 74-634, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

- (1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
- (2) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (3) that such modifications will not unduly obstruct the access of light and air to

surrounding properties:

- (4) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (5) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;
- (6) that the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and
- (7) that the modifications of height and setback regulations:
  - (i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and
  - (ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**81-254 Special permit for height and setback modifications**

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications);
- Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277;
- Section 81-066 (Special permit modifications of Section 81-40, Section 81-254 and certain Sections of Article VII, Chapter 7).
- Section 81-635 (Transfer of development rights by special permit).

\* \* \*

**81-50 SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT**

\* \* \*

**8151 General Provisions**

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit improvements pursuant to Section 81-541. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

\* \* \*

**81-541 Rail mass transit facility improvement**

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility. Prior to granting a special permit, the City Planning Commission shall be provided with:

- (a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
- (b) a legally enforceable instrument containing:

- (1) drawings of the improvements, as approved by the transit operator;
- (2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;
- (3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements and
- (4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to insure the completion of the improvements.

For the purposes of this Section, improvements to any rail mass transit facility on a #zoning lot# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634, as modified herein. For #zoning lots# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot#. In addition, if a subway and/or rail mass transit improvement has been constructed in accordance with an approved special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634, the bonus #floor area# may be retained at the full amount granted by the special permit and may be utilized elsewhere on the #zoning lot# subject to any applicable review and approval process for such #development# or #enlargement#.

\* \* \*

in connection with a proposed commercial development on property located at 15 Penn Plaza\* (Block 808, Lots 40, 1001 and 1002) in a C6-6 District\*\*, within the Special Midtown District (partially within the Penn Center Subdistrict).

\*Note: The site is proposed to be granted a special permit pursuant to Sections 81-066(b)\* and 81-254\* of the Zoning Resolution, under a concurrent related application (C 100049 ZSM), to modify:

- 1. the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
- 2. the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening);

\*\* Note: A portion of the site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

**CD 5 No. 4 C 100049 ZSM IN THE MATTER OF** an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-066(b)\* and 81-254\* of the Zoning Resolution to modify:

- 1. the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
- 2. the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening);

in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District\*\*, within the Special Midtown District (partially within the Penn Center Subdistrict).

\* Note: Sections 81-066 and 81-254 are proposed to be amended under a concurrent related application (N 100048 ZRM) for a zoning text change.

\*\* Note: The site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

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

**CD 5 No. 5 C 100050 ZSM IN THE MATTER OF** an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-541\* and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for subway station and/or rail mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District\*\*, within the Special Midtown District (partially within the Penn Center Subdistrict).

\* Note: Section 81-541 is proposed to be amended under a concurrent related application (N 100048 ZRM) for a zoning text change.

\*\* Note: The site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

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

**CD 5 No. 6 C 100237 PQM IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), Borough of Manhattan, Community District 5, to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements.

NOTICE

On Wednesday, May 26, 2010, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to the 15 Penn Plaza Draft Environmental Impact Statement (DEIS) concerning Amendments to the Zoning Map and the text of the Zoning Resolution (ZR); easement acquisitions; various special permits modifying mandatory District Plan elements as well as height and setback regulations within the Special Midtown District, a floor area bonus in exchange for Subway Station and Rail Mass Transit Facility Improvements, and other related actions, to facilitate the construction of a new commercial office building (known as "15 Penn Plaza") on the block bounded by Seventh Avenue on the west, Avenue of the Americas on the east, West 33rd Street on the north, and West 32nd and Street on the south (Block 808, Lots 1001 and 1002), located in Manhattan Community District 5.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP019M

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

m13-26

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

**BOROUGH OF QUEENS**

COMMUNITY BOARD NO. 08 - Wednesday, May 26, 2010, 7:30 P.M., Hillside Manor, 188-11 Hillside Avenue, Jamaica Estates, NY

**BSA# 677-53-BZ**

61-26/30 Fresh Meadow Lane, Queens, NY  
Application filed to waive the Rules of Practice and Procedure, to extend the term of a variance permitting the parking and storage of motor vehicles awaiting service, to extend the time to obtain a new Certificate of Occupancy and to permit enlargement of the subject building per ZR11-412. The current term expired on March 24, 2007. It is proposed to enlarge the current structure by 1,076.2 square feet through the addition of an 18 ft. by 59.79 enlargement at the front of the existing building.

m20-26

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 09 - Tuesday, May 25, 2010 at 7:00 P.M., Middle School 61 (Auditorium), 400 Empire Boulevard, Brooklyn, NY

**#C 100325ZSK**

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development (HPD) 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 to apply to a proposed 6-story non-profit institution on property located at 329 Lincoln Road.

**#C 100326HAK**

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter, as an Urban Development Action Area; and an Urban Development Action Area Project for the disposition of such property to facilitate development of a 6-story building tentatively known as Providence House I, with approximately 26 units.

m19-25

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 01 - Tuesday, May 25, 2010, 6:30 P.M., Capital One Bank (Greenpoint), 807 Manhattan Avenue, (Downstairs Meeting Rm.) Brooklyn, NY

**#100264PQK**

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for an acquisition of property located at 145 Randolph Street, for continued use as parking lot.

**#100258PQK**

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for an acquisition of property located at 525 Johnson Avenue for continued use as garage.

m19-25

EMPLOYEES' RETIREMENT SYSTEM

■ INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, May 25, 2010 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m18-24

## ENVIRONMENTAL PROTECTION

### BUREAU OF WATER SUPPLY

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on June 3, 2010 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and U.S. Geological Survey, 425 Jordan Road, Troy, New York 12180 for USGS-TURB10: Turbidity and Suspended Sediment Monitoring in the Upper Esopus Creek Watershed in Ulster County. The Contract term shall be 1,095 consecutive calendar days with an 1 year option to renew from the date of the written notice to proceed. The Contract amount shall be \$337,118.00 - Location: NYC Watershed Region - PIN 82610S00041.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from May 24, 2010 to June 3, 2010 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by May 27, 2010, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Debra Butlien, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to [dbutlien@dep.nyc.gov](mailto:dbutlien@dep.nyc.gov).

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

■ m24

## INDUSTRIAL DEVELOPMENT AGENCY

### ■ PUBLIC HEARINGS

The New York City Industrial Development Agency (the "Agency") is empowered under the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law), and Chapter 1082 of the 1974 Laws of New York, as amended, to issue nonrecourse revenue bonds to provide financing for qualified projects, and to enter into industrial and small industry incentive program transactions and other straight-lease transactions for the benefit of qualified projects, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York (the "State") and to improve their prosperity and standard of living. The Agency has been requested (i) to make available the proceeds of its bonds to be issued in the approximate aggregate dollar amounts, to be used by the persons, for the purposes, and at the addresses identified below, and (ii) to participate in industrial and small industry incentive program straight-lease transactions and other straight-lease transactions for the purposes and at the addresses also identified below. As used herein, "bonds" are bonds, the interest on which may be exempt from local and/or State and/or Federal income taxes; and the "City" shall mean The City of New York. As used herein with reference to bond amounts, "approximately" shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10% of such stated bond amount.

Approximately \$5,000,000 tax-exempt manufacturing facilities bond transaction or Straight-Lease transaction (Industrial Incentive Program) on behalf of a to-be-formed real estate holding company, for the benefit of Boundary Fence & Railing Systems, Inc., a fence and railing manufacturer and distributor, in connection with the acquisition, renovation, construction, equipping and/or furnishing of an approximately 25,000 square foot facility located on an approximately 47,500 square foot parcel of land located at 87-35 131st Street, Richmond Hill, Queens, New York 11418. The financial assistance proposed to be conferred by the Agency will consist of such bond financing, payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of House of Spices Realty LLC, or other real estate holding company, on behalf of House of Spices (India), Inc, an importer, producer and distributor of food items, in connection with the acquisition, renovation, equipping and/or furnishing of: (i) an approximately 53,000 square foot facility located on an approximately 90,000 square foot parcel of land located at 57-09 49th Street, Queens, New York 11378; and (ii) an approximately 25,000 square foot facility located on an approximately 27,000 square foot parcel of land located at 57-07 49th Street, Queens, New York 11378. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of Jetro Hunts Point OTP, LLC, on behalf of Jetro Cash and Carry Enterprises, LLC, a wholesale food distributor, in connection with the acquisition of an approximately 522,720 square foot parcel of land and in connection with the construction, renovation, equipping and/or furnishing of an approximately 193,000 square foot facility thereon, located at One Oak Point Avenue, Bronx, New York 10474. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of a to-be-formed real estate holding company, on behalf of Micarole Enterprises Corp d/b/a Kingsland Food, a food distributor, in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 110,000 square foot facility located on an approximately 140,000 square foot parcel of land located at 101 Varick Avenue, Brooklyn, New York 11237. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of a to-be-formed entity, on behalf of Rolling Steel Industries, Inc., a steel and metals fabricator, in connection with the acquisition of an approximately 30,000 square foot parcel of land and in connection with the construction, renovation, equipping and/or furnishing of an approximately 20,000 square foot facility thereon, located at 1145 Rockaway Avenue, Brooklyn, New York 11212. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Pursuant to Section 859a of the General Municipal Law of the State of New York and Internal Revenue Code Section 147(f), the Agency will hold a hearing on the proposed financings and transactions set forth above at the office of New York City Economic Development Corporation ("NYCEDC"), 110 William Street, 4th Floor, New York, New York commencing at 10:00 A.M. on **Thursday, June 3, 2010**. Interested members of the public are invited to attend. The Agency will present information at such hearing on the proposed financings and transactions set forth above. Pursuant to subdivision 3 of the above-referenced Section 859a, the Agency will, in addition, provide an opportunity for the public to review at such hearing the project application and the cost-benefit analysis for each of the proposed financings and transactions. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about noon on the Friday preceding the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation at [www.nycedc.com](http://www.nycedc.com) or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Agency at the address or phone number shown below. Written comments may be submitted to the Agency to the attention of Ms. Frances Tufano at the address shown below. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting [ftufano@nycedc.com](mailto:ftufano@nycedc.com) on or about noon on the Friday preceding the hearing.

New York City Industrial Development Agency  
Attn: Ms. Frances Tufano  
110 William Street, 5th Floor  
New York, New York 10038  
(212) 312-3598

■ m24

## 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, **June 01, 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.

**BINDING REPORT**  
BOROUGH OF MANHATTAN 10-7128 - Block 122, lot 1-City Hall- Individual and Interior Landmark-African Burial Ground and Commons Historic District A Federal style government building designed by Mangin and McComb and built between 1802 and 1811. Application is to install rooftop mechanical equipment, modify interior and exterior stairs, install fire suppression equipment and alter an areaway.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-5027 - Block 181, lot 16-179 Franklin Street - Tribeca West Historic District A late 19th century Commercial style store and loft building designed by Havilah H. Smith & Son and Hugo Kafka and built in 1888. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-3313 - Block 543, lot 58-129 MacDougal Street - 129 MacDougal Street House - Individual Landmark A Federal style house built in 1828-1829. Application is to alter a window on the front facade.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-8522 - Block 619, lot 52-341 Bleecker Street - Greenwich Village Historic District A vernacular frame house with brick facade built in 1820, and later altered. Application is to construct a rear yard addition, alter the rear facade, and excavate the cellar. Zoned C1-6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-8380 - Block 607, lot 27-122-132 West 12th Street - Greenwich Village Historic District An apartment house designed by H. I. Feldman and built in 1940-1941. Application is to replace windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-7545 - Block 574, lot 39-40 Fifth Avenue - Greenwich Village Historic District A neo-Georgian style apartment house designed by Van Wart & Wein, and built in 1929. Application is to reconstruct a greenhouse, install railings, and replace windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-7031 - Block 583, lot 42-55-57 Leroy Street - Greenwich Village Historic District Two Romanesque Revival style apartment houses built in 1887. Application is to remove the cornice and raise the parapet.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-7058 - Block 644, lot 54-7 9th Avenue - Gansevoort Market Historic District Two Greek Revival style rowhouses built in 1849. Application is to legalize and enlarge a fire escape.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-7703 - Block 745, lot 11-347 West 21st Street - Chelsea Historic District An Italianate style house built in 1846. Application is to alter the facade and construct rooftop and rear yard additions. Zoned R7B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-3959 - Block 848, lot 14-893 Broadway, aka 13 East 19th Street - Ladies' Miles Historic District A neo-Grec style converted shop and dwelling built in 1844, altered in 1873-74 and altered again in 1975. Application is to alter the facade and replace storefront infill.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-8141 - Block 1118, lot 52-56 West 66th Street - First Battery Armory-Individual Landmark An armory building designed by Horgan and Slattery and built in 1900-1903. Application is to replace ground floor infill, modify openings and the areaway and install a ramp, raise lot-line parapets and to install mechanical equipment and bulkheads. Zoned C4-7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-6407 - Block 1141, lot 26-115 West 69th Street - Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse with Romanesque Revival style elements designed by Thom & Wilson and built in 1891. Application is to construct a rear yard addition. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-6782 - Block 1216, lot 23-115 West 85th Street - Upper West Side/Central Park West Historic District A Queen Anne/Romanesque Revival style rowhouse designed by John G. Prague and built in 1890-91. Application is to alter the areaway and replace door and windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-6726 - Block 1390, lot 132-57 East 75th Street - Upper East Side Historic District A Brutalist style apartment building designed by William B. Gleckman and built in 1973-1979. Application is to modify window openings.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-4721 - Block 1906, lot 32-229 Lenox Avenue - Mount Morris Park Historic District A Beaux-Arts style house designed by Clarence True and built in 1899. Application is to construct a rear yard addition and reconstruct the rear yard facade. Zoned R7-3 & C1-4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-7055 - Block 195, lot 39-150 Bond Street - Boerum Hill Historic District An Italianate style residence built in 1866-67. Application is to install mechanical equipment at the roof, reconstruct the garage facade, and repaint the facades.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 09-6601- Block 312, lot 28-232 Court Street - Cobble Hill Historic District A mid-19th century Greek Revival style rowhouse. Application is to install storefront infill and signage.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BRONX 10-7906 - Block 2309, lot 1-112 Lincoln Avenue - Estey Piano Factory Building - Individual Landmark A factory building designed by A.B. Ogden & Son architects, and built in 1885-86, with later additions. Application is to amend Certificate of Appropriateness 10-5557 to construct a rear yard addition. Zoned M1-2/R6A.

■ m18-j1

## MAYOR'S OFFICE OF CONTRACT SERVICES

### ■ NOTICE

#### NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE PUBLIC HEARING ON AGENCY CONCESSION PLANS

Notice of a Franchise and Concession Review Committee (FCRC) Public Hearing on Agency Concession Plans for Fiscal Year 2011 pursuant to Section 1-10 of the Concession Rules of the City of New York (Concession Rules), to be held on June 7, 2010, commencing at 2:30 P.M., and located at 22 Reade Street, Barish Room, Manhattan. At this hearing, the FCRC will further solicit comments about the provisions of the Concession Rules from the vendor community, civic groups and the public at large.

The following agencies submitted an Annual Concession Plan: the Department of Parks and Recreation, the Department of Citywide Administration Services, the Department of Transportation, the Department of Corrections, the Department of Probation, the New York Police Department, the Department of Housing Preservation and Development, the Department of Homeless Services, the Department of Environmental Protection, the Department of Health and Mental Hygiene, the Department of Records and Information Services, the New York City Office of Chief Medical Examiner, the New York City Economic Development Corporation on behalf of the Department of Small Business Services, and NYC & Company on behalf of the Department of Small Business Services.

The portfolio of Agency Concession Plans covers significant and non-significant concessions expiring, continuing and anticipated for solicitation or initiation in Fiscal Year 2011. Furthermore, the portfolio covers:

- Department of Parks and Recreation: mobile food units, food service facilities, golf courses, driving ranges, marinas, tennis professionals, Christmas

- trees, parking lots, markets, concerts, newsstands, stables, gas stations, amusement venues, ice skating rinks, carousels, ferry services, bike rentals, circus, sailboat rentals, souvenirs and gifts.
- Department of Citywide Administrative Services: maritime and non-maritime occupancy permits.
  - Department of Transportation: food kiosks, vending machines, pedestrian plazas, food courts.
  - Department of Corrections: commissary services, food court, lockers.
  - Department of Probation: advertising and marketing software.
  - New York City Police Department: vending machines.
  - Department of Housing Preservation and Development: vending machines.
  - Department of Homeless Services: athletic facilities.
  - Department of Environmental Protection: gas purification.
  - Department of Health and Mental Hygiene: drug discount card program, café.
  - Department of Records and Information Services: publication of record collections.
  - New York City Office of the Chief Medical Examiner: DNA swab kit.
  - New York City Economic Development Corporation on behalf of the Department of Small Business Service: parking lots, maritime and non-maritime occupancy permits.
  - NYC & Company on behalf of the Department of Small Business Services: marketing, advertising, intellectual property & trademark merchandising.

Interested parties may obtain a copy of the Agency Concession Plans by contacting Adam Buchanan by phone at (212) 788-0023 or via email at [abuchanan@cityhall.nyc.gov](mailto:abuchanan@cityhall.nyc.gov). Hard copies will be provided at a cost of \$.25 per page by check or money order made payable to the New York City Department of Finance. Upon request, a PDF version of the Agency Concession Plans is available free of cost. The FCRC shall consider the issues raised at the Public Hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.

m21-j7

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ AUCTION

#### PUBLIC AUCTION SALE NUMBER 10001 - X

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, June 9, 2010 (SALE NUMBER 10001-X). 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 also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

m24-j9

#### PUBLIC AUCTION SALE NUMBER 10001-W

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, May 26, 2010 (SALE NUMBER 10001-W). 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 also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

m20-26

### 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."*

### CITYWIDE ADMINISTRATIVE SERVICES

#### AGENCY CHIEF CONTRACTING OFFICER

##### ■ AWARDS

#### Construction / Construction Services

**ELEVATOR WORK** – Competitive Sealed Bids – PIN# 856090000763R – AMT: \$847,500.00 – TO: Action Elevator, Inc., 973 Van Dusen Street, Staten Island, NY 10204. Elevator construction work for the Midtown Community Court Rehabilitation Project at 314 West 54th Street, NYC, NY.

This project is subject to goals for project participation by minority owned business enterprises (MBEs) requirements as required by Local Law 129 of 2005. Prevailing wage utilization is required.

m24

#### CONTRACTS

##### ■ SOLICITATIONS

#### Services (Other Than Human Services)

**FIREFIGHTER EXAMINATION** – Negotiated Acquisition – PIN# 85610N0001 – DUE 06-07-10 AT 2:00 P.M. – The Department of Citywide Administrative Services ("DCAS") is seeking proposals from appropriately qualified contractors to conduct a job analysis and to develop and score a written examination for Firefighter based on the results of this job analysis. The proposals must be submitted in the form of a response to the Negotiated Acquisition Solicitation Document available from the City Record Online starting May 19, 2010.

DCAS identified the following vendors for solicitation:

1. Aon Consulting, Inc.
2. PDRI, A PreVisor Company
3. Sharf and Associates Employment Risk Advisors, Inc.
4. James L. Outtz, PhD
5. EB Jacobs
6. Barrett and Associates, Inc.

It is anticipated that DCAS will award one contract for these services. The term of the contract will be two years.

Qualified vendors that are interested in providing the services described in the solicitation document are invited to express their interest in participating by sending a letter or an email, which must be received no later than 5:00 P.M. on Monday, May 31, 2010, to the attention of Erkan Solak, Deputy Agency Contracting Officer, DCAS Office of Contracts, 18th Floor, One Centre Street., New York, NY 10007 or email: [esolak@dcas.nyc.gov](mailto:esolak@dcas.nyc.gov).

Proposals must be received by mail or in person no later than 2:00 P.M. on Monday, June 7, 2010 by Erkan Solak, Deputy Agency Contracting Officer, DCAS Office of Contracts, 18th Floor, One Centre Street., New York, NY 10007.

Pursuant to § 3-04(b)(2) of the PPB Rules, it has been determined that it is not practicable or advantageous to the City to use the Competitive Sealed Bidding process to acquire these services. A time sensitive situation exists which

requires that a supplier be retained quickly, as the Agency must respond to a court order.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services  
1 Centre Street, 18th Floor N, New York, NY 10007.  
Erkan Solak (212) 669-3530, [esolak@dcas.nyc.gov](mailto:esolak@dcas.nyc.gov).

m20-26

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ SOLICITATIONS

#### Goods

**GENUINE REPAIR PARTS FOR ALLIS CHALMERS PUMP** – Competitive Sealed Bids – PIN# 8571000789 – DUE 06-10-10 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](mailto:dcasdmssbids@dcas.nyc.gov)

m24

##### ■ 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

##### ■ AWARDS

#### Construction / Construction Services

**HWS2009X, RESIDENT ENGINEERING INSPECTION SERVICE FOR PRIOR NOTICE SIDEWALKS, THE BRONX** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502009HW0043P – AMT: \$928,780.00 – TO: En Tech Engineering, P.C., 11 Broadway, 21st Floor.

m24

### ECONOMIC DEVELOPMENT CORPORATION

#### CONTRACTS

##### ■ SOLICITATIONS

#### Goods & Services

**MART 125 SITE REDEVELOPMENT** – Request for Proposals – PIN# 2120-0 – DUE 07-30-10 AT 4:00 P.M. – New York City Economic Development Corporation ("NYCEDC"), acting on behalf of the City of New York and in consultation with the New York City Department of Cultural Affairs ("DCA") and the Upper Manhattan Empowerment Zone ("UMEZ"), is seeking proposals for the purchase and redevelopment of a 10,000 square foot site at 260 West 125th Street in Manhattan, commonly known as Mart 125 ("the Site"). An approximately 17,400 square foot building, currently located on the Site, will require demolition prior to redevelopment.

The Site is governed by two zoning districts – half of the lot facing 125th Street is within a C6-3 district and half of the

lot facing 124th Street is within a C4-4D district. Both districts are eligible for the arts floor area bonus created by the 125th Street Rezoning. Responses to this Request for Proposals ("RFP") must comply with current zoning and incorporate the following uses: (a) 12,000-14,000 usable square feet of cultural space ("Cultural Space") to be operated by the National Jazz Museum in Harlem and ImageNation Sol Cinema; (b) 800 gross square feet for a ground floor visitors center to be operated by NYC and Company; and (c) 2,500 gross square feet for a cafe and/or retail establishment(s), with a preference for local business operators. The remaining floor area may be used for other commercial uses. When completed, the project may include up to approximately 67,000 square feet of new cultural and commercial space.

NYCEDC plans to select a developer or development team on the basis of factors stated in the RFP which include, but are not limited to: development team qualifications, economic impact on/spending in New York City which would result from execution of the proposal, financial feasibility of the proposal, the proposal's relationship to the surrounding community, proposed project design, and extent to which the proposal manifests the development goals and complies with zoning and environmental requirements.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit [www.nycfedc.com/opportunitymwd](http://www.nycfedc.com/opportunitymwd).

An optional information session will be held on Tuesday, June 15, 2010 at 11:00 A.M. at NYCEDC, 110 William Street, 4th Floor, New York NY (between Fulton and John streets). Those who wish to attend must RSVP by email to [abnns@nycfedc.com](mailto:abnns@nycfedc.com) on or before Friday, June 11, 2010.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 4:00 P.M. on Friday, July 2, 2010. Questions regarding the subject matter of this RFP should be directed to [Mart125rfp@nycfedc.com](mailto:Mart125rfp@nycfedc.com). For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Monday, July 12, 2010, to [www.nycfedc.com/RFP](http://www.nycfedc.com/RFP).

The RFP is available for in-person pick-up between 9:30 A.M. and 4:30 P.M., Monday through Friday, from NYCEDC, 110 William Street, 6th floor, New York, NY (between Fulton and John streets). To download a copy of the solicitation documents please visit [www.nycfedc.com/RFP](http://www.nycfedc.com/RFP). RESPONSES ARE DUE NO LATER THAN 4:00 p.m. on Friday, July 30, 2010. Please submit ten (10) copies and one (1) electronic version (on CD) of proposals to NYCEDC.

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.  
*Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969 fax: (212) 312-3918, [Mart125rfp@nycfedc.com](mailto:Mart125rfp@nycfedc.com)*

m24

## OFFICE OF EMERGENCY MANAGEMENT

### AWARDS

*Services (Other Than Human Services)*

**REVISIONS TO THE TACTICAL INTEROPERABLE COMMUNICATIONS PLAN** – Intergovernmental Purchase – Available only from a single source - PIN# 01710TICP01 – AMT: \$336,610.00 – TO: New York State Technology Enterprise Corporation, 500 Avery Lane, Suite A, Rome, NY 13441. Vendors may express interest for such procurement in the future by emailing [procurement@oem.nyc.gov](mailto:procurement@oem.nyc.gov)

m24

### INTENT TO AWARD

*Services (Other Than Human Services)*

**EMERGENCY HAZARDS PLANNING AND PREPAREDNESS STUDIES** – Government to Government – PIN# 01710T0001 – DUE 06-08-10 AT 9:00 A.M. – The New York City Office of Emergency Management (NYCOEM) intends to enter into a government-to-government purchases with the United States Army Corps of Engineers (USACE) to provide assistance with hurricane and other hazards planning and preparedness studies.

Qualified vendors may express their interest in providing such services in the future by contacting Erika Yan at [procurement@oem.nyc.gov](mailto:procurement@oem.nyc.gov)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Office of Emergency Management, 165 Cadman Plaza East, Brooklyn, NY 11201. Erika Yan (718) 422-4845, [procurement@oem.nyc.gov](mailto:procurement@oem.nyc.gov)*

m24-28

## FINANCIAL INFORMATION SERVICES AGENCY

### SOLICITATIONS

*Goods & Services*

**ALTERNATE DATA CENTER** – Negotiated Acquisition – PIN# 12711CM00077 – DUE 06-15-10 AT 10:00 A.M. – FISA intends to enter into negotiations with vendors for the design, provision and ongoing operation of an Alternate Data Center (ADC) (PIN 12711CM00077). Submissions and the resulting negotiations will be conducted in phases. Vendors who respond to the attached solicitation will be evaluated. Those vendors that are determined by the City to meet the specified qualifications will receive additional information with set time frames in which to respond. As a result of the City's evaluation of the second phase responses, the City may enter into limited contracts with multiple vendors one of which may be extended to cover the full project.

The projected start date of the limited contracts which may be with multiple vendors is approximately 12/15/2010. The projected project end date including approximately five years of ongoing operation of the ADC is 2017, with the possibility

of renewal(s) at the City's discretion for approximately 10 additional years. Interested vendors should respond to this solicitation in accordance with the details contained in the attached solicitation.

These dates are subject to unilateral change by the City.

As described in Section 3-04 (b)(2)(ii) of the PPB Rules the basis for the determination of the Negotiated Acquisition procurement method is that there is a limited number of vendors available and able to perform the work required in this project.

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.  
*Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001. Marisol Cintron (212) 857-1540, fax: (212) 857-1004, [ADC2010@fisa.nyc.gov](mailto:ADC2010@fisa.nyc.gov)*

m24-28

## 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*

**NERVE TISSUE IMPLANTS** – Competitive Sealed Bids – PIN# 111-10-121 – DUE 06-07-10 AT 3:00 P.M. – Same as or equal to Axogen.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 32, New York, NY 10016. Melissa Cordero (212) 562-2016, fax: (212) 562-2779 [melissa.cordero@bellevue.nychhc.org](mailto:melissa.cordero@bellevue.nychhc.org)*

m24

**EXTREME ANGIOPLASTY BALLOONS - CORDIS: PTA, VCF AND CORE** – Competitive Sealed Bids – PIN# QHN2010-1100EHC – DUE 06-11-10 AT 10:00 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.  
*Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Monique Thomas (718) 883-6000 fax: (718) 883-6222, [thomasmon@nychhc.org](mailto:thomasmon@nychhc.org)*

m24

### MATERIALS MANAGEMENT

#### SOLICITATIONS

*Goods & Services*

**250 CUBIC YARDS OF 5000 PSI CONCRETE** – Competitive Sealed Bids – PIN# 0300021 – DUE 06-08-10 AT 10:00 A.M. – The NYC Health and Hospital Corporation, Construction Department, is seeking a vendor to provide approximately 250 Cubic Yards of 5000 PSI Concrete to be delivered to the job site at Sea View Rehabilitation Center, Emergency Generators Parking Lot, 460 Brielle Avenue, Staten Island, N.Y. 11314, in the amount of 2-30 Cubic Yards per delivery as determined and scheduled by the Project Manager.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990. Sherry Lloyd (212) 442-3863, fax: (212) 442-3880 [sherry.lloyd@nychhc.org](mailto:sherry.lloyd@nychhc.org)*

m24

## 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, [mzmoira@dhs.nyc.gov](mailto:mzmoira@dhs.nyc.gov)*

j6-20

## HOUSING AUTHORITY

### SOLICITATIONS

*Goods & Services*

**GSD REPLACEMENT OF INTERIOR LIGHTING FIXTURES** – Competitive Sealed Bids – DUE 05-28-10 – PIN# 26550 - Queensbridge Houses Community Center Due at 11:00 A.M.  
PIN# 26552 - Stuyvesant Houses Community Center Due at 11:05 A.M.  
PIN# 26554 - Pelham Houses Community Center Due at 11:10 A.M.  
PIN# 26559 - Hope Gardens Community Center Due at 11:15 A.M.  
PIN# 26570 - Tilden Houses Community Center Due at 11:20 A.M.  
PIN# 26578 - Smith Houses Community Center Due at 11:25 A.M.  
PIN# 26722 - Albany Houses Community Center Due at 11:30 A.M.  
PIN# 26718 - Butler Houses Community Center Due at 11:35 A.M.

Contractor is responsible to remove all old lighting and debris and install new lighting as per the break-out lighting listed: overhead lighting fixtures installed with current lighting scheme; install replacement lighting using pendants (pendants may be used where salvageable). Contractor shall extend short or damage existing wiring. All outlets and switches should be brown in color also metal covers should be brown in color.

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). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](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 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](mailto:sabrina.steverson@nycha.nyc.gov)*

m24

**GSD MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – DUE 06-15-10 –

PIN# 26802 - Various Brooklyn Developments Due at 10:00 A.M.  
PIN# 26803 - Various Bronx Developments Due at 10:05 A.M.  
PIN# 26804 - Various Manhattan South Developments Due at 10:10 A.M.  
PIN# 26805 - Various Manhattan North Developments Due at 10:15 A.M.  
PIN# 26806 - Various Queens - Staten Island Developments Due at 10:20 A.M.

**PAINT APPRENTICESHIP PROGRAM/The Apprenticeship Program.** As a non-exclusive method to implement the requirements of Section 3, the Authority is requiring the enrollment of Authority residents as apprentices by the Contractor on this Contract.

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). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](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 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](mailto:sabrina.steverson@nycha.nyc.gov)*

m24

*Construction/Construction Services*

**REPAIRING EXTERIOR MASONRY AND ROOFING REPLACEMENT** – Competitive Sealed Bids – PIN# ST9011482 – DUE 06-10-10 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121 fax: (212) 306-5151, [gloria.guillo@nycha.nyc.gov](mailto:gloria.guillo@nycha.nyc.gov)*

m20-26

**HOUSING PRESERVATION & DEVELOPMENT**

**AGENCY CHIEF CONTRACTING OFFICER**

**AWARDS**

*Goods & Services*

**CENSUS BUREAU TO PLAN AND CONDUCT THE 2011** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 806091000929 – AMT: \$8,126,000.00 – TO: Financial and Market Characteristics Branch, 4600 Silver Hill Road, Washington DC 20233-8500.

● **FAMILY SELF-SUFFICIENCY PROGRAM** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 806081000048C – AMT: \$146,605.00 – TO: Northern Manhattan Improvement Corp., 76 Wadsworth Avenue, New York, NY 10033.

● **FAMILY SELF-SUFFICIENCY PROGRAM** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 806081000048D – AMT: \$146,937.00 – TO: CAMBA, Inc., 1720 Church Avenue, Brooklyn, NY 11226.

● **FAMILY SELF-SUFFICIENCY PROGRAM** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 806081000048A – AMT: \$272,895.00 – TO: Bronx Work, Inc., 60 East Tremont Avenue, Bronx, NY 10453.

m24

**DIVISION OF MAINTENANCE**

**AWARDS**

*Construction Related Services*

**EMERGENCY DEMOLITION** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 80609D90078 – AMT: \$499,000.00 – TO: NBI Equipment Corp., 7302 Avenue W., Brooklyn, NY 11234.

● **EMERGENCY DEMOLITION** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 80610DA00234 – AMT: \$200,000.00 – TO: A. Russo Wrecking Inc., 67 East Avenue, Lawrence, NY 11559.

● **EMERGENCY DEMOLITION** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 80610DA00194 – AMT: \$152,000.00 – TO: NBI Equipment Corp., 7302 Avenue W., Brooklyn, NY 11234.

● **E-2486 EMERGENCY DEMOLITION** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 80610DA00379 – AMT: \$119,969.00 – TO: Gateway Demolition Corp., 134-22 32nd Avenue, Flushing, NY 11354.

● **EMERGENCY DEMOLITION** – Line Item Appropriation or Discretionary Funds – Available only from a single source - PIN# 80610DA00299 – AMT: \$257,555.00 – TO: A. Russo Wrecking, Inc., 67 East Avenue, Lawrence, NY 11559.

m24

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**INTENT TO AWARD**

*Goods & Services*

**SOFTWARE LICENSES AND MAINTENANCE** – Sole Source – Available only from a single source - PIN# 85810SS00019 – DUE 05-28-10 AT 3:00 P.M. – The City intends to enter into Sole Source negotiations with DTS Software, Inc. for Proprietary Software Licenses and Maintenance. Any vendor that wishes to provide such services in the future should send notice to DoITT by Friday, May 28, 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.*

*Department of Information Technology and Telecommunications, 75 Park Place, NYC, NY 10007. Dorothy Duncan (212) 788-6274, fax: (212) 788-6489 dduncan@doitt.nyc.gov*

m21-27

**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.*

jy1-d16

**OFFICE OF THE MAYOR**

**CRIMINAL JUSTICE COORDINATOR'S OFFICE**

**INTENT TO AWARD**

*Human/Client Service*

**RESTITUTION** – Renewal – PIN# 00211DMPS217 – DUE 05-25-10 AT 3:00 P.M. – Safe Horizon, Inc. located at 2 Lafayette Street, New York, New York, 10007, presently provides restitution services. Safe Horizon secures restitution payments for victims by advocating for its inclusion in the defendant's/respondent's sentence and meets with defendants/respondents to review payment schedules regarding the safe monetary restitution of the victim.

The term of the contract will be from 7/1/2010 to 6/30/2012 with (1) two-year option to renew.

The anticipated funding level is \$465,000 annually.

Pursuant to section 4-04 of the Procurement Policy Board Rules ("PPB"), the Mayor's Office of the Criminal Justice Coordinator ("CJC") is exercising the first of two renewal options with Safe Horizon, Inc. for the provision of the above-referenced services.

The next renewal option will be from 7/1/2012 to 7/30/2014.

*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.*  
*Mayor's Office, 1 Centre Street, Room 1012 North, New York, NY 10007. Migdalia Veloz (212) 788-6828, fax: (212) 312-0824, mveloz@cityhall.nyc.gov*

m24

**PARKS AND RECREATION**

**CONTRACT ADMINISTRATION**

**SOLICITATIONS**

*Construction/Construction Services*

**CONSTRUCTION OF RECREATION LIGHTING AT THE BALL FIELDS IN BROWNSVILLE RECREATION CENTER** – Competitive Sealed Bids – PIN# 8462010B270C01 – DUE 06-24-10 AT 10:30 A.M. – Located between Linden Boulevard and Hegeman Avenue, Brooklyn, known as Contract #B270-109M. Vendor Source ID#: 68441.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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

*Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov*

m24

**RECONSTRUCTION OF THE COMFORT STATION IN FPC THOMAS NORTON MEMORIAL PLAYGROUND**

– Competitive Sealed Bids – PIN# 8462010B208C01 – DUE 06-24-10 AT 10:30 A.M. – Located at Nostrand Avenue between Kings Highway and Avenue "P", Brooklyn, known as Contract #B208-110M. Vendor Source ID#: 68447. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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

*Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov*

m24

**AWARDS**

*Construction/Construction Services*

**CONSTRUCTION AND RECONSTRUCTION OF PLAYGROUNDS IN SCHOOL YARDS** – Competitive Sealed Bids – PIN# 8462009Q000C13 – AMT: \$1,371,408.00 – TO: Perkan Concrete Corp., 145-18 Liberty Ave., Jamaica, NY 11435. At PS 96 and PS 155, Queens, known as Contract #QG-109M.

● **RESTORATION OF A SALT MARSH** – Competitive Sealed Bids – PIN# 8462009X088C02 – AMT: \$1,493,155.00 – TO: Galvin Bros. Inc./Madhue Const. AJV, 149 Steamboat Road, Great Neck, NY 11024. - Bounded by Norton and Barrett Avenues, Pugsley Creek and Castle Hill Park in Pugsley Creek Park, The Bronx, known as Contract #X088-506M.

m24

**REVENUE AND CONCESSIONS**

**SOLICITATIONS**

*Services (Other Than Human Services)*

**OPERATION AND MAINTENANCE OF A SEASONAL CAFE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M89-SB – DUE 07-15-10 AT 3:00 P.M. – Parks is seeking proposals for the operation and maintenance of a seasonal cafe at the Union Square Park Pavilion, with an option to develop, operate and maintain a small scale, satellite kiosk at the Licensed Premises.

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

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

*Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Alexander Han (212) 360-1397, fax: (212) 360-3434, alexander.han@parks.nyc.gov*

m18-j1

**POLICE**

**SOLICITATIONS**

*Services (Other Than Human Services)*

**PMI** – Request for Proposals – PIN# 056100000688 – DUE 07-09-10 AT 11:00 A.M. – The New York City Police Department seeks a vendor to provide for furnishing all labor, material, and facilities necessary and required for a Police Management Institute. Optional pre-proposal conference is scheduled to be held 11:00 A.M. on Tuesday, June 15, 2010 at One Police Plaza, 14th Floor, Office of Management Analysis and Planning Conference Room, New York, New York 10038.

If you are interested, you may obtain a free copy of the bid package in 3 ways: (1) Online at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord), click "visit City Record On-Line (CROL)" link. Click "Solicitations and Awards." Click "Search the City Record bid opportunities." Enter PIN#. Click "Submit." Log in or enroll to download solicitations and/or awards. (2) In person, Monday - Friday, 9:00 A.M. - 5:00 P.M. at Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. (3) Contact ASA Howard Babich at (646) 610-5214. VSID#: 67183.

*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. Howard Babich (646) 610-5214, howard.babich@nypd.org*

m24

**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

**SOLICITATIONS**

*Construction/Construction Services*

**SCIENCE LAB UPGRADE** – Competitive Sealed Bids – PIN# SCA10-12727D-1 – DUE 06-09-10 AT 11:00 A.M. – IS 592 (Brooklyn). Project Range: \$1,300,000.00 to \$1,375,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

*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.*

*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Kevantae Idlett (718) 472-8360 kidlett@nycsca.org*

m19-25

*Services (Other Than Human Services)*

**COMPUTER AND PERIPHERAL EQUIPMENT**

**SALVAGE SERVICES** – Competitive Sealed Bids – PIN# SCA-1009P – DUE 06-07-10 AT 10:00 A.M. – All vendors must be pre-qualified to receive a contract award with the SCA.

*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.*

*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nycsca.org*

m18-24

**CONTRACT SERVICES**

**SOLICITATIONS**

*Construction/Construction Services*

**FENCING/PAVED AREAS - BLACKTOP** – Competitive Sealed Bids – PIN# SCA10-13184D-1 – DUE 06-09-10 AT 12:00 P.M. – PS 96 (Manhattan). Project Range: \$1,240,000.00 - \$1,310,000.00. Pre-bid Meeting: May 28, 2010 at 216 East 120th Street, New York, NY 10035. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

*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.*

*School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Lily Persaud (718) 752-5852 lpersaud@nycsca.org*

m24-28

**PROCUREMENT**

**SOLICITATIONS**

*Construction/Construction Services*

**CONSTRUCTION OF A NEW SIX STORY SCHOOL** – Competitive Sealed Bids – PIN# SCA10-006617-1 – DUE 06-15-10 AT 3:00 P.M. – PS/IS 281 (Manhattan). Project Range: \$48,343,000.00 - \$50,890,000.00. Mandatory Pre-Bid Meeting Date: May 27, 2010 at 11:00 AM at NYCSCA, 30-30 Thomson Ave., LIC., NY 11101, Second Floor Conference Room, 2 Main A. Failure to attend this mandatory pre-bid meeting will result in your firm being ineligible to bid on the referenced solicitation. Non-Refundable Bid Documents Charge: \$250.00, Certified Check or Money Order only. Make payable to the New York City School Construction Authority. Bidders must be Pre-Qualified by the SCA. Limited bids will only be accepted from the following Construction Managers/Prime General Contractors: Leon D. DeMatteis Construction Corp.; Pavarini McGovern; Petracca

and Sons, Inc.; Silverite Construction Co., Inc.; Skanska USA Building, Inc.; Turner Construction Co.

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.  
School Construction Authority, 30-30 Thomson Avenue  
Long Island City, NY 11101. Iris Vega (718) 472-8292  
fax: (718) 752-8292, ivega@nycsca.org

m18-24

## AGENCY RULES

### BUSINESS INTEGRITY COMMISSION

#### NOTICE

#### NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULEMAKING 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

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, notice is hereby given that the Business Integrity Commission intends to adopt 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.

Additions to the rules are underlined and deletions are [bracketed].

Written comments regarding these proposed rules may be sent to Eric Dorsch, General Counsel, New York City Business Integrity Commission, on or before June 23, 2010. Comments may be submitted by mail to Mr. Dorsch at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007 or electronically to edorsch@bic.nyc.gov.

A hearing for public comment will be held on June 28, 2010 in Spector Hall at 20 Reade Street, New York, New York 10007, at 10:00 A.M. Persons seeking to testify are requested to notify Mr. Dorsch at (212) 676-6202 no fewer than five (5) business days prior to the hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Mr. Dorsch at the above address no later than two weeks prior to the hearing.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt on week days between the hours of 9:30 A.M. and 4:30 P.M. at the New York City Business Integrity Commission, 100 Church Street, 20th Floor, New York, New York 10007.

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 Class 2 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 fifty dollars (\$50).

(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, subdivision b of section 22-253, subdivision b of section 22-264, or subdivision b of section 22-265 of the Code shall be two hundred dollars (\$200).

(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) Except for the fee for fingerprinting, which shall be payable to New York State Division of Criminal Justice Services, 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.

#### §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 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.

**§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 a 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 fifty dollars (\$50). 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 fifty dollars (\$50).

(e) Investigative fee. The fee for a background investigation pursuant to subdivision b of section 22-209, subdivision b of section 22-211 and 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) Except for the fee for fingerprinting, which shall be payable to New York State Division of Criminal Justice Services, 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.

(ii) 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.

(iii) 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 a 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 three hundred dollars (\$300) and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

§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.

(c) 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.

(d) 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.

(e) 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 three hundred dollars (\$300), and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

(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 fifty dollars (\$50).

(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, subdivision b of section 22-253 or subdivision b of section 22-264 of the Code shall be two hundred dollars (\$200).

§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 three hundred dollars (\$300) and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

#### §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 such 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 immediately.

#### Statement of Basis and Purpose of Proposed 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 provide hearings in an expeditious manner, the Commission proposes to amend 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 amended rules would 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 proposed rules relate to the Commission's authority pursuant to the 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 proposed rules, in conjunction with DSBS's repeal of its rules relating to the public wholesale markets and wholesale seafood distribution, will create a comprehensive and transparent regulatory scheme that combines the Commission's rules in a single title.

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**SMALL BUSINESS SERVICES**

■ NOTICE

**NOTICE OF PROPOSED RULEMAKING RELATING TO PUBLIC MARKETS AND WHOLESALE SEAFOOD DISTRIBUTION WITHIN THE CITY OF NEW YORK**

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of the Department of Small Business Services (the "Commissioner") pursuant to sections 1043, 1301 and 1305 of the New York City Charter, that the Department of Small Business Services hereby proposes to repeal rules relating to public markets and wholesale seafood distribution within the City of New York.

Written comments regarding this proposed rulemaking may be sent to Deborah Buyer, General Counsel, New York City Department of Small Business Services, on or before June 28, 2010. Comments may be submitted by mail to Ms. Buyer at the New York City Department of Small Business Services, 110 Williams Street, 7th Floor, New York, New York 10038 or electronically to [Dbuyer@sbs.nyc.gov](mailto:Dbuyer@sbs.nyc.gov).

Pursuant to section 1043(d)(ii) of the New York City Charter, no public hearing will be held on the ground that a public hearing would serve no public purpose. Submitted written comments will be available for public inspection within a reasonable time after receipt on week days between the hours of 9:30 A.M. and 4:30 P.M. at the Department of Small Business Services, 110 Williams Street, 7th Floor, New York, New York 10038.

This rule was not included in the 2010 regulatory agenda of the Department of Small Business Services.

Section 1. Subchapter A of chapter 1 of title 66 of the Rules of the City of New York, relating to markets in general, subchapter A-1 of such chapter, relating to public wholesale markets, subchapter B of such chapter, relating to the fulton fish market distribution area, sections 1-51, 1-52, 1-53, 1-54, 1-55, 1-56 and 1-57 of subchapter C of such chapter, relating to wholesale seafood businesses outside the fulton fish market distribution area, subchapter D of such chapter, relating to market businesses located and operating within the fulton fish market distribution area or other seafood distribution areas, appendix A of such chapter, relating to application for class A or B photo I.D. card, and appendix B of such chapter, relating to application for a loading or unloading license or registration as a wholesaler or seafood deliverer, are REPEALED.

Statement of Basis and Purpose

The purpose of the amendments to the Market Rules is to bring the rules into conformity with the rules adopted by the Business Integrity Commission (BIC). These rules will take effect to correspond with BIC's new rules in accordance with chapter 63 of the New York City Charter wherein pursuant to § 2101 BIC shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the Fulton fish market distribution area, and other seafood distributions areas and the public wholesale markets. Accordingly, regulations governing the aforementioned areas of industry, distribution and markets formerly part of the Market Rules have been transferred to BIC and are part of its newly adopted rules.

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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 May 25, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
18	15961	p/o 76
19	15961	p/o 74
20	15961	p/o 72
21	15961	p/o 70

22	15961	p/o 69
23	15961	p/o 68
26	15960	p/o 57

Acquired in the proceeding, entitled; Beach 43, 44 and 45 and Conch Drive, et al 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

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**TRANSPORTATION**

■ NOTICE

**PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON DEKALB AVENUE, BETWEEN FULTON STREET, BOND STREET AND ALBEE SQUARE, BOROUGH OF BROOKLYN**

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 on DeKalb Avenue between Fulton Street, Bond Street and Albee Square in Brooklyn ("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 within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

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 Fulton Mall Improvement Association 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](mailto:awileyschwartz@dot.nyc.gov) or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 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.

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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.

**PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON BROAD STREET, BETWEEN WALL STREET AND BEAVER STREET, BOROUGH OF MANHATTAN**

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 on Broad Street between Wall Street and Beaver Street in Manhattan ("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 within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

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 Alliance for Downtown New York 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](mailto:awileyschwartz@dot.nyc.gov) or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 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.

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**PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON EAST FORDHAM ROAD, EAST KINGSBRIDGE ROAD AND CELIA CRUZ BOULEVARD, 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 on East Fordham Road, East Kingsbridge Road and Celia Cruz Boulevard 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 within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

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 Fordham Road Business Improvement District 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](mailto:awileyschwartz@dot.nyc.gov) or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 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.

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**LATE NOTICE**

**HOUSING AUTHORITY**

■ SOLICITATIONS

*Goods & Services*

**GSD 2010-11 CHILD AND ADULT CARE FOOD PROGRAM - VARIOUS NYCHA DEVELOPMENT COMMUNITY CENTERS** - Competitive Sealed Bids - PIN# 26735 - DUE 06-15-10 AT 1:00 P.M. - Year/2010-11 Child and Adult Care Food Program at Community Centers located in various NYCHA developments. Vendor will provide and deliver complete, safe and nutritious meals and afternoon snacks at approximately 110 Centers throughout the City that conform to the United States Department of Agriculture. Vendor must deliver meals to the centers each weekday; Monday - Friday, October 1, 2010 to and including September 30, 2011.

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](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](mailto:sabrina.steverson@nycha.nyc.gov)*

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## 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](http://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/9 ..... New contractor needed for changed/additional work
- NA/10 ..... Change in scope, essential to solicit one or limited number of contractors
- NA/11 ..... Immediate successor contractor required due to termination/default  
*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/O ..... Other
- EM ..... **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A ..... Life
- EM/B ..... Safety
- EM/C ..... Property
- EM/D ..... A necessary service
- AC ..... **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE ..... **Service Contract Extension/**insufficient time; necessary service; fair price  
*Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason* (award only)
- OLB/a ..... anti-apartheid preference
- OLB/b ..... local vendor preference
- OLB/c ..... recycled preference
- OLB/d ..... other: (specify)

### HOW TO READ CR PROCUREMENT NOTICES

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

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM** – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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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.