



# THE CITY RECORD

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**THE CITY RECORD**

**MICHAEL R. BLOOMBERG, Mayor**

**MARTHA K. HIRST**, Commissioner, Department of Citywide Administrative Services.  
**ELI BLACHMAN**, Editor of The City Record.

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

**PUBLIC HEARINGS AND MEETINGS**

See Also: Procurement; Agency Rules

**AGING**

**PUBLIC HEARINGS**

**CANCELLATION OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Wednesday, August 12, 2009, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 9:30 A.M. on the following:

**IN THE MATTER** of one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below to provide transportation services to the elderly. The contract term shall be from July 1, 2009 to June 30, 2010 with no renewal options. The contract amount and the Community District in which the program is located is identified below.

**Contractor/Address**

Heights and Hill Community Council  
57 Willoughby St – 4th floor, Brooklyn, NY 11201

**PIN#** 12510TRNA219 **Amount** \$262,130  
**Boro/CD** Bk, CDs 2 & 6

The proposed contract is being funded through a Negotiated Acquisition pursuant to Section 3-04 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 request to speak should be sent to Betty Lee, ACCO at the Dept for the Aging (DFTA), 2 Lafayette St, 4th Fl., N.Y., N.Y. 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 July 29, 2009 to August 12, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

**CITY PLANNING COMMISSION**

**PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS** Have been adopted by the City Planning Commission scheduling public hearings on the following matters to

be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, August 19, 2009, commencing at 10:00 A.M.

**BOROUGH OF BROOKLYN**  
Nos. 1 & 2  
**ELBERT LANE RESIDENTIAL DEVELOPMENT**  
No. 1

**CD 5 C 090307 MMK**  
**IN THE MATTER OF** an application submitted by Eldert Lane Development Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President.

**No. 2 C 090308 ZMK**

**IN THE MATTER OF** an application submitted by Eldert Lane Development Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18a changing from an R5 District to an R6A District property bounded Belmont Avenue, South Conduit Avenue, Eldert Lane\*, Sutter Avenue, as shown on a diagram (for illustrative purposes only) dated June 15, 2009.

\*Note: Eldert Lane is proposed to be widened and a portion is proposed to be established

**No. 3 C 090467 HAK**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 660 Jerome Street and 741 Barbey Street (Block 4309, Lots 1 and 46) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate a four-story, 51-unit development, tentatively known as Coretta Scott King Apartments, to be developed under the U.S. Department of Housing and Urban Development's Section 202 Supportive Housing Program for the Elderly.

**No. 4 C 090462 ZMK**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16a and 16c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
  - a. Kane Street, a line 100 feet southeasterly of Columbia Street, Degraw Street, a line 150 feet southeasterly of Columbia Street, a line midway between Sackett Street and Union Street, Hick Street (westerly portion), a line midway between Union Street and President Street, a line 150 feet southeasterly of Columbia Street, Carroll Street, and Columbia Street;
  - b. Sackett Street, a line 150 feet southeasterly of Henry Street, a line midway between Union Street and President Street, Hicks Street (easterly portion), Union Street, and a line 150 feet northwesterly of Henry Street;
  - c. Degraw Street, Court Street, Warren Street, a line 150 feet southeasterly of Court Street, President Street, Court Street, 1st Place, a line 150 feet southeasterly of Court Street, Luquer Street, Court Street, 4th Place, and a line 150 feet northwesterly of Court Street;
  - d. Warren Street, a line 150 feet southeasterly of Smith Street, Butler Street, and a line 150 feet northwesterly of Smith Street, and
  - e. Warren Street, Hoyt Street, Douglass Street, and a line 150 feet northwesterly of Hoyt Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by:
  - a. Sackett Street, Columbia Street, Carroll Street, a line 150 feet southeasterly of Columbia Street, Woodhull Street, Columbia Street, Summit Street, a line 100 feet northwesterly of Columbia Street, Union Street, a line 150\* feet northwesterly of Columbia Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of Columbia Street;
  - b. Butler Street, a line 150 feet southeasterly of Smith Street, President Street, and a line 150 feet northwesterly of Smith Street;
  - c. a line 100 feet southwesterly of 3rd Street, a line 100 feet southeasterly of Smith Street, a line midway between 4th Street and 5th Street, and Smith Street;
  - d. 4th Place, Court Street, Nelson Street, a line 150 feet southeasterly of Court Street, Huntington Street, Court Street, a line 110 feet northeasterly of West 9th Street, a line 65 feet southeasterly of Court Street, West 9th Street, a line 100 feet southeasterly of Court Street, a line midway between Garnet Street and Centre Street, a line 275 feet northwesterly of Smith Street, Centre Street, Hamilton Avenue (northeast portion), Court Street, Garnet Street, Hamilton Avenue (northeast portion), a line 100 feet northeasterly of Garnet Street, a line 100 feet northwesterly of Court Street, Huntington Street, and a line 150 feet northwesterly of Court Street;
  - e. Huntington Street, a line perpendicular to the southwesterly street line of Huntington Street distant 115 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huntington Street and the northeasterly street line of Hamilton Avenue (northeast portion), a line midway between Huntington Street and West 9th Street, a line perpendicular to the northeasterly street line of West 9th Street
  - f. distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of West 9th Street and the



111-102(b)(1) to allow twelve loft dwellings on the 1st through 7th floors of an existing seven-story building that was designed for non-residential use, erected prior to December 15, 1961, and that have since been enlarged, on property located at 46-48 Lispenard Street (Block 194, Lot 26), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1).

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

**BOROUGH OF QUEENS  
No. 6  
POLICE ACADEMY**

**CD 7 C 090403 PSQ**

**IN THE MATTER OF** an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by 28th Avenue, Ulmer Street, 31st Avenue, and College Point Boulevard:

BLOCK	LOTS
4301	p/o 1
4321	48
4323	19
4324	1
4325	1
4326	1
4327	p/o 1
4328	p/o 1
4329	1, 7, 10, 75
4359	p/o 1
4358	p/o 1
4357	p/o 1
4356	p/o 30
4354	50

including all portions of the former streets located within the boundaries of the project site that are shown on the available tax maps (including portions of the following streets which were demapped on City Map 4700 as of February 28, 1977: 124th Street, 125th Street, 126th Street, 127th Street, 128th Street, 129th Street/20th Street, 130th Street/21st Street, 22nd Street) for use as a police academy.

**NOTICE**

**On Wednesday, August 19, 2009, 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 Police Department in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the site selection of property related to the Police Academy.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07NYP003Q.**

**No. 7**

**COLLEGE POINT CORPORATE PARK DISPOSITION  
CD 7 C 090470 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located on Block 4208, p/o Lot 1 in the College Point Corporate Park, pursuant to zoning.

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

**a6-19**

**CIVILIAN COMPLAINT REVIEW BOARD**

**MEETING**

A meeting has been scheduled of the Reports and Recommendations Committee of the New York City Civilian Complaint Review Board on Wednesday, August 12, 2009, 9:00 A.M. at 40 Rector Street, 2nd Floor, New York, NY 10006.

**a7-12**

**NOTICE**

The Civilian Complaint Review Board's monthly public meeting has been scheduled for: Wednesday, August 12, 2009, 10:00 A.M. at 40 Rector Street, 2nd Floor, New York, NY 10006.

Subsequent monthly public meetings are currently scheduled for September 9, October 14, and because November 11 is a public holiday, November 18, 2009.

Contact: Graham Daw, Director of Intergovernmental and Legal Affairs, (212) 676-8591 or at gdaw@ccrb.nyc.gov

The agency's monthly Executive Director's Report will be available online on Friday, August 7, 2009 at nyc.gov/ccrb.

**a5-11**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**MEETING**

**PUBLIC NOTICE IS HEREBY GIVEN THAT** the Franchise and Concession Review Committee will hold a Public Meeting at 2:30 P.M., on Wednesday, August 12, 2009 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

**a3-12**

**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, **August 11, 2009** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF QUEENS 08-5341 - Block 149, lot 41  
39-08 47th Street - Sunnyside Gardens Historic District**  
A brick rowhouse with Colonial Revival style details designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to alter a window opening at the front and install sliding doors at the rear.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 09-8060 - Block 5238, lot 66-  
718 East 18th Street - Fiske Terrace-Midwood Park Historic District**  
A Colonial Revival style house designed by Benjamin Driesler and built in 1907. Application is to legalize the installation of a fence and gate without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-0605 - Block 267, lot 31-  
156 Clinton Street - Brooklyn Heights Historic District**  
A Greek Revival style brick rowhouse built in 1847. Application is to modify the entrance.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-0177 - Block 2092, lot 65-  
245 Dekalb Avenue - Fort Greene Historic District**  
An Italianate style rowhouse built in 1867. Application is to modify the display windows.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 09-8532 - Block 301, lot 44-  
155 Warren Street - Cobble Hill Historic District**  
A Greek Revival style rowhouse built in 1838. Application is to construct dormers at the roof.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-8493 - Block 1420, lot 1-  
200 East 66th Street - Manhattan House-Individual Landmark**  
A Modern style mixed-used complex designed by Mayer & Whittlesey and Skidmore, Owings & Merrill and built between 1947 and 1951. Application is to install a pergola.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-9472 - Block 1387, lot 56-  
900 Madison Avenue, aka 28 East 73rd Street - Upper East Side Historic District**  
An apartment building with some classical details, designed by Sylvan Bien and built in 1939. Application is to alter the facade, install storefront infill and awnings.

**BINDING REPORT  
BOROUGH OF STATEN ISLAND 10-0955 - Block 995, lot 1-  
460 Brielle Avenue - New York City Farm Colony-Seaview Hospital Historic District**  
A Georgian Revival style hospital building designed by Edward P. Stevens and Renwick, Aspinwall & Tucker, and built in 1917. Application is to replace windows.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-7166- Block 611, lot 41-  
181 West 10th Street - Greenwich Village Historic District**  
A neo-Grec style rowhouse designed by William T. Whittier and built in 1839. Application is to modify the stoop and entrance, install a new door and signage, construct a rear yard addition.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-0533 Block 591, lot 33-  
89 7th Avenue South, aka 16 Barrow Street - Greenwich Village Historic District**  
An apartment house designed by George F. Pelham, built in 1897 and altered in 1921. Application is to install storefront infill.

**CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-  
1141 Broadway - Madison Square North Historic District**  
An Art Deco style commercial building designed by William I. Hohaus and built in 1926-27. Application is to legalize alterations to the secondary elevation and penthouse without Landmarks Preservation Commission permits, to reconstruct the penthouse, and to install storefront infill, a marquee, and rooftop mechanical equipment. Zoned M1-6.

**jy29-a11**

**MAYOR'S OFFICE OF CONTRACT SERVICES**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**PUBLIC MEETING**

**NOTICE OF SPECIAL MEETING**

**PUBLIC NOTICE IS HEREBY GIVEN THAT** the Franchise and Concession Review Committee will hold a Special Public Meeting on Wednesday, August 19, 2009 at 2:30 P.M. at 22 Reade Street, 2nd Floor Conference Room (Barish Room), Borough of Manhattan in the following matters: (1) Intent to seek Franchise & Concession Review Committee (FCRC) approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York (Concession Rules), for the New York City Department of Transportation (DOT) to enter into a Sole Source License Agreement with the Chelsea Improvement Company, Inc. to provide for the operation, management, and maintenance of a pedestrian plaza located between West 14th and West 15th Streets and 9th Avenue and Hudson Street; (2) intent to seek FCRC approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules, for DOT to enter into a Sole Source License Agreement with the Flatiron/23rd Street Partnership to provide for the operation, management, and maintenance of a pedestrian plaza located on 5th Avenue and Broadway between 22nd

and 24th Streets in Manhattan; (3) intent to seek FCRC approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules for DOT to enter into a Sole Source License Agreement with the Fashion Center District Management Association, Inc. to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets in Manhattan; (4) intent to seek FCRC approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules for DOT to enter into a Sole Source License Agreement with the 34th Street Partnership, Inc. to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway and 6th Avenue between West 33rd and West 36th Streets in Manhattan; (5) intent to seek FCRC approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules for DOT to enter into a Sole Source License Agreement with the Times Square District Management Association, Inc. to provide for the operation, management, and maintenance of pedestrian plazas located on Broadway and 7th Avenue between West 41st and West 47th Streets in Manhattan.

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

**a10-19**

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

**AUCTION**

**PUBLIC AUCTION SALE NUMBER 10001-D**

**NOTICE IS HEREBY GIVEN** of a bi-weekly 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, August 19, 2009 (SALE NUMBER 10001-D). This auction is held every other Wednesday unless otherwise notified. 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/auctions>. Terms and Conditions of Sale can also be viewed at this site.

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

**a5-19**

**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**

**AUCTION**

**PUBLIC AUCTION SALE NUMBER 1164**

**NOTICE IS HEREBY GIVEN** of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is August 10, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on August 11, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

jy29-a11

## 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."*

## CITY UNIVERSITY

### SOLICITATIONS

#### Goods & Services

**PURCHASE OF A TWIN SCREW EXTRUDER, BEC TSE-20** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 042201063001 – DUE 08-31-09 AT 3:00 P.M. – With screw diameter 22 mm L/D ratio 48:1, screw rotary direction, co-rotating main motor 4 kW AC, 3 phase, 220/230V 60 Hz, with vacuum pump and soft water circulating cooling pump with metering feeder fitted with AC motor with an output of 5-10 Kg/hour approx. depending on ex. SS water tank for cooling strands. Pelletizer for converting strands to pellets. PLC control system for operation of the complete line which includes main drive, feeder drive, temperature control and with interlock and alarm for the system. Vendor must provide delivery and installation.

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.  
Bronx Community College, Purchasing Dept., 2155 University Avenue, Colston Hall, 8th Floor, Room 821, Bronx, NY 10453. Nelda Alvarez (718) 298-5801, Nelda.Alvarez@bcc.cuny.edu

a11

## CITYWIDE ADMINISTRATIVE SERVICES

### CONTRACTS

#### INTENT TO AWARD

#### Services (Other Than Human Services)

**AUDIT AND MANAGEMENT TRAINING** – Contract with another Government – PIN# 856090001123 – DUE 08-19-09 AT 11:00 A.M. – The Department of Citywide Administrative Services, Division of Citywide Personnel Services intends to enter into contract negotiations with the United States Department of Agriculture (USDA) Graduate School to provide audit and management training programs and grant continuing professional education credits to City audit and audit management personnel for three years. The USDA Graduate School has provided training to the City of New York since 1992. The courses have been specifically tailored to reflect the City's rules, regulations and structures. It is in the best interest of the City to use the USDA Graduate School to provide these training services because it is the only training organization that deals exclusively with government auditing. Any qualified suppliers may express their interest in providing such services for any future procurement by sending a letter to the Department of Citywide Administrative Services, Office of Contracts, at One Centre Street, 18th Floor North, New York, NY 10007. Erkan Solak (212) 669-3530, esolak@dcas.nyc.gov

a5-11

## DIVISION OF MUNICIPAL SUPPLY SERVICES

### SOLICITATIONS

#### Goods

**FRANKFURTERS AND SAUSAGE, HALAL FOR DOC** – Competitive Sealed Bids – PIN# 8571000034 – DUE 08-14-09 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.  
Department of Citywide Administrative Services  
1 Centre Street, Room 1800, New York, NY 10007.  
Anna Wong (212) 669-8610.

a11

### AWARDS

#### Goods

**VEHICLE, DUMP BODY HOOK TRUCK** – Competitive Sealed Bids – PIN# 857900867 – AMT: \$167,453.00 – TO: Gabrielle Truck Sales, Ltd., 153-20 South Conduit Avenue, Jamaica, NY 11434.

● **STOREHOUSE MISCELLANEOUS** – Competitive Sealed Bids – PIN# 857900706 – AMT: \$132,375.00 – TO: Wesco Industrial Products, Inc., 1250 Welsh Road, P.O. Box 47, Landsdale, PA 19446.

● **GROCERIES, MISC. THE FOOD BANK OF NYC** – Competitive Sealed Bids – PIN# 857900970 – AMT: \$264,537.00 – TO: Universal Coffee Corporation, 123 47th Street, P.O. Box 320187, Brooklyn, NY 11232.  
● **TABLETS, EXAMINATION MEDICAL** – Competitive Sealed Bids – PIN# 857900693 – AMT: \$75,510.00 – TO: Hausmann Industries Inc., 130 Union Street, Northvale, NJ 07647.

a11

### 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

## ENVIRONMENTAL PROTECTION

### VENDOR LISTS

#### Construction / Construction Services

**CONSULTANT PRE-QUALIFICATION FOR: FACILITY PLANNING AND CONSTRUCTION MANAGEMENT SERVICES** – CONSULTANT PRE-QUALIFICATION FOR: I. FACILITY PLANNING, DESIGN AND DESIGN SERVICES DURING CONSTRUCTION:

- A. Water Pollution Control and Water Supply Facilities Construction, Reconstruction and Improvements
- B. Water Quality Improvement Program
- C. Pumping Station and Force Main Construction, Reconstruction and Improvements
- D. Related Department Support and Ancillary Facilities
- E. Landfill Remediation
- F. Road and Bridge Reconstruction
- G. Dam Reconstruction
- H. Shaft and Tunnel Construction

- II. CONSTRUCTION MANAGEMENT SERVICES:
  - A. Water Pollution Control Facilities Construction, Reconstruction and Improvements
  - B. Water Supply Facilities Construction, Reconstruction and Improvements
  - C. Pumping Station and Force Main Construction, Reconstruction and Improvements
  - D. Related Department Support and Ancillary Facilities
  - E. Landfill Remediation
  - F. Road and Bridge Reconstruction
  - G. Dam Reconstruction
  - H. Shaft and Tunnel Construction
  - J. Concrete Quality Control/Quality Assurance Program

This ad is for the purpose of updating an existing pre-qualified list in accordance with the PPB Rules. Firms already pre-qualified for the above services do not need to reply unless significant changes in personnel or experience have occurred. Firms who have previously failed to qualify may re-apply if they feel that they now have the required personnel and/or experience to qualify.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Environmental Protection  
59-17 Junction Blvd., 4th Floor - Low Rise, Flushing, NY 11373. Glorieve Roman (718) 595-3226, Glroman@dep.nyc.gov

a10-14

## 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) 442-3863.

j1-d31

### SOLICITATIONS

#### Goods

**INTRA-PERITONEAL LAVAGE EQUIPMENT** – Competitive Sealed Bids – PIN# 11110022 – DUE 08-24-09 AT 3:00 P.M. – Same as or equal to Thermasolutions Thermochem System.

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.

Matt Gaumer (212) 562-2887,

matthew.gaumer@bellevue.nychhc.org

a11

#### Services (Other Than Human Services)

**FIRE LINE REPAIR** – Competitive Sealed Bids – PIN# 000041210005 – DUE 08-31-09 AT 3:00 P.M.

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

Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollore (212) 318-4260, starr.kollore@nychhc.org

a11

## HOMELESS SERVICES

### OFFICE OF CONTRACTS AND PROCUREMENT

#### SOLICITATIONS

#### Human / Client Service

**TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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

Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004.

Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

## HOUSING PRESERVATION & DEVELOPMENT

### AWARDS

#### Human / Client Service

**NEIGHBORHOOD PRESERVATION CONSULTANT PROGRAM, QUEENS CB #3** – Request for Proposals – PIN# 806080100005U – AMT: \$120,000.00 – TO: Neighborhood Housing Services of Northern Queens, Inc., 60-20 Woodside Avenue, Woodside, NY 11377.

a11

## LEGAL DEPARTMENT

### INTENT TO AWARD

#### Human / Client Service

**MORTGAGE FORECLOSURE PREVENTION SERVICES** – Negotiated Acquisition – Available only from a single source - PIN# 806090100012 – DUE 08-24-09 AT 11:00 A.M. – A negotiated acquisition is proposed to be entered into between the New York City Department of Housing Preservation and Development and The Center for New York City Neighborhoods (CNYCN) to coordinate and expand services to New York City residents at risk of losing their homes to foreclosure. This negotiated acquisition would include comprehensive citywide programming in the areas of free legal services, housing counseling, consumer education, and with focus on efforts in neighborhoods with concentrated foreclosure activity.

Any firm who believes it could also provide these requirements in future procurements conducted by the Agency is invited to do so in a letter, fax or e-mail to the HPD contact person.

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

Housing Preservation and Development, 100 Gold Street, Room 8-S4, New York, NY 10038.

Jay Bernstein (212) 863-6657, jb1@hpd.nyc.gov

a5-11

## JUVENILE JUSTICE

### SOLICITATIONS

#### Human / Client Service

**PROVISION OF NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in

operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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

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

fy1-d16

AWARDS

Human/Client Service

**PROVISION OF LIFE/WORK SKILLS GROUP AND INDIVIDUAL SERVICES** – Renewal – PIN# 13008DJJ001B – AMT: \$276,912.50 – TO: Center for Community Alternatives, Inc., 39 West 19th Street, 3rd Floor, New York, NY 10011.

a11

PARKS AND RECREATION

AWARDS

Goods & Services

**BUS SHELTER ADVERTISING** – Sole Source – Available only from a single source - PIN# 21623846 – AMT: \$32,568.00 – TO: Cemusa NY, LLC, 420 Lexington Ave., Suite 2533, New York, NY 10170. The Department of Parks and Recreation intends to enter into sole source negotiations with Cemusa NY, LLC, 420 Lexington Avenue, Suite 2533, New York, NY 10170, to provide bus advertising billboards for the water safety campaign and special events at various sites approved by the Metropolitan Transportation Authority (MTA). Any firm that would like to express their interest in providing services for similar projects in the future may do so by joining the city bidders list by filling out the NYC-FMS vendor enrollment application available on-line at www.nyc.gov/selltonyc, and in hard copy by calling the Vendor Enrollment Center at (212) 857-1680.

a7-13

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

**SALE OF FRESH FRUIT AND VEGETABLES FROM GREEN CARTS** – Competitive Sealed Bids – PIN# GR-2008 – DUE 09-16-09 AT 1:00 P.M. – At locations, Citywide.

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.  
Joel Metlen (212) 360-1397, joel.metlen@parks.nyc.gov

a11-24

**OPERATION OF A CULTURAL AND SPECIALTY FOOD AND ARTS AND CRAFTS MARKET** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B073-O – DUE 09-21-09 AT 3:00 P.M. – At Drummer's Grove in Prospect Park, Brooklyn.

Parks will hold an on-site proposer meeting and site tour on Friday, August 28 at 11:00 A.M. just inside the Prospect Park entrance at Parkside Avenue and Ocean Avenue, Brooklyn. All interested parties are urged to attend.

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.  
Eve Mersfelder (212) 360-3407, eve.mersfelder@parks.nyc.gov

a7-20

POLICE

CONTRACT ADMINISTRATION UNIT

INTENT TO AWARD

Services (Other Than Human Services)

**AFIS** – Sole Source – Available only from a single source - PIN# 056100000683 – DUE 08-18-09 AT 2:00 P.M. – The NYCPD Contract Administration intends to award MorphoTrak, Inc. a 5-year contract for the maintenance of the NYPD's Automated Fingerprint Identification System (AFIS).

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

a11-17

SANITATION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Construction/Construction Services

**RESTORATION OF OIL WATER SEPARATOR SYSTEMS AT QUEENS DISTRICT 7 ANNEX, 30-19 122 STREET, QNS., NY 11354** – Competitive Sealed Bids –

PIN# 82708RR00080 – DUE 09-24-09 AT 11:00 A.M. – Bid Range Estimate \$120,000 - \$140,000. There is a \$40.00 refundable fee for this bid document, money order, please make payable to "Comptroller, City of New York."

Pre-bid conference August 26, 2009 (optional). Last day for questions is September 8, 2009 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or e-mail at fmitchell@dny.nyc.gov.

In accordance with Schedule A of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount or Bid Bond with Penal Sum equal to 10 percent of the Bid amount. "This procurement is subject to participation goals for M/WBE and/or WBEs as required by Local Law 129 of 2005." VSID#: 62219.

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 Sanitation, 51 Chambers Street, Room 806, New York, NY 10007. ACCO (917) 237-5358, (917) 237-5357.

a11

TRANSPORTATION

BRIDGES

INTENT TO AWARD

Services (Other Than Human Services)

**PURCHASE OF ANEMOMETER FOR 2009 PARADE** – Sole Source – Available only from a single source - PIN# 84110MNB442 – DUE 08-24-09 AT 5:00 P.M. – The New York City Department of Transportation intends to enter into a Sole Source agreement with Adams Environmental Systems Inc. ("Adams"), P.O. Box 244, Kings Park, New York 11754-0244, to allow the city to purchase and use one extra anemometer for the parade along 7th and 6th Avenues starting from West 77th Street to 34th Street. In the past, Macy's Department Store used seven (7) anemometers along Broadway. Because of the change in the parade route, DOT will need one extra anemometer. Since Macy's has contracted with Adams to provide, install, and monitor seven (7) anemometers, DOT is required to utilize Adams to furnish and install an extra anemometer from Adams as required for the parade route change for the following reasons: (1) Adams uses proprietary software at the pole to transmit wind data from the anemometer to the server; (2) Adams uses proprietary software and hardware at the laptop to analyze the data that is directly transmitted from the anemometer; (3) anemometer information to the Macy's / Vendor's website is transmitted from the software at the pole through proprietary software; (4) the analyzed data is displayed to a web site, designed and maintained by Adams, in format in accordance with the applicable guidelines; and (5) Adams maintains the existing anemometers and the system on behalf of Macy's. Another vendor cannot install the additional anemometer, as due to the concerns above, this new installation will not be compatible with the system, and cannot be maintained. Any firm which believes that it can also provide these services is invited to so indicate by letter, to the attention of Vincent Pullo, Agency Chief Contracting Officer, at 55 Water Street, 8th Floor, New York, NY 10041, or via e-mail at vpullo@dot.nyc.gov, (212) 839-9292.

a6-12



BUILDINGS

NOTICE

NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, Section 28-103.19 of the New York City Administrative Code and Section BC 2701 of the New York City Building Code, that the Department of Buildings hereby repeals and repromulgates Section 4000-06 of Chapter 4000 of Title 1 of the Rules of the City of New York, relating to fire alarm wiring and power sources.

This rule was first published on June 5, 2009, and a public hearing thereon was held on July 8, 2009.

Dated: July 30, 2009 /s/ Robert D. LiMandri  
New York, New York Commissioner

Chapter 4000 of Title 1 of the Rules of the City of New York is amended by repealing and repromulgating Section 4000-6 to read as follows:

§4000-06 Fire alarm wiring and power sources.

(a) Scope. Electrical wiring and power sources serving fire alarm systems shall be installed in accordance with this section. This section shall apply to the alteration of existing buildings, in accordance with Section 101.4.3 of Title 28 of the New York City Administrative Code, and to all new installations.

(b) References. Where Article 760 of the New York City Electrical Code refers to the requirements for the installation of wiring and equipment as set forth by RS 17-3, RS 17-3A, RS 17-3B, and RS 17-3C of the 1968 Building Code, the requirements of this section shall replace Sections 1 and 3 of RS 17-3, Sections 1 and 3 of RS 17-3A, Sections 1 and 3 of RS 17-3B, and Sections 3 and 5 of RS 17-3C. Unless otherwise indicated, any reference in this section to an article of National Fire Protection Association ("NFPA") 70: National Electrical Code is to the 2008 edition.

(c) Electrical wiring and power sources. Electrical wiring and power sources serving fire alarm systems shall be installed in accordance with Article 760 of NFPA 70: National Electrical Code, as modified for New York City in accordance with this section. The New York City modifications to Article 760 are as follows:

Section 760.1

Section 760.1 - Revise FPN No. 1 by deleting "guard's tour" in the first sentence.

Revise the last sentence of FPN No. 1 to read as follows:

For further information on the installation and monitoring for integrity requirements for fire alarm systems, refer to NFPA 72: National Fire Alarm Code, 2002 edition.

Add a new FPN No. 3 to read as follows:

FPN No. 3: See Section BC 907 of the New York City Building Code for components' description and use.

Section 760.2

Section 760.2 - At the end of the definition of "Abandoned Fire Alarm Cable" add: "However, a tag shall be securely fixed to each end indicating location of opposing end."

Section 760.3

Subsection 760.3(B) - Delete the subsection in its entirety.

Subsection 760.3(F) - Revise to read as follows:

(F) Optical Fiber Cables. Where optical fiber cables are utilized for fire alarm circuits, the cables shall be supervised, and installed in raceway per Article 342, 344 or 358 and in accordance with Article 770 and terminated in equipment listed for fire alarm use.

Subsection 760.3(G) - Revise to read as follows:

(G) Installations of Conductors with Other Systems. Installations shall comply with 300.8 and 760.136.

Section 760.24

Section 760.24 - At the end of the last paragraph add: "Raceways, where installed, shall be minimum 1.9 cm (3/4 in.) trade size. See 760.52 and 760.131 for installations requiring raceways."

Section 760.25

Section 760.25 - At end of the last sentence add: "and securely fixed to each end indicating location of opposing end."

Section 760.32

Section 760.32 - Revise to read as follows:

**760.32 Fire Alarm Circuits Extending Beyond One Building.** Power-limited fire alarm circuits that extend beyond one building and run outdoors shall be installed in raceway in accordance with Articles 342 or 344. Non-power-limited fire alarm circuits that extend beyond one building and run outdoors shall meet the installation requirements of Part 1 of Article 300 and the applicable sections of Part 1 of Article 225 and shall be installed in raceway in accordance with Article 342 or 344.

Section 760.33

Section 760.33 - Add a new section 760.33 to read as follows:

**760.33 Fire Alarm Circuit and Equipment Grounding.** Fire alarm circuits and equipment shall be grounded in accordance with Article 250 and shall comply with the following requirements:

(A) Grounding Electro Conductor. At the primary and secondary power source supplying the fire alarm system, a grounding electrode conductor shall be sized and installed in accordance with Article 250, Table 250.66 (#10 AWG minimum).

(B) Equipment Grounding Conductor. Where there are conduits supplying 120V power to a fire command station, control unit or distributed control cabinets, a separate green insulated equipment ground conductor shall be sized and installed in accordance with Article 250, Table 250.122 (#10 AWG minimum).

(C) Grounding Separately Derived Supply. For distributed cabinets where 120V supply is not derived from the main fire alarm power supply, a green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122 (#10 AWG minimum). In steel framed buildings, an additional connection to local steel shall be permitted.

Section 760.41

Section 760.41 - Delete the section and replace to read as follows:

**760.41 Power Source Requirements.** The power source for fire alarm circuits shall comply with the following:

(A) Primary Power Source. All fire alarm circuits shall be provided with a primary power source. The primary power source shall be generated electric power not exceeding 277/480 volts, supplied by utility company power or isolated plant. The primary power supply to the fire alarm system shall comply with the following:

(1) Primary power supply for the fire alarm system shall be connected to the primary power source ahead of all building service disconnecting means so that the building service disconnecting means can be opened without de-energizing the fire alarm supply. All utility metering of the fire alarm system, including disabling or removal of meters, shall maintain power continuity to the fire alarm system at all times.

(2) Primary power supply for sub-systems or other limited interior fire alarm systems may be connected to the power supply through the protected area of such systems by means of a connection ahead of the disconnecting means for the power supply to the protected area.

FPN: Sub-systems and limited interior fire alarm systems may also use the connected means defined in paragraph (1) above where available.

**(B) Secondary Power Source.** Where an emergency power system is provided or required to be provided for emergency system loads, the fire alarm circuits shall be provided with a secondary power source. Batteries shall not be a substitute for connection to a secondary power source. The secondary power source shall comply with the requirements for emergency power systems and/or an emergency generator that are used for emergency systems loads as articulated below:

(1) Emergency power systems complying with Chapter 27 of the New York City Building Code shall be permitted to serve as a secondary power source; or

(2) Emergency power systems and/or emergency generators in existing buildings in compliance with Title 27, Chapter 1, Subchapter 6, Section 27-396.4 of the New York City Administrative Code (also referred to as the 1968 Building Code) shall be permitted to serve as the secondary power source.

The secondary power supply shall be connected such that all other disconnecting means serving other building emergency loads can be opened without de-energizing the facility fire alarm secondary power supply.

FPN: The use of a main disconnecting means on the output of the generator(s) is permitted where disconnect of all other loads does not interrupt the facility fire alarm system secondary power supply.

**(C) Battery.** Regardless of whether a secondary power source is also provided, each fire alarm system and subsystem shall be equipped with a storage battery power supply sized to meet the operating power requirements of the system in accordance with paragraphs (1), (2) or (3) below and shall automatically connect to and operate the fire alarm system upon failure of the primary or secondary power supply or sources. Batteries shall not be a substitute for connection to a secondary power source when a secondary power source is required pursuant to subsection (B) above.

(1) Supervisory operation for 24 hours followed by full load operation for 6 hours for systems with voice communications capability.

FPN: A 45 minute period of voice/alarm operation at maximum connected load shall be considered equivalent to 6 hours of total system operation.

(2) Supervisory operation for 24 hours followed by full load operation for 15 minutes for systems without voice communications capability.

(3) Supervisory operation for 24 hours followed by full load operation for 5 minutes for sub-systems or other limited interior fire alarm systems operating within a facility that reports to the overall facility fire alarm system.

**(D) Arrangement of Power Sources.** One source of power shall be connected to the fire alarm system at all times. The primary and secondary power sources shall be arranged and controlled by automatic transfer switches dedicated to the fire alarm system such that when the primary source of power fails, the secondary source will be connected automatically to the fire alarm system. The following conditions shall also be observed:

(1) Intermediary devices between the system supply and the source of power, other than fused disconnect switches, transformers and automatic transfer switches are prohibited. Such disconnect switches, transformers and automatic transfer switches shall supply only the fire alarm system and other systems specifically permitted by the New York City Construction Codes, New York City Fire Code, and Rules of the City of New York.

(2) The primary source of power and the secondary source of power shall each be provided with a means of disconnect from the fire alarm system. Each disconnect shall consist of a fused disconnect switch, locked in the ON position with key kept on premises accessible only to authorized personnel. Such disconnect shall be painted red and permanently identified as fire alarm circuit and labeled as to system/location served, with a means of interrupting the unfused neutral and all ungrounded conductors.

(3) For buildings served at up to 300 volts to ground, the service voltage shall be transformed to 120/208 volts and a fire alarm fused disconnect provided within a circuit length of ten 3.05 m (10 ft.), shall be connected at the transformer secondary on the 120/208 volt side. The fire alarm system fused disconnect switch on the transformer secondary side shall comply with the requirements of the primary and secondary power source fused disconnect switches specified above. Fused cutouts shall be provided where multiple circuits are required to support the fire alarm system and related auxiliaries mounted in a fused cutout panel suitable for the number of circuits needed.

#### Section 760.43

Section 760.43 - Revise the first sentence by replacing "14 AWG" with "12 AWG" and delete the last sentence.

#### Section 760.45

Section 760.45 - Delete the exceptions and the FPN in their entirety.

#### Section 760.46

Section 760.46 - Revise to read as follows:

**760.46 NPLFA Circuit Wiring.** Installation of non-power limited fire alarm circuits shall be in accordance with applicable portions of 110.3(B), 300.7, 300.15, 300.17 and other appropriate articles of Chapter 3 using raceway methods described in Articles 342 and 344 or Type MI cable in accordance with Article 332.

*Exception No.1: As provided in 760.48 through 760.53.*

*Exception No. 2: Where other articles of the New York City Electrical Code require other methods.*

#### Section 760.48

Subsection 760.48(A) - Revise to read as follows:

**(A) NPLFA Circuits.** NPLFA circuits shall not be permitted to occupy the same cable, enclosure or raceway with circuits of other systems.

Subsection 760.48(B) - Revise to read as follows:

**(B) Fire Alarm with Power-Supply Circuits.** Power supply and fire alarm circuit conductors shall be permitted in the same enclosure only where connected to the same equipment.

#### Section 760.49

Subsection 760.49(A) - Revise to read as follows:

**(A) Size and Use.** Only copper conductors #12 AWG and larger shall be permitted to be used as NPLFA circuit conductors.

Subsection 760.49(B) - Delete the FPN and revise to read as follows:

**(B) Insulation.** Insulation on conductors shall be suitable for 600 volts, 90°C, and shall comply with Article 310. Conductors shall be Type THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW2, XHH, XHHW, MI or CI-NYC Certified Cable. Application of conductor ampacity shall be in accordance with 110.14 for terminal device ratings.

Subsection 760.49(C) - Revise to read as follows:

**(C) Conductor Materials.** Conductors shall be solid copper up to size #10 AWG. Stranded copper conductors shall be used for sizes #8 AWG and larger.

#### Section 760.51

Subsection 760.51(A) - Delete: "and Class 1 Circuits" in title and "and Class1 circuit" in text.

Subsection 760.51(B) - Delete the subsection in its entirety.

Subsection 760.51(C) - Revise to read as follows:

**(C) Cable Trays.** Where non-power limited fire alarm circuit conductors are installed in cable trays, they shall comply with 392.9 through 392.11 and shall be barriered from any other wiring installed in the cable tray.

#### Section 760.52

Section 760.52 - Add a new section 760.52 to read as follows:

**760.52 Mechanical Execution of Work.** Installation shall conform to the following:

**(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4 m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall be installed in raceway pursuant to Article 344. All wiring installed above 2.4 m (8 ft.) shall be installed pursuant to Articles 332, 342, 344 or 358.

*Exception: For mechanical rooms and elevator rooms having a floor area of less than 83.61 m<sup>2</sup> (900 ft.<sup>2</sup>), installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.*

**(B) Installation.** Installation of raceways, boxes, enclosures, cabinets, and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways installed up to 2.4 m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.

#### Section 760.53

Section 760.53 - Delete the section and replace to read as follows:

**760.53 Fire Alarm Circuit Integrity (CI) Cable.** Cables suitable for use in fire alarm systems to ensure survivability of critical circuits during a specified time under fire conditions shall be listed as circuit integrity cable. Cables so identified shall have the classification "CI-NYC certified fire alarm cable."

#### Section 760.121

Section 760.121 - Delete FPN Nos. 1 and 2 in their entirety.

#### Section 760.124

Section 760.124 - Delete the FPN in its entirety.

#### Section 760.127

Section 760.127 - Delete the exception in its entirety.

#### Section 760.130

Subsection 760.130(A) - Revise exception 2 by adding "760.51" after "760.49" and delete exception No. 3 and the FPN in their entirety.

Subsection 760.130(B) - Revise the last sentence to read as follows:

Devices shall be installed in accordance with Sections 110.3(B), 300.11(A) and 300.15 with all wiring supported independently from the building structure.

Subsection 760.130(B)(1) - Revise to read as follows:

**(1) Exposed or Fished in Concealed Spaces.** In raceway or exposed above 2.4 m (8 ft.) on the surface of

ceiling and sidewalls or fished in concealed spaces, cable splices or terminations shall be made in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Where installed exposed, cables shall be supported at a maximum of 1.5 m (5 ft.) spacing and installed in such a way that maximum protection against physical damage is afforded by building construction. Where located within 2.4 m (8 ft.) of the floor, cables shall be installed in raceway pursuant to Article 342, 344, 358 or 386.

Subsection 760.130(B)(2) - Revise to read as follows:

**(2) Passing Through a Floor or Wall.** In metal raceways where passing through a wall or floor to a height of 2.4 m (8 ft.) above the floor, unless protection can be afforded by building construction such as detailed in 760.130(B)(1) or unless an equivalent solid guard is provided.

FPN: Protected by building construction includes raised floors, shafts, telephone and communications equipment rooms and closets, and rooms used exclusively for fire alarm equipment.

Subsection 760.130(B)(3) - Delete: "rigid nonmetallic conduit,"

Subsection 760.130(B)(4) - Add a new subsection 760.130(B)(4) to read as follows:

**(4) Terminations and Splices.** Terminations and splices shall be made with terminal blocks and in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Splices shall be limited to locations where the conditions of installation require the use of splices. Splices and terminations in riser cables are prohibited except where made in fire alarm equipment terminal cabinets. Mechanical connections listed under Underwriters Laboratories ("UL") 486-03, A & C shall be used for the conductors, or if soldered, first joined so as to be mechanically and electrically secure prior to soldering. Temperature rating of the completed splices shall equal or exceed the temperature rating of the highest rated conductor.

#### Section 760.131

Section 760.131 - Add a new section 760.131 to read as follows:

**760.131 Mechanical Execution of Work.** Installation shall conform to the following requirements.

**(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4 m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall be installed in raceway pursuant to Article 344.

*Exception: For mechanical rooms and elevator rooms having a floor area of less than 83.61 m<sup>2</sup> (900 ft.<sup>2</sup>), installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.*

**(B) Extinguishing Systems.** Extinguishing and suppression systems activated by automatic fire detection and using fire alarm cables shall be installed pursuant to Article 332, 342, 344 or 358. Such systems shall include, but not be limited to, pre-action sprinkler, deluge sprinkler, water mist, clean air agent, Halon, range hood, CO<sub>2</sub>, and dry chemical systems.

**(C) Installation.** Installation of raceways, boxes, enclosures, cabinets, and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways installed up to 2.4 m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.

(5) Cables shall be secured by cable ties, straps or similar fittings designed and installed so as not to damage the cables. Such fitting shall be secured in place at intervals not exceeding 1.5 m (5 ft.) on center and within 0.3 m (1 ft.) of associated cabinet or box.

#### Section 760.136

Subsection 760.136(D)(2)(a) - Revise to read as follows:

(a) The fire alarm power-limited circuits are installed using Type FPL, FPLP or permitted substitute cables with Type FPLP 'NYC certified fire alarm cable' or other NYC certified fire alarm cable, provided that these power-limited cable conductors extending beyond the jacket are separated by a minimum of 6 mm (0.25 in) or by a nonconductive barrier from all other conductors.

Subsection 760.136(D)(2)(b) - Delete the subsection in its entirety.

Subsection 760.136(F) - Delete: "rigid nonmetallic conduit" and "liquidtight flexible nonmetallic conduit".

Subsection 760.136(G)(1)(b) - Revise to read as follows:

(b) all of the power-limited fire alarm circuit conductors are in a raceway or in metal-sheathed or metal-clad cables.

#### Section 760.139

Section 760.139 - Delete the section in its entirety.

#### Section 760.142

Section 760.142 - Revise to read as follows:

**760.142 Conductor Size.** Conductors shall not be smaller than #18 AWG in size.

#### Section 760.143

Section 760.143 - Revise to read as follows:

**760.143 Support of Conductors.** Power-limited fire alarm circuit conductors shall not be strapped, taped, or attached by any means to the exterior of any piping, duct, conduit, or raceway as a means of support.

**Section 760.154**

Subsection 760.154(A) - Revise to read as follows:

**(A) Cables in Other Spaces Used for Environmental Air.** Cables installed in other spaces used for environmental air, or where permitted to run exposed in other areas, shall be Type FPLP 'NYC certified fire alarm cable'.

Subsection 760.154(B)(1) - Revise by replacing "Type FPLR" with: "Type FPLP 'NYC certified fire alarm cable' or other NYC certified fire alarm cable" in each of the two locations.

Subsection 760.154(B)(2) - Revise by replacing "Other" with: "Type FPLP 'NYC certified fire alarm cable'".

Subsection 760.154(C) - Delete the subsection and revise to read as follows:

**(C) Other Wiring Within Buildings.** Cables installed in building locations other than those covered in 760.154(A) or (B) shall be Type FPLP 'NYC certified fire alarm cable'.

Subsection 760.154(D) - Delete FPN, table 760.154(D) and figure 760.154(D) and revise to read as follows:

**(D) Fire Alarm Cable Substitutions.** Substitutions of Type FPLP or NYC certified fire alarm cables shall not be permitted.

**Section 760.176**

Section 760.176(G) - Delete the first sentence of the first paragraph, the FPN and the table in their entirety.

**Section 760.179**

Section 760.179 - Revise the title to read as follows:

**760.179 Listing and Marking of PLFA Cables and Insulated Continuous Line-Type Fire Detectors.**

Subsection 760.179(B) - Revise to read as follows:

**(B) Conductor Size.** The size of conductors in single or multi-conductor cables shall not be smaller than 18 AWG.

Subsection 760.179(D) - Delete the FPN and revise to read as follows:

**(D) Type FPLP.** Type FPLP power-limited fire alarm cable shall be listed to UL 1424-05, Standard for Cables for Power-Limited-Fire-Alarm Circuits with the listing agency certifying compliance with the following additional requirements:

(1) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150°C.

(2) Red colored jacket overall; minimum thickness 25 mils.

(3) Cable marked as per UL 1424 must bear additional description "ALSO CLASSIFIED NYC CERT. FIRE ALARM CABLE" legible without removing jacket.

Subsection 760.179(E) - Delete the subsection in its entirety.

Subsection 760.179(F) - Delete the subsection in its entirety.

Subsection 760.179(G) - Revise by deleting the parenthetic "CI" in the first sentence of the first paragraph and replacing with "CI-NYC certified Circuit Integrity fire alarm cable" and by deleting, "(E), (F)" in the second sentence of the first paragraph.

Subsection 760.179(H) - Replace "Type FPLP, FPLR, or FPL cable" at the end of the sentence with "Type FPLP 'NYC certified fire alarm cable'."

Subsection 760.179(I) - Delete the subsection and revise to read as follows:

**(I) Cable Marking.** The cable shall be marked in accordance with subsection 760.179(D)(3) and its rating as 'NYC Cert. Fire Alarm Cable' or 'NYC Cert. Circuit Integrity Cable.'

Subsection 760.179(J) - Revise by deleting "through (F)" in the fourth line of the paragraph.

Subsection 760.179(K) - Add new subsection 760.179(K) to read as follows:

**760.179(K) Listed Fire-Rated Assemblies.** MI cable meeting the requirements of Article 332 or listed fire-rated assemblies that have a minimum fire rating of 2 hours shall be permitted when installed in accordance with the listing requirements.

**STATEMENT OF BASIS AND PURPOSE**

This rule repeal and repromulgation relating to fire alarm wiring and power sources is promulgated pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043 of the New York City Charter.

The 2008 New York City Construction Codes, title 28 of the Administrative Code of the City of New York, require that buildings other than existing buildings adhere to the New York City Electrical Code. Article 760 of the New York City Electrical Code requires fire alarm wiring to be installed in accordance with Reference Standard ("RS") 17-3, RS 17-3A, RS 17-3B, and RS 17-3C of the 1968 Building Code, title 27 of the Administrative Code. This rule replaces the provisions of these reference standards relating to fire alarm wiring and power sources: sections 1 and 3 of RS 17-3, sections 1 and 3 of RS 17-3A, sections 1 and 3 of RS 17-3B, and sections 3 and 5 of RS 17-3C. The rule makes corrections and additions to the current version of rule 4000-6 so that all the relevant fire alarm wiring and power source standards are addressed.

The rule adopts article 760 of National Fire Protection Association ("NFPA") 70: National Electrical Code, 2008 edition, along with New York City-specific modifications. Adoption of the requirements of the most recent version of the National Electrical Code, with amendments taking into account New York's unique safety needs and building conditions, will benefit the public by providing technical standards for buildings erected in compliance with title 28 of the Administrative Code and enhancing safety practices. These National Electrical Code amendments may be adopted as part of the 2010 New York City Electrical Code, in which case this rule may be phased out.

Relevant changes from the reference standards include the elimination of archaic terms and references to old and outdated technology, the clarification of grounding requirements, and the establishment of one set of standards across all fire alarm types.

This rule does not apply to an existing building, unless, pursuant to section 28-101.4.3 of the Administrative Code, the existing building undergoes a change in occupancy or an alteration to its fire alarm system. Existing buildings not subject to this rule continue to be bound by the fire alarm wiring and power sources requirements of RS 17-3, RS 17-3A, RS 17-3B, and RS 17-3C of the 1968 Building Code.

**Statement of Substantial Need for Earlier Implementation**

I hereby find, pursuant to Subparagraph (c) of Paragraph (1) of Subdivision (e) of Section 1043 of the New York City Charter, and hereby represent to the Mayor, that there is a substantial need for the earlier implementation of the repeal and repromulgation of Section 4000-06 of Chapter 4000 of Title 1 of the Rules of the City of New York, relating to fire alarm wiring and power sources, upon the publication in the City Record of its Notice of Adoption.

Beginning July 1, 2009, applicants are required to comply with the provisions of the 2008 New York City Building Code relating to fire protection systems for new buildings and alterations. 1 RCNY 4000-06, which implements the fire alarm wiring provisions of the Building Code, as currently promulgated, fails to provide all requirements and standards necessary for the design and installation of code compliant fire alarm systems. It is critical to have in effect as early as possible the repeal and repromulgation of 1 RCNY 4000-06 in order to ensure the fire protection of buildings and the health and safety of building occupants.

Therefore, there is a substantial need for the earlier implementation of this rule pursuant to Charter § 1043(e)(1)(c).

/s/  
Robert D. LiMandri  
Commissioner  
Department of Buildings

APPROVED: /s/  
Michael R. Bloomberg  
Mayor

DATE: August 5, 2009

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**NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULE RELATING TO THE OFFICE OF TECHNICAL CERTIFICATION AND RESEARCH AND THE USE OF MATERIAL IN CONSTRUCTION ACTIVITIES.**

Notice is hereby given pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter, and in accordance with Section 1043 of the Charter and Article 113 of Title 28 of the NYC Administrative Code, that the Department of Buildings proposes to repeal Chapter 1 of Title 1 of the Official Compilation of the Rules of the City of New York and to add a new Section 101-12 to Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York. Matter underlined is new.

A public hearing on the proposed rule will be held at the Executive Offices of the Department of Buildings, 280 Broadway, 6th Floor Training Room, New York, New York on September 14, 2009 at 2:00 P.M. Written comments regarding the proposed rule may be submitted to Phyllis Arnold, Chief Code Counsel, New York City Department of Buildings, 280 Broadway, New York, New York 10007, on or before September 14, 2009.

Written comments and an audio tape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Commissioner, Executive Offices, Department of Buildings.

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 Phyllis Arnold at the foregoing address by August 25, 2009.

This rule was not included in the agency's regulatory agenda.

It is proposed that Chapter 1 of Title 1 of the Official Compilation of the Rules of the City of New York, relating to Material And Equipment Application Procedures, be REPEALED and that Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York be amended by adding a new Section 101-12, to read as follows:

**§101-12 The Office of Technical Certification and Research and the use of material in construction activities.**

**(a) Scope.** There shall be an Office of Technical Certification and Research ("OTCR"), responsible for approving materials pursuant to Article 113 of the New York City Construction Codes ("Construction Codes").

**(b) References.** See Sections 28-103.9, 28-103.10, 28-113.1 to 28-113.4 and 28-114.1 to 28-114.4 of the New York

City Administrative Code ("Administrative Code").

**(c) Definitions.** For the purposes of this rule, the following terms shall have the following meanings:

(1) **Applicant.** The person or entity seeking an assessment or approval of materials.

(2) **Approved inspection agency.** An agency that is approved by the department as qualified to perform one or more of the inspections required by the Construction Codes.

(3) **Approved product certification agency.** An inspection agency that is approved by the department as qualified to inspect at regular intervals the material that is to be or is listed and labeled, to verify that the labeled material is representative of the material tested.

(4) **Approved testing agency.** An agency that is approved by the department as qualified to test and evaluate the performance of one or more of the materials regulated in their use by the Construction Codes. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation. Such term shall also include a licensed concrete testing laboratory.

(5) **Code prescribed materials.** Materials for which the Construction Codes provide prescribed standards. Such materials do not require OTCR approval, but may be required to be identified on the Schedule of Materials and Equipment as provided for in subdivision (d) of this section.

(6) **Labeled.** Material to which has been attached a label, symbol or other identifying mark of the manufacturer that contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and that indicates that a representative sample of the material has been tested and evaluated by an approved agency for compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(7) **Listed.** Material identified in a list published by an approved agency that maintains periodic inspection of production of listed material or periodic evaluation services and whose listing states either that the material meets identified nationally recognized standards or has been tested and found suitable for a specified purpose when installed in accordance with the manufacturer's installation instructions.

(8) **Materials.** Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by the Construction Codes.

**(d) Identification of materials.**

(1) **Schedule of Materials and Equipment.** OTCR shall prepare and maintain a Schedule of Materials and Equipment ("Schedule") that shall be used to identify third-party tested and/or listed materials on construction documents. OTCR shall post the Schedule on the OTCR Webpage of the department's Website (<http://www.nyc.gov/buildings>). For such materials, a registered design professional filing construction documents shall be required to incorporate the Schedule into his or her construction documents, shall provide material listing information as identified on the Schedule and shall maintain third-party certification documents for a period of six (6) years following sign-off of the work.

(2) **Code-prescribed or alternative material determination.** An applicant for materials approval may elect to have OTCR determine if materials are code-prescribed or alternative materials by submitting an OTCR 1 application and six hundred dollar (\$600.00) fee to OTCR, as prescribed in Table 28-112.8 of the Administrative Code. OTCR shall notify the applicant of its determination in writing. If the material is found to be alternative, the application will be evaluated in accordance with subdivision (f) of this section and the fee required to determine whether the materials are code-prescribed or alternative materials shall be applied to OTCR's fee for the evaluation of standards for alternative materials prescribed in subdivision (f) of this section.

**(e) Site specific approvals.**

(1) **Use.** Use and/or installation of the following materials requires site specific approval by the department:

(i) **Materials too large to be tested in a laboratory;**

(ii) **Component parts, which must be assembled in the field; or**

(iii) **Foreign-made materials unavailable for testing prior to installation, which may require on-site testing;**

(iv) **Other materials as determined by the commissioner.**

(2) **Application process.**

(i) **The applicant for a site-specific**

approval shall submit to OTCR the OTCR 2 application (Site-Specific Approval Application) and six hundred dollar (\$600.00) fee as prescribed in Table 28-112.8 of the Administrative Code.

(ii) The approved testing agency or the professional engineer has sixty (60) calendar days from the date of the filing of the OTCR 2 in which to submit to OTCR the OTCR 3 statement (Approved Testing Agency or Professional Engineer Statement) and any associated test reports. If the statement and reports are not submitted to OTCR within the sixty (60) calendar days, the application may be administratively closed. The application fee shall be non-refundable.

(3) Fire safety. If OTCR determines that a site specific material and/or installation of such materials raises fire safety concerns and so notifies the applicant:

(i) The applicant shall submit the OTCR 2 and a letter indentifying the project location and the fire safety concern(s) identified by OTCR to the Technology Management Unit of the Fire Department;

(ii) The applicant shall submit an affidavit to OTCR attesting that the OTCR 2 and letter were submitted to the Technology Management Unit; and

(iii) OTCR must receive correspondence from the Technology Management Unit recommending support, rejection or restrictions of the material prior to OTCR approving or rejecting the use and/or installation of the material.

(4) Approval or rejection. Notification of approval or rejection shall be issued by OTCR in writing.

(f) Alternative Materials.

(1) Standards for alternative materials. In the event that there is no Construction Code-prescribed standard for a material, but there exist standards that are accepted and/or endorsed by a nationally recognized organization that sets standards and/or evaluates materials used in the construction of buildings, an OTCR 1 application (Alternative Material Acceptance Criteria Application) shall be submitted to OTCR along with a six hundred dollar (\$600.00) fee as prescribed in Table 28-112.8 of the Administrative Code, requesting a review of the proposed standard. The applicant shall provide OTCR with any additional information and/or supporting documentation that OTCR requires within fourteen (14) days from the date of a request for such information. If such information and/or documentation is not received within such time, the application shall be deemed abandoned and no refund of the application fee shall be issued.

(i) Upon receipt of the application, OTCR shall review and research the standard and, simultaneously, solicit comments from members of the building and construction industry and other city agencies as appropriate;

(ii) OTCR shall review and evaluate comments received from the industry and other city agencies, if any, and make such changes to the proposed approval as it deems appropriate; and

(iii) OTCR shall publish its final approval on the department's Website (<http://www.nyc.gov/buildings>).

(iv) Notification of rejection of a standard will be issued by OTCR in writing. No refund of the application fee shall be issued.

(2) Testing, listing and labeling. Following the completion of steps (i) through (iv) above, the alternative material shall be tested by an approved testing agency according to the standard approved by OTCR. If OTCR finds it necessary on the basis of such factors as but not limited to the history of the material, its sensitivity, and treatment of similar materials that are listed and labeled, the material shall be listed and labeled by an approved inspection and/or product certification agency. Upon being so tested and/or listed and labeled, the material may be used in construction with such limitations as OTCR may prescribe.

(g) Abandoned applications. OTCR 1 and/or OTCR 2 applications that have been rejected and upon which no further action has been taken by the applicant within sixty (60) days after the notice of rejection shall be deemed abandoned.

(h) Reinstatement. Applicants seeking reinstatement of an abandoned application(s) shall pay an additional six hundred dollar (\$600.00) filing fee as prescribed in Table 28-112.8 of the Administrative Code.

(i) Appeals. Any final decision by the department may be appealed to the Board of Standards and Appeals pursuant to its rules.

(j) Testing. The department reserves the right to have materials tested by a third party at the building owner's or manufacturer's expense where there are observable defects,

labeling inconsistencies, evidence of non-compliance with the approved standard and/or other indications of concern.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is proposed pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter. The rule implements Article 113 of Title 28 of the New York City Administrative Code by specifying the role and responsibilities of the Office of Technical Certification and Research ("OTCR") in relation to the use of materials in construction activities.

The proposed rule establishes OTCR as the office responsible for administering the process of accepting standards for materials not prescribed in the Construction Codes. It also clarifies §28-113.3 (Approval procedure) of the Administrative Code by providing details regarding the OTCR application, evaluation and approval or rejection of standards for the use of alternative materials and site specific approvals for the use of materials.

This rule, if adopted, will reduce approval delays and will facilitate the use of non-Construction Code prescribed materials.

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TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing commuter van owners and services.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on September 11, 2009 at 2:30 P.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than September 4, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than September 11, 2009 to:

**Charles R. Fraser**  
**Deputy Commissioner for Legal Affairs/General Counsel**  
**Taxi and Limousine Commission**  
**40 Rector Street, 5th Floor**  
**New York, New York 10006**  
**Telephone: 212-676-1135**  
**Fax: 212-676-1102**  
**Email: [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)**

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 11 thereto, to read as follows:

New Material is underlined.

**Chapter 11 - Commuter Van - Vehicles and Owners**  
**Sub-chapter 11A Commuter-Van Vehicle Owners**  
**Sub-chapter 11B Commuter-Van Service Owners**

**§11A-01 Scope of this Sub-chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining a Commuter-Van Vehicle Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Commuter-Van Vehicle Owner's License.
- (c) All Rules in this sub-chapter apply to the Commuter-Van Vehicle Owner, and the penalties included will be assessed against the Commuter-Van Vehicle Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

**§11A-02 Penalties**

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of

the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If a timely appeal has been filed, fines are stayed until the appeal is decided. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

(c) Effect of Suspension or Revocation of Service Authorization on Affiliated Commuter-Van Vehicle Owners.

- (1) Any Vehicle affiliated with a Commuter-Van Service whose Authorization has been suspended or revoked will have its License suspended or revoked if the suspension or revocation was based in whole or in part on the actions of the Commuter-Van Vehicle.
- (2) If the suspension or revocation was not based on the actions of the Commuter-Van Vehicle, the Vehicle's License will remain Valid. However, the Vehicle must not operate until it has formed an affiliation with another authorized Commuter-Van Service.

(d) Mandatory Penalties.

§	Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
11A-11(b)	Failure to maintain proper insurance	Failure to maintain the required liability insurance three or more times within one year	Revocation of Vehicle License
11A-26	Failure to comply with safety inspection requirements	Operating without complying with any safety inspection requirement three or more times within one year.	Revocation of Vehicle License

**§11A-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means a Commuter-Van Applicant.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission.
- (c) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (d) License in this Sub-chapter means a Commuter-Van Vehicle License.
- (e) Official Bus Route in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:
  - (1) The New York City Transit Authority
  - (2) The City of New York, or
  - (3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (f) Owner in this Sub-chapter refers to a Commuter-Van Vehicle Owner and, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:
  - (1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)
  - (2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.
- (g) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.
- (h) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11A-04 Licensing - General Requirements**

- (a) Reserved. [ID]
- (b) Reserved. [Age]
- (c) Fingerprinting to Verify Good Moral Character.
  - (1) An Applicant for a Commuter-Van License must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
  - (2) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.
  - (3) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition.

- (4) Any additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.
- (5) The Applicant must pay any processing fee required by the State.
- (d) Fitness to Hold License. No Commuter-Van License can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Vehicle.
- (e) Designate Drivers as Agents for Service. An Applicant must agree that any Driver who operates one of Owner's Commuter-Van Vehicles will be considered an agent of the Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) Vehicle Liability Insurance. No Commuter-Van Vehicle License will be issued or renewed unless the Applicant proves that the Vehicle is properly registered and has the insurance coverage required in §11A-11.
- (g) Forms and Filing. An application for a Commuter-Van Vehicle License or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.

**§11A-05 Licensing - Term of License**

- (a) New Licenses. The term of a new Vehicle License is two years.
- (b) Renewals. The renewal term of a Vehicle License is two years from the date on which the previous License expired.

**§11A-06 Licensing - Fees**

- (a) Fee for License. The fee for a Commuter-Van Vehicle License will be \$275 annually.
- (b) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.
- (c) No Refund if Application Denied.
  - (1) The Commission will not refund the application fee if it denies or disapproves the application.
  - (2) However, if disapproval of the Vehicle License is based on disapproval of the affiliated Commuter-Van Service Authorization, the Vehicle application fee will be refunded.
- (d) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

**§11A-07 Licensing - Causes for Denial**

- (a) Material Misrepresentation. The Commission can deny an application if the Applicant has made a material false statement or concealed a material fact relating to the application.
- (b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the License under the Rules in this sub-chapter.
- (c) Commission's Failure to Approve. Any application that the Commission does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.
- (d) Refusal to Renew. The Commission can refuse to renew a Commuter-Van Vehicle License for additional reasons, including but not limited to:
  - (1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Vehicle Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Vehicle License.
  - (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Vehicle License.

- (6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

**§11A-08 Licensing - Transfer of License**

- (a) Not Transferable. A Commuter-Van License is not assignable or transferable.

**§11A-09 RESERVED [Licensing - Care of Licenses]**

**§11A-10 Comply with Laws - No Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Commuter-Van Vehicle Owner must not allow Owner's Vehicle to be operated within the City of New York if the Vehicle does not have a Valid License from the Commission.

§11A-10(a) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Vehicle Owner must not allow Owner's Vehicle to be operated within the City of New York unless it is affiliated with a Validly Authorized Commuter-Van Service.

§11A-10(b) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (c) Vehicle Must Be Registered and Insured. Failure to comply with the registration or insurance requirements established in this Sub-chapter will create an automatic License suspension as of the date the compliance lapsed, and any operation of the Vehicle during this time will be considered unlicensed activity.

§11A-10(c) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (d) Driver Must Be Licensed. The Commuter-Van Vehicle Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle in the operation of a Commuter-Van Service has:
  - (1) A Valid driver's license that qualifies as a Chauffeur's License, and
  - (2) A Valid Commuter-Van Driver's License.

§11A-10(d) Fine: \$300 and suspension of Commuter-Van license until compliance Appearance REQUIRED

- (e) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service. No person is allowed to operate or to allow anyone else to operate a vehicle bearing the words "Commuter-Van service", "van service", "Commuter-Van", "van" or other similar designation unless:
  - (1) The vehicle is a Validly Licensed Commuter Van Vehicle
  - (2) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and
  - (3) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

§11A-10(e) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

**§11A-10(f) Special Procedures Relating to Unlicensed Commuter-Van Operations.**

- (1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:
  - (i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or
  - (ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.
- (2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:
  - (i) Suspend the vehicle's registration,
  - (ii) Deny any application for the vehicle's registration or registration renewal,
  - (iii) Take any other action permitted under law.
- (3) The Commission will also notify the NYS Department of Finance.

**§11A-11 Comply with Laws - Vehicle Insurance Coverage**

- (a) Joint Responsibility. The Commuter-Van Vehicle Owner is liable for ensuring that every Commuter-

Van Vehicle owned and operated by Owner is in compliance with the insurance requirements set forth in this §11A-11.

§11A-11(a) Fine: \$300 and/or revocation of Commuter-Van license Appearance REQUIRED

- (b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers Or Fewer	Commuter-Van for 13-20 Passengers
● For personal injury or death to one person	\$100,000	\$100,000
● For personal injury or death to one person in one accident	\$300,000	\$500,000
● Maximum for each person in one accident	\$100,000	\$100,000
● For property damage	\$50,000	\$50,000

§11A-11(b) Fine: \$300 and suspension until compliance Appearance REQUIRED  
Three or more violations within one year: License revocation (see Mandatory Penalties §11A-02(d))

- (c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

- (d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

- (1) The new surety bond or certificate of insurance is acceptable to the Commission.
- (2) The Commuter-Van Service Owner or an authorized employee of the Commuter-Van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.
- (3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

- (e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability after a claim has been successfully filed and recovered against the bond or insurance.

**§11A-11(f) Notice of Cancellation to the Commission.**

- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
- (2) Proper notification must be given on or in the relevant Form K - Uniform Notice of Cancellation of Motor Carrier Insurance Policies or Form L - Uniform Notice of Cancellation of Motion Carrier Surety Bonds. Copies of these forms are available at Commission offices.
- (3) If a cancelled insurance policy or bond is reinstated:
  - (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
  - (ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or "REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.

- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.

- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Commuter-Van Vehicle Licensee (or the Authorized Commuter-Van Service) and the insurance or bonding company making the filing.

- (i) Commission's Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11A-12 Comply with Laws - Proper Conduct**

- (a) No Bribery. An Applicant or Licensee must not

directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(a) Fine: \$1,000 and/or suspension or revocation Appearance REQUIRED

(b) Report Request for Gift. A Licensee must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(b) Fine: \$1,000 and/or suspension or revocation Appearance REQUIRED

(c) No Threat or Use of Physical Force. While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§11A-12(c) Fine: \$50 - \$350 and/or suspension or revocation Appearance REQUIRED

(d) Report Criminal Conviction.

- (1) A Licensee must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Limited Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11A-12(d) Fine: \$100 Appearance NOT REQUIRED

(e) Cooperate with the Commission. A Commuter-Van Vehicle Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§11A-12(e)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

- (2) Produce or be responsible for instructing the Driver of Owner's Commuter-Van Vehicle to produce any documents required to be kept in the Commuter-Van upon the demand of the Commission or its representatives.

§11A-12(e)(2) Fine: \$50-\$150 Appearance REQUIRED

- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission.

§11A-12(e)(3) Fine: \$75-\$350 and/or suspension until compliance Appearance REQUIRED

- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver operating a Commuter-Van owned by the Owner.

§11A-12(e)(4) Fine: \$75-\$350 and/or suspension until compliance Appearance REQUIRED

- (5) Respond to any telephone or pager contact from the Commission within 48 hours, seven days a week.

§11A-12(e)(5) Fine: \$500 Appearance NOT REQUIRED

#### §11A-13 Comply with Laws - Miscellaneous

(a) Commission Rules. The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Vehicles or Service in Chapter 5, Title 19 of the Administrative Code.
- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.
- (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty

that has been properly imposed under these Rules.

(4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.

(5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Vehicle Owners.

(6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) Workers Compensation. A Commuter-Van Vehicle Owner must comply with all provisions of the NYS Workers' Compensation Law and regulations with respect to coverage of and benefits to eligible persons.

§11A-13(b) Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation. Appearance REQUIRED

(c) Disability Laws. The Commuter-Van Vehicle Owner must ensure that all new Commuter-Van Vehicles comply with the applicable provisions of law regarding accessibility to Persons with Disabilities.

§11A-13(c) Fine: \$200-\$350 Appearance REQUIRED

(d) Motor Vehicle Registration Laws. A Commuter-Van Vehicle Owner must ensure that no Commuter-Van Vehicle is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11A-13(d) Fine: \$300 and suspension of the Commuter-Van license until compliance Appearance REQUIRED

#### §11A-14 RESERVED [Operations - Business Premises]

#### §11A-15 RESERVED [Operations - Management Oversight (Use of Agents)]

#### §11A-16 Operations - Service Requirements (Passengers)

(a) No Pick-Ups Outside Authorized Area. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Commuter-Van Service Owner's Authorization.

(b) No Pick-Ups Along Bus Routes.

(1) Restriction. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers along any Official Bus Route.

(2) Grandfathered Exception.

(i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area.

(ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

§11A-16(a), (b) Fine: \$75 Appearance NOT REQUIRED

(c) Service Must Be Pre-Arranged. No Commuter-Van Vehicle Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11A-16(c) Fine: \$50 Appearance NOT REQUIRED

(d) Multiple Person Liability. The Commuter-Van Vehicle Owner is liable for violating this §11A-16 even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

#### §11A-17 Operations - Responsibility with Respect to Drivers

(a) Prohibit Disability Discrimination by Drivers. A Vehicle Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

- (1) Refusing to serve Persons with Disabilities.
- (2) Refusing to load and unload the mobility

aids of Persons with Disabilities, and

(3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

(b) Multiple Person Liability. The Commuter-Van Vehicle Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11A-17 Fine: \$200-\$350 Appearance REQUIRED

#### §11A-18 Records - Trip Record Information

(a) Commuter-Van Service. The Vehicle Owner is responsible for ensuring that the following records are kept for all dispatched calls:

(1) The Passenger Manifest

§11A-18(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) Records of requests for service and trips

§11A-18(a)(2) Fine: \$100 Appearance NOT REQUIRED

(3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11A-18(a)(3) Fine: \$300 Appearance NOT REQUIRED

#### §11A-19 Records - Current Contact Information

(a) Current Phone Number for Immediate Access. A Commuter-Van Vehicle Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§11A-19(a) Fine: \$100 Appearance NOT REQUIRED

#### §11A-20 RESERVED [Records - Additional Records to be Maintained]

#### §11A-21 RESERVED [Reporting Requirements]

#### §11A-22 RESERVED [Operations - Rates and Tolls]

#### §11A-23 RESERVED [Operations - E-ZPass]

#### §11A-24 Operations - Miscellaneous

(a) Advertising Must State Commission Licensed and Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§11A-24(a) Fine: \$50 Appearance NOT REQUIRED

#### §11A-25 Vehicle Condition - Inspections

(a) Inspection by NYS Department of Transportation. A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation. Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11A-25(a) Fine: \$300 Appearance NOT REQUIRED

(b) Display Inspection Certificate. All Commuter-Van Vehicles must display the inspection certificate.

§11A-25(b) Fine: \$100 Appearance NOT REQUIRED

#### §11A-26 Vehicle Condition - Meets Safety Standards

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11A-26(a) Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van License Three or more violations within one year: License revocation (see Mandatory Penalties §11A-02(d)) Appearance REQUIRED

#### §11A-27 Vehicles - Markings and Displays

(a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the Vehicle in letters at least 3 inches in height:

- (1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;
- (2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and
- (3) A Vehicle License number.

§11A-27(a) Fine: \$50 Appearance NOT REQUIRED

- (b) Required Interior ID Markings.
- (1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.
  - (2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website: <http://nyc.gov/taxi>.

§11A-27(b) Fine: \$50 Appearance NOT REQUIRED

- (c) Valid Commission Decal.
- (1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.
  - (2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:
    - (i) The lower right corner of the front windshield
    - (ii) The center of the rear window
    - (iii) One on each of the rear-most side windows

§11A-27(c) First violation in a 1-month period: \$500 Appearance NOT REQUIRED  
Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van License until compliance.

- (d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§11A-27(d) Fine: \$100 Appearance NOT REQUIRED

**§11A-28 Vehicles - Items Required to be in the Vehicle**

- (a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:
- (1) The Commuter-Van Vehicle License;
  - (2) The Driver's Commuter-Van Driver's License;
  - (3) The Authorization to operate a Commuter-Van Service, or a legible photocopy;
  - (4) The Vehicle registration and evidence of current liability insurance; and
  - (5) A Passenger Manifest.

§11A-28(a) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

**§11A-29 Vehicle Equipment**

- (a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§11A-29(a) Fine: \$100 Appearance NOT REQUIRED

**§11B-01 Scope of this Sub-chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining Authorization for a Commuter-Van Service.
- (b) To provide penalties for violation of the requirements of maintaining Authorization for a Commuter-Van Service.
- (c) The Rules in this sub-chapter apply, primarily, to the Commuter-Van Service Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

**§11B-02 Penalties**

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the

- violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If a timely appeal has been filed, fines are stayed until the appeal is decided. If the fine is not paid by the close of business on the date due, the violator's Authorization will be suspended until the fine is paid.
- (c) Mandatory Penalties.
- (1) The following cumulative violations will result in mandatory revocation:

§	Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
11B-11(b)	Failure to maintain proper insurance	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
11B-26	Failure to comply with any safety inspection requirement	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Revocation of Service Authorization
11B-10(a)	Operating a Vehicle without a Commuter-Van Drivers License	Any Driver driving for the Service commits three or more violations within six months	Revocation of Service Authorization
11B-10(c)	Drivers operating a Vehicle without any one of the licenses necessary to operate a Commuter Van	The number of violations is equal to 90% (rounded up) of the Service's Vehicles, or 5, whichever is greater.	Revocation of Service Authorization

- (2) A Service that has had its Authorization revoked under any of these mandatory penalties is not permitted to apply for a new Authorization for a period of six months after the date of revocation.

**§11B-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means an applicant for a Commuter-Van Service Authorization or its renewal.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission.
- (c) Business Entity is a sole proprietorship, partnership or corporation.
- (d) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (e) Finding of Public Need means a determination that a Commuter-Van Service being proposed will be required either now or in the future for the convenience and necessity of the public.
- (f) Limited Business Entity Persons are all Business Entity Persons except shareholders holding less than 10% of the stock of the Business Entity.
- (g) New York City will be abbreviated NYC or the City.
- (h) New York State will be abbreviated NYS.
- (i) Official Bus Route in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:
  - (1) The New York City Transit Authority
  - (2) The City of New York, or
  - (3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (j) Owner, when used alone in this Sub-chapter, means a Commuter-Van Service Owner.
- (k) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.
- (l) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11B-04 Authorization - Requirements**

- (a) Reserved. [ID]
- (b) Reserved. [Age]
- (c) Fingerprinting to Verify Good Moral Character.
  - (1) An Applicant for a new Service Authorization must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
  - (2) An Applicant for a renewal of a Service

- (3) Authorization must be fingerprinted when a new Finding of Public Need is also required.
- (3) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.
- (4) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition, and those additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.
- (5) The Applicant must pay any processing fee required by the State.
- (d) Fitness to Hold Authorization. No Commuter-Van Service Authorization can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Service.
- (e) Designate Driver as Agent for Service. An Applicant must agree that any Commuter-Van Driver who drives for Owner's Commuter-Van Service will be considered an agent of the Service Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) Forms and Filing. An application for a Commuter-Van Service Authorization or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.
- (g) Certification of Compliance with ADA. An applicant for an Authorization to operate a Commuter-Van Service or its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with Title III of the Federal Americans With Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).
- (h) Certification of Compliance with Federal Omnibus Testing Act. An Applicant for an Authorization to operate a Commuter-Van Service or for its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with all applicable provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717), as amended, and all regulations relating to the Act.
- (i) A "Finding of Public Need".
  - (1) The Commission cannot issue an Authorization to operate a Commuter-Van Service unless the NYC Commissioner of Transportation makes a Finding of Public Need.
  - (2) Role of the Commission:
    - (i) The Commission will forward any new application for Authorization to operate a Commuter-Van Service (or a renewal application that requires a new Finding of Public Need) to the NYC Commissioner of Transportation.
    - (ii) The application must include the following information:
      - A. The geographic area proposed to be served by the Applicant;
      - B. The maximum number of Vehicles to be operated; and
      - C. The capacity of each Vehicle.
    - (iii) The Applicant has the burden of demonstrating that the proposed service will be required now or in the future for the convenience and necessity of the public.
- (3) Role of the NYC Commissioner of Transportation.
  - (i) The Commissioner of Transportation can request that the Applicant provide any additional information relevant to his or her determination.
  - (ii) The Commissioner of Transportation must:
    - A. Consult with the NYS Department of Transportation,
    - B. Provide a notice of the application for publication in the City Record
    - C. Allow for public comment for a period not to exceed 60 days

after the date of publication of the notice.

D. Notify the New York City Transit Authority and all City Council members and community boards representing any portion of the geographic area set forth in the application.

(iii) If a city bus line or the New York City Transit Authority initiates a protest by timely submitting objections to the application for a Finding of Public Need, the Commissioner of Transportation will evaluate their objections as follows:

A. The adequacy of the existing transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

B. The impact that the proposed operation may have on any existing transit or mass transportation facilities.

(iv) If the Commissioner of Transportation makes a Finding of Public Need, the Finding must specify the geographic area where service is authorized and the number of Commuter-Van Vehicles authorized to be used in providing the service.

(4) Term of a Finding of Public Need.

(i) A Finding of Public Need will be in effect for six years or until the Authorization granted by the Commission is revoked, whichever comes first.

(ii) A Finding of Public Need can be renewed prior to its expiration. If the Finding of Public Need expires, a new determination of public need must be made by the Commissioner of Transportation.

§11B-05 Authorization - Term of Authorization

(a) New Authorizations. The term of a new Commuter-Van Service Authorization is two years from the date the Authorization is issued.

(b) Renewals. The renewal term of a Commuter-Van Service Authorization is two years from the date on which the previous Authorization expired.

(c) No Temporary Authorization. The Commission will not issue a temporary authorization to operate a Commuter-Van Service.

§11B-06 Authorization - Fees

(a) Reserved. [Commuter Service Authorization Fee]

(b) Authorization Replacement Fee. The fee to replace any lost, damaged or destroyed Authorization is \$25.

§11B-07 Authorization - Causes for Denial

(a) Material Misrepresentation. The Commission can deny an application for Authorization if the Applicant has made a material false statement or concealed a material fact relating to the information required on the application.

(b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the Authorization under the Rules in this sub-chapter.

(c) Prior Unlicensed Activity. The Commission will deny an application for an Authorization if the Applicant has been found guilty of operating a Commuter-Van Service without Authorization two times within a six-month period prior to the date of application.

(d) Failure to Approve. Any application that the Commission, after consultation with the NYS Department of Transportation, does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.

(e) Refusal to Renew. The Commission may refuse to renew a Commuter-Van Service Authorization for additional reasons, including but not limited to:

(1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the

Administrative Code.

(2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.

(4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Service Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Service Authorization.

(5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Service Owners.

(6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

§11B-08 Licensing - Transfer of License

(a) Not Transferrable or Assignable Without Approval. An authorization to operate a Commuter-Van Service will not be assignable or transferable unless otherwise provided by the Commission.

§11B-09 Licensing - Care of Licenses

(a) If the Authorization for a Commuter-Van Service is lost, damaged, or destroyed, the Owner must provide the Commission with a statement of what happened and any proof that the Commission requires.

(b) The Commission can issue a duplicate or substitute Authorization upon the Owner's payment of a \$25 fee.

§11B-10 Comply with Laws - No Unlicensed Activity

(a) Vehicle Must Be Licensed. A Commuter-Van Service Owner must not allow an affiliated Vehicle to be operated within the City of New York (meaning performing passenger pick-up and drop-off wholly within New York City) if the Vehicle does not have a Valid Commuter-Van License from the Commission.

§11B-10(a) Fine: \$500 - first violation; Appearance REQUIRED \$1,000 - subsequent violation within twenty-four months

(b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Service Owner must not operate a Commuter-Van Vehicle within the City of New York unless it is affiliated with the Owner's Commuter-Van Service.

§11B-10(b) Fine: \$500 - first violation; Appearance REQUIRED \$1,000 - subsequent violation within twenty-four months Multiple violations: See Mandatory Penalties (§11B-02(c))

(c) Driver Must Be Licensed. The Commuter-Van Service Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle affiliated with the Owner's Service has:

(1) A Valid driver's license that qualifies as a Chauffeur's License, and

(2) A Valid Commuter-Van Driver's License.

§11B-10(c) Fine: \$300 and suspension of Commuter-Van license until compliance Multiple violations: See Mandatory Penalties (§11B-02(c))

(d) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service.

(1) No person is allowed to operate or to allow anyone else to operate his or her vehicle bearing the words "Commuter-Van service," "van service," "Commuter-Van," "van" or other similar designation unless:

(i) The vehicle is a Validly Licensed Commuter Van Vehicle

(ii) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and

(iii) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

(2) A "License" that has expired and has not yet been renewed is not a "Valid License"

and operating with an expired License is considered "unlicensed activity."

§11B-10(d) Fine: \$500 - first violation; Appearance REQUIRED \$1,000 - subsequent violation within twenty-four months

(e) Special Procedures Relating to Unlicensed Commuter-Van Operations.

(1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:

(i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or

(ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.

(2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:

(i) Suspend the vehicle's registration,

(ii) Deny any application for the vehicle's registration or registration renewal,

(iii) Take any other action permitted under law.

(3) The Commission will also notify the NYS Department of Finance.

§11B-11 Comply with Laws - Insurance Coverage

(a) Joint Responsibility. The Commuter-Van Service owner must ensure that no Commuter-Van will be used in the Commuter-Van Service unless such vehicle is in compliance with the insurance requirements set forth in this §11B-11.

§11B-11(a) Fine: \$300 and/or revocation of Commuter-Van license Appearance REQUIRED If each one of a group of at least 30% of the Vehicles affiliated with a Commuter-Van Service fails to maintain liability insurance three times within a 12 month period, the Service's Authorization will be revoked (§9-14(a)(1))

(b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Table with 3 columns: Type of Liability, Minimum Coverage Required for 12 Passengers, Minimum Coverage Required for 13-20 Passengers or Fewer. Rows include personal injury or death to one person, maximum for each person in one accident, and property damage.

§11B-11(b) Fine: \$300 and suspension until compliance Appearance REQUIRED Multiple violations: See Mandatory Penalties (§11B-02(c))

(c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

(d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

(1) The new surety bond or certificate of insurance is acceptable to the Commission.

(2) The Commuter-Van Service Owner or an authorized employee of the van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.

(3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

(e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability even after a claim has been successfully filed and recovered against the bond or insurance.

(f) Notice of Cancellation to the Commission.

- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
- (2) Proper notification must be given on or in the relevant **Form K - Uniform Notice of Cancellation of Motor Carrier Insurance Policies or Form L - Uniform Notice of Cancellation of Motion Carrier Surety Bonds**. Copies of these forms are available at Commission offices.
- (3) If a cancelled insurance policy or bond is reinstated:
  - (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
  - (ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or "REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.
- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.
- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Authorized Commuter-Van Service (or the Commuter-Van Vehicle Licensee) and the insurance or bonding company making the filing.
- (i) Commission's Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11B-12 Comply with Laws - Personal Conduct**

- (a) No Bribery. A Commuter-Van Service Owner must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(a) Fine: \$1,000 and/or suspension or revocation Appearance REQUIRED

- (b) Report Request for Gift. A Commuter-Van Service Owner must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(b) Fine: \$1,000 and/or suspension or revocation Appearance REQUIRED

- (c) No Threat or Use of Physical Force. While performing the duties and responsibilities of an Authorized Commuter-Van Service Owner, or any act in connection with those duties, an Owner must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§11B-12(c) Fine: \$50 - \$350 and/or suspension or revocation Appearance REQUIRED

- (d) Report Criminal Conviction.

- (1) A Commuter-Van Service Owner must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or if the Owner is a Business Entity, of any Limited Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11B-12(d) Fine: \$100 Appearance NOT REQUIRED

- (e) Cooperate with TLC. A Commuter-Van Service Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives;

§11B-12(e)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

- (2) Produce or be responsible for instructing Drivers working in association with Owner's Commuter-Van Service to

produce any documents required to be kept in the Commuter-Van Vehicle upon the demand of the Commission or its representatives;

§11B-12(e)(2) Fine: \$50-\$150 Appearance REQUIRED

- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission;

§11B-12(e)(3) Fine: \$75-\$350 and/or suspension until compliance Appearance REQUIRED

- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver or Commuter-Van Vehicle affiliated with the Owner's Commuter-Van Service.

§11B-12(e)(4) Fine: \$75-\$350 and/or suspension until compliance Appearance REQUIRED

- (5) Respond to any telephone or pager contact from the Commission within 48 hours, seven days a week.

§11B-12(e)(5) Fine: \$500 Appearance NOT REQUIRED

**§11B-13 Comply with Laws - Miscellaneous**

- (a) Commission Rules. The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Service in Chapter 5, Title 19 of the Administrative Code.

- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.

- (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.

- (4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.

- (5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Service Owners.

- (6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

- (b) Workers Compensation. A Commuter-Van Service Owner must comply with all provisions of the NYS Workers' Compensation Laws and regulations with respect to coverage of and benefits to eligible persons.

§11B-13(b) Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation. Appearance REQUIRED

- (c) Disability Laws. A Commuter-Van Service Owner must ensure that any new Commuter-Van Vehicle purchased or leased by the Commuter-Van Service complies with all applicable provisions of law regarding accessibility to Persons with Disabilities.

§11B-13(c) Fine: \$200-\$350 Appearance REQUIRED

- (d) Motor Vehicle Registration Laws. A Commuter-Van Service Owner must ensure that no Commuter-Van is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11B-13(d) Fine: \$300 and suspension of the Commuter-Van license until compliance Appearance REQUIRED

**§11B-14 RESERVED [Operations - Business Premises]**

**§11B-15 RESERVED [Operations - Management Oversight (Use of Agents)]**

**§11B-16 Operations - Service Requirements (Passengers)**

- (a) No Pick-Ups Outside Authorized Area. No Commuter-Van Service Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Owner's Authorization.

§11B-16(a) Fine: \$75 Appearance NOT REQUIRED

- (b) No Pick-Ups Along Bus Routes.

- (1) Restriction. No Commuter-Van Service Owner will permit the pick up or discharge of passengers along any Official Bus Route.

§11B-16(b)(1) Fine: \$75 Appearance NOT REQUIRED

- (2) Grandfathered Exception.

- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area

- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

- (c) Service Must Be Pre-Arranged. No Commuter-Van Service Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11B-16(c) Fine: \$50 Appearance NOT REQUIRED

- (d) Multiple Person Liability. The Commuter-Van Service Owner is liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

**§11B-17 Operations - Responsibility with Respect to Drivers**

- (a) Prohibit Disability Discrimination by Drivers. A Commuter-Van Service Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

- (1) Refusing to serve Persons with Disabilities,
- (2) Refusing to load and unload the mobility aids of Persons with Disabilities, and
- (3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

- (b) Multiple Person Liability. The Commuter-Van Service Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11B-17 Fine: \$200-\$350 Appearance REQUIRED

**§11B-18 Records - Trip Record Information**

- (a) Commuter-Van Service. The Commuter-Van Service Owner is responsible for ensuring that the following records are kept for all dispatched calls:

- (1) The Passenger Manifest

§11B-18(a)(1) Fine: \$50 Appearance NOT REQUIRED

- (2) Records of requests for service and trips;

§11B-18(a)(2) Fine: \$100 Appearance NOT REQUIRED

- (3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11B-18(a)(3) Fine: \$300 Appearance NOT REQUIRED

**§11B-19 Records - Current Contact Information**

- (a) Current Phone Number for Immediate Access. A Commuter-Van Service Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§11B-19(a) Fine: \$100 Appearance NOT REQUIRED

**§11B-20 Records - Additional Records to be Maintained**

The Commuter-Van Service Owner is responsible for keeping the following records:

- (a) A list of all Vehicles currently operating under the Service Owner's Authorization, and information about each vehicle including, but not limited to the following:

- (1) The Vehicle Owner's name, mailing address, and home telephone number,

- (2) The Vehicle's registration number,
- (3) The Vehicle's Commuter-Van License number,
- (4) The Department of Motor Vehicles license plate number of the Vehicle,
- (5) The name of the Vehicle's insurance carrier and the policy number, and
- (6) The dates of inspection of the Vehicle and the outcome of each inspection.

§11B-20(a) Fine: \$300 Appearance NOT REQUIRED

(b) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11B-20(b) Fine: \$300 Appearance NOT REQUIRED

§11B-21 RESERVED [Reporting Requirements]

§11B-22 RESERVED [Operations - Rates and Tolls]

§11B-23 RESERVED [Operations - E-ZPass]

§11B-24 Operations - Miscellaneous

(a) Advertising to State TLC Licensed/Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§11B-24(a) Fine: \$50 Appearance NOT REQUIRED

§11B-25 Vehicle Condition - Inspections

(a) Inspection by NYS Department of Transportation. The Commuter-Van Service Owner will be responsible for compliance with the following provisions:

- (1) A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation.
- (2) Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11B-25(a) Fine: \$300 Appearance NOT REQUIRED

(b) All Commuter-Van Vehicles must display the inspection certificate.

§11B-25(b) Fine: \$100 Appearance NOT REQUIRED

§11B-26 Vehicle Condition - Meets Safety Standards

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11B-26(a) Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van license Multiple violations: See Mandatory Penalties (§11B-02(c)) Appearance REQUIRED

§11B-27 Vehicles - Markings and Displays

(a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the vehicle in letters at least 3 inches in height:

- (1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;
- (2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and
- (3) A Vehicle License number.

§11B-27(a) Fine: \$50 Appearance NOT REQUIRED

(b) Required Interior ID Markings.

- (1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.
- (2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website, <http://nyc.gov/taxi>.

§11B-27(b) Fine: \$50 Appearance NOT REQUIRED

(c) Valid TLC Decal.

(1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.

(2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:

- (i) The lower right corner of the front windshield
- (ii) The center of the rear window
- (iii) One on each of the rear-most side windows

§11B-27(c) First violation in a 12-month period: \$500 Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van License until compliance Appearance NOT REQUIRED

Third violation within a 12-month period: revocation of Commuter-Van Service Authorization Appearance REQUIRED

(d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§11B-27(d) Fine: \$100 Appearance NOT REQUIRED

§11B-28 Vehicles - Items Required to be in the Vehicle

(a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

- (1) The Commuter-Van Vehicle License;
- (2) The Driver's Commuter-Van Driver's License;
- (3) The Authorization to operate a Commuter-Van Service, or legible photocopy;
- (4) The Vehicle registration and evidence of current liability insurance; and
- (5) A Passenger Manifest.

§11B-28(a) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

§11B-29 Vehicle Equipment

(a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§11B-29(a) Fine: \$100 Appearance NOT REQUIRED

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 9 Commuter Vans (Vehicles and Services).	Chapter 11 Commuter Van Owners and Services

The proposed rules make two substantive changes to the provisions of the current rules governing commuter vehicles and bases. Specifically, the proposed rules:

- Eliminate transition provisions contained in sections 9-04 and 9-05 of the existing rule as such provisions are now obsolete.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for 30 days, and further pending decision of a timely-filed appeal.

a11



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 August 24, 2009, 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
1	6897	35

Acquired in the proceeding, entitled: ULMER PARK BRANCH LIBRARY subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

a10-21

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 August 19, 2009, 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
10	146	16

Acquired in the proceeding, entitled: FIFTH AMENDED BROOKLYN CENTER URBAN RENEWAL PLAN, PHASE 2 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

a5-19

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: August 10, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
254 West 135th Street, Manhattan	58/09	July 7, 2006 to Present
237 West 123rd Street, Manhattan	60/09	July 14, 2006 to Present
265 West 131st Street, Manhattan	61/09	July 15, 2006 to Present
136 Manhattan Avenue, Manhattan	63/09	July 16, 2006 to Present
282 West 127th Street, Manhattan	65/09	July 21, 2006 to Present
343 West 20th Street, Manhattan	66/09	July 22, 2006 to Present
132 West 130th Street, Manhattan	67/09	July 28, 2006 to Present
10 Hancock Street, Brooklyn	59/09	July 13, 2006 to Present
159 Herkimer Street, Brooklyn	64/09	July 21, 2006 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-8272.

a10-19

OFFICE OF PRESERVATION SERVICES  
CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR  
CERTIFICATION OF NO HARASSMENT PURSUANT  
TO THE SPECIAL CLINTON DISTRICT PROVISIONS  
OF THE ZONING RESOLUTION

DATE OF NOTICE: August 10, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND  
OTHER INTERESTED PARTIES OF

Address Application # Inquiry Period  
457 West 47th Street, Manhattan 62/09 September 5, 1973 to Present

Prior to the issuance of a permit by the Department of

Buildings for the alteration or demolition of residential buildings in certain areas of the **Special Clinton District**, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has

occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-8272.

a10-19

CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/10/09

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
CEDENO	LYNETTE	06217	\$55,920.00	APPOINTED	YES	06/29/09
CESPEDES	CLAUDIA	06217	\$53,460.00	APPOINTED	YES	06/29/09
CHA OS	CHITA	50910	\$51,710.00	APPOINTED	YES	06/29/09
CHALKITIS	PETROS	06216	\$50,050.00	APPOINTED	YES	06/29/09
CHAN	CARRIE K	06217	\$53,460.00	APPOINTED	YES	06/29/09
CHAN	CHELSEA	06219	\$51,180.00	APPOINTED	YES	06/29/09
CHAN	JENNY	06219	\$54,880.00	APPOINTED	YES	06/29/09
CHAN	SUSANNA	06216	\$47,360.00	APPOINTED	YES	06/29/09
CHAN	TZU HUI	06217	\$55,230.00	APPOINTED	YES	06/29/09
CHAN MEI	PUI FONG M	06219	\$53,900.00	APPOINTED	YES	06/29/09
CHANG	VEBIAN	50910	\$50,320.00	APPOINTED	YES	06/29/09
CHANG	XIAN	06219	\$53,910.00	APPOINTED	YES	06/29/09
CHARNY	CAROLYN	06219	\$53,900.00	APPOINTED	YES	06/29/09
CHAUDRY	NIGHT	R 50910	\$47,870.00	APPOINTED	YES	06/29/09
CHEN	WEN LING	06219	\$53,910.00	APPOINTED	YES	06/29/09
CHENG	LIEN LIN	06219	\$56,220.00	APPOINTED	YES	06/29/09
CHERIAN	ABRAHAM	06217	\$53,330.00	APPOINTED	YES	06/29/09
CHEURNER	DIANA	06217	\$53,910.00	APPOINTED	YES	06/29/09
CHEUNG	MICHELLE	06217	\$53,910.00	APPOINTED	YES	06/29/09
CHEUNG	WAIMING	06216	\$47,280.00	APPOINTED	YES	06/29/09
CHIJIJOKE	GEORGIA E	50910	\$47,050.00	APPOINTED	YES	06/29/09
CHIMA	ANTHONY	50910	\$48,980.00	APPOINTED	YES	06/29/09
CHIN	MAUREEN	06217	\$51,180.00	APPOINTED	YES	06/29/09
CHINMAN	ASHLEY	06219	\$55,930.00	APPOINTED	YES	06/29/09
CHOPYK MATARAZZ	LAUREN	06216	\$47,360.00	APPOINTED	YES	06/29/09
CHRISTI	JIMMY J	06217	\$52,870.00	APPOINTED	YES	06/29/09
CHRISTIAN	CARMEN R	50910	\$50,040.00	APPOINTED	YES	06/29/09
CHRISTIAN	NATALIE	06217	\$55,920.00	APPOINTED	YES	06/29/09
CHRISTIANSSEN	LUANNE E	06219	\$55,920.00	APPOINTED	YES	06/29/09
CHU	CHINGWEN	06219	\$53,170.00	APPOINTED	YES	06/29/09
CHU	LINDA	06217	\$54,940.00	APPOINTED	YES	06/29/09
CIRILLO	CATHERIN	5124A	\$53,490.00	APPOINTED	YES	06/29/09
CLARK	SARAH	50910	\$46,370.00	APPOINTED	YES	06/29/09
CLARKE	DAVID	06217	\$55,180.00	APPOINTED	YES	06/29/09
CLEMENS	SELENIA	50910	\$48,600.00	APPOINTED	YES	06/29/09
CLIMACO	JULIO	06219	\$53,900.00	APPOINTED	YES	06/29/09
COCOPARDO	NANCY	06219	\$55,920.00	APPOINTED	YES	06/29/09
CODDINGTON	STEWART	50910	\$48,500.00	APPOINTED	YES	06/29/09
COHEN	DEBRA S	06217	\$52,870.00	APPOINTED	YES	06/29/09
COHEN	DIANE J	50910	\$54,010.00	APPOINTED	YES	06/29/09
COHEN	ELANA	06217	\$54,940.00	APPOINTED	YES	06/29/09
COHEN	JANET	06217	\$56,220.00	APPOINTED	YES	06/29/09
COHEN	JON	06217	\$54,940.00	APPOINTED	YES	06/29/09
COHEN	MICHELLE	06216	\$48,400.00	APPOINTED	YES	06/29/09
COHN	LORRAINE	06217	\$55,180.00	APPOINTED	YES	06/29/09
COLGAN	HARRY	06217	\$51,110.00	APPOINTED	YES	06/29/09
COLON	AIDA I	06216	\$46,240.00	APPOINTED	YES	06/29/09
COLON	CATHERIN	50910	\$51,670.00	APPOINTED	YES	06/29/09
COMANDO	DANIELLE	06217	\$53,330.00	APPOINTED	YES	06/29/09
CONANAN	AMADO	06219	\$52,870.00	APPOINTED	YES	06/29/09
CONNOLLY	CATHERIN T	50910	\$52,780.00	APPOINTED	YES	06/29/09
CONNOR	EVELYN J	50910	\$50,090.00	APPOINTED	YES	06/29/09
CONNOR	NANCY B	06217	\$56,870.00	APPOINTED	YES	06/29/09
CONROY CARILLO	LORETTA A	06217	\$54,190.00	APPOINTED	YES	06/29/09
CONTENTO	CHRISTIN D	06217	\$53,170.00	APPOINTED	YES	06/29/09
CONYERS	HOPE	50910	\$53,900.00	APPOINTED	YES	06/29/09
COOK	CLARE	06219	\$56,870.00	APPOINTED	YES	06/29/09
COOK	PATRICIA	06219	\$55,180.00	APPOINTED	YES	06/29/09
COOK JERRO	ROBERTA	50910	\$49,710.00	APPOINTED	YES	06/29/09
COOPER	DANIELLE S	06217	\$51,110.00	APPOINTED	YES	06/29/09
COOPER	TIFFANY K	06216	\$47,280.00	APPOINTED	YES	06/29/09
COOPERSMITH	AMY	06217	\$54,940.00	APPOINTED	YES	06/29/09
COPE	ELLENMAR	06217	\$56,870.00	APPOINTED	YES	06/29/09
CORBO	SALLY	06219	\$54,940.00	APPOINTED	YES	06/29/09
CORDERO	CYNTHIA	06217	\$53,910.00	APPOINTED	YES	06/29/09
CORSO	ALLISON	06217	\$55,920.00	APPOINTED	YES	06/29/09
CORSO	SHERINE	06217	\$56,220.00	APPOINTED	YES	06/29/09
CORTES	ROSEMARY R	06219	\$52,870.00	APPOINTED	YES	06/29/09
COUTARD	JUNELAND	06216	\$48,400.00	APPOINTED	YES	06/29/09
COVINO	FRANK	06219	\$55,920.00	APPOINTED	YES	06/29/09
CRAWFORD	ELIZABET B	06219	\$55,830.00	APPOINTED	YES	06/29/09
CRESS	JENNIFER	06216	\$47,280.00	APPOINTED	YES	06/29/09
CRISTINI	ANDREA	06217	\$54,940.00	APPOINTED	YES	06/29/09
CRISTOBAL	BELINDA	06219	\$53,170.00	APPOINTED	YES	06/29/09
CROMER	SHARON E	50910	\$50,590.00	APPOINTED	YES	06/29/09
CRUZ	CECILIA	06217	\$52,350.00	APPOINTED	YES	06/29/09
CRUZ	JOSE	06219	\$50,070.00	APPOINTED	YES	06/29/09
CRUZ	MARIA	50910	\$47,050.00	APPOINTED	YES	06/29/09
CRUZ	RHOLINA E	06219	\$53,900.00	APPOINTED	YES	06/29/09
CRUZ	YAMARIS	06217	\$52,290.00	APPOINTED	YES	06/29/09
CUBILLAN	MARY JOY	06219	\$53,900.00	APPOINTED	YES	06/29/09
CUBILLAN	WILBERT T	06219	\$53,900.00	APPOINTED	YES	06/29/09
CUDJOE	CYNTHIA	50910	\$47,870.00	APPOINTED	YES	06/29/09
CULOTTA	DEBBIE A	50910	\$52,780.00	APPOINTED	YES	06/29/09
CUMAYAO	TERESITA T	50910	\$52,780.00	APPOINTED	YES	06/29/09
CUNHA	CLAUDIA	06219	\$54,940.00	APPOINTED	YES	06/29/09
CUOMO	LUCILLE	50910	\$52,780.00	APPOINTED	YES	06/29/09
CURIALE	CARA B	06216	\$46,240.00	APPOINTED	YES	06/29/09
CURLEY	ALICE	06216	\$47,280.00	APPOINTED	YES	06/29/09
CURRAN	MARGARET M	50910	\$58070.0000	RETIRED	YES	07/01/09
CURRAN	MARGARET M	50910	\$53,250.00	APPOINTED	YES	06/29/09
CURREY	LOUANN	50910	\$54,010.00	APPOINTED	YES	06/29/09
CURRIER	PATRICIA J	06217	\$56,870.00	APPOINTED	YES	06/29/09
CUSICK	PATRICIA M	50910	\$53,090.00	APPOINTED	YES	06/29/09
CUSUMANO	BARBARA	50910	\$44,740.00	APPOINTED	YES	06/29/09
CUTRONE	JESSICA D	06217	\$53,170.00	APPOINTED	YES	06/29/09
CYDULKIN	MAYA	06219	\$55,230.00	APPOINTED	YES	06/29/09
DAAR	MINDY	06219	\$51,110.00	APPOINTED	YES	06/29/09
DABBRACCIO	CHRISTIN M	06219	\$55,920.00	APPOINTED	YES	06/29/09
DABROWSKI	SHARON M	06219	\$56,870.00	APPOINTED	YES	06/29/09
DACE	MILDRED	50910	\$50,420.00	APPOINTED	YES	06/29/09
DADA	GRACE F	50910	\$50,040.00	APPOINTED	YES	06/29/09
DANIEL	ROTH	06219	\$51,110.00	APPOINTED	YES	06/29/09
DANIEL	WILSON J	06217	\$53,910.00	APPOINTED	YES	06/29/09
DANIELS	FRAZOLA	50910	\$54,770.00	APPOINTED	YES	06/29/09
DANSO AYESU	ESTHER	50910	\$48,440.00	APPOINTED	YES	06/29/09
DANTE	REX DANT	06218	\$47,360.00	APPOINTED	YES	06/29/09
DANZGER	SHOSHANA R	06216	\$46,240.00	APPOINTED	YES	06/29/09
DAOMILLAS	LUDIVINA	06218	\$47,360.00	APPOINTED	YES	06/29/09
DARBOUZE	JASMINE	06217	\$55,930.00	APPOINTED	YES	06/29/09
DARBY	ELIZABET J	06165	\$58,150.00	APPOINTED	YES	06/29/09
DARDEIR	AHMED	06219	\$54,940.00	APPOINTED	YES	06/29/09
DASH	MAURISHA	06217	\$54,190.00	APPOINTED	YES	06/29/09
DAULO	MARIA	50910	\$51,670.00	APPOINTED	YES	06/29/09
DAVID	ILANA T	06217	\$53,020.00	APPOINTED	YES	06/29/09
DAVIDSON	MARSHA	10251	\$47543.0000	RETIRED	NO	06/09/09
DAVIES	BRIGID G	50910	\$54,090.00	APPOINTED	YES	06/29/09
DAVIS	LAUREN A	06216	\$46,240.00	APPOINTED	YES	06/29/09
DAWSON	LISA	50910	\$47,900.00	APPOINTED	YES	06/29/09
DE BLASI	ELIZABET A	06216	\$47,280.00	APPOINTED	YES	06/29/09
DEACON	RHONDA	50910	\$51,980.00	APPOINTED	YES	06/29/09
DEAN	MONICA V	50910	\$54,360.00	APPOINTED	YES	06/29/09
DEANGELIS	ROSALIA	50910	\$50,590.00	APPOINTED	YES	06/29/09
DEATS	KATHERIN	06217	\$55,920.00	APPOINTED	YES	06/29/09
DEBENEDETTO DAN	DONNA M	50910	\$46,280.00	APPOINTED	YES	06/29/09
DECARLO	JAMES	06217	\$55,230.00	APPOINTED	YES	06/29/09
DECKER	CATHERIN	50910	\$47,350.00	APPOINTED	YES	06/29/09

DEGELE	GLORIA	06217	\$55,920.00	APPOINTED	YES	06/29/09
DEGREZIA	ROSANNA	06217	\$53,330.00	APPOINTED	YES	06/29/09
DEISSAC	FRANCISC	50910	\$44,740.00	APPOINTED	YES	06/29/09
DEJESUS	MARIA	50910	\$47,390.00	APPOINTED	YES	06/29/09
DEKHTYAR	EUGENE	06217	\$54,940.00	APPOINTED	YES	06/29/09
DEL ROSARIO	DARLENE	06219	\$54,880.00	APPOINTED	YES	06/29/09
DEL VECCHIA	MAUREEN E	06217	\$51,240.00	APPOINTED	YES	06/29/09
DELA CRUZ	AIDEEN	06219	\$52,290.00	APPOINTED	YES	06/29/09
DELAROSA	ALICE	50910	\$50,080.00	APPOINTED	YES	06/29/09
DELATOUR	MARIE	06217	\$56,870.00	APPOINTED	YES	06/29/09
DELEON	EMILY Y	06216	\$46,240.00	APPOINTED	YES	06/29/09
DELEON	IRENE A	50910	\$48,930.00	APPOINTED	YES	06/29/09
DELGAIS	MOLLY	06217	\$56705.0000	INCREASE	YES	09/06/07
DELGAIS	MOLLY	06216	\$50,050.00	APPOINTED	YES	06/29/09
DELLAVALLE	MARYLEAH	50910	\$49,830.00	APPOINTED	YES	06/29/09
DEMBER GLASS	GAIL T	50910	\$54,770.00	APPOINTED	YES	06/29/09
DEMELO	BRENDA A	50910	\$52,780.00	APPOINTED	YES	06/29/09
DENKER	HEIDI	06219	\$39,310.00	APPOINTED	YES	06/29/09
DENNY	DANIKA	06217	\$55,830.00	APPOINTED	YES	06/29/09
DESAGUN	LYONEL	06219	\$53,900.00	APPOINTED	YES	06/29/09
DESANTIS	ADA	50910	\$50,080.00	APPOINTED	YES	06/29/09
DESENA	DONNA	06217	\$53,910.00	APPOINTED	YES	06/29/09
DESILVA	GINA M	06217	\$55,920.00	APPOINTED	YES	06/29/09
DESKOVICH	MARY	50910	\$48,600.00	APPOINTED	YES	06/29/09
DESPORT	BRIGITTE	06217	\$55,920.00	APPOINTED	YES	06/29/09
DESSALINES	HILDE	06219	\$54,940.00	APPOINTED	YES	06/29/09
DESSOUKY	IBRAHIM	06219	\$54,190.00	APPOINTED	YES	06/29/09
DEVEREAUX	THERESA	06219	\$55,230.00	APPOINTED	YES	06/29/09
DIAMOND	MELISSA	06219	\$54			

# 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.

☛ m27-30

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

## NUMBERED NOTES

**Numbered Notes are Footnotes.** If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.