

# NEW YORK CITY COMPTROLLER SCOTT M. STRINGER

Bureau of Contract Administration



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## Annual Summary Contracts Report for the City of New York, Fiscal Year 2019



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## Introduction

The Comptroller’s Office is charged with a number of NYC Charter (“Charter”) mandated responsibilities intended to safeguard the City’s financial health and root out waste, fraud and abuse in local government, including contract registration.<sup>1</sup> Specifically, the Charter requires that all contracts and agreements entered into by City agencies be registered by the Comptroller prior to implementation.<sup>2</sup> This requirement extends to all agreements memorializing the terms of franchises, revocable consents and concessions.<sup>3</sup>

The contract registration process ensures that there is adequate funding in the City’s treasury (or under the control of the City) to cover the cost of contracts and to ensure that the contracted vendors and procurement processes are free from corruption. The Comptroller’s Bureau of Contract Administration (“BCA”) fulfills this registration responsibility by reviewing submitted contracts for integrity, accountability and fiscal compliance and by serving as the final oversight in the City’s procurement process.

In addition to discharging the Comptroller’s Charter-mandated registration function, BCA is also responsible for publishing an annual summary report on franchises, concessions and contracts for goods and services pursuant to section 6-116.2(f) of the NYC Administrative Code (“Administrative Code”).<sup>4</sup> The current report (“Annual Summary Contracts Report” or “Report”) summarizes the City’s financial commitment assumed through contracts registered in City Fiscal Year 2019 (“FY19”). The data is derived from the City’s Financial Management System (“FMS”), a computerized database maintained by the Comptroller and the Mayor pursuant to section 6-116.2(a) of the Administrative Code.<sup>5</sup> This commitment is based on projected contract amounts at the time of registration and, unless otherwise indicated, is limited to the initial terms of the transactions.

As in the past five fiscal years, this Report provides a comprehensive analysis of contracts and agreements registered in FY19 in order to increase transparency in the City’s contracting process to ensure that municipal agencies serve the needs of all New Yorkers in an efficient and fair, cost-effective manner. To do this, BCA offers data and analysis beyond the minimum data requirements set forth in the Administrative Code, including comparative data and analysis of FY16, FY17, FY18, and FY19 registration transactions.<sup>6</sup>

Finally, this Report includes certain FY19 annual data produced by the Comptroller’s Bureau of Labor Law (“BLL”) and required to be published by sections 6-109 and 6-130 of the Administrative Code.<sup>7</sup>

# Report Structure

The statistical information and data set forth in this Report is presented in five parts and six sections as follows:

*Part I* includes the “Introduction” and this “Report Structure.”

*Part II* includes Sections 1 and 2.

Section 1 (“Summary Report”) offers a high level review of all registered transactions in FY19, including procurement methods, total registered contract values, and pertinent facts relating to the awarding agency, New York City affiliated agency, elected official or the City Council.<sup>8</sup>

Section 2 (“Contract Registrations by Award Method”) is organized into six general “Contract Groups”, each containing multiple award methods or contract types.<sup>9</sup> These “Contract Groups” include Registered Procurement Contract Actions by Competitive Award Methods, Registered Procurement Contract Actions by Limited or Non-Competitive Award Methods, Registered Procurement Contract Actions by “Other” Award Methods, Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules, Registered Procurement Contract Management Actions, and Registered Revenue Contract Actions.

*Part III* includes Section 3.

Section 3 (“Agency Specific Data & Supplemental Analysis”) features various contract-based analyses of interest, including registrations by industry classification, registered modifications, registered construction change orders, registered task orders pursuant to agency master agreements, contract registrations by Department of Education, New York City Economic Development Corporation and Health + Hospitals, certain real property-related registrations (*i.e.*, leases and licenses), emergency procurement approvals, contract retroactivity data, prompt payments, registered agency purchase order registrations, and agency-submitted contract Unlock and Override requests.

*Part IV* includes Section 4.

Section 4 (“Bureau of Labor Law FY19 Annual Report”) presents certain information required by sections 6-109 and 6-130 of the Administrative Code.<sup>10</sup>

*Part V* includes Sections 5 and 6.

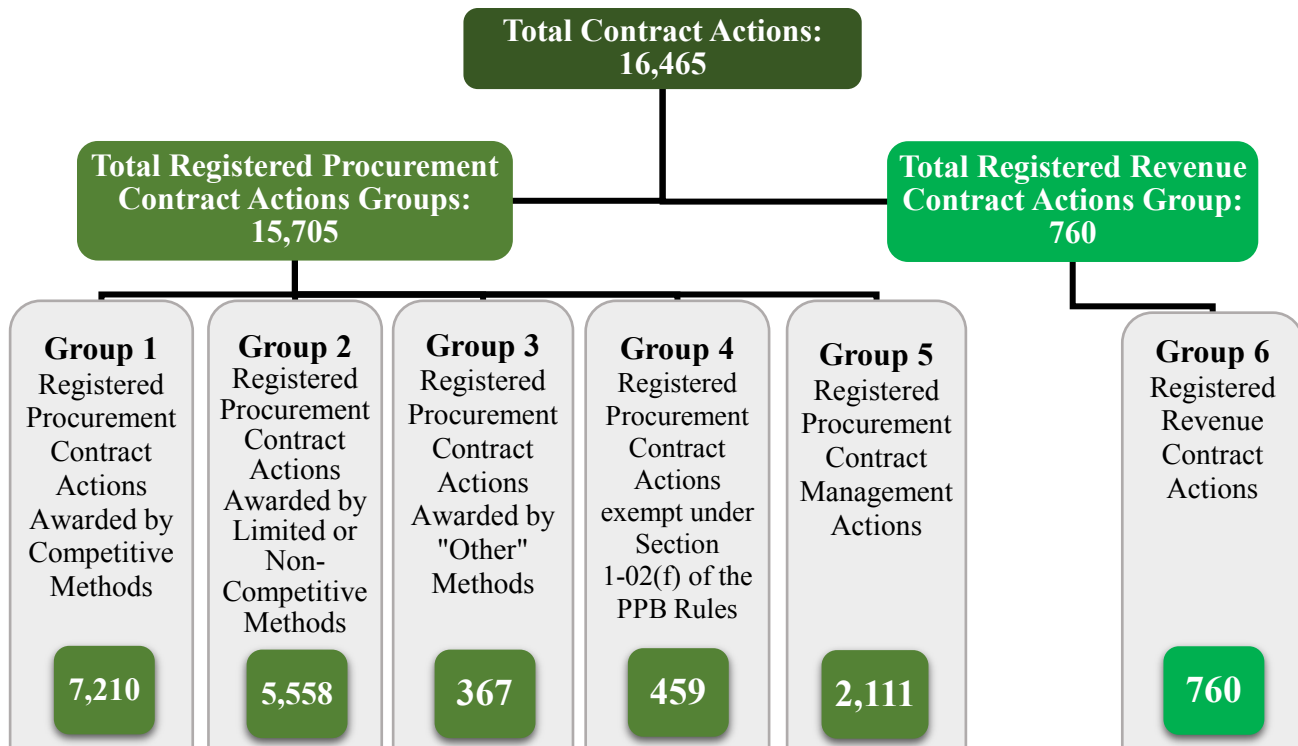
Section 5 (“Glossary”) defines relevant key City procurement and contract registration terminology.

Section 6 (“Appendices”) contains complete supporting data sets for the interposed tables as well as other data points required by the Administrative Code that are not specifically referenced in *Parts I* through *IV* of the Report.<sup>11</sup>

# Section 1: Summary Report

A total of 16,465 new Contract Actions (CTIs, RCTIs, MAIs and MMAIs) were registered in FY19 for the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council.<sup>12</sup> For the purposes of this Report, the term “Contract Actions” includes “Procurement Actions,” where the City generally spends money and “Revenue Actions,” where the City typically receives money.<sup>13</sup> The 16,465 figure does not include the 56,483 modifications (CTRs, MARs), 1,560 Task Orders (“TOs” or CTAIs) awarded pursuant to agency master agreements or the 155,857 Purchase Orders (“POs”) registered in FY19.<sup>14</sup> As indicated below, Procurement Actions and Revenue Actions each comprise of at least one “Contract Group.” Specifically, Procurement Actions are identified in “Contract Group” Nos. 1 - 5 and Revenue Actions are included in Contract Group No. 6. A side-by-side comparison of the categories and groups, which are generally based on FMS Award Method Codes or Contract Type Codes, are provided directly below in GRAPH I.

GRAPH I: REGISTRATION CATEGORIES



The 16,465 new Contract Actions registered in FY19 are broken down as follows:

- 15,705 Procurement Actions (based on the first five “Contract Groups” shown above) were registered for a total value exceeding \$25.8 billion.
- 760 Revenue Actions (based on the sixth “Contract Group” shown above) were registered for a total value exceeding \$529 million.<sup>15</sup>

TABLE I provides a historical comparison of the last three fiscal years of the total number of registered Contract Actions and total value of Procurement and Revenue Actions within FY19. As the data indicates, the total number of registered Contract Actions (*Procurement Actions*<sup>16</sup> + *Revenue Actions*<sup>17</sup>) increased significantly from FY18 to FY19, mainly due to a large increase in the total number of Renewals and City-

certified Minority and Women Owned Business Enterprise (“M/WBE”) Non-Competitive Small Purchases discussed in *Part II* of the Report. However, despite the 2,018 increase in the number of registered Procurement Actions, the total value of said registrations decreased by approximately \$3.5 billion (12%). Moreover, the total value of registered Revenue Actions increased by more than double the total value of registered Revenue Actions in FY18, or \$283 million (115.2%).

TABLE I: HISTORICAL COMPARISON OF TOTAL NUMBER AND TOTAL VALUE OF REGISTERED CONTRACT ACTIONS

Registration Category	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019
<b>Total No. of Registered Contract Actions</b>	14,375	13,715	14,166	16,465
<b>Total Value of Procurement Actions</b>	\$19,743,994,347	\$25,537,827,921	\$29,382,026,168	\$25,857,103,663
<b>Total Value of Revenue Actions</b>	\$573,826,328	\$1,123,290,043	\$246,289,345	\$529,928,947

### Registration - Overview

Registration is the process through which the Comptroller:

1. Sets aside funds to ensure that encumbered monies are available to pay contractors for contract work to be performed;
2. Maintains a registry of City agreements;
3. Presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity; and
4. Tracks City expenditures and revenues associated with those contracts and agreements.<sup>18</sup>

Further, and as briefly referred to in the *Introduction*, no contract or agreement, franchise, revocable consent or concession executed pursuant to the Charter or other law can be implemented until:

1. A copy has been filed with the Comptroller; and
2. Either the Comptroller has registered it or 30 days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed or the Comptroller has grounds to refuse registration.<sup>19</sup>

### NYC Administrative Code - Annual Summary Contracts Report Minimum Requirements

The Administrative Code requires the Comptroller to include certain information pertaining to franchises, concessions, goods and services contracts exceeding \$10,000 and construction contracts exceeding \$15,000, in a summary contracts report published annually by this Office.<sup>20</sup> Examples of required data include, but are not limited to:

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



## Expansion of Report's Minimum Requirements - Renewed Commitment to Transparency in Action

While the Administrative Code establishes minimum data inclusion requirements in this Report, it is impossible to truly understand the City's projected financial commitments assumed each fiscal year through registered Contract Action values without additional pertinent reporting metrics. In an effort to remedy this limitation and further this Office's commitment to fiscal transparency, this year's Report incorporates a significant amount of additional information in the form of statistical summaries and comprehensive lists, that help to paint a more robust picture of the City's assumed contract-specific liabilities. *Part III* includes:

- A. Contract registrations based on industry classifications;
- B. Registered modifications;
- C. Registered construction change orders;
- D. Task Orders registered through agency master agreements;
- E. DOE contract registrations;
- F. NYCEDC contract registrations;
- G. H+H contract registrations;
- H. Emergency procurement approvals;
- I. Lease and license registrations;
- J. Retroactive contract registrations;
- K. Prompt payments;
- L. Agency Purchase Order registrations; and
- M. Agency-submitted Contract Unlock and Override requests.

*\*The letters above correspond to the subsections within Section 3 of Part III of this Report.*

### Exclusions

Although this Report provides significant detail regarding Citywide Contract Actions registered in FY19, there are some areas where data is excluded either because it is not possible to be reported in the context of this Report or the data is already featured in an alternative publication issued by the Comptroller's Office, such as the *Comprehensive Annual Financial Report* detailing the City's fiscal year financial obligations. For example, and unless otherwise indicated, the following data is excluded from the FY19 Report:

- Increases and decreases in contract value following initial registration (which are represented in Section 3 of this Report);
- Subcontractor registration information;<sup>21</sup>
- Information on actual FY19 expenditures, payments or annual agency budget figures;
- Intra-city agency purchasing agreements; and
- Contracts entered into by NYC & Co., Brooklyn Navy Yard Development Corporation ("BNYDC"), Governor's Island and other similar entities that engage with the City's mayoral agencies through master contracts.<sup>22</sup>

### Registration and Reporting - Who Registered City Contracts in FY19

The City's mayoral agencies, City-affiliated agencies, elected officials, and the City Council all had Contract Actions registered in FY19, with the City's mayoral agencies accumulating the greatest volume of these transactions. Similar to prior fiscal years, the City's non-mayoral agencies (*i.e.*, New York City Department of Education ("DOE"), NYC Health + Hospitals or "H+H" (formerly New York City Health and Hospitals Corporation or "HHC"), the New York City Housing Authority ("NYCHA"), the City University of New York ("CUNY"), the Board of Elections ("BOE"), and New York City Economic

Development Corporation (“NYCEDC”)) can also be credited with a significant volume of Contract Action registrations, both in terms of quantity and dollar value. Although the Offices of the Borough Presidents, District Attorneys, Community Boards, the City Council, and other elected officials are represented in this Report, the overall volume of their registered Contract Actions is relatively small when compared to the substantial and diverse procurement portfolio of the City’s mayoral and affiliated agencies.

One important note to consider is, for some agencies, NYS law may preempt the application of the City’s procurement rules, either in part or altogether. For example, non-mayoral agencies are either not subject to, or are only partially subject to, the City’s procurement rules.<sup>23</sup> By operation of law, however, the contract registration requirements are set forth in sections 328 and 375 of the Charter.

## FY19 Annual Summary Contracts Report - Use of “Contract Groups” to Present Data

As previously mentioned, the data presented throughout this Report is derived from FMS, a database jointly administered by the Mayor and the Comptroller and maintained by Financial Information Services Agency (“FISA”), as required by section 6-116.2(a) of the Administrative Code.<sup>24</sup> FMS is the City’s primary tool for tracking contracts and the finances associated with those agreements.

Although registered Contract Actions are catalogued in FMS through several identifiers, such as Award Method Codes,<sup>25</sup> Contract Type Codes,<sup>26</sup> and Contract Category Codes<sup>27</sup>, the data published in *Part II* of this Report, as well as other relevant sections, is primarily analyzed and presented by Award Method Codes for both clarity and ease of comparison. Listed below are the six general “Contract Groups” that BCA created based on over 70 Award Method Codes currently used by City agencies when inputting registration data into FMS:

1. Registered Procurement Contract Actions Awarded by Competitive Methods;
2. Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods;
3. Registered Procurement Contract Actions Awarded by “Other” Methods;
4. Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules;
5. Registered Procurement Contract Management Actions; and
6. Registered Revenue Contract Actions.

With the exception of Revenue Actions, and unless otherwise indicated, all statistical information presented herein is based on the above categorization. CHART I lists these six “Contract Groups” as well as the Award Method Codes and Contract Type Codes that each are comprised of.

The “Contract Groups” were also shaped by the City’s Procurement Policy Board (“PPB”) Rules since the City’s mayoral agencies are responsible for the majority of registrations each fiscal year.<sup>28</sup> The parameters used to establish each of the six “Contract Groups” can be used to present registration data for non-mayoral agencies. Non-mayoral agencies are not always bound by the PPB Rules but the procurement processes they use to acquire goods and services are often very similar to those used by the mayoral agencies. For example, the “competitive sealed bidding” (“CSB”) procurement method is used by both DDC (mayoral agency) and DOE (non-mayoral agency) under similar circumstances. However, DDC must comply with the applicable PPB Rules when awarding a contract solicited by CSB whereas DOE is required to comply with its own *Procurement Policy and Procedures* (“PPP”) when using a bid to obtain the same goods or services.<sup>29</sup> The same is true for non-mayoral agencies such as H+H, CUNY and NYCHA.

As a result, all FY19 CSB contract registrations, regardless of whether the awarding agency is mayoral or non-mayoral, are captured using the individual Award Method Codes set forth under “Competitive Sealed

Bid Contracts” in CHART I below. The same logic and approach applies to “Contract Groups” Nos. 2 – 5. However, the sixth “Contract Group” listed under Revenue Actions is presented using Contract Type Codes.

CHART I: “CONTRACT GROUPS”<sup>30</sup>

Procurement Actions “Contract Groups”*	Award Method	Award Method Code(s)
<b>Group 1: Registered Procurement Contract Actions Awarded by Competitive Methods</b>	Competitive Sealed Bid Contracts**	01, 03, 35, 37
	Competitive Sealed Proposal Contracts**	02, 22, 36, 39
	Accelerated Procurement Contracts	27
	Small Purchase Contracts**	31, 32, 60, 109, 111, 112, 113
<b>Group 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods</b>	Discretionary (Line Item) Contracts	12, 38
	M/WBE Non-Competitive Small Purchase	72
	Intergovernmental Procurement Contracts***	25, 62, 251
	Negotiated Acquisition Contracts	21
	Determined by Government Mandate Contracts	26
	Determined by Legal Mandate Contracts	11
	Micropurchase Contracts	30
	Sole Source Contracts	05, 34
	Government-to-Government Contracts	17, 103
	Emergency Procurement Contracts	06, 33
	Demonstration Project Contracts	23
	Buy-Against Procurement Contracts	28, 106
Innovative Procurement Contracts	20	

\*For the purposes of Chart I and this Report, Contract Group Nos. 1 - 5 exclude Revenue Actions or “RCTIs” from the AM Codes.

\*\*Includes PQVL

\*\*\* Includes Intergovernmental Renewals.

Procurement Actions “Contract Group”	Award Method	Award Method Code(s)
<b>Group 3: Registered Procurement Contract Actions Awarded by “Other” Methods</b>	Leases/Lessee Negotiation Agreements	07
	Watershed Agreements	79, 107
	Assignment Contracts	29
	Force Account Negotiation Contracts	68
	DOE Listing Application Contracts	40
	Non-Procurement Contracts	18
	Contract Conversions	24
	Real Estate Sales & Purchase Agreements	78
	Loan Negotiations	8
	Bonds	99*
	Miscellaneous	99**
<b>Group 4: Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules</b>	Grant Agreements***	51, 102, 511
	Cable Service Negotiation Contracts	41
	Professional Membership Negotiation Contracts	42, 101
	Public Utility Contracts	44, 45
	Subscription Contracts	43, 100
<b>Group 5: Registered Procurement Contract Management Actions</b>	Renewals****	10, 61
	Negotiated Acquisition Extensions	211
<b>Revenue Actions “Contract Group”<sup>31</sup></b>	<b>Group 6: Registered Revenue Contract Actions by Contract Type</b>	
	<b>Contract Type</b>	<b>Contract Type Code(s)</b>
	Franchise Agreements	15
	Concession Agreements	20
	Revocable Consent Agreements	17
	Corpus Funded Agreements	25
	Other	10, 30, 72, 99
	Other Expense Contract or Revenue Related Contract	29
	Requirements Services Agreement	47

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

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

\*\*\*Includes Grant Renewals.

\*\*\*\*Excludes RCTIs, Intergovernmental Renewals and Grant Renewals.

## Section 2: Registrations by “Contract Group”

This section of the Report provides a range of statistical data, analysis and information pertaining to FY19 registrations.

As stated in Section 1, data in this Report is presented categorically and is generally based on the type of selection method utilized by the agency to undertake the contract transaction. As previously indicated, the broad term “Contract Actions” consists of two categories: Procurement Actions (consisting of five Contract Groups) and Revenue Actions (consisting of a single “Contract Group”). All six of the “Contract Groups” set forth in this section contain several individual FMS-based Award Method Codes or Contract Type Codes which correspond to the numerical codes listed in CHART I.

TABLE II and GRAPH 2 provide historical comparisons of the total number of registered Contract Actions and total registered Contract Action values in each of the six “Contract Groups” between FY16 and FY19. TABLE II also presents the total number of registered actions within each “Contract Group” as a percentage of all Contract Actions registered within the respective fiscal year. Supporting data for each of the “Contract Groups” listed in the table below is located in *Appendices 1-6*.

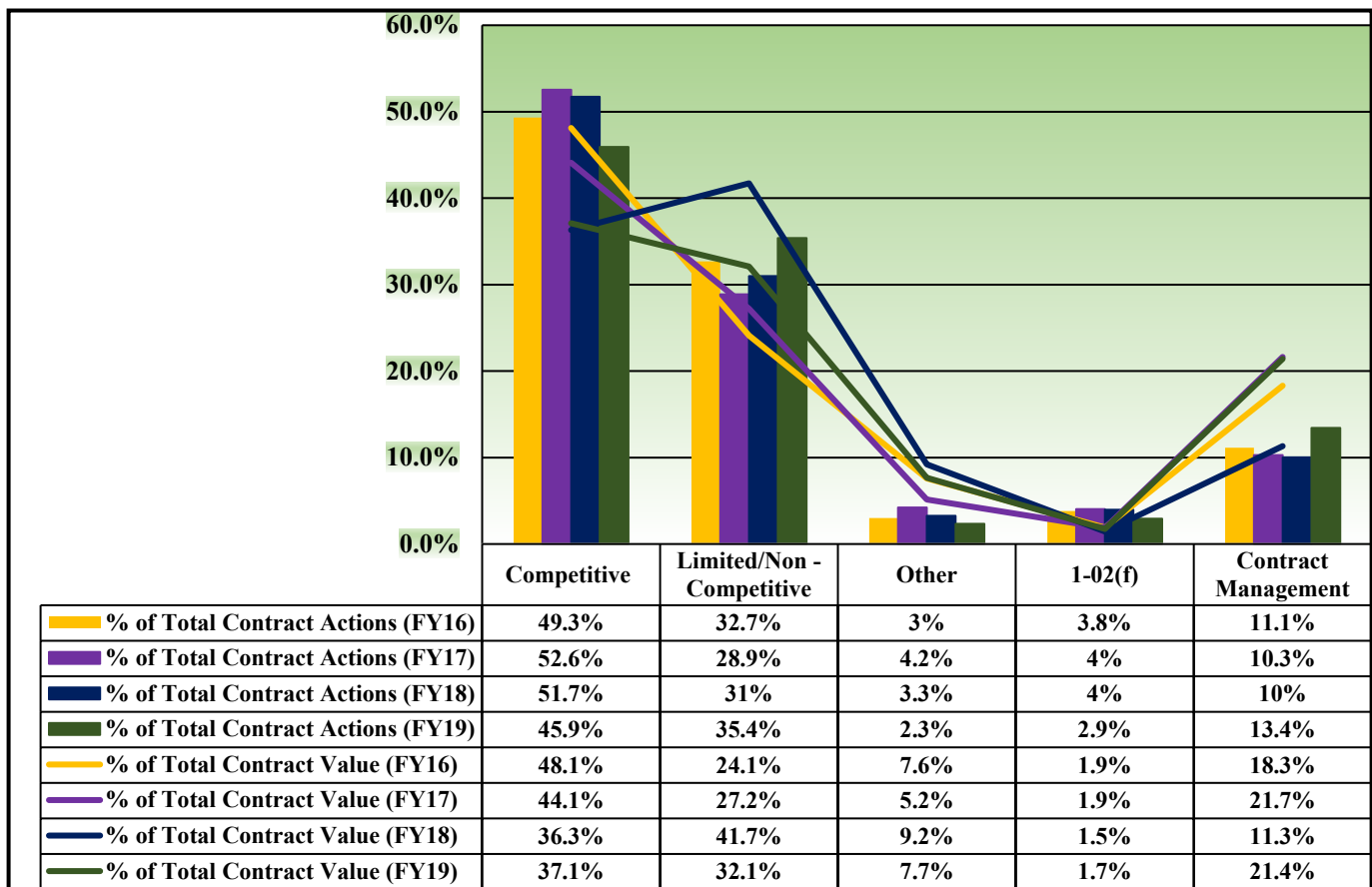
TABLE II: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS BY “CONTRACT GROUP”

“Contract Groups”		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019		
		Total No. Reg.	% of Total	Total No. Reg.	% of Total	Total No. Reg.	% of Total	Total No. Reg.	% of Total	% Change from FY18 – FY19
Procurement	Competitive	6,598	45.9%	6,919	50.4%	7,079	50%	7,210	43.8%	1.9%
	Limited/Non-Competitive	4,375	30.4%	3,802	27.7%	4,241	29.9%	5,558	33.8%	31.1%
	Other	404	2.8%	556	4.1%	449	3.2%	367	2.2%	-18.3%
	1-02(f)	513	3.6%	530	3.9%	545	3.8%	459	2.8%	-15.8%
	Contract Management	1,488	10.4%	1,356	9.9%	1,373	9.7%	2,111	12.8%	53.8%
	SUBTOTAL	13,378	93.1%	13,163	96%	13,687	96.6%	15,705	95.4%	14.7%
Revenue	Revenue	997	6.9%	552	4%	479	3.4%	760	4.6%	58.7%
	SUBTOTAL	997	6.9%	552	4%	479	3.4%	760	4.6%	58.7%
TOTAL		14,375	100%	13,715	100%	14,166	100%	16,465	100%	16.2%

As illustrated by TABLE II, the total number of registered Contract Actions across the six “Contract Groups” significantly increased by 2,299 from 14,166 in FY18 to 16,465 in FY19 (16.2% overall). The total number of registered Revenue Actions saw the greatest increase from 479 in FY18 to 760 in FY19 (58.7%). Two “Contract Groups” (“Other” and Section 1-02(f) of the PPB Rules or “1-02(f)”) decreased from FY18 to FY19. Of these two, the total number of “Other” Contract Actions registered continued to have the greatest decrease for the last two fiscal years, from 556 in FY17 to 449 in FY18 to 367 in FY19.

GRAPH II: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY REGISTRATION VALUE AND PERCENTAGES OF TOTAL CONTRACT ACTIONS AND TOTAL CONTRACT VALUE

	Competitive	Limited/Non - Competitive	Other	1-02(f)	Contract Management
<b>FY16</b>	\$9,500,014,464	\$4,759,065,295	\$1,496,413,601	\$374,285,717	\$3,614,165,270
<b>FY17</b>	\$11,262,127,494	\$6,955,096,496	\$1,317,418,331	\$474,465,915	\$5,528,719,686
<b>FY18</b>	\$10,665,013,780	\$12,259,207,498	\$2,710,822,890	\$425,180,105	\$3,321,801,894
<b>FY19</b>	\$9,598,186,806	\$8,296,366,260	\$1,977,298,578	\$450,305,783	\$5,534,946,237



GRAPH II provides a comprehensive look at the City’s procurement portfolio by a number of different factors including the level of competition used in selecting contractors, the frequency of each category by Procurement Actions and the contract values by category of Procurement Actions. In FY19, 45.9% of contract actions were procured by a competitive method followed by 35.4% procured by limited/non-competitive methods. While 45.9% of the total Contract Actions were competitive, these contracts only represents 37.1% of the total contract value of contracts procured in FY19. By comparison, Contract Management Actions represented 21.4% of the total contract value in FY19 despite the fact that this category only accounted for 13.4% of the total number of Contract Actions.

As illustrated in GRAPH II and based on the data presented in TABLE II, although the total number of Procurement Actions awarded by competitive methods has consistently increased from 6,919 in FY17 to 7,079 in FY18 to 7,210 in FY19 (1.9% increase from FY18 to FY19), the total registration value continued

to decrease from \$11,262,127,494 in FY17 to \$10,665,013,780 in FY18 to \$9,598,186,806 in FY19 (10% increase from FY18 to FY19). Notwithstanding that the total number of Procurement Actions awarded by limited or non-competitive methods increased from 4,241 in FY18 to 5,558 in FY19 (31.1%), the total registration value decreased from \$12,259,207,498 in FY18 to \$8,296,366,259 in FY19 (32.3%). Overall, the total registration value of Contract Management Actions saw the greatest increase across the six Contract Groups, from \$3,321,801,894 in FY18 to \$5,534,946,237 to FY19 (66.6%). The total number of Contract Actions under 1-02(f) has remained consistent from 513 in FY16 to 530 in FY17 to 545 in FY18 and, finally, to 459 in FY19. The total number of Contract Management Actions saw the greatest increase within the Procurement Contract Actions from 1,373 in FY18 to 2,111 in FY19 (53.8%).

TABLE III: TOP TEN REGISTERED PROCUREMENT ACTIONS BY VALUE

Rank	Contract No.	Agency	Vendor Name	Contract Description	Award Method	Registered Value
1	20191405962	DOHMH	Animal Care and Control of New York City, Inc.	Care For Lost, Mistreated and Neglected Animals	Negotiated Acquisition	\$1,487,966,471
2	20196200482	SBS	NYCEDC	Citywide Economic Development Services	Sole Source	\$1,427,680,000
3	20209050100	DOE	NYC School Support Services, Inc.	Custodial Staffing Services	Renewal of Contract	\$680,979,037
4	20191200196	DOITT	CDW Government LLC	Citywide IT Purchasing Contract	Intergovernmental Procurement	\$645,259,245
5	20196200481	SBS	NYCEDC	Maritime, Aviation, Rail Freight, Market, & Intermodal Services	Sole Source	\$639,114,000
6	20196200331	DEP	New York Power Authority	Energy Service Program Agreement	Government to Government	\$500,000,000
7	20195000075	DCAS	Downtown NYC Owner LLC	Construction and Lease for DOI at 180 Maiden Lane, NYC	Lessee Negotiation	\$352,780,502
8	20191403335	FDNY	Fc Flatbush Associates II LLC	Lease for FDNY at 9 Metrotech, Brooklyn	Lessee Negotiation	\$293,180,184
9	20191200181	DOITT	Shi International Corp.	Citywide IT Purchasing Contract	Intergovernmental Procurement	\$284,722,625
10	20196200676	DCAS (DMSS)	Securitas Security Services USA, Inc.	Renewal of Security Guard and Related Services - Pool 2	Renewal of Contract	\$284,000,000
	20196200631	DCAS (DMSS)	FJC Security Services, Inc.	Renewal of Security Guard and Related Services - Pool 2	Renewal of Contract	\$284,000,000
<b>TOTAL</b>						<b>\$6,879,682,064</b>

TABLE III lists the “Top Ten” registered Procurement Actions by value in FY19. As indicated, the largest contract registered in FY19 was DOHMH’s \$1.487 billion contract with Animal Care and Control of New York City, Inc., which accounted for approximately 55% of the agency’s total registration value that year (\$2,691,596,964). As in the prior fiscal years, SBS’ two annual master agreements with NYCEDC for citywide economic development services and maritime, aviation, rail freight, market and intermodal services made the “Top Ten” list in FY19 (#2 and #5). When combined, the total registration value of these two contracts accounted for over 84% of the agency’s total registration value in FY19. Overall, the agencies that had the most contracts identified on the “Top Ten” highest contracts registered by value table in FY19 was DCAS with three Procurement Actions, followed by SBS and DoITT with two Procurement Actions each. As TABLE III indicates, two security guard contracts were tied for #10 spot in FY19 – a \$284 million contract with Securitas Security Services, USA, Inc., and FJC Security Services, Inc.

A “Historical Comparison of the Top Ten Agencies by Total Registered Contract Action Value” is provided in TABLE IV, and TABLES V and VI list the “Top Five Agencies” by Total Registered Procurement Contract Action Value and Registered Revenue Contract Action Value in FY19, respectively.

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

Rank	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Agency	Total Registration Value	Agency	Total Registration Value	Agency	Total Registration Value	Agency	Total Registration Value
1	ACS	\$2,630,678,142	DOE	\$3,252,259,969	DCAS	\$8,617,602,072	DOE	\$3,191,464,973
2	SBS	\$2,624,663,703	DDC	\$3,226,906,130	DHS	\$3,517,198,477	DOHMH	\$2,691,596,964
3	DOE	\$2,295,076,377	DSNY	\$3,180,450,183	DDC	\$2,723,677,855	SBS	\$2,454,718,996
4	DDC	\$1,604,778,145	SBS	\$2,991,435,103	SBS	\$2,633,931,807	DDC	\$2,150,231,677
5	DEP	\$1,294,553,229	ACS	\$2,500,812,453	DCAS (DMSS)	\$1,484,787,416	DCAS (DMSS)	\$1,672,559,440
6	DCAS (DMSS)	\$1,059,838,332	DOT	\$1,695,325,812	DOE	\$1,448,119,680	DEP	\$1,659,837,997
7	DYCD	\$851,059,342	DoITT	\$1,376,987,699	DOT	\$1,284,972,319	DHS	\$1,415,756,819
8	DHS	\$834,632,513	HRA (DSS)	\$1,032,908,495	DEP	\$1,144,039,625	DoITT	\$1,369,045,909
9	DCAS	\$783,009,864	DCAS (DMSS)	\$1,027,848,615	HRA (DSS)	\$932,146,518	DOT	\$1,141,350,705
10	HRA	\$731,074,843	DCAS	\$997,700,153	DOITT	\$851,637,741	DCAS	\$1,098,809,590
<b>TOTAL</b>		<b>\$14,709,364,490</b>		<b>\$21,282,634,613</b>		<b>\$24,638,113,511</b>		<b>18,845,373,070</b>

The “Top Ten” agencies registered over \$18.8 billion of the City’s \$26.4 billion in Contract Actions in FY19, with DOE and DOHMH accounting for approximately 22.3% of the City’s \$26.4 billion in Contract Actions. DOE, which has appeared on the “Top Ten” list since FY14 landed the #1 spot in FY19 with approximately \$3.2 billion. DOHMH, which last made the list in FY14 reappeared in FY19 at the #2 spot with over \$2.6 billion. The agency’s \$1,487,966,471 agreement with Animal Care and Control of New York City, Inc. is for a term of approximately 34 years for the provision of animal care services (shelter, hold, examine, test, treat, spay/neuter, place for adoption, assure humane care and disposition of, and



otherwise control animals) at NYC holding facilities, held the #2 spot in FY19. Over the last six fiscal years, the only agencies to consistently make the “Top Ten” list have been DCAS, DDC, DOE and SBS.

TABLE V: TOP FIVE AGENCIES BY TOTAL REGISTERED PROCUREMENT CONTRACT ACTION VALUE IN FY19

Rank	Agency	Total Registration Value
1	DOE	\$3,191,464,973
2	DOHMH	\$2,691,596,964
3	SBS	\$2,454,718,996
4	DDC	\$2,150,231,677
5	DCAS (DMSS)	\$1,672,559,440

TABLE VI: TOP FIVE AGENCIES BY TOTAL REGISTERED REVENUE CONTRACT ACTION IN VALUE IN FY19

Rank	Agency	Total Registration Value
1	COMP	\$484,582,000
2	DPR	\$19,872,894
3	DCA	\$14,927,084
4	DOT	\$5,665,302
5	DoITT	\$4,491,667

TABLES V and VI provides two “Top 5” lists of agencies with the highest total registered Procurement Action value and total registered Revenue Action value. It is worth mentioning that the agencies that made the “Top 5” list for the highest total registered Procurement Action value did not make the “Top 5” list for the highest total registered Revenue Contract Action value and vice versa. For example, the Comptroller’s Office did not make the “Top 5” list for the total value of its registered Procurement Actions in FY19, but it did take the top spot for the total registered Revenue Actions for the same period at just under \$485 million. The Comptroller’s Office #1 position is the result of the registration of multiple revenue agreements, including 32 renewals, with an aggregate value exceeding \$300 million. One important note to mention is all of the registered Revenue Actions processed by Comptroller’s Office were Corpus Funded agreements for finance pension-related expenses. The Comptroller’s Office did not receive or collect under \$485 million. Corpus Fund agreements are explained in greater detail in *Part II* of the Report.

# Total Registered Procurement Contract Actions in FY19

## CONTRACT GROUP NO. 1: Registered Procurement Contract Actions by Competitive Methods

Obtaining the best quality goods and services at either the lowest cost or the best value should be the paramount tenet of every effective procurement system. To achieve this outcome, use of competitive award methods, such as Competitive Sealed Bids (“CSBs”) or Competitive Sealed Proposals (“CSPs”), are often used by the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council to enter into contracts. Competitive sealed bidding is the default award method under the NYS General Municipal Law (“GML”) and the PPB Rules for public works contracts and can be considered an effective procurement method to procure goods and services for the City. Depending on the type of procurement, CSPs may also be the default method.<sup>32</sup>

An agency may only proceed with an alternative method of procurement when it first determines that the use of competitive sealed bidding is either not practicable or advantageous to the City under the circumstances.<sup>33</sup> Each agency contract file must contain documentation of such “special case” determination and the basis upon which each contract is awarded.<sup>34</sup> For purposes of this Report, Procurement Actions awarded via “Competitive Award Methods” include CSBs, CSPs, Accelerated Procurements and Small Purchases.

As demonstrated by TABLE VII below, the number of Procurement Actions awarded by competitive methods continued to increase in FY19 (from 7,079 in FY18 to 7,210) or just under 2% in FY19. Conversely, the total registered value for these competitive contract registrations continued to decrease from \$11,262,127,494 in FY17 to \$10,665,013,780 in FY18 to \$9,598,186,806 in FY19 (10% increase from FY18 to FY19).

TABLE VII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY COMPETITIVE METHODS<sup>35</sup>

Award Method*	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CSB**	918	\$4,486,525,324	958	\$4,562,373,980	927	\$5,011,664,246	873	\$4,736,191,433
CSP**	1,116	\$4,809,487,538	814	\$6,348,831,010	895	\$5,357,752,999	876	\$4,532,231,487
Accelerated Procurement	91	\$52,086,346	85	\$182,944,952	99	\$126,370,613	101	\$171,714,679
Small Purchase**	4,473	\$151,915,256	5,062	\$167,977,551	5,158	\$169,225,923	5,360	\$158,049,207
<b>TOTAL</b>	<b>6,598</b>	<b>\$9,500,014,464</b>	<b>6,919</b>	<b>\$11,262,127,494</b>	<b>7,079</b>	<b>\$10,665,013,780</b>	<b>7,210</b>	<b>\$9,598,186,806</b>

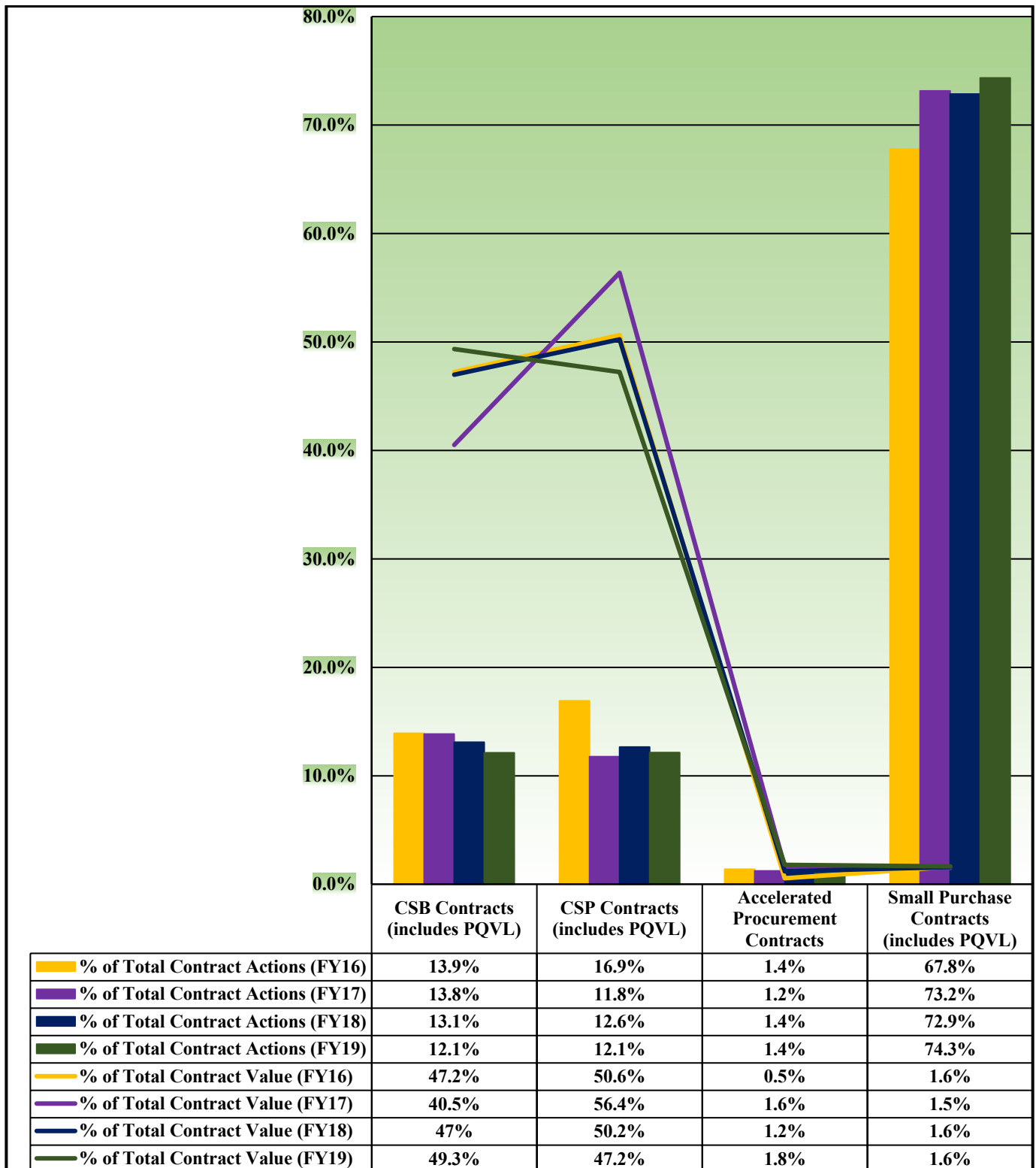
\*Excludes RCTIs.

\*\*Includes PQVL.

GRAPH III provides a historical comparison of Procurement Actions awarded by competitive methods as a percentage of total dollar value and as a percentage of the total number of actions registered within the applicable fiscal year. For instance, just over 74% of the total number of FY19 Procurement Actions were awarded using the Small Purchases Competitive Procurement Method. However, while it represents the

most frequently used competitive procurement method, Small Purchases only represent 1.6% of the total City competitive procurement value by dollars.

GRAPH III: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY PERCENTAGES OF TOTAL CONTRACT ACTIONS AND TOTAL CONTRACT VALUE\*



\*See Part II of this Report for an explanation of how to analyze the information presented in this Graph.

## Competitive Sealed Bid Contracts

CSB refers to a type of procurement method where the award of a contract is made to the lowest responsive and responsible bidder or to the responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids (“IFB”) and represents the best value to the City.<sup>36</sup> Bids are solicited through an IFB, which generally includes a purchase description bid tab and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.<sup>37</sup> Agencies may also solicit bids from vendors who have been prequalified for the provision of goods, services or construction by mailing notice to each prequalified vendor or, if special circumstances require, to a selected prequalified vendors (“PQVL”) list.<sup>38</sup>

A determination to employ selective solicitation for a particular procurement or for a particular class of procurements must be made in writing by the agency and must be approved by the Mayor, unless the Mayor, upon adequate assurances of an agency's capacity to comply with procedural requirements, has determined that such approval is not required for the agency procurement at issue or for a particular class of procurements.<sup>39</sup>

In FY19, the CSB method had the highest total registered value for competitive contract registrations at \$4,736,191,433, representing 49.3% of the total registered value of Registered Procurement Contract Actions awarded by Competitive Methods. The largest CSB contract registered in FY19 was between DSNY and MPCC Corp., for the construction of a new Brooklyn Community District 3 Garage, in the amount of \$169,373,773 (CT1 20191420356). The largest PQVL CSB registered in FY19 was between DDC and EW Howell Co., LLC, for the construction of a new library branch in Far Rockaway, Queens, in the amount of \$33,233,911 (CT1 20181429132).<sup>40</sup>

## Competitive Sealed Proposal Contracts

A CSP is another type of competitive procurement method that an agency may use after it first determines that a CSB procurement method is not practicable or advantageous to the City under the circumstances.<sup>41</sup> Competitive Sealed Proposals are solicited through request for proposals (or “RFP”) and are primarily used to award contracts for information technology (“IT”), architecture, engineering, accounting, legal, scientific, research or other similar services. Ultimately, the contract is awarded to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price and such other factors or criteria as set forth in the RFP.

To ensure a level playing field, no other factors or criteria may be used by the agency when evaluating proposal submissions for award. Further discussions may be conducted with responsible offerors who submit proposals, provided that offerors are accorded fair treatment with respect to any opportunity for discussion and the revision of the proposals.

Like bids, CSPs may also be solicited from vendors who have been prequalified for the provision of a good or service by mailing notice to each prequalified vendor or, if special circumstances require, to a selected PQVL list using a process similar to bids.<sup>42</sup>

As indicated in TABLE VII, the CSP procurement method had the lowest total registered value in FY19 when compared to the total registered values for the CSP procurement method in the prior three fiscal years. The largest FY19 registered contract procured via CSP was entered into by the Mayor’s Office of Criminal Justice at \$268,993,814 with The Legal Aid Society for the provision of legal representation for indigent criminal defendants at the trial-level (CT1 20191410397).

## Accelerated Procurement Contracts

An Accelerated Procurement contract enables DCAS to quickly obtain specific commodities approved by the City Chief Procurement Officer (“CCPO”), such as chemicals, energy and food, when the PPB-approved markets experience significant shortages and/or short-term price fluctuations.<sup>43</sup> Pursuant to Section 3-07(e)(3) of the RRB Rules, Accelerated procurements are exempt from Comptroller registration of the contract, however the agency shall, as soon as is practicable, and not more than thirty days from the date of award, submit such procurement to the Comptroller’s Office.

The largest Accelerated Procurement contract registered in FY19 was between DCAS (DMSS) and Sprague Operating Resources, LLC, for the purchase of diesel and biodiesel fuel (MA1 20191202656). At the time of registration, this agreement had a total value of \$35,574,382.

## Small Purchase Contracts<sup>44</sup>

Small Purchases are procurements for goods, services, construction and/or construction-related services valued at no more than \$100,000 – the current “Small Purchase Limit.” According to the Charter, the PPB and the City Council may, by concurrent action, establish dollar limits for the procurement of goods, services, construction and/or construction-related services that may be made without competition or without public advertisement.<sup>45</sup> These awards, however, remain subject to all other requirements of the PPB Rules.<sup>46</sup> Additionally, the PPB Rules outline a competition objective for the award of Small Purchases, currently known as the “5+10” method.<sup>47</sup> Specifically, agencies are required to solicit bids from a list of five randomly selected vendors and at least ten randomly selected City-certified M/WBE vendors when making awards over \$35,000 for construction procurements and over \$20,000 for goods and services but no more than \$100,000.<sup>48 49</sup>

Although a procurement conducted via any other method defined by the PPB Rules may result in a contract value below the Small Purchase Limit, only those contracts awarded via the 5+10 method are considered “true” Small Purchases. In FY19, 5,360 Small Purchase registrations accounted for approximately \$158 million of agency purchasing activity.<sup>50</sup>

## CONTRACT GROUP NO. 2

### Registered Procurement Contract Actions by Limited or Non-Competitive Methods

Registered contracts procured by limited or non-competitive award methods define the second Contract Group. A historical comparison of these actions starting in FY16 is provided in TABLE VIII and GRAPH IV provides an FY19-specific look at Procurement Actions awarded by limited or non-competitive award methods as a percentage of the total value of registrations within Contract Group No. 2. Use of limited or non-competitive award methods are typically restricted to situations where full competition is neither practicable nor possible due to factors such as:

1. Time-sensitive situations (*i.e.*, preserving continuity of services) should an agency terminate a contract with an existing vendor;
2. Limited vendor pool with the requisite operating capacity;
3. Existence of only a single provider of the necessary goods and/or services; and/or
4. Where the selection process is dictated by the funding source (*i.e.*, federal government grant).<sup>51</sup>

TABLE VIII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY LIMITED OR NON-COMPETITIVE METHODS<sup>52</sup>

Award Method	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Discretionary	2,548	\$188,550,780	2,322	\$192,219,817	2,715	\$250,338,404	3,029	\$249,934,362
M/WBE Non-Comp. Small Purchases*	0	\$0	0	\$0	207	\$13,736,869	1,100	\$80,997,036
Intergovernmental**	705	\$518,684,116	660	\$837,422,905	558	\$467,899,292	610	\$1,495,892,747
Negotiated Acquisition	259	\$290,782,017	329	\$2,425,836,913	261	\$1,558,617,809	230	\$2,204,105,824
Determined by Gov't Mandate***	104	\$111,741,568	93	\$104,874,162	147	\$140,082,607	192	\$444,312,413
Micropurchase	115	\$1,702,400	140	\$2,144,101	105	\$1,633,004	160	\$2,102,292
Sole Source	74	\$2,800,477,398	61	\$3,102,167,494	89	\$2,704,418,101	80	\$2,489,029,164
Government to Government	91	\$336,019,954	53	\$134,823,532	78	\$6,946,724,868	78	\$1,123,013,692
Emergency	132	\$155,405,830	97	\$93,195,792	70	\$159,719,390	57	\$94,881,913
Demonstration	8	\$14,721,801	26	\$29,507,335	9	\$11,741,153	14	\$41,399,712
Buy-Against	9	\$10,704,392	3	\$22,791,216	2	\$4,296,000	4	\$31,925,761
Innovative	330	\$330,275,039	18	\$10,113,229	0	\$0	4	\$38,771,343
<b>TOTAL</b>	<b>4,375</b>	<b>\$4,759,065,295</b>	<b>3,802</b>	<b>\$6,955,096,496</b>	<b>4,241</b>	<b>\$12,259,207,498</b>	<b>5,558</b>	<b>\$8,296,366,260</b>

\*Two of the contracts included in this Group were registered as a Purchase Order and a Task Order, not as a CTI.

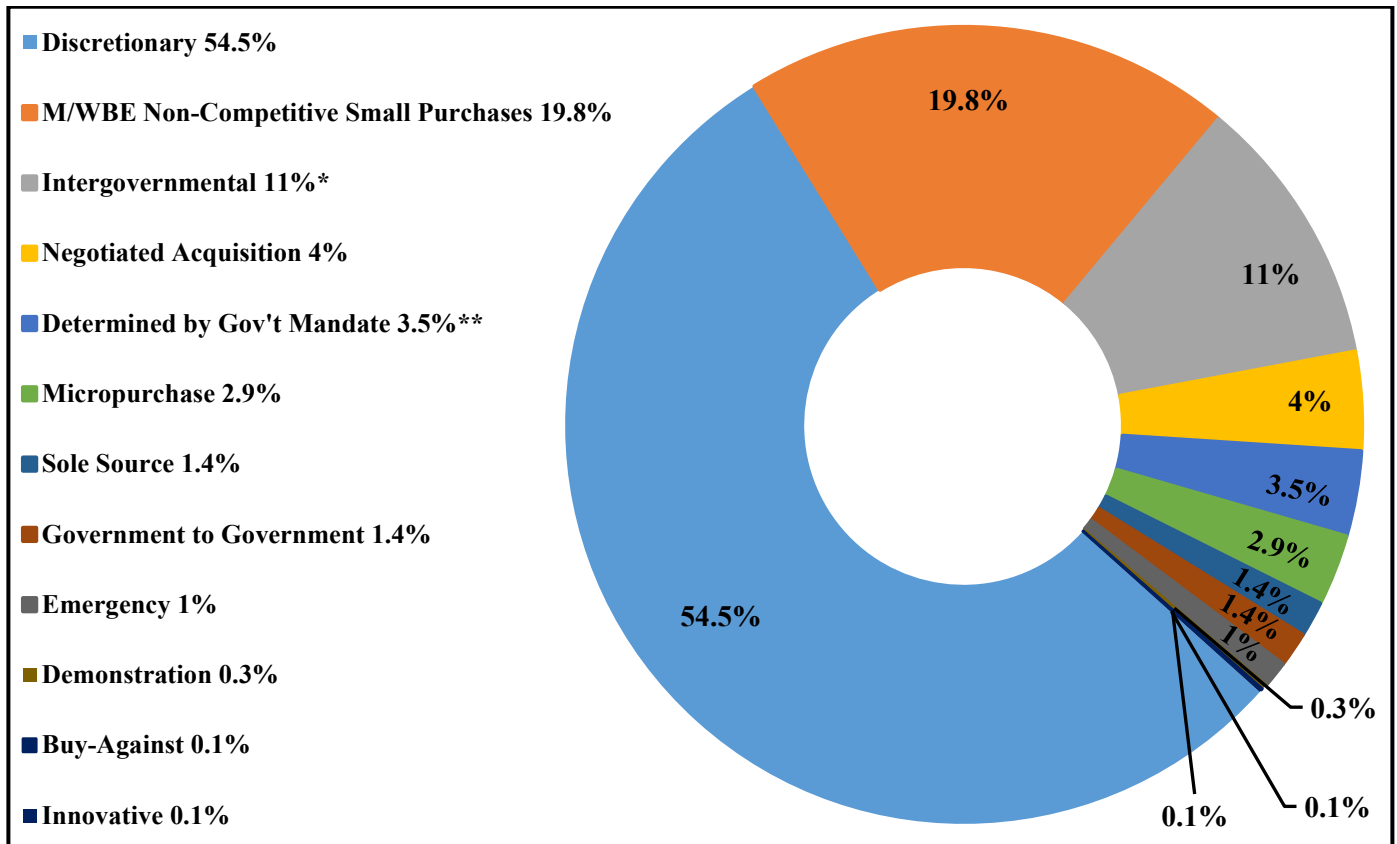
\*\*Includes Intergovernmental Renewals.

\*\*\*Includes Determined by Legal Mandate Contracts.

Based on the data presented in TABLE VIII, 5,558 contracts procured via limited or non-competitive award methods were registered in FY19 for a total registered value of \$8,296,366,260. While the total number of

registered Contract Actions procured within this category experienced an increase of approximately 31.1% from FY18 (4,241) to FY19 (5,558), the total registered value of such actions decreased disproportionately from \$12,259,207,498 in FY18 to \$8,296,366,260 in FY19 (nearly 32.3%).

GRAPH IV: REGISTERED PROCUREMENT ACTIONS BY LIMITED OR NON-COMPETITIVE METHODS BY PERCENTAGES IN FY19



\*Includes Intergovernmental Renewals.

\*\*Includes Determined by Legal Mandate Contracts.

### Discretionary (Line Item) Contracts

Discretionary Contracts are agreements between City agencies and not-for-profit organizations or other public service vendors identified by elected City officials other than the Mayor and the Comptroller.<sup>53</sup> Although these agreements are funded by the respective elected officials' available discretionary funding, the contracts are actually administered by City agencies.

In FY19, 3,029 Discretionary Contracts were registered across 19 agencies for a total value of \$249,934,362. As was the case in FY18, DYCD processed the most Discretionary Contracts in FY19, at 1,634, for a total registered value of \$83,583,596, representing the largest cumulative value of this type of procurement in FY19. The single largest registered Discretionary Contract, on the other hand, was entered into by the SBS at \$7,554,200, with Consortium for Worker Education in connection with the Workforce Revitalization Program (CT1 20191420449).

### M/WBE Non-Competitive Small Purchases

On December 29, 2017, Governor Cuomo signed into law an amendment to the NYC Charter permitting the PPB to increase the minimum amount that contract awards may be made by City agencies to M/WBEs

without formal competition from \$20,000 to \$150,000. Accompanying the law change was a letter from the Governor conveying his full support for the increase to the discretionary contract threshold indicating that such change will not only provide M/WBEs with more opportunities to participate in local City procurement efforts, but will also remove potentially time-consuming barriers that limit M/WBE expansion and growth.

In advance of the section 3-08 of the PPB Rules amendment becoming effective, in FY18, the Comptroller's Office worked with both the Mayor's Office of Contract Services ("MOCS") and Financial Information Services Agency ("FISA") to develop a strategy which permitted the City to the use of section 3-12 of the PPB Rules ("Innovative Procurements") to make these type of contract awards to City M/WBEs. Together, the Comptroller's Office and MOCS created guidance documents to assist City agencies on how to properly make these awards as an interim solution until the Board voted to adopt the changes into the PPB Rules in September 2018.

On November 5, 2018, an amendment to section 3-08 of the Procurement Policy Board ("PPB") Rules became effective creating a subtype of small purchases known as "M/WBE Non-Competitive Small Purchases."<sup>54</sup> The M/WBE Non-Competitive Small Purchase award method allows agencies to make purchases of goods and services from M/WBEs in amounts not exceeding \$150,000 without competition.

In FY19, a total of 1,100 M/WBE Non-Competitive Small Purchases were registered using this new method for a total of \$80,997,036. DEP had the largest volume of registered M/WBE Non-Competitive Small Purchases, at 125, for total cumulative contract value of \$9,826,013. The agency with the second highest total value of M/WBE Non-Competitive Small Purchases was DOHMH at \$5,188,485 (across 84 contracts).

Looking forward, on July 15, 2019, Governor Cuomo signed into law an amendment to the NYC Charter which authorizes the PPB to increase the maximum amount of M/WBE Noncompetitive Small Purchases from \$150,000 to \$500,000 and include construction in addition to goods and services.<sup>55</sup> The Comptroller's Office and the Mayor's Office is actively working with FISA on implementing these changes. The PPB voted for a new threshold amount of \$500,000 and the new rule became effective January 1, 2020.

## Intergovernmental Procurement Contracts

The Intergovernmental Procurement award method is used whenever an agency procures, orders or awards a contract for goods, services, construction or construction-related services through a contract let by another government entity.<sup>56</sup>

The two most common government entities that City agencies purchase through are the United States General Services Administration ("GSA")<sup>57</sup> and the New York State Office of General Services ("OGS").<sup>58</sup> An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. Additionally, the agency must also certify that the contract price is fair and reasonable.

New York State Finance Law provides OGS with expansive authority permitting the City to purchase through State contracts.<sup>59</sup> Cooperative purchasing, a procurement conducted by one government entity on behalf of other government entities, is also permissible so long as the agency first determines that use of such award method is in the City's best interest.

During FY19, 610 Intergovernmental Procurement contracts were registered. DoITT had the highest aggregate value of registered Intergovernmental Procurement contracts, at \$942,930,555 (across 18 agreements). For the second consecutive fiscal year, the largest Intergovernmental Procurement contract



was entered into by DoITT, at \$645,259,245, with CDW Government, LLC, for the provision of IT solutions and services (MA1 20191200196).

## Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO approval, to negotiate contracts directly with vendors under specific circumstances when use of procurement methods like CSB and CSPs are neither practicable nor advantageous to the City.<sup>60 61</sup>

The largest registered FY19 contract procured via the Negotiated Acquisition method was a \$1,487,966,471 DOHMH agreement with Animal Care and Control of New York City, Inc., to provide services related to the care of lost, mistreated or neglected animals as well as to promote adoption (CT1 20191405962). This represents the largest contract registered in FY19, regardless of Contract Group, and largest registered Negotiated Acquisition contract included in any of the past five reports issued. Law Department entered in the most Negotiated Acquisition contracts in FY19 at 60, followed by DOHMH, at 46.

## Determined by Government Mandate Contracts

For the purposes of this Report, Determined by Government Mandate contracts consist of both Required Method and Required/Authorized Source contracts since both share the same Award Method Code 26. Both are discussed below.

### Required Method

Required Method is used by a City agency whenever an outside funding source, statute, rule, court order, consent decree, or other applicable law, specifies the selection method that must be used to award the contract. While selection of the procurement method itself is not governed by the PPB Rules, the contracting agency must comply with all other applicable requirements of the Rules.<sup>62</sup> For example, section 162 of the NYS Finance Law confers preferred source status on certain vendors for a pre-determined set of goods and services.<sup>63</sup> As a result, when an agency requires goods or services covered by this law, it must use the source selection method that the law specifies.

One example of a Determined by Government Mandate contract is a Required Method that was registered in FY19 is a \$7,277,247 agreement between HRA and New York State Industries for the Disabled, Inc., for the provision of transporting documents (interoffice bulk mail, bulk case records, standardize boxes of forms and supplies, light furniture and other items) among departments within HRA (CT1 20191413786).

### Required/Authorized Source

Required/Authorized Source is used whenever an outside funding source, statute, rule, court order, consent decree or other applicable law, specifies the vendor that a City agency must use to obtain the goods or services. With the exception of source selection, a contracting agency must comply with all other applicable requirements of the PPB Rules. For example, if an agency applies for funding from the United States Department of Agriculture, and the federal agency names the specific vendor that the applicant/recipient must use in order to receive the funding, the City agency must contract with that named vendor directly.

For reporting purposes, the number and value of registered contracts awarded by Required Method and Required/Authorized Source are combined as they share the same award method code in FMS (Award Method Code 26). In FY19, 192 Determined by Government Mandate contracts were registered across 19 agencies for a total value of \$444,312,413. DOHMH entered into the most Determined by Government Mandate contracts with 47, followed by DOE, at 42. The largest Determined by Government Mandate

contract was a \$92,058,521 agreement between DEP and Watershed Agricultural Council to continue the implementation and repair/replacement of agricultural best management practices (CT1 20191412321)

## Micropurchase Contracts

Micropurchases are a subset of “Small Purchases” and consist of the acquisition of goods and/or services in an amount valued up to and including \$20,000 and construction procurements valued up to and including \$35,000 (“Micropurchase Limits”).<sup>64</sup> As long as the value of the procurement does not exceed the applicable Micropurchase Limit, no formal competition is required so long as agencies ensure that awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.<sup>65</sup> While FMS data identifies that 160 Micropurchases were registered in FY for a total registration value of \$2,102,292, this may not represent the total volume of Micropurchases since the City has the ability to process Micropurchases through the Citywide Purchasing Card (P-Card) Policies and Guidelines.

As in FY18, DPR continued to post the largest volume of registered Micropurchase contracts, at 51. DYCD had the largest total value of registered Micropurchases, at \$666,653.

## Sole Source Contracts

A Sole Source contract is awarded to a vendor without competition after the agency determined that there is only one source for the required goods, services and/or construction.<sup>66</sup> A Sole Source contract may also be entered into with a vendor that owns proprietary software since, by default, that vendor is the only source for the procurement of that software. To ensure that only one source of the goods, services or construction in question, every “single source” determination made by an agency must be published in *The City Record* and include language soliciting applications from any other vendor(s) who may be qualified or interested providing such goods, services or construction.<sup>67 68</sup>

In FY19, 80 Sole Source contracts were registered across 25 agencies for a total registered value of \$2,489,029,164. DOHMH entered into the most Sole Source contracts, at 13, for a total cumulative registered value of \$52,047,164.<sup>63</sup> For the second consecutive fiscal year, SBS had the largest cumulative value of registered agreements at \$2,291,307,399 (across three contracts) in addition to the largest Sole Source agreement registered in FY19 which was with NYCEDC for the Master Economic Development Agreement at \$1,427,680,000 (MMA1 20196200482), and the second largest was also with NYCEDC for the Master Maritime Agreement at \$639,114,000 (MMA1 20196200481).

## Government-to-Government Contracts

Awards through Government-to-Government contracts occur when an agency determines that it is in the City’s best interest to procure goods, services, construction, or construction-related services from another governmental entity rather than from vendors on the open market.<sup>69</sup> The accepted price and terms and conditions for these procurements are achieved through negotiation between the City agency and the other governmental entity. All final negotiated prices must be fair and reasonable for the agency to proceed with the contract.

In FY19, there were 78 Government-to-Government contracts registered totaling \$1,213,013,692, representing a significant decrease from FY18 (approximately \$5.8 billion or nearly 84%). The largest was a \$500,000,000 agreement between DEP and New York Power Authority for the provision of energy efficiency projects and services (MMA1 20196200331).

## Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an agency may pursue an emergency procurement (referred to in the PPB Rules as “Emergency Purchases”) with the prior approval of the Comptroller and Corporation Counsel. Consistent with applicable Charter provision, agencies are required to use as much competition as is practical under the circumstances to award an emergency procurement contract.<sup>70</sup> Finally, the procuring agency is required to include a written determination of the basis for the emergency and the selection of the contractor in the agency contract file and include a summary of such determination in the notice of contract award published in *The City Record* within 15 calendar days of contract registration.<sup>71</sup>

In FY19, 57 Emergency Procurement contracts were registered with a total cumulative value exceeding \$94.8 million. HPD accounted for 35 of the 57 Emergency Procurement contracts registered in FY19, outpacing all other agencies. While HPD accounted for the greatest number of registered Emergency Procurement contracts, DEP held the largest contract at \$31,645,197, with Henningson Durham & Richardson PC, for construction management services and design to replace the main sewage pumps system at the Coney Island wastewater treatment plant (CT1 20191425686).

While this subsection provides data pertaining to Emergency Procurement contracts, *Part III* of this Report tracks the number of approval requests granted by the Comptroller’s Office in FY19.

## Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed by the agency to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City.<sup>72</sup> One of the benefits of conducting procurements under this method is that it authorizes an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of 14 Demonstration Project contracts with a total registered value of \$41,399,712 were registered in FY19. ACS awarded the two largest registered Demonstration Project contracts, both at \$9,592,500, with Safe Horizon, Inc., and The Children’s Aid Society for the provision of domestic violence prevention services (CT1 20191418952 and 20191418515).

## Buy-Against Procurement Contracts

Buy-Against Procurements are used by City agencies to obtain goods and services after the contracted vendor defaults or fails to fulfill its contract responsibilities.<sup>73</sup>

Four Buy-Against agreements with a registered contract value of \$31,925,761 were registered in FY19. The largest was a \$29,199,501 agreement between DCAS (DMSS) and Seagrave Fire Apparatus, LLC, for the purchase of truck pumper apparatus (MA1 20191201561). DCAS (DMSS) entered into three of the four Buy-Against agreements in FY19 and DPR entered into one.

## Innovative Contracts

An Innovative Procurement is a prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently authorized by the PPB Rules.<sup>74</sup>

During FY19, a total of four Innovative Procurement contracts were registered by DOHMH for an aggregate value of \$38,771,343.

## Contract Group No. 3

### Registered Procurement Contract Actions by “Other” Methods

The “Other” Registrations Contract Group includes transactions that cannot be easily classified using one of the aforementioned general award methods. For the purposes of this Report, these include the nine individual award methods listed in TABLE IX. A total of 367 registrations by “Other” award methods were processed in FY19 for a combined registered value of \$1,977,298,578, representing a 27.1% decrease when compared to the FY18 registered value of \$2,710,822,890 with a corresponding decrease of \$733,524,312.

TABLE IX: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY “OTHER” METHODS<sup>75</sup>

Award Method	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Leases/Lessee Negotiated Agreements	107	\$962,597,739	58	\$695,692,801	97	\$1,673,912,325	57	\$1,507,595,121
Watershed Agreements	43	\$13,698,058	38	\$9,643,503	43	\$18,382,491	33	\$8,191,630
Assignments*	86	\$195,312,075	197	\$439,892,403	137	\$882,206,859	143	\$374,234,818
Force Account Negotiations	27	\$10,248,260	46	\$26,135,330	33	\$18,386,922	35	\$20,604,664
DOE Listing Applications	50	\$243,301,219	51	\$77,262,545	23	\$54,254,113	13	\$25,386,440
Non-Procurements	1	\$1,000,000	105	\$33,788,419	55	\$18,811,035	32	\$17,555,582
Real Estate Sales & Purchases	5	\$7,987,300	3	\$613,680	4	\$5,655,000	1	\$2,700,000
Bonds**	22	\$37,441,800	8	\$18,031,000	5	\$13,335,000	3	\$8,179,000
Miscellaneous	63	\$24,827,151	50	\$16,358,650	52	\$25,879,144	50	\$12,851,322
<b>TOTAL</b>	<b>404</b>	<b>\$1,496,413,601</b>	<b>556</b>	<b>\$1,317,418,331</b>	<b>449</b>	<b>\$2,710,822,890</b>	<b>367</b>	<b>\$1,977,298,578</b>

\*Excludes RCTIs.

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

### Leases/Lessee Negotiation Agreements

Leases are agreements entered into between the City and a landlord for an agency’s use of real property for purposes such as office or program space. In certain situations, the agreement for the use of real property by the City may take the form of a “lease,” “license,” or a “license with option to lease.” The acquisition and use of real property through a lease is not subject to the competitive bidding requirements of the PPB Rules or section 103 of the GML but Chapter 15 of the Charter. However, they are all still subject to the

requirement of registration prior to implementation. As required by the Charter, most leases for real property are negotiated and entered into by DCAS, generally on behalf of other City agencies, community boards and borough president's offices.<sup>76</sup>

In FY19, 57 Lease/License agreements were registered for a total value of \$1,507,595,121.<sup>77</sup> One example of a lease registered in FY19 was the \$261,934,761 DCAS agreement with Brooklyn Renaissance Place, LLC, for the rental of leased spaced for DCAS at 335 Adams Street (CT1 20195400496).

## Watershed Agreements

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

During FY19, a total of 33 DEP Watershed Agreements were registered for an aggregate value of \$8,191,630.

## Assignments

A contract Assignment is generally used to transfer an active registered agreement, or portion thereof, from the original contractor to a new contractor, for completion of the original services and deliverables. The terms and conditions of the original agreement, as assigned, do not change. In limited circumstances, a contract Assignment may also be from one City agency to another, with the vendor remaining the same.

During FY19, 143 contract Assignments were registered for a total assigned value \$374,234,818. DOE was responsible for 64 of the 143 contract Assignments registered in FY19, of which approximately 40 contracts were related to DOE's takeover of the ACS EarlyLearn program. The total registered value of these DOE Assignments was \$119,268,177.

## Force Account Negotiation Agreements

Force Account Negotiation agreements are entered into with various railroad agencies, such as Amtrak, New York City Transit Authority, and Long Island Rail Road, when rehabilitation and reconstruction work is to be performed on City-owned property, including bridges and streets, which are above or adjacent to train traffic. These railroad agencies provide a single point of contact for all railroad issues and the required coordination includes the use of railroad personnel for track safety, approval of reconstruction design drawings, track shutdowns, and reductions in train service in order to complete the construction work.

In FY19, a total of 35 Force Account Negotiation agreements were registered across DOT, DDC and DPR for a total registered value of \$20,604,664.

## DOE Listing Application Contracts

As the name suggests, the "DOE Listing Application" award method is unique to DOE. It permits DOE to create a listing application for the purchase of content provided directly to students, materials that are available only from a certain publisher, artistic performances and admission to programs offered by cultural institutions.<sup>78</sup> This method may also be used to pay for costs incidental to presentations or workshops geared toward explaining the methodology of a specific published/copyrighted item or costs incidental to

the admission to a cultural event that include workshops or presentations geared toward teaching tools that will enhance the use of the original materials, performances or programs purchased.

There were 13 DOE Listing Application contracts registered in FY19 for an aggregate value of \$25,386,440.

### Real Estate Sales & Purchase Agreements

Real Estate Sales and Purchase agreements typically refer to contracts for the purchase of land or real estate (*i.e.*, buildings) by an agency from a private seller in connection with a City project. Agencies may also enter these agreements to reimburse property owners for the use of all or a portion of their land rather than purchase the land outright.

During FY19, one Real Estate Sales and Purchase agreement was registered. This \$2,700,000 agreement was entered into by CUNY with Dormitory Authority State of NY, for the purchase of property located at 50-35 Cloverdale Boulevard in Bayside, Queens, for the expansion of the Accelerated Study in Associate Programs (ASAP) Project (CT1 20191412589).

### Bond Agreements

Bond Agreements or “Letter of Credit” Agreements permit the City to issue variable rate bonds intended to reduce the interest rates that the City must pay on its bonds and ensure that bonds are purchased in the event of a failed remarketing. Solicitations for these transactions are issued pursuant to Section 4.90 of the NYS Local Finance Law and not the PPB Rules.<sup>79</sup>

In FY19, there were three registered Bond Agreements entered into by the Comptroller’s Office for a total aggregate value of \$8,179,000.

### Miscellaneous

The Miscellaneous award method generally includes those contracts that do not fall squarely into any other available award method and may include contracts for areas such as insurance-related payments.

A total of 50 contracts across five agencies (CUCF, Mayor’s Office, NYPD, DYCD, and DOC) were registered in FY19 using the Miscellaneous award method for a combined value of \$12,851,322.

## Contract Group No. 4

### Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules

This section captures five transactions that are not subject to the PPB Rules<sup>80</sup> including:

1. Grant Agreements;
2. Public Utility Agreements;
3. Cable Service Negotiations;
4. Professional Membership Negotiations; and
5. Subscriptions.

While these five categories are not subject to the same procurement requirements as other award methods, registration of the underlying transactions is still required by the Charter prior to implementation. A total of 459 registrations under 1-02(f) were processed in FY19 for a combined registered value of \$450,305,783.

TABLE X: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS EXEMPT UNDER SECTION 1-02(f) OF THE PPB RULES<sup>81</sup>

Award Method	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Grants*	222	\$105,729,637	207	\$54,742,363	209	\$64,482,514	196	\$290,685,850
Public Utility	35	\$232,186,969	42	\$401,514,759	42	\$328,918,624	23	\$95,775,171
Cable Service Negotiation	21	\$1,556,820	30	\$3,328,939	12	\$1,814,179	22	\$50,809,784
Professional Member Negotiation	17	\$511,010	29	\$1,476,634	23	\$569,898	25	\$1,218,884
Subscriptions	218	\$34,301,281	222	\$13,403,220	259	\$29,394,891	193	\$11,816,093
<b>TOTAL</b>	<b>513</b>	<b>\$374,285,717</b>	<b>530</b>	<b>\$474,465,915</b>	<b>545</b>	<b>\$425,180,105</b>	<b>459</b>	<b>\$450,305,783</b>

\*Includes Grant Renewals.

### Grant Agreements

A Grant under 1-02(f)(1) is a cash transfer made by one government entity to another government entity, a quasi-public entity, a private organization or an individual, for use by the recipient in accomplishing specific objectives established by the recipient.<sup>82</sup> A Grant is permissible only to accomplish a public purpose authorized by Federal, State or City law and may be conditional or awarded without other consideration. Federal and State grants are identified by formula or specific allocations in law or in the Annual Operating Budget Act, bond authorizations or other acts of Congress or State legislature. Grants are distinct from procurement contracts, which call for the vendor to produce specific products or to deliver specific goods or services. While there are requirements that result in an executed agreement between the grantor and grantee, Grants are not contracts for services.

In FY19, CULT had 168 Grants registered for a total of \$33,850,354, SBS had 13 Grants registered for \$2,535,000 and DDC had 12 Grants registered for \$252,072,501. DDC entered into the largest registered Grant in FY19, at \$140,817,709, with The New York Public Library Astor Lenox and Tiden Foundation, for construction renovation services at the Mid-Manhattan Library (CT1 20181428100).<sup>83</sup>

## Public Utility Contracts

The Public Utility transaction under 1-02(f)(2) is used by an agency when the work or service is provided by public utilities regulated by the NYS Public Service Commission (“NYSPSC”) where rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.<sup>84</sup> Such services typically include local telephone service, electricity, gas, water, and steam.

During FY19, seven agencies registered 23 Public Utility transactions for a total value of \$95,775,171. The majority of these transactions were processed by DCAS, including the largest Public Utility contract with The Brooklyn Union Gas Company, at \$79,912,000, for the purchase of natural gas for various City buildings in Brooklyn, Queens and Staten Island (CT1 20205000018).<sup>85</sup>

## Cable Service Negotiation Contracts

Cable Service Negotiations is another transaction under 1-02(f)(3) for the provision of cable television services or other public services that are regulated by the NYSPSC.<sup>86</sup> This non-procurement method also includes any interstate public utility that is regulated by either the Federal Energy Regulatory Commission or the Federal Communications Commission.

During FY19, seven agencies registered 22 Cable Service Negotiation contracts totaling \$50,809,784. The largest registered Cable Service Negotiation contract in FY19 was a \$48,000,000 agreement between DoITT and Telesector Resources Group, Inc., for Citywide telecommunications discontinuance services (CT1 20191403136).

## Professional Membership Negotiation Contracts

The Professional Membership Negotiation method under 1-02(f)(4) is used by agencies to acquire new memberships or to process membership renewals in professional associations such as attorney bar associations or other industry associations.<sup>87</sup>

In FY19, five agencies registered 25 Professional Membership Negotiation contracts totaling \$1,218,884. One example of is a \$87,862 agreement between the Mayor’s Office and New York State Association of Counties (NYSAC) for the provision of representing, education, advocating and serving member counties and elected and appointed county officials who serve the public (CT1 20191413953).

## Subscription Contracts

The Subscription non-procurement method under 1-02(f)(5) is used by an agency to purchase subscriptions (including electronic subscriptions) for magazines and periodicals, orders for books, “off-the-shelf” training videotapes, and attendance at standard commercially available training seminars.<sup>88</sup> Certain software licenses and various print and online periodicals may also be obtained through subscriptions.

During FY19, 193 Subscriptions were registered for a total value of \$11,816,093. DEP entered into the greatest number of registered Subscriptions, at 39, for a total value of \$1,477,142. The agency with the second greatest number of registered Subscriptions was DOHMH, with 25, followed by DCAS, at 24.



## Contract Group No. 5

### Registered Procurement Contract Management Actions

Registered Procurement Contract Management Actions refer to procurement transactions intended to extend and/or enhance existing registered agreements. For the purposes of TABLE XI and this Report, Procurement Contract Management Actions include Renewals and Negotiated Acquisition Extensions (“NAEs”).

As indicated by TABLE XI, a total of 2,111 Registered Procurement Contract Management Actions (CT1s, MA1s and MMA1s) were registered in FY19 for a collective value of \$5,534,946,237. The total number of Contract Management Actions saw a substantial increase from 1,373 in FY18 to 2,111 in FY19 (53.8%). Of the 2,111 Contract Management Actions registered, 1,887 were Renewals. This figure does not include “Intergovernmental Renewals” which are captured in TABLE VIII and “Grant Renewals” which are captured in TABLE X under “Grants.”

TABLE XI: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS<sup>89</sup>

Award Method	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Renewals*	1,107	\$3,301,645,281	1,085	\$5,217,387,335	1,175	\$2,943,351,763	1,887	\$5,084,136,566
NAEs**	381	\$312,519,989	271	\$311,332,350	198	\$378,450,131	224	\$450,809,670
<b>TOTAL</b>	<b>1,488</b>	<b>\$3,614,165,270</b>	<b>1,356</b>	<b>\$5,528,719,686</b>	<b>1,373</b>	<b>\$3,321,801,894</b>	<b>2,111</b>	<b>\$5,534,946,237</b>

\*Excludes RCT1s, Intergovernmental Renewals and Grant Renewals.

\*\*Includes DOE Negotiated Services Extensions.

### Renewal Agreements

A Renewal is the re-registration of a previous contract with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or types of items to be supplied.<sup>90</sup>

In FY19, 1,887 Renewals were registered, up 60.6% from FY18. The agency with the highest number of registered Renewals was DYCD which renewed 652 contract agreements in FY19 for a total registered value of \$351,394,468.

### Negotiated Acquisition Extensions

Negotiated Acquisition Extension (“NAEs”) is a form of contract extension whereby an existing contract, regardless of the original procurement method, is extended one or more times beyond the current cumulative twelve-month limit, provided that the vendor’s performance is satisfactory or that any deficiencies have been addressed or are effectively addressed through a corrective action plan, and the extension is for the minimum time necessary to meet the need.<sup>91</sup>

In FY19, 224 NAEs were registered. The largest NAE registered in FY19 was the \$51,083,615 agreement between the Mayor’s Office and The Legal Aid Society for the provision of criminal trial defense services (CT1 20190000903).

# Total Registered Revenue Contract Actions in FY19

## Contract Group No. 6 Registered Revenue Contract Actions by Contract Type

The sixth and final Contract Group discussed in this Report is Revenue Actions. Franchises, Concessions and Revocable Consents, which are governed by Chapter 14 of the Charter, represent three types of revenue-generating agreements entered into and registered by City agencies. Additional authority for these types of Revenue Action awards can be found in the followings sections of the Rules of the City of New York: Chapter 1 of Title 12 (“Concession Rules”); Chapter 2 of Title 6 (“DCA Rules on Revocable Consents”); and Chapter 7 of Title 34 (“DOT’s Revocable Consent Rules”).

Unlike traditional procurements where the City spends money to receive goods or service, City agencies enter into revenue agreements to generate money by allowing a vendor to operate on or use the City’s inalienable property for either a private purpose in the case of concessions or for a public purpose in the case of a franchise. For instance, the City’s golf courses are operated by vendors through concession contracts with DPR (typically in the form of license agreements) and cable companies such as Time Warner Cable and Verizon, provide services to the public through approved and registered franchise agreements held by DoITT.

In terms of payment structure, concessions awarded by DPR through CSPs generally require the selected vendor to pay the City a “Guaranteed Annual Minimum Fee” or a “Negotiated Percentage of Gross Receipts,” whichever figure is higher. However, alternate payment structures may be established on a contract-by-contract basis to ensure the best interests of the City are being protected, consistent with governing rules, regulations, local laws, and the parameters of the underlying solicitation. With limited exceptions, all monies generated from registered Revenue agreements are deposited into the City’s General Fund.<sup>92</sup>

TABLE XII: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE<sup>93</sup>

Contract Type	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Franchises	3	\$1,862,000	0	\$0	4	\$2,447,500	0	\$0
Concessions	133	\$39,384,376	69	\$26,787,611	71	\$47,536,139	102	\$19,872,894
Revocable Consents	786	\$31,374,294	442	\$970,260,677	367	\$13,532,684	605	\$20,592,386
Corpus Funded	62	\$495,740,657	34	\$123,925,098	32	\$177,010,310	42	\$484,582,000
Requirements - Services	0	\$0	1	\$128,376	0	\$0	0	\$0
Other Expense - Revenue	0	\$0	2	\$1,388,280	3	\$512,712	4	\$390,000
Other	13	\$5,465,000	4	\$800,000	2	\$5,250,000	7	\$4,491,667
<b>TOTAL</b>	<b>997</b>	<b>\$573,826,328</b>	<b>552</b>	<b>\$1,123,290,043</b>	<b>479</b>	<b>\$246,289,345</b>	<b>760</b>	<b>\$529,928,947</b>

As indicated on TABLE XII, 760 Revenue Contract Actions were registered for a total registered value of \$529,928,947 in FY19, both figures representing increases from FY18.

### Franchise Agreements

A Franchise is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.<sup>94</sup> As noted above, the provision of cable television services is one example of a franchise.

There were no Franchise agreements registered in FY19.

### Concession Agreements

A Concession is a grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs.<sup>95</sup> Concessions do not include franchises, revocable consents or leases.

In FY19, 102 new Concessions were registered for a total registered revenue value of \$19,872,894. The largest concession registered in FY19 was a \$4,122,020 agreement between DPR and Sharmin, Inc., for the operation of six mobile food units (RCT1 20198201576).

### Revocable Consent Agreements

A Revocable Consent is a grant of a right by the City, revocable at will: (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property; (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property; or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.<sup>96</sup>

In FY19, a total of 605 registered Revocable Consent agreements were entered into for a total registration value of \$20,592,386, both figures representing increases from FY18. DCA had the largest number of registered Revocable Consent agreements with 531 for a total registration value of \$14,927,084. The number of Revocable Consent agreements nearly doubled in both total Contract Actions and total contract value due to the increase number of unenclosed cafes requiring maintenance and operation services.

### Corpus Funded Agreements

The Comptroller is the investment advisor to and custodian of assets of the City's five public pension funds. These pensions provide retirement funds for more than 700,000 current and former City employees. The Comptroller is also a trustee to four of the five City Pension Funds. The City's pension assets are invested to generate consistent and strong returns, while managing risk and volatility in their investment portfolios. In furtherance of this responsibility, the Comptroller, through the Bureau of Asset Management enters into agreements to carry out this duty. These contracts are paid from the corpus of the city pension funds.

In FY19, a total of 42 Corpus Funded agreements entered into by the Comptroller's Office were registered for \$484,582,000.

## Section 3: Agency Specific Data & Supplemental Analysis

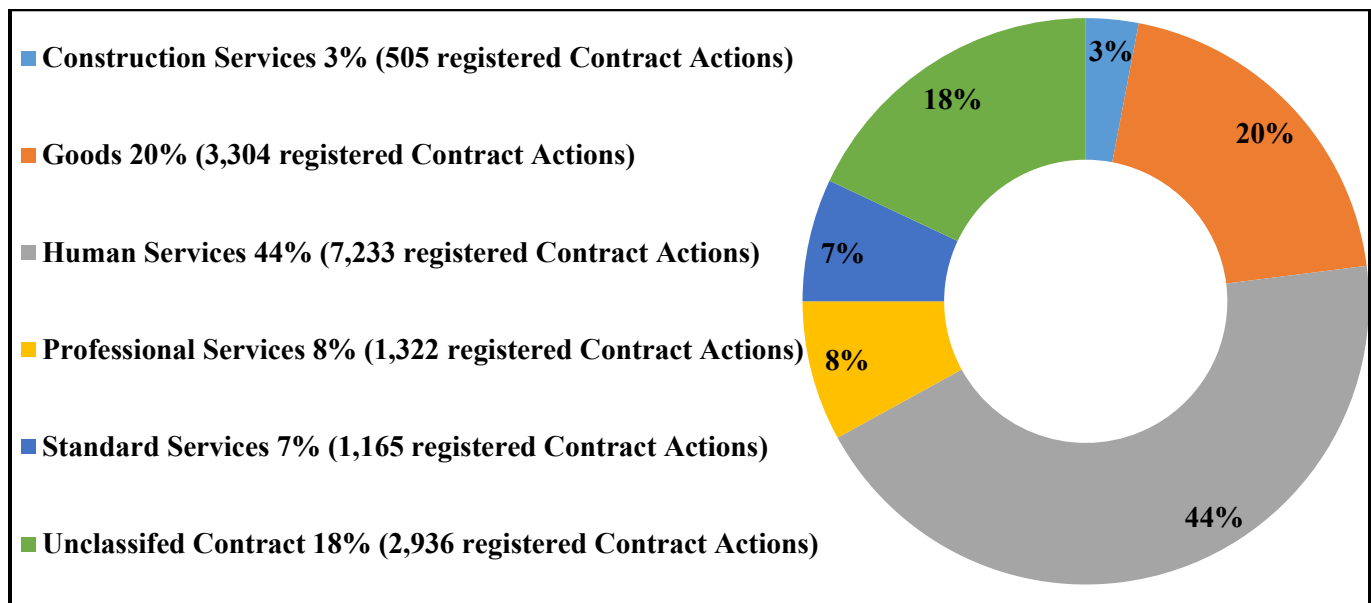
The Bureau of Contract Administration makes every effort to ensure that the City’s funds are properly safeguarded by identifying ways to increase transparency, accountability and efficiency in the contracting and registration process. The agency specific data and supplemental analysis that follows is intended to further such goals.

### A. Registrations by Industry Classification

This part of the Report presents FY19 Contract Action registrations by industry classification based on the industry categories established by Local Law 1 of 2013 (“LL1”). This information has been included to provide members of the public with an alternate perspective of the contract data based on the industry classification used in many other City-issued contracts reports. It is important to note, however, that while the industry classifications and groups set forth in LL1 were applied, this is not intended to be a LL1 compliance report. Rather, it is a report detailing overall agency registrations in FY19. As GRAPH V indicates, there are six primary industry classifications that a particular Contract Action may fall under and the percentages for each industry classification are based on 16,465 new Contract Actions registered in FY19:

1. Construction Services;
2. Goods;
3. Human Services;
4. Professional Services (including Architectural/Engineering Services);
5. Standard Services; and
6. Other (including No Category Coded, Multiple Classifications and Unclassified).

GRAPH V: REGISTERED CONTRACT ACTIONS BY INDUSTRY CLASSIFICATION IN FY19<sup>97 98</sup>



## B. Registered Modifications

Modifications are used by a City agency to amend or adjust an existing registered agreement.<sup>99</sup> Most often, these changes are effectuated through mechanisms such as “Amendments,” “Amendment Extensions” or “Change Orders” (“COs”).

An Amendment is used to modify specific terms of a registered agreement whereas an Amendment Extension is a modification that extends the contract term for good and sufficient cause for a cumulative period not to exceed twelve months from the date of expiration of the underlying contract.<sup>100</sup> A Change Order, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement in some way.<sup>101</sup> Contract Modifications are also registered for administrative actions, including changes to accounting lines and revisions to an agreement’s end dates on construction completion contracts.

As Table XIII indicates, a total of 56,483 Modifications were registered in FY19. This figure can be broken down as follows:

- 55,596 (just over 98%) represent “CTR” Modifications to contracts registered using the following Transaction Codes: CT1 and CTA1.
- 887 (just over 1%) represent “MAR” Modifications to contracts registered with the following Transaction Codes: MA1; MMA1; and RCT1.

Of the 55,596 CTRs registered in FY19:

- 53,450 include CTR Modifications where there either a change to the term OR change to the contract amount OR some other change (such as an administrative revision).
- 2,146 include CTR Modification actions where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.

Of the 887 MARs registered in FY19:

- 743 include MAR Modifications where there either a change to the term OR change to the contract amount OR some other change (such as an administrative revision).
- 144 include MAR Modifications where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.

TABLE XIII: REGISTERED MODIFICATIONS IN FY19<sup>102</sup>

Modification Transaction Code	Modification Type		Total No. Registered
	Change in Term OR Amount OR Other	Change in Term AND Amount	
<b>CTR Modifications*</b>	<b>53,450</b>	<b>2,146</b>	<b>55,596</b>
<b>MAR Modifications**</b>	<b>743</b>	<b>144</b>	<b>887</b>
<b>TOTAL</b>	<b>54,193</b>	<b>2,290</b>	<b>56,483</b>

\*CT1 and CTA1.

\*\*MA1, MMA1 and RCT1.

### C. Construction Change Order Registrations

As referenced in Section B, some Contract Modifications are registered as COs, which are changes to existing contracts that authorize additional work to be performed that is either necessary to complete the work in the original contract or to add work that would not result in a material change to the scope of the contract. While COs are registered via multiple contract types, this section highlights construction-related COs known as construction change orders (“CCO”). As the construction industry continues to boom in NYC, it is imperative and ever more important for municipalities to ensure that project timelines stay on schedule and contract costs stay on budget.

CCOs are prevalent in the construction services industry due to complexities of construction that can be affected by a myriad of factors such as design omission and/or design errors, field conditions or other (extra work, overruns/underruns, Comptroller’s dispute determination, no cost CO). In addition, a CCO can occur due to non-material changes in scope, as well as revised changes in scope that do not significantly alter the main purpose of the contract. City Rules/Regulations<sup>103</sup> and the Charter state that CCOs cannot be implemented until registered by the Comptroller.<sup>104</sup> When appropriate, CCOs must include, but are not limited to, locations and limits of proposed work, any applicable specification changes and references to specifications, drawings, sketches, and other technical information.

During FY19, a total of 826 CCOs (CTR and MAR Modification actions) related to the construction services industry were registered where there was a change to the term of the agreement (end date). For the second consecutive fiscal year, DDC was responsible for entering into the greatest number of registered CCOs where the contract end date was revised, at 411. DPR was responsible for the second largest number, at 183, followed by DEP, at 97, and DOT, with 45. These four City agencies accounted for approximately 89% of all CCOs where the contract end date was revised.

In FY19, a total of 1,965 CCOs (CTR and MAR Modification actions) related to the construction services industry were registered where there was a change to the contract amount. Similar to the prior fiscal year, the agency that processed the most CCOs where the registered contract value increased was DDC, at 1,137, for a total registration modification value of \$200,633,101. One example of CCOs with a large cumulative increase registered FY19 was approximately 43 Modifications between DDC and E&A Restoration, Inc., with cumulative increases totaling \$28,101,336 resulting in a revised contract maximum amount of \$50,976,366, for the continuance to relocate juveniles from Rikers Island to Horizons Adolescent Facilities in the Bronx and Crossroads Youth Facility in Brooklyn due to the enactment of New York State’s Raise the Age Law (CTR 20181417447-00002 to 20181417447-00049)

TABLE XIV: REGISTERED CONSTRUCTION CHANGE ORDERS IN FY19<sup>105</sup>

Modification Transaction Code	Modification Type			Total Registered Modification Value
	Change in Term	Change in Amount	Change in Term AND Amount	
<b>CTR Modifications</b>	<b>817</b>	<b>1,931</b>	<b>345</b>	<b>\$422,073,045</b>
<b>MAR Modifications</b>	<b>9</b>	<b>34</b>	<b>8</b>	<b>\$16,456,072</b>
<b>TOTAL</b>	<b>826</b>	<b>1,965</b>	<b>353</b>	<b>\$438,529,117</b>

## D. Registered Task Orders through Agency Master Agreements

Master agreements are created to provide general categories of goods and services potentially required by one or more agencies. Agencies may use master agreements by issuing Task Orders (“TOs”) to fulfill specific needs.<sup>106</sup> For example, DoITT’s Citywide Quality Assurance and System Integration Services contracts provide agencies with an effective mechanism to identify qualified consultants capable of supporting and completing the agency’s individual IT project needs.

The protocol for awarding TOs is established by the terms and conditions of the respective master agreement and may include assigning TOs on a rotational basis, by area or expertise or via a second tier of competition through a mini-bid or mini-proposal process. All master agreements and agency TOs are submitted to the Comptroller for registration.

In FY19, 1,560 TOs (processed in FMS as CTA1s) were registered pursuant to master contracts held by several City agencies for a total value of \$1,223,011,457. Of these, 336 (21.5%) were TOs registered through DoITT master contracts for IT goods and services for total registration value of \$173,312,689.

TABLE XV: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS THROUGH AGENCY MASTER AGREEMENTS<sup>107 108</sup>

CTA1 Category	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CTA1s Registered through DoITT MMA1s	390	\$98,129,197	280	\$256,051,788	303	\$288,492,804	336	\$173,312,689
CTA1s Registered through Agency MMA1s*	735	\$677,055,371	1,181	\$1,068,392,998	1306**	\$784,004,609	1,224**	\$1,049,698,768
<b>TOTAL</b>	<b>1,125</b>	<b>\$775,184,568</b>	<b>1,461</b>	<b>\$1,324,444,786</b>	<b>1,609</b>	<b>\$1,072,497,413</b>	<b>1,560</b>	<b>\$1,223,011,457</b>

\*For purposes of Table XV, “Agency” MMA1s refer to master agreements held by City agencies other than DoITT.

\*\*One of the TOs included in this total was registered as a CTI and not as a CTA1 (CT120197202088).

For the second consecutive fiscal year, the three agencies with the largest number of TOs (CTA1s) registered through non-DoITT agencies Multiple Master Agreements (“MMA1s”) in FY19 were SBS at 250 (\$456,777,985), followed by DDC at 183 (\$152,956,951), and then HPD at 179 (\$107,056,333). Registrations by these three agencies accounted for approximately 50% of individually registered TOs for non-DoITT agencies and accounts for 68.3% of the total registered value.

## E. DOE Registered Contract Actions

The Department of Education oversees schools that serve approximately one million students each year and its Division of Contracts and Purchasing (“DCP”) is responsible for procuring goods and services.<sup>109</sup> Given the high volume of DOE procurements, DOE’s diverse contract portfolio and leverage from a purchasing, budget and accounting perspective, a thorough review of the agency’s FY19 procurement activity is included in this Report.

DOE's procurement activity is governed by NYS Education Law (and not the PPB Rules) is required to create, implement and abide by a set of procurement rules.<sup>110</sup> These rules, known as the *Procurement Policy and Procedures* ("PPP"), were approved by the Panel of Education Policy ("PEP") on January 27, 2010.<sup>111</sup> Amendments to the PPP were subsequently approved by the PEP on December 21, 2012, on February 24, 2016, on April 2, 2018 and March 21, 2019.

The PPP was enacted to "ensure the wise, prudent, and economical use of public money."<sup>112</sup> Specifically, they are intended "to ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to maximum quality, lowest cost or lowest possible cost, and efficiency...to make as consistent as possible the uniform application of these policies throughout the DOE" and "to provide for increased public confidence in the DOE's public procurement procedures."<sup>113</sup>

Section 3-01(a) of the PPP lists the following 14 procurement award methods available to DOE and requires, unless otherwise authorized by law, that DOE use one of these methods for every award<sup>114</sup>:

1. Competitive Sealed Bidding;
2. Request for Proposals;
3. Multiple Task Award Contract Process;
4. Expedited Competitive Solicitation;
5. Listing Application;
6. Sole Source Goods Procurement;
7. Negotiated Services;
8. Emergency Purchases;
9. Simplified Procurement;
10. Purchases through Governmental Contracts;
11. Demonstration Projects for Innovative Products, Approaches, or Technologies;
12. Innovative Procurement Methods;
13. Government-to-Government Purchases; and
14. Consultant Contracts with Individuals.

As mentioned in the prior reports, the PPP is very similar to the PPB in terms of purpose, award methods and requirements. However, there are some considerable differences between the two sets of rules that offer DOE significantly more discretion in the procurement, vetting and award process of contracts. One constant, however, is the requirement that any contract funded partially or in full by the City treasury be registered with the Comptroller's Office prior to implementation. According to section 2-09(a) of the PPP:

*Unless otherwise provided by law or these Procedures, all contracts, franchises, revocable consents and concessions shall be presented to the Comptroller for registration. Registration of a contract by the Comptroller shall not constitute an approval of the contract nor an approval of the process by which the contract or agreement was awarded.*<sup>115</sup>

Although section 3-01(b) of the PPP specifies a "Preference for Competitive Sealed Bidding," the majority of DOE's FY19 procurements were awarded and registered via "Alternate Source Selection Methods pursuant to sections 3-01(c) and (d) of the PPP."<sup>116</sup> Section 3-01(d) of the PPP states:

*Upon determining that there is a situation which warrants awarding a contract using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, the Procurement Manager shall use the most competitive alternative method of procurement provided for in § 3-01(a) of these Procedures which is appropriate under the circumstances. The Procurement Manager shall make a written*



*determination justifying the basis, including the efficiency, benefit and necessity, for awarding a contract using a procurement method other than competitive sealed bidding.*<sup>117</sup>

Additionally (and similarly to the PPB Rules), the PPP does not require POs and “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.<sup>118</sup> Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike mayoral agencies, the PPP does not require that DOE receive prior approval from either the Comptroller or the Corporation Counsel to invoke use of the “Emergency Procurement” method. Rather, the prior approval by the Chancellor.

As TABLE XVI indicates, below are a few notable observations pertaining to FY19 DOE registered agreements:

- DOE was responsible for the largest value of total registered Contract Actions in FY19 (See TABLE IV);
- 5,454 DOE Contract Actions were registered for a total registration value of \$3,191,464,973 in FY19, representing significant increases for both Contract Actions and contract value from FY18;
- The total registration value of DOE’s competitive awards continued to increase substantially from FY18 to FY19 (*i.e.*, CSBs increased from \$368,202,891 to \$736,280,297 and CSPs increased from \$177,198,508 to \$413,833,841 in FY19);
- There were 526 DOE Renewals registered for a total registration value of \$1,415,133,670, both figures representing a percentage increase of 33.2% and 207.9%, respectively, from FY18 to FY19;
- The total registration value of DOE Renewals is \$1,415,133,670 accounting for approximately 44% for DOE’s total registration value of \$3,191,464,973;
- The total registration value of DOE’s CSPs procured via Pre-Qualified Vendor List and Assignments increased significantly from FY18 to FY19 (CSPs procured via Pre-Qualified Vendor List from \$159,366,265 to \$283,131,085 and Assignments from \$33,691,598 to \$119,268,177); and
- There was a 612 increase in the number of Small Purchase registrations from FY18 to FY19 and a corresponding \$15,300,000 increase in value.

TABLE XVI: TOTAL DOE REGISTERED CONTRACT ACTIONS IN FY19<sup>119</sup>

Award Method	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CSBs	38	\$353,601,463	80	\$251,798,986	73	\$368,202,891	77	\$736,280,297
CSPs	48	\$785,572,518	33	\$69,461,966	67	\$177,198,508	90	\$413,833,841
PQVL Comp. Sealed Proposals	74	\$111,151,348	140	\$97,667,387	176	\$159,366,265	222	\$283,131,085
Renewals	156	\$183,483,346	239	\$311,859,980	395	\$459,675,361	526	\$1,415,133,670
Determined by Legal Mandate	0	\$0	1	\$450,000	0	\$0	0	\$0
Determined by Gov't Mandate	0	\$0	0	\$0	34	\$13,490,063	42	\$15,039,116
Demonstration Project Contracts	0	\$0	0	\$0	1	\$3,300,000	0	\$0
Intergovernmental	8	\$14,588,774	11	\$298,714,166	16	\$27,591,075	67	\$40,129,338
Emergency Procurements	3	\$3,538,981	2	\$7,153,121	7	\$10,500,095	0	\$0
Negotiated Acquisitions	128	\$44,599,938	146	\$1,872,311,071	63	\$34,308,250	25	\$24,404,509
Buy-Against Procurements	2	\$3,881,975	0	\$0	0	\$0	0	\$0
Discretionary Awards	24	\$2,422,858	21	\$10,201,547	29	\$6,466,500	23	\$3,783,500
Grants	19	\$4,461,503	14	\$2,989,929	6	\$1,447,006	0	\$0
SM Purch. Goods Services (100k)	0	\$0	2	\$92,760	0	\$0	0	\$0
Grant Renewals	16	\$2,468,724	4	\$722,553	0	\$0	0	\$0
DOE Listing Applications	50	\$243,301,219	51	\$77,262,545	23	\$54,254,113	13	\$25,386,440
Sole Sources	1	\$105,000,000	3	\$268,710	2	\$1,602,987	1	\$5,000,000
Small Purchase-Written	2,710	\$67,750,000	3,390	\$84,750,000	3,691	\$92,275,000	4,303	\$107,575,000
Corpus Funded	1	\$510,000	1	\$570,000	0	\$0	0	\$0
Government to Government	14	\$19,640,085	3	\$20,685,109	5	\$4,749,969	0	\$0
Assignments	21	\$21,624,285	106	\$135,186,914	32	\$33,691,598	64	\$119,268,177
Info Tech. - Small Purchase Contract	1	\$25,000	0	\$0	0	\$0	0	\$0
Innovative Procurements	320	\$323,874,280	16	\$10,113,227	0	\$0	0	\$0
DOE Negotiated Services Extension	1	\$3,430,080	0	\$0	0	\$0	0	\$0
Intergovernmental Renewals	1	\$150,000	0	\$0	0	\$0	1	\$2,500,000
<b>TOTAL</b>	<b>3,636</b>	<b>\$2,295,076,377</b>	<b>4,263</b>	<b>\$3,252,259,971</b>	<b>4,620</b>	<b>\$1,448,119,680</b>	<b>5,454</b>	<b>\$3,191,464,973</b>

## F. NYCEDC Registered Contract Actions

NYC Economic Development Corporation is a non-profit organization incorporated under the Not-for-Profit Corporation Law of the State of New York. Its primary mission is to invest public funds to creating employment opportunities and stimulating economic development in the City of New York. EDC works with various stakeholders to provide renovation, construction, and property acquisition services for municipal and special projects, related to transportation services; piers and terminals; cultural centers; waterfront spaces; green infrastructure, streetscape, and pedestrian walkways. In addition, EDC manages approximately 200 city-owned commercial real estate properties and provides leasing opportunities for industrial, commercial, and retail businesses.

Using the Sole Source procurement method, SBS procures two MMA1s, the Master Maritime Economic Development Services (“Maritime”) Contract and Master Citywide Economic Development Services (“Master EDC”) Contract, to retain NYCEDC to function as a development consultant and provide economic development-related services on behalf of the City. Each contract is for one year from the beginning to the end of each fiscal year and may be extended by up to one year. The Maritime contract allows NYCEDC to provide economic development services related to maritime, aviation, rail freight, markets, and intermodal transportation development. The master contract focuses on assisting private, governmental, and quasi-governmental entities to complete economic development projects in the five boroughs. Funding sources for these capital projects include city capital budget, federal and state funds, as well as other financial assistance programs. The contract agreements, including the scope of work and costs are reviewed and negotiated by SBS, City’s Law Department, and the Deputy Mayor for Economic Development.

During FY19, a total of 63 TOs under the Maritime Agreement and 183 TOs under the Master Agreement was registered, at a total registered value of \$124,390,731 and \$331,833,792, respectively. While the data in this Report represents task orders registered in FY19 only, it should be noted that these contract actions represent task orders issued pursuant to both the FY18 and FY19 master agreements. TABLE XVII and TABLE XVIII highlight the top five TOs registered pursuant to NYCEDC’s FY18 and FY19 Master EDC Contracts and Master Maritime EDC Contracts. Some of the contracts includes work for Citywide Ferry Services, Public Health Lab, Bush Terminal, and Coney Island Hospital.

TABLE XVII: TOP FIVE CONTRACTS REGISTERED UNDER NYCEDC MASTER ECONOMIC DEVELOPMENT CONTRACTS IN FY19<sup>120</sup>

Rank	Contract No.	Vendor Name	Contract Description	Registered Value
1	20197204998	An Claidheamh Soluis Inc., DBA Irish Arts Center	Restoration of the existing façade of the Cybert Tire Building, demolition of the remainder of the building and new construction of a three-story, 22,000 square ft. state-of-the-art cultural center	\$36,750,000
2	20197205566	Turner-McKissack, A Joint Venture	Construction management services consultant contract relating to the repair/restoration, new construction and flood mitigation work at the Coney Island Hospital campus	\$34,720,000
3	20197206691	American Museum of Natural History	Funding Agreement to enhance the activities and services provided at the museum	\$30,000,000
4	20197205746	Skidmore Owings & Merrill LLP	Architectural design and related consultant services for a new Public Health Laboratory in Manhattan (W. 137 <sup>th</sup> Street)	\$22,516,293
5	20197212319	Langan	Engineering, design, construction administration services, and consultant services for the design and construction of the Manhattan Greenway Harlem River project	\$10,168,000

TABLE XVIII: TOP FIVE CONTRACTS REGISTERED UNDER NYCEDC MASTER MARITIME ECONOMIC DEVELOPMENT CONTRACTS IN FY19<sup>121</sup>

Rank	Contract No.	Vendor Name	Contract Description	Registered Value
1	20197208164	Hornblower New York LLC	NYC Ferry Vessel Acquisition Purchase (VAP 2) and Operating Agreement	\$82,324,083
2	20197000330	Gilbane Building Company	Design, construction, construction management and other related work for improvements at Bush Terminal for the Made in New York (“MiNY”) campus	\$4,910,894
3	20197210171	N Architects, PLLC	Architectural and engineering services for a project to upgrade industrial space in the Made in New York Campus Buildings A & C at Bush Terminal in order to create an approximately 200,000 square foot garment manufacturing hub	\$4,134,433
4	20197209826	Hunter Roberts Construction Group, LLC	Construction management/facility management and design, remediation, construction, and other related services leading to the activation of approximately 500,000 square feet of unused space at Brooklyn Army Terminal	\$3,413,421
5	20197204141	Hunter Roberts Construction Group, LLC	Construction management and design, remediation, construction, and other related services leading to the activation of approximately 500,000 square feet of unused space at Brooklyn Army Terminal	\$3,267,808

### G. H+H Registered Contract Actions

Health + Hospitals oversees and operates the public hospitals and clinics in the City as a public benefits corporation (or quasi-public agency) created by the NYS Legislature.<sup>122</sup> By state laws, H+H is classified as a municipality<sup>123</sup>, a political subdivision<sup>124</sup> and a contract agency.<sup>125</sup> This agency has a public requirement to provide certain services to the City. The Board of Directors (“Board”) consist of 16 members and are responsible for all procurement matters. Given H+H’s unique and diverse contract portfolio and leverage from a purchasing, budget and accounting perspective, a thorough review of the agency’s FY19 procurement activity is included in this Report.

H+H, whose procurement activity is governed by a set of rules called the *Operating Procedure 100-05* required by the NYC Public Authorities Act, is required to have written policies regulating its procurement activities. As part of H+H’s efforts to leverage its purchasing ability and promote standardization, the agency centralized all of its procurement functions into a single office, Supply Chain Services, to achieve costs savings while ensuring the quality of goods and services. The *Operating Procedure 100-05* was adopted on September 22, 2011 and amended and subsequently approved by the Board on November 1, 2017.

The *Operating Procedure 100-05* is very similar to the PPB in terms of intent and award methods. However, there are many considerable differences between the two sets of rules that offer H+H substantial authority and flexibility to meet the agency’s procurement needs while achieving the delivery of high quality goods and services and affordable healthcare to all New Yorkers and protecting against corruption, fraud and abuse. Similar to other agencies, H+H uses procurement methods using city-funded money to acquire goods and services. Although the Comptroller’s Office is required to register H+H contracts that are capably eligible, this represents a small portion of the H+H’s budget and procurement portfolio.

As TABLE XIX indicates, 271 new Contracts Actions were registered for a total registered value of \$186,036,012 in FY19.

TABLE XIX: TOTAL H+H REGISTERED CONTRACT ACTIONS IN FY19<sup>126\*</sup>

Award Method**	Total No. Registered	Total Registered Value
CSB	13	\$24,317,558
CSP	32	\$25,206,423
Sole Source	4	\$2,496,326
Renewals	22	\$22,600,000
Negotiated Acquisition	8	\$8,113,520
RFP from a PQVL	58	\$21,055,528
Intergovernmental	108	\$81,137,433
Small Purchase	26	\$1,109,223
<b>TOTAL</b>	<b>271</b>	<b>\$186,036,012</b>

\*Table XVIII includes Transaction Code MMAI.

\*\*Considering the vast differences between H+H's Operating Procedures and the PPB Rules, the award methods utilized by H+H are aligned to be most practical to the agency's business procedures.

## H. Lease and License Registrations<sup>127</sup>

The Bureau of Contract Administration reviews and registers leases and licenses negotiated and entered into primarily by DCAS (the agency that acts on behalf of other City agencies) pursuant to section 824 of the Charter. Specifically, this section of the Charter empowers and places the responsibility of purchasing, leasing, condemning or otherwise acquiring real property for the City on the DCAS Commissioner.<sup>128</sup> Leases and licenses are typically submitted for registration using Award Method Code 07 (“Lessee Negotiation”) and Contract Type Codes 35 (“Lessee”) and 36 (“Miscellaneous Property Rental”) and include new agreements, amendments, extensions and renewals to existing registered agreements.

In FY19, a total of 57 new lease and license agreements were registered, totaling 1,507,595,121, compared to a total registration value of \$1,673,912,325 in FY18, both representing a decrease in total Contract Actions and total contract value. In addition, 2,326 modifications to existing licenses and leases were registered in FY19.

In FY19, the second largest lease registered was for FDNY at 9 Metrotech located in Brooklyn in the amount of \$293,180,184. The total space to be occupied under this lease is approximately 318,996 square feet. The term of the contract is for a period of 10 years.

## I. Emergency Procurements Approvals

As discussed in *Part II* of this Report, the PPB Rules require that the City's mayoral agencies receive prior approval from both the Comptroller and the Corporation Counsel to utilize the “Emergency Purchases” procurement method once the agency determines that the particular circumstances present a case of unforeseen danger to life, safety, property or a necessary service.<sup>129</sup>

Pursuant to Section 3-06 of the PPB Rules, agencies may seek prior approval either verbally or by submitting a written request that typically takes the form of an email or other similar communication. Once the prior approval is granted (either verbally or in responses to an email), agencies must take the requisite steps to ensure compliance with the remaining procedural requirements for the Emergency Purchases method, including the submission of a written emergency determination, publication of notices and contract registration submission.

Unlike the Emergency Procurement registration data presented in *Part II* of this Report, here we highlight the number of prior approvals granted by the Comptroller’s Office to use the “Emergency Purchases” award method to enter into a procurement for goods and/or services, regardless of whether the procurement ultimately negotiated by the agency was also registered in FY19. For instance, a total of 15 agencies registered Emergency Procurement contracts in FY19. However, not all of the Emergency Procurement requests approved in any given fiscal year was also registered within that same fiscal year. While 66 Emergency Procurements were registered in FY19 (across 15 agencies, the Comptroller’s Office granted a total of 58 initial prior approval requests received from nine agencies to utilize the Emergency Purchases procurement method during the same period.

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

At 49, HPD received the most prior approvals of any other agency during FY19. Of these, 44 were new approvals while five were revisions to initial approvals. Typically, HPD must wait until DOB observes dangerous conditions at a particular structure (or a portion thereof) and, as a result of the severity of the unsafe condition(s), issues an Emergency Declaration which notifies the structure’s owner of the requirement to begin work immediately to remediate the severity of the conditions. If the owner fails to take such remedial action or do so satisfactorily, the City performs the work as detailed in the Emergency Declaration and may seek to recover its expenses from the building owner. In many instances, HPD is responsible for contracting vendors to perform demolition services relating to a failing structure on an emergency basis.

In FY19, BCA also granted prior approval of a DDC Emergency Procurement request for the inspection and stabilization of the façade at the Bellevue Hospital Center Men’s Shelter. The building was once a part of Bellevue Hospital and houses approximately 600 people each night. The shelter is surrounded by Bellevue and NYU Hospitals, as well as various private commercial and residential buildings. The shelter is open 24 hours a day and is used by DHS staff. DOB issued violations for the hazardous condition of the façade. The damage to the façade was creating a dangerous situation for the residents and staff of the building, as well as the public. The City has planned a significant façade restoration project for the entire building but the work under this request was immediately necessary in order to make the premises safe.

In addition, the Comptroller’s Office also approved five requests to amend or modify previously issued Emergency Procurement approvals in FY18. These subsequent approvals are generally submitted to the Comptroller’s Office when an agency anticipates that it will exceed the maximum contract amount set forth in the original emergency approval and/or whenever material changes in scope and/or changes to timelines occur. For example, BCA provided prior approval for a second amendment to an ACS Emergency Procurement (ER2018011) relating to a time extension for cooks and kitchen helpers at the Nicholas Scoppetta Children’s Center (“NSCC”), a facility used to temporarily house various youth ranging in age from infants to adolescents (and young adults, in certain cases) while they wait for foster care placement. The seven-month time extension was needed in order to provide the agency with sufficient time to revise the pending CSB for cooks and kitchen helper services to reflect the need for contingent rather than the full staffing model originally contemplated in the draft at the NSCC and finalize the award.

TABLE XX provides a breakdown of the total number of Emergency Procurement approvals (by agency) granted by the Comptroller’s Office in FY19, regardless of whether the award or resulting contract(s) negotiated by the agency was ultimately registered in FY19.

TABLE XX: EMERGENCY PROCUREMENT APPROVALS BY AGENCY IN FY19<sup>130</sup>

Agency	Total New Approvals	Total Amended Approvals	Total Approvals
HPD	44	5	49
ACS	3	4	7
DCAS	2	4	6
DEP	3	0	3
DDC	2	1	3
NYPD	1	1	2
BOE	1	0	1
DOHMH	1	0	1
DSNY	1	0	1
HRA	0	1	1
DPR	0	1	1
<b>TOTAL</b>	<b>58</b>	<b>17</b>	<b>75</b>

J. Contract Retroactivity<sup>131 132</sup>

For the purposes of this Report, a contract is considered “retroactive” when its start date (as set forth in the legal instrument or other governing document as well as reflected on the Advice of Award) occurs prior to the FMS contract registration date.

According to TABLE XXI, of the 16,465 Contract Actions registered in FY19, 9,539 (or 58%) were retroactive.

TABLE XXI: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED CONTRACT ACTIONS IN FY19

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	2,353	\$553,625,673
2	DOE	1,057	\$1,852,074,716
3	DOHMH	750	\$2,139,487,412
4	DCA	548	\$20,274,398
5	HRA (DSS)	453	\$946,441,050
6	DFTA	403	\$99,172,653
7	DPR	385	\$321,751,291
8	HPD	295	\$413,073,723
9	DEP	271	\$922,037,477
10	H+H	262	\$184,761,045
<b>TOTAL (Top 10)</b>		<b>6,777</b>	<b>\$7,452,699,439</b>
Subtotal (All Others)		2,762	\$11,749,435,220
<b>TOTAL</b>		<b>9,539</b>	<b>\$19,202,134,659</b>

As illustrated by TABLES XXII and XXIII, 8,876 of the 15,705 Procurement Actions (or 57%) and 663 of the 760 Revenue Actions (or 87%) were retroactive.

TABLE XXII: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED PROCUREMENT CONTRACT ACTIONS IN FY19

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	2,353	\$553,625,673
2	DOE	1,057	\$1,852,074,716
3	DOHMH	750	\$2,139,487,412
4	HRA (DSS)	452	\$946,441,050
5	DFTA	403	\$99,172,653
6	DPR	381	\$317,777,506
7	HPD	295	\$413,073,723
8	DEP	271	\$922,037,477
9	H+H	262	\$184,761,045
10	SBS	259	\$2,453,985,396
<b>TOTAL (Top 10)</b>		<b>6,483</b>	<b>\$9,882,436,652</b>
Subtotal (All Others)		2,393	\$8,805,668,169
<b>TOTAL</b>		<b>8,876</b>	<b>\$18,688,104,821</b>

TABLE XXIII: AGENCIES BY NUMBER OF RETROACTIVE REGISTERED REVENUE CONTRACT ACTIONS IN FY19

Rank	Agency	Total No. Registered	Total Registered Value
1	DCA	531	\$14,927,084
2	DOT	75	\$5,665,302
3	COMP	42	\$484,582,000
4	LAW	5	\$0
5	DPR	4	\$3,973,785
6	DSNY	3	\$390,000
7	DCAS	1	\$0
8	DoITT	1	\$4,491,667
9	HRA (DSS)	1	\$0
<b>TOTAL</b>		<b>663</b>	<b>\$514,029,838</b>

In addition to analyzing retroactivity for registered FY19 Contract Actions, this Report also analyzes whether or not TOs or “CTA1s” awarded through agency MMA1s were considered retroactive based on the definition identified in the beginning of this section.

As TABLE XXIV indicates, 76% of all registered FY19 TOs were retroactive (1,179 of 1,560 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (910) represents 58% of the total number of registered TOs in FY19 and 77% of all retroactive CTA1 registrations for the same twelve-month period.



TABLE XXIV: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED TASK ORDERS IN FY19

Rank	Agency	Total No. Registered	Total Registered Value
1	SBS	255	\$457,500,984
2	HPD	124	\$84,470,465
3	DDC	100	\$66,517,752
4	DoITT	84	\$32,057,097
5	DOHMH	66	\$3,974,411
6	DOE	65	\$25,502,741
7	HRA (DSS)	61	\$188,617,096
8	DCAS	60	\$29,081,757
9	DOT	58	\$18,677,212
10	ACS	37	\$7,169,765
<b>TOTAL (Top 10)</b>		<b>910</b>	<b>\$913,569,280</b>
Subtotal (All Others)		269	\$82,860,990
<b>TOTAL</b>		<b>1,179</b>	<b>\$996,430,270</b>

### K. Prompt Payment

City agencies are required to process contract payments to those vendors doing business with the City efficiently and expeditiously.<sup>133</sup> After a proper invoice has been received and accepted by the contracting agency, a required payment date is established. Specifically, contract payments must be made within 30 calendar days of the required payment date. If City agencies fail to provide payments within the prescribed period, they will become liable for making interest payments to the vendors. The interest rate for these payments is jointly established by the Comptroller and OMB and is set at a rate equal to the maximum amount allowed by law or lower.

In FY19, the total interest paid by City agencies to contracted vendors was just over \$346,000, representing an increase of approximately 92% from FY18 (nearly \$180,000).

### L. Registered Agency Purchase Orders<sup>134</sup>

The PPB Rules defines a Purchase Order or “PO” as an official document of the City directing a vendor to perform. A PO formalizes a transaction with a vendor for purchases generally at or below the small purchase limits unless the PO is placed against an existing contract.<sup>135</sup> FMS contains four different PO types:

1. Commodity PO - Small Purchase Construction (“PCC1”);
2. Commodity PO - Micropurchase (“POD”);
3. Commodity PO - Small Purchase (“POC”); and
4. Non - Commodity PO (“PON1”).

Pursuant to *Comptroller Directive #24*, dated April 15, 2004 and re-issued on March 11, 2014, the purchase of commodities below the Small Purchase and Micropurchase Limits can be processed through PCC1s, PODs, or POCs. Non-Commodity POs or “PON1s” are limited to general agency encumbrances for special, non-procurement expenditures for which a contract or other purchase document is not required.<sup>136</sup>

On April 1, 2015, the Comptroller's Office issued *Comptroller's Memorandum #15-1 – Updates to Directive #24 - Agency Purchasing Procedures and Controls*, to clarify for agencies the limited approved uses of PON1s and to provide overall guidance regarding proper practices for this PO type. Specifically, *Comptroller's Memorandum #15-1* states that PON1 usage is restricted to non-procurement payments such as union welfare funds, pension fund payments and U.S. Postal Services payments.

TABLE XXV: HISTORICAL COMPARISON OF REGISTERED AGENCY POS BY TYPE

PO Type	Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		Fiscal Year 2019	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
PCC1	9,486	\$11,061,142	8,222	\$12,661,555	8,761	\$13,307,549	10,536	\$17,722,578
POD	20,286	\$95,659,630	20,617	\$95,392,001	19,636	\$94,204,191	19,609	\$91,993,979
POC	75,708	\$809,354,200	89,308	\$1,329,756,723	92,509	\$1,473,507,420	96,592	\$1,914,191,502
PON1	32,963	\$14,799,475,206	38,543	\$14,925,036,722	26,727	\$16,744,907,556	29,120	\$15,414,687,153
<b>TOTAL</b>	<b>138,443</b>	<b>\$15,715,550,178</b>	<b>156,690</b>	<b>\$16,362,847,000</b>	<b>147,633</b>	<b>\$18,325,926,716</b>	<b>155,857</b>	<b>\$17,438,595,213</b>

TABLE XXVI: TOP FIVE AGENCIES BY TOTAL NUMBER OF REGISTERED POS IN FY19

Top Five Agencies by Number PCC1s		
Agency	Total No. Registered	Total Registration Value
HPD	10,298	\$13,474,324
H+H	132	\$1,999,947
DPR	30	\$605,672
LAW	26	\$189,434
DSNY	13	\$396,566
<b>Total (Top 5)</b>	<b>10,499</b>	<b>\$16,665,943</b>
Subtotal (All Others)	37	\$1,056,635
<b>TOTAL</b>	<b>10,536</b>	<b>\$17,722,578</b>

Top Five Agencies by Number PON1s		
Agency	Total No. Registered	Total Registration Value
DOE	16,462	\$3,130,026,342
CUNY	9,329	\$166,335,847
CULT	1,406	\$116,052,331
HRA (DSS)	500	\$369,229,089
HPD	200	\$172,867,770
<b>Total (Top 5)</b>	<b>27,897</b>	<b>\$3,954,511,378</b>
Subtotal (All Others)	1,223	\$11,460,175,775
<b>TOTAL</b>	<b>29,120</b>	<b>\$15,414,687,153</b>

Top Five Agencies by Number PODs		
Agency	Total No. Registered	Total Registration Value
DPR	1,911	\$7,055,303
DEP	1,604	\$14,643,026
DOHMH	1,201	\$9,765,498
DSNY	1,067	\$5,307,867
CC	876	\$1,300,498
<b>Total (Top 5)</b>	<b>6,659</b>	<b>\$38,072,192</b>
Subtotal (All Others)	12,950	\$53,921,787
<b>TOTAL</b>	<b>19,609</b>	<b>\$91,993,979</b>

Top Five Agencies by Number POCs		
Agency	Total No. Registered	Total Registration Value
DOE	92,547	\$150,549,290
NYPD	2,338	\$14,188,510
LAW	413	\$3,544,820
DOT	378	\$4,567,572
HPD	253	\$1,621,011,840
<b>Total (Top 5)</b>	<b>95,929</b>	<b>\$1,793,862,033</b>
Subtotal (All Others)	663	\$120,329,470
<b>TOTAL</b>	<b>96,592</b>	<b>\$1,914,191,502</b>

## M. Contract Unlocks and Overrides<sup>137</sup>

Effective July 2 2018, City agencies have been required to submit contract Unlock and Override requests to the Comptroller’s Office through the Comptroller’s Agency Request Portal or “ARP”, a new online tool designed and built in-house to modernize an antiquated email-based request system.

When an agency submits a contract to the Comptroller’s Officer for registration, it manually applies their Level 3 approval in FMS. Once the agency applies Level 3 approval, the information in FMS is locked and is pending BCA’s review.

Unlock requests can only be submitted for pending contract actions that have been submitted to the Comptroller’s Office for registration. Agencies that need to modify the contract amount, contract type, award method, accounting line, etc., on the completed FMS Advice of Award must submit an Unlock request through ARP. Once unlocked, only the changes specified in the request can be made by the agency.

An agency user must submit an Override request though ARP if a registered contract needs to be modified. Prior to submitting the Override request, however, the agency must first create a CTR or MAR in FMS reflecting the requested change that is subject to the Override request. Note, depending on the type of Override request, other actions may be required for processing. For instance, changes to a vendor name or a vendor address first requires a separate review and approval by the Vendor Validation Unit in the Comptroller’s Bureau of Accountancy.

Only authorized agency personnel with a valid City government issued email address and credentials, including quasi-City agencies such as NYCEDC, H+H, NYCHA, and CUNY, can submit Unlock and Override requests to the Comptroller’s Office through the portal.

During the portal’s first year online, BCA has received a combined total of 7,204 Unlock and Override requests of which 7,140 were completed and 64 of the submitted requests were cancelled by the submitting agency. Of the 7,204, requests 5,413 were Unlock requests and 1,791 were Override requests. TABLE XXVII and XXVIII provides a breakdown of the total top ten requests submitted by agency.

TABLE XXVII: TOP TEN AGENCIES BY NUMBER OF CONTRACT UNLOCK REQUESTS IN FY19

Agency	Total Contract Unlock Requests
DOE	663
DDC	488
DEP	354
DPR	332
SBS	267
DOT	255
DOHMH	249
DYCD	193
DCAS	180
DoITT	146
<b>Total (Top 10)</b>	<b>3,127</b>
Subtotal (All Others)	<b>2,286</b>
<b>TOTAL</b>	<b>5,413</b>

TABLE XXVIII: TOP TEN AGENCIES BY NUMBER OF CONTRACT OVERRIDE REQUESTS IN FY19

Agency	Total Contract Override Requests
DYCD	290
DDC	156
DOE	144
DOHMH	142
DoITT	116
DOT	98
DEP	66
SBS	58
DPR	51
DCAS	47
<b>Total (Top 10)</b>	<b>1,168</b>
Subtotal (All Others)	<b>623</b>
<b>TOTAL</b>	<b>1,791</b>

## Section 4: Bureau of Labor Law FY19 Data Pursuant to Sections 6-109 and 6-130 of the NYC Administrative Code

The Comptroller is required to submit annual reports to the Mayor and to City Council summarizing and assessing the implementation and enforcement of sections 6-109 and 6-130 of the Administrative Code which require that:

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50; and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.<sup>138</sup>

The Comptroller is required by section 6-116.2 of the Administrative Code to include this information in the annual summary contracts report published by BCA on behalf of the Comptroller.<sup>139</sup> The required reporting information is presented in TABLE XXIX below.

TABLE XXIX: BLL FY19 DATA PURSUANT TO SECTIONS 6-109 AND 6-130 OF THE ADMINISTRATIVE CODE

Type of Work	Number of Pending Cases as of 7/1/2019	Number of New Cases Opened	Number of New Cases Opened	Closed Result
Temporary Office Services	3	1	1	Time Barred
Building Services	0	0	0	N/A
Food Services	0	0	0	N/A
Day Care Services	0	0	0	N/A
Head Start Services	0	0	0	N/A
Home Care Services	0	1	0	N/A
Services to Parsons with Cerebral Palsy	0	0	0	N/A

## Section 5: Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Construction-Related Services**: Those services that may reasonably be required in the planning, design, or construction of real property or other public improvements. Such services shall include, but not be limited

to, engineering, construction supervision, construction management, testing and investigation. (9 RCNY § 1-01(e)).

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

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

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

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

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

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

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

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

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

**Fiscal Year**: Unless otherwise indicated, the word "year" as it related to terms of contracts shall mean the City's fiscal year. (9 RCNY § 1-01(e)). For the purpose of this Report, the fiscal year covered is Fiscal Year 2016 which runs from July 1, 2015 through June 30, 2016.

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

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

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

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

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

**Grant**: A cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization, or an individual, for use by the recipient in accomplishing objectives established by the recipient. A grant is permissible only to accomplish a public purpose authorized by federal, state, or City law. A grant may be conditional, although awarded without other consideration. Federal and state grants are identified specifically by formula or specific allocations in law or in the annual operating budget act, bond

authorizations, or other acts of Congress or the state legislature. Grants can be distinguished from procurement contracts, which call for the vendor to produce specific end products or to deliver specific goods or services. While there are requirements under a grant that result in an executed agreement between the grantor and grantee, this document is not a contract for services. (9 RCNY § 1-01(e)).

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

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

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

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

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

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

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

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

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

or competition. These types of contracts (typically for standard services) are commonly set up by DCAS and can be utilized by other City agencies. (9 RCNY §§ 3-02(t), (j)).

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

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

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

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

**PASSPort:** A computerized citywide system providing new comprehensive contract management information and historical data migrated from VENDEX.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Section 6. Appendices<sup>140</sup>

Download of Appendices 1 – 18 are available online by clicking the link below. Appendices 19 - 24 are immediately available.

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[Appendix 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods](#)

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Appendix 19: Agency Codes

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Appendix 23: Analogizing FMS Award Method Codes to PPB Rules and the PPP

Appendix 24: Applicable Sections of the NYC Administrative Code

## Appendix 19: Agency Codes

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

<b>Agency Code</b>	<b>Agency</b>	<b>Agency Short Name</b>
073	Board of Correction	BOC
095	Pension Contributions	PENSION CONT
096	Human Resources Administration	HRA
099	Debt Service	DEBT
101	Public Advocate	PA
102	City Council	CC or COUNCIL
103	City Clerk	Clerk
125	Department for the Aging	DFTA
126	Department of Cultural Affairs	CULT
127	Financial Information Services Agency	FISA
130	Department of Juvenile Justice	DJJ
131	Office of Payroll Administration	OPA
132	Independent Budget Office	IBO
136	Landmarks Preservation Commission	LPC
156	NYC Taxi and Limousine Commission	TLC
214	Health Payments	HEALTH PYMTS
226	Commission on Human Rights	HRC
260	Department of Youth and Community Development	DYCD
312	Conflicts of Interest Board	COIB
313	Office of Collective Bargaining	OCA
341	Manhattan Community Board # 1	MCB1
342	Manhattan Community Board # 2	MCB2
343	Manhattan Community Board # 3	MCB3
344	Manhattan Community Board # 4	MCB4
345	Manhattan Community Board # 5	MCB5
346	Manhattan Community Board # 6	MCB6
347	Manhattan Community Board # 7	MCB7
348	Manhattan Community Board # 8	MCB8
349	Manhattan Community Board # 9	MCB9
350	Manhattan Community Board # 10	MCB10
351	Manhattan Community Board # 11	MCB11
352	Manhattan Community Board # 12	MCB12
381	Bronx Community Board # 1	BXCB1

<b>Agency Code</b>	<b>Agency</b>	<b>Agency Short Name</b>
382	Bronx Community Board # 2	BXCB2
383	Bronx Community Board # 3	BXCB3
384	Bronx Community Board # 4	BXCB4
385	Bronx Community Board # 5	BXCB5
386	Bronx Community Board # 6	BXCB6
387	Bronx Community Board # 7	BXCB7
388	Bronx Community Board # 8	BXCB8
389	Bronx Community Board # 9	BXCB9
390	Bronx Community Board # 10	BXCB10
391	Bronx Community Board # 11	BXCB11
392	Bronx Community Board # 12	BXCB12
431	Queens Community Board # 1	QCB1
432	Queens Community Board # 2	QCB2
433	Queens Community Board # 3	QCB3
434	Queens Community Board # 4	QCB4
435	Queens Community Board # 5	QCB5
436	Queens Community Board # 6	QCB6
437	Queens Community Board # 7	QCB7
438	Queens Community Board # 8	QCB8
439	Queens Community Board # 9	QCB9
440	Queens Community Board # 10	QCB10
441	Queens Community Board # 11	QCB11
442	Queens Community Board # 12	QCB12
443	Queens Community Board # 13	QCB13
444	Queens Community Board # 14	QCB14
471	Brooklyn Community Board # 1	BKCB1
472	Brooklyn Community Board # 2	BKCB2
473	Brooklyn Community Board # 3	BKCB3
474	Brooklyn Community Board # 4	BKCB4
475	Brooklyn Community Board # 5	BKCB5
476	Brooklyn Community Board # 6	BKCB6
477	Brooklyn Community Board # 7	BKCB7
478	Brooklyn Community Board # 8	BKCB8

<b>Agency Code</b>	<b>Agency</b>	<b>Agency Short Name</b>
479	Brooklyn Community Board # 9	BKCB9
480	Brooklyn Community Board # 10	BKCB10
481	Brooklyn Community Board # 11	BKCB11
482	Brooklyn Community Board # 12	BKCB12
483	Brooklyn Community Board # 13	BKCB13
484	Brooklyn Community Board # 14	BKCB14
485	Brooklyn Community Board # 15	BKCB15
486	Brooklyn Community Board # 16	BKCB16
487	Brooklyn Community Board # 17	BKCB17
488	Brooklyn Community Board # 18	BKCB18
491	Staten Island Community Board # 1	SICB1
492	Staten Island Community Board # 2	SICB2
493	Staten Island Community Board # 3	SICB3
781	Department of Probation	DOP
801	Department of Small Business Services	SBS
806	Housing Preservation and Development	HPD
810	Department of Buildings	DOB
816	Department of Health and Mental Hygiene	DOHMH
817	Department of Mental Health	DP MNTL HLTH
819	Health and Hospitals Corporation	HHC
820	Office of Administrative Trials and Hearings	OATH
826	Department of Environmental Protection	DEP
827	Department of Sanitation	DSNY
829	Business Integrity Commission	BIC
836	Department of Finance	DOF
841	Department of Transportation	DOT
846	Department of Parks and Recreation	DPR
850	Department of Design and Construction	DDC
856	Department of Citywide Administrative Services	DCAS
857	DCAS Division of Municipal Supply Service	DCAS (DMSS)
858	Department of Information Technology and Telecommunications	DoITT
860	Department of Records and Information Services	DORIS
866	Department of Consumer Affairs	DCA

<b>Agency Code</b>	<b>Agency</b>	<b>Agency Short Name</b>
901	District Attorney - New York County	DANY
902	District Attorney - Bronx County	DABX
903	District Attorney -Kings County	DAKINGS
904	District Attorney - Queens County	DAQ
905	District Attorney -Richmond County	DARICH
906	Office of Prosecution – Special Narcotics	OOP-SN
943	Public Administrator-Kings County	PA-KINGS
996	Housing Authority	NYCHA
998	Transit Authority	TRANSIT



## Appendix 20: Award Method Codes

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

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

## Appendix 21: Contract Type Codes

<b>Contract Type Code</b>	<b>Contract Type</b>
05	Construction
10	Consultant
15	Franchises
17	Revocable Consents
18	Permits
20	Concessions
25	Corpus Funded
26	Compensating Balance from Proceeds
29	Other Expense Contract or Revenue Related
30	Miscellaneous Revenue – No Expense
35	Lessee
36	Miscellaneous Property Rental
39	Lessor – Revenue
40	Lessor – Accounting Lines Exist
41	Cable Service
42	Professional Membership
43	Subscriptions
44	Public Utility
45	Requirements
46	Requirements – Goods
47	Requirements – Services
48	Requirements – Construction
50	Work/Labor
51	Supplies/Materials/ Build
52	Construction Management/Build
65	Loans
68	Force Account Agreement
70	Programs
72	Programs (Not Tax Levy Funded)
78	Real Estate Sales and Purchases
79	Watershed Land Acquisition
80	DoITT – Requirements Contract
81	DMS – Requirements Contract

<b>Contract Type Code</b>	<b>Contract Type</b>
83	Condemnations – Exempt OCA Processing
85	Intra-Agency Fund Agreements
86	Department of Education – Requirements Contract
88	New York City Bond Financing
99	Others

## Appendix 22: Contract Category Codes

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

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

## Appendix 23: FMS Award Method Codes and corresponding PPB Rules and PPP

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

\* No direct corresponding FMS AM Code.

## Appendix 24: Applicable Sections of the NYC Administrative Code

### NYC Admin. Code § 6-116.2 (a)-(f)

- a. The comptroller and the mayor shall jointly maintain, at the financial information services agency, a computerized database. Such data base shall contain information for every franchise and concession and every contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, entered into by an agency, New York city affiliated agency, elected official or the council, including, but not limited to: (1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire where available in accordance with applicable law; (2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures; (3) the type of goods or services to be provided pursuant to the contract; (4) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized; (5) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder; and (7) the date of any public hearing held with respect to the contract and the date and agenda number of action taken with respect to a concession or franchise by the franchise and concession review committee; and (8) the contract budget category to which the contract is assigned, where applicable.
- b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York City affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to: (1) the current addresses and telephone numbers of: A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different, B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site, C. any other names under which the contractor has conducted business within the prior five years, and D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years; (2) the dun & bradstreet number of the contractor, if any; (3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract; (4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation; (5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other



counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years; (6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers; (7) the names, current business addresses and telephone numbers, taxpayer identification numbers and employer identification numbers of affiliates of the contractor; (8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers; (9) the principal owners and officers of every subcontractor; (10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section; (11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract; (14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending; (15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor; (16) whether city of New York income tax returns, where required, have been filed for the past five years; (17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city; (18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity; (19) criminal proceedings pending against the contractor, and any principal owner or officer of such contractor; (20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status; (21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates; (22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending; (23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract. (ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official. (iii) Information required from a contractor consisting of a contractor's social security number shall be obtained by the agency, elected official or the council entering into a contract as part of the administration of the taxes administered by the commissioner of finance for the purpose of establishing the identification of persons affected by such taxes. (iv) In the event that procurement of goods, services or construction must be made on an emergency basis, as provided for

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

- c. The information maintained pursuant to subdivision b shall be made accessible to the computerized data system established pursuant to subdivision “a” of this section in a form or format agreed upon by the mayor and the comptroller. The information contained in these computerized data systems shall be made available to any other data retrieval system maintained by an agency, New York city affiliated agency, elected official or the council for the purpose of providing information regarding contracts, franchises and concessions awarded and the contractors, franchisees and concessionaires to which they were awarded. The information concerning the past performance of contractors that is contained in a computerized data base maintained pursuant to section 6-116.1 of this code for such purposes shall be made available to these data systems.
- d. All of the information as required by subdivisions a and b contained in these computerized data bases shall be made available on-line in read-only form to personnel from any agency or New York city affiliated agency, elected officials, members of the council and council staff, and shall be made available to members of the public, in accordance with sections three hundred thirty four and one thousand sixty four of the charter and article six of the public officers law.
- e. No contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, franchise or concession shall be let by an agency, elected official or the council, unless the contract manager or other person responsible for making the recommendation for award has certified that these computerized data bases and the information maintained pursuant to section 6-116.1 of this code have been examined. This shall be in addition to any certifications required by chapter thirteen of the charter, the rules of the procurement policy board, where applicable, or any rules of the council relating to procurement.

- f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to: (1) the types and dollar amount of each contract, franchise or concession entered into during the previous fiscal year; (2) the registration number assigned by the comptroller, if any; (3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession; (4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract; (5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section 312 of the charter, where applicable;<sup>141</sup> and (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder.<sup>142</sup> For franchises, this information shall also include whether the authorizing resolution of the council was complied with.<sup>143</sup>

# Acknowledgments

Deputy Comptroller Flores wishes to thank Christian Stover for his invaluable vision, dedication and commitment to providing an in-depth analysis of this Report.

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Deputy Comptroller Flores also recognizes the important contributions to this Report made by Kim Yu, Troy Chen, Archer Hutchinson, and Nicole Jacoby.

**Cover Image:** Courtesy of NYC Municipal Archives. Northeast view from Park Row to Centre Street of Brooklyn Bridge extension in Downtown Manhattan in November 1935.

# Endnotes

- 1 “City” refers to the City of New York.
- 2 NYC Charter § 328(a).
- 3 *Id.* at § 375.
- 4 NYC Admin. Code § 6-116.2(f).
- 5 Fiscal Year 2019 covers the period from July 1, 2018 to June 30, 2019.
- 6 Note that the registration information provided in this Report is based on the contract data as inputted into FMS by the submitting agency.
- 7 NYC Admin. Code §§ 6-109 and 6-130.
- 8 A complete list of the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 19*. In general, this list reflects those entities that registered at least one contract action in FY19.
- 9 In order to preserve transparency, supporting data for the tables included in each of the above-referenced categories and this Report are included as appendices at the end of the document.
- 10 NYC Admin. Code §§ 6-109, 6-130.
- 11 *Id.* at § 6-116.2(f).
- 12 Definitions for the following FMS Transaction Codes can be found in the “Crosswalk” addendum to Comptroller’s Directive #24 which was re-issued on March 11, 2014: CT1 is a general contract used for both expense and capital contracts; RCT1 is a revenue contract; MA1 is a master agreement and MMA1 is a multiple master award contract used for when more than one contract will be awarded to a vendor.
- 13 Revenue Actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts).
- 14 For the purposes of this Report, POs include PCC1s, PODs, POCs, and PON1s.
- 15 Note that registered values represented in this Report are rounded to the nearest whole number.
- 16 Unless otherwise indicated, for the purposes of Table I and this Report, Procurement Contract Actions include the following Award Method Codes: 01, 02, 03, 05, 06, 07, 10, 11, 12, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 040, 41, 42, 43, 44, 45, 51, 61, 62, 68, 72, 78, 79, 99, 100, 101, 102, 106, 109, 111, 112, 113, 211, 251 and 511 and excludes the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.
- 17 Unless otherwise indicated, for the purposes of Table I and this Report, Revenue Actions include the following Contract Type Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.
- 18 NYC Charter § 328(a); 9 RCNY § 1-01(e).
- 19 Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to in FMS as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.
- 20 NYC Admin. Code § 6-116.2(f).
- 21 Unlike prime contracts, individual subcontracts entered into by prime contractors pursuant to existing contracts are not registered by BCA. Prime vendors are required to receive prior approval from the contracting City agency for every subcontractor it intends to utilize during the contract term. “Subcontractor Approval Forms” are completed, signed and submitted to the contracting City agency for review and approval. Additionally, prime contractors are required to “self-report” subcontractor information by entering certain data into the Payee Information Portal (“PIP”). However, a significant number of prime contractors either do not enter this data into PIP at all or do not do so on a real-time basis. As a result, subcontractor data is not included in this Report since the available information does not allow for accurate reporting or analysis. Note that a report issued on November 16, 2017 by the Comptroller’s Office through its Diversity Office within the Bureau of Policy and Research (Making the Grade: New York City Agency Report Card on Minority/Women-Owned Business Enterprises) found that although there has been an increase in the subcontracting data being uploaded from City agencies to PIP, most agencies are not enforcing the requirement that that prime contractors input subcontractor data into PIP.
- 22 For instance, this Report does include the FY19 Master and Maritime Contracts New York City Department of Small Business Services (“SBS”) entered into and registered with NYCEDC, but not the contracts between NYCEDC and the contracted entity for individual projects.
- 23 See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).
- 24 NYC Admin Code § 6-116.2(a).
- 25 Award Method Codes refer to the type of procurement used to select the contractor or vendor. There are currently over 70 Award Method Codes to select from when entering registration-related data into FMS. See *Appendix 20* for a complete list.
- 26 Contract Type Codes refers to the purpose or nature of the contract. There are over 30 Contract Type Codes to select from when entering registration-related data into FMS. See *Appendix 21* for a complete list.

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- 27 Contract Category Codes refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 Contract Category Codes to select from when entering registration-related data into FMS. See *Appendix 22* for a complete list.
- 28 The PPB is comprised of five members; three members appointed by the Mayor and two members appointed by the Comptroller. The PPB is authorized to promote and put into effect rules governing the procurement of goods, services and construction by the City under Chapter 13 of the Charter.
- 29 Due to the large volume of registered FY19 DOE Contract Actions, *Appendix 23* provides a side-by-side comparison of DOE award or contract types with PPB counterparts.
- 30 See *Appendix 20* for corresponding FMS AM Codes.
- 31 Since the award methods used to enter into Revenue Actions may overlap with the awards methods listed in Contract Group Nos. 1–5 for Procurement Actions, the transactions in Contract Group No. 6 are identified by FMS Transaction Code RCT1 and Contract Type in order to distinguish between them from the two categories.
- 32 9 RCNY § 3-01(c) & GML § 104.
- 33 GML §§ 103, 104.
- 34 NYC Charter § 317.
- 35 See *Appendix 1* for supporting data pertaining to Table VII.
- 36 NYC Charter § 312.
- 37 Id. at § 313.
- 38 Id. at § 3-10.
- 39 Id. at § 317(b).
- 40 This contract was submitted with a FY18 contract number, but was registered in FY19.
- 41 Id. at § 319.
- 42 Id. at § 320.
- 43 9 RCNY § 3-07.
- 44 The discussion of Small Purchase Contracts in this subsection, including references to the Small Purchase Limit and the procedures established to afford more opportunities for M/WBEs and Emerging Business Enterprises (“EBE”) to compete for City contracts through the 5+10 method, only apply to the City’s mayoral agencies.
- 45 Id. at § 3-08.
- 46 NYC Charter § 314.
- 47 9 RCNY § 3-08.
- 48 On December 29, 2017, Governor Andrew M. Cuomo signed legislation raising the threshold for NYC government contracts that requires contractors to go through a competitive bidding process to \$150,000 from \$20,000. On September 27, 2018, the PPB adopted a corresponding rule change allowing agencies to enter into contracts with City-certified M/WBEs up to \$150,000 without a formal competition.
- 49 Agencies must use the FMS Small Purchase Module or the Vendor Source List to build the 5+10 List.
- 50 The figures provided for “Small Purchases” in this Report do not include all individual AM Codes that FMS identifies as “Small Purchases” by name. Rather, certain “Small Purchase” FMS AM Codes are collapsed into the more “general” procurement Award Method. For instance, CSBs in the “Competitive” Contract Group include standard CSBs (Award Method Code 01), Small Purchase CSBs (Award Method Code 03), CSBs from a PQVL (Award Method Code 35) and Small Purchase CSBs from a PQVL (Award Method Code 37). A similar approach is used for CSPs.
- 51 Id. at § 1-02(f)(1).
- 52 See *Appendix 2* for supporting data pertaining to Table VIII.
- 53 9 RCNY § 1-02(e).
- 54 Id. at § 3-08.
- 55 Chapter 98 of the Laws of 2019 and codified under New York City Charter Section 311(i)(1).
- 56 NYC Charter § 316.
- 57 See 40 U.S.C. § 502(c)(1) regarding GSA’s authority to allow other government entities to use its contracts, limited to Federal Supply Schedules 70 and 84.
- 58 See GML §§ 103(1-b), 104, 104-a, and 104-b. The City has broad authority to use the contracts let by other governments.
- 59 SFL § 163(10)(e).
- 60 Id. at § 3-04.
- 61 Id. at § 1-01(e).
- 62 9 RCNY § 1-02(d).
- 63 SFL § 162.
- 64 Id. at § 3-08(c)(2).
- 65 Id. at § 3-08(c)(1)(ii).
- 66 9 RCNY § 3-05.
- 67 The City Record is the official paper of the City of New York. It is published each weekday except legal holidays. The print edition of The City Record is the official publication for the following notices: public hearings, meetings, court notices, property dispositions, procurements (solicitations and awards), agency public hearings, agency rules, and special materials

- which include changes in personnel. This electronic version of The City Record is offered solely for the convenience of readers. See NYC Charter § 1066 and <https://a856-cityrecord.nyc.gov/> (last accessed January 23, 2020).
- 68 NYC Charter § 321.
- 69 Id. at § 3-13(a).
- 70 Id. at § 315.
- 71 9 RCNY § 3-06(f)(2).
- 72 Id. at § 3-11(a).
- 73 Id. at § 1-01(e).
- 74 Id. at § 3-12(a).
- 75 See *Appendix 3* for supporting data pertaining to Table IX.
- 76 5 NYC Charter § 824(a).
- 77 See Section 3 of this Report for a more detailed discussion of this area.
- 78 PPP § 3-06(a).
- 79 See § 4.90 of NYS Local Finance Law requiring variable rate bonds to have letters of credit or liquidity facilities backing them.
- 80 9 RCNY § 1-02(f).
- 81 See *Appendix 4* for supporting data pertaining to Table X.
- 82 Id. at §§ 1-01(e) and 1-02(f)(1).
- 83 This contract was submitted with a FY18 contract number, but was registered in FY19.
- 84 9 RCNY § 1-02(f)(2).
- 85 This contract was submitted with a FY20 contract number, but was registered in FY19 during the Pre-Processing Period.
- 86 Id. at § 1-02(f)(3).
- 87 Id. at § 1-02(f)(4).
- 88 Id. at § 1-02(f)(5).
- 89 See *Appendix 5* for supporting data pertaining to Table XI.
- 90 8 9 RCNY § 4-04(a).
- 91 Id. at § 3-04(b)(2)(iii).
- 92 NYC Charter § 104.
- 93 See *Appendix 6* for supporting data pertaining to Table XII.
- 94 3 NYC Charter § 362(b).
- 95 Id. at § 362(a).
- 96 Id. at § 362(d).
- 97 See *Appendix 7* for supporting data pertaining to Graph V.
- 98 For purposes of the FY19 Report, whenever the industry classification identified by OASIS for a particular contract differed from the industry classification identified by FMS, the FMS industry classification was used. In prior annual reports starting with FY17, the OASIS classification was defaulted to.
- 99 9 RCNY § 4-02.
- 100 Id. at § 4-02(b)(iii).
- 101 Id. at § 1-01(e).
- 102 See *Appendix 8* for supporting data pertaining to Table XIII.
- 103 9 RCNY § 2-12.
- 104 NYC Charter § 328(a).
- 105 See *Appendix 9* for data supporting Table XIV.
- 106 The data provided in this section is limited to TOs/CTA1s issued pursuant to master agreements registered using the Transaction Code “MMA1.” It does not include instances where agencies purchase goods using a Direct Order (“DO”) issued through master agreements registered using the Transaction Code “MA1.”
- 107 See *Appendix 10* for supporting data pertaining to Table XV.
- 108 For the purposes of the FY19 Report, the “CTA1s Registered through DoITT MMA1s” category included agency TOs issued and registered pursuant to master agreements held by DoITT. In the prior reports issued for FY15 – FY17, the data for this reported same category was limited to DoITT TOs issued and registered pursuant to master agreements held by DoITT (and not all agency TOs).
- 109 <http://schools.nyc.gov/AboutUs/schools/data/stats/default.htm>, last accessed January 29, 2018.
- 110 NYS Education Law § 2590-g.
- 111 See PPP § 1-01 (“Definitions”) which states that the Panel for Educational Policy is the “The board of education of the city school district of the City of New York consisting of thirteen appointed members as set forth in the New York State Education Law Section § 2590-b of Article 52-A.”
- 112 PPP § 1-01.
- 113 Id.
- 114 Id. at § 3-01(a).
- 115 PPP § 2-09(a).

- 116 See PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”).
- 117 PPP §§ 3-01(c) and (d).
- 118 See PPP § 2-09(b) (“Registration is not required for purchase orders used to make purchases pursuant to requirements contracts that have been registered with the Comptroller.”).
- 119 See *Appendix 11* for supporting data pertaining to Table XVI.
- 120 See *Appendix 12* for supporting data pertaining to Table XVII.
- 121 See *Appendix 12* for supporting data pertaining to Table XVIII.
- 122 New York City Health and Hospitals Act §§ 1-25.
- 123 Id. At § 4.
- 124 Id. At §§ 4-a, 8.
- 125 Id. At § 6.
- 126 See *Appendix 13* for supporting data pertaining to Table XIX.
- 127 See *Appendix 14* for supporting data.
- 128 New York City Charter § 824(a)
- 129 9 RCNY 3-06(a).
- 130 See *Appendix 15* for data supporting Table XX.
- 131 Details on contract retroactivity for FY18 are available in the report entitled, *Running Late: An Analysis of NYC Agency Contracts*, available online at: <https://comptroller.nyc.gov/reports/annual-analysis-of-nyc-agency-contracts/> (last accessed January 23, 2020). A follow-up report for FY19 is anticipated to be released in 2020.
- 132 See *Appendix 16* for supporting data.
- 133 9 RCNY § 4-06.
- 134 See *Appendix 17* for supporting data.
- 135 Id. at § 1-01(e).
- 136 Since the original issuance of Comptroller’s Directive #24 on April 15, 2004, the City’s financial management system was upgraded from FMS2 to FMS3. As a result of such change, many FMS purchase document names were updated. When the Directive was reissued on March 11, 2014, it included an addendum, in the form of a “Crosswalk,” identifying what each FMS2 purchase document type was replaced with when FMS3 was implemented.
- 137 See *Appendix 18* for supporting data.
- 138 NYC Admin. Code § 6-109
- 139 In addition to the report required by section 6-109 of the Administrative Code, BLL is also responsible for the Comptroller’s compliance with the annual reporting requirement set forth in section 6-130(d)(1) of the Administrative Code. BLL reports that the NYCEDC provided the Comptroller’s Office with a list of covered developers on March 10, 2015 pursuant to section 6-130(c)(7) of the Administrative Code. Furthermore, BLL reports that it received no complaints of underpayment under the statute.
- 140 The column heading labeled "Award Level" in Appendices 1 through 8 refers to the level of competition received for an individual procurement. The numbers listed in the "Award Level" column correspond to the following level of competition received: (1) Single Bid; (2) Multiple Responses/Lowest Chosen; (3) Multiple Responses/Not Lowest Chosen; (30) Conversion; (4) Revenue-Single Response Received; (5) Revenue-Highest of Multiple Responses; (6) Revenue-Not Highest/Multiple Responses; and (7) Best Value/Not Lowest Selected.
- 141 The "displacement" analysis required by § 312(a) of the Charter occurs prior to the submission of a contract action for registration. Confirmation that such award was "deemed appropriate" is conducted by the head of submitting agency or his/her official designee. Additionally, the Mayor or his/her official designee is required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met, including compliance with § 312(a) of the Charter.
- 142 The PPB Rules require agencies to award contracts procured through a competitive sealed bid to the lowest responsible bidder. Confirmation that each applicable award was appropriately made is attested to by the submitting agency's "Agency Chief Contracting Officer" and/or the Mayor or his/her official designee who are required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met.
- 143 The awarding agency and the Corporation Counsel certify, prior to the agency's filing of the franchise action with the Comptroller for registration, that the requirements set forth in an authorizing resolution adopted by the City Council were complied with.







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