



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

NOTICE OF MEETINGS

City Planning Commission

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

City Council

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

Contract Awards Public Hearing

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

Design Commission

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

Department of Education

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

Board of Elections

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

Environmental Control Board

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

Board of Health

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

Health Insurance Board

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

Board of Higher Education

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

Citywide Administrative Services

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

Commission on Human Rights

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

In Rem Foreclosure Release Board

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

Franchise And Concession Review Committee

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

Real Property Acquisition And Disposition

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

Landmarks Preservation Commission

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

Employees' Retirement System

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

Housing Authority

Board Meetings will be held every other Wednesday at 10:00 A.M. (unless otherwise noted) in the Board Room on the 12th Floor of 250 Broadway. These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.

For Board Meeting dates and times, and/or additional information, please visit our website at nyc.gov/nycha or contact us at (212) 306-6088. Copies of the agenda can be picked up at the Office of the Secretary at 250 Broadway, 12th floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting.

Parole Commission

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

Board of Revision of Awards

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

Board of Standards and Appeals

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

Tax Commission

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

BROOKLYN BOROUGH PRESIDENT

PUBLIC HEARINGS

UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN that, pursuant to Sections 82 and 197-C of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matter in the **Borough President's Conference Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:00 P.M. on Tuesday, June 22, 2010.**

CALENDAR ITEM 1

DSNY BROOKLYN DISTRICT 3 GARAGE

525 JOHNSON AVENUE PROPERTY ACQUISITION COMMUNITY DISTRICT 1 100258 P/Q/100264 P/Q

In the matter of applications submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City charter, for acquisition of properties located at 525 Johnson Avenue and 145 Randolph Street for continued use as a garage and parking lot, respectively.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

j15-21

CITY COUNCIL

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 10:00 A.M. on Monday, June 21, 2010:

BROOKLYN CB - 1 **DOMINO SUGAR** **C 100185 ZMK**
Application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 1 2d:

- changing from an M3 -1 District to an R6 District property bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue;
- changing from an M3-1 District to an R8 District property bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;
- changing from an M3-1 District to a C6-2 District property bound by:
 - Grand Street and its northwesterly centerline prolongation, Kent Avenue, the northwesterly centerline prolongation of South 1st Street, and the U.S. Pierhead Line; and
 - the northwesterly centerline prolongation of South 2nd Street, Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, and a line 235 feet northwesterly of Kent Avenue;
- establishing within a proposed R6 District a C2-4 District bounded by South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street and Kent Avenue; and
- establishing within a proposed R8 District a C2-4 District bounded by the northwesterly centerline prolongation of South 1st Street, Kent Avenue, the northwesterly centerline prolongation of South 2nd Street, a line 235 feet northwesterly of Kent Avenue, the northwesterly centerline prolongation of South 3rd Street, Kent Avenue, South 5th Street and its northwesterly centerline prolongation, and the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010.

BROOKLYN CB - 1 **DOMINO SUGAR** **N 100186 ZRK**
Application submitted by Refinery LLC, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-953 (Special floor area compensation provisions in specified areas), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), Section 62-352 (Inclusionary Housing), Section 52-83 (Non-

Conforming Advertising Signs), and Appendix F (Inclusionary Housing Designated Areas) relating to the Inclusionary Housing Program and advertising signs on landmark buildings that are part of general large scale.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended as follows:

23-953 Special floor area compensation provisions in specified areas

- (b) Special provisions apply to #compensated zoning lots#: (1) Within R6, R7-3, and R8 Districts and equivalent #Commercial Districts on #waterfront blocks# in #Inclusionary Housing designated areas# #Waterfront Access Plan BK 1 and R7-3 Districts within Community district 1, Borough of Brooklyn, as set forth in Section 62-352.

62-35 Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn On #waterfront blocks# in #Inclusionary Housing designated areas# #R7-3 Districts in Community District 1, Borough of Brooklyn, and within Waterfront Access Plan BK 1, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-352 Inclusionary Housing The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in #R7-3 Districts #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, and in #R6 and R8 Districts within Waterfront Access Plan BK 1, as modified in this Section.

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

Brooklyn, Community District 1 In Waterfront Access Plan BK 1, as set forth in Section 62-352, and in the R6, R6A, R6B, R7A, and R7-3 and R8 Districts within the areas shown on the following Maps 1, 2 and 3:

Map 2 (3/06/06)



EXISTING (TO BE DELETED) Portion Of Community District 1, Brooklyn

Map 2 (x/xx/xx)



PROPOSED Portion of Community District 1, Brooklyn
* * * **ARTICLE V Non-Conforming Uses and Non-Complying Buildings** * * *

52-83 Non-Conforming Advertising Signs In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 3 2-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) or 42-55, any #non-conforming advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#;
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or non-#compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-6 1 shall not apply to such #sign# provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations) Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

DOMINO SUGAR
BROOKLYN CB - 1 C 100187 ZSK
Application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution as modified:

- 1. Section 74-743(a)(1) - to allow the distribution of floor area within the general large scale development without regard for zoning lot lines; and
- 2. Section 74-743(a)(2) - to modify the requirements of Section 23-532 (Required rear yard equivalents), 23-711 (Standard minimum distance between buildings), 23-852 (Inner court recesses), 23-863 (Minimum distance between legally required windows and any wall in an inner court), 62-332 (Rear yards and waterfront yards) and 62-341 (Developments on land and platforms),

to facilitate a mixed use development on property bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet westerly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead Line (Block 2414, Lot 1 and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a General Large-Scale Development.

DOMINO SUGAR
BROOKLYN CB - 1 C 100188 ZSK
Application submitted by The Refinery LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the same floor of adjacent building segments without regard for the regulations set forth in Section 32-42 (Location within Buildings) to facilitate the construction of a mixed use development on property located at 264-350 & 31 7-329 Kent Avenue, (Block 2414, Lot 1 and Block 2428 Lot 1), in a general large-scale development, Borough of Brooklyn, Community District 1, as modified.

j15-21

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, June 23, 2010, commencing at 10:00 A.M.

BOROUGH OF THE BRONX
No. 1
SHAKESPEARE AVENUE

CD 4 C 080109 MMX
IN THE MATTER OF an application, submitted by the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a

- portion of Shakespeare Avenue between West 172nd Street and the Cross Bronx Expressway;
- the establishment of a turn-around at the terminus of Shakespeare Avenue north of West 172nd Street;
- the establishment of a park addition, within the area bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway;
- the delineation of a sewer corridor; and
- any adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13119 dated December 30, 2009, revised May 27, 2010, and signed by the Borough President.

BOROUGH OF STATEN ISLAND
No. 2
SIMONSON AVENUE BRIDGE

CD 1 C 900563 MMR
IN THE MATTER OF an application, submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- The modification of grades on Simonson Avenue between Heusden Street and Richmond Terrace,

in accordance with Map No. 4126 dated May 14, 1993 and signed by the Borough President.

No. 3
GRANITE AVENUE

CD 1 C 900624 MMR
IN THE MATTER OF an application, submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- The modification of street lines and grades on Granite Avenue between Walker Street and LaSalle Street,

in accordance with Map No. 4125 dated May 14, 1993, revised August 11, 2009, and signed by the Borough President.

BOROUGH OF MANHATTAN
No. 4
SOHO CAST IRON HISTORIC DISTRICT

CD2 N 100418 HKM
IN THE MATTER OF a communication dated May 19, 2010, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of SoHo-Cast Iron Historic District Extension, designated by the Landmarks Preservation Commission on May 11, 2010 (List No. 429, LP No. 2362). The district boundaries are:

Area 1: The SoHo-Cast Iron Historic District Extension consists of the properties bounded by a line beginning at the southwest corner of West Broadway and West Houston Street, then extending westerly along the southern curblines of West Houston Street, southerly along the western property lines of 482 and 480 West Broadway, westerly along the northern property line of 474-478 West Broadway (aka 146 Thompson Street) to the eastern curblines of Thompson Street, southerly along the eastern curblines of Thompson Street to a point formed by its intersection with a line extending westerly from a part of the southern property line of 468-472 West Broadway (aka 138-150 Thompson Street), easterly along a portion of the southern property line of 468-472 West Broadway (aka 138-150 Thompson Street), southerly along the western property lines of 460 to 454 West Broadway and 157 Prince Street to the northern curblines of Prince Street, easterly along the northern curblines of Prince Street to a point formed by its intersection with a line extending northerly from the western property line of 150-154 Prince Street (aka 436-442 West Broadway), southerly across Prince Street and along the western property line of 150-154 Prince Street (aka 436-442 West Broadway), westerly along the northern property line of 430-436 West Broadway, southerly along the western property line of 430-436 West Broadway, westerly along the northern property line of 426-428 West Broadway (aka 102-104 Thompson Street) to the eastern curblines of Thompson Street, southerly along the eastern curblines of Thompson Street to a point formed by its intersection with a line extending westerly from the southern property line of 426-428 West Broadway (aka 102-104 Thompson Street), easterly along the southern property line of 426-428 West Broadway (aka 102-104 Thompson Street), southerly along the western property lines of 424 and 422 West Broadway, westerly along the northern property line of 418-420 West Broadway (aka 94-96 Thompson Street) to the eastern curblines of Thompson Street, southerly along the eastern curblines of Thompson Street to a point formed by its intersection with a line extending westerly from the southern property line of 418-420 West Broadway (aka 94-96 Thompson Street), easterly along the southern property line of 418-420 West Broadway (aka 94-96 Thompson Street), southerly along the western property lines of 414-416 West Broadway and 169 Spring Street to the northern curblines of Spring Street, easterly along the northern curblines of Spring Street to a point formed by its intersection with a line extending northerly from the western property line of 166 Spring Street (aka 402-404 West Broadway), southerly across Spring Street and along the western property line of 166 Spring Street (aka 402-404 West Broadway), westerly along the northern property line of 400 West Broadway, southerly along the western property lines of 400 to 390 West Broadway, easterly along the southern property line of 390 West Broadway, southerly along the western property lines of 386-388 to 378-380 West Broadway and a portion of the western property line of 372-376 West Broadway (aka 504-506 Broome Street), easterly along a portion of the southern property line of 372-376 West Broadway (aka 504-506 Broome Street), southerly along a portion of the western property line of 372-376 West Broadway (aka 504-506 Broome Street) and across Broome Street (Watts Street) to the southern curblines of Broome Street (Watts Street), westerly along said curblines to a point formed by its intersection with a line extending northerly from the western property line of 505 Broome Street (aka

366-368 West Broadway and 1-3 Watts Street), southerly along the western property line of 505 Broome Street (aka 366-368 West Broadway and 1-3 Watts Street), westerly long a portion of the northern property line of 362-364 West Broadway, southerly along a portion of the western property line of 362-364 West Broadway, westerly long a portion of the northern property line of 362-364 West Broadway, southerly along a portion of the western property line of 362-364 West Broadway, easterly along the southern property line of 362-364 West Broadway to the centerline of West Broadway, northerly along the centerline of West Broadway to a point formed by its intersection with a line extending easterly from the southern curbline of West Houston Street, then westerly to the point of the beginning.

Area 2: The SoHo-Cast Iron Historic District Extension consists of the properties bounded by a line beginning at the southwest corner of Lafayette Street and East Houston Street, then extending southerly along the western curbline of Lafayette Street, across Prince Street and following the curve of Lafayette Street to the northwest corner of Lafayette Street and Spring Street, westerly along the northern curbline of Spring Street to a point formed by its intersection with a line extending northerly from the eastern property line of 72-78 Spring Street (aka 65-71 Crosby Street), southerly across Spring Street and along the eastern property line of 72-78 Spring Street (aka 65-71 Crosby Street) and a portion of the eastern property line of 61-63 Crosby Street, easterly along a portion of the northern property line of 61-63 Crosby Street, southerly along a portion of the eastern property line of 61-63 Crosby Street, westerly along the southern property line of 61-63 Crosby Street, southerly along the eastern property lines of 59 to 44-47 Crosby Street, easterly along the northerly property line of 416-422 Broome Street (aka 202 Lafayette Street) to the western curbline of Lafayette Street, northerly along said curbline to a point formed by its intersection with a line extending westerly from the southern curbline of Kenmare Street, easterly across Lafayette Street and along the southern curbline of Kenmare Street to the southwest corner of Kenmare Street and Cleveland Place, southerly along the western curbline of Cleveland Place, across Broome Street, and continuing southerly along the western curbline of Centre Street to the northwest corner of Centre Street and Grand Street, westerly along the northern curbline of Grand Street and across Lafayette Street to the northwest corner of Grand Street and Lafayette Street, southerly across Grand Street and along the western curbline of Lafayette Street to a point formed by its intersection with a line extending easterly from the southern property line of 158-164 Lafayette Street (aka 151 Grand Street), westerly along the southern property line of 158-164 Lafayette Street (aka 151 Grand Street), southerly along the eastern property lines of 13-17 to 1 Crosby Street (aka 28 Howard Street), across Howard Street and continuing southerly along the eastern property line of 19 Howard Street and a portion of the eastern property line of 21-23 Howard Street (aka 261-267 Canal Street, easterly along a portion of the northern property line 257 Canal Street, southerly along a portion of the eastern property line of 257 Canal Street, easterly along a portion of the northern property line of 257 Canal Street and the northern property line of 255 Canal Street, southerly along the eastern property line of 255 Canal Street to the centerline of Canal Street, westerly along the centerline of Canal Street to the centerline of Broadway, northerly along the centerline of Broadway to the centerline of Howard Street, easterly along the centerline of Howard Street to the centerline of Crosby Street, northerly along the centerline of Crosby Street to the southeast corner of Crosby Street and East Houston Street, easterly along the southern curbline of East Houston Street to the point of the beginning.

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

j10-23

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 08 - Wednesday, June 23, 2010 at 7:30 P.M., 197-15 Hillside Avenue, Hollis, NY

#C 100409ZMQ

Department of City Planning proposes to down zone Auburndale, Oakland Gardens and Hollis Hills, most of these areas are within Community District 11. The proposal includes down zoning of Richland Avenue from an R2 to an R2A.

j17-23

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 09 - Tuesday, June 22, 2010, 6:30 P.M., Fortune Society, 630 Riverside Drive at 140th Street, New York, NY

Sugar Hill Rezoning

#C 100274PPM

IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition to the Broadway Housing Development Fund Co., Inc., of a surface easement located at 882 St. Nicholas Avenue.

#C 100275 PQM

IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services and the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter for the acquisition of a surface easement, to facilitate vehicular parking, access, storage and emergency staging.

#C 100277ZMM

IN THE MATTER OF an application submitted by Broadway Housing Development Fund Company, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map.

j16-22

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 13 - Wednesday, June 23, 2010 at 7:30 P.M., St. Claire's School, 137-25 Brookville Boulevard, Rosedale, NY

IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections Nos. 19a, 19b, 19c and 19d in the Rosedale neighborhood, within an area generally bounded by Brookville Boulevard and 235 Street to the west, the City line to the east, Hook Creek and Idlewild Park to the south.

j17-23

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The next regular meeting of the Board of Education Retirement System (BERS) of the City of New York Trustees will meet on Tuesday, June 22, 2010. This meeting will be held at Murry Bergtraum High School, 411 Pearl Street, Room B7, New York, New York 10038.

The meeting will convene at 4:30 P.M. An agenda will be distributed to BERS Trustees prior to the meeting.

If you need more information, please contact Noro Healy at (718) 935-4529 or email: nhealy@bers.nyc.gov

j15-21

EMPLOYEES' RETIREMENT SYSTEM

■ INVESTMENT MEETING

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

j15-21

EQUAL EMPLOYMENT PRACTICES COMMISSION

■ MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 40 Rector Street, (14th Floor), on Friday, June 25, 2010 at 9:15 A.M.

j18-25

HOUSING AUTHORITY

■ MEETING

SPECIAL NOTICE

Please be advised that the New York City Housing Authority has **cancelled its Board Meeting scheduled for Wednesday, June 23, 2010 at 10:00 A.M.**

j18-23

INFORMATION TECHNOLOGY AND TELECOMMUNICATION

FRANCHISE ADMINISTRATION

■ NOTICE

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday July 12, 2010 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, on the following three items relating to changes in the ownership structure of three franchises currently held by direct and indirect subsidiaries of RCN Corporation ("RCN Corp"): (1) a change of control of RCN New York Communications, LLC ("RCN-NYC"), which is a current franchisee, whereby RCN Corp will replace RCN Telecom Services, Inc. as the immediate parent of RCN-NYC, ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of RCN-NYC; (2) an assignment by RCN Telecom Services, Inc. ("RCN-TS"), which is a current franchisee, of its New York City franchise and assets to a newly formed company, RCN Telecom Services of New York, LP ("RCN-TS-NY"), and a change of control whereby RCN Telecom Services, LLC ("RCN LLC") will become the general partner of RCN-TS-NY and ABRY Partners VI, L.P. will obtain sole indirect voting control of and hold an indirect majority interest in RCN LLC, with ABRY Partners VI, L.P. becoming the ultimate parent entity of RCN LLC; and (3) change of

control of NEON Transcom, Inc. ("NEON"), which is a current franchisee, whereby ABRY Partners VI, L.P. will obtain sole indirect voting control of RCN Corp, and ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. will hold a majority interest in RCN Corp, thus replacing RCN Corp as the ultimate parent entities of NEON.

Regarding item number (1), on March 6, 2006, the FCRC held a public hearing regarding the transfer of control of the parent company of Con Edison Communications, LLC to RCN Corporation and name change, to RCN New York Communications, LLC, of a franchisee originally granted a franchise that was approved by the FCRC on September 22,2000 (Cal. No. 1) and pursuant to which the franchisee is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

Regarding item number (2), on December 9, 1998 (Cal. No. 3), the FCRC approved a franchise between the City and RCN Telecom Services of New York, Inc., (which later changed its name to RCN Telecom Services, Inc.), pursuant to which the company is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

Regarding item number (3), on June 4, 2008 (Cal. No. 1), the FCRC approved an amendment to Appendix G of the franchise agreement and approved change of control of a franchise held by NEON whereby RCN Corp became the ultimate parent company of NEON. NEON is the current holder, after previous changes approved by the FCRC, of the franchise originally granted to Columbia Transmission Communications Corporation on April 12, 2000. Pursuant to this franchise, NEON is authorized to install, operate and maintain facilities on, over and under the City's inalienable property to provide telecommunications services as defined in the franchise agreement.

A copy of the existing franchise agreements and an ownership organization chart reflecting the proposed changes of control ("proposed organizational chart") may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Friday, June 18 2010 through Monday July 12, 2010, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the franchise agreements and the proposed organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreements and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYCMedia channels.

j17-jy12

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, June 22, 2010, 9:30 A.M.**, at the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks, Landmark Sites and Historic District. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007 (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

PUBLIC HEARING ITEM NO. 1

LP-2368
LOEW'S CANAL STREET THEATRE, 31 Canal Street, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 297, Lot 1 in part

PUBLIC HEARING ITEM NO. 2

LP-2420
JAPAN SOCIETY BUILDING, 333 East 47th Street (aka 327-333 East 47th Street), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 1340, Lot 16

PUBLIC HEARING ITEM NO. 3

LP-2418
ST. PAUL'S EVANGELICAL LUTHERAN CHURCH, SUNDAY SCHOOL and PARSONAGE, 334 South 5th Street (aka 324-34 South 5th Street; 306-312 Rodney Street), Brooklyn.
Landmark Site: Borough of Brooklyn Tax Map Block 2462, Lot 2

PUBLIC HEARING ITEM NO. 4

LP-2397
E. RIDLEY & SONS DEPARTMENT STORE, 315 Grand Street; 321 Grand Street and 59 Orchard Street (aka 64 Allen Street), Manhattan.

Landmark Site: Borough of Manhattan Tax Map Block 308, Lots 14, 15, and 16

PUBLIC HEARING ITEM NO. 5

LP-2419
154 WEST 14TH STREET BUILDING, 154 West 14th Street (aka 51-59 Seventh Avenue; 154-162 West 14th Street), Manhattan.

Landmark Site: Borough of Manhattan Tax Map Block 609, Lot 7

PUBLIC HEARING ITEM NO. 6

LP-2411
190 GRAND STREET HOUSE, 190 Grand Street, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 471, Lot 58

PUBLIC HEARING ITEM NO. 7

LP-2412
192 GRAND STREET HOUSE, 192 Grand Street, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 471, Lot 57

PUBLIC HEARING ITEM NO. 8

LP-2417
HASKINS & SELLS BUILDING, 35 West 39th Street (aka 35-37 West 39th Street), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 841, Lot 18

PUBLIC HEARING ITEM NO. 9

LP-2347
177 WEST BROADWAY BUILDING, 177 West Broadway, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 176, Lot 16

PUBLIC HEARING ITEM NO. 10

LP-2431
MUTUAL RESERVE BUILDING, 305 Broadway (aka 305-309 Broadway; 91-99 Duane Street), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 151, Lot 32

PUBLIC HEARING ITEM NO. 11

LP-2432
ROGERS & PEET BUILDING, 258 Broadway (aka 259 Broadway; 1-11 Warren Street), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 134, Lot 25

PUBLIC HEARING ITEM NO. 12

LP-2353
97 BOWERY BUILDING, 97 Bowery, Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 304, Lot 2

PUBLIC HEARING ITEM NO. 13

LP-2403
PROPOSED GRAND CONCOURSE HISTORIC DISTRICT, Borough of the Bronx

Boundary Description

The proposed Grand Concourse Historic District consists of the property bounded by a line beginning at the intersection of the western curblineline of the Grand Concourse and a line extending southeasterly from the southeastern corner of Franz Sigel Park (Borough of the Bronx tax map block 2467 lot 1), extending northwesterly along the southwestern property line of Franz Sigel Park (Borough of the Bronx tax maps block 2467 lot 1), across the roadbed of Walton Avenue, and along the southwestern property line of Franz Sigel Park (Borough of the Bronx tax map block 2353 lot 67) to the eastern curblineline of Gerard Avenue, northerly along said curblineline and across the roadbed of East 153rd Street to the northern curblineline of East 153rd Street, northwesterly across the roadbed of Gerard Avenue and along said curblineline to its intersection with the eastern curblineline of River Avenue, northerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 700 River Avenue (aka 109 East 153rd Street), easterly along said property line and the northern property line of 705 Gerard Avenue to the western curblineline of Gerard Avenue, northerly along said curblineline to a point formed by its intersection with a line extending southeasterly from the southwestern property line of 731 Gerard Avenue, northwesterly along the said property line, northerly along the western property lines of 731 and 751 Gerard Avenue, across the roadbed of East 157th Street to the northern curblineline of East 157th Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 815 Gerard Avenue, northerly along said property line and the western property line 825 Gerard Avenue to the southern curblineline of East 158th Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 839 Gerard Avenue, northerly across the roadbed of East 158th Street and along a portion of said property line, westerly along a portion of the southern property line of 839 Gerard Avenue, northerly along a portion of the western property line of 839, easterly along the northern property line of 839 Gerard Avenue to the western curblineline of Gerard Avenue, southerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 835 Walton Avenue, easterly across the roadbed of Gerard Avenue and along a portion of said property line, northerly along a portion of the western property line of 835 Walton Avenue, easterly along a portion of the northern property line of 835 Walton Avenue and across the roadbed of Walton Avenue to the eastern curblineline of Walton Avenue, northerly along said curblineline and across the roadbed of East 161st Street to the southern curblineline of East 161st Street, westerly across the roadbed of Walton Avenue and along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 893 Walton Avenue (aka 101-11 East 161st Street), northerly along a portion of the western property line of 893 Walton Avenue (aka 101-111 East 161st Street), westerly along a portion of the southern property line of 893 Walton Avenue (aka 101-111 East 161st Street) to the eastern curblineline of Gerard Avenue, northerly along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 893 Walton Avenue (aka 101-111 East 161st Street), easterly along a portion of said property line,

northerly along the western property lines of 901 through 955 Walton Avenue, westerly along a portion of the southern property line of 975 Walton Avenue to the easterly curblineline of Gerard Avenue, northerly along said curblineline to the southern curblineline of East 164th Street, easterly along said curblineline, across to roadbed of Walton Avenue, to a point formed by the intersection of said curblineline with a line extending southerly from the western property line of 1001 Grand Concourse, northerly across the roadbed of East 164th Street and along said property line and the eastern property line of 1015 Grand Concourse, easterly along a portion of the northern property line of 1015 Grand Concourse, northerly along the western property lines of 1025 and 1027 Grand Concourse and a portion of the western property line of 1035 Grand Concourse (aka 158 East 165th Street), easterly along a portion of the northern property line of 1035 Grand Concourse (aka 158 East 165th Street), northerly along a portion of the western property line of 1035 Grand Concourse, across the roadbed of East 165th Street, to the southern curblineline of East 165th Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 1049 Grand Concourse (aka 159 East 165th Street), northerly along said property line, westerly along a portion of the southern property line of 1055 Grand Concourse, northerly along the western property line of 1055 Grand Concourse, westerly along a portion of the southern property line of 1075 Grand Concourse to the eastern curblineline of Walton Avenue, northerly along said curblineline, across the roadbed of East 166th Street, and along said curblineline to the southern curblineline of Mc Clellan Street, easterly along said curblineline, across the roadbed of the Grand Concourse, to the eastern curblineline of the Grand Concourse, northerly across the roadbed of Mc Clellan Street and along said curblineline, continuing across the roadbed of East 167th Street and along said curblineline to a point formed by its intersection with a line extending westerly from the northern property line of 1212 Grand Concourse (aka 1211 Sheridan Avenue, 181-199 East 167th Street), easterly along said property line to the western curblineline of Sheridan Avenue, southerly along said curblineline to the northern curblineline of East 167th Street, westerly along said curblineline to a point formed by its intersection with a line extending northerly from the easterly property line of 1188 Grand Concourse (aka 180-188 East 167th Street), southerly across the roadbed of East 167th Street and along said property line, westerly along a portion of the southern property line of 1188 Grand Concourse (aka 180-188 East 167th Street), southerly along the eastern property line of 1166 Grand Concourse and a portion of the eastern property line of 1150 Grand Concourse (aka 161 Mc Clellan Street), westerly along a portion of the southern property line of 1150 Grand Concourse (aka 161 Mc Clellan Street), southerly along a portion of the eastern property line of 1150 Grand Concourse (aka 161 Mc Clellan Street) to the northern curblineline of Mc Clellan Street, westerly along said curblineline to a point formed by its intersection with a line extending northerly from the western curblineline of Carroll Place, southerly across the roadbed of Mc Clellan Street and along said curblineline, across the roadbed of East 166th Street and along said curblineline to a point formed by its intersection with a line extending easterly from the southern property line of 1072 Grand Concourse (aka 160-180 East 166th Street), westerly along a portion of said property line, southerly along the eastern property line of 1050 Grand Concourse and a portion of the eastern property line of 1048 Grand Concourse (aka 1059 Carroll Place), easterly along a portion of the northern property line of 1048 Grand Concourse (aka 1059 Carroll Place) to the western curblineline of Carroll Place, southerly along said curblineline to a point formed by its intersection with a line extending easterly from the southern property line of 1048 Grand Concourse (aka 1059 Carroll Place), westerly along a portion of said property line, southerly along a portion of the eastern property line of 1048 Grand Concourse (aka 1059 Carroll Place) and a portion of the eastern property line of 1040 Grand Concourse (aka 161-173 East 165th Street, 1041 Carroll Place), easterly along a portion of the northern property line of 1040 Grand Concourse (aka 161-173 East 165th Street, 1041 Carroll Place) to the western curblineline of Carroll Place, southerly along said curblineline and across the roadbed of East 165th Street to the southern curblineline of East 165th Street, easterly along said curblineline to the western curblineline of Carroll Place, southerly along said curblineline to the western curblineline of Sheridan Avenue, southerly along said curblineline to the northern curblineline of East 164th Street, westerly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 960 Grand Concourse (aka 160-180 East 164th Street), southerly across the roadbed of East 164th Street and along said property line and a portion of the eastern property line of 940 Grand Concourse (aka 161 East 163rd Street), easterly along the northern property line of 191 East 163rd Street, southerly along the eastern property line of 191 East 163rd Street and across the roadbed of East 163rd Street to the southern curblineline of East 163rd Street, easterly along said curblineline to the western curblineline of Sheridan Avenue, southerly along said curblineline to a point formed by its intersection with a line extending westerly across Sheridan Avenue from the northern property line of 910 Sheridan Avenue, easterly across the roadbed of Sheridan Avenue and along said property line, southerly along the eastern property line of 910 Sheridan Avenue, westerly along the southern property line of 910 Sheridan Avenue and across the roadbed of Sheridan Avenue to the western curblineline of Sheridan Avenue, northerly along said curblineline to the southern curblineline of East 162nd Street, westerly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 900 Grand Concourse, southerly along said property line and across the roadbed of East 161st Street to the southern curblineline of East 161st Street, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 888 Grand Concourse (aka 170-180 East 161st Street), southerly along a portion of said property line, easterly along a portion of the northern property line of 888 Grand Concourse (aka 170-180 East 161st Street) to the western curblineline of Concourse Village West, southerly along said curblineline to a point formed by its intersection with a line extending easterly from the southern property line of 888 Grand Concourse (aka 170-180 East 161st Street), westerly along a portion of said property line, southerly along a portion of the eastern property line of 888 Grand Concourse (aka 170-180 East 161st Street) and a portion of the eastern property line of 860 Grand Concourse (aka 161 East 159th

Street), easterly along a portion of the northern property line of 185 East 159th Street to the western curblineline of Concourse Village West, southerly along said curblineline and across the roadbed of East 159th Street, along said curblineline and across the roadbed of East 158th Street, along said curblineline to a point formed by its intersection with a line extending easterly from the southern property line of 800 Grand Concourse, westerly along a portion of said property line, southerly along the eastern property lines of 792 and 774 Grand Concourse, easterly along a portion of the northern property line of 760 Grand Concourse, southerly along the eastern property line of 760 Grand Concourse and across the roadbed of East 156th Street to the southern curblineline of East 156th Street, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 750 Grand Concourse, southerly along said property line, easterly along a portion of the northern property line of 740 Grand Concourse, southerly along a portion of the eastern property line of 740 Grand Concourse, easterly along a portion of the northern property line of 740 Grand Concourse to the western curblineline of Concourse Village West, southerly along said curblineline to a point formed by its intersection with a line extending easterly from the southern property line of 730 Grand Concourse, westerly along a portion of said property line, southerly along a portion of the eastern property line of 730 Grand Concourse, westerly along a portion of the southern property line of 730 Grand Concourse and across the roadbed of the Grand Concourse, southerly along said curblineline to the point of the beginning.

j7-21

■ **PUBLIC MEETING**

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, June 22, 2010**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

j17-21

■ **SMALL BUSINESS SERVICES**

■ **MEETING**

The Department of Small Business Services (SBS) will host its annual meetings of the Members and Board of Directors of the New York City Business Relocation Assistance Corporation (BRAC). The Board Meeting will immediately follow the Members meeting to be held in the Board Room of SBS, 110 William Street, 7th Floor, New York, New York on the 28th of June, 2010 beginning at 10:30 A.M.

✦ **j21**

■ **BOARD OF STANDARDS AND APPEALS**

■ **PUBLIC HEARING**

JULY 13, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 13, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

914-86-BZ
APPLICANT – Stuart A. Klein, Esq., for Union Temple of Brooklyn, owner; Eastern Athletic, Incorporation, lessee.
SUBJECT – Application March 31, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (Eastern Athletic) which expired on May 17, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on November 12, 1998; Amendment to the interior layout and the hours of operation; Waiver of the Rules. R8X zoning district.
PREMISES AFFECTED – 1-19 Eastern Parkway, north side of Eastern Parkway, between Plaza Street, east and Underhill Avenue, Block 1172, Lot 6, Borough of Brooklyn.
COMMUNITY BOARD #8BK

44-97-BZ/174-00-BZ
APPLICANT – Stuart A. Klein, Esq., for SDS Leonard, LLC, owner; Millennium Sports, LLC, lessee.
SUBJECT – Applications March 30, 2010 and March 18, 2010 – Extension of Term of a previously granted Special Permit (32-31) for the continued operation of a Physical Culture Establishment which expired on October 28, 2007; Amendment of room changes in sub-cellar; Waiver of the Rules. C6-2A zoning district.
PREMISES AFFECTED – 78-80 Leonard Street & 79 Worth Street, between Broadway and Church Street, Block 173, Lot 4, 19, 20, Borough of Manhattan.
COMMUNITY BOARD #1M

159-99-BZ
APPLICANT – Law Office of Fredrick A. Becker, for Congregation Beis Meir, Incorporation, owner.
SUBJECT – Application March 25, 2010 – Amendment to Legalize modification to a previously granted Variance (72-21) of a one story UG4 Synagogue and Yeshiva (Congregation Beis Meir). M2-1 zoning district.
PREMISES AFFECTED – 1347-1357 38th Street, north side of 38th Street, between 13th Avenue and 14th Avenue, Block 5300, Lot 55, Borough of Brooklyn.
COMMUNITY BOARD #12BK

APPEALS CALENDAR

71-10-A thru 84-10-A
APPLICANT – Eric Palatnik, P.C., for Brighton Street, LLC, owners.
SUBJECT – Application May 10, 2010 – Appeal seeking a determination that the owner has acquired a vested right to complete construction under the prior R3-2 zoning district. R3-1 Zoning district. Series Cal. Nos. 71-10-A thru 84-10-A.
PREMISES AFFECTED – 102-118 Turner Street and 1661 to 1669 Woodrow Road, between Crabtree Avenue and Woodrow

Road, Block 7105, Lots 181 thru 188 and 2 thru 8, Borough of Staten Island.
COMMUNITY BOARD #3SI

JULY 13, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 13, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

24-09-BZ
 APPLICANT – Sheldon Lobel, PC, for Meadows Park Rehabilitation and Health Care Center, LLC, owners.
 SUBJECT – Application February 12, 2009 – Variance to allow the enlargement of a community facility (Meadow Park Rehabilitation and Health Care Center), contrary to floor area, lot coverage (ZR 24-11), front yard (ZR 24-34), height (ZR 24-521) and rear yard (ZR 24-382) regulations.
 R3-2 district.
 PREMISES AFFECTED – 78-10 164th Street, Located on the western side of 164th Street between 78th Avenue and 78th Road, Block 6851, Lot 9,11,12,23,24, Borough of Queens.
COMMUNITY BOARD #8Q

39-10-BZ
 APPLICANT – Eric Palatnik, P.C., for Shiranian Nizi, owner.
 SUBJECT – Application March 22, 2010 – Variance (§72-21) for the legalization of a single family home contrary to side yards ZR 23-461. R-5 zoning district.
 PREMISES AFFECTED – 2032 East 17th Street, East 17th Street and Avenue T, Block 7321, Lot 20, Borough of Brooklyn.
COMMUNITY BOARD #15BK

58-10-BZ
 APPLICANT – Sheldon Lobel, P.C., for Eckford II Realty Corp., owner.
 SUBJECT – Application April 22, 2010 – Special Permit (§73-36) to allow a physical culture establishment (Barones Health Club) in the existing one-story building. M1-2/R6A zoning district, mapped within the MX8 special purpose district.
 PREMISES AFFECTED – 16 Eckford Street, east side of Eckford Street, between Engert Avenue and Newton Street, Block 2714, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK

66-10-BZ
 APPLICANT – Eric Palatnik, P.C., for Yury, Aleksandr, Tatyana Dreysler, owners.
 SUBJECT – Application May 3, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (23-141) and side yards (23-461). R3-1 zoning district.
 PREMISES AFFECTED – 1618 Shore Boulevard, south side of Shore Boulevard between Oxford and Norfolk Streets, Block 8757, Lot 86, Borough of Brooklyn.
COMMUNITY BOARD #15BK

Jeff Mulligan, Executive Director

☛ j21-22

TRANSPORTATION

■ **PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 7, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing American International Realty Corp. to maintain and use light poles on the southeast sidewalk of Fletcher Street, between Front and Water Streets, and on the northeast sidewalk of Front Street, between Fletcher and John Streets in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from the date of final approval to June 30, 2021 - \$1,200/annum.

the maintenance of a security deposit in the sum of \$1,200 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Metropolitan Transportation Authority to maintain and use bollard foundations on the south sidewalk of West 42nd Street, between Seventh and Eighth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021.

There shall be no compensation required for this revocable consent

the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Knickerbocker Properties LLC to construct, maintain and use a stoop and a wheelchair lift on the southeast sidewalk of Hart Street, between Knickerbocker Avenue and Wilson Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule: From the date of approval by the Mayor to June 30, 2011:

- \$530/annum
 For the period July 1, 2011 to June 30, 2012 - \$545
 For the period July 1, 2012 to June 30, 2013 - \$560
 For the period July 1, 2013 to June 30, 2014 - \$575
 For the period July 1, 2014 to June 30, 2015 - \$590
 For the period July 1, 2015 to June 30, 2016 - \$605
 For the period July 1, 2016 to June 30, 2017 - \$620
 For the period July 1, 2017 to June 30, 2018 - \$635
 For the period July 1, 2018 to June 30, 2019 - \$650
 For the period July 1, 2019 to June 30, 2020 - \$665
 For the period July 1, 2020 to June 30, 2021 - \$680

the maintenance of a security deposit in the sum of \$5,000 and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#4 In the matter of a proposed revocable consent authorizing American International Realty Corp. to maintain and use security bollards and horizontal ties around the perimeter of the property bounded by Water, John, Front, and Fletcher Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021.

the maintenance of a security deposit in the sum of \$42,900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the Matter of a proposed revocable consent authorizing Presentation Circle Homeowners association, Inc. to construct, maintain and use a force main pipe, together with a manhole, under, along and across Woodrow Road, between Grantwood Avenue and Dierauf Street, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2011 and provides among other terms and conditions for compensation payable to the City according to the following schedule: From the date of approval by the Mayor to June 30, 2011:

\$16,684/annum
 For the period July 1, 2011 to June 30, 2012 - \$17,185
 For the period July 1, 2012 to June 30, 2013 - \$17,686
 For the period July 1, 2013 to June 30, 2014 - \$18,187
 For the period July 1, 2014 to June 30, 2015 - \$18,688
 For the period July 1, 2015 to June 30, 2016 - \$19,189
 For the period July 1, 2016 to June 30, 2017 - \$19,690
 For the period July 1, 2017 to June 30, 2018 - \$20,191
 For the period July 1, 2018 to June 30, 2019 - \$20,692
 For the period July 1, 2019 to June 30, 2020 - \$21,193
 For the period July 1, 2020 to June 30, 2021 - \$21,694

the maintenance of a security deposit in the sum of \$22,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

j18-19

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, June 23, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 4 St. Luke's Place Inc. to continue to maintain and use a fenced-in area on the north sidewalk of St. Luke's Place, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2010 to June 30, 2020 - \$25/annum

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

#2 In the matter of a proposed revocable consent authorizing The Iris Foundation to continue to maintain and use a conduit under, across and along West 86th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$6,995
 For the period July 1, 2011 to June 30, 2012 - \$7,199
 For the period July 1, 2012 to June 30, 2013 - \$7,403
 For the period July 1, 2013 to June 30, 2014 - \$7,607
 For the period July 1, 2014 to June 30, 2015 - \$7,811
 For the period July 1, 2015 to June 30, 2016 - \$8,015
 For the period July 1, 2016 to June 30, 2017 - \$8,219
 For the period July 1, 2017 to June 30, 2018 - \$8,423
 For the period July 1, 2018 to June 30, 2019 - \$8,627
 For the period July 1, 2019 to June 30, 2020 - \$8,831

the maintenance of a security deposit in the sum of \$8,900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing New York University to construct, maintain and use two additional conduits under and across West 4th Street, west of Mercer Street, in the Borough of Manhattan. The proposed revocable consent is for a term of four years from the date of approval by the Mayor to June 30, 2014 and provides among other terms and conditions for the compensation payable to the City according to the following schedule:

From the approval date to June 30, 2011 - \$14,569 + \$4,975/annum (prorated from the date of Approval by the Mayor)

For the period July 1, 2011 to June 30, 2012 - \$20,002
 For the period July 1, 2012 to June 30, 2013 - \$20,460
 For the period July 1, 2013 to June 30, 2014 - \$20,918

the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Citibank, N.A. to continue to maintain and use removable railings on the south sidewalk of 44th Drive and north sidewalk of 45th Avenue, between 23rd Street and Jackson Avenue, and on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2007 to June 30, 2017 and provide among other terms and conditions for the compensation payable to the City according to the following schedule.

For the period July 1, 2007 to June 30, 2008 - \$2,492
 For the period July 1, 2008 to June 30, 2009 - \$2,567

For the period July 1, 2009 to June 30, 2010 - \$2,644
 For the period July 1, 2010 to June 30, 2011 - \$2,723
 For the period July 1, 2011 to June 30, 2012 - \$2,802
 For the period July 1, 2012 to June 30, 2013 - \$2,881
 For the period July 1, 2013 to June 30, 2014 - \$2,960
 For the period July 1, 2014 to June 30, 2015 - \$3,039
 For the period July 1, 2015 to June 30, 2016 - \$3,118
 For the period July 1, 2016 to June 30, 2017 - \$3,197
 the maintenance of a security deposit in the sum of \$3,200 and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#5 In the matter of a proposed revocable consent authorizing Citibank, N.A. to continue to maintain and use bollards on the south sidewalk of 44th Drive and north sidewalk of 45th Avenue, between 23rd Street and Jackson Avenue, and on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue; to remove thirteen bollards and five planters and to construct, maintain and use additional bollards on the northwest sidewalk of Jackson Avenue, northeast of 45th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor. There shall be no compensation required for this revocable consent.

the maintenance of a security deposit in the sum of \$19,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

j2-23

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ **AUCTION**

**PUBLIC AUCTION SALE NUMBER 10001 - X AND Y
 PUBLIC AUCTION SALE NUMBER 10002 - A**

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, July 7, 2010 (SALE NUMBER 10002-A). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

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

*** PLEASE NOTE: THE SALES FOR JUNE 9, 2010 AND JUNE 23, 2010 (SALE NUMBERS 10001-X AND 10001-Y) HAVE BEEN CANCELLED.

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

Terms and Conditions of sale can also be viewed at this site.

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

j4-19

■ **SALE BY SEALED BID**

SALE OF: 1 LOT OF AUTOMOTIVE PARTS (UNUSED) AND 1 LOT OF STORAGE CONTAINERS. (USED).

S.P.#: 10023 **DUE:** June 24, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

j4-24

SALE OF: 100,000 LBS. OF UNCLEAN BRASS WATER METERS, USED.

S.P.#: 10027 **DUE:** July 1, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

j18-19

POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
 Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical

property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

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

CITY UNIVERSITY

■ SOLICITATIONS

Goods & Services

STAGE LIGHTING CONTROL SYSTEM – Public Bid – PIN# N000005 – DUE 07-15-10 AT 3:00 P.M. Contractor shall replace the existing Kliegl dimming and control equipment, which will be removed by the College, with new state-of-the-art Electronic Theatre Controls, Inc. ("ETC") dimming and control equipment, as specified in bid document.

Note: There will be a Mandatory Conference/Site visit scheduled for Wednesday, July 7, 2010 at 10:00 A.M., in Shuster Hall (Gate 4) Room 336. No bids will be issued after this date and time as the Conference/Site visit is Mandatory.

Request for bid documents must be submitted via email or fax, phone requests will not be honored.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
City University, 250 Bedford Park Blvd. W., Bronx, NY 10468. Noreen Crawford (718) 960-8301, fax: (718) 960-6950, noreen.crawford@lehman.cuny.edu

☛ j21

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

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

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

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

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

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

jy17-j4

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

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

jy17-j4

■ INTENT TO AWARD

Goods

COMMERCIAL CNG FUELING STATIONS – Sole Source – Available only from a single source - PIN# 85701000922 – DUE 06-28-10 AT 3:00 P.M. – The Department of Citywide Administrative Services intends to enter into sole source negotiations with Clean Energy for the delivery of compressed natural gas. Qualified vendors wishing to express interest in this procurement must submit such expression in writing by June 28, 2010 at 3:00 P.M.

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

Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.
Lester Spitzer (212) 669-7803, LSpitzer@dcas.nyc.gov

j18-24

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ SOLICITATIONS

Goods & Services

CONSULTANT SERVICES, NYCEDC.COM REDEVELOPMENT RFP – Request for Proposals – PIN# 42750001 – DUE 08-06-10 AT 4:00 P.M. – New York City Economic Development Corporation (NYCEDC) is seeking a consultant or consultant team to redevelop its website. NYCEDC seeks to enhance its corporate image through a user-focused internet presence in order to achieve its objectives of attracting and retaining businesses and jobs in the City. The redeveloped website will be a large, high-volume interactive site. Both domestic and international businesses and institutions, as well as potential vendors and suppliers, must be able to navigate the site quickly and efficiently. The site will also provide information on the City's economic condition, business climate, business incentive programs, other resources, business opportunities and more.

NYCEDC plans to select a consultant on the basis of factors stated in the RFP which include, but are not limited to: the quality of the proposal, experience of key staff identified in the proposal, experience and quality of any subcontractors proposed, demonstrated successful experience in performing services similar to those encompassed in the RFP, and the proposed fee.

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

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M. on Thursday, July 22, 2010. Questions regarding the subject matter of this RFP should be directed to websiteRFP2@nycedc.com. Answers to all questions will be posted by Thursday, July 29, 2010, to www.nycedc.com/RFP.

To download a copy of the solicitation documents please visit www.nycedc.com/RFP. Please submit ten (10) sets of your proposal to NYCEDC.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Economic Development Corp., 110 William Street, 6th Floor New York, NY 10038. Maryann Catalano (212) 312-3969 fax: (212) 312-3918, websiteRFP2@nycedc.com

☛ j21

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

WINDOW AIR CONDITIONER REPAIR AND MAINTENANCE – Competitive Sealed Bids – PIN# Z1610040 – DUE 06-30-10 AT 4:00 P.M. – If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the bid number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to NLabetti@schools.nyc.gov with the bid number and title in the subject line of your e-mail.

Bid opening: Thursday, July 1st, 2010 at 11:00 A.M.

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

Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Nick Labetti (718) 935-2042, vendorhotline@schools.nyc.gov

☛ j21

ENVIRONMENTAL PROTECTION

■ SOLICITATIONS

Goods

SALE OF TIMBER AND FIREWOOD AT THE ASHOKAN RESERVOIR - FOREST MANAGEMENT PROJECT #5025 – Competitive Sealed Bids – PIN# 20105025 – DUE 07-26-10 AT 3:00 P.M. – Project includes selling approximately 111,490 board feet (International 1/4" Rule) of standing mixed softwood and hardwood timber and 60 cords of hardwood cordwood.

Contractors are required to attend one of two public showings in order to receive a bid package necessary to submit a valid bid. The mandatory showings will be held on Thursday, July 8th at 3:00 P.M. or Friday, July 9th at 9:00 A.M.

Required Contractor Qualification:

1. The Contractor must maintain the required Workers Compensation and Disability Benefits Coverage.
2. The Contractor shall furnish and maintain a Commercial General Liability Insurance Policy.
3. The Contractor should have demonstrated experience in harvesting timber and have the necessary equipment to do so.

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

Department of Environmental Protection, 71 Smith Avenue, Kingston, NY 12401. Todd Baldwin (845) 340-7854, fax: (845) 338-1296, tbaldwin@dep.nyc.gov

☛ j21-22

HEALTH AND HOSPITALS CORPORATION

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

j1-d31

■ SOLICITATIONS

Goods & Services

INSTALL AND OPERATE WIRELESS INFRASTRUCTURE SYSTEM CONCESSION – Competitive Sealed Proposals - judgment required in evaluating proposals – PIN# 1-1111006 – DUE 08-02-10 AT 5:00 P.M. – This includes the management and formation of subcontracting with no less than five wireless service providers to utilize the system. This contractual relationship requires BHC to be paid a portion of the revenue collected from the subcontracted wireless service providers for the right to use the wireless infrastructure.

This RFP does not in any way commit HHC/BELLEVUE to enter a contract pursuant to this request or to pay any costs incurred whatsoever by anyone in preparation of a response to this RFP. HHC/BELLEVUE reserves the right to accept or reject any or all proposals or to negotiate with any qualified Proposer, or to cancel in whole or in part, the Request for Proposal if it is in the interest of HHC/BELLEVUE.

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

Bellevue Hospital Center Purchasing, 462 First Avenue, Room# 12 East 32, New York, NY 10016.
David Larish (212) 562-2888; Fax: (212) 562-4998;
David.Larish@bellevue.nychhc.org

☛ j21

HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Human/Client Service

HOUSING OPPORTUNITY FOR PEOPLE WITH AIDS – Negotiated Acquisition – PIN# 11AE019201R0X00 – DUE 06-23-10 AT 4:00 P.M. – The NYC DOHMH intends to enter in a Negotiated Acquisition Extension with Federation Employment and Guidance Services, Inc. (FEGS) to continue providing Housing Opportunities for People With AIDS. FEGS will continue rendering the same service provided in the current contract ending on 6/30/10. The term of this contract will be from 7/1/10 to 6/30/11. Any vendor that believes it can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter.

This procurement was selected by means of a Negotiated Acquisition Extension, pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules.

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

Health and Mental Hygiene, 40 Worth Street, A-1, 1502, New York, 10013. John Rojas (212) 788-3692; rojas@health.nyc.gov

j16-22

HOUSING OPPORTUNITY FOR PEOPLE WITH AIDS – Negotiated Acquisition – PIN# 11AE019301R0X00 – DUE 06-23-10 AT 4:00 P.M. – The NYC DOHMH intends to enter in a Negotiated Acquisition Extension with the Institute For Community Living, Inc (ICL) to continue providing Housing Opportunities for People With AIDS. ICL will continue rendering the same service provided in the current contract ending on 6/30/10. The term of this contract will be from 7/1/10 to 6/30/11. Any vendor that believes it can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter.

This procurement was selected by means of a Negotiated Acquisition Extension, pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Health and Mental Hygiene, 40 Worth Street, A-1, 1502, New York, 10013. John Rojas (212) 788-3692; jrojas@health.nyc.gov

j16-22

AGENCY CHIEF CONTRACTING OFFICER

■ AWARDS

ANDOVER DIGITAL CONTROLS MAINTENANCE AND EMERGENCY SERVICE – Competitive Sealed Bids – PIN# 10HS005101R0X00 – AMT: \$472,476.00 – TO: Richmar Controls and Service Company, Inc., 851 McLean Avenue, Yonkers, NY 10704.

● **AUDIT OF DELEGATE AGENCIES/HOSPITALS**

CONTRACTS – Request for Proposals – PIN# 10MA018701R0X00 – AMT: \$381,990.00 – TO: T.S Anand and Co., CPA, PC, 1350 Broadway, Suite 913, New York, NY 10018.

● **SUPPORTIVE HOUSING, ON SITE REHAB. MICA, PSYCHO-SOCIAL CLUB** – Renewal –

PIN# 05AZ008101R2X00 – AMT: \$3,455,244.00 – TO: Goddard Riverside Community Center, 593 Columbus Avenue, New York, NY 10024.

☛ j21

■ INTENT TO AWARD

Human/Client Service

CLINICAL INFORMATION DATA SYSTEM – Sole Source - Available only from a single source – PIN# 11FN024101R0X00 – DUE 07-06-10 AT 4:00 P.M. The Department of Health and Mental Hygiene (DOHMH) intends to enter into a sole source negotiation with Nurse-Family Partnership to provide technical assistance to each agency participating in the Nurse-Family Partnership Program, a program to improve the lives of low income, first time mothers and their children. Specially-trained nurses make regular visits to new mothers during their first pregnancies and the first two years of their children’s lives to help them to have healthier pregnancies, be better parents, and have emotionally and physically healthier children. The Nurse-Family Partnership will enter into an implementation agreement with each participating NYC agency designated by DOHMH and approved by NFP to assist them with: clinical information system set-up; program development; ongoing support; home visit guidelines, and use of the clinical information data system. The term of this contract would be from July 1, 2010 - June 30, 2013, and the maximum contract amount would be \$254,933. Any vendor that believes it can also provide these services is invited to indicate an expression of interest by letter which must be received no later than July 6, 2010 by 4:00 P.M. (PIN #11FN024101R0X00).

Expressions of interest should be sent to: DOHMH, Office of the Chief Agency Contracting Office, 93 Worth Street, Room 812, New York, NY 10013. Attn: Joyce Scott (212) 219-5878, jscott1@health.nyc.gov.

j17-23

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

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

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Juvenile Justice, 110 William Street, 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.

jy1-d16

PARKS AND RECREATION

CONTRACTS

■ AWARDS

Goods & Services

ADVERTISING ON MTA PROPERTY – Sole Source – Available only from a single source - PIN# 35873846 – AMT: \$25,000.00 – TO: CBS Outdoor Group, Inc., P.O. Box 33074, Newark, NJ 07188. The Department of Parks and Recreation intends to enter into sole source negotiations with CBS Outdoor Group, Inc., P.O. Box 33074, Newark, NJ 07188 to provide subway platform posters for the Shape Up NYC campaign at various sites approved by the Metropolitan Transportation Authority (MTA).

Any firm that would like to join the City Bidders List may do so by filling out the NYC-FMS Vendor Enrollment Application available online at: http://www.nyc.gov/html/selltonyc/html/new_vendors.html, and in hard copy call the vendor Enrollment Center at (212) 856-1680.

j18-24

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Services (Other Than Human Services)

IT CONSULTING SERVICES IN CONNECTION WITH THE SCA'S WORKDAY HUMAN CAPITAL MANAGEMENT SYSTEM – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 10-00060R-1 – DUE 06-29-10 AT 2:00 P.M. – Please see attachment in City Record On-Line for additional details.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Seema Menon (718) 472-8284, fax: (718) 752-8284, smenon@nycsca.org

j15-21

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ NOTICE

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE

Pursuant to §§558 and 1043 of the New York City Charter (the “charter”), a notice of intention to amend Article 81 of the New York City Health Code (the “Health Code”) was published in the City Record on March 23, 2010 and a public hearing was held on April 26, 2010. No testimony was received at the public hearing. Written comments were received from the New York State Department of Health (“SDOH”) and the US Food and Drug Administration (“FDA”), and changes were made in response to the comments. At its meeting on June 15, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the Health Code are made pursuant to §§558 and 1043 of the Charter. Section 558(b) and (c) of the Charter empowers the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Department of Health and Mental Hygiene (the “Department”) enforces provisions of the Health Code and other applicable law intended to protect the wholesomeness of food served directly to the consumer throughout the City, including food that is commercially prepared and sold, served or distributed by food service establishments (“FSEs”), a broad category that includes restaurants, caterers (non-retail food processing establishments), mobile food vending units, and mechanical food dispensing devices. This proposal adds a new §81.10 to Article 81 of the Health Code allowing use of time as a public health control for maintaining the wholesomeness of ready-to-eat potentially hazardous foods.

Currently, Health Code §81.09 generally requires that all potentially hazardous foods be kept at temperatures below 41 degrees Fahrenheit, or above 140 degrees Fahrenheit, to retard the growth of pathogens, except during time needed for preparation. However, there are several prepared foods, including, most commonly, sushi rice, for which food service establishments most frequently request that the Department

modify applicable Health Code temperature holding requirements, since such temperature requirements apparently adversely affect the palatability of such foods.

The Board of Health has amended Article 81 to establish a procedure for allowing certain ready-to-eat potentially hazardous foods to be held at room temperature, by using time alone as public health control. The amendment also includes changes in the definition of potentially hazardous food to include a reference to temperature control for safety (TCS), adds new potentially hazardous foods to the existing list. The amended definition of potentially hazardous/temperature control for safety foods (PHF/TCS) considers whether or not time and temperature control is to be maintained to safeguard the safety of the food product. This new definition takes into account the pH (degree of acidity or alkalinity of a substance), and high water activity (a_w) and pH interaction, in determining whether or not a food will require temperature control to limit pathogen growth or toxin formation. Recently, local and state regulatory authorities and the Centers for Disease Control and Prevention have identified an increase in the number of food borne outbreaks associated with foods that were typically considered not to be potentially hazardous¹. These foods include cooked vegetables, cut tomatoes, and cut lettuce, spinach and other leafy greens. Some melons and vegetables that have moderate pH and high A_w may be considered hazardous because of environmental conditions at the places where they are grown or they may be rendered hazardous by how they are processed. In response to comments from the FDA and SDOH the definition of PHF/TCS was amended to add the term “cut” in referring to leafy greens, tomatoes and melons. The further amended definition of potentially hazardous foods now includes foods of plant origin that have been cooked, cut melons, sliced raw tomatoes, cut leafy greens and raw bean or seed sprouts. *Salmonella* can enter fruits and vegetables through roots, flowers, small cracks in the skin, the stem scar, or the plant itself.² The new Health Code definition is consistent with §1-202.10 of the US FDA 2009 *Model Food Code* (“Food Code”), and is consistent with current provisions of Subpart 14 of the Sanitary Code. The definition includes a provision that a food does not need temperature control when a food service establishment operator can demonstrate that the combined effect of a_w and pH does not render the food potentially hazardous. In such cases, the Department will be guided by evidence from either a certified laboratory test or published scientific research.

Food Code §3-501.19 provides that both working supplies and ready-to-eat potentially hazardous food (“RTE PHF”) may be held without temperature control for up to four hours, at which time it must be served, or after which it must be discarded. The *Food Code* also contains guidelines enabling establishments to hold foods taken from required cold holding temperatures for up to six hours, providing that the temperature of the individual food items do not exceed 70 degrees Fahrenheit (21 degrees Celsius). The SDOH has also published guidelines enabling use of time as a sole public health control. Both FDA and SDOH commented that the Health Code should enable use of time as a public health control for working supplies of potentially hazardous foods used in food preparation. However, the Department believes this issue needs further consideration, and will discuss the matter further with the FDA and SDOH.

The new provision requires that an FSE holding ready-to-eat potentially hazardous food following removal from temperature control for up to four hours, will be required to mark, label or otherwise identify the food or its container with the initial temperature and a time four hours following removal from temperature control. The time marked will be the time at which food may last be served, and, if not served, must be discarded. If an establishment wishes to hold food following removal from cold temperature control for up to six hours, the food’s temperature will also be required to be monitored every two hours, and recorded on the food or container label. In such cases, the label will also note the time at which the food was removed from cold control, and a time six hours thereafter, which will be the time at which food may last be served, or be discarded. The labels would provide documentation that temperatures of cold RTE PHF have not been allowed to exceed 70 degrees Fahrenheit (21 degrees Celsius). This additional public health control will provide documentation that the holding time and temperature of such food does not exceed the growth periods for *L. monocytogenes* and *C. perfringens*.

A new subdivision (d) (Violations) has been added in the final resolution, specifying that certain actions taken in violation of the new §81.10 established herein will be considered violations of related provisions of the Health Code. Paragraph (1) of subdivision (d), provides that failure to discard ready to eat potentially hazardous foods taken from either hot or cold holding after four hours or failure to label foods, is a violation of §81.09 of the Health Code. Paragraph (2) of subdivision (d) provides that failure to discard ready to eat potentially hazardous foods taken from cold holding that reach ambient temperatures of 70 degrees Fahrenheit at any time during the six hour holding period is deemed to contaminate such foods, and will be cited as a violation of §81.07 of the Health Code. Failure to label potentially hazardous ready to eat foods as required by the rule is a violation of §81.09 because there would otherwise be no indication that the establishment is relying on time as a public health control for such foods. With respect to contamination of foods taken from cold holding, the FDA *Food Code* finds almost no pathogenic growth in foods held at ambient temperatures for no more than four hours, but substantial growth at temperatures exceeding 65 degrees Fahrenheit at six to eight hours.³

The provision prohibits use of time as a sole public health control for certain kinds of RTE PHF, and certain places of sale and distribution. Time and temperature controls required by Health Code §81.09 will continue to be required for hot and cold foods held at self-service salad bars or buffets; for RTE PHF intended for takeout or delivery; and such foods sold by mobile food vendors and at street fairs. And because of their potential for rapid *Salmonella* growth, raw eggs may not be held for extended periods at room temperature before service to certain highly susceptible, i.e., immunocompromised, persons, consistent with the FDA *Food Code*, and State guidance.

The Board has also amended the definition of temporary food service establishment in §81.03 (ff) to conform to the new definition applicable to such establishments in the recently recodified Article 88 of the Code.

¹<http://www.fda.gov/Food/ScienceResearch/ResearchAreas/SafePracticesforFoodProcesses/ucm091260.htm> Analysis and Evaluation of Preventive Control Measures for the Control and Reduction/Elimination of Microbial Hazards on Fresh and Fresh-Cut Produce, Chapter IV. Outbreaks Associated with Fresh and Fresh-Cut Produce. Incidence, Growth, and Survival of Pathogens in Fresh and Fresh-Cut Produce, September 30, 2001.

²<http://www.fda.gov/Food/ScienceResearch/ResearchAreas/SafePracticesforFoodProcesses/ucm094141.htm> . Evaluation and Definition of Potentially Hazardous Foods, Chapter 3. Factors that Influence Microbial Growth, September 30, 2001.

³ FDA Food Code 2009: Annex 3 – Public Health Reasons for §3-501.19

STATEMENT PURSUANT TO SECTION 1042 – REGULATORY AGENDA

The proposed amendment was not included in the Department's Regulatory Agenda because it resulted from a recent analysis by the Department.

The proposal is as follows:

Note-matter in brackets [] to be deleted
Matter underlined is new

RESOLVED, that subdivisions (y) and (ff) of §81.03 of Article 81 of the New York City Health Code be, and the same hereby are, amended, to be printed together with explanatory notes, as follows:

§81.03 Definitions.

* * *

(y) Potentially hazardous food (PHF) or time and temperature controlled for safety (TCS) food means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, crustacea and other aquatic animals, [cooked potato, cooked rice,] foods of plant origin that have been heat treated: garlic in oil mixtures that support the growth of Clostridium botulinum or toxin formation; cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxins formation; raw bean or seed sprouts; or other [ingredients] foods in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, or growth of C. botulinum. The term does not include food with a water activity (a_w) value of 0.85 or less, or a hydrogen ion concentration (pH) level of 4.6 or below. A food may be deemed not potentially hazardous because of the combined effect of a_w and pH other than as specified above if supported by a food product assessment acceptable to the Department.

* * *

(ff) Temporary food service establishment means [any] a food service establishment as defined in Article 88 of this Code. [that operates at a fixed location for a temporary period of time, not to exceed 14 consecutive days, in connection with a single event or celebration such as a fair, carnival, circus, public exhibition, advertising campaign or business promotion, religious or fraternal organization function or transitory gathering.] Additional to the provisions of this Article, a temporary food service establishment shall be operated at all times in compliance with the provisions of Article 88 and all applicable provisions of this Code.

* * *

Notes: Subdivision (t) was amended by resolution adopted on June 15, 2010 to incorporate the term "temperature controlled for safety" foods consistent with the 2009 FDA Model Food Code, and subdivision (ff) was amended to reflect the definition of a temporary food service establishment in Article 88 of the Code.

RESOLVED, that Article 81 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended by adding a new §81.10, to be printed together with explanatory notes, as follows:

§81.10. Time as a Public Health Control.

(a) Use of time controls. Food service establishments may use time as the sole public health control, rather than using time in conjunction with temperature, for holding potentially hazardous ready-to-eat foods to be served and consumed on site, only in accordance with the provisions of this section. Such foods shall not be returned to temperature control at any time with the intent to extend their use.

(1) Initial temperatures. Ready-to eat foods shall be at an initial temperature at or below 41 degrees Fahrenheit (5 degrees Celsius) when removed from cold holding temperature control, or at or above 140 degrees Fahrenheit (60 degrees Celsius) when removed from hot holding temperature control.

(2) After cold holding. Ready-to-eat foods removed from cold holding temperatures may be kept for a maximum of four or six hours without further temperature control. If such foods will be kept for up to six hours without further temperature control, the temperature of the food shall be measured and recorded every two hours, and shall not exceed a temperature of 70 degrees Fahrenheit (21 degrees Celsius). Foods at or above temperatures of 70 degrees Fahrenheit (21 degrees Celsius) shall be discarded immediately.

(3) After hot holding. Ready-to-eat foods removed from required hot holding temperatures may be held at ambient temperatures for no more than four hours after removal from temperature control.

(b) Labeling. All foods removed from temperature control in accordance with this section shall be labeled or marked as follows:

(1) Four hour labeling. Food to be held for up to four hours shall be labeled or marked with the initial temperature at time of removal, and a time, four hours after removal from

temperature control, when such food shall be discarded if not served.

(2) Six hour labeling. Food to be held for up to six hours shall be labeled or marked with the initial temperature at time of removal, the time removed from cold temperature control, the times and temperatures, measured at two hour intervals after removal from temperature control, and the time, six hours after removal from temperature control, when such food shall be discarded if not served.

(3) Labels or marked containers shall be kept until foods have been served or discarded.

(c) Limits on use of time as a public health control. Time shall not be used as the sole means of public health control, and §81.09 shall remain applicable as follows:

(1) Holding raw eggs prior to using such eggs in food prepared for (i) persons who may be at higher risk for food-borne illnesses, such as immunocompromised persons including residents or clients of senior centers, charitable feeding programs, adult day care programs, custodial care and health care facilities, and assisted living programs; (ii) infants and children in day care and pre-school programs; and (iii) pupils in primary and secondary schools.

(2) Preparation and holding of ready-to-eat potentially hazardous foods sold by or in (i) mobile food vending units; (ii) food vending machines; (iii) temporary food service establishments operating in accordance with Article 88 of this Code; (iv) self-service salad bars or buffets; or (v) when intended for takeout or delivery.

(3) Preparation and holding of potentially hazardous foods consisting of: (i) aquatic animals, fish or molluscan shellfish and (ii) opened or packaged smoked or vacuum-packed food products.

(d) Violations.

(1) §81.09 violations. An establishment shall be in violation of §81.09 of this Code if the Department finds that, while using time as a public health control, the establishment (i) has not discarded food after the times specified in this section; or (ii) has not labeled or marked food as specified in this section.

(2) §81.07 violations. Food shall be deemed contaminated, and an establishment shall be in violation of §81.07 (a) of this Code, if cold potentially hazardous ready-to-eat foods labeled for six hour holding are measured at or above temperatures of 70 degrees Fahrenheit (21 degrees Celsius) after removal from cold temperature control.

Notes: Section 81.10 was added by resolution adopted on June 15, 2010 to authorize the use of time alone as a public health control, instead of both time and temperature controls, in holding potentially hazardous ready to eat foods until served or discarded. To allow flexibility in use the Department is not specifying requirements for how individual establishments mark or label foods or containers holding such foods.

RESOLVED, that the list of Section Headings in Article 81 of the New York City Health Code be, and the same hereby is, amended, to be printed together with explanatory notes, as follows:

ARTICLE 81

FOOD PREPARATION AND FOOD ESTABLISHMENTS

* * * §81.10 Time as a public health control

* * *
Notes: Section 81.10 was added by resolution adopted on June 15, 2010 to authorize the Department to approve use of time alone as a public health control instead of using both time and temperature controls in handling certain potentially hazardous ready-to-eat foods.

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NOTICE OF INTENTION TO REPEAL ARTICLES 111 AND 117 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed repeal of Article 111 ("Milk and Milk Products") and Article 117 ("Dairy Food Products") of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. to 12:00 P.M. ON THURSDAY, JULY 22, 2010 IN THE THIRD FLOOR BOARD ROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. WEDNESDAY, JULY 21, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 12, 2010.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF

HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL (WITHOUT ATTACHMENTS) TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ELECTRONICALLY THROUGH nyc.gov/html/doh/html/notice/notice.shtml ON OR BEFORE 5:00 P.M., THURSDAY, JULY 22, 2010. ATTACHMENTS TO ONLINE COMMENTS MUST BE DELIVERED, MAILED OR FAXED. COMMENTS RECEIVED AFTER JULY 22, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO nyc.gov/html/doh/html/comment/comment.shtml

STATUTORY AUTHORITY

These amendments to the New York City Health Code (the "Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, the Department of Health and Mental Hygiene (the Department or DOHMH) is requesting that the Board of Health repeal Article 111 (Milk and Milk Products) and Article 117 (Dairy Food Products). Both of these articles include provisions dating from the earliest versions of the City's Sanitary Code, and have historic importance because they predate State and federal laws regulating production, distribution and sales of milk, milk products and dairy products, and establishing standards for identity, purity and wholesomeness. However, currently all activities associated with the manufacture and distribution of the milk and dairy products regulated by these two Health Code articles are licensed and comprehensively regulated in the State of New York by the State Department of Agriculture and Markets (NYSDAM) pursuant to the State Agriculture and Markets (A&M) Law and NYSDAM regulations. Standards of identity for most milk and dairy products in State law currently incorporate by reference identical standards in federal law, regulation and guidance. The Department's historic concern about milk sanitation is based its widespread use and importance as a source of dietary elements needed for the maintenance of proper health and its potential as a source of disease that has been associated with major disease outbreaks. In recognition of this importance, New York City's first milk inspector was appointed in 1873, and milk samples began to be subject to analysis at the Department's laboratory, established in the 1860's. Early City Sanitary Code provisions and Board of Health regulations covered all aspects of milk production and distribution, and were incorporated in various Health Code articles starting in 1959 when the Sanitary Code was renamed.

Pasteurization, required by New York City since 1911, and now required throughout the United States by federal law, and ultra-pasteurization (prolonged heat treatment) have largely eliminated contamination in milk and milk products by pathogens such as *E. coli*, *Salmonella* spp., and *L. monocytogenes*. The incidence of illness associated with milk in the United States has been sharply reduced in recent years. In 1938, milk associated outbreaks constituted 25 percent of all food and water borne illness outbreaks. This proportion has dramatically decreased over time as a result of technological improvements in equipment, refrigeration and more effective control over the pasteurization and ultra-pasteurization of milk and milk products. Outbreaks caused by milk and dairy products are now largely associated with ingestion of raw milk and other unpasteurized dairy products.

Although Health Code Article 111 provides for issuance of Department permits for every process associated with milk production and distribution, in 1992 the Department formally transferred issuance of permits and responsibility for inspections of the few remaining dairies in New York City to NYSDAM. At the time, NYSDAM was regulating all other dairies and producers outside the City, including those supplying the City with dairy products. As a result, all permits and licenses related to milk production and distribution in New York State, including for such products sold in New York City, are currently issued by the NYSDAM.

The dairy industry is very important to New York State, which is among the top six states in dairy production, and NYSDAM comprehensively regulates all aspects of the industry's activities, and conducts thorough periodic inspections of all milk processing plants in the state, covering general maintenance, structure of the facilities, and all equipment used in processing, homogenization, pasteurization, ultra-pasteurization and fortification of milk products. NYSDAM conducts periodic testing of samples taken at all milk processing plants of all raw, pasteurized and ultra-pasteurized milk products for microbiological acceptability.

NYSDAM inspects milk transport vehicles which deliver milk primarily to small stores and "bodegas" and evaluates temperatures of milk products upon arrival at various retail outlets, issuing violations for storage of milk products at temperatures greater than 45°F.

NYSDAM investigates complaints involving milk products sold in retail stores throughout New York State. Complaints allege products adulterated with flies, insects or dirt, and milk spoilage at or after purchase. NYSDAM has advised the Department that, in 2007, it received six inquiries about date coding; in 2008, one inquiry about expired milk; in 2009, two complaints of spoiled milk and three inquiries about date coding, but no complaints or inquiries to date for 2010.

Currently, the only provision of Article 111 that the Department enforces is §111.33 (Standards generally; time of delivery) requiring that liquid milk products (“milk, low sodium milk, low fat milk, skimmed milk, modified skimmed milk, cream or half and half”) not be sold beyond the “expiration date” on product labels. Expiration date requirements in New York City predate the current Health Code, going back to a time when farm sanitation and pasteurization processes were not as effective as they are now. The expiration date required to be stamped on these labels was established in 1959 at 54 hours after the date of pasteurization for milk, and 72 hours for cream and “half and half.” On May 20, 1960, the Board of Health repealed this provision after the State legislature amended §1400 of the New York Public Health Law, prohibiting local boards of health in the State from adopting and enforcing milk dating regulations. In March 1962, the right of local boards of health to enact milk dating regulations was restored by the legislature in State NYSDAM Law §71-1 and §111.33 of the Health Code was readopted. The expiration date has been changed over time, as the Board and Department acknowledged improvements in sanitation and processing standards, and the current requirement is that products may be sold in New York City up to nine days after pasteurization. Ultra pasteurized products may have an expiration date that is 45 calendar days after ultra pasteurization. The Department enforces this provision at food service establishments and issues violations if milk is held past its “expiration date” and when it receives complaints of retail sales of milk without expiration dates. The number of complaints for expired milk has decreased in the past three calendar years, in 2008; the Department received forty-one complaints about expired milk, in 2009; seventeen complaints, and in 2010; nine complaints.

In 1934, milk dating was eliminated from the United States Public Health Service Ordinance and Code. In 1940, New York State abolished milk dating as a state requirement. New York City is one of only a few jurisdictions in the United States that requires an “expiration” date to be stamped on milk labels in addition to the manufacturer’s “sell-by” date. Other jurisdictions, such as New Jersey require “Open Dating”. “Open Dating” is a date stamped on a product’s package to help the retailer determine how long to display the milk product. It can also help the consumer know the time limit to purchase or use the product at its best quality. It is not a food safety date. After the date passes, while not of best quality, the product should still be safe to consume, if it was handled properly and kept at or below required temperature for the recommended manufactured storage times. Additionally, except for infant formula and some baby food, product dating is not generally required by Federal regulations. However, the labeling of the date is regulated by Federal regulations; if a calendar date is used, it must express both the month and day of the month (and the year, in the case of shelf-stable and frozen products). If a calendar date is shown, immediately adjacent to the date must be a phrase explaining the meaning of that date such as “sell-by” or “use before.” There is no uniform or universally accepted system used for food dating in the United States. Although dating of some foods is required by more than 20 states, there are areas of the country where much of the food supply has some type of open date and other areas where almost no food is dated.

There is no evidence that substituting the producers’ “sell by” dates for “expiration” date of milk would put the public’s health at risk. As noted, the rest of New York State has imposed no milk “sell by” date requirements on milk processors, and reports no adverse public health effects, poor milk quality or a decrease in milk demand.

The Department does not establish or enforce “sell-by” dates for any food products. Except for infant formula and baby food, the federal government does not establish any sell-by dates, and “sell-by” dates establishing shelf life for packaged foods are not considered matters of public health concern. The “sell by” dates on most products are provided by manufacturers so that products are aesthetically attractive in at the time of purchase with respect to taste, smell and appearance. Sell-by dates do not mean products are safely prepared, processed, transported, or stored. It is these critical processes which, when performed properly, render a safe product. For fluid milk products, a potentially hazardous food, maintaining optimal product temperature is the major concern in maintaining product quality and achieving stated shelf-life. The milk processor has a strong business interest in establishing a “sell by” date that will result in the consumer receiving milk of acceptable quality.

Recently, the Board of Health was petitioned pursuant to Article 9 of the Health Code to commence rulemaking by four members of the New York City Council. The council members have requested the Board to re-examine Health Code milk dating regulations, arguing that such dating is no longer necessary because of technological advances in sanitation, processing standards and refrigeration. For the reasons set forth above, the Department agrees that public health interests would be more than adequately served by the common manufacturers practice of labeling milk, as other products are labeled, with a “best if used by” or “sell by” date.

Because milk quality, production and distribution is extensively currently regulated by the State, the Department requests that the Board repeal Article 111.

2. Repeal Article 117.

Both Article 111 and Article 117 (Dairy Food Products) established minimum milk fat requirements for butter, and identity standards for malted milk and cheddar, processed and soft cheese, at a time when there were no national standards. The Department does not regulate the manufacture or distribution of these products and has not enforced these provisions for many years. Accordingly, the

Department requests the Board to repeal Article 117. The resolution is as follows.

Matter deleted is in brackets [].
Matter underlined is new.

RESOLVED, that Article 111 (Milk and Milk Products) and the list of section headings in Article 111 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, REPEALED.

RESOLVED, that Article 117 (Dairy Food Products) and the list of section headings in Article 117 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, REPEALED.

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NOTICE OF INTENTION TO AMEND ARTICLE 151 OF THE NEW YORK CITY HEALTH CODE

In compliance with Section 1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by Section 558 of the Charter, notice is hereby given of intention to amend Article 151 (Pest Prevention and Management) of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON FRIDAY, JULY 23, 2010 FROM 10:00 A.M. TO 12:00 NOON IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET, CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M., THURSDAY, JULY 22, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 12, 2010.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12 NOON. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ELECTRONICALLY (WITHOUT ATTACHMENTS)/THROUGH www.nyc.gov/nycrules OR <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., FRIDAY, JULY 23, 2010. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED. COMMENTS RECEIVED AFTER JULY 23, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT’S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

STATUTORY AUTHORITY

These amendments to the New York City Health Code (“Health Code”) are promulgated pursuant to §§556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department” or “DOHMH”) with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters to which the DOHMH’s authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

As part of a comprehensive review of the Health Code to assess the efficacy of the articles in protecting public health, the Board of Health repealed and recodified Article 151 (Pest Prevention and Management) of the Health Code by resolution adopted at its December 16, 2008 meeting.

Title 16 of the City’s Administrative Code provides that the commissioner of the Department of Sanitation (“DSNY”), “from time to time, shall propose to the board of health such additions to or amendments of the health codes as in his or her opinion will promote sanitary control in the city and conduce to the security of the comfort, life and health of its inhabitants. The commissioner shall set forth fully the reasons for the proposed changes.” Administrative Code of the City of New York §16-110.

The DSNY has requested that the Board grant it authority to enforce Article 151. DOHMH supports their request and believes that such authority would increase the overall effectiveness of the City’s pest control initiatives, especially with regard to further limiting rat harborage conditions. DSNY currently has over 70 Sanitation Police, 239 Sanitation Enforcement Agents and a number of Bureau of

Cleaning and Collection Supervisors that are authorized to issue violations on patrol throughout the City. Currently, these personnel issue violations against property owners for various sanitation related issues, including but not limited to dirty sidewalk and litter conditions that may be located on or appurtenant to their property. Granting DSNY the authority to issue violations under Article 151 will enhance the City’s existing ability to target those sanitation conditions that are conducive to rodents, insects and other pests. Accordingly, the Department is requesting that the Board amend §151.04 (Enforcement by the Department and other City agencies) of Article 151 to add the City’s Department of Sanitation to the agencies currently authorized to enforce Article 151, the Departments of Buildings and Housing, Preservation and Development.

Statement Pursuant to Charter §1043

This proposal was not included in the Department’s regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:

Matter underlined is new.

Matter to be deleted is indicated by [brackets].

RESOLVED, that §151.04 of Article 151 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes to read as follows:

§151.04 Enforcement by the Department and other City agencies.

Without limiting the authority of the Department, in addition to the Department, the City Departments of Buildings, [and] Housing Preservation and Development and Sanitation are authorized to enforce this Article.

Notes: §151.04 was amended by resolution of the Board of Health adopted on XXX to add the City’s Department of Sanitation to the agencies authorized to enforce this Article.

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NOTICE OF INTENTION TO REPEAL ARTICLE 155 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed repeal of Article 155 (Butchers’ Refuse) of the New York City Health Code (the “Health Code”).

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 P.M. ON MONDAY, JULY 26, 2010, IN ROOM 225 AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. FRIDAY, JULY 23, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 12, 2010.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., FRIDAY, JULY 23, 2010. WRITTEN COMMENTS MAY ALSO BE SUBMITTED BY E-MAIL TO NYC RULES AT <http://www.nyc.gov/nycrules>. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED. COMMENTS RECEIVED AFTER MONDAY, JULY 26, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT’S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

STATUTORY AUTHORITY

These amendments to the New York City Health Code (the “Health Code”) are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with jurisdiction to regulate all matters affecting the health in the

city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, the Department of Health and Mental Hygiene (the Department or DOHMH) is requesting that the Board of Health repeal Article 155 as no longer necessary. The removal of butchers' refuse or offal which requires permits for haulers is now regulated by the New York City Business Integrity Commission pursuant to section 2101(b)(6) of the New York City Charter, section 16-504 of Chapter 1, Title 16-A of the New York City Administrative Code, and Title 17, Chapter 1 of the Rules of the City of New York. The Department does not regulate the permitting of haulers engaged in the removal of butchers' refuse and has not enforced this provision for many years. Accordingly, the Department requests the Board to repeal Article 155.

The resolution is as follows:

Matter deleted is in brackets [].
Matter underlined is new.

RESOLVED, that Article 155 (Butchers' Refuse) and the list of section headings in Article 155 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, REPEALED.

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NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 11 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 11 (Reportable Diseases and Conditions) of the New York City Health Code (the "Health Code") was published in the City Record on March 23, 2010, and a public hearing was held on April 28, 2010. Two comments were received, and in response to one of the comments, the proposal has been amended. At its meeting on June 15, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§ 556, 558 and 1043 of the Charter. Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with jurisdiction to regulate all matters affecting the health in the City of New York. Section 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on September 17, 2008 adopted a resolution repealing and reenacting Article 11 of the Health Code. The provisions relating to tuberculosis control were renumbered, from §11.47 to §11.21, but were otherwise unchanged. The Department has requested the Board to amend subdivision (a) of § 11.21 (Tuberculosis; reporting, examination, exclusion, removal and detention) to require attending physicians who treat newly diagnosed cases of tuberculosis (TB) and persons in charge of hospitals where newly diagnosed cases of TB are treated to submit proposed treatment plans to the Department for review, and to require physicians and persons in charge of hospitals who report infectious TB cases to obtain consultation with and consent of the Department at least 72 hours prior to discharging such cases from inpatient care.

Under the New York Public Health Law (PHL), the Health Code and the State Sanitary Code, the Department has the duty in New York City of investigating cases, ascertaining sources of infection, seeking out contacts, and taking other steps to reduce morbidity and mortality from TB and other communicable diseases. Article 22 of the PHL imposes specific TB control duties upon physicians and, in the absence of an attending physician, upon the local health officer, i.e., in the City of New York, the Commissioner or designee. The physician or local health officer has a duty to take proper precautions and provide for the safety of all individuals occupying the same house or apartment of a TB patient. PHL §2222 (1). Physicians are required by State law to report the recovery of a TB patient to the "proper health officer." PHL §2225. The State Sanitary Code requires the local health officer, upon receiving a report of a TB case, to "take such further measures as may be indicated ...if such a person has been reported to him previously by a physician as one suffering from pulmonary tuberculosis, the State or local health officer concerned shall ascertain promptly whether such physician is maintaining proper sanitary supervision." 10 NYCRR §2.7 (a). State Department of Health rules authorizing State aid and reimbursement for care of TB cases and suspect cases define the "local health officer" as the individual responsible for providing or securing tuberculosis care and treatment pursuant to Public Health Law §2202 (1) and make this person responsible for providing or securing health care services needed for all cases and suspects. 10 NYCRR §§43-1.1 (e) and 43-1.2. Providers of health care services to TB patients are already required to submit initial and monthly written progress reports detailing care provided to TB patients, and to follow "prevailing standards of care" in the services they provide. 10 NYCRR §§ 43-1.4 and 43-1.6. However, no State law or rule currently requires that the local health officer review TB cases' treatment plans or infectious TB cases' hospital discharge plans.

The Department has been successful in reducing the incidence of TB in New York City, from 1,140 newly reported cases in 2003, when amended Health Code §11.47 (the predecessor of §11.21) became effective, to 760 in 2009.

The steady decline in the incidence of TB may have unintended negative effects on TB control in that TB expertise will become more scarce as practitioners try to manage an increasingly rare disease. In New York City, approximately 50% of TB patients are treated—partly or completely—in the private sector.

Numerous studies around the world have shown that private practitioners tend to deviate from recommended TB management practices and guidelines, and this tendency seems to be directly related to how many TB patients a practitioner sees in his or her practice: the fewer patients one sees, the more likely one is to deviate from accepted standards of care. In TB care such deviations include not using sputum culture to monitor treatment response and prescribing inappropriate drug regimens, often with incorrect combinations and inaccurate doses for the wrong duration. Without a framework for oversight, these deviations can have deleterious public health effects for TB control. Treatment failure often leads to drug resistance, which decreases the chances for cure and greatly increases treatment costs through prolonged hospitalizations, and may increase the risk of transmission of the disease to others. Successful treatment of tuberculosis is a societal imperative as well as a benefit to an individual's health. The Department, through the Bureau of Tuberculosis Control ("the Bureau"), should be able to influence and guide TB care practices so that those practices more closely conform to accepted standards. The Bureau's ability to influence practices is likely to be enhanced if the government's role in TB care were more clearly defined and strengthened through this proposed amendment to the Health Code. On-going communication between the private practitioners and the Bureau beyond the initial reporting of a case would be greatly enhanced if practitioners provided the Department with a written plan of management for TB patients soon after TB is diagnosed, ideally within two months of TB diagnosis (treatment for TB lasts a minimum of six months). This amendment to Health Code §11.21 (a) requires communication between the providers and the Department beyond case reporting. Relying on practitioners' good faith to share information with the Department has always been suboptimal. Since the private medical sector varies considerably in terms of size and composition of the practice, level of organization, types of services delivered, and socioeconomic groups served, a regulatory approach would be the most consistent and fair way of ensuring compliance among practitioners. One comment on the proposed amendment stated that the written plan of management should be submitted within one month of TB diagnosis, since treatment errors might have already occurred. The Department agrees that one month would be more appropriate and has amended the proposal accordingly.

Timely submission of such a treatment plan to the Bureau would strengthen the Bureau's ability to provide support for activities that are integral to TB control but that are generally not carried out by private providers. These activities include locating TB patients who do not keep physical examination or directly observed therapy (DOT) appointments, application of legal action for persistently non-compliant/non-adherent, infectious TB patients, and provision of DOT, the standard of care for TB. Having treatment plans for all TB patients would also help the Bureau better plan and allocate resources for each TB case in the face of a shrinking TB public health workforce.

The Department received a further comment expressing concern that the 72 hours prior notice to the Department before an infectious TB patient may be discharged could prolong the patient's length of stay. Although this is possible, the risk of a prolonged stay is substantially outweighed by public health concerns that infectious patients will receive appropriate care on discharge and thereby minimize transmission of TB to uninfected persons, which is consistent with the Department's and physicians' obligations.

New York City would not be the first jurisdiction to take this approach. Colorado and Connecticut require approval of treatment plans before a patient is discharged from the hospital, and except for California, have a requirement for the TB treatment plan to be approved by public health authorities. 6 CCR 1009-1(I); Conn. Gen. Stat. §§ 19a-265(7)(b). Virginia requires the treating physician to develop a detailed treatment plan for a TB patient and submit the treatment plan to the Health Department upon request. Virginia Code § 32.1-50.1(B); 12 Virginia Admin. Code § 5-90-225. Oklahoma authorizes the state health commissioner to review TB treatment regimens for persons with confirmed or suspected active TB, make recommendations for change, and establish length of therapy. Oklahoma Admin. Code § 310:521-3-3. Completion of TB therapy occurs when therapy has been taken for an adequate length of time, as determined by the Commissioner. Oklahoma Admin. Code § 310:521-3-4. Consultation with the TB control officer must be established and maintained during the treatment regimen. Oklahoma Admin. Code § 317:30-5-1159. California law provides that health care facilities may not discharge suspected or confirmed TB patients until prescribing a written treatment plan and notifying local health officers. California Health & Safety Code §§ 121361(e), 121365(b).

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:
Matter underlined is new
Matter to be deleted is indicated by [brackets].

RESOLVED, that §11.21 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§11.21 Tuberculosis; reporting, examination, treatment, exclusion, removal and detention.

(a) Reports; treatment plan review; approval of hospital discharges; and contact examination.

(1) Reports. A physician who attends a case of active

tuberculosis, or the person in charge of a hospital, dispensary or clinic giving out-patient treatment to such a case, shall report to the Department at such times that the Department requires. The report shall state whether the case is still under treatment, the address of the case, the telephone contact number(s) of the case, the stage, the clinical status and treatment of the disease and the dates and results of sputum and X-ray examinations and any other information required by the Department.

(2) Submission of treatment plans for review. The physician who attends a person for whom treatment for newly diagnosed active tuberculosis is being initiated, or the person in charge of a hospital or other health care facility where such newly diagnosed case is or will be receiving treatment for active tuberculosis, shall submit to the Department for review the treatment plan proposed for such case within one month of initiation of treatment. The plan shall be submitted in writing on a form provided or approved by the Department and shall include the name of the medical provider who has assumed responsibility for treatment of the patient, names and duration of prescribed anti-tuberculosis drugs, anticipated date of treatment completion, and a plan for promoting adherence to the prescribed treatment.

(3) Report required when treatment ceases. The physician who attends the case or the person in charge of a hospital, dispensary or clinic giving out-patient care to such a case shall report promptly to the Department when the case ceases to receive treatment and the reason for the cessation of treatment.

(4) Department approval of hospital discharge of infectious cases. The physician who attends a case of infectious tuberculosis in a hospital or the person in charge of a hospital or other health care facility where such case has been admitted shall notify the Department in writing on a form provided or approved by the Department and shall consult with the Department at least 72 hours before planned discharge of such case from in-patient care, and shall discharge such patients only after the Department has determined that discharge of such person will not endanger the public health. The Department shall make its discharge determination and respond to the attending physician or the person in charge of a hospital or other health care facility within one business day from the date of the consultation.

(b) Contacts. A physician who attends a case of active tuberculosis shall examine or cause all household contacts to be examined or shall refer them to the Department for examination. The physician shall promptly notify the Department of such referral. When required by the Department, non-household contacts and household contacts not examined by a physician shall submit to examination by the Department. An examination required by this section shall include such tests as may be necessary to diagnose the presence of tuberculosis, including but not limited to tuberculin tests, serologic tests for tuberculosis infection, and where indicated, laboratory examinations, and x-rays. If any suspicious abnormality is found, steps satisfactory to the Department shall be taken to refer the person promptly to a physician or appropriate medical facility for further investigation and, if necessary, treatment. Contacts shall be re-examined at such times and in such manner as the Department may require. When requested by the Department, a physician shall report the results of any examination of a contact.

(c) Exclusion. A person with active tuberculosis that is infectious shall be excluded from attendance at the workplace or a school. Such person may also be excluded from such other premises or facilities as the Department determines cannot be operated or maintained in a manner adequate to protect others against spread of the disease.

Notes: Subdivision (a) of §11.21 was amended, and subdivisions (b) and (c) were provided with subheadings, by resolution adopted on June 15, 2010 to reflect new requirements pertaining to management of newly diagnosed cases of active tuberculosis and discharge from hospital of cases of active infectious tuberculosis.

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SPECIAL MATERIALS

TRANSPORTATION

■ NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON WILLOUGHBY STREET BETWEEN PEARL STREET AND ADAMS STREET BOROUGH OF BROOKLYN

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

Subconcessions would be awarded based on solicitations issued by the concessionaire in the basic form of Request for

Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award.

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

DOT has identified the MetroTech Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify,

interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by July 13, 2010. Mr. Wiley-

Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

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

j7-ly13

CHANGES IN PERSONNEL

FIRE DEPARTMENT
FOR PERIOD ENDING 06/11/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
CAHILL	MARK	A	31840	\$64600.0000	RETIRED	NO	05/29/10
COLLINS	DANIEL	T	70310	\$41878.0000	RESIGNED	NO	10/01/04
DEPAUW	BRYAN	D	53053	\$33740.0000	RESIGNED	YES	05/19/10
DIBACCO	LOUIS	A	91717	\$343.0000	PROMOTED	NO	06/01/10
DONNELLY	JAMES		70310	\$76488.0000	RETIRED	NO	05/29/10
ECCLESTON	CHRISTOP	E	53055	\$66266.0000	RETIRED	NO	05/30/10
FITZGIBBON	ROBERT		70310	\$76488.0000	RETIRED	NO	06/05/10
HOLLAR	HOPETON	A	53055	\$64492.0000	RETIRED	NO	05/27/10
KHAN	JAVED	K	31661	\$39401.0000	APPOINTED	YES	05/23/10
MALEK	MICHAEL	E	92235	\$284.1300	APPOINTED	YES	05/23/10
MINIER-DELGADO	JESENIA		1002A	\$64594.0000	RESIGNED	YES	05/18/10
MINIER-DELGADO	JESENIA		31105	\$49528.0000	RESIGNED	NO	05/18/10
MONTGOMERY	ROBERT	E	70310	\$76488.0000	RETIRED	NO	05/25/10
PADILLA	JAMIE		53053	\$31931.0000	RESIGNED	NO	05/26/10
PLATCHKOVA	NEVENA		1002A	\$56937.0000	APPOINTED	YES	05/23/10
PRICE	ROBERT		31661	\$39401.0000	APPOINTED	YES	05/23/10
RODRIGUEZ	PAULA	K	53053	\$48153.0000	DECEASED	NO	05/31/10
ROTH	JEFFREY	D	82976	\$90000.0000	APPOINTED	YES	06/01/10
SALVADORE	HELEN	L	12202	\$22.6700	RETIRED	YES	05/19/10
SANTIAGO	ERVIN		31661	\$39401.0000	APPOINTED	YES	05/23/10
SANTOS	DOUGLAS		31661	\$39401.0000	RESIGNED	YES	05/28/10
STEFANDEL	HARRY	F	70310	\$76488.0000	RETIRED	NO	05/29/10
STEINHARDT	JOHN	M	70316	\$76535.0000	DECREASE	YES	05/12/10
THEODORE JR	STANLEY	A	92005	\$291.9700	APPOINTED	NO	06/01/10
VANZANTEN	KEVIN		12202	\$37899.0000	INCREASE	YES	05/30/10
WEBB	TOUSSAIN	J	91212	\$42500.0000	RETIRED	YES	05/15/10
YIM	JAE	Y	53053	\$48153.0000	RESIGNED	NO	06/03/10

ADMIN FOR CHILDREN'S SVCS
FOR PERIOD ENDING 06/11/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
ALEXANDER	TONI	N	52366	\$49561.0000	RESIGNED	NO	06/03/10
BECKFORD	MAXINE		52366	\$49561.0000	RESIGNED	NO	05/28/10
BOXHILL	BERYL	A	52366	\$49561.0000	RESIGNED	NO	05/25/10
CAUGHMAN	BRENDA		52367	\$77878.0000	RETIRED	NO	06/01/10
EDGERTON	LAUREN	D	30087	\$53181.0000	INCREASE	YES	05/23/10
ESCOBAR	VERONICA		30087	\$69085.0000	RESIGNED	YES	06/03/10
FRANCIS	EILEEN	C	52408	\$73150.0000	RETIRED	NO	06/01/10
GERENA	ANNA	V	06771	\$56330.0000	RESIGNED	YES	05/25/10
GREEN	NOTOYA	S	30087	\$69085.0000	RESIGNED	YES	06/05/10
HENDERSON	JOAN		52369	\$54937.0000	RETIRED	NO	05/30/10
HINES	MARVA		10124	\$47979.0000	RETIRED	NO	05/30/10
LONDON	ROCHEA	N	52366	\$49561.0000	RESIGNED	NO	06/05/10
NARVAEZ	EDWARD		06771	\$56330.0000	RESIGNED	YES	05/23/10
NEVILLE	SANDRA	J	52367	\$69801.0000	RETIRED	NO	05/28/10
OLUKOGBON	DEBORAH	L	52366	\$46479.0000	INCREASE	NO	12/15/09
PENSION	JACKELLE		56057	\$37169.0000	DECEASED	YES	05/30/10
PEREZ	LISZEIDA		10251	\$35285.0000	RESIGNED	YES	05/30/10
ROSARIO-MERCADO	MINERVA		52370	\$60793.0000	RETIRED	NO	05/28/10
TAYLOR	LATONIA		52366	\$49561.0000	RESIGNED	NO	06/04/10
WHITE-FORRESTER	DONNA	A	52366	\$46479.0000	INCREASE	NO	01/13/10
WRIGHT	DONNA	S	06771	\$55225.0000	RESIGNED	YES	05/23/10

HRA/DEPT OF SOCIAL SERVICES
FOR PERIOD ENDING 06/11/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
ALBERTORIO	MARIE		52314	\$41101.0000	RETIRED	YES	05/16/10
ALEXANDER	GINETTE		52314	\$35740.0000	APPOINTED	NO	06/01/10
ALSTON-WILLIAMS	SCHULA	M	52316	\$65111.0000	DISMISSED	NO	05/26/10
AMRAN	AKM		52314	\$35740.0000	APPOINTED	NO	06/01/10
ANDERSON	FRANCESC		52314	\$35740.0000	APPOINTED	NO	06/01/10
ANDRAWS	SUZY	S	52314	\$35740.0000	APPOINTED	NO	06/01/10
ANYANE-YEBOAH	MICHAEL		52314	\$35740.0000	APPOINTED	NO	06/01/10
ASCARRUNZ	JESSICA	A	52314	\$41101.0000	INCREASE	NO	06/01/10
BANWER	PETER	J	13632	\$93000.0000	APPOINTED	YES	05/23/10
BASHIRU	ANWAR		70810	\$30260.0000	APPOINTED	NO	05/23/10
BERG	ROBIN		82976	\$81872.0000	RETIRED	YES	04/01/10
BHOWMIK	NARESH	C	52314	\$35740.0000	APPOINTED	NO	06/01/10
BOCHEKO	MIKHAIL		10104	\$31827.0000	APPOINTED	NO	05/23/10
BOLA AKINWANDE	FUNMILAY		52314	\$35740.0000	APPOINTED	NO	06/01/10
BOONE	PATRICIA		10251	\$32027.0000	RETIRED	YES	05/23/10
BORGELLA	LISA		31118	\$64424.0000	INCREASE	NO	05/23/10
BORODULINA	MAYYA		10104	\$31827.0000	APPOINTED	NO	05/23/10
BRADFORD	MARILYN		10104	\$36602.0000	INCREASE	NO	05/23/10
BRADFORD	MARILYN		10251	\$31852.0000	APPOINTED	NO	05/23/10
BURGESS	DENISE	J	52314	\$35740.0000	APPOINTED	NO	06/01/10
CAMACHO	CARMEN		10251	\$31998.0000	RETIRED	YES	05/23/10
CAMPBELL	ELAINE		10251	\$39698.0000	INCREASE	NO	05/30/10
CHANDRA	RAKESH		52314	\$35740.0000	APPOINTED	NO	06/01/10
CHOMIN	CARMELA	B	52613	\$49528.0000	DECREASE	YES	05/09/10
CHOWDHURY	RAMRUL		10104	\$31827.0000	APPOINTED	NO	05/23/10
COHEN	DAWN	B	52314	\$35740.0000	APPOINTED	NO	06/01/10
COLARES	ANA	F	10037	\$112114.0000	INCREASE	YES	05/02/10
CONNOR	TRACEY	M	31118	\$64476.0000	RESIGNED	NO	05/27/10
DARE	JULIET	C	52314	\$35740.0000	APPOINTED	NO	06/01/10
DENT	TAMIKA	M	10104	\$31827.0000	APPOINTED	NO	05/23/10
DIAZ	SHIRLEY		52314	\$35740.0000	APPOINTED	NO	06/01/10

DIAZ	YANET	A	10124	\$39981.0000	INCREASE	YES	04/18/10
DIXON	JEANETTE		10251	\$35657.0000	RETIRED	NO	06/03/10
DOMINGUEZ	ANDREA		10251	\$35657.0000	RETIRED	NO	06/02/10
ESPINAL	ARLEEN		52314	\$35740.0000	APPOINTED	NO	06/01/10
EXUM	STEVEN	J	52314	\$35740.0000	RESIGNED	NO	05/28/10
FERDAUS	SYED		10124	\$51445.0000	INCREASE	NO	05/30/10
FIGUEROA	ISRAEL		52314	\$41101.0000	INCREASE	NO	05/02/10
FLORVIL	MARIE		10251	\$32850.0000	RETIRED	YES	05/23/10
FLOY	MYRTLE	A	12627	\$59536.0000	INCREASE	YES	05/30/10
FRANCIS	HENRY	A	52316	\$50294.0000	RESIGNED	YES	06/02/10
FRANCIS	HENRY	A	52304	\$39832.0000	RESIGNED	NO	06/02/10
FRENCH	REGINA	A	52314	\$35740.0000	INCREASE	NO	05/30/10
FRINK	ANGELA	V	10104	\$31827.0000	APPOINTED	NO	06/01/10
GALINSKI	RAISA		10104	\$31827.0000	APPOINTED	NO	05/23/10
GARCIA	CARL		13611	\$59724.0000	INCREASE	NO	05/30/10
GORDON	MARVA		52314	\$35740.0000	APPOINTED	NO	06/01/10
HARDISON	LISA	R	10104	\$36602.0000	APPOINTED	NO	05/23/10
HATCHER	BIANCA	E	52314	\$41101.0000	APPOINTED	NO	06/01/10
HAYNES	CARMEN	B	52314	\$41247.0000	RETIRED	YES	05/29/10
HAYNES	CARMEN	B	10251	\$30924.0000	RETIRED	NO	05/29/10
HERNANDEZ	MILDRED		10251	\$32877.0000	RETIRED	YES	05/23/10
HERNANDEZ	NAYA		10104	\$31827.0000	APPOINTED	NO	05/23/10
HOWSON	EVELYN		10251	\$31969.0000	RETIRED	YES	05/23/10
JENKINS	BARBARA	M	52314	\$35740.0000	APPOINTED	NO	06/01/10
JENKINS	ELYSE	D	52314	\$41101.0000	RESIGNED	NO	05/15/10
JIMENEZ	MARIA	M	52314	\$39520.0000	RESIGNED	NO	06/01/10
JOHN	NILAJA	A	52314	\$41101.0000	APPOINTED	NO	06/01/10
JONES-ADAMS	ELCINA	L	10104	\$31827.0000	APPOINTED	NO	05/23/10
JOSEPH	ERNS		52314	\$35740.0000	APPOINTED	NO	06/01/10
JOSEPH	VALENTIN		52314	\$35740.0000	APPOINTED	NO	06/01/10
KAMINSKY	MICHAEL	D	10104	\$31827.0000	APPOINTED	NO	05/23/10
KOEHLER	PETER		10026	\$134000.0000	RETIRED	NO	12/02/09
LAWAL	ISIAKA		52314	\$41101.0000	APPOINTED	NO	06/01/10
LAZAROVICH	EDUARD	A	52314	\$35740.0000	APPOINTED	NO	06/01/10
LEARDO	ROXANNA	J	10104	\$31827.0000	RESIGNED	NO	05/19/10
LENSHIN	VLADIMIR	V	52314	\$35740.0000	APPOINTED	NO	06/01/10
LOPEZ	MARIA	P	52314	\$35740.0000	APPOINTED	NO	06/01/10
LORENZO	ISABEL		52314	\$35740.0000	APPOINTED	NO	06/01/10
LOVCHIN	ALEXANDE		10104	\$31827.0000	APPOINTED	NO	05/23/10
MALDONADO	BRUNILDA		10124	\$56911.0000	INCREASE	NO	05/30/10
MANDELBERG	ROZANA	R	52314	\$41101.0000	INCREASE	NO	06/01/10
MASSEY	ELLA		10251	\$31952.0000	RETIRED	YES	05/23/10
MEDERA	SHARILEE	P	52314	\$35740.0000	RESIGNED	NO	05/23/10
MOBLEY	LYNETTE		10251	\$35285.0000	INCREASE	NO	05/23/10
NELSON	LISI	R	52314	\$35740.0000	APPOINTED	NO	06/01/10
OLUSHEKI	OLUKEMI	A	52314	\$35740.0000	APPOINTED	NO	06/01/10
ONYENWE	CHUKWUDI		10104	\$35285.0000	DECEASED	NO	05/20/10
ORANGE	MARGARET	E	10104	\$31827.0000	APPOINTED	NO	05/23/10
ORTIZ	RADAMES		70815	\$47093.0000	APPOINTED	YES	05/23/10
OWENS	DANIELLE	R	10104	\$36602.0000	APPOINTED	NO	05/23/10
PANCHYSHYN	OLEKSAND		52314	\$35740.0000	APPOINTED	NO	06/01/10
PARKER	VINNIA		10251	\$31852.0000	RETIRED	YES	05/25/10
PARRIS	TIA	G	31113	\$34977.0000	RESIGNED	NO	05/14/10
PATTERSON	MARCIA	E	52314	\$35740.0000	APPOINTED	NO	06/01/10
PAVLENISHVILI	VIOLETTA		10104	\$36602.0000	APPOINTED	NO	05/23/10
PERPIGNAN	JOSETTE		10104	\$35889.0000	RETIRED	NO	05/14/10
QIN	CASS	E	52314	\$35740.0000	APPOINTED	NO	06/01/10
RADA-JONES	MARION	A	10104	\$36602.0000	APPOINTED	NO	05/23/10
RAJUSAM	ANNAMMA		52314	\$35740.0000	APPOINTED	NO	06/01/10
RAKHAMIM	SAVI		10104	\$31827.0000	APPOINTED	NO	05/23/10
RAMNARINE	ROCHELLE	M	52314	\$35740.0000	APPOINTED	NO	06/01/10
REMBERT	LORRAINE		52314	\$41101.0000	INCREASE	NO	06/01/10
RICE	MICHELLE	E	52314	\$35740.0000	APPOINTED	NO	06/01/10
RIVERA	MARIA		10251	\$31852.0000	RETIRED	YES	05/23/10
ROBINSON	BARBARA	R	10251	\$29548.0000	RETIRED	YES	05/23

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE.....Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS.....Procurement from a Required Source/ST/FED
- NA.....Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12.....Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1Prevent loss of sudden outside funding
- WA2Existing contractor unavailable/immediate need
- WA3Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/OOther
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE..... **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/crecycled preference
- OLB/d.....other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

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

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

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

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

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

☛ m27-30

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

NUMBERED NOTES

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