



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD  
U.S.P.S. 0114-660

Printed on paper containing  
40% post-consumer material

VOLUME CXXXVIII NUMBER 92

THURSDAY, MAY 12, 2011

PRICE \$4.00

<b>TABLE OF CONTENTS</b>	<b>PROPERTY DISPOSITION</b>	Correction .....1111	<b>AGENCY PUBLIC HEARINGS</b>
<b>PUBLIC HEARINGS &amp; MEETINGS</b>	Citywide Administrative Services .....1110	Central Office of Procurement .....1111	Youth and Community Development ...1112
Brooklyn Borough President .....1105	Municipal Supply Services .....1110	Education .....1111	<b>AGENCY RULES</b>
City Planning Commission .....1105	Sale by Sealed Bid .....1110	Contracts and Purchasing .....1111	Consumer Affairs .....1112
Community Boards .....1108	Police .....1110	Health and Hospitals Corporation ....1111	Environmental Control Board .....1115
Design Commission .....1108	<b>PROCUREMENT</b>	Health and Mental Hygiene .....1111	Taxi and Limousine Commission .....1116
Employees' Retirement System .....1109	Citywide Administrative Services .....1110	Agency Chief Contracting Officer ...1111	<b>SPECIAL MATERIALS</b>
Finance .....1109	Municipal Supply Services .....1110	Homeless Services .....1111	Comptroller .....1123
Landmarks Preservation Commission ..1109	Vendor Lists .....1111	Contracts and Procurement .....1111	Housing Preservation and Development 1123
Small Business Services .....1110	Comptroller .....1111	Juvenile Justice .....1112	Office of Management and Budget ....1123
	Bureau of Asset Management .....1111	Parks and Recreation .....1112	<b>LATE NOTICE</b>
		Revenue and Concessions .....1112	Correction .....1123
			<b>READERS GUIDE</b> .....1124

**THE CITY RECORD**      **MICHAEL R. BLOOMBERG, Mayor**

---

**EDNA WELLS HANDY**, Commissioner, Department of Citywide Administrative Services.  
**ELI BLACHMAN**, Editor of The City Record.

---

Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

---

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail)      Periodicals Postage Paid at New York, N.Y.  
 POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

---

Editorial Office 1 Centre Street, Room 2208 New York N.Y. 10007-1602 Telephone (212) 669-8252	Subscription Changes/Information 1 Centre Street, Room 2208 New York N.Y. 10007-1602 Telephone (212) 669-8252	The City of New York Home Page provides Internet access via the <b>world wide web</b> to <b>THE DAILY CITY RECORD</b> <a href="http://www.nyc.gov/cityrecord">http://www.nyc.gov/cityrecord</a>
--	--	---

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### 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 matters in the Borough President's Conference Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 6:00 P.M. on May 17, 2011.

#### CALENDAR ITEM 1 TRUXTON RESIDENCE 21 TRUXTON STREET LAND DISPOSITION COMMUNITY DISTRICT 16 110250 HAK

In the matter of an application submitted by the Department of Housing Preservation and Development pursuant to: a) Article 16 of the General Municipal Law of New York State for the designation of property located at 21 Truxton Street as an Urban Development Action Area; and an Urban Development Action Area for such area; and, b) Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD to facilitate development of a five-story building with approximately 48 rental studio units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

#### CALENDAR ITEM 2 BOERUM HILL REZONING LAND DISPOSITION COMMUNITY DISTRICT 2 110224 PPK

In the matter of an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c for 31 blocks in the Boerum Hill neighborhood.

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. **m11-17**

### 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, May 25, 2011 at 10:00 A.M.

#### BOROUGH OF BROOKLYN No. 1 TEDDY'S BAR AND GRILL

**CD 1**      **C 080491 ZMK**  
**IN THE MATTER OF** an application submitted by The Glef, Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12c, by establishing within an existing R6B District a C2-4 District bounded by a line midway between North 9th Street and North 10th Street, Berry Street, North 7th Street, and a line 100 feet northwesterly of Berry Street, as shown on a diagram (for illustrative purposes only) dated February 28, 2011.

#### BOROUGH OF QUEENS No. 2 TD BANK

**CD 7**      **C 100175 ZMQ**  
**IN THE MATTER OF** an application submitted by TD Bank, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271.

#### SUNNYSIDE/WOODSIDE REZONING No. 3

**CD 2**      **C 110207 ZMQ**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d:

- eliminating from within an existing R5 District a C1-2 District bounded by:
  - a line 150 feet northerly of Queens Boulevard, 41st Street, Queens Boulevard, 40th Street, a line 150 southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;
  - a line 150 northerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street;
  - a line 150 northwesterly of Greenpoint Avenue, 42nd Street, Greenpoint Avenue, 43rd Street, 47th Avenue, a line 150 feet southeasterly of Greenpoint Avenue, 48th Avenue, and 41st Street;
  - a line 150 feet northerly of 48th Avenue, 44th Street, 48th Avenue, and 43rd Street; and
  - 47th Avenue, 48th Street, a line 150 feet southerly of 47th Avenue, and 47th Street;
- eliminating from within an existing R6 District a C1-2 District bounded by a line 150 feet northeasterly of 39th Avenue, a line midway between 61st Street and 62nd Street, a line 150 feet

- northerly of Roosevelt Avenue, 63rd Street, a line 150 northeasterly of 39th Avenue, 65th Street, a line 150 feet southerly of Roosevelt Avenue, a line 150 southeasterly of 61st Street, Woodside Avenue, 60th Street, Roosevelt Avenue, 59th Street, a line 150 feet northwesterly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Main Line), and 61st Street;
- eliminating from within an existing R7-1 District a C1-2 District bounded by:
    - a line 150 northerly of Queens Boulevard, 44th Street, Queens Boulevard, and 41st Street; and
    - a line 150 northerly of 47th Avenue, 44th Street, 47th Avenue, and 43rd Street;
  - eliminating from within an existing R5 District a C2-2 District bounded by Queens Boulevard, 41st Street, a line 150 feet southerly of Queens Boulevard, and 40th Street;
  - eliminating from within an existing R6 District a C2-2 District bounded by:
    - a line 150 northerly of 43rd Avenue, 52nd Street, a line 150 northwesterly of Roosevelt Avenue, Skillman Avenue, 55th Street, Roosevelt Avenue, 43rd Avenue, 51st Street, Roosevelt Avenue, 50th Street, 43rd Avenue, and a line midway between 50th Street and 49th Street;
    - Woodside Avenue, 58th Street, a line 150 northeasterly of Woodside Avenue, 59th Street, Roosevelt Avenue, and 57th Street; and
    - a line 100 feet northerly of Roosevelt Avenue, 69th Street, 38th Avenue, a line 100 feet easterly of 69th Street, a line 100 feet northerly of Roosevelt Avenue, 70th Street and its northerly centerline prolongation, a line 150 feet southerly of Roosevelt Avenue, 65th Place, and 65th Street;
  - eliminating from within an existing R7-1 District a C2-2 District bounded by:
    - Queens Boulevard, 44th Street, a line 150 feet southerly of Queens Boulevard, and 41st Street; and
    - 43rd Avenue, 50th Street, a line 100 feet northwesterly of Roosevelt Avenue, and a line midway between 50th Street and 49th Street
  - changing from an R7-1 District to an R4 District property bounded by Skillman Avenue -L, Mumford Way, 48th Street, a line 190 feet southerly of 43rd Avenue, a line midway between 48th Street and 47th Street, a line 200 feet northerly of Queens Boulevard, and a line 72 feet westerly of 47th Street;
  - changing from a C4-2 District to an R4 District property bounded by a line 200 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 96 feet northerly of Queens Boulevard, 47th Street, a line 45 feet northerly of Queens Boulevard, and a line 72 feet westerly of 47th Street;
  - changing from an M1-1 District to an R4 District property bounded by a line 100 feet northerly of 39th Avenue - Middleburg Avenue, 48th Street, 39th Avenue - Middleburg Avenue, and a line 200 feet westerly of 48th Street;
  - changing from an R4 District to an R4-1 District property bounded by the northerly boundary line of

- the Long Island Rail Road Railroad right-of-way (Main Line), a line 125 feet westerly of 54th Street, a line 100 feet northerly of 39th Avenue, 55th Street and its northerly centerline prolongation, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), 57th Street, a line 100 feet southerly of 39th Avenue, a line midway between 57th Street and 58th Street, a line 500 feet southerly of 39th Avenue, a line midway between 54th Street and 55th Street, and Woodside Avenue;
11. changing from an R6 District to an R4-1 District property bounded by:
- 37th Avenue, 64th Street, a line 100 feet northerly of 39th Avenue, and a line midway between 62nd Street and 61st Street; and
  - a line perpendicular to the easterly street line of 63rd Street distant 100 feet southerly (as measured along the street line) from the point of intersection of the southerly street line of Roosevelt Avenue and the easterly street line of 63rd Street, a line midway between 63rd Street and 64th Street, a line 100 southerly of Roosevelt Avenue, a line 530 feet northerly of Woodside Avenue, 65th Place, a line 240 feet southerly of Roosevelt Avenue, 67th Street, a 390 feet northerly Woodside Avenue, a line midway between 65th Place and Burrough Place, a line 110 feet northerly of Woodside Avenue, 64th Street, Trimble Road, and 63rd Street;
12. changing from an R4 District to an R5B District property bounded by:
- a line 380 feet southerly of 39th Avenue-Middleburg Avenue, a line midway between 49th Street - Heiser Street and 50th Street, a line 100 feet southerly of 39th Avenue-Middleburg Avenue, 50th Street, a line 150 feet southerly of 39th Avenue - Middleburg Avenue, a line midway between 50th Street and 51st Street, a line 100 feet southerly of 39th Avenue - Middleburg Avenue, 51st Street, a line 250 feet northerly of Skillman Avenue, a line midway between 51st Street and 52nd Street, a line 320 feet northerly of Skillman Avenue, 52nd Street, a line 100 feet northerly of Skillman Avenue, and 49th Street; and
  - Barnett Avenue, a line 100 feet easterly of 52nd Street, a line 100 feet northerly of 39th Avenue, Woodside Avenue, a line midway between 54th Street and 55th Street, a line 500 feet southerly of 39th Avenue, a line midway between 57th Street and 58th Street, a line 100 feet southerly of 39th Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), a line 150 feet northerly of Roosevelt Avenue, a line 150 feet northerly of Woodside Avenue, 58th Street, Woodside Avenue, 57th Street, Roosevelt Avenue, Skillman Avenue, 54th Street, 39th Drive, 52nd Street, 39th Avenue, and 52nd Street;
13. changing from an R5 District to an R5B District property bounded by:
- Skillman Avenue, 40th Street, a line 200 feet northerly of 43rd Avenue, 39th Place, a line 125 feet southerly of 43rd Avenue, and a line midway between 39th Place and 39th Street;
  - a line 100 feet southerly of Queens Boulevard, 50th Street, 47th Avenue, and 49th Street; and
  - a line 100 feet southerly of 37th Avenue, 61st Street, a line 100 feet northerly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), 58th Street, 38th Avenue, and a line midway between 57th Street and 58th Street;
14. changing from an R6 District to an R5B District property bounded by a line 150 feet northerly of Woodside Avenue, a line 150 feet northerly of Roosevelt Avenue, the northeasterly boundary line of the Long Island Rail Road Railroad right-of-way (Main Line), a line 100 feet northerly of Roosevelt Avenue, a line perpendicular to the easterly street line of 60th Street distant 150 northerly (as measured along the street line) from the point of intersection of the easterly street line of 60th Street and the northerly street line of Roosevelt Avenue, 60th Street, a line perpendicular to the westerly street line of 60th Street distant 100 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of 60th Street and the northerly street line of Roosevelt Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northerly of Roosevelt Avenue, 59th Street, a line 100 feet northerly of Woodside Avenue, and 58th Street;
15. changing from an R7-1 District to an R5B District property bounded by Skillman Avenue-Lewis Mumford Way, a line 72 feet westerly of 47th Street, a line 100 feet southerly of Skillman Avenue - Lewis Mumford Way, and 43rd Street;
16. changing from an R4 District to an R5D District property bounded by:
- a line 175 feet northerly of Skillman Avenue, a line midway between 48th Street - Gosman Avenue and 48th Street - Heiser Street, Skillman Avenue, and 48th Street - Gosman Avenue; and
  - a line 100 feet northerly of Skillman Avenue, 52nd Street, Skillman Avenue, and a line midway between 50th Street and 51st Street;
17. changing from an R5 District to an R5D District property bounded by:
- a line 100 feet southerly of Queens Boulevard, a line midway between 41st Street and 40th Street, 47th Avenue, 41st Street, a line 200 feet southerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street; and
  - a line 100 feet southeasterly of Greenpoint Avenue, 44th Street, 48th Avenue, and 43rd Street;
18. changing from an R6 District to an R5D District property bounded by:
- Skillman Avenue, the southerly centerline prolongation of 54th Street, a line 100 feet northwesterly of Roosevelt Avenue, 52nd Street, a line 65 feet northerly of 43rd Avenue, a line 100 feet westerly of 52nd Street, a line 100 feet southerly of Skillman Avenue, and a line 100 feet easterly of 51st Street;
  - 37th Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northerly of 39th Avenue, 64th Street, 37th Avenue, the northeasterly boundary line of the New York Conn. Rail Road Railroad right-of-way, a line 100 feet northerly of Roosevelt Avenue, 65th Street, a line 100 feet northerly of 39th Avenue, a line midway between 64th Street and 65th Street, 39th Avenue, 64th Street, a line 100 feet northerly of Roosevelt Avenue, and 61st Street; and
  - a line 100 feet southerly of Roosevelt Avenue, the northeasterly boundary line of the New York Conn. Rail Road Railroad right-of-way, Woodside Avenue, 64th Street, a line 110 feet northerly Woodside Avenue, a line midway between 65th Place and Burrough Place, a line 390 feet northerly of Woodside Avenue, 67th Street, a line 240 feet southerly of Roosevelt Avenue, 65th Place, and a line 530 feet northerly of Woodside Avenue;
19. changing from an R7-1 District to an R5D District property bounded by:
- Skillman Avenue, a line midway between 49th Street and 50th Street, 43rd Avenue, and 48th Street; and
  - a line 100 feet northerly of Skillman Avenue, 54th Street, Skillman Avenue, and 52nd Street;
20. changing from an R5 District to an R6A District property bounded by:
- a line 100 feet southerly of Queens Boulevard, 41st Street, 47th Avenue, and a line midway between 41st Street and 40th Street; and
  - 47th Avenue, 48th Street, a line 100 feet southerly of Queens Boulevard, 49th Street, a line 300 feet southerly of 47th Avenue, 48th Street, a line 100 feet southerly of 47th Avenue, 44th Street, a line 100 feet southeasterly of Greenpoint Avenue, 43rd Street, 48th Avenue, 40th Street, a line 200 feet southerly of 47th Avenue, and 41st Street;
21. changing from an R7-1 District to an R6A District property bounded by a line 100 feet southerly of Queens Boulevard, 44th Street, 47th Avenue, and 41st Street;
22. changing from a C4-2 District to an R6A District property bounded by a line 100 feet southerly of Queens Boulevard, Greenpoint Avenue, 48th Street, 47th Avenue, and 44th Street;
23. changing from an M1-1 District to an R6A District property bounded by Barnett Avenue, a line 200 feet westerly of 48th Street, and 39th Avenue - Middleburg Avenue;
24. changing from an R4 District to an R7A District property bounded by a line 175 feet northerly of Skillman Avenue, 49th Street - Heiser Street, a line 100 feet northerly of Skillman Avenue, a line midway between 50th Street and 51st Street, Skillman Avenue, and a line midway between 48th Street - Gosman Avenue and 48th Street - Heiser Street;
25. changing from an R5 District to an R7A District property bounded by Skillman Avenue, 41st Street, a line 100 feet northerly of Queens Boulevard, a line midway between 39th Place and 39th Street, a line 125 feet southerly of 43rd Avenue, 39th Place, a line 200 feet northerly of 43rd Avenue, and 40th Street;
26. changing from an R6 District to an R7A District property bounded by Skillman Avenue, a line 100 feet easterly of 51st Street, a line 100 feet southerly of Skillman Avenue, a line 100 feet westerly of 52nd Street, 43rd Avenue, a line midway between 49th Street and 50th Street, a line 100 feet southerly of Skillman Avenue, and 51st Street;
27. changing from an R7-1 District to an R7A District property bounded by:
- Skillman Avenue, 43rd Street, a line 100 feet southerly of Skillman Avenue-L. Mumford Way, a line 72 feet westerly of 47th Street, a line 200 feet northerly of Queens Boulevard, 44th Street, a line 100 feet northerly of Queens Boulevard, and 41st Street;
  - 43rd Avenue, 50th Street, a line 100 northwesterly of Roosevelt Avenue, a line 100 feet northerly of Queens Boulevard, 48th Street, a line 200 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 190 feet southerly of 43rd Avenue, and 48th Street; and
  - Skillman Avenue, 51st Street, a line 100 feet southerly of Skillman Avenue, and a line midway between 49th Street and 50th Street;
28. changing from a C4-2 District to an R7A District property bounded by:
- a line 200 feet northerly of Queens Boulevard, a line 72 feet westerly of 47th Street, a line 100 feet northerly of Queens Boulevard, and 44th Street; and
  - a line 200 feet northerly of Queens Boulevard, 48th Street, a line 100 feet northerly of Queens Boulevard, and a line midway between 47th Street and 48th Street;
29. changing from an R5 District to an R7X District property bounded by a line 100 feet northerly of Queens Boulevard, 41st Street, a line 100 feet southerly of Queens Boulevard, and a line midway between 39th Place and 39th Street;
30. changing from an R7-1 District to an R7X District property bounded by a line 100 feet northerly of Queens Boulevard, 44th Street, a line 100 feet southerly of Queens Boulevard, and 41st Street;
31. changing from a C4-2 District to a C4-5X District property bounded by a line 100 feet northerly of Queens Boulevard, a line 72 feet westerly of 47th Street, a line 45 feet northerly of Queens Boulevard, 47th Street, a line 96 feet northerly of Queens Boulevard, a line midway between 47th Street and 48th Street, a line 100 feet northerly of Queens Boulevard, 48th Street, Greenpoint Avenue, a line 100 feet southerly of Queen Boulevard, and 44th Street;
32. changing from a C8-1 District to a C4-5X District property bounded by Queens Boulevard, 50th Street, a line 100 feet southerly of Queens Boulevard, and 48th Street;
33. establishing within an existing R4 District a C1-3 District bounded by 39th Avenue -Middleburg Avenue, 51st Street, a line 100 feet southerly of 39th Avenue - Middleburg Avenue, and a line midway between 51st Street and 50th Street;
34. establishing within a proposed R5D District a C1-3 District bounded by:
- a line 100 feet northerly of 47th Avenue, 40th Street, 47th Avenue, and a line midway between 39th Place and 39th Street;
  - a line 100 feet northerly of 48th Avenue, a line midway between 43rd Street and 44th Street, 48th Avenue, and 43rd Street;
  - a line 100 feet northerly of Skillman Avenue, a line midway between 51st Street and 52nd Street, Skillman Avenue, and a line midway between 50th Street and 51st Street;
  - a line 100 feet northerly of 39th Avenue, a line midway between 61st Street and 62nd Street, 39th Avenue, and 61st Street;
  - a line 100 feet northerly of 39th Avenue,



Austin Street - from Yellowstone Boulevard to Ascan Avenue  
Junction Boulevard - from Northern Boulevard to 41st Avenue  
Roosevelt Avenue - from Union Street to Prince Street.  
Skillman Avenue- from 43rd Street to 56th Street

**14-42****Locations Where Enclosed Sidewalk Cafes Are Not Permitted**

\* \* \*

**14-43****Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

\* \* \*

**Queens:**

Queens Boulevard from a line 100 feet west of 39th Place to 48th Street

Skillman Avenue- from 45th Street to a line 100 feet east of 46th Street, south side only

Skillman Avenue- from 48th Street to 52nd Street

\* #Small sidewalk cafes# are not allowed on 14th Street

\*\* #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District#

\* \* \*

**No. 6****GOTHAM CENTER****CD 2****C 110225 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a change to the amount of public parking required in connection with development pursuant to the disposition of one city-owned property located at 28-10 Queens Plaza South (Block 420) pursuant to zoning.

**No. 7****FDNY WAREHOUSE****CD 2****C 110228 PCQ**

**IN THE MATTER OF** an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 34-24 Hunters Point Boulevard (Block 256, p/o lot 21) for use as a warehouse.

**No. 8****FDNY TRANSMITTER****CD 2****C 110229 PCQ**

**IN THE MATTER OF** an application submitted by the Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 32-02 Queens Boulevard (Block 249, p/o lot 1004) for use as a backup radio transmitter.

**BOROUGH OF STATEN ISLAND****No. 9****DE HART AVENUE BRIDGE****CD 1****C 960011 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 in De Hart Avenue between Wallon Street and Richmond Terrace, in accordance with Map No. 4147 dated May 14, 1993 and signed by the Borough President.

**No. 10****EATON PLACE BRIDGE****CD 1****C 960021 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 in John Street and Eaton Place between Innis Street and Richmond Terrace,

in accordance with Map No. 4148 dated January 21, 1998, revised February 11, 2009, and signed by the Borough President.

**YVETTE V. GRUEL, Calendar Officer**

**City Planning Commission**  
22 Reade Street, Room 2E  
New York, New York 10007  
Telephone (212) 720-3370

☛ m12-25

**COMMUNITY BOARDS****■ PUBLIC HEARINGS**

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 18 - Wednesday, May 18, 2011, 8:00 P.M., Kings Plaza Community Room, Flatbush Avenue & Avenue V, Brooklyn, NY

**BSA# 39-11-BZ**

Premises: 2230-2234 Kimball Street

A public hearing on an application filed on behalf of Kimball Group, LLC, pursuant to Section 72-61 of the New York City Resolution, for a modification to Sections 24-162 (maximum floor area ratios and special floor area limitations for zoning

lots), Section 25-31 (required accessory off-street parking spaces); to facilitate the legalization of an existing 6-story mixed use building which became subject to a DOB Stop Work Order in July 2005.

**BSA# 662-56-BZ**

Premises: 3875 Flatlands Avenue

A public hearing on an application filed pursuant to Section 11-411 of the New York City Resolution for an extension for a five (5) year term of a variance, permitting a public parking lot (Use Group 8), for pleasure cars only, in an R5/C1 zoning district.

☛ m12-18

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 10 - Monday, May 16, 2011 at 7:15 P.M., Knights of Columbus, 1305 86th Street, Brooklyn, NY

**BSA# 586-87-BZ**

1302-12 65th Street

**IN THE MATTER OF** an application submitted to the Board of Standards and Appeals contrary to Sections 11-411 and 11-412 of the New York City Zoning Resolution, for an extension of term of a variance permitting automobile repair and sales in an R5B/C2-3 district.

**m10-16**

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 11 - Monday, May 16, 2011 at 7:30 P.M., St. Finbar's Confraternity Center, 1825 Bath Avenue at Bay 20th Street, Brooklyn, NY

**#C110046ZMK**

**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M3-1 to an M1-1 district property.

**#C110048ZSK**

**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses).

**#C110049ZSK**

**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developers on land and platforms), in connection with a proposed 2-story commercial development on property located at 1752 Shore Parkway.

**#C110050ZSK**

**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, 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 (C) of the Zoning Resolution to modify the height requirements of Section 42-543 (Height of signs) in connection with a proposed commercial development on property located at 1752 Shore Parkway.

**#C110051ZSK**

**IN THE MATTER OF** an application submitted by Thor Shore Parkway Developers, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 690 spaces within a proposed 3-story parking garage.

**m10-16****DESIGN COMMISSION****■ MEETING****Design Commission Meeting Agenda**

**Monday, May 16, 2011**

**Public Meeting****1:25 p.m. Consent Items**

- 24138: Rehabilitation of the Kips Bay Library, 446 Third Avenue, Manhattan. (Preliminary) (CC 2, CB 6) DDC
- 24139: Installation of rooftop mechanical equipment, Chlorine Building, Bowery Bay Wastewater Treatment Plant, 43-01 Berrian Boulevard, Queens. (Preliminary and Final) (CC 22, CB 1) DEP
- 24140: Construction of a ferric chloride storage facility, Bowery Bay Wastewater Treatment Plant, 43-01 Berrian Boulevard, Queens. (Final) (CC 22, CB 1) DEP
- 24141: Construction of stairs and railings, 522 East 87<sup>th</sup> Street, Manhattan. (Preliminary and Final) (CC 5, CB 8) DOT
- 24142: Repainting of the Knapp Street Bridge over the Shore (Belt) Parkway, Brooklyn.

- (Preliminary and Final) (CC 46, CB 15) DOT
- 24143: Design of a signage system, Old Croton Aqueduct Trail from Van Cortlandt Park to Bryant Park, Bronx and Manhattan. (Preliminary and Final) (CC 3, 4, 6, 7, 8, 9, 10, 11, 14, 16 & 17, CB M5, M7, M8, M9, M12, B4, B5, B7 & B8) DPR
- 24144: Rehabilitation of the Olmsted Center, including adjacent site work, Flushing Meadows Corona Park, Queens. (Final) (CC 21, CB 4) DPR
- 24145: Installation of a commemorative program, the original Yankee Stadium site, Macombs Dam Park, East 157<sup>th</sup> Street to East 161<sup>st</sup> Street between River Avenue and Ruppert Plaza, Bronx. (Final) (CC 17, CB 4) EDC/DPR
- 24146: Conservation of two flagpole bases, two commemorative plaques and two torchieres, New York Public Library, Bryant Park, 42<sup>nd</sup> Street and Fifth Avenue, Manhattan. (Final) (CC 3, CB 5) NYPL/DPR
- 24147: Conservation of *Philosophy* (1914), *Romance* (1914), *Religion* (1914), *Poetry* (1914), *Drama* (1914) and *History* (1914) by Paul W. Bartlett; *History* (1913) and *The Arts* (1913) by George Grey Barnard; *Truth* (c. 1914-20) and *Beauty* (c. 1914-20) by Frederick MacMonnies; and two monumental vases by Carrère and Hastings, as part of the exterior envelope conservation, New York Public Library's Humanities and Social Sciences Library, Fifth Avenue at 42<sup>nd</sup> Street, Manhattan. (Final) (CC 3, CB 5) NYPL
- 24148: Installation of an automated material handler (AMH) and prototypical signage, Maspeth Community Library, 69-70 Grand Avenue, Queens. (Preliminary and Final) (CC 5, CB 30) QL
- 24149: Installation of an automated material handler (AMH) and prototypical signage, St. Albans Community Library, 191-05 Linden Boulevard, Queens. (Preliminary and Final) (CC 12, CB 27) QL
- 24150: Installation of an automated material handler (AMH) and prototypical signage, Briarwood Community Library, 85-12 Main Street, Queens. (Preliminary and Final) (CC 24, CB 8) QL
- 24151: Installation of an automated material handler (AMH) and prototypical signage, Long Island City Community Library, 37-44 21<sup>st</sup> Street, Queens. (Preliminary and Final) (CC 26, CB 1) QL
- 24152: Installation of an automated material handler (AMH) and prototypical signage, Forest Hills Community Library, 108-19 71<sup>st</sup> Avenue, Queens. (Preliminary and Final) (CC 29, CN 6) QL
- 24153: Installation of an automated material handler (AMH) and prototypical signage, Hillcrest Community Library, 187-05 Union Turnpike, Queens. (Preliminary and Final) (CC 24, CB 8) QL
- 24154: Installation of an automated material handler (AMH), prototypical signage and adjacent site work, McGoldrick Community Library, 155-06 Roosevelt Avenue, Queens. (Preliminary and Final) (CC 20, CN 7) QL
- 24155: Reconstruction of the entrance, repainting of the façade and installation of prototypical signage, Auburndale Community Library, 25-55 Francis Lewis Boulevard, Queens. (Preliminary and Final) (CC 19, CN 7) QL

**Public Hearing**

- 1:30 p.m.  
24098: Installation of a prototypical newsstand, 204 East Fordham Road, southeast corner of East Fordham Road and Grand Concourse, Bronx. (Preliminary and Final) (CC 15, CB 5) DCA/DOT
- 1:50 p.m.  
24129: Installation of a prototypical newsstand, 300 East 34<sup>th</sup> Street, southeast corner of East 34<sup>th</sup> Street and Second Avenue, Manhattan. (Preliminary and Final) (CC 2, CB 6) DCA/DOT
- 2:10 p.m.  
24156: Construction of a skate park, basketball courts and adjacent site work, London Planetree Park, 88<sup>th</sup> Street, Atlantic Avenue, 89<sup>th</sup> Street and 95<sup>th</sup> Avenue, Queens. (Preliminary) (CC 32, CB 9) DPR
- 2:30 p.m.  
24157: Renovation and expansion of a recreation center, Phase II, 533 West 59<sup>th</sup> Street, Manhattan. (Preliminary) (CC 6, CB 7) DPR
- Design Commission meetings are held in the conference room on the fifth floor of 253 Broadway, unless otherwise indicated. **Please note that all times are approximate and subject to change without notice.**
- Members of the public are encouraged to arrive **at least 45 minutes in advance** of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing **at least three (3) business days in advance** of the meeting date.
- Please note that items on the consent agenda are not

presented. If members of the public wish to testify on a consent agenda item, they should contact the Design Commission immediately, so the project can be rescheduled for a formal presentation at the next appropriate public hearing, per standard procedure.

Design Commission  
253 Broadway, Fifth Floor  
Phone: 212-788-3071  
Fax: 212-788-3086

☛ m12

## EMPLOYEES' RETIREMENT SYSTEM

### MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, May 19, 2011 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.

☛ m12-18

## FINANCE

### TREASURY

#### MEETING

Please take notice that there will be a meeting of the Banking Commission on Thursday, May 19, 2011 at 11:00 A.M. in the Executive Conference Room at 66 John Street, 12th Floor, Manhattan.

☛ m12-18

## LANDMARKS PRESERVATION COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 17, 2011 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF QUEENS 11-8033 - Block 8027, lot 63 - 31-15 Shore Road - Douglaston Historic District  
A vacant lot. Application is to construct a new house. Zoned R1-1. Community District 11.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF QUEENS 10-8887 - Block 8106, lot 5 - 42-25 240th Street, aka 8 Prospect Avenue - Douglaston Hill Historic District  
A Queen Anne style free-standing house designed by John A. Sinclair and built in 1899-1900. Application is to construct additions, an entrance portico, and terrace; modify masonry openings; install skylights; and alter a garage and driveway. Zoned R1-2. Community District 11.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF STATEN ISLAND 10-8898 - Block 891, lot 205 - 91 Flagg Court - Ernest Flagg Estate- Individual Landmark  
A garage constructed prior to 1909 and altered c.1989. Application is to construct an addition. Zoned R 1-1. Community District 2.

**MODIFICATION OF BULK AND USE**  
BOROUGH OF STATEN ISLAND 11-8774 - Block 891, lot 205-91 Flagg Court - Earnet Flagg Estate-Individual Landmark  
A garage constructed prior to 1909 and altered c.1989. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Bulk pursuant to Section 74-711 of the Zoning Resolution. Zoned R1-1. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF THE BRONX 11-5855 - Block 5939, lot 442 - 5251 Independence Avenue - Riverdale Historic District  
An Italianate style house built in 1853, and altered in the neo-Classical style in the 21st century. Application is to reconstruct the rear porch and alter window and door openings. Zoned R1-1, NA-2. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-7878 - Block 2457, lot 28 - 175 Broadway - (former) Williamsburg Savings Bank - Individual Landmark  
A Classic Revival style bank building designed by George B. Post, and built in 1875. Application is to construct an egress platform and barrier-free access ramp. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-3985 - Block 2102, lot 23 - 225 Cumberland Street - Fort Greene Historic District  
An Italianate style rowhouse built c.1865. Application is to construct a rear yard addition. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-7603 - Block 1903, lot 53-228 Washington Avenue- Clinton Hill Historic District  
An Italianate style rowhouse built c. 1868. Application is to replace windows, construct an elevated walkway between the house and garage, install planters, and alter window

openings and the front entrance. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-1398 - Block 1945, lot 8 - 357 Waverly Avenue - Clinton Hill Historic District  
A vernacular 19th century carriage house and residence. Application is to modify security grilles installed without Landmarks Preservation Commission permits and windows and doors installed in non-compliance with Certificate of No Effect 02-6008. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-7420 - Block 226, lot 23-76 Henry Street - Brooklyn Heights Historic District  
An eclectic apartment house built between 1861-1879. Application is to legalize a rear yard addition constructed without Landmarks Preservation Commission permits. Zoned R-6/LH-1. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-7865 - Block 20, lot 6 - 25 Jay Street, aka 19-27 Jay Street - DUMBO Historic District  
A Renaissance Revival style factory building designed by Flemer & Koehler and built in 1892. Application is to construct a rooftop addition. Zoned MX-2/R-8A. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 10-9307 - Block 1076, lot 68-513 2nd Street - Park Slope Historic District  
A late Renaissance Revival style rowhouse designed by Robert Dixon and built in 1898. Application is to legalize alterations to the stoop performed without Landmarks Preservation Commission permits. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-6632 - Block 306, lot 7501 - 171 Baltic Street - Cobble Hill Historic District  
A mid-nineteenth century rowhouse altered in the mid-1960s. Application is to install a rear yard addition and balcony. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-7540 - Block 1150, lot 18 - 96 St. Mark's Avenue - Prospect Heights Historic District  
A Romanesque Revival style flats building, designed by Charles Werner, and built in 1889. Application is to replace a window. Community District 8.

**BINDING REPORT**  
BOROUGH OF BROOKLYN 11-7985 - Block 1183, lot 26 - 200 Eastern Parkway - The Brooklyn Museum - Individual Landmark  
An Eclectic-Roman style museum building designed by McKim Mead & White and built in 1894-1924 and altered in 1936, with later alterations and additions. Application is to construct a deck and stair. Community District 8,9.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7380 - Block 149, lot 5 - 83 Chambers Street - Tribeca South Historic District  
An Italianate store and loft building built in 1853-54. Application is to legalize alterations performed at the storefront and second floor without Landmarks Preservation Commission permits. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-6096 - Block 178, lot 21 - 1 White Street - Tribeca East Historic District  
A Federal style building built in 1807 and altered with the addition of a 4th floor in 1857. Application is to install new storefronts and signage. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7388 - Block 195, lot 12 - 83 Walker Street - Tribeca East Historic District  
A vacant lot. Application is to construct a new building. Zoned C6-2A. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 09-8987 - Block 141, lot 16 - 317-319 Greenwich Street - Tribeca West Historic District  
An Italianate style store and loft building, built in 1861-62. Application is to legalize the installation of a platform with railings and signage without Landmarks Preservation Commission permits. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-3852 - Block 101, lot 1 - 38 Park Row - Potter Building-Individual Landmark  
An office building combining features of the Queen Anne, neo-Grec, Renaissance Revival and Colonial Revival styles, designed by N.G. Starkweather and built in 1883-86. Application is to legalize the installation of signage without Landmarks Preservation Commission permits. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-0464 - Block 506, lot 16 - 30 Charlton Street - Charlton-King-Vandam Historic District  
An eclectic Georgian style apartment building built in 1927. Application is to legalize facade alterations, and the installation of windows, light fixtures, and intercom boxes, all without Landmarks Preservation Commission permits and to install through-the-wall air conditioning units. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7327 - Block 513, lot 39 - 103 Prince Street - SoHo-Cast Iron Historic District  
A neo-Colonial style post office designed by Thomas W. Lamb and built in 1910. Application is to alter the Greene Street facade. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7802 - Block 615, lot 82 - 237 West 12th Street - Greenwich Village Historic District  
A Greek Revival style house built in 1847-48. Application is to construct of a stair bulkhead and roof deck.

Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-8004 - Block 615, lot 73 - 8 Jane Street - Greenwich Village Historic District  
A Greek Revival rowhouse, built in 1843. Application to raise the roof and alter the rear facade, construct rooftop additions, excavate the rear yard and front areaway, remove tin lintels and sills. Zoned R6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-8428 - Block 606, lot 4 - 18 Greenwich Avenue - Greenwich Village Historic District  
A one-story building built in 1954. Application is to install new storefront infill, paint portion of the facade, install signage, and construct a rooftop bulkhead. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7703 - Block 646, lot 7501 - 415 West 13th Street - Gansevoort Market Historic District  
A building designed by Thompson Starrett Co. in 1900-01, significantly altered in 2002-03 with renovations to the base and a five-story addition designed by Steven Kratchman. Application is to replace the canopy and amend Certificate of Appropriateness 09-6736 for storefront alterations. Community District CB 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-6175 - Block, lot 44-27 9th Avenue - Gansevoort Market Historic District  
A Greek Revival style rowhouse, built c. 1844-1846 and altered in the 20th and 21st centuries. Application is to install a painted wall sign. Zoned M1-5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-3093 - Block 586, lot 7501 - 252-254 Bleecker Street, aka 1-5 Leroy Street - Greenwich Village Historic District Extension II  
A contemporary style commercial structure built in 1956 by Siegel & Green and altered in 1998 by Stephen B. Jacobs Group. Application is to modify signage installed without Landmarks Preservation Commission permits. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-4058 - Block 622, lot 170 - 387 Bleecker Street - Greenwich Village Historic District  
A house built in 1817-18 and altered in the late 19th century and in the early 20th century. Application is to legalize the installation of storefront infill in non-compliance with Certificate of Appropriateness 07-0463. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-6192 - Block 572, lot 68 - 49 West 8th Street - Greenwich Village Historic District  
A Greek Revival style brick rowhouse built in 1845 and altered in the early 20th century to accommodate stores at the first two floors. Application is to install a bracket sign. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-6221 - Block 825, lot 31-200 Fifth Avenue - Sidewalk Clock-Individual Landmark  
A clock designed in 1909 by Hecla Iron Works. Application is to alter the clock. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-5526 - Block 574, lot 18 - 52 West 21st Street - Ladies' Mile Historic District  
A commercial building designed by A. Siegal built in 1910-1911. Application is to legalize alterations at the front facade in non-compliance with the Certificate of Appropriateness 08-9840. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-8224 - Block 1268, lot 1 - 51 West 52nd Street - CBS Building- Individual Landmark  
A skyscraper designed by Eero Saarinen & Associates and built in 1961-64. Application is to install signage and a planter. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-5346 - Block 829, lot 36 - 236 Fifth Avenue - Madison Square North Historic District  
A Beaux Arts style lofts building, designed by Buchman and Fox and built in 1906-1907. Application is to alter the parapet and install telecommunications equipment. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-0756 - Block 1251, lot 37 - 186 Riverside Drive - Riverside- West End Historic District  
A neo-Renaissance style apartment building, designed by Emery Roth and built in 1927-28. Application is to establish a Master Plan governing the future replacement of windows. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-9724 - Block 1142, lot 61 - 147 West 70th Street - Upper West Side / Central Park West Historic District  
A neo-Gothic style church complex built in 1917 and designed by Gustave Steinback. Application is to install two canopies. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-2012 - Block 1118, lot 29 - 51 Central Park West - Upper West Side- Central Park West Historic District  
A neo-Gothic style church designed by Schickel & Ditmars and built in 1902-03. Application is to legalize the installation of telecommunications antennae and conduit without Landmarks Preservation Commission permits. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-8427 - Block 1376, lot 42 - 48-52 East 62nd Street - Upper East Side Historic District

A school building, with Classical details, designed by Crow, Lewis, & Wick and built in 1922. Application to alter the rear facade and construct a rear yard addition. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7925 - Block 1583, lot 124 - 148 East End Avenue - Henderson Place Historic District  
A rowhouse designed by Lamb & Rich, and built c. 1882. Application is to demolish an existing rooftop addition and construct a new addition.  
Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-6613 - Block 1384, lot 1 - 930 Fifth Avenue - Upper East Side Historic District  
A Classicizing Modern style apartment building designed by Emery Roth & Sons and built in 1940. Application is to create new window openings. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-7471 - Block 1493, lot 26 - 18 East 82nd Street - Metropolitan Museum Historic District  
A French Beaux-Arts style townhouse, designed by Richard Buckley, and built in 1900-01. Application is to re-construct the fifth floor facade and cornice, alter the stoop and areaway and the rear facade. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-5578 - Block 1718, lot 72 - 188 Lenox Avenue - Mount Morris Park Historic District  
A Queen Anne style rowhouse designed by Schwarzman and Buchman and built in 1886-87. Application is to legalize the removal of the stoop without Landmarks Preservation Commission permits, and to install new storefront infill and alter the facade. Community District 10.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-2982 - Block 1720, lot 8 - 19 West 120th Street - Mount Morris Park Historic District  
A rowhouse, designed by Alfred Barlow and built in 1887-88. Application is to construct a rear yard addition. Zoned R7-2. Community District 10.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-9363 - Block 2062, lot 145 - 417 Convent Avenue - Hamilton Heights/Sugar Hill Historic District  
A Classic Revival style rowhouse designed by Henri Fouchaux and built in 1896-97. Application is to legalize the construction of a stair bulkhead without Landmarks Preservation Commission permits. Community District 9.

**BINDING REPORT**  
BOROUGH OF MANHATTAN 11-8431 - Block 2106, lot 1 - 2301 Amsterdam Avenue - Highbridge Play Center - Individual Landmark  
An Art Moderne style pool complex designed by architect Aymar Embury II, landscape architects Gilmore D. Clarke and Allyn R. Jennings, and civil engineers W. Earle Andres and William H. Latham, and built in 1934-36. Application is to construct pavilions. Community District 12.

m4-17

## SMALL BUSINESS SERVICES

### PUBLIC HEARINGS

On behalf of  
THE CITY COUNCIL

#### NOTICE OF A PUBLIC HEARING

The City Council, by resolution adopted on May 11, 2011, set May 26, 2011 as the date, 10:00 A.M. as the time, and the City Council Hearing Room, 16th Floor, 250 Broadway, New York, New York 10007, as the place for a public hearing (the "Public Hearing") to hear all persons interested in the proposed legislation which would establish the Chinatown Business Improvement District (the "District") in the Borough of Manhattan. The District shall be established in accordance with a district plan (the "District Plan") on file at the Office of the City Clerk. The City Council has authorized the New York City Department of Small Business Services to publish, on its behalf, this notice of the Public Hearing containing the information required by Section 25-406(c) of the Administrative Code of the City of New York and summarizing the resolution adopted.

The District Plan was submitted to, and reviewed by, the City Planning Commission and Manhattan Community Boards Number 1, 2 and 3. The Community Boards and the City Planning Commission have approved the District Plan.

The District Plan provides that the proposed District shall include properties in an area generally bounded by Broome Street to the north, Broadway to the west, Allen Street to the east, and Madison and Worth Streets to the south. Services in the District shall include, but not be limited to sanitation, holiday decorations, marketing, transportation management and parking, advocacy, administration of the District and additional services required for the enjoyment and protection of the public and the promotion and enhancement of the District (hereinafter "Services"). Pursuant to the District Plan, capital improvements (hereinafter "Improvements") may include, but shall not be limited to: streetscape improvements; sidewalk amenities such as lighting and street furniture; trees and plantings; open space enhancements and traffic calming improvements; and new trash receptacles. The Improvements shall be implemented on an as-needed basis. During the existence of the BID, the maximum cost of the Improvements, if any, shall not exceed \$6,500,000. The District shall be managed by the Chinatown District Management Association, Inc.

To defray the cost of Services and Improvements provided in the District, all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property shall be assessed at a rate, determined annually by the Chinatown District Management Association, Inc., to yield an amount sufficient

to meet the District's annual budget. The annual budget for the District's first year of operation is \$1,300,000.

Those properties within the District which are devoted in whole or in part to retail, commercial or professional use, or mixed used with commercial and residential components shall constitute Class A properties and shall be assessed in accordance with the following formula:

$$\text{Rate 1} = \frac{0.5 \times \text{Budget} - (\text{Total Assessments of Class B and C} + \text{Total } \$200 \text{ \& } \$5,000 \text{ Assessments})}{\text{Total Class A, D, E, (0.5*F) \& M Linear Front Feet (FF)}}$$

$$\text{Rate 2} = \frac{0.5 \times \text{Budget} - (\text{Total Assessments of Class B and C} + \text{Total } \$200 \text{ \& } \$5,000 \text{ Assessments})}{\text{Total Class A, D, E, (0.5*F) \& M Assessed Value (AV)}}$$

$$\text{Individual Assessment} = (\text{Rate 1} \times \text{Individual Property FF}) + (\text{Rate 2} \times \text{Individual Property AV})$$

For Class A property, there shall be a minimum assessment of \$200 per annum. In addition, there shall be a maximum assessment calculated as follows:

$$\text{Maximum Assessment} = \frac{\text{Current Year Assessment Budget} \times \$5,000}{\text{FY 2011 Assessment Budget}}$$

For the first contract year, Rate 1 shall not exceed \$15 per individual property linear front foot, and Rate 2 shall not exceed 0.0015 per each dollar of individual property assessed value.

Those properties within the District devoted in whole to residential uses shall constitute Class B properties and shall be assessed at one dollar (\$1.00) per tax lot per year.

Government and not-for-profit properties within the District devoted entirely to public or not-for-profit use shall constitute class C property and be exempt from District assessment. Government or not-for-profit owned property devoted in part to commercial or for-profit uses shall constitute class A property and the portion of the property devoted to commercial/for-profit uses shall be assessed in the same manner as those properties listed in class A.

All vacant properties within the District, without structure or any commercial use, shall constitute Class D properties and shall be assessed at the Class A rate until such time as they receive a temporary certificate of occupancy.

All properties within the District, used as parking lots shall constitute Class E properties and shall be assessed in the same manner as the Class A property.

All properties devoted in whole or in part to retail, commercial or professional use, or mixed-used with commercial and residential components, and located on one tax lot and within two business improvement districts, shall constitute Class F properties and shall be assessed at 50-percent of the Class A property rate.

All properties within the District devoted in part to commercial use and in part to residential condo or coop use shall constitute Class M property. The proportion of the property devoted to residential use shall be assessed at one dollar (\$1.00) per annum. The proportion of the property, as determined by the Finance Department, devoted to commercial use shall be assessed at the same rate as the Class A property.

The amount, exclusive of debt service, assessed and levied in any given year against benefited real property within the District may not exceed twenty percent (20%) of the total general City taxes levied in such year against such properties.

Copies of the resolution adopted by the City Council, which include a copy of the District Plan, are available for public inspection from 9:00 A.M. to 4:00 P.M. Monday through Friday at the Office of the City Clerk located at 141 Worth Street, New York, New York 10013. In addition, copies of the resolution are available free of charge to the public at the Office of the City Clerk.

Any owner of real property, deemed benefited and therefore within the District, objecting to the District Plan, must file an objection at the Office of the City Clerk, on forms made available by the City Clerk, within thirty (30) days of the close of the Public Hearing concerning the establishment of the proposed District. If owners of at least fifty-one percent (51%) of the assessed value of benefited real property situated within the boundaries of the District proposed for establishment, as shown on the latest completed assessment roll of the City, or at least fifty-one percent (51%) of the owners of benefited real property within the area included in the District proposed for establishment file objections with the City Clerk, the District shall not be established.

m12

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### MUNICIPAL SUPPLY SERVICES

##### SALE BY SEALED BID

### SALE OF: 7 LOTS OF MISCELLANEOUS EQUIPMENT AND SUPPLIES, USED/UNUSED.

S.P.#: 11022

DUE: May 12, 2011

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 Mc-Cauley (718) 417-2156.

a29-m12

### SALE OF: 2 LOTS OF MISCELLANEOUS EQUIPMENT USED.

S.P.#: 11023

DUE: May 17, 2011

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 Mc-Cauley (718) 417-2156.

m4-17

## POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

#### INQUIRIES

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

#### FOR MOTOR VEHICLES

(All Boroughs):

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

#### FOR ALL OTHER PROPERTY

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

j1-d31

## PROCUREMENT

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

### CITYWIDE ADMINISTRATIVE SERVICES

#### MUNICIPAL SUPPLY SERVICES

##### SOLICITATIONS

Goods

**SAUCES, SEASONINGS, SPICES AND CONDIMENTS - DJJ** – Competitive Sealed Bids – PIN# 8571100661 – DUE 05-17-11 AT 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.  
Anna Wong (212) 669-8610; Fax: (212) 669-7603;  
dcasdmssbids@dcas.nyc.gov

m12

##### AWARDS

Goods

**LADDER, WOOD, STEP (RE-AD)** – Competitive Sealed Bids – PIN# 8571100222 – AMT: \$134,174.00 – TO: Complete Packaging and Shipping Supplies, Inc., 93 Bennington Avenue, Freeport, NY 11520.

● **TIRES: PASSENGER AND LIGHT DUTY TRUCK** – Competitive Sealed Bids – PIN# 8571100255 – AMT: \$1,987,544.44 – TO: Barnwell House of Tires Inc., 2020 Lakeland Avenue, Ronkonkoma, NY 11779.  
 ● **GREASE, LITHIUM** – Competitive Sealed Bids – PIN# 8571000751 – AMT: \$9,408.00 – TO: South Atlantic Marine Svcs. Inc., 342 Cold Spring Road, Syosset, NY 11791.  
 ● **SQUEEGEES, FLOOR AND WINDOW** – Competitive Sealed Bids – PIN# 8571100325 – AMT: \$25,071.25 – TO: S and L Tool Co. Inc. DBA AERO Tool and Stamping Co., 2324 N. 17th Avenue, Franklin Park, IL 60131.  
 ● **KIT: GLOVE AND TOWELETTE COMBO (RE-AD)** – Competitive Sealed Bids – PIN# 8571000869 – AMT: \$87,395.00 – TO: Jefferson Medical Supplies Inc., 80 Spencer Street, Suite #4, Brooklyn, NY 11205.  
 ● **UTILITY TRUCK WITH TELESCOPING ROOF (RE-AD)** – Competitive Sealed Bids – PIN# 8571100224 – AMT: \$2,995,084.00 – TO: Gabrielli Truck Sales Ltd., 153-20 South Conduit Avenue, Jamaica, NY 11434.

☛ m12

**BEVERAGES, SPORTS DRINKS AND WATER - DOC COMMISSARY** – Other – PIN# 8571100654 – AMT: \$259,160.00 – TO: Pepsi Cola Bottling Co. of NY, Inc., 117-02 15th Avenue, College Point, NY 11356. Buy-Against. Original Vendor: UI-Brao, Inc. Basis for Buy-Against: Non-Delivery by Original Vendor on Purchase Order #N1103035.

☛ m12

■ **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.

j5-d31

**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.

j5-d31

**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.

j5-d31

■ **COMPTROLLER**

■ **BUREAU OF ASSET MANAGEMENT**

■ **SOLICITATIONS**

*Services (Other Than Human Services)*

**EMERGING MARKET EQUITIES ACTIVE MANAGERS INVESTMENT MANAGEMENT SERVICES** – Innovative Procurement – PIN# 015-11814200 IE – DUE 06-13-11 AT 5:00 P.M. – The Comptroller of the City of New York (the “Comptroller”), on behalf of the New York City Retirement Systems, and specifically the New York City Employees’ Retirement System (“NYCERS”), the Teachers’ Retirement System of the City of New York (“TEACHERS”), the New York City Police Pension Fund, Subchapter Two (“POLICE”), the New York City Fire Department Pension Fund, Subchapter Two (“FIRE”), and the Board of Education Retirement System (“BERS”), (collectively “NYCRS” or the “Systems”), in conducting a search to identify managers to actively manage emerging market equities portfolios for one or more of the Systems. In addition, other related systems or funds may select managers through this solicitation.

The Comptroller’s Office is using a pilot process to conduct this search, as permitted and in accordance with Section 3-12 (Innovative Procurement Methods) of the Procurement Policy Board Rules of the City of New York (“PPB Rules”). This pilot process will permit BAM and the Systems to review a broader universe of potential investment managers than is the case under the current Request for Proposals (“RFP”) process. Specifically, BAM and the Systems’ general investment Consultants will use industry databases to identify the universe of emerging equity market managers that are potential candidates for hiring by the Systems, rather than limiting that review to only those managers that respond to a formal Request for Proposals. In addition to the goal of opening the procurement process to greater competition, goals of the pilot process include facilitating the Systems’ ability to identify and hire the highest qualified managers based on performance and organizational strength,

and shortening the amount of time it takes to complete the manager selection process. The proposed innovative procurement method will be evaluated to determine whether it is in the City’s interest to codify the method used within the PPB Rules.

How to Participate in this Search Investment management firms must do the following to be considered in this search:

1. Potential candidates should carefully review this Notice and the Minimum Requirements described in Section B. Interested managers that meet the minimum requirements, including incumbent managers, must enter their information in the following databases by June 13, 2011 in order to be considered by each consultant as part of the initial evaluation. For Callan, investment firms must submit their information directly to the Consultant; for Rocaton, SIS, NEPC and Buck, investment firms must enter their information into eVestment Alliance’s database. Information on requirements for entering information into these databases can be found at: <http://www.callan.com> (click on “data and tools,” then click on “Manager Questionnaire”) and <https://www.evestment.com> (click on register/submit data in the upper right hand corner).

2. If a potential manager’s firm and product information is in the above databases, the manager must ensure that all such information is current and accurate.

3. There is no fee for entering information into either of these databases. Managers must ensure that they complete all database information, including both firm level and product level information. Managers are advised that information in the database may become part of any contract resulting from this search.

Current and accurate data must be in the above databases by no later than June 13, 2011. Managers that meet the minimum requirements specified in the Notice of Solicitation (“Notice”) will be evaluated in accordance with the evaluation criteria and process set forth in the Notice. Any of the Systems may select one or more managers through this search process. The evaluation is expected to result in three-year investment management agreements totaling approximately \$107,095,000. Consistent with the policies expressed by City of New York, participation by minority-owned and women-owned businesses or partnering arrangements with minority-owned and women-owned investment firms are encouraged. Additionally, participation by small and New York City based businesses is encouraged.

The Notice of Search will be available for download from the Comptroller’s Website at on or about May 12, 2011. You must register to download the Notice by selecting “Bureaus”, then “Asset Management” then “Investment Management Searches.”

Database information is due by June 13, 2011. Questions about the Notice or the pilot process should be transmitted by e-mail to Evelyn Dresler, Director of Asset Management Contracting at [bamcontracts@comptroller.nyc.gov](mailto:bamcontracts@comptroller.nyc.gov)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Comptroller’s Office, 1 Centre Street, Room 650, New York, NY 10007. Evelyn Dresler (212) 669-8235; [bamcontracts@comptroller.nyc.gov](mailto:bamcontracts@comptroller.nyc.gov)

☛ m12-18

■ **CORRECTION**

■ **CENTRAL OFFICE OF PROCUREMENT**

■ **SOLICITATIONS**

*Construction / Construction Services*

**REQUIREMENT CONTRACT FOR REHABILITATION OF THE ASPHALT** – Competitive Sealed Bids – PIN# 072201120SSD – DUE 06-06-11 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 Correction, Central Office of Procurement, 75-20 Astoria Blvd., Suite 160, East Elmhurst, New York 11370. Cassandra I. Dunham (718) 546-0766; Fax: (718) 278-6205; [cassandra.dunham@doc.nyc.gov](mailto:cassandra.dunham@doc.nyc.gov)

☛ m12

■ **EDUCATION**

■ **CONTRACTS AND PURCHASING**

■ **SOLICITATIONS**

*Human / Client Services*

**EDUCATIONAL PARTNERSHIP ORGANIZATIONS** – Other – PIN# R0900040 – DUE 05-27-11 AT 4:00 P.M. – The New York City Department of Education (NYCDOE) is seeking proposals from organizations qualified to provide support, coaching, and guidance to the leadership of individual schools that are selected to receive services from providers selected under this ECS. Educational Partnership Organization services refers to the support services to be provided to principals, school leadership teams and school staff in order to improve student performance and achieve school level accountability goals. A provider will not perform direct instructional or educational services, or be responsible for performing statutory duties unless otherwise noted, including those of the Panel for Educational Policy, the Chancellor, the Community Superintendents, and Principals, that may not be delegated by the NYCDOE; however, the provider will assist principals with school operation, planning, and enhancement of school programs. If you cannot download this ECS, please send an e-mail to [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov) with the ECS number and title in the subject. For all questions related to this ECS, please send an e-mail to [arblack@schools.nyc.gov](mailto:arblack@schools.nyc.gov) with the ECS number and title in the subject line of your e-mail.

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. Vendor Hotline (718) 935-2300; [Irios2@schools.nyc.gov](mailto:Irios2@schools.nyc.gov).

m11-17

■ **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*

**SPARTAN PROVISION TOUCH SYSTEM 63000000** – Competitive Sealed Bids – PIN# RB11-581471 – DUE 05-24-11 AT 3:00 P.M. – Provision Touch Camera System with 100ft push rod includes self-leveling camera head w/beacon, 100ft Push Rod, 15” ATM-Style screen, Footage Counter.

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.  
 Kings County Hospital Center, 451 Clarkson Avenue, S.O.B. Room #S251, Brooklyn, NY 11203.  
 Rup Bhowmick (718) 245-2122; Fax: (718) 735-5486; [Rup.Bhowmick@nychhc.org](mailto:Rup.Bhowmick@nychhc.org)

☛ m12

*Goods & Services*

**THE SOUTH MANHATTAN HEALTHCARE NETWORK BBQ** – Competitive Sealed Bids – PIN# 000041211021 – DUE 06-07-11 AT 3:00 P.M. – Please be advised that as part of the bid process, interested bidders must attend a mandatory pre-bidders conference on either Tuesday, May 24, 2011 at 2:30 P.M. or Wednesday, May 25, 2011 at 2:30 P.M. Both pre-bidders conferences will be held at the Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044 in the Goldwater Conference Room, E Building, 1st Floor. Bid will not be considered from vendors who do not attend one of the mandatory pre-bidders conferences.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Darlene Miller (212) 318-4260; Fax: (212) 318-4253; [darlene.miller@nychhc.org](mailto:darlene.miller@nychhc.org)

☛ m12

■ **HEALTH AND MENTAL HYGIENE**

■ **AGENCY CHIEF CONTRACTING OFFICER**

■ **SOLICITATIONS**

*Human / Client Services*

**NEW YORK/NY III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 81608P0076300R0X00-R – DUE 09-18-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

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, ACCO, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132.  
 Huguette Beauport (347) 396-6633; [hbeaupor@health.nyc.gov](mailto:hbeaupor@health.nyc.gov)

a6-s17

■ **HOMELESS SERVICES**

■ **CONTRACTS AND PROCUREMENT**

■ **SOLICITATIONS**

*Human / Client Services*

**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 Services

**PROVISION OF NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJ000 – DUE 06-30-11 AT 5:00 P.M. – ACS Division of Youth and Family 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 5:00 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, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505, fax: (212) 341-3625, patricia.chabla@dja.state.ny.us

d15-j29

## PARKS AND RECREATION

### REVENUE AND CONCESSIONS

#### SOLICITATIONS

#### Services (Other Than Human Services)

**DEVELOPMENT, OPERATION AND MAINTENANCE OF A HORSEBACK RIDING CONCESSION** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-102-O – DUE 06-13-11 AT 3:00 P.M. – In Central Park, Manhattan. There will be a recommended site visit on Monday, May 16, 2011 at 3:00 P.M. We will be meeting at the entrance to North Meadow Recreation Center, which is located mid-Park, off the 96th Street transverse in Central Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended site visit.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Charlotte Hall (212) 360-1397; Fax: (212) 360-3434; charlotte.hall@parks.nyc.gov

m3-16

**DEVELOPMENT, OPERATION, AND MAINTENANCE OF AN INDOOR TENNIS FACILITY** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B58-IT – DUE 07-07-11 AT 3:00 P.M. – At McCarren Park, Brooklyn, N.Y. Parks will hold a recommended proposer meeting and site-tour on Wednesday, June 15, 2011 at 1:00 P.M. We will be meeting at the proposed concession site, which is located between Berry Street and Bedford Street at approximately North 12th Street. We will be meeting in front of the tennis courts at the Bedford Street entrance. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour. All interested parties are urged to attend.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-1397; Fax: (212) 360-3434; evan.george@parks.nyc.gov

m12-25

**RENOVATION, OPERATION AND MAINTENANCE OF A SNACK BAR** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q4-SB 2011 – DUE 06-17-11 AT 3:00 P.M. – In Astoria Pool in Astoria Park, Queens. There will be a recommended site visit on Friday, May 27, 2011 at 11:00 A.M. We will be meeting at the concession site. If you are considering responding to this RFP, please make every effort to attend this recommended site visit.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov

m4-17

**RENOVATION, OPERATION AND MAINTENANCE OF THE WWII VETERANS WAR MEMORIAL ICE SKATING RINK FACILITY** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R5-A-IS-SB-2010 – DUE 06-08-11 AT 3:00 P.M. – In

Clove Lakes Park, Staten Island. Parks will hold a recommended proposer meeting and site-tour on Wednesday, May 19, 2011 at 1:00 P.M. We will be meeting at the proposed concession site which is located at Victory Boulevard, west of Clove Road, in Clove Lakes Park, Staten Island. We will be meeting at the entrance to the WWII Veterans War Memorial Ice Skating Rink. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour. All interested parties are urged to attend.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Evan George (212) 360-1397; Fax: (212) 360-3434; evan.george@parks.nyc.gov

m5-18

## AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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

## YOUTH AND COMMUNITY DEVELOPMENT

### PUBLIC HEARINGS

**SHORT NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Wednesday, May 18, 2011, 156 William Street, 2nd Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of the proposed contract between the Department of Youth and Community Development and the Contractors listed below to provide Immigrant Services programs. The Contractor's PIN number and contract amount is indicated below. The contract term shall be from July 1, 2011 to June 30, 2014 with no option to renew.

### CONTRACTOR/ADDRESS

Asian Americans for Equality  
108 Norfolk Street, New York, NY 10002

**PIN#** 260120077127 **Amount** \$225,000

BronxWorks, Inc.  
60 East Tremont Avenue, Bronx, NY 10453

**PIN#** 260120077128 **Amount** \$375,000

CAMBA, Inc.  
1720 Church Avenue, Brooklyn, NY 11226

**PIN#** 260120077129 **Amount** \$277,500

Catholic Charities Community Service, Archdiocese of NY  
1011 First Avenue, New York, NY 10022

**PIN#** 260120077130 **Amount** \$243,000

Center for the Integration & Advancement of New Americans  
31-09 Newtown Avenue, Astoria, NY 11102

**PIN#** 260120077131 **Amount** \$374,850

Child Development Center of the Mosholu Montefiore  
Community Center  
3450 DeKalb Avenue, Bronx, NY 10467

**PIN#** 260120077132 **Amount** \$183,600

Children's Arts & Science Workshops, Inc.  
4271 Broadway, New York, NY 10033

**PIN#** 260120077133 **Amount** \$373,728

Gay Men's Health Crisis, Inc.  
119 West 24th Street, New York, NY 10011

**PIN#** 260120077134 **Amount** \$367,179  
Goodwill Industries of Greater New York  
4-21 27th Avenue, Astoria, NY 11102

**PIN#** 260120077135 **Amount** \$193,500

HANAC, Inc.  
49-45 West Street, New York, NY 10036

**PIN#** 260120077136 **Amount** \$329,550

Make the Road New York  
301 Grove Street, Brooklyn, NY 11237

**PIN#** 260120077137 **Amount** \$855,000

New York Asian Women's Center  
39 Bowery Street, New York, NY 10002

**PIN#** 260120077138 **Amount** \$281,466

New York Legal Assistance Group  
450 West 33rd Street, New York, NY 10001

**PIN#** 260120077139 **Amount** \$624,000

New York Legal Assistance Group  
450 West 33rd Street, New York, NY 10001

**PIN#** 260120077140 **Amount** \$270,600

Northern Manhattan Improvement Corporation  
76 Wadsworth Avenue, New York, NY 10033

**PIN#** 260120077141 **Amount** \$440,727

Sanctuary for Families  
PO Box Wall Street Station, New York, NY 10268

**PIN#** 260120077142 **Amount** \$675,000

Shorefront Jewish Community Council  
3049 Brighton 6th Street, Brooklyn, NY 11235

**PIN#** 260120077143 **Amount** \$330,000

The Ansoh Center for Refugees  
28-19 Steinway Street, Long Island City, NY 11103

**PIN#** 260120077144 **Amount** \$280,500

The Door- A Center of Alternatives  
121 6th Avenue, New York, NY 10013

**PIN#** 260120077145 **Amount** \$858,000

The Legal Aid Society  
199 Water Street, New York, NY 10038

**PIN#** 260120077146 **Amount** \$492,000

The proposed contractors have been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A Draft of the contract may be inspected at the Department of Youth and Community Development, Office of the ACCO, 156 William Street, 2nd Floor, New York, NY 10038, on business days, from May 12, 2011 to May 17, 2011, excluding Holidays, from 9:00 A.M. to 5:00 P.M.

Anyone who wishes to speak at the public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Mr. Michael Ow, Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038, [mowh@dycd.nyc.gov](mailto:mowh@dycd.nyc.gov). If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

m12

## AGENCY RULES

## CONSUMER AFFAIRS

### NOTICE

#### NOTICE OF PUBLIC HEARING

**Subject:** Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Rule Regarding the Licensing of Process Servers.

**Date/Time:** June 13, 2011 at 10:00 A.M.

**Location:** Department of Consumer Affairs  
66 John Street, 11th floor Hearing Room  
New York, NY 10038

**Contact:** Erik Joerss  
Director of City Legislative Affairs  
Department of Consumer Affairs  
42 Broadway, 8th floor  
New York, N.Y. 10004  
(212) 487-4248

#### Proposed Rule Amendment

NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-104 (b) of Chapter 1, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department intends to amend rules regarding recordkeeping requirements for licensed process servers.

The proposed Rule was not included in the Regulatory Agenda because at the time the Regulatory Agenda was prepared, the Department had not decided to adopt the rule. This rule simplifies paper record keeping, clarifies electronic storage requirements and eases reporting requirements in the event of a court challenge.

#### Instructions

Written comments regarding this amendment may be sent to Erik Joerss by mail or electronically through NYC RULES [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by June 13, 2011.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify the Office of the Commissioner at the above address by June 1, 2011.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the office of Erik Joerss.

#### Statement of Basis and Purpose of Proposed Rule

Section 20-104 (a) of the New York City Administrative Code gives the Commissioner jurisdiction and control over all licenses issued under Chapter 2 of Title 20 of such Code. Section 20-104 (b) grants the Commissioner the power to set



forth rules necessary to carry out his or her powers and duties and to require licensees to keep such records as he or she may determine are necessary or useful to carrying out the purpose of Chapter 2.

Those powers include the authority to:

- set forth rules prescribing how licensees maintain records that they are by law required to keep;
- require that licensees, their employees and agents, conduct their activities consistent with the requirements of the laws applicable to the service of process in the City of New York and with standards of honesty and integrity; and
- require the licensees to notify the Department and the public when they fail to carry out their duties in a competent and lawful manner.

The amended Rule simplifies and clarifies the record keeping requirements that individual process servers and process serving agencies must meet.

Section 1 of the Rule amends Section 2-233 to simplify paper recordkeeping in three ways:

- It limits the obligation of an individual process server to include in his or her records the date of the filing of an affidavit of service in court to the instances when the individual process server personally files the affidavit.
- It limits the obligation of the individual process server to record the registered or certified postal receipt number of process delivered by such methods only when the individual makes the mailing himself or herself.
- It shortens the time that licensees must maintain paper records from seven years to three years and thereby reduces the expense of record maintenance.

Section 2 of the Rule amends Section 2-233a to clarify the electronic recordkeeping requirements:

- It clarifies that individual process servers and process server agencies may meet their obligation to maintain electronic records in a secure and unalterable manner by uploading the records to a third party, so long as the records cannot be changed once delivered to the third party.
- It simplifies the alternative method for licensees to maintain unalterable electronic records by permitting them to make two copies of the records on CD-ROM, DVD-ROM or other once-write medium, one copy of which must be stored off-site.
- It adds a method for licensees to correct typographical errors in or inadvertent omissions from the entry into electronic format of the information contained in the individual process server's paper records.

Section 3 of the Rule amends Section 2-236 to simplify the requirement that licensees report court challenges regarding the adequacy of the service of process:

- While continuing the requirement that the licensee notify the Department whenever it receives notice of such a challenge, it eliminates the requirement that the licensee automatically provide to the Department relevant documents concerning the challenge and imposes that requirement only when the Department specific requests documents.
- It modifies the obligation that the licensee report to the Department the result of a challenge to service. A licensee will be required only to request a report of the result of the challenge from the party for which it served process, or its attorney, and to convey that information to the Department when the licensee receives the information.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Material to be deleted is enclosed in brackets. Material to be added is underlined.

#### RULE

Section 1. Section 2-233 of subchapter W of Chapter 2 of title 6 of the Rules of the City of New York is amended to read as follows:

##### § 2-233 Records.

(a) *Duty of individual licensee to keep records.* Each process server shall keep records in compliance with the provisions of 89-cc of the General Business Law, as follows:

- (1) Each process server shall maintain a legible record of all service made by him as prescribed in this section.
- (2) The record to be maintained shall include the following information, where applicable:
  - (i) the title of the action or a reasonable abbreviation thereof;
  - (ii) the name of the person served, if known;
  - (iii) the date and approximate time service was effected;
  - (iv) the address where service was effected;
  - (v) the nature of the papers served;
  - (vi) the court in which the action has been commenced;
  - (vii) the index number of the action, if known.
- (3) If service is effected pursuant to subdivisions one, two, or three of section three hundred eight of the civil practice law and rules, the record shall also include the description of the person served, including, but not limited to, sex, color of skin, hair color, approximate age, height and weight and other identifying features.
- (4) If service is effected pursuant to subdivision four of section three hundred eight of the civil practice law and rules, the record shall also include the dates, addresses and time of attempted service pursuant to subdivisions one, two or three of such section. All attempts must be entered in a separate, chronological entry.
- (5) If an affidavit of service is filed with the court by the process server, the record shall include the date of such filing.
- (6) Process servers shall retain each record required to be kept under this § 2-233(a) for a period of [seven] three years from the date of service. Where a process server is employed as a process server by any person, a copy of such records shall also be maintained by such person at his principal office in this state for the same period.
- (b) *Licensees who serve process shall also maintain their*

*records in the following manner:*

- (1) The licensee shall make a separate and contemporaneous entry of the date, time and address of every attempted and effected service of process in chronological order in a bound, paginated volume.
- (2) The licensee shall make entries in only one volume at a time, which shall contain every attempted and effected service made by the licensee, until all of the available space in the volume is filled.
- (3) The written entry for each service shall include the type of service effected whether personal, substituted, [or] conspicuous, or corporate (i.e. on the Secretary of State).
- (4) If service is effected pursuant to CPLR § 308(4) or RPAPL § 735(1), the entry shall include a description of the area adjacent to the door to which process is affixed including the color and composition of hallway walls, color and composition of hallway floor or doorstep, and location of premises in relation to stairs, elevator or entranceway.
- (5) If service pursuant to RPAPL § 735(1) is effected by affixing a copy of the notice and petition upon a conspicuous part of the property sought to be recovered or placing a copy under the entrance door of such premises then the record shall also include the dates, addresses and time of attempted service. All attempts must be entered in a separate, chronological entry.
- (6) The entry shall include the name and license number of the process server organization from whom the process served was received, or, if not received from a process server organization, of such other person or firm from whom the process served was received.
- (7) If the individual process server completes service made pursuant to RPAPL § 735(1) [in a manner other than by delivery of the notice of petition and petition to the respondent personally] using registered or certified mail, the entry in the process server's record of service or attempted service shall include the postal receipt number of registered or certified mail.
- (8) Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to, erasing, opaquing, obliterating, or redacting, are prohibited.
- (c) *Duty of licensed process serving agencies to keep records.* Every process serving agency shall keep complete and accurate records with respect to each individual licensee to whom it distributes, assigns or delivers process to be served. Such records shall be kept in a searchable manner that permits ready identification of (i) the daily activity of each such individual licensee and (ii) any or all process assigned or distributed for service by the name of the person or entity from whom the process serving agency received such papers for service.
  - (1) The records shall at a minimum include:
    - (i) The name and license number of the individual licensee to whom process is distributed, assigned or delivered to be served;
    - (ii) All of the information required to be maintained pursuant to paragraphs (1) through (5) of subdivisions (a) and paragraphs (3) through (5), and (7), of subdivision (b) of this rule.
    - (iii) [A copy or a scan to a] An image file that legibly reproduces the original record in all details of the individual licensee's record maintained pursuant to subdivisions (a) and (b) of this rule for each day on which the individual licensee attempted or effected service of the process assigned to the individual licensee;
    - (iv) A copy of every routing sheet, work order or other written instruction given to the individual licensee;
    - (v) Copies of any notes, memoranda or other writings submitted by the individual licensee containing information related to the attempted or effected service of process;
    - (vi) A copy of every affidavit of service signed by the individual licensee.
    - (vii) If the individual process server or process serving agency completes service made under RPAPL § 735(1) using registered or certified mail, a record of the postal receipt number of registered or certified mail.
  - (2) Availability of records. All records shall be retained by the licensee for [seven] three years [or until] unless the licensee receives a further order of the Department prior to such date and shall be available for inspection by the Commissioner of Consumer Affairs or his designee.

Section 2. Section 2-233a of subchapter W of Chapter 2 of Title 6 of the Rules of the city of New York is amended to read as follows:

##### §2-233a Electronic Records.

Licensed process servers and process serving agencies must maintain records in an electronic format that is resistant to tampering.

- (a) Process Servers. Process servers shall maintain electronic records in accordance with the provisions of this subdivision. A licensed process server may meet the requirement to maintain records in an electronic format as required by § 20-406.3 of the Administrative Code by (1) scanning into an image file that legibly reproduces in all details on a daily basis the original record the process server maintains in a bound volume pursuant to [section]§ 2-233,
  - (i) the image file shall be named with the date of the service recorded in the bound volume and the process server's license number, and shall be date and time stamped with the date and time that the file was created; and
  - (ii) such scanning shall be done within twenty-four hours from the last event that the record records; and
  - (iii) the process server must save the scanned image file to a portable media device at least once per week and shall maintain the portable media device in a manner designed to ensure its security and preservation, including by keeping it in a location separate from the original image file; and
  - (iv) such portable media device shall be labeled with the process server's last name, license number, and the date range of the records stored on the device; or by
- (2) maintaining electronic records in accordance with the provisions set forth in subdivision (b) of this section.
- (3) Nothing in this section shall be construed to relieve the licensed process server of the duty to maintain a bound, chronological, and contemporaneous record of service as provided under [section]§ 2-233 of this rule or an electronic record of service under § 20-410 of the Administrative Code.
- (b) Process Serving Agencies. Process serving agencies shall maintain electronic records in accordance with this subdivision. Such agencies must maintain all information required to be maintained pursuant to [section]§ 2-233(c) of this rule.
  - (1) Licensees shall input information required to be maintained pursuant to § 2-233(c) into the electronic record-keeping system within twenty-four hours after the last event recorded occurred.
  - (2) The licensee shall use an electronic records management system that:
    - (i) ensures the authenticity, reliability and integrity of the electronic records;
    - (ii) permits the efficient retrieval of electronic records;
    - (iii) contains a backup support system such that the electronic records shall be capable of being reconstructed in

the event of an electronic or computer malfunction or unforeseen accident resulting in the destruction of the system or the information contained therein.

- (3) The information required to be maintained pursuant to [section]§ 2-233(c)(1) shall be maintained in electronic form in a format provided by the Department as an Excel spreadsheet and accessible at the following internet address: <http://www.nyc.gov/processserver> or [by a third party document management system in any of the following formats provided] by the licensee uploading the data to a third party service provider, provided that the permissions of that data will be secured so that the data cannot be edited once the upload has been saved and that the records shall contain such separate fields with parameters as follow:
  - (i) name of the individual process server to whom service is assigned, which will be entered as last name, first name;
  - (ii) the license number of the individual process server to whom service is assigned, which will be specified as a seven digit number, where the first number shall be zero if the process server's license number is less than seven digits;
  - (iii) the title of the action or proceeding, if any;
  - (iv) the name of the person served, if known, which shall be entered as last name, first name;
  - (v) the date that service was effected, which shall be entered as MM/DD/YYYY;
  - (vi) the time service was effected, which shall be entered as military time;
  - (vii) the address where service was effected, which shall be entered as three different fields such that one field will be for the street address and any apartment number, the second field will be for the city or borough, and the third field will be for zip code;
  - (viii) the nature of the papers served;
  - (ix) the court in which the action has been commenced, which shall be entered as either Civil Court NYC, Civil Supreme, Criminal, Housing(L/T), or District Court, followed by the county of the court, the judicial department if appellate, or the federal district;
  - (x) the full index number, which shall be entered with all information necessary to identify the case, such as XXXXX/XX, unless the case is a Civil Local matter, in which case, it will include the prefix of CV, CC, LT, MI, NC, RE, SC, or TS;
  - (xi) if service was effected pursuant to subdivisions (1) through (3) of CPLR § 308, a description of the person served which shall consist of six fields, including sex, hair color, approximate age, height, weight, and any other identifying features provided by the process server;
  - (xii) whether service was delivered, as indicated by a Y or N;
  - (xiii) the type of service effected, which shall be entered as a P for personal service, an S for substitute service, [or] a C for conspicuous service, or a CO for corporate service;
  - (xiv) if service was effected pursuant to subdivision (4) of CPLR § 308 or subdivision one of RPAPL § 735, a description of the door and the area adjacent.
- (4) If the process serving agency elects to record the information required to be maintained pursuant to [section]§ 2-233(c)(1) itself rather than through a third-party provider, [it must convert such information into a portable document ("pdf") format] within twenty four hours from the last event the record records it must copy the Microsoft Excel file containing such information, or a PDF of such Excel file, to a CD-ROM, DVD-ROM or other write-once media, and immediately make a second copy to write-once media, which second copy shall be stored off-site.
  - (i) The process serving agency shall ensure that the security settings for this converted pdf are set so that editing and printing of the document is restricted and no edits or changes may be made to the document.]
- (5) Licensees shall preserve the electronic records by either (a) submitting the record entries to a third party service on a daily basis or (b) copying the file to a portable media device within one week of a creation of the file. Such device must be maintained in a manner designed to ensure its security and preservation, including by keeping it in a separate off-site location. (c) Process servers shall not tamper with data or properties of any electronic record kept pursuant to this section after an image file is made by modifying, amending, deleting, rearranging or in any other way altering any such data or properties including but not limited to using a meta data scrubber or similar device or program.
- (c) If a typographical error has occurred or if data contained in the process server's record maintained under § 2-233 was accidentally omitted from the electronic data entry:
  - (i) the original record must not be deleted;
  - (ii) a new record must be created and be marked "Amended" and the corrected data must be identified by entering it in italics.
  - (d) All electronic records maintained under § 2-233a must be retained for seven years and must be available for inspection by the Commissioner of Consumer Affairs or his designee.

Section 3. Section 2-236 of subchapter W of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

##### § 2-236 Duty to Report Hearings Contesting Service.

- (a) Whenever a process server or process serving agency receives any type of notice, including an oral communication, that a court has scheduled a hearing to determine whether service of process made or assigned by such licensee was effective, the licensee shall submit a report to the Department (attention of Counsel's Office), in writing, by certified mail, or by email to an address designated by the Department within ten days of receiving such notice. Such written report shall include:
  - (1) the title and index number of the action;
  - (2) the court and the judge before whom the hearing is scheduled;
  - (3) the date(s) of the hearing; and
  - (4) the name and license number of every licensee who effected service or assigned or distributed the process for service. [; and]
- (5)(b) On request, such licensee must provide copies of all records, including but not limited to, routing sheets, the pages of the licensee's log book for each day on which service of the process in issue was attempted or effected, and all affidavits of service, pertaining to the contested service.
  - (b)(c) The licensee shall [have an affirmative obligation] attempt to learn [and report to the Department] the result of [the] such hearing, including any judicial order or voluntary settlement resolving the challenge to service of process [within ten days of the issuance of a decision on or settlement of the challenge], by making a written or email request to the party on whose behalf the challenged service of process was made or his or her attorney for a report of the result. If the licensee is so informed, he or she must report the result of the

hearing to the Department by certified mail or email within ten days of being so informed.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Process Server GPS Requirements**

**REFERENCE NUMBER: 2010 RG 156**

**RULEMAKING AGENCY: Department of Consumer Affairs**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: May 4, 2011  
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Process Server Recordkeeping and Reporting**

**REFERENCE NUMBER: DCA-2**

**RULEMAKING AGENCY: DCA**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Matthew Margolin  
Mayor's Office of Operations

May 4, 2011  
Date

m12

**NOTICE OF PUBLIC HEARING**

**Subject:** Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Rule Regarding the Licensing of Process Servers.

**Date/Time:** June 13, 2011 at 11:30 A.M.

**Location:** Department of Consumer Affairs  
66 John Street, 11th floor Hearing Room  
New York, NY 10038

**Contact:** Erik Joerss  
Director of City Legislative Affairs  
Department of Consumer Affairs  
42 Broadway, 8th floor  
New York, N.Y. 10004  
(212) 487-4248

**Proposed Rule Amendment**

NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-104 (b) of Chapter 1, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department intends to adopt new rules regarding the licensing of process servers. This rule implements the statutory requirement that process servers must carry portable devices equipped with GPS.

The proposed Rule was not included in the Regulatory Agenda because at the time the Regulatory Agenda was prepared, the Department had not decided to adopt the rule.

**Instructions**

Written comments regarding this amendment may be sent to Erik Joerss by mail or electronically through NYC RULES [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by June 13, 2011.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify the Office of the Commissioner at the above address by June 1, 2011.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the office of Erik Joerss.

**Statement of Basis and Purpose of Proposed Rule**

Section 20-104 (a) of the New York City Administrative Code confers on the Commissioner jurisdiction and control over all licenses issued under Chapter 2 of such Code, which includes process servers who are required to be licensed according to Subchapter 23 of Chapter 2 of Title 20 of the Code. Section 20-104 (b) grants the Commissioner the power to set forth rules necessary to carry out his or her powers and duties, to require licensees to keep such records as he or she may determine are necessary or useful to carrying out the purpose of Chapter 2 governing licensing laws and all other laws conferring such powers upon him or her, and to protect the health, safety, convenience and welfare of the general public with respect to licensed activities.

Those powers include the authority to:

- set forth rules prescribing how licensees maintain records that they are by law required to keep;
- require that licensees, their employees and agents, conduct their activities consistent with the requirements of the laws applicable to the service of process in the City of New York and with standards of honesty and integrity; and
- require the licensees to notify the Department and the public when they fail to carry out their duties in a competent and lawful manner.

This new rule, section 2-233b of subchapter W of chapter 2 of title 6 of the Rules of the City of New York, implements section 20-410 of the Administrative Code which was added by Local Law 7 of 2010. Section 20-410 requires licensed process servers to carry and operate a device to establish electronically and record the time, date and location of service or attempted service, (at the time process is served or attempted). In hearings on the provision held by a committee of the City Council, witnesses presented evidence of the widespread prevalence in New York City of "sewer service," an illegal practice in which process servers falsely claim to serve summonses and other process on parties to legal proceedings. The false service of legal papers is particularly common in consumer debt collection cases, where it deprives consumers of the opportunity to defend themselves against creditors' claims that are frequently incorrect or even entirely false. As a result, consumers are subjected to wage garnishments or other damaging efforts to collect debts that are not legally justifiable.

By requiring process servers to carry a device that will record the location and time of service of process, section 20-410 provides a modern, technological tool to detect and deter "sewer service." Such confirmation data will also help those process servers falsely charged with "sewer service" to defend themselves by providing independent corroboration of their location when they served the disputed process.

According to the rule, a licensed process server must carry and operate a mobile device using Global Positioning System (GPS) technology that makes an electronic record of the location where process is served or attempted to be served, including the date and time. If a GPS signal is unavailable, the mobile device must use triangulated cellular tower signals to establish the date and time when the record is made. The device must transmit a completed record automatically to an independent third party contractor. The process server's contract with the independent third party must provide that the contractor will store the electronic records for seven years without allowing the process server access to delete or alter the original record. The third party must agree contractually with the process server to make the electronic records available to the Department upon request with specified information and in specified formats, including interactive electronic street maps. The rule provides that, in place of securing his or her own contract, a licensed process server may use services that a process serving agency has contracted from an independent third party.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**RULE**

Subchapter W of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-233b to read as follows:

**§ 2-233b Electronic Record of Service**

(a) General Requirements. A process server licensed pursuant to this subchapter must comply with the requirement of section 20-410 of the Code to carry at all times during the commission of his or her licensed activities, and operate at the time process is served or attempted, a device to establish electronically and record the time, date, and location of service or attempted service as follows:

(1) Equipment.

(i) The process server must obtain a mobile device, such as a telephone or personal digital assistant, that utilizes the software necessary to make an electronic record of the location where, and the time and date when, the record is made as determined by Global Positioning System ("GPS") technology, and labels the record with the network date and time maintained by the mobile device, the DCA license number of the process server, the DCA license number of the process serving agency that has distributed the process for service, the name of the plaintiff or petitioner, the name of the defendant or respondent, the docket number (if any), the name of the person to whom process is delivered and a unique file identifier of the process being served.

(ii) The mobile device must be equipped with the software necessary to make an electronic record of the location where and time and date when the record is made, as determined by triangulated cell tower signals, in the event that at the time of the effected or attempted service of process a GPS signal is not available.

(iii) The mobile device software must automatically add that location, time and date information to the electronic record as soon as a GPS or cellular signal reaches the device if neither a GPS nor a cellular signal is present at the time the process

server causes the electronic record to be made.

(2) Operation of Equipment.

(i) On every occasion that a process server attempts or effects service of process, the process server must ensure that the mobile device makes an electronic record of the GPS location, time and date of the attempted or effected service immediately after attempting or effecting service. In the event that no GPS signal is available at the time of attempted or effected service of process, the location, time and date will be determined by triangulated cell tower signals.

(ii) Each electronic record must be labeled with:

- a) the GPS or cellular network date and military time maintained by the mobile device;
- b) the DCA license number of the process server;
- c) the DCA license number of the process serving agency that distributed the process for service;
- d) the name of the plaintiff or petitioner;
- e) the name of the defendant or respondent;
- f) the docket number, if any;
- g) the name of the person to whom process is delivered; and
- h) a unique file identifier of the process being served.

(3) Contract for Services. The process server must contract with an independent third party ("the Contractor") that provides services and performs functions described in subparagraph (4) and that enables the process server to meet the data storage and retrieval requirements set forth in such subparagraph, below; provided, however, that if the process server performs process serving activities distributed to him or her by a licensed process serving agency, the process server may utilize the device and facilities for the electronic record of service that the process serving agency obtains under a contract with a Contractor.

(4) Data Storage and Retrieval. The electronic record must be automatically transmitted electronically from the mobile device to the Contractor as soon as a GPS or cellular signal is available and location, date and time are entered into the electronic record. The Contractor must store the electronic record according to the following terms:

(i) the original digital file must be maintained by the Contractor unaltered for a period of not less than seven years;

(ii) neither the process server nor the process serving agency will be permitted to alter the original data, but may obtain copies of the original data file;

(iii) the Contractor must maintain the records in a manner that will permit retrieval by the DCA license number of the process server, the DCA license number of the process serving agency that has distributed the process for service, the name of the plaintiff or petitioner, the name of the defendant or respondent, the docket number (if any), the name of the person to whom process is delivered and a unique file identifier of the process being served;

(iv) the Contractor must maintain the records in a manner that will ensure that their integrity is adequate for admissibility in a judicial proceeding under the rules of evidence applicable in the state of New York;

(v) the Contractor must produce upon request by the Department, and to any other party according to an appropriate order or subpoena, a copy of the electronic records, or any reasonably described part involved, certified to be true and accurate;

(vi) the Contractor must provide to the Department upon request a street map in hard copy format and access to an interactive electronic street map that display the locations where the digital records were recorded with a date and time provided by GPS or cellular date and time;

(vii) the Contractor must provide to the Department upon request, and to any other party according to an appropriate order or subpoena, such software as may be necessary to display the electronic records in an MS Excel spreadsheet, 2003 version or later, with the following fields and in the following data formats:

- a) Plaintiff or petitioner, which must be specified by the last name of the first plaintiff, or, if not a natural person, the name of the entity;
- b) Defendant or respondent, which must be specified by the last name of the first defendant, or, if not a natural person, the name of the entity;
- c) the full docket number, which must be entered with all information necessary to identify the case, such as XXXXXX/XX, unless the case is a Civil Local matter, in which case, it will include the prefix of CV, CC, LT, MI, NC, RE, SC, or TS;
- d) the date that service was effected or attempted according to the device, which must be entered as MM/DD/YYYY;
- e) the time that service was effected or attempted according to the device, which must be entered in military time;
- f) the date that service was effected or attempted according to GPS or cellular signals, which must be entered as MM/DD/YYYY;
- g) the time that service was effected or attempted according to GPS or cellular signals, which must be entered as military time;
- h) the address where service was effected or attempted, which must consist of four fields in the following order: building number, street name, city, and zip code, which must be five digits. All address information must be CASS (Coding Accuracy Support System) processed to insure its accuracy;
- i) the name of the person to whom process was delivered, which must be entered in two data fields such that the first data field is the last name of the person, and the second data field is the first name of the person.

(b) Provision of Equipment and Services by Process Serving Agency. A process serving agency licensed according to this subchapter may provide to licensed process servers the device and services required by subparagraph (a) according to a

contract with an independent third party. For purposes of this Rule, a third party will not be considered independent if any officer or owner of ten percent or more of the shares of the licensed process serving agency has any interest, direct or indirect, in the third party.

(c) Report to Department.

(1) Within sixty days after the effective date of this Rule a licensed process server must submit to the Department in a form approved by the Commissioner a certification that he or she has secured the contract required by this Rule and identifying the name, address and account number of the Contractor(s) providing the required device and services. After sixty days after the effective date of this Rule, no process server license will be issued or renewed unless the applicant submits such a certificate.

(2) A licensed process server must submit to the Department an amended certification within two days of entering into a contract with a different Contractor.

(3) In place of submitting the certificates required by the preceding provisions, the licensed process server may submit a certification in a form approved by the Commissioner affirmed by an owner or officer of a licensed process serving agency that the device and services the process server is required to obtain are provided by the agency under a contract with an independent third party.

(d) Compliance with all laws. Compliance with the requirements of this Rule does not relieve a licensed process server of the obligation to make or maintain records required by any other federal, state, or local law, rule or regulation.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Process Server GPS Requirements**

**REFERENCE NUMBER: 2010 RG 156**

**RULEMAKING AGENCY: Department of Consumer Affairs**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: May 4, 2011  
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Process Server GPS Requirements**

**REFERENCE NUMBER: DCA-1**

**RULEMAKING AGENCY: DCA**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Matthew Margolin Date: May 4, 2011  
Mayor's Office of Operations Date

**ENVIRONMENTAL CONTROL BOARD**

**NOTICE**

**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on proposed rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

**Date / Time:** June 14, 2011 / 3:30 P.M.

**Location:** ECB  
66 John Street  
10th Floor, Conference Room  
New York, N.Y. 10038

**Contact:** James Macron  
Counsel to the Board  
ECB  
66 John Street  
10th Floor  
New York, N.Y. 10038  
(212) 361-1515

**Proposed Rule Amendment**

Pursuant to the authority vested in the Environmental Control Board by Section 1049-a of the New York City

Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses adjudicated by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

**Instructions**

- Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before June 14, 2011. Members of the public may also submit comments on the rule electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- A public hearing regarding the proposed rule will be held on June 14, 2011 at 3:30 P.M., at ECB, 66 John Street, 10th Floor, Conference Room, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before June 14, 2011.
- Individuals who need a sign language interpreter or other accommodation for a disability should notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by June 14, 2011.
- Individuals interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

**Statement of Basis and Purpose of Proposed Rule**

The Environmental Control Board is amending its Air Asbestos Penalty Schedule found in Section 3-101 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to add two new charges for violations of section 15 RCNY 1-109.

Amendments to the Department of Environmental Protection's Asbestos Control Program Rules went into effect on February 3, 2011. The amendments include two new provisions, 1-109(e) and 1-109(f), that apply to projects involving asbestos abatement for vertical exterior surfaces of a structure. The Construction Codes define structure as "that which is built or constructed, including among others, buildings, stadia, tents, reviewing stands, platforms, stagings, observation towers, radio towers, tanks, trestles, open sheds, shelters, fences and display signs."

Subsection (e) precludes abatement during adverse weather conditions. As defined in DEP's rule, 15 RCNY 1-02, abatement means "any and all procedures physically taken to control fiber release from asbestos-containing materials." This includes removal, encapsulation, enclosure and repair." The term "adverse weather conditions" is not defined, but examples include rain, snow, sleet, high winds, and temperatures below 32 degrees Fahrenheit.

Subsection (f) requires the use of High Efficiency Particulate Air (HEPA) filters on all power tools used in the removal of asbestos. As defined in DEP's rule, 15 RCNY 1-02, a HEPA filter is a filter capable of trapping and retaining 99.97 percent of asbestos fibers greater than 0.3 micrometers mass median aerodynamic equivalent diameter.

Penalties for violations of 1-109 charged under subsections (e) or (f) range from \$1,000 to \$10,000. The default penalty for each charge in this penalty schedule is \$10,000. If a stipulation (STIP.) is offered and accepted at a hearing, the stipulation penalty will be imposed.

Section 1. The Air Asbestos Penalty Schedule found in Section 3-101 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by adding two new charges immediately following the charge in that penalty schedule for 1-109(d), "Failure to conduct required air monitoring," to read as follows:

New matter in the following rule is underlined  
Deleted material is in [brackets]

SECTION	DESCRIPTION	1ST VIOLATION		2ND VIOLATION	
		Penalty	STIP.	Penalty	STIP.
1-109(e)	<u>Conducting asbestos abatement during adverse weather conditions</u>	\$1,200	\$1,000	\$2,400	\$1,500
1-109(f)	<u>Failure to use HEPA filters on power tools used in asbestos abatement</u>	\$1,200	\$1,000	\$2,400	\$1,500

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Asbestos Abatement Penalty Schedule**

**REFERENCE NUMBER: OATH/ECB-4**

**RULEMAKING AGENCY: OATH/ECB**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Does not provide a cure period because a cure period would run counter to the proposed rule's goal

of preventing risks to public health and worker safety.

/s/ Ruby B. Choi  
Mayor's Office of Operations

3/30/11  
Date

m12

**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on Proposed Rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

**Date / Time:** June 14, 2011 / 3:30 P.M.

**Location:** ECB  
66 John Street  
10th Floor, Conference Room  
New York, N.Y. 10038

**Contact:** James Macron  
Counsel to the Board  
ECB  
66 John Street  
10th Floor  
New York, N.Y. 10038  
(212) 361-1515

**Proposed Rule Amendment**

Pursuant to the authority of the Environmental Control Board found in Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses adjudicated by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

**Instructions**

- Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before June 14, 2011. Members of the public may also submit comments on the rule electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- A public hearing regarding the proposed rule will be held on June 14, 2011 at 3:30 P.M., at ECB, 66 John Street, 10th Floor, Conference Room, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before June 14, 2011.
- Persons who need a sign language interpreter or other accommodation for a disability are asked to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by June 7, 2011.
- Persons interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

**Statement of Basis and Purpose of Proposed Rule**

The Environmental Control Board (ECB) is proposing to revise the Air Code Penalty Schedule found in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to add eight new charges for violations of section 24-163.9 of the New York City administrative Code.

This section of law was added to the Air Pollution Control Code by Local Law 61 of 2009, signed by Mayor Bloomberg on October 7, 2009. The law took effect on July 1, 2010. The law requires the retrofitting of diesel-powered school buses. Retrofitting means modifying an old machine by adding new parts or devices.

For purposes of section 24-163.9, the term "school bus" is limited to buses

- that transport more than 10 students at one time and
- are operated pursuant to a contract with the Department of Education.

Subsection (b) requires that such buses be retrofitted with a closed crankcase ventilation system. This system reduces engine emissions to the cabin. Half of a given school bus contractor's fleet is required to be retrofitted by September 1, 2010. The remainder is required to be retrofitted by September 1, 2011.

Subsection (c) provides that no diesel-powered school bus more than 16 years old may be used to fulfill a school bus contract.

Subsection (d) provides that buses used to replace those retired due to the age limitation must either

- meet federal emissions standards or
- be electric, hybrid, gasoline-powered, or natural gas-powered.

Violations of 24-163.9 may be charged under subsections (b), (c) or (d). In addition, under subsection (h), the making of a false claim to a city agency "with respect to the provisions of this section" is a violation.

Subsection (g) provides for a penalty of \$1000 to \$10,000 for violating the section, and \$20,000 for making a false claim to a city agency with respect to the section. All penalties indicated above may be subject to an additional aggravating factor that will be indicated on the face of the notice of violation when issued.

For violations of 24-163.9(b), (c) or (d), the aggravating factor will be twice the money saved by respondent as a result of its failure to comply. For violations of 24-163.9(h), the aggravating factor will be twice the money saved as a result of making the false claim. When an aggravated penalty is sought, no stipulation will be offered and respondent will be

required to appear.

Section 1. The Air Code Penalty Schedule found in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended by adding eight new charges immediately following the charge in that schedule for 24-163.8(c), "Made false claim regarding use of ultra low sulfur diesel fuel in generator", to read as follows:

New matter is underlined.

SECTION	DESCRIPTION	1 <sup>st</sup> OFF.	1 <sup>st</sup> STIP.	2 <sup>nd</sup> /3 <sup>rd</sup> SUBSQ. OFF.	2 <sup>nd</sup> /3 <sup>rd</sup> STIP.	DEFAULT
24-163.9(b)	<u>Failed to retrofit diesel school bus with crankcase ventilation system</u>	1,000	1,000	5,000	5,000	10,000
Compliance: Retrofit bus with crankcase ventilation system						
24-163.9(b)	<u>Failed to retrofit diesel school bus with crankcase ventilation system (aggravated penalty)</u>	1,000 plus twice the money saved by failing to comply	No	5,000 plus twice the money saved by failing to comply	No	10,000
Compliance: Retrofit bus with crankcase ventilation system						
24-163.9(c)	<u>Used diesel school bus over 16 years old to fulfill school bus contract</u>	1,000	1,000	5,000	5,000	10,000
Compliance: Cease use of buses over 16 years old						
24-163.9(c)	<u>Used diesel school bus over 16 years old to fulfill school bus contract (aggravated penalty)</u>	1,000 plus twice the money saved by failing to comply	No	5,000 plus twice the money saved by failing to comply	No	10,000
Compliance: Cease use of buses over 16 years old						
24-163.9(d)	<u>Failed to replace retired school bus with low-emission school bus</u>	1,000	1,000	5,000	5,000	10,000
Compliance: Replace retired bus with compliant bus						
24-163.9(d)	<u>Failed to replace retired school bus with low-emission school bus (aggravated penalty)</u>	1,000 plus twice the money saved by failing to comply	No	5,000 plus twice the money saved by failing to comply	No	10,000
Compliance: Replace retired bus with compliant bus						
24-163.9(h)	<u>Made false claim regarding retrofit of diesel school bus</u>	20,000	No	20,000	No	20,000

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Proposed Rule Regarding Retrofitting of Diesel School Buses

**REFERENCE NUMBER:** OATH/ECB-6

**RULEMAKING AGENCY:** OATH/ECB-6

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Does not provide a cure period because the requirement for a cure period is mitigated by the extensive notice, outreach, and guidance on compliance to the regulated individuals and communities and because a cure period would present a substantial risk to public health.

/s/ Matthew J.T. Margolin      4/25/11  
Mayor's Office of Operations      Date

m12

**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on a proposed rule regarding one new penalty for offenses adjudicated by the Environmental Control Board (ECB), specifically regarding smoking on Department of Parks and Recreation property.

**Date / Time:** June 14, 2011 / 3:30 P.M.

**Location:** ECB  
66 John Street  
10th Floor, Conference Room  
New York, N.Y. 10038

**Contact:** James Macron  
Counsel to the Board  
ECB  
66 John Street  
10th Floor  
New York, N.Y. 10038  
(212) 361-1515

**Proposed Rule Amendment**

Pursuant to the authority vested in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. This amendment creates one new penalty for offenses adjudicated by the Environmental Control Board.

New matter in the following rule is underlined, and deleted material is in brackets.

This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

**Instructions**

- Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before June 14, 2011. Members of the public may also submit comments on the rule electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- A public hearing regarding the proposed rule will be held on June 14, 2011 at 3:30 P.M., at ECB, 66 John Street, 10th Floor, Conference Room, New

York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before June 14, 2011.

- Persons who need a sign language interpreter or other accommodation for a disability are asked to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by June 7, 2011.
- Persons interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

**Statement of Basis and Purpose of Proposed Rule**

The Environmental Control Board is amending its Parks Rules Penalty Schedule to add one new charge. This schedule is found in Section 3-116 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

Local Law 11 of 2011 amended the Administrative Code. The new law makes it illegal to smoke in public parks or other property controlled by the Department of Parks and Recreation. These other areas include:

- beaches
- waters
- land under water
- pools
- boardwalks
- marinas
- playgrounds
- recreation centers
- other property, equipment, buildings and facilities

For the purposes of this rule, land under water refers typically to waterfront parks where the Parks Department is assigned ownership of a pier. In such cases, the land under water and around the pier is under Parks jurisdiction, and specifically extends from the bulkhead or upland area of the park out to the pierhead line. Smoking while wading in these waters, or while in small craft in the waters, or on a dock over those waters is also illegal.

The penalty for this violation is \$50.00.

Section 1. The Environmental Control Board is amending its Parks Rules Penalty Schedule found in Section 3-116 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). This amendment adds one new charge immediately following the entry in that penalty schedule for 56 RCNY Chapter 4, "Miscellaneous violation of rules regarding moorings," which reads as follows:

New matter is underlined.

SECTION	DESCRIPTION	PENALTY	DEFAULT
17-503(d)(3)	<u>Smoking in a park or other property under the jurisdiction of the Department of Parks and Recreation</u>	\$50	\$50

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment of Parks Penalty Schedule (No Smoking in Parks)

**REFERENCE NUMBER:** OATH-ECB-7

**RULEMAKING AGENCY:** OATH-ECB

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Does not provide a cure period because a cure period is not practicable under the circumstances and would present a substantial risk to public health.

/s/ Francisco Navarro      4/12/11  
Mayor's Office of Operations      Date

m12

**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on Proposed Rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

**Date / Time:** June 14, 2011 / 3:30 P.M.

**Location:** ECB  
66 John Street  
10th Floor, Conference Room  
New York, N.Y. 10038

**Contact:** James Macron  
Counsel to the Board  
ECB  
66 John Street  
10th Floor  
New York, N.Y. 10038  
(212) 361-1515

**Proposed Rule Amendment**

Pursuant to the authority vested in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses adjudicated by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

**Instructions**

- Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before June 14, 2011. Members of the public may also submit comments on the rule electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- A public hearing regarding the proposed rule will be held on June 14, 2011 at 3:30 P.M., at ECB, 66 John Street, 10th Floor, Conference Room, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before June 14, 2011.
- Persons who need a sign language interpreter or other accommodation for a disability are asked to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by June 7, 2011.
- Persons interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

**Statement of Basis and Purpose of Proposed Rule**

The Environmental Control Board is amending its Department of Transportation (DOT) Penalty Schedule to add two new charges. This schedule is found in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

On January 4, 2011, the Mayor signed Local Law 4 of 2011 which applies to owners of property with unlawful Automated Teller Machines (ATMs) and goes into effect on May 4, 2011. Specifically, the law adds Section 19-133.1 to the Administrative Code and amends Section 19-150 (b) (1).

Section 19-133.1(b) makes it unlawful for any property owner to permit an ATM booth to be located on any portion of the sidewalk that is:

- next to the owner's property,
- between the curb line and the building line, and
- intended for use by the public.

Before a ticket may be issued, the DOT is required to issue an order. This order requires the owner to remove the ATM within 30 days. If the owner does not comply, the Department of Transportation may issue a violation.

Civil penalties for violations are stated in Section 19-150. The penalty for a first violation is \$2,500. The penalty for every 5-day period during which the violation continues is \$5,000.

Section 1. The Environmental Control Board is amending its DOT Penalty Schedule found in Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to add two new charges immediately following the entry in that penalty schedule for 34 RCNY 2-14 (f)(8), "Commercial refuse container/debris obstructing sidewalks, gutters, crosswalks or driveway," to read as follows:

New matter is underlined.

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-15(a)	<u>Maintaining an unlawful Sidewalk ATM (Automatic Teller Machine)</u>	2,500	5,000
34 RCNY 2-15(c)	<u>Failure to remove an unlawful Sidewalk ATM (continuing violation)</u>	5,000	5,000

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment to Transportation Penalty Schedule (Unauthorized Placement of Automated Teller Machines)

**REFERENCE NUMBER:** OATH/ECB-5

**RULEMAKING AGENCY:** OATH/ECB

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Provides a cure period.

/s/ Craig Hosang      4/18/11  
Mayor's Office of Operations      Date

m12

**TAXI AND LIMOUSINE COMMISSION**

**NOTICE**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The changes would change the procedures for consideration of license applications, and specify grounds for denial of drivers' license applications.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, June 16, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street - 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on June 16, 2011 at 10:00 a.m. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by June 13, 2011.

**Do you need assistance to participate in the Hearing?**

You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, June 9, 2011.

**Can I review the comments made on the proposed rules?**

A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY.

**What authorizes the Commission to make this rule?**

Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because the need for this rule was not anticipated at that time.

**Where can I find the Commission's rules?**

The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?**

The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**Statement of Basis and Purpose of Proposed Rules**

These proposed rules make five changes to the Taxi and Limousine Commission's license application process and two additional changes.

First, these proposed rules replace costly and time-consuming license applicant "fitness hearings" with a more flexible information-gathering process. Under the current rules, when applicants do not fully demonstrate that they are fit to hold the license for which they are applying, the TLC may refer them for a fitness hearing before an Administrative Law Judge (ALJ) where they provide additional information. These applicant fitness hearings have not been formal adversarial hearings, but have been informal proceedings more closely resembling interviews than trials.

Under these proposed rules, when an application leaves questions about the applicant's fitness to hold the license, instead of being referred to a fitness hearing, TLC licensing staff will ask the applicant for more information. In contrast with the current in-person fitness hearing, TLC staff will request the information however is most appropriate for the specific application - such as by letter, e-mail, telephone call, or personal interview. The TLC expects this flexible information-gathering process to take less time than fitness hearings, which will benefit both the TLC and applicants.

Second, these proposed rules will provide specific standards and clearly identify the reasons for which an application will be rejected. In reviewing prior fitness decisions the TLC identified applicant conduct that makes it highly likely that an application will be rejected. Such conduct indicates an applicant poses an unreasonable risk to safety and welfare of the public, or otherwise demonstrates that the applicant is not fit to hold a TLC license. The TLC will reject applications that indicate the following forms of conduct within certain prescribed time periods:

- dishonesty;
- a poor driving record, including the use of alcohol or drugs while operating a motor vehicle;
- use of illegal drugs;
- failure to comply with TLC rules, as demonstrated by license revocation;
- acts of actual, threatened or potential violence, including possession of weapons; and,

- unlicensed driving, including driving without a required state license and driving for hire without a required TLC license.

These proposed rules establish one-, two-, and three-year application bans depending on the conduct. For example, a driver license application will not be accepted for three years after the revocation of a TLC license previously held by the applicant. The TLC will reject or deny applications that are submitted within these ban periods.

These proposed rules will enable a potential applicant to avoid the time and expense of preparing and submitting an application that will be denied. Where an applicant is not fit for licensure under these rules, the TLC staff will wherever possible reject the application upon submission and no license fees will be accepted. In contrast, under the current rules, the TLC must accept an application no matter how unlikely it is to be granted. Where TLC staff does not determine at submission that an application should be rejected, and accepts the application, license fees are non-refundable.

These proposed rules make three other changes to the license application process:

- They codify long-standing practice that an applicant bears the burden of proving fitness for licensure,
- They clarify which drugs the TLC tests for, and
- They eliminate a number of minor inconsistencies among the four driver license types.

Finally, these proposed rules make two other changes:

- They clarify that final decisions issued by the Chairperson are precedent for deciding later cases that involve similar facts or issues, and
- They require drivers to surrender their licenses within 30 days of license revocation and establish a \$1,000 fine for drivers who fail to comply.

Any application where a fitness hearing is conducted before July 1, 2011 will be decided under the old process. After July 1, 2011, any pending application where a fitness hearing has not been conducted will be decided under the new process as outlined in these proposed rules.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is hereby proposed that the definition of "Fit to Hold a License" in section 51-1 of Title 35 of the Rules of the City of New York be amended, and a new definition of "Drugs" be added, to read as follows:

**Drugs** mean any drug or other substance defined as a controlled substance in §3306 of the Public Health Law.

**Fit to Hold a License** means that [the Applicant or Licensee is qualified ("fit") to assume the duties and obligations of the particular TLC Licensee and meets and will continue to meet the qualifications for licensure established by applicable Rule or law, and that a Licensee or Applicant for a License will comply and continue to meet such qualifications and comply with such applicable Rule or law.]

- The Applicant or Licensee meets and will continue to meet all of the qualifications for the License sought or held as established by applicable Rules and laws.
- The Applicant or Licensee is of good moral character.
- The Applicant or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License, the Applicant shows that he or she will not engage in similar conduct in the future.

Section 2. It is hereby proposed that paragraphs (2) through (17) of subdivision (c) of section 54-03 of Title 35 of the Rules of the City of New York be renumbered paragraphs (3) through (18) and a new paragraph (2) be added, to read as follows:

- (2) Application in this chapter refers to an application for a Taxicab Driver's License, including all documentation and other information submitted as part of the application.

Section 3. It is hereby proposed that subdivision (h) of section 54-04 of Title 35 of the Rules of the City of New York be amended, that subdivision (q) be amended by adding a new paragraph (2), and that a new subdivision (r) be added, to read as follows:

(h) *Pass Drug Test.*

- (1) All Applicants for new Taxicab Driver's Licenses, except New York City Police Officers, must be tested, at the Applicant's expense, for [d]Drugs [or controlled substances].
- (2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.

- (3) If an Applicant tests positive for [d]Drugs [or controlled substances], the Commission will deny the Applicant's license. This decision is final.

(q) . . .

- (2) An Applicant, including an Applicant for a renewal License, must pay any fines related to the Applicant's failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

- (r) Material Changes in the Application. The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:

- (1) Changes in Applicant's Chauffeur's License status;
- (2) Mailing address;
- (3) Additional criminal convictions;
- (4) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
- (5) Any change to the information provided or submitted with the Application.

Section 4. It is hereby proposed that section 54-08 of Title 35 of the Rules of the City of New York be amended to read as follows:

**§54-08 Licensing - Process and Causes for Denial**

- (a) [Failure to Meet Requirements] Fit to Hold a License - Applicant. The [Commission] Chairperson will deny the original or renewal License of any Applicant who fails to [meet the requirements] demonstrate that the Applicant is Fit to Hold a License. The [Commission] Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.

- (b) [Failure to Continue to Meet Requirements] Fit to Hold a License - Licensee. If at any time the [Commission] Chairperson [becomes aware] is notified that a Driver no longer meets the requirements for licensure, the [Commission] Chairperson can deny Driver's renewal application or may seek to suspend or revoke his or her License.

- (c) [Bribery. The Commission can deny an application for a new or renewal License if the Applicant directly or indirectly offers or gives any gift, gratuity or thing of value to an employee, representative or member of the Commission or any public servant. Applicants must immediately report to the Commission any direct or indirect request for a gift, gratuity or thing of value from any public servant.] Denial of an Application. The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson for processing, no Application fees will be refunded.

- (1) Three-Year Ban. The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:

- (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content) or Drugs.

- (ii) Illegal use of Drugs, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The three-year ban will run from the date of the failed drug test.

- (iii) Any act, as prohibited by these Rules, of bribery, fraud, misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.

- (iv) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.

- (v) Revocation of a prior License.

1. Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation.

2. Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the

License, the three-year ban will run from the date the License is surrendered.

3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.

(2) Two-Year Ban. The Chairperson can deny an Application if, during the previous two years, the Applicant has committed:

(i) Any act constituting for-hire operation of a motor vehicle without a valid TLC License, except for the traffic infraction of unlicensed operation.

(ii) Six or more violations of these Rules while holding any License or Licenses issued by the Commission. The two-year ban will be counted from the date of the last violation.

(3) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

(i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.

(ii) The traffic infraction of unlicensed operation of a motor vehicle.

(iii) Prior Application Denied. The Chairperson will deny an Application that is submitted within one year after the denial of a previous Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one-year ban will be counted from the date the prior application was denied.

(4) Other Reasons for Denial of an Application.

(i) Mistake or Omission in the Application. The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.

(ii) Eligible for Critical Driver Penalty. The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.

(iii) Pendency of Criminal Charges. The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.

(d) Material Misrepresentation or Falsification. The Commission can deny a Driver's License application and can suspend or revoke a renewal application if the Applicant provides any material misrepresentation in the application, or if the Applicant fails to inform the Commission of any material change in the application. The Commission may also impose other sanctions.]

[(e)] Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an [a]Application for a new License if the Applicant has not completed all of the requirements of an [a]Application within 90 days of the date the [a]Application is filed.

(2) The [Commission] Chairperson will deny an [a]Application for a renewal License if the Applicant has not completed all of the requirements of an [a]Application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an [a]Application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(e) Additional Consideration of an Application. If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 5. It is hereby proposed that section 54-10 of Title 35 of the Rules of the City of New York be amended by adding a new subdivision (f), to read as follows:

§54-10 Licensing - Care and Use of License

(f) Surrender of License. A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§54-10 (f) Fine: \$1,000 to be paid if Appearance N/A  
Driver applies for a new License of any type.

Section 6. It is hereby proposed that subdivisions (b) and (c) of section 54-14 of Title 35 of the Rules of the City of New York be amended to read as follows:

(b) Driving While Impaired.

(1) A Driver must not operate a Taxicab while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content)[,] or [d]Drugs [or other controlled substances].

(2) A Driver must not drive or occupy his or her Taxicab for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or any [d]Drugs [or other controlled substances].

(c) Drug Testing.

(1) Drug Testing for Cause. If the Commission has a reasonable suspicion that a Driver has used a [d]Drug [or controlled substance] that makes him or her unfit to operate a Taxicab safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

(2) Annual Drug Testing.

(i) All Drivers except Drivers who are City of New York Police Officers must be tested annually, at the Driver's expense, for [d]Drugs [or controlled substances] in order to retain Valid Licenses.

Section 7. It is hereby proposed that subdivisions (b) through (t) of section 55-03 of Title 35 of the Rules of the City of New York be relettered subdivisions (c) through (u) and that a new subdivision (b) be added, to read as follows:

(b) Application in this chapter refers to an application for a For-Hire Driver's License including all documentation and other information submitted as part of the application.

Section 8. It is hereby proposed that subdivision (g) of section 55-04 of Title 35 of the Rules of the City of New York be amended, that subdivision (k) be amended by adding a new paragraph (2), and that a new subdivision (m) be added, to read as follows:

(g) Pass Drug Test.

(1) All Applicants for new For-Hire Driver's License, except New York City Police Officers, must be tested, at the Applicant's expense, for [d]Drugs[ or controlled substances].

(2) The Commission designates who can perform the drug test and will only designate an individual or entity that has a permit issued by the New York State Department of Health.

(3) If an Applicant tests positive for [d]Drugs [or controlled substances], the Commission will deny the Applicant's license. This decision is final.

(k) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(m) Material Changes in the Application. The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:

(1) Changes in Applicant's Chauffeur's License status;

(2) Mailing address;

(3) Additional criminal convictions;

(4) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or

(5) Any change to the information provided or submitted with the Application.

Section 9. It is hereby proposed that section 55-08 of Title 35 of the Rules of the City of New York be amended to read as follows:

§55-08 **Licensing - Process and Causes for Denial of License**

(a) [Reserved. Failure to Meet any of Above Requirements.] Fit to Hold a License - Applicant. The Chairperson will deny the original or renewal License of any Applicant who fails to demonstrate that the Applicant is Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.

(b) [Material Misrepresentation or Falsification.

(1) The Commission can deny an application for a License or renewal of a License if it finds that an Applicant has lied or made a material misrepresentation on the application.

(2) The Commission can also, after notice and hearing, revoke or suspend any License it has issued if it finds that an Applicant has lied or made a material misrepresentation on his or her application.]

Fit to Hold a License - Licensee. If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny Driver's renewal application or may seek to suspend or revoke his or her License.

(c) Denial of an Application. The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson, no Application fees will be refunded.

(1) Three-Year Ban. The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:

(i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs.

(ii) Illegal use of Drugs, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The three-year ban will run from the date of the failed drug test.

(iii) Any act, as prohibited by these Rules, of bribery, fraud, misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.

(iv) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.

(v) Revocation of a prior License.

1. Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation.

2. Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered.

3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.

(2) Two-Year Ban. The Chairperson can deny an Application if, during the previous two years, the Applicant has committed:

(i) Any act constituting for-hire operation of a motor vehicle without a valid TLC License, except for the traffic infraction of unlicensed operation.

(ii) Six or more violations of these Rules while holding any License or Licenses issued by the Commission. The two-year ban will be counted from the date of the last violation.

(3) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

(i) More than three traffic accidents within a single year.

The one-year ban will be counted from the date of the last accident.

(ii) The traffic infraction of unlicensed operation of a motor vehicle.

(iii) Prior Application Denied. The Chairperson will deny an Application that is submitted within one year after the denial of a previous Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one year ban will be counted from the date the prior application was denied

(4) Other Reasons for Denial of an Application.

(i) Mistake or Omission in the Application. The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.

(ii) Eligible for Critical Driver Penalty. The Chairperson can deny an Application if the Applicant would if licensed be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.

(iii) Pendency of Criminal Charges. The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.

(d) Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an [a]Application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an [a]Application for a renewal License if the Applicant has not completed all the requirements of an [a]Application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an [a]Application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(e) Additional Consideration of an Application. If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 10. It is hereby proposed that section 55-10 of Title 35 of the Rules of the City of New York be amended by adding a new subdivision (e), to read as follows:

§55-10 Licensing - Care and Use of License

(e) Surrender of License. A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§55-10 (e) Fine: \$1,000 to be paid if Driver applies for a new License of any type. Appearance N/A

Section 11. It is hereby proposed that a subdivisions (b),(c), and (d) of section 55-10 of Title 35 of the Rules of the City of New York be amended to read as follows:

(b) Driving While Impaired.

(1) A Driver must not operate a For-Hire Vehicle while his or her driving ability is impaired by intoxicating liquor (regardless of its alcoholic content), [ ] or [d]Drugs [or other controlled substances].

(2) A Driver must not drive or occupy his or her For-Hire Vehicle for at least six hours after consuming any intoxicating liquor regardless of its alcoholic content, or consuming any [d]Drugs [or other controlled substances].

(c) Drug Testing "For Cause." If the Commission has a reasonable suspicion that a Driver has used a [d]Drug [or controlled substance] that makes him or her unfit to operate a For-Hire Vehicle safely, the Commission can direct the Driver to be tested, at the Driver's expense, by a Commission-approved person, licensed by the NYS Department of Health, and the Driver must comply.

(d) Annual Drug Testing.

(1) All Drivers except those who are NYC Police Officers, must be tested annually, at the Driver's expense, for [d]Drugs [or controlled substances].

Section 12. It is hereby proposed that subdivisions (b) through (h) of section 56-03 of Title 35 of the Rules of the City of New York be relettered subdivisions (c) through (i) and that a new subdivision (b) be added, to read as follows:

(b) Application in this chapter refers to an application for a Paratransit Driver's License including all documentation and other information submitted as part of the application.

Section 13. It is hereby proposed that subdivision (n) of section 56-04 of Title 35 of the Rules of the City of New York be amended by adding a new paragraph (2) and that a new subdivision (o) be added, to read as follows:

(n) . . .

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(o) Material Changes in the Application. The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:

- (1) Changes in Applicant's Chauffeur's License status;
- (2) Mailing address; additional criminal convictions;
- (3) Additional DMV convictions, including convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or
- (4) Any change to the information provided or submitted with the Application.

Section 14. It is hereby proposed that section 56-08 of Title 35 of the Rules of the City of New York be amended to read as follows:

**§56-08 Licensing - Process and Cause for Denial of License**

(a) [Failure to Meet Any of Above Requirements] Fit to Hold a License - Applicant. The [Commission] Chairperson will deny the original Paratransit License or renewal License of any Applicant who fails to [meet the requirements] demonstrate that the Applicant is Fit to Hold a License. The [Commission] Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.

(b) [Material Misrepresentation or Falsification.

The Commission will deny a Driver's License application, including a renewal application, and can suspend or revoke an existing License if the Applicant fails to notify the Commission of any material change in the information contained in the application. The Commission can impose other sanctions as well.

The Commission will deny a Driver's License application and can suspend or revoke an existing License if the Applicant lies or misrepresents any information in the application. The Commission can impose other sanctions as well. ] Fit to Hold a License - Licensee. If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny Driver's renewal application or may seek to suspend or revoke his or her License.

(c) [Evidence of Attempt to Bribe.

An Applicant (or someone acting on behalf of the Applicant) must not offer or give any gift or gratuity to any employee, representative, public servant, or member of the Commission.

An Applicant must immediately report to the Chairperson if any employee, representative, public servant, or member of the Commission makes a request or demand for any gift or gratuity. ] Denial of an Application. The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets

the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson, no Application fees will be refunded.

(1) Three-Year Ban. The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:

(i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs.

(ii) Illegal use of Drugs, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The three-year ban will run from the date of the failed drug test.

(iii) Any act, as prohibited by these Rules, of bribery, fraud, misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.

(iv) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.

(v) Revocation of a prior License.

1. Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation.

2. Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered.

3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.

(2) Two-Year Ban. The Chairperson can deny an Application if, during the previous two years, the Applicant has committed:

(i) Any act constituting for-hire operation of a motor vehicle without a valid TLC License, except for the traffic infraction of unlicensed operation.

(ii) Six or more violations of these Rules while holding any License or Licenses issued by the Commission. The two-year ban will be counted from the date of the last violation.

(3) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

(i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.

(ii) The traffic infraction of unlicensed operation of a motor vehicle.

(iii) Prior Application Denied. The Chairperson will deny an Application that is submitted within one year after the denial of a previous Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one year ban will be counted from the date the prior application was denied

(4) Other Reasons for Denial of an Application.

(i) Mistake or Omission in the Application. The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.

(ii) Eligible for Critical Driver Penalty. The Chairperson can deny an Application if the Applicant would, if licensed, be subject to License suspension or

revocation under the Critical Driver Program at the time the Application is submitted.

- (iii) Pendency of Criminal Charges. The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.

(d) Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an [a]Application for a new License if the Applicant has not completed all the requirements of an [a]Application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an [a]Application for a renewal License if the Applicant has not completed all the requirements of an [a]Application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an [a]Application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

- (e) [No Longer Meets Requirements. The Commission can deny, suspend or revoke the License of any renewal Applicant who no longer meets the requirements for a Paratransit Driver's License.] Additional Consideration of an Application. If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 15. It is hereby proposed that section 56-10 of Title 35 of the Rules of the City of New York be amended by adding a new subdivision (g), to read as follows:

§56-10 Licensing - Care of License

- (g) Surrender of License. A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§56-10 (g) Fine: \$1,000 to be paid if Driver applies for a new License of any type. Appearance N/A

Section 16. It is hereby proposed that paragraph (d) of section 56-14 of Title 35 of the Rules of the City of New York be amended to read as follows:

- (d) Driving While Impaired. A Driver must not operate a Paratransit Vehicle if his or her driving ability is impaired by either alcohol or [d]Drugs. A Driver must not consume alcoholic beverages or [illegal drugs]Drugs while occupying the vehicle.

Section 17. It is hereby proposed that subdivisions (b) through (i) of section 57-03 of Title 35 of the Rules of the City of New York be relettered subdivisions(c) through (j) and that a new subdivision (b) be added, to read as follows:

- (b) Application in this chapter refers to an application for a Commuter Van Driver's License including all documentation and other information submitted as part of the application.

Section 18. It is hereby proposed that subdivision (l) of section 57-04 of Title 35 of the Rules of the City of New York be amended by adding new paragraph (2) and that a new subdivision (o) be added, to read as follows:

- (1) ...
- (2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.
- (o) Material Changes in the Application. The Applicant must inform the Chairperson of any material change in the information submitted as part of the Application while the Application is pending. Material changes include, but are not limited to:
- (1) Changes in Applicant's Chauffeur's License status;
- (2) Mailing address;
- (3) Additional criminal convictions;
- (4) Additional DMV convictions, including

convictions for the offense of operating a motor vehicle while impaired by alcohol or drugs; or

- (5) Any change to the information provided or submitted with the Application.

Section 19. It is hereby proposed that section 57-08 of Title 35 of the Rules of the City of New York be amended to read as follows:

§57-08 **Licensing - Procedures and Causes for Denial**

- (a) [Reserved. Failure to Meet Requirements.] Fit to Hold a License - Applicant. The Chairperson will deny the original or renewal License of any Applicant who fails to demonstrate that they are Fit to Hold a License. The Chairperson will inform the Applicant, in writing, of the specific reason(s) for this denial. The decision to deny a license Application is in the discretion of the Chairperson.
- (b) [Revocation within the Last Year. The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has had a Commuter Van Driver's License revoked within the last year.] Fit to Hold a License - Licensee. If at any time the Chairperson is notified that a Driver no longer meets the requirements for licensure, the Chairperson can deny Driver's renewal application or may seek to suspend or revoke his or her License.
- (c) [Material Misrepresentation or Falsification. The Commission can deny an application or refuse a renewal if the Applicant has lied or withheld any material information or made or concealed a material fact in connection with his or her application or any certification related to the application. ] Denial of an Application. The Chairperson can reject or deny a new Application for a License for the reasons specified in this section. If, at the time of submission of an Application by the Applicant, the Chairperson identifies that the Applicant meets the criteria in this section, the Chairperson will reject the Application and no Application fees will be accepted. If the Application is accepted by the Chairperson, no Application fees will be refunded.
- (1) Three-Year Ban. The Chairperson can deny an Application if, during the previous three years, the Applicant has committed:
- (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs.
- (ii) Illegal use of Drugs, as determined by the Commission following a drug test required by the Commission. This includes where the drug test result was unchallenged or unsuccessfully challenged. The three-year ban will run from the date of the failed drug test.
- (iii) Any act, as prohibited by these Rules, of bribery, fraud, misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force.
- (iv) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules.
- (v) Revocation of a prior License.
1. Revocation. If a prior License was revoked, the three-year ban will run from the date of the revocation.
2. Surrender While License Revocation Charges were Pending. If a prior License was surrendered to the Chairperson before the expiration date of the License, the three-year ban will run from the date the License is surrendered.
3. License Expiration While License Revocation Charges were Pending. If a prior License expired while license revocation charges were pending, the three-year ban will run from the date the License expired.
- (2) Two-Year Ban. The Chairperson can deny an Application if, during the previous two years, the Applicant has committed:
- (i) Any act constituting for-hire operation of a motor vehicle without a valid TLC License, except for the traffic infraction of unlicensed operation.
- (ii) Six or more violations of these Rules while holding any License or Licenses issued by the

Commission. The two-year ban will be counted from the date of the last violation.

- (3) One-Year Ban. The Chairperson can deny an Application if, during the previous one year, the Applicant has committed:

(i) More than three traffic accidents within a single year. The one-year ban will be counted from the date of the last accident.

(ii) The traffic infraction of unlicensed operation of a motor vehicle.

(iii) Prior Application Denied. The Chairperson will deny an Application that is submitted within one year after the denial of a previous Application, if the previous Application was denied because the Applicant was found not Fit to Hold a License. The one year ban will be counted from the date the prior application was denied.

- (4) Other Reasons for Denial of an Application.

(i) Mistake or Omission in the Application. The Chairperson can deny an Application if the Application includes any material mistake or omission, or if the Applicant fails to inform the Chairperson of any material change in the Application.

(ii) Eligible for Critical Driver Penalty. The Chairperson can deny an Application if the Applicant would if licensed be subject to License suspension or revocation under the Critical Driver Program at the time the Application is submitted.

(iii) Pendency of Criminal Charges. The Chairperson will defer consideration of an Application if the Applicant has criminal charges pending. If the charges are not resolved within 90 days after the submission of the Application, the Application will be denied.

(d) Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an [a]Application for a new License if the Applicant has not completed all the requirements of an [a]Application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an [a]Application for a renewal License if the Applicant has not completed all the requirements of an [a]Application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an [a]Application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

- (e) [Other Reasons. The Commission may deny a Commuter Van Driver's License whenever the Applicant has engaged in conduct that would be the basis for suspension or revocation.] Additional Consideration of an Application. If a review of the Application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the Application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

- (f) Refusal to Renew. The Commission may refuse to renew a Commuter Van Driver's License for any of the reasons listed above in this section, as well as for the following:

(1) The Applicant has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.

(2) The Applicant has engaged in any fraud or misrepresentation in connection with providing any transportation service.

(3) The Applicant has failed to pay any penalty that has been properly imposed under these Rules.

(4) The Applicant has been convicted of a crime that the Commission believes has a



direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter Van Driver, or has been convicted of any offense that under Article 23-A of the NYS Corrections Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter Van Driver's License.

- (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter Van Drivers.
- (6) The Applicant has been found to have violated any of the provisions of §8-107 of the Administrative Code of the City of New York concerning unlawful discriminatory practices in public accommodations in the operation of a commuter van service or a commuter van vehicle.]

Section 20. It is hereby proposed that section 57-10 of Title 35 of the Rules of the City of New York be amended by adding a new subdivision (e), to read as follows:

§57-10 Licensing - Care and Use of License

(e) Surrender of License. A Driver must surrender his or her License to the Commission immediately upon revocation of the License. The License must be surrendered within thirty days of the date of revocation.

§57-10 (e) Fine: \$1,000 to be paid if Driver applies for a new License of any type. Appearance N/A

Section 21. It is hereby proposed that subdivision (d) of section 58-04 of Title 35 of the Rules of the City of New York be amended and that subdivision (h) be amended by adding a new paragraph (2), to read as follows:

§58-04 Licensing - General Requirements

(d) Fit to Hold a License. An individual or Business Entity must demonstrate to the satisfaction of the Commission that the Applicant is [qualified to assume perform the duties and obligations] Fit to Hold the License of an Owner of a Taxicab License.

(h) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

Section 22. It is hereby proposed that subdivision (g) of section 58-08 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (i) be added, to read as follows:

§58-08 Licensing - Causes for Denial

(g) Failure to Complete Application Requirements.

- (1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 180 days of the date the application is filed.
- (2) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(i) ...

Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 23. It is hereby proposed that subdivision (l) of section 59A-04 of Title 35 of the Rules of the City of New York be amended by adding a new paragraph (2) and that a new subdivision (o) be added, to read as follows:

§59A-04 Licensing - General Requirements

(l) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(o) ...

(o) Fit to Hold a License. An Applicant for a For-Hire Vehicle License must demonstrate that the Applicant is Fit to Hold a License.

Section 24. It is hereby proposed that subdivisions (d) and (e) of section 59A-08 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (f) be added, to read as follows:

§59A-08 Licensing - Causes for Denial or Revocation

(d) Prior Revocation.

(1) [The Commission will not issue a For-Hire Vehicle License to any Applicant that has had a previous For-Hire Vehicle License revoked until there has been a Hearing to determine the Applicant's fitness to hold a license. ] If the Applicant has had a previous For-Hire Vehicle License revoked, the Chairperson may deny the Applicant's application if the previous revocation shows that the applicant is not Fit to Hold a License.

(2) To determine if a previously revoked For-Hire Vehicle License ("Revoked License") will be attributed to this Applicant, the Commission will include any Revoked License held by any of the following:

- (i) All of Applicant's Business Entity Persons, and
- (ii) Any other entity in which any of Applicant's Business Entity Persons also serve as a partner, officer or shareholder.

(e) Failure to Complete Application Requirements.

- (1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed. This does not apply to inspections.
- (2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License. This does not apply to inspections.
- (3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(f) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 25. It is hereby proposed that subdivision (f) of section 59B-04 of Title 35 of the Rules of the City of New York be amended by adding new paragraph (2) and that a new subdivision (i) be added, to read as follows:

§59B-04 Licensing - General Requirements

(f) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(i) Fit to Hold License. An Applicant (including the individual, Business Entity or any Limited Business Entity Persons) must demonstrate that they are Fit to Hold a License.

Section 26. It is hereby proposed that subdivision (f) of section 59B-08 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (g) be added, to read as follows:

§59B-08 Licensing - Causes for Denial or Revocation

(f) Failure to Complete Application Requirements.

- (1) The [Commission] Chairperson will deny an application for a new Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.
- (2) The [Commission] Chairperson will deny an application for a renewal Black Car Base or Luxury Limousine Base License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The [Commission] Chairperson will deny an application for a new or renewal Livery Base Station License if the Applicant has not completed all the requirements of an application and has not completed all the requirements for Licensing as a Livery Base Station set forth in Section 59B-05 of this Chapter within 90 days of Commission approval of the application.

(4) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(g) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License to operate a Base Station, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 27. It is hereby proposed that subdivision (g) of section 60A-04 of Title 35 of the Rules of the City of New York be amended and that subdivision (l) be amended by adding new subdivision (2), to read as follows:

§60A-04 Licensing - Requirements

(g) Fitness to Hold License. An Applicant must demonstrate that they are Fit to Hold a License. In making this determination, [T]he Commission will [determine an Applicant's fitness by examining] review the Applicant's (or Licensee's) criminal and driving records, medical and mental health records, and any history of drug or alcohol use.

(l) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

Section 28. It is hereby proposed that subdivision (f) of section 60A-07 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (g) be added, to read as follows:

§60A-07 Licensing - Causes for Denial

(f) Failure to Complete Application Requirements.

- (1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed.
- (2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.
- (3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(g) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 29. It is hereby proposed that subdivision (b) of section 60A-08 of Title 35 of the Rules of the City of New York be REPEALED.

[(b) Right to Appeal On Denial. If the Commission denies an application for a new or renewal Paratransit Vehicle License:

- (1) The Applicant is entitled to a hearing before the Commission.
- (2) The Applicant can be represented by an attorney or by a non-attorney.
- (3) The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant. ]

Section 30. It is hereby proposed that subdivision (g) of section 60B-04 of Title 35 of the Rules of the City of New York be amended by adding new paragraph (2) and that a new subdivision (i) be added, to read as follows:

## §60B-04 Licensing - General Requirements

...  
(g) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

(i) Fit to Hold License. An Applicant, including all persons who must be fingerprinted as specified by paragraph (b) of this section, must demonstrate that they are Fit to Hold a License to operate a Base Station.

Section 31. It is hereby proposed that subdivision (d) of section 60B-07 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (e) be added, to read as follows:

## §60B-07 Licensing - Causes for Denial

...  
(d) Failure to Complete Application Requirements

(1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(e) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 32. It is hereby proposed that subdivision (d) of section 61A-04 of Title 35 of the Rules of the City of New York be amended and that subdivision (h) be amended by adding a new paragraph (2), to read as follows:

## §61A-04 Licensing - General Requirements

...  
(d) Fit to Hold License. No Commuter-Van License can be issued or renewed unless an Applicant demonstrates [to the satisfaction of the Commission] that the Applicant is [fit, willing, and able] Fit to Hold a License to operate a Commuter-Van Vehicle.

(h) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

Section 33. It is hereby proposed that subdivision (e) of section 61A-07 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (f) be added, to read as follows:

## §61A-07 Licensing - Causes for Denial

...  
(c) Complete Application Requirements

(1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 45 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(f) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 34. It is hereby proposed that subdivision (d) of section 61B-04 of Title 35 of the Rules of the City of New

York be amended and that subdivision (j) be amended by adding new paragraph (2), to read as follows:

## §61B-04 Authorization - Requirements

...  
(d) Fitness to Hold Authorization. No Commuter-Van Service Authorization can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is [fit, willing, and able] Fit to Hold a License (Authorization) to operate a Commuter-Van Service.

(j) ...

(2) An Applicant, including an Applicant for a renewal License, must pay any fines related to their failure to surrender a previously revoked License (of any type), unless the Applicant can demonstrate in person or in writing that the License has been surrendered.

Section 35. It is hereby proposed that subdivision (d) of section 61B-07 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (f) be added, to read as follows:

## §61B-07 Authorization - Causes for Denial

...  
(d) Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an application for a new Authorization if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal Authorization if the Applicant has not completed all the requirements of an application by the expiration date of the prior Authorization.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(f) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License (Authorization), the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application.

Section 36. It is hereby proposed that subdivision (c) of section 62-04 of Title 35 of the Rules of the City of New York be amended to read as follows:

## §62-04 Licensing - General Information Required

...  
(c) [Good Moral Character] Fit to Hold a License. An individual Applicant and each Business Entity Person of an Applicant must [be of good moral character] demonstrate that they are Fit To Hold a License. [Moral character] Fit to Hold a License will be determined in part through fingerprinting and background investigations, as follows:

Section 37. It is hereby proposed that subdivision (d) of section 62-10 of Title 35 of the Rules of the City of New York be amended to read as follows:

## §62-10 Licensing - Cause for Denial

...  
(d) Failure to Complete Application Requirements

(1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application within by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(e) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License (Authorization), the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 38. It is hereby proposed that section 63-04 of Title 35 of the Rules of the City of New York be amended by adding new subdivision (j), to read as follows:

## §63-04 Licensing - Requirements

...  
(j) Fit to Hold a License. An Applicant (including the individual Applicant and all Limited Business

Entity Persons of a Business Entity Applicant) for an original License must demonstrate that they are Fit to Hold a License.

Section 39. It is hereby proposed that subdivision (f) of section 63-07 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (g) be added, to read as follows:

## §63-04 Licensing - Causes for Denial

...  
(f) Failure to Complete Application Requirements.

(1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(g) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License (Authorization), the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application.

Section 40. It is hereby proposed that subdivision (f) of section 64-04 of Title 35 of the Rules of the City of New York be amended to read as follows:

## §64-04 Licensing - General Requirements

...  
(f) [Good Moral Character] Fit to Hold a License. The individual or Business Entity Person applying for a Taximeter License or its renewal must [be of good moral character] demonstrate that they are Fit to Hold a License, as determined in part through a review of the criminal history records from the New York State Division of Criminal Justice Services to be secured through fingerprinting of the following:

Section 41. It is hereby proposed that subdivision (c) of section 64-08 of Title 35 of the Rules of the City of New York be amended and that a new subdivision (d) be added, to read as follows:

## §64-08 Licensing - Cause for Denial

...  
(c) Failure to Complete Application Requirements

(1) The [Commission] Chairperson will deny an application for a new License if the Applicant has not completed all the requirements of an application within 90 days of the date the application is filed.

(2) The [Commission] Chairperson will deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.

(3) The [Commission] Chairperson will not deny an application under this Rule if completion is delayed because the [Commission] Chairperson has not issued a final decision [in any fitness Hearing it requires] and the Applicant has complied with any requests made by the Chairperson.

(d) Additional Consideration of an Application. If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License (Authorization), the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

Section 42. It is hereby proposed that section 68-03 of Title 35 of the Rules of the City of New York be amended to read as follows:

## §68-03 Definitions Specific to this Chapter

(a) Commission Adjudications Tribunal (or Commission Tribunal) is the judicial body that has, except as otherwise provided in these Rules, jurisdiction over:

- (1) Violations of Title 19, Chapter 5 of the Administrative Code
- (2) Violations of Commission Rules
- (3) Review of the fitness of [an Applicant or] a Licensee to hold a License

(d) Fit to Hold a License means that [the Applicant or Licensee is qualified ("fit") to assume the duties and obligations of the particular TLC Licensee and meets and will continue to meet the qualifications for licensure established by applicable Rule or law, and that a Licensee or Applicant for a License will comply and continue to meet such qualifications and comply with such applicable Rule or law.]

- The Applicant or Licensee meets and will continue to meet all of the qualifications for the License sought or held as established by applicable Rules and laws.
- The Applicant or Licensee is of good moral character.
- The Applicant or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of

a TLC License, the Applicant shows that he or she will not engage in similar conduct in the future.

Section 43. It is hereby proposed that section 68-17 of Title 35 of the Rules of the City of New York be amended to read as follows:

§68-17 Procedure for Finalizing Recommended Decisions

(c) *Final Decision by Chairperson.* The Chairperson will determine whether to accept, modify, or reject the Recommendation of the ALJ and will issue a Final Decision. Alternatively, the Chairperson can remand the matter to the ALJ for further consideration. The Final Decision will be precedent for deciding later cases that involve similar facts or issues.

Section 44. It is hereby proposed that subdivision (b) of section 68-18 of Title 35 of the Rules of the City of New York be amended to read as follows:

§68-18 ALJ's Final and Recommended Decisions

(b) ALJ decisions will be final except for the following, which shall be Recommended Decisions:

(1) ALJ findings and penalty determinations as to the fitness of Licensees[ or License Applicants]

Section 45. It is hereby proposed that section 68-20 of Title 35 of the Rules of the City of New York be amended to read as follows:

§68-20 Special Procedures - Fitness Hearings

(a) The Chairperson becomes aware that an Licensee may not be Fit to Hold a License, the Chairperson may refer the Licensee for a Fitness Hearing. The Chairperson will notify the [Applicant or ]Licensee to appear as Respondent for a fitness Hearing. [if the Chairperson believes] Charges that a Licensee [or Applicant for a License] is not Fit to Hold a License [including] may be as a result of, but are not limited to, as a result of]:

(d) [If the Respondent is or has ever been a Licensee, the Recommended Decision will be issued to the Chairperson.

(e) If the Respondent is an Applicant who has never held a License issued by the Commission, t[The Recommended Decision will be [issued] submitted to the Chairperson.

[(f)](e) The Chairperson can accept, reject, or modify the Recommended Decision. The decision of the Chairperson will constitute the final[,] determination of the Commission.

[(g)](f) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1526**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Fitness Interview Rules**

**REFERENCE NUMBER: TLC-4**

**RULEMAKING AGENCY: TLC**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Provides a cure period.

/s/ Francisco Navarro Date: ---05/06/2011-----  
Mayor's Office of Operations

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Fitness Interview Rules**

**REFERENCE NUMBER: 2011 RG 031**

**RULEMAKING AGENCY: Taxi and Limousine  
Commission**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: May 6, 2011  
Acting Corporation Counsel

m12

**SPECIAL MATERIALS**

**COMPTROLLER**

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on May 17, 2011 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcels	Block	No.
143	15967	P/O 30
179	15968	P/O 87
196	15968	P/O 68
215	15966	P/O 12
243	15966	P/O 57
245N	15966	P/O 53
307	15962	P/O 67
308	15962	P/O 63
312	15962	P/O 56

Acquired in the proceeding, entitled: BEACH 43, 44, AND 45 and CONCH DRIVE, ET AL subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU, COMPTROLLER

m3-17

**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

**Notice Date: May 9, 2011**

**To: Occupants, Former Occupants, and Other  
Interested Parties**

Property: Address	Application #	Inquiry Period
115 West 111th Street, Manhattan	41/11	April 1, 2008 to Present
309 West 14th Street, Manhattan	42/11	April 1, 2008 to Present
a/k/a 311 West 14th Street		
453 West 144th Street, Manhattan	44/11	April 11, 2008 to Present
104 Edgecombe Avenue, Manhattan	45/11	April 20, 2008 to Present
47 West 126th Street, Manhattan	46/11	April 20, 2008 to Present
22 West 123rd Street, Manhattan	48/11	April 25, 2008 to Present
59 East 129th Street, Manhattan	49/11	April 25, 2008 to Present
237 West 122nd Street, Manhattan	50/11	April 26, 2008 to Present
240 Lenox Avenue, Manhattan	51/11	April 26, 2008 to Present
234 East 53rd Street, Manhattan	52/11	April 27, 2008 to Present
900 Greene Avenue, Brooklyn	43/11	April 6, 2008 to Present

**Authority: SRO, Administrative Code §27-2093**

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-8272, (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m9-16

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT**

**Notice Date: May 9, 2011**

**To: Occupants, Former Occupants, and Other  
Interested Parties**

Property: Address	Application #	Inquiry Period
402 West 50th Street, Manhattan	47/11	April 21, 1996 to Present

**Authority: Special Clinton District, Zoning Resolution §96-110**

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-8272, (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m9-16

**OFFICE OF MANAGEMENT AND BUDGET**

■ NOTICE

**DEPARTMENT OF CITY PLANNING  
OFFICE OF MANAGEMENT AND BUDGET  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
NOTICE OF PROPOSED PROGRAM  
CHANGES TO THE 2011 CONSOLIDATED PLAN  
NOTICE OF AVAILABILITY OF  
THE PROPOSED CITY FISCAL YEAR 2012  
COMMUNITY DEVELOPMENT PROGRAM  
DESCRIPTIONS & BUDGET**

TO ALL AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

Modification to the Community Development Block Grant Program (CD)

Pursuant to Section 91.105(c) of the Department of Housing and Urban Development's (HUD) Consolidated Plan Regulations, the City proposes changes in the 2011 Consolidated Plan/Thirty-Seventh Community Development Program Year (CD 37), effective July 1, 2011. The proposed changes are identified in the "Proposed City Fiscal Year 2012 Community Development Program". This document contains the Proposed City Fiscal Year 2012 budget, the Proposed Revised CD Year 37 budget (which will be incorporated into the Amended 2011 Consolidated Plan) and the Proposed CD 38 budget.

**On May 5, 2011, the "Proposed City Fiscal Year 2012 Community Development Program" document will be available, one copy per person or organization, at the following locations:**

The Department of City Planning  
The Book Store  
22 Reade Street, 1st Floor  
New York, New York 10007  
Monday: 12:00 P.M. to 4:00 P.M.  
Tuesday – Friday: 10:00 A.M. to 1:00 P.M.

The Office of Management and Budget  
75 Park Place, 8th Floor Reception Area  
New York, New York 10007  
Monday – Friday: 10:00 A.M. to 5:00 P.M.

The Proposed City Fiscal Year 2012 Community Development Program document will also be made available for downloading in Adobe PDF format through the internet via the Department of City Planning's website at [www.nyc.gov/planning](http://www.nyc.gov/planning).

Written comments on the proposed changes should be directed to Charles V. Sorrentino, Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4th Floor, New York, New York 10007, (email: [amended2011CDBG@planning.nyc.gov](mailto:amended2011CDBG@planning.nyc.gov)) by close of business June 6, 2011.

City of New York:  
Amanda M. Burden, Director, Department of City Planning  
Mark Page, Budget Director, Office of Management and Budget

Date: May 5, 2011.

m5-12

**LATE NOTICE**

**CORRECTION**

■ SOLICITATIONS

*Goods & Services*

**FORENSIC DRUG TESTING SERVICES FOR UNIFORM AND CIVILIAN STAFF AT DOC – Competitive Sealed Bids – PIN# 072201149HMD – DUE 06-09-11 AT 11:00 A.M. – The Pre-Bid Conference is scheduled for Tuesday, May 24, 2011 at 10:00AM. Location: Health Management Division, 59-17 Junction Boulevard, 14th Floor, Conference Room, Rego Park, Queens 11368. The attendance to the Pre-Bid Conference is OPTIONAL BUT HIGHLY RECOMMENDED. The cost of the bid package is \$25.00 check or money order only, payable to: Commissioner of Finance. The bid package can be purchased at the NYC Department of Correction, Central Office of Procurement, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370 between the hours of 9:00AM - 4:30PM.**

Pursuant to Procurement Policy Board Rule 2-08(f)(2), the contractor will be charged a fee for the administration of the VENDEX System, including the Vendor Name Check process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The contractor shall also be required to pay the applicable required fees for any of its subcontractors for which Vendor Name Check reviews are required. The fees(s) will be deducted from payments made to the contractor under the contract. For contracts with an estimated value of less than or equal to \$1,000,000.00, the fee will be \$175. For contracts with an estimated value of greater than \$1,000,000, the fee will be \$350.00.

*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 Correction, Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Lilliana Alvarez-Cano (718) 546-0686; Fax: (718) 278-6277; lilliana.alvarez-cano@doc.nyc.gov*

m12

## 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 Monday through Friday from 9:00 A.M. to 5:00 P.M., except on 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 Comptroller's Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), and click on Prevailing Wage Schedules to view rates.

### 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 \$17 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. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc). To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center 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 at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit [www.nyc.gov/html/sbs/nycbiz](http://www.nyc.gov/html/sbs/nycbiz) and click on Summary of Services, followed by Selling to Government.

### PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides 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 lists 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 an Agency 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 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

### 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, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

### 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 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit [www.nyc.gov/mocs](http://www.nyc.gov/mocs).

### 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 this program, contact the Department of Small Business Services at (212) 513-6311 or visit [www.nyc.gov/sbs](http://www.nyc.gov/sbs) and click on M/WBE Certification and Access.

### 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 pays interest on all late invoices. 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's website at [www.nyc.gov/selltonyc](http://www.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:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/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 <i>Special Case Solicitations / Summary of Circumstances:</i>
CSP	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	CSB or CSP 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
<i>For ongoing construction project only:</i>	
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances ( <i>Client Services / CSB or CSP only</i> )
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price <i>Award to Other Than Lowest Responsible &amp; Responsive Bidder or Proposer / Reason (award only)</i>
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (specify)

### HOW TO READ CR PROCUREMENT NOTICES

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

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

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

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

*NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.*

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	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 The City Record