

NYC - MOCS - Procurement Policy Board
August 19, 2019

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3 NEW YORK CITY
4 MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS)
5 PROCUREMENT POLICY BOARD (PPB)
6 MEETING

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8
9 253 Broadway
10 New York, New York

11 August 19, 2019
12 10:09 a.m.

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19 Reported by:
20 Elbia Merino

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A P P E A R A N C E S:

PROCUREMENT POLICY BOARD

Alexandros Hatzakis, Member and Chair

Dustin Saldarriaga, Member

Lisa Flores, Member

Arva Rice, Member

Sergio Paneque, Member

MAYOR'S OFFICE OF CONTRACT SERVICES

Dan Symon, Director

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THE CHAIR: Good morning. Thank you, everyone. Thank you for being in attendance. This Procurement Policy Board Meeting will now come to order. I'll invite each member of the board to state their name for the record.

MS. RICE: Arva Rice.

MR. SALDARRIAGA: Dustin Saldarriaga.

MS. FLORES: Lisa Flores.

MR. PANEQUE: Sergio Paneque.

THE CHAIR: And Alexandros Hatzakis.

Thank you. So we do in fact have a quorum. So we'll get started.

I'd like to ask each other person in attendance to state his or her name for the record. Just before we do that, I do want to remind everyone that this is not a public hearing. This is a meeting of the Procurement Policy Board to review certain rules for introduction into the CAPA process. Just do state your name for

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the record so we can ensure that everyone is accurately reflected.

SPEAKER: Dan Symon, Director, Mayor's Office of Contract Services.

SPEAKER: Victor Olds, General Counsel, Mayor's Office of Contract Services.

SPEAKER: Rodrigo Mora, Chairman, Hispanics in Real Estate and Construction.

SPEAKER: Andis Woodloch, Contractor Compliance.

SPEAKER: Sandra Wilkin, Bradford Construction and M/WBE.

SPEAKER: David Garfinkel, Associate General Counsel at MOCS.

SPEAKER: Mercedes Vidal. I'm with the Mayor's Office.

SPEAKER: Colleen Molter. QED National. I'm also M/WBE for the Mayor's Office.

SPEAKER: Carter Lard, M/WBE.

SPEAKER: Sudaf Syal with the New York City Network Cooperatives.

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SPEAKER: Gale Bartholomew,
Crescent Consulting, M/WBE.

SPEAKER: Anthony Peterson,
consultant and MBE.

SPEAKER: Ray Medina, Mayor's
Office.

SPEAKER: Brian Ansari, Brian
Ansari & Associates.

SPEAKER: Amrita Barth. Chief,
Contracts and Real Estate, New York
City Law Department.

SPEAKER: Marvin Peguese, Deputy
General Counsel, Comptroller's Office.

SPEAKER: Carly Ansari with Brian
Ansari.

SPEAKER: Andre Robinson, PCDOCHU.

SPEAKER: Sanjay Naik. AANKHE.

SPEAKER: Michael Seal, Mayor's
Office.

SPEAKER: Shannon Wright, Mayor's
Office of M/WBE.

SPEAKER: Salma Debesou
(phonetic), Mayor's Office of M/WBE.

SPEAKER: Ryan Murray, MOCS.

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SPEAKER: Vincent Perneti, MOCS.

THE CHAIR: Thank you.

So the business in order for this meeting is the vote of amending certain rules into the Citywide Administrative Procedures Act process. I'll refer to that for the remainder of this meeting as "CAPA." The potential form of these amendments to the proposed rules are included on the PPB webpage, with the understanding that these are drafts and they may change as they make their way through the CAPA process, and will require subsequent votes by the PPB for adoption.

The first item for today is to vote into CAPA, a rule that relates to amending Section 3-02 of the PPB Rules relating to competitive sealed bids. At this time, I'd like to recognize Dan Symon to speak further on the item.

MR. SYMON: The Procurement Policy

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2 Board proposes to amend Chapter 3 of
3 Title 9 of the City of New York to
4 apply the quantitative preference for
5 best value competitive sealed bids to
6 vendors certified with the State of
7 New York or the City of New York as a
8 minority or women-owned business,
9 commonly referred to as M/WBEs,
10 pursuant to Article 15A of the
11 executive law or Section thirteen
12 hundred four of the charter. Further,
13 the proposed amendment allows the
14 quantitative preference to be adjusted
15 with permission of the CCPO. This
16 proposed amendment is required by
17 Charter Section 311(i)(2), as it was
18 amended by Senate Bill S7293 on April
19 18, 2018. In support of amending the
20 Rule, the text of a potential
21 amendment is described as item one on
22 today's agenda, which is featured on
23 the calendar portion of the PPB
24 webpage.

25 THE CHAIR: Is there a member at

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this time who wishes to make a statement or ask a question on this matter?

(No response.)

THE CHAIR: Hearing none, is there a member that will make a motion to move this item?

MS. FLORES: Moved.

THE CHAIR: Will another member second?

MR. PANEQUE: Second.

THE CHAIR: I will now like to ask each member of the PPB to vote on this item.

All in favor in amending this Rule into CAPA, please state "Aye."

THE BOARD: "Aye."

THE CHAIR: Any opposed?

(No response.)

THE CHAIR: Any abstentions?

(No response.)

THE CHAIR: Let the record show that item one is voted into the CAPA.

The second item for vote into CAPA

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relates to amending Section 3-03 of the PPB Rules relating to competitive sealed proposals. Again, I'd like to recognize Dan Symon to speak further on this item.

MR. SYMON: The Procurement Policy Board is amending Chapter 3 of the Rules of the City of New York to expand the application of quantitative preferences that can be given to certified M/WBEs. First, similar to Item 1 previously discussed, the Rules need to be amended to comply with the amendments to the Charter by the state legislature that requires the preference to be applied to both state and city certified M/WBEs. Second, the best value provisions of Section 3-03 should be applied to professional services, as authorized by Charter Section 3-11(i)(2). Additional changes are contemplated to allow for adjustments to the applied quantitative preference upon approval

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2 of the CCPO. Third, the provision
3 relating to the procurement of
4 construction-related consulting
5 services, which are awarded through
6 qualifications-based selection, should
7 be amended to allow for a quantitative
8 preference of five percent to be
9 applied to state and city certified
10 M/WBES. In support of amending the
11 rule, the text of a proposed amendment
12 is featured as item two on today's
13 agenda.

14 THE CHAIR: Are there any members
15 at this time that wish to make a
16 statement or ask a question on this
17 proposed item?

18 (No response.)

19 THE CHAIR: Hearing none, is there
20 a member that would like to make a
21 motion to move this item?

22 MS. RICE: I make a motion.

23 THE CHAIR: Is there a second?

24 MS. FLORES: Second.

25 THE CHAIR: We'll now vote.

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All in favor to move this amending rule into the CAPA, please state "Aye."

THE BOARD: "Aye."

THE CHAIR: Any opposed?

(No response.)

THE CHAIR: No abstentions?

(No response.)

THE CHAIR: Let the record show that item number two is voted into the CAPA.

The third item on our agenda and final item relates to amending the M/WBE Noncompetitive Small Purchase mechanism. Again, at this time, I would like to recognize the Director of the Mayor's Office of Contract Services, Dan Symon, to speak further on this item.

MR. SYMON: The Procurement Policy Board is proposing amending Chapter 3 of Title 9 of the Rules of the City of New York to amend the mechanism so it can be used for purchases up to

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THE BOARD: "Aye."

THE CHAIR: Any opposed?

(No response.)

THE CHAIR: No abstentions?

(No response.)

THE CHAIR: Let the record show that item three is voted into the CAPA.

So again, for the benefit of everyone in the room, just want to remind that this in fact is not a public hearing. This is a meeting of business for the Procurement Policy Board. So the record will show that these three rules have been voted into the CAPA process. At which point, we do invite that everyone be on the lookout for the scheduling of a public hearing. Appreciate everyone in attendance today. But that concludes our agenda for the day. Thank you. The meeting is adjourned.

(TIME NOTED: 10:18 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS


COUNTY OF NASSAU)

I, Elbia Merino, a Notary Public within
and for the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

I further certify that I am not related
to any of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 25th day of August, 2019.


Elbia Merino

<p>\$500000 12:2 & 5:9 15a 7:10 25th 14:19 311i2 7:17 9:22 aankhe 5:18 ability 14:13 abstentions 8:21 11:8 13:5 accurately 4:3 act 6:7 action 14:15 additional 9:22 adjourned 13:23 adjusted 7:14 adjustments 9:24 administrative 6:7 adoption 6:17 again 9:4 11:16 13:10 agenda 7:22 10:13 11:13 12:8 13:22 (5) alexandros 2:5 3:13 allow 9:23 10:7 allowing 12:5 allows 7:13 also 4:21</p>	<p>am 1:10 13:24 14:14,16 (4) amend 7:2 11:24 12:23 amended 7:18 9:14 10:7 12:3 (4) amending 6:5,20 7:19 8:16 9:2,8 10:10 11:2,14,22 12:6 (11) amendment 7:13,16,21 10:11 12:7 (5) amendments 6:10 9:15 amrita 5:10 andis 4:12 andre 5:17 another 8:10 ansari 5:8,9,15,16 (4) anthony 5:4 application 9:10 applied 9:17,20,24 10:9 (4) apply 7:4 appreciate 13:20 approval 9:25 april 7:18 are 6:11,13 9:23 10:5,14 (5) article 7:10</p>	<p>arva 2:8 3:8 ask 3:17 8:3,13 10:16 12:11,20 (6) associate 4:17 associates 5:9 attendance 3:4,18 13:21 august 1:11 14:19 authorized 9:21 awarded 10:5 aye 8:17,18 11:4,5 12:25 13:2 (6) barth 5:10 bartholomew 5:2 before 3:19 being 3:3 benefit 13:10 best 7:5 9:19 14:13 bids 6:21 7:5 bill 7:18 blood 14:15 board 1:5 2:4 3:5,6,23 7:2 8:18 9:8 11:5,22 13:2,15 (12) both 9:17 bradford 4:14 brian 5:8,8,15</p>	<p>broadway 1:9 business 6:4 7:8 13:14 c 2:2 14:2,2 calendar 7:23 can 4:2 9:11 11:25 capa 3:24 6:9,15,19 8:17,24,25 11:3,12 12:24 13:9,17 (12) carly 5:15 carter 4:23 ccpo 7:15 10:2 certain 3:23 6:6 certified 7:6 9:12,18 10:9 (4) certify 14:9,14 chair 2:5 3:2,13 6:3 7:25 8:6,10,13,19,21,23 10:14,19,23,25 11:6,8,10 12:9,14,18,20 13:3,5,7 (25) chairman 4:9 change 6:14 changes 9:23 chapter 7:2 9:8 11:22 charter 7:12,17 9:15,21 12:3 (5) chief 5:10 city 1:3 4:25 5:12</p>	<p>7:3,7 9:9,18 10:9 11:23 (9) citywide 6:6 colleen 4:20 come 3:5 commonly 7:9 competitive 6:21 7:5 9:3 compliance 4:13 comply 9:14 comptroller's 5:14 concludes 13:21 construction 4:11,15 12:2 constructionrelat ed 10:4 consultant 5:5 consulting 5:3 10:4 contemplated 9:23 contract 1:4 2:11 4:5,7 11:18 (5) contractor 4:13 contracts 5:11 cooperatives 4:25 counsel 4:7,17 5:14 county 14:6 crescent 5:3</p>
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