



# THE CITY RECORD

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## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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

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Editorial Office  
1 Centre Street, 17th Floor  
New York N.Y. 10007-1602  
Telephone (212) 669-8252

Subscription Changes/Information  
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New York N.Y. 10007-1602  
Telephone (212) 669-8252

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### CITY COUNCIL

#### HEARING

#### HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, APRIL 18, 2012 AT 10:30 A.M. IN THE COMMITTEE ROOM AT CITY HALL, NEW YORK, NY 10007 ON THE FOLLOWING MATTERS:

#### Advice and Consent

- **Pre-considered-M**, Communication from the Mayor submitting the name of James Stolpinski for appointment as a member of the **New York City Waterfront Management Advisory Board** pursuant to §§ 31 and 1303 of the *New York City Charter*. Should Mr. Stolpinski receive the advice and consent of the Council, he will be eligible to serve the remainder of a one-year term that expires on August 31, 2012.

#### Designation

- **Pre-considered-M**, Robert F. Nolan, Council candidate for re-designation and subsequent re-appointment by the Mayor to the **New York City Health and Hospitals Corporation Board of Directors** to serve for the remainder of a five-year term that will expire on March 20, 2017.

#### AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney  
City Clerk, Clerk of the Council

a12-18

### 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 the Auditorium of the National Museum of the American Indian, 1 Bowling Green New York, New York, on Wednesday, April 25, 2012 at 10:00 A.M.

#### No. 1

#### WOODHAVEN-RICHMOND HILL REZONING

CD 9 C 120195 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. 14b, 14d, 17c, 18a and 18c:

- eliminating from an existing R3-1 District a C1-2 District bounded by a line 100 feet northerly of Jamaica Avenue, 85th Street, a line 150 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 150 feet northerly of Jamaica Avenue, 98th Street, a line 150 feet southerly of Jamaica Avenue, 85th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
- eliminating from an existing R3-1 District a C2-2 District bounded by:
  - a line 100 feet northerly of Jamaica Avenue, 76th Street, a line 150 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, 78th Street, a line 150 feet southerly of Jamaica Avenue, 75th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and its southerly centerline prolongation;
  - a line 150 feet northwesterly of Atlantic Avenue, 112th Street, a line 100 feet northwesterly of Atlantic Avenue, and 108th Street; and
  - and a line 150 feet northwesterly of Atlantic Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, and 114th Street;
- eliminating from an existing R5 District a C2-2 District bounded by a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, 94th Avenue, 120th Street, a line 150 feet southeasterly of 94th Avenue, Lefferts Boulevard, a line 150 feet southeasterly of Atlantic Avenue, 107th Street, Atlantic Avenue, and 108th Street;
- changing from an R3-1 District to an R3A District property bounded by:
  - a line 100 feet southerly of Jamaica Avenue, a line 80 feet northeasterly of 90th Street, 88th Avenue, a line 100 feet southwesterly of Woodhaven Boulevard, 89th Avenue, Woodhaven Boulevard, 91st Avenue, 88th Street, a line 80 feet northerly of 91st Avenue, and a line midway between 88th Street and 89th Street; and
  - Park Lane South, the northeasterly boundary line of the Long Island Railroad

right-of-way (Rockaway Beach Division), a line 100 feet northerly of Jamaica Avenue, 98th Street, a line 250 feet northerly of Jamaica Avenue, and a line 100 feet easterly of 96th Street;

- changing from an R3-1 District to an R3X District property bounded by:
  - Park Lane South, 89th Street, a line 150 feet southerly of 85th Road, a line midway between 88th Street and 89th Street, a line 100 feet northerly of Jamaica Avenue, 86th Street, 86th Avenue, a line 290 feet northeasterly of Forest Parkway, a line 100 feet northerly of Jamaica Avenue, Forest Parkway, southeasterly street line of 86th Road and its northeasterly prolongation, and a line 100 feet southwesterly of Forest Parkway;
  - Park Lane South, a line 100 feet easterly of 96th Street, a line 150 feet northerly of Jamaica Avenue, 96th Street, a line 100 feet southerly of 86th Road, 94th Street, 86th Drive, Woodhaven Boulevard, 86th Road, 91st Street, a line 150 feet northerly of 85th Road, and a line midway between 91st Street and 90th Street; and
  - a line 100 feet southerly of Jamaica Avenue, 98th Street, a line 175 feet southerly of Jamaica Avenue, a line 140 feet northeasterly of 98th Street, a line 225 feet southeasterly of 91st Avenue, 98th Street, a line 100 feet northwesterly of Atlantic Avenue, 96th Street, 91st Avenue, 96th Street, 89th Avenue, and Woodhaven Boulevard;
- changing from an R5 District to an R4-1 District property bounded by:
  - 95th Avenue, 104th Street, 94th Avenue, a line 90 feet northeasterly of 104th Street, 95th Avenue, a line midway between 106th Street and 105th Street, a line 100 feet northwesterly of 101st Avenue, and 102nd Street;
  - a line 100 feet southeasterly of 101st Avenue, a line midway between 112th Street and 113th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between 101st Street and 102nd Street; and
  - Atlantic Avenue, 124th Street, a line 100 feet northwesterly of 95th Avenue, and 121st Street;
- changing from an M1-1 District to an R4-1 District property bounded by 94th Avenue, 104th Street, 95th Avenue, and 102nd Street;
- changing from an R3-1 District to an R4A District property bounded by a line 100 feet southeasterly of Jamaica Avenue, a line midway between 114th Street and 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, 115th Street, a line 200 feet southeasterly of Jamaica Avenue, 116th Street, a line 100 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, 89th Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, 112th Street, 89th Avenue and its southwesterly centerline prolongation, and 113th Street;
- changing from an R5 District to an R4A District property bounded by:

- a. Atlantic Avenue, 96th Street, 95th Avenue, and Woodhaven Boulevard;
- b. 94th Avenue, 106th Street, a line 100 feet southeasterly of Atlantic Avenue, Lefferts Boulevard, a line 200 feet northwesterly of 95th Avenue, 120th Street, a line 150 feet northwesterly of 95th Avenue, 121st Street, a line 100 feet southeasterly of 95th Avenue, 124th Street, 94th Avenue, 125th Street, Atlantic Avenue, 127th Street, 94th Avenue, 129th Street, a line 150 feet southeasterly of Atlantic Avenue, 130th Street, a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet northeasterly of 134th Street, a line 100 feet northwesterly of 95th Avenue, a line 100 feet southwesterly of the Van Wyck Expressway, a line 100 feet northwesterly of 101st Avenue, a line midway between 105th Street and 106th Street, 95th Avenue, and a line 90 feet northeasterly of 104th Street; and
- c. a line 100 feet southeasterly of 101st Avenue, 135th Street, 102nd Avenue, Van Wyck Expressway, a line 100 feet northwesterly of 103rd Avenue, 133rd Street, 103rd Avenue, 127th Street, a line 90 feet northwesterly of 103rd Avenue, 114th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between 112th Street and 113th Street;
10. changing from an R5 District to an R4B District property bounded by a line 100 feet northwesterly of 95th Avenue, 124th Street, a line 100 feet southeasterly of 95th Avenue, and 121st Street;
11. changing from an R3-1 District to an R6A District property bounded by:
- a. a line 100 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street-, a line 100 feet southerly of 86th Road, 96th Street, a line 150 feet northerly of Jamaica Avenue, a line 100 feet easterly of 96th Street, a line 250 feet northerly of Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and its southerly centerline prolongation;
- b. a line 150 feet southerly of Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street; and
- c. a line 100 feet southeasterly of Jamaica Avenue, 116th Street, a line 200 feet southeasterly of Jamaica Avenue, 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, and a line midway between 114th Street and 115th Street;
12. changing from an R3-2 District to an R6A District property bounded by a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue; and Dexter Court;
13. changing from an R5 District to an R6A District property bounded by a line midway between 93rd Avenue and Atlantic Avenue and its northeasterly prolongation, 108th Street, a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Atlantic Avenue, 106th Street, 94th Avenue, and a line 100 feet northeasterly of 104th Street;
14. changing from a C8-1 District to an R6A District property bounded by:
- a. Jamaica Avenue, the southerly prolongation of Dexter Court, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
- b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 150 feet southerly of Jamaica Avenue, and 98th Street;
15. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, a line 535 feet southeasterly of Jamaica Avenue, and a line midway between Lefferts Boulevard and 118th Street;
16. establishing within an existing R5 District a C2-3 District bounded by:
- a. 94th Avenue, 120th Street, a line 100 feet southeasterly of 94th Avenue, and Lefferts Boulevard;
- b. Atlantic Avenue, a line 100 feet northeasterly of 130th Street, a line 100 feet southeasterly of Atlantic Avenue, 129th Street, 94th Avenue, and 127th Street;
- c. Atlantic Avenue, 134th Street, a line 100 feet southeasterly of Atlantic Avenue, and 133rd Street; and
- d. a line 100 feet southeasterly of Atlantic Avenue, the southwesterly service road of Van Wyck Expressway, a line 100 feet southeasterly of 95th Avenue, a line 100 feet southwesterly of Van Wyck Expressway, and a line 100 feet northwesterly of 95th Avenue, and a line 100 feet northeasterly of 134th street;
17. establishing within a proposed R6A District a C1-4 District bounded by a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 100 feet southerly of 86th Road, 96th Street, a line 100 feet northerly of Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
18. establishing within a proposed R6A District a C2-3 District bounded by a line midway between 93rd Avenue and Atlantic Avenue and its northeasterly prolongation, 108th Street, a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Atlantic Avenue, 106th Street, Atlantic Avenue, and a line 100 feet northeasterly of 104th Street; and
19. establishing within a proposed R6A District a C2-4 District bounded by:
- a. Jamaica Avenue, Dexter Court, a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
- b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street;
- Borough of Queens, Community District 9, as shown on a diagram (for illustrative purposes only) dated February 27, 2012, and subject to the conditions of CEQR Declaration E-281.
- BOROUGH OF MANHATTAN**  
**Nos. 2, 3, 4 & 5**  
**NEW YORK UNIVERSITY CORE**  
**No. 2**
- CD 2 C 120077 MMM**  
**IN THE MATTER OF** an application submitted by New York University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:
- the narrowing, by elimination, discontinuance and closing, of Mercer Street between West Houston Street and West 4th Street, and of LaGuardia Place between Bleeker Street and West 3rd Street;
  - the elimination, discontinuance and closing of portions of Mercer Street, West 3rd Street and West 4th Street below an upper limiting plane;
  - the establishment of parks west of Mercer Street and east of LaGuardia Place between Bleeker Street and West 3rd Street above lower-limiting planes; and
  - the adjustment of legal grades necessitated thereby,
- including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. 30230 through 30235, dated December 22, 2011 and signed by the Borough President.
- No. 3**
- CD 2 C 120122 ZMM**  
**IN THE MATTER OF** an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:
1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 340 feet northerly of Bleeker Street, a line 125 feet easterly of LaGuardia Place, a line 131 feet southerly of Bleeker Street, and LaGuardia Place;
2. changing from an R7-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street\*, West Houston Street, LaGuardia Place, Bleeker Street, and LaGuardia Place\*;
3. changing from a C6-2 District to an R7-2 District property bounded by West 4th Street, Mercer Street\*, West 3rd Street, and the former centerline of Mercer Street\*;
4. changing from a C6-2 District to a C1-7 District property bounded by West 3rd Street, Mercer Street\*, West Houston Street, and the former centerline of Mercer Street\*; and
5. establishing within an existing R7-2 District a C1-5 District bounded by a line 100 feet southerly of East 8th Street, Mercer Street, West 4th Street, and Washington Square East, Waverly Place, and University Place;
- as shown on a diagram (for illustrative purposes only) dated January 3, 2012.
- \*Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C 120077 MMM) for a change in the City Map.
- No. 4**
- CD 2 C 120123 ZRM**  
**IN THE MATTER OF** an application submitted by New York University pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place.
- Matter Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;
- Article 7 – Administration
- \*\*\*  
Chapter 4  
Special Permits by the City Planning Commission
- \*\*\*  
74-742  
Ownership
- Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.
- When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.
- ~~When a #large-scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.~~
- A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:
- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or
- (b) partially under city ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in city ownership.
- \*\*\*  
74-743  
Special provisions for bulk modification
- (a) For a #large-scale general development#, the City Planning Commission may permit:
- \*\*\*
- Within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street # for the purposes of applying all #use# and #bulk# regulations of this Resolution.

\* \* \*

No. 5

**CD 2 C 120124 ZSM**  
**IN THE MATTER OF** an application submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743\* of the Zoning Resolution:

1. to allow the distribution of total allowable floor area without regard for zoning lot lines; and
2. to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings;

to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street\*\*\*, West Houston Street, and LaGuardia Place\*\*\* (Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7\*\* District.

\*Note: Section 74-743 is proposed to be changed under a concurrent related application (N 120123 ZRM) for a zoning text amendment.

\*\*Note: The site is proposed to be rezoned from an R7-2 and R7-2/C1-5 Districts to a C1-7 District under a concurrent related application (C 120122 ZMM) for a change in the Zoning Map.

\*\*\*Note: Mercer Street and LaGuardia Place are proposed to be narrowed under a concurrent related application (C 120077 MMM) for a change in the City Map.

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

## NOTICE

On Wednesday, April 25, 2012, at 10:00 A.M., in the National Museum of the American Indian at the historic Alexander Hamilton U.S. Custom House located at One Bowling Green, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by New York University for a zoning map amendment and zoning text amendments as well as a special permit for a large-scale general development project (LSGD). The zoning map amendment would rezone the two blocks between LaGuardia Place, Mercer Street, West Houston Street, and West Third Street from R7-2 and R7-2/C1-5 to C1-7. It would also rezone several blocks between Washington Square East / University Place, Mercer Street, West Fourth Street, and the northern boundary of the existing R6-2 zoning district near East Eighth Street from R7-2 to R7-2/C1-5. The zoning text amendments would allow applications for LSGD special permits within the former Washington Square Southeast Urban Renewal Area to be submitted without meeting normally-applicable ownership requirements and allow public parks in the former Washington Square Southeast Urban Renewal Area to be treated as a street for all zoning purposes. The applicant is also requesting a special permit under ZR Section 74-74 to waive certain bulk requirements for their LSGD. Also being requested by the applicant under a concurrent application is a change to the City Map that would eliminate, discontinue and close ("demap") four areas within the mapped rights-of-way of Mercer Street, LaGuardia Place, West 3rd Street and West 4th Street, and the subsequent disposition of portions of those demapped areas along with easements in other portions to the applicant, and the mapping of portions of two of the demapped areas as a public park. The proposed actions would facilitate a proposal by the applicant to expand their facilities at its academic core with two academic buildings, a mixed-use building containing academic, dormitory, hotel and conference space, faculty housing and retail uses, and a building containing academic and dormitory uses (the applicant anticipates making space available within this building to the New York City School Construction Authority for the provision of a public school). The proposal also includes below-grade space for academic use, an athletic center, and an accessory parking garage with 389 spaces; and approximately 3.8 acres of parkland and publicly-accessible open spaces. Comments are requested on the DEIS and will be accepted until Monday, May 7, 2012.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 11DCP121M.

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

a11-25

## CITY PLANNING

### ■ PUBLIC HEARINGS

FORMULATION of PROPOSED 2013 CONSOLIDATED PLAN:  
 ONE-YEAR ACTION PLAN

A **public hearing** on the formulation of the City of New York's Proposed 2013 Consolidated Plan: One Year Action Plan for U.S. Department of Housing and Urban Development (HUD) Formula Entitlement funds will be held on **Tuesday, April 17, 2012** beginning at **2:30 P.M.** at the Department of City Planning located at 22 Reade Street, Spector Hall, Manhattan.

The PUBLIC HEARING will be followed by a brief question and answer session with City agency representatives in

attendance. In addition, at this forum, agency representatives will receive comments on the City's performance on Consolidated Plan activities in 2011.

The Consolidated Plan defines the City's use of federal entitlement funds for housing, homeless assistance, supportive housing services and community development programs and is required by HUD. It consolidates the statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's annual application for the four HUD Office of Community Planning and Development entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership, Emergency Solutions (Shelter) Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

The Public Hearing has been scheduled to provide the public the opportunity to submit comments on the formulation of the document and the City's use of these federal funds.

For more information contact: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street 4N, New York, New York 10007, (212) 720-3337.

a11-17

## 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. 01 - Tuesday, April 17, 2012, 6:30 P.M., 211 Ainslie Street, Brooklyn, NY

#### #C 100041ZMK

59 Walton Street Rezoning

IN THE MATTER OF an application submitted by the Walton Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map: changing from an M1-2 district to R6A district property.

#### #C 110390ZMK

74 Wallabout Street Rezoning

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: changing from an M1-2 district to an R7-1 district property.

a11-17

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, April 18, 2012, 8:00 P.M., 1097 Bergen Avenue, Brooklyn, NY

#### BSA# 42-10-BZ

2170 Mill Avenue

IN THE MATTER OF an application filed pursuant to Section 72-21 of the Zoning Resolution as amended, requesting various zoning waivers to permit the construction of a 6-story residential development that is contrary to the bulk regulations of the R3-1 zoning district, the application also requests a waiver to permit commercial use on the first floor.

a12-18

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 - Wednesday, April 18, 2012, 7:30 P.M., Bensonhurst Center for Rehabilitation and Healthcare, 1740 84th Street, Brooklyn, NY

#### BSA# 211-71-BZ

1907 Croysey Avenue

IN THE MATTER OF the applicant seeks to amend an existing variance to permit the removal of the accessory automotive repair shop and permit an accessory convenience store also an extension of time to obtain a certificate of occupancy.

a12-18

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### FRANCHISE ADMINISTRATION

#### ■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, May 7, 2012 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matter of approval of a change of control of mobile telecommunications franchisee Mobilitie Investments II, LLC ("Mobilitie") arising from the sale of all of the equity interests of Mobilitie by the parent company of Mobilitie, Mobilitie Holdings II, LLC to SBA Monarch Acquisition, LLC. Mobilitie's franchise from the City of New York ("the City") grants the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The franchise runs until November 14, 2019. The franchisee is limited to the use of 3,000 poles City-wide during the term of the franchise.

Copies of organizational charts reflecting the controlling ownership of the franchisee before and after the above-described change of control (including name changes for the franchisee and its parent), and a copy of Mobilitie's existing franchise agreement with the City, may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from April 16, 2012 through May 7, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of Mobilitie's franchise agreement with the City and copies of the organizational charts may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The franchise agreement and copies of the organizational charts may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

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

The Hearing may be cablecast on NYC Media Group channels.

a13-m7

## 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, **April 24, 2012 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 MANHATTAN 12-9077 - Block 145, lot 7501-105 Chambers Street, aka 89-91 Reade Street & 160-170 Church Street - Cary Building - Individual Landmark - Tribeca South Historic District  
 An Italianate style store and loft building designed by King and Kellum and built in 1856-57. Application is to enlarge window openings. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-6363 - Block 145, lot 18-105-107 Reade Street - Tribeca South Historic District  
 An Italianate style store and loft building built in 1860-61. Application is to construct a rooftop addition and alter the rear facade. Zoned C6-3A. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-5306 - Block 224, lot 27-464 Greenwich Street - Tribeca North Historic District  
 A store and loft building designed by Charles S. Clark and built in 1892. Application is alter the cast iron vault light platform and excavate the cellar. Zoned C6-2A/TMU. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0319 - Block 175, lot 4-78 Franklin Street - Tribeca East Historic District  
 An Italianate/Second Empire Style store and loft building designed by Samuel A. Warner and built in 1866-1868. Application is to replace ground floor infill and install a ramp. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0491 - Block 179, lot 51, 52-15 Leonard Street, aka 11-13 Leonard Street - Tribeca West Historic District  
 An early 20th century commercial style industrial workshop designed by Edward Schneider and built in 1920; and an altered industrial workshop designed by Charles Goldman and built in 1924. Application is to demolish the existing buildings and to construct a new building. Zoned C6-2A/TMU. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-4186 - Block 472, lot 11-251 Centre Street - SoHo-Cast Iron Historic District  
 Extension  
 A Renaissance Revival style store and loft building designed by Albert V. Porter and built in 1901-02. Application is to remove a sidewalk hatch and install a cellar access stair, railings, and gate. Community District 1.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-4848 - Block 530, lot 41-54 Bond Street - Bowerie Lane Theater, originally Bond Street Savings Bank - Individual landmark  
 A French Second Empire style building designed by Henry Engelbert and built in 1874. Application is to enlarge an existing rooftop addition. Zoned C6-1. Community District 2.

#### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-6776 - Block 590, lot 11-277 Bleecker Street, aka 32 Jones Street - Greenwich Village Historic District- Extension II  
 An altered Romanesque/Renaissance Revival style tenement building with a commercial ground floor designed by Max

Muller and built in 1899-1901. Application is to install a sidewalk railing, a cellar storefront, and modify the ground floor storefront. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7101 - Block 590, lot 29-168 West 4th Street - Greenwich Village Historic District-Extension II  
An altered Renaissance Revival style tenement dwelling, with a commercial ground floor. Application is to alter an existing rear yard addition. Zoned C1-5. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-9621 - Block 607, lot 1-134-146 West 12th Street - Greenwich Village Historic District  
A utilitarian brick and stone building designed by Eggers and Higgins and built in 1953-54. Application is to modify the facade and construct additions. Zoned C6-2, R8. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7860 - Block 588, lot 12-30 Grove Street - Greenwich Village Historic District  
A vernacular Greek Revival style townhouse with early Italianate style and transitional features built in 1851-52. Application is to construct rooftop and rear yard additions and alter the ironwork. Zoned R6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5928 - Block 744, lot 8-357 West 20th Street - Chelsea Historic District  
An Italianate style rowhouse built in 1858. Application is to alter the rooftop dormers. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-9583 - Block 822, lot 49-12 West 21st Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Buchman & Fox and built in 1907. Application is to install storefront infill. Community District 5.

**ADVISORY REPORT**  
BOROUGH OF MANHATTAN 13-0241 - Block 1257, lot 2-Bryant Park - Scenic Landmark  
A formal French-style garden designed in 1933 by Lusby Simpson and reconstructed and partially redesigned by Hanna/Olin in 1988-91. Application is to establish a master plan governing seasonal installations. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-9608 - Block 815, lot 21-104 West 40th Street - Spring Mills Building - Individual Landmark  
An office tower designed by Harrison and Abramovitz, and Charles H. Abbe, and built in 1961-63. Application is to establish a master plan governing the future installation of mechanical louvers. Community District 5.

**BINDING REPORT**  
BOROUGH OF MANHATTAN 12-9479 - Block 1111, lot 1-Central Park, Mineral Spring Building and Central Park Zoo - Central Park-Scenic Landmark  
An English Romantic style public park designed by Frederick Law Olmsted and Calvert Vaux in 1856; a comfort station and concession building built c. 1959; and a zoo remodeled from a menagerie in 1936 and again in the 1980s. Application is to install wifi antennas. Community District 5,7,8,10,11.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7504 - Block 1143, lot 58-162 West 72nd Street - Upper West Side/Central Park West Historic District  
A neo-Renaissance style office building designed by Henry Ives Cobb and built in 1909-10. Application is to install a ramp and modify storefront infill. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5565 - Block 1128, lot 50-30 West 76th Street- Upper West Side/Central Park West Historic District  
A Renaissance Revival style rowhouse with Romanesque style elements designed by Gilbert A. Schellenger and built in 1891. Application is to alter the areaway entrance. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-3115 - Block 1249, lot 38-308 West 88th Street - Riverside-West End Historic District  
A Flemish Revival style rowhouse designed by Joseph H. Taft and built in 1889-1890. Application is to construct rooftop and rear yard additions. Zoned R-8. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7632 - Block 1378, lot 126-31 East 63rd Street - Upper East Side Historic District  
A rowhouse built in 1877-79 and altered in 1938 by Treanor & Fatio. Application is to alter the front facade and construct a rooftop bulkhead and rear yard addition. Zoned R8 B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-0335 - Block 1399, lot 8-121 East 64th Street - Upper East Side Historic District  
A residence originally designed by John McCool and built in 1876-77, altered by James E. Casale with a neo-Tudor style facade in 1919-22. Application is to alter the facade and replace ironwork. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8108 - Block 1384, lot 7501-28 East 70th Street - Upper East Side Historic District  
A neo-Gothic style apartment hotel designed by Emory Roth and built in 1926-27. Application is to enlarge a window opening. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8961 - Block 1523, lot 165-

122 East 95th Street - Expanded Carnegie Hill Historic District  
A Queen Anne style rowhouse designed by C. Abbott French & Co. and built in 1887-1888. Application is to replace windows and doors and construct a rooftop bulkhead. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8742 - Block 1504, lot 31-1160 Park Avenue - Expanded Carnegie Hill Historic District  
A neo-Renaissance-style apartment building designed by George F. Pelham and built in 1926. Application is to replace windows. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5776 - Block 1750, lot 34-81 East 125th Street - Mount Morris Bank - Individual Landmark  
A Queen Anne/Romanesque Revival style bank building designed by Lamb and Rich and built in 1883-84 and enlarged 1889-90. Application is to reconstruct the partially demolished building. Zoned C6-3. Community District 11.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 13-0450 - Block 20, lot 1-29 Jay Street - DUMBO Historic District  
A brick warehouse building built in 1975-77. Application is to alter the facade, and install signage and lighting. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-8288 - Block 1945, lot 8-357 Waverly Avenue- Clinton Hill Historic District  
A vernacular 19th century carriage house and residence. Application is to construct a rear yard addition. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-7856 - Block 1964, lot 55-40 Cambridge Place - Clinton Hill Historic District  
A vernacular French Second Empire style semi-detached frame house, built circa 1866. Application is to construct a rear addition, replace windows, and install solar panels. Zoned R-6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-9066 - Block 942, lot 16-100 Park Place - Park Slope Historic District  
A neo-Grec style rowhouse designed by Parfitt Brothers and built in 1877. Application is to enlarge an existing tree pit by removing bluestone paving. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-5844 - Block 1144, lot 56-588 Vanderbilt Avenue - Prospect Heights Historic District  
A Romanesque Revival/Renaissance Revival style flats building designed by Timothy Remsen and built in 1891. Application is to legalize alterations to the stoop and replacement of ironwork at the gate and areaway without Landmarks Preservation Commission permits. Community District 8.

**BINDING REPORT**  
BOROUGH OF BROOKLYN 12-9584 - Block 7917, lot 1-5816 Clarendon Road - Pieter Claesen Wyckoff House - Individual Landmark  
A Dutch Colonial vernacular style farmhouse built c. 1652, with a main section added in 1740. Application is to construct a new building on the site and alter pathways. Zoned C2-2. Community District 17.

a11-24

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, **April 17, 2012**, 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.

**BINDING REPORT**  
BOROUGH OF MANHATTAN 12-9003 - Block 73, lot 10-89 South Street - South Street Seaport Historic District  
A modern pier and retail structure built circa 1980. Application is to demolish the structure on the pier and construct a new building. Zoned C-2-8. Community District 1.

a4-17



## CITYWIDE ADMINISTRATIVE SERVICES

### ASSET MANAGEMENT

#### ■ AUCTION

#### PROPOSED SALE OF CERTAIN NEW YORK CITY REAL PROPERTY PARCELS BY PUBLIC AUCTION

PUBLIC NOTICE IS HEREBY GIVEN THAT The Department of Citywide Administrative Services, Asset Management proposes to offer the properties listed herein for sale at Public Auction.

In accordance with Section 384 of the New York City Charter, a

Public Hearing was held on March 6, 2012 for these properties at Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan.

These properties will be sold in accordance with the Standard Terms and Conditions of Sale dated January 18, 2012. An asterisk (\*) appears adjacent to those parcels subject to Special Terms and Conditions.

They have been approved for sale by the Mayor of the City of New York, and will be offered at public auction on May 10, 2012.

The brochure for this sale is available on the DCAS website at nyc.gov/dcas. Additionally, brochures are available at 1 Centre Street, 20th Floor South, New York, New York 10007, or by calling (212) 669-8888.

32 Parcels

#### Borough of The Bronx

Block	Lot(s)	Upset Price
3520	34	\$374,500

#### Borough of Brooklyn

Block	Lot(s)	Upset Price
1339	38	\$ 82,500
1465	29,42,43,44	\$262,500
1473	14	\$247,500
3432	42	\$101,500
5289	46	\$467,500
7208	302	\$780,000

#### Borough of Queens

Block	Lot(s)	Upset Price
3916	136	\$114,000
*10107	68,69,70	\$525,000
*10107	74,75,76	\$506,500
10108	316	\$615,000
10193	85	\$ 9,000
12041	99	\$ 28,500
14240	113	\$126,000
14243	1119	\$ 37,500
14243	1169 and 14246, 1169	\$ 36,000
*14246	1189	\$ 60,000
14251	1666	\$ 30,000
14253	1488,1492	\$195,000
14253	1512,1513,1514	\$169,000
14254	1638,1639,1640,2037	\$169,000
*15306	11	\$191,500
*15317	16	\$ 66,000
15600	325	\$ 51,000
15819	145	\$ 62,500
16066	50	\$ 66,000
16103	83,84	\$178,000
16290	999	\$403,500

#### Borough of Staten Island

Block	Lot(s)	Upset Price
1012	57	\$ 34,000
3671	15	\$ 49,000
6253	9	\$217,500
6353	42	\$487,500

m23-my10

### MUNICIPAL SUPPLY SERVICES

#### ■ SALE BY SEALED BID

#### SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES.

S.P.#: 12018

DUE: April 19, 2012

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

a6-19

## HOUSING PRESERVATION & DEVELOPMENT

### ■ NOTICE

Pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter, notice is hereby given that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-owned property (collectively, "Disposition Area") in the Borough of Manhattan:

Block	Lot	Address
1735	8	63-65 West 137 Street
1917	45	132 West 133 Street
1918	20	125 West 133 Street
1918	21	123 West 133 Street
1918	23	119 West 133 Street
1922	13	235-37 West 116 Street
1927	15	231 West 121 Street
1927	16	229 West 121 Street

Under HPD's Multifamily Preservation Loan Program, sponsors purchase and rehabilitate City-owned vacant and/or occupied multifamily buildings in order to create affordable rental housing units with a range of affordability. Construction and permanent financing is provided through loans from private institutional lenders and from public sources, including HPD. The sponsor's duties include the selection of an architect, preparation of construction documents, and facilitating the relocation for the residents.

HPD has designated 133 Equities LLC ("Sponsor") as qualified and eligible to purchase and redevelop the Disposition Area under the Multifamily Preservation Loan Program. HPD proposes to sell the Disposition Area to the Sponsor at the nominal price of one dollar per tax lot, pursuant to Article 16 of the General Municipal Law. The Sponsor will rehabilitate two occupied multiple dwellings and



five vacant multiple dwellings and one occupied mixed-use building in the Disposition Area. When completed, the project will provide approximately 100 residential units, including five superintendents' units, and one commercial unit.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 9-C11, New York, New York on business days during business hours.

PLEASE TAKE NOTICE that a public hearing will be held on May 16, 2012 at Second Floor Conference Room, 22 Reade Street, Manhattan at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

Individuals requesting sign language interpreters should contact the Mayor's Office Of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, New York 10007, (212) 788-7490, no later than seven (7) business days prior to the public hearing. TDD users should call Verizon relay services.

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## 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

**"Compete To Win" More Contracts!**  
Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

**"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."**

## ADMINISTRATION FOR CHILDREN'S SERVICES

### SOLICITATIONS

*Human / Client Services*

**NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children's Services, 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 2:00 P.M. on 5/31/13.

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.  
Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038.  
Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; [patricia.chabla@dfa.state.ny.us](mailto:patricia.chabla@dfa.state.ny.us)

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## AGING

### INTENT TO AWARD

*Human / Client Services*

**JEWISH ORTHODOX SEPHARDIC AND CHASSIDIC HOME DELIVERED MEALS** – Sole Source – Available only from a single source - PIN# 12513ORXDM0 – DUE 04-20-12 AT 1:00 P.M. – The NYC Department for the Aging (DFTA) intends to enter into a sole source contract with the Jewish Community Council of Greater Coney Island, Inc. (JCCGCI) to provide home-delivered meals to the Sephardic and ultra orthodox clients in Brooklyn Community District 15.

JCCGCI will prepare meals according to the strictest Jewish Orthodox Sephardic and Chassidic kashrut standards and will secure kashrut certification from recognized Jewish Orthodox Sephardic and Chassidic Kashrut supervision authorities accepted throughout the Jewish Orthodox Sephardic and Chassidic communities. Menus will be designed to be responsive to the culinary preferences of both the Sephardic community and those of European origin. A Jewish Orthodox, Sephardic Rabbi will be maintained on-staff to assure adherence to kashrut standards.

Any vendor who believes that they are qualified to provide the services described above may express their interest.

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 for the Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Betty Lee (212) 442-1112; Fax: (212) 442-0994; [blee@aging.nyc.gov](mailto:blee@aging.nyc.gov)

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## CITYWIDE ADMINISTRATIVE SERVICES

### MUNICIPAL SUPPLY SERVICES

#### AWARDS

*Goods & Services*

**CA SERVICE DESK MANAGER LICENSE - DOHMH** – Intergovernmental Purchase – PIN# 8571200523 – AMT: \$171,600.00 – TO: CA, Inc., 1 CA Plaza, Islandia, NY 11749. NYS Contract #PT64273.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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### VENDOR LISTS

*Goods*

**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: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

## EDUCATION

### CONTRACTS AND PURCHASING

#### SOLICITATIONS

*Goods & Services*

**KITCHEN EXHAUST DUCT CLEANING** – Competitive Sealed Bids – PIN# B2106040 – DUE 05-15-12 AT 4:00 P.M. – The Contractor shall provide all labor, material, equipment, and supervision required and necessary to clean, maintain, and repair kitchen Exhaust Duct Systems. If you cannot download this BID, please send an e-mail to [VendorHotline@schools.nyc.gov](mailto:VendorHotline@schools.nyc.gov) with the BID number and title in the subject line of your e-mail. For all questions related to this BID, please send an e-mail to [sepstei@schools.nyc.gov](mailto:sepstei@schools.nyc.gov) with the BID number and title in the subject line of your e-mail.

Bid Opening Date and Time: May 16, 2012 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)

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## 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

*Construction / Construction Services*

**BELLEVUE HOSPITAL CENTER ENVIRONMENTAL LUNG LAB PROJECT** – Competitive Sealed Bids – PIN# 11200801 – DUE 05-17-12 AT 1:30 P.M. – Bid Document is available (also on CD) at a non-refundable fee of \$50.00 per set, check or money order. Four separate contracts will be issued for the project. The followings are the estimated cost range for the project.  
Contract #1 - General Construction Work (\$366K - \$447K)  
Goals: 16 percent MBE 4 percent WBE  
Contract #2 - Sprinkler/Plumbing Work (\$133K - \$163K)  
Goals: 15 percent MBE 5 percent WBE  
Contract #3 - HVAC (Mechanical Work) (\$387K - \$473K)  
Goals: 15 percent MBE 5 percent WBE  
Contract #4 - Electrical Work (\$220K - \$269K) Goals: 15 percent MBE 5 percent WBE

Mandatory Pre-Bid Meetings are scheduled for Tuesday, May 01, 2012 and Wednesday, May 02, 2012 at 10:00 A.M. on both dates, at Bellevue Hospital Center, 462 First Avenue on 27th Street, Administration Building, 9th Floor, N.Y., N.Y. Each pre-bid conference will be followed by a walk-through. All prospective interested bidders must attend at least one of these two meetings in order to submit a bid.

Technical questions must be submitted in writing, by email directed to Emmanuel Obadina using [obadinae@nychhc.org](mailto:obadinae@nychhc.org) no later than five (7) calendar days before bid opening.

Requires Trade Licenses (where applicable) under Article 15a of the State of New York. Please see above for the M/WBE Goals that applies to each Contract. These Goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

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 Hospital Corp., 346 Broadway, 12th Floor West, N.Y., N.Y. Emmanuel O. Obadina (212) 442-3680; Fax: (212) 442-3851.

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### MATERIALS MANAGEMENT

#### SOLICITATIONS

*Goods & Services*

**CLEANING SERVICES FOR CORPORATE IS DATA CENTERS QUARTERLY** – Competitive Sealed Bids – PIN# 033-0009A – DUE 04-26-12 AT 12:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990.  
Sherry Lloyd (212) 442-3863; Fax: (212) 442-3872; [Sherry.Lloyd@nychhc.org](mailto:Sherry.Lloyd@nychhc.org)

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## 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# 81608PO076300R0X00-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)

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## AWARDS

*Services (Other Than Human Services)*

**CHEST X-RAY READINGS AND INTERPRETATION SERVICES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 12TB030001R0X00 – AMT: \$168,340.00 – TO: RFRS Radiology, P.C., 850 7th Avenue, Suite 1105, New York, NY 10019.

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## HOUSING AUTHORITY

## SOLICITATIONS

*Human/Client Services*

**GSD HOUSING OPPORTUNITIES AND SERVICES TOGETHER DEMONSTRATION** – Request for Information – PIN# 29481 – DUE 05-18-12 AT 5:00 P.M. – The New York City Housing Authority (“NYCHA”) is planning to release a Request for Proposals (“RFP”) to solicit proposals from qualified vendors who are interested in participating in the Housing Opportunity and Services Together Demonstration (“HOST Demonstration”) in Brownsville. In order to inform the content of the RFP, NYCHA is issuing a Request for Information (“RFI”) to service providers, residents, funders, and other stakeholders that will aid in the development of an RFP for the HOST Demonstration. For More Information about the New York City Housing Authority please visit <http://www.nyc.gov/html/nycha/html/home/home.shtml>

Questions related to the RFI must be submitted in writing or emailed to NYCHA’s Solicitation Coordinator-John Englebert no later than Monday, May 7, 2012, 2:00 P.M.

NYCHA will respond to all questions in writing; compile and provide a copy of questions and answers to all parties in receipt of a copy of this RFI, no later than Friday, May 11, 2012.

This RFI is not a bid solicitation and there is no guarantee that the information gathered from this RFI will result in a future solicitation for any services. A response does not bind or obligate the Responder or NYCHA to any agreement regarding provision or procurement of products or services referenced herein. Interested firms are invited to obtain a copy on NYCHA’s website: Doing Business With NYCHA. <http://www.nyc.gov/nychabusines>; Select “Selling to NYCHA”. Vendors are instructed to access the “Getting Started: Register or Log-in” link. Upon access, select “Sourcing Supplier” then “Sourcing Homepage”; conduct a search for RFI number 29481. Vendors electing to obtain a non-electronic copy of the proposal (paper document) may do so at NYCHA, General Services Procurement Group, 90 Church Street, 12th Floor, New York, NY 10007. A RFI package will be generated at time of request. (Fee Exempt).

Please note your responses, or lack thereof, will not be used as a metric for selecting a vendor in the RFP planned to be released later this year. Responses are voluntary and may, or may not, be used as the basis for developing the aforementioned RFP. All responses should be directed to [elizabeth.guernsey@nycha.nyc.gov](mailto:elizabeth.guernsey@nycha.nyc.gov) with the subject line “HOST RFI Response.”

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Housing Authority, 90 Church Street, 12th Floor, New York, NY 10007. John Englebert (212) 306-6694; Fax: (212) 306-5119; John.Englebert@nycha.nyc.gov*

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## PARKS AND RECREATION

## REVENUE AND CONCESSIONS

## SOLICITATIONS

*Services (Other Than Human Services)*

**OPERATION OF TWO FOOD KIOSKS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M6-TBC-SB-2012 – DUE 04-16-12 AT 5:00 P.M. – In the Bosque at The Battery, Manhattan. There will be a recommended proposer meeting on Tuesday, April 10, 2012 at 10:00 A.M. We will be meeting at the office of The Battery Conservancy, which is located at One New York Plaza, Concourse, New York, NY 10004. If you are considering responding to this RFP, please make every effort to attend this recommended meeting.

*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.*  
*The Battery Conservancy, One New York Plaza, Concourse, New York, NY 10004. Pat Kirshner (212) 344-3491; Fax: (212) 344-3496; pkirshner@thebattery.org*

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**CITY HALL PARK NEWSSTAND** – Request for Proposals – PIN# M13-NS-2012 – DUE 05-11-12 AT 3:00 P.M. – In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation (“Parks”) is issuing, as of the date of this notice, a Request for Proposals (RFP) for the renovation operation and maintenance of a newsstand at City Hall Park, Murray Street on Broadway, Manhattan.

There will be a recommended site visit on Friday, April 27, 2012 at 11:00 A.M. We will be meeting at the newsstand location at City Hall Park, Murray Street on Broadway, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended site visit. All proposals submitted in response to this RFP must be submitted no later than Friday, May 11, 2012 at 3:00 P.M.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Glenn Kaalund, Project Manager, at (212) 360-1397 or via email at [glenn.kaalund@parks.nyc.gov](mailto:glenn.kaalund@parks.nyc.gov)

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) 360-3482; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov*

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## AWARDS

*Services (Other Than Human Services)*

**RENOVATION, OPERATION, AND MAINTENANCE OF THE CONEY ISLAND CYCLONE ROLLER COASTER RIDE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B368-O – Solicitation No.: B368-SB-O-2011  
The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Central Amusement International, LLC (“CAI”) of 49 Fanny Road, Boonton, NJ 07005, for the renovation, operation and maintenance of the Coney Island Cyclone Roller Coaster ride and the development, operation and maintenance of food service, in Coney Island, Brooklyn (“Licensed Premises”). The concession, which was solicited by a Request for Proposals, will operate pursuant to a license agreement for a fifteen (15) year term. Compensation to the City is as follows: for each operating year, CAI shall pay to the City a license fee consisting of the higher of a guaranteed annual minimum fee (Year 1: \$200,000; Year 2: \$205,000; Year 3: \$210,000; Year 4: \$215,000; Year 5: \$220,000; Year 6: \$225,000; Year 7: \$230,000; Year 8: \$235,000; Year 9: \$240,000; Year 10: \$245,000; Year 11: \$250,000; Year 12: \$255,000; Year 13: \$260,000; Year 14: \$265,000; Year 15: \$270,000) or a percentage of gross receipts derived from the operation of the Licensed Premises for each year (10 percent of gross receipts up to \$2,500,000, plus 15 percent of gross receipts from \$2,500,001 and above).

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## SCHOOL CONSTRUCTION AUTHORITY

## CONTRACT ADMINISTRATION

## SOLICITATIONS

*Construction/Construction Services*

**LOW VOLTAGE ELECTRICAL SYSTEMS** – Competitive Sealed Bids – PIN# SCA12-14238D-1 – DUE 05-02-12 AT 11:30 A.M. – JHS 157 (Queens). Project Range: \$1,420,000.00 to \$1,491,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Rookmin Singh (718) 752-5843; rsingh@nysca.org*

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**ELECTRICAL SYSTEMS UPGRADE** – Competitive Sealed Bids – PIN# SCA12-14253D-1 – DUE 05-02-12 AT 10:30 A.M. – PS 55 (Bronx). Project Range: \$1,710,000.00 to \$1,810,000.00. Price of Documents: \$100.00, certified check or money order made payable to the NYC School Construction Authority.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Kevantae Idlett (718) 472-8360; kidlett@nysca.org*

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## AGENCY RULES

## BUILDINGS

## NOTICE

## NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Section 28-115.1 of the New York City Administrative Code, that the Department of Buildings hereby amends Sections 101-03 and 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to special inspectors and special inspection agencies.

This version of the rule was published on April 4, 2011, and a public hearing thereon was held on May 11, 2011.

Dated: 4-5-12 /s/ \_\_\_\_\_  
New York, New York Robert D. LiMandri  
Commissioner

## Statement of Basis and Purpose of Adopted Rule

Section 101-06 was originally promulgated in July, 2008, and it specified the qualifications of special inspectors and the processes through which the Department would regulate

their activities.

Amendments to the rule were initially published for comment in the *City Record* on June 7, 2010. A public hearing was held on July 8, 2010, and comments were received prior to, during and after that hearing. The Department again published the rule for comment in the *City Record* on April 4, 2011, having received significant input in connection with the initial comment period that resulted in changes to the proposed amendments. A second public hearing was held on May 11, 2011.

These amendments accomplish the following:

● **Special Inspection classes:** They add the concept of special inspection classes in § 101-06(c), which will better address the level of qualification necessary to perform the various types of special inspections. There is currently only one registration class and all special inspection agencies must be accredited. This rule amendment establishes three different classes (class 1, class 2, and class 3, based on the scope of work the special inspection agency is performing) instead of the pre-existing one class, and requires only class 1 special inspection agencies (typically agencies that work on large-scale projects) to pursue accreditation.

● **Definitions:** The following new definitions were previously published in June, 2010: “Accreditation Deadline”, “Full Demolition”, “Major Building”, “Partial Demolition”, “Registration Deadline” and “Special Inspection Category” and two additional new definitions have subsequently been added: “Floor Area, Gross” and “Approved Inspection Agency”, for the purposes of clarity and ease of use. In response to agency comments and to ensure consistency, several definitions were amended to cross-reference the NYC Administrative Code. Also in response to agency comments, the definition of “Registration Deadline” was modified to give agencies more time to register.

The new deadline definitions help clarify when registration and accreditation will occur and allow for timely and proper enforcement of the proposed three-class registration system described more fully below.

● **Service of process:** As a result of public comments received, the rule adds a requirement that special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. In addition, this requirement will be applicable by or upon the time the agencies register (§ 101-06 (b)(10)).

● **Conflict of Interest:** Also as a result of comments, the conflict of interest provisions set forth in § 101-06(b)(2) have been revised to clarify that it is not automatically assumed to be a conflict for a registered design professional to perform a special inspection(s) on a project or portion of work that he or she designed.

● **Accreditation:** The amendments expand the choice of recognized national standards that an approved accrediting body may accredit to, to include ISO 17020-98 (§ 101-06(c) (3)). The deadline for agencies to be accredited is set for twelve months from the effective date of this rule.

● **Insurance:** As amended, the rule’s insurance requirements more accurately reflect what is necessary for these inspection entities (§ 101-06(c)(5)). The requirement for general liability insurance for the special inspection agencies was removed because these agencies would either be required to obtain professional liability insurance which would cover their technical duties, or if other than a PE or RA, the special inspection agency already would have general liability insurance as part of their trade license requirements. Further, in response to input from insurance companies, the type of policies required have been changed from “occurrence-based” to “claim-based.”

● **Agencies’ composition:** The amendments allow for up to four alternative full-time directors because many companies that provide special inspection services are constituted as partnerships (§ 101-06(c)(6)).

● **Registration term:** The amendments remove dates and references that are no longer relevant and change the term of registration from three (3) years from the date of registration issuance to three (3) years from the applicant’s birthday following the date of registration. This second amendment will make the registration renewal process easier for all parties involved (§ 101-06(c)(9)).

● **New “Small Projects” category:** The “Small Building” Special Inspection Category in Appendix A of this rule is replaced with a “Small Projects” category, allowing Class 3 special inspection agencies to perform identified inspections on 1-, 2- and 3-family buildings, as well as alterations of 10,000 square feet or less, without special qualification other than being registered as a New York State licensed PE or RA.

● **Fees:** Fees are established for special inspection agency registration.

\* \* \*

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department.

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

\* \* \*

Section 1. Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(a) **Definitions.** For the purposes of this chapter, the following terms [shall] will have the following meanings:

(1) **Accreditation.** Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to the ASTM E329-07 or ISO 17020-98 international standard, the

requirements of this rule, and approved by the department.

(2) **Accreditation Deadline.** Twelve months from the effective date of this rule.

(3) **Approved Construction Documents.** For the purpose of this rule approved construction documents [shall] will include any and all documents that set forth the location and entire nature and extent of the "work" proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents [shall] will include but not be limited to shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(4) **Approved Inspection Agency.** This term has the same definition as established in section 28-101.5 of the Administrative Code

[(3)] (5) **Certification.** Documented acknowledgment by a nationally recognized organization of a technician's competency to perform certain functions.

[(4)] (6) **Commissioner.** [The commissioner of buildings or his or her designee] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(5)] (7) **Department.** [The department of buildings] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(7)] (8) **Floor Area, Gross.** This term has the same definition as established in section 1002.1 of the Building Code.

[(8)] (9) **Full Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Full).

[(6)] (10) **Initial [acceptable qualifications] Acceptable Qualifications.** With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician [shall] will be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.

[(7)] (11) **Job.** A construction project that is the subject of one (1) or more department-issued permits.

[(11)] (12) **Major Building.** This term has the same definition as established in section 3310.2 of the Building Code.

[(8)] (13) **Materials.** Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.

[(9)] (14) **New York City Construction Codes.** The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to "this code" or "the code" [shall] will be deemed a reference to the New York City Construction Codes as here defined.

[(14)] (15) **Partial Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Partial).

[(10)] (16) **Registered Design Professional.** A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

[(11)] (17) **Registered Design Professional of Record.** The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

[(17)] (18) **Registration Deadline.** Six months from the effective date of this rule.

[(12)] (19) **Relevant Experience.** Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

[(13)] (20) **Special Inspection.** Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with [the code] approved construction documents and referenced standards as required by Chapter 17 of the Building Code or elsewhere in the code or its referenced standards.

[(14)] (21) **Special Inspection Agency.** An approved inspection agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

[(21)] (22) **Special Inspection Category.** The specific type(s) of special inspection(s) that a special inspection agency may perform in accordance with Appendix A of this rule.

[(15)] (23) **Special Inspector.** An individual employed by a special inspection agency, who has the required qualifications[,] set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

[(16)] (24) **Supervise/Supervision.** With respect to a designated Primary Inspector or Inspection Supervisor as indicated in Appendix A, supervision [shall] will mean oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

Field supervision [shall] will include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress.

With respect to a [Director] director of a Special Inspection Agency, supervision [shall] will mean oversight and responsible control by a registered design professional who [shall] must ensure that qualified inspectors are dispatched for special inspections, that such special inspectors properly document their activities, and that reports and logs are prepared in accordance with section 28-114.2 of the Administrative Code. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

[(17)] (25) **Technician.** An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

[(18)] (26) **Work.** The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

§ 2. Paragraph (2) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) **Obligation to Avoid Conflict of Interest.** A special inspector and/or a special inspection agency [shall] must not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect. It is not, in and of itself, a conflict of interest for a registered design professional of record to perform a special inspection(s) on the project he or she designed.

§ 3. Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) **Service of process.** All special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. A Post Office Box will not be acceptable for such purposes. All agencies must comply with the requirements of this paragraph upon registration.

§ 4. Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(c) **Registration of Special Inspection Agencies.**

(1) [Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section.] **General.** All [such] agencies performing special inspections must be registered with the department as special inspection agencies by [January 1, 2009] the registration deadline unless extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) **Form and Manner of Registration.** An application for registration [shall] must be submitted in a form and manner determined by the commissioner, including electronically, and [shall] must provide such information as the commissioner may require. Such registration [shall] will be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(i) **Registration of Special Inspection Categories.** Agencies must register for each special inspection category that the agency intends to perform.

(ii) **Registration of Special Inspection Classes.** Agencies must register as class 1, class 2, or class 3 special inspection agencies for each special inspection category for which the agency registers.

(A) **Class 1.** An agency registered as a Class 1 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project.

(B) **Class 2.** An agency registered as a Class 2 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project, except those involving:

1. The construction of a new major building;

2. The full demolition of a major building;

3. The alteration of a major building including:

a. The removal of an entire story or more;

b. The partial demolition of twenty thousand (20,000) square feet or more of gross floor area; or

c. The partial demolition of twenty (20) percent or more of the gross floor area.

4. The enlargement of a major building by more than ten thousand (10,000) square feet of gross floor area.

(C) **Class 3.** An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with this category on the following projects only:

1. The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or

2. The alteration of any building, including partial demolition, of less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth must be performed only by special inspection agencies registered as either class 1 or class 2 special inspection agencies for such categories.

(3) [Qualifications. Special inspection] **Agency Accreditation.** For class 1 special inspection agencies only, accreditation is required by the accreditation deadline in order to maintain their class 1 registration status. [Such] These agencies [shall] will be required to demonstrate accreditation for their intended scope of work by [International Accreditation Service, Inc. or] an [equivalent accreditation agency] approved accrediting body accrediting to the standards set forth in this rule and either ASTM E329-07 or [a federal agency] ISO 17020-98. Accrediting [agencies] bodies[,] other than federal agencies [must] are required to operate in accordance with ISO 17011 and must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

[Agencies must insure] (4) **Qualifications.** All special inspection agencies must ensure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special [inspector is] inspectors are qualified. A Professional Engineer who is listed in Appendix A as requiring qualification in civil, structural, mechanical, electrical, fire protection, geotechnical or such other designation [shall] must have had the education, training and experience[, including having passed the Principles and Practice of Engineering examination offered by the National Council of Examiners for Engineering and Surveying (NCEES) in the specific discipline or having obtained a bachelors degree in the specific field,] that has led to an accumulation of knowledge and skill required for the Professional Engineer to hold himself/herself out as a professional practicing in that field.

[(4)] (5) **Insurance.** [A] All special inspection [agency] agencies must have the following insurance coverage:

(i) Professional liability/errors and omissions insurance policy[,] for the minimum amount of five hundred thousand dollars (\$500,000.00), [occurrence] claim-based, for the term of the registration.

Exception: An agency that is limited to performing fuel-oil storage and fuel-oil piping inspections, fire alarm tests, sprinkler systems, standpipe systems, emergency power systems and/or site storm drainage disposal and detention system installation special inspections, and whose director is not a registered design professional, will be exempt from obtaining professional liability insurance coverage. This exception applies so long as the director maintains the insurance requirements required for his/her respective license in accordance with Chapter 4 of Title 28 of the Administrative Code.

(ii) [General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) and] Insurance required by the provisions of the New York State Workers' Compensation and disability benefits [law and other applicable provisions of the workers' compensation law] laws.

[(5)] (6) **Agency Structure.** [The] A special inspection agency [shall] must have [a] one primary and up to four (4) alternative full-time [director] directors who [is a] are registered design [professional] professionals in [responsible] charge and all special inspections [shall] must be performed under [his or her] their direct supervision. The [director] directors [shall] must not be retained by any other agency that provides special inspection or testing services. The [director shall] directors must possess relevant experience in the inspection and testing industry and hold [a] management [position] positions in the agency. The agency



structure [shall] must comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections [(BC1704.16)], fire alarm tests, sprinkler systems [(BC1704.21)], standpipe systems [(BC1704.22)], emergency power systems or site storm drainage disposal and detention [(BC1704.20)] may have [a director] directors who [satisfies] satisfy the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

[(6)] **Small Building Exception.** Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.]

(7) **Audits.** The operations of special inspectors and special inspection agencies [shall] will be subject to audit by the department at any time. Audits may [examine] involve the examination of applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) [Interim Status and Application Deadlines. An] **Performance of Special Inspections Prior to Registration Deadline.** Except as otherwise determined by the commissioner, an agency [employing special inspector(s) with initial acceptable qualifications shall] will be entitled until [July 1, 2010] the registration deadline to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule on such form as the commissioner may require and must file such certification with the department prior to performing any special inspections after the effective date of this rule and until the registration deadline.

(ii) [The agency] Class 1 special inspection agencies only must diligently pursue accreditation as a special inspection agency [pursuant to the provisions of section] in accordance with subdivision (c)(3) of this rule.

(iii) [Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required national certification shall be deemed a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.] Special inspectors employed by a special inspection agency must satisfy all requirements in Appendix A.

(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule.]

(9) [Additional Powers of the Commissioner. Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.]

[(10)] **Registration Term.** [An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance] The term of an initial registration is three (3) years, beginning on the applicant's birthday following the date of registration, and may be

renewed for additional three (3) year periods after such initial registration.

[(11)] (10) **Registration Fees.** [The department shall charge the following registration fees:] Fees will be those set forth in section 101-03 of these rules.

(i) A one (1) year initial fee of \$35;

(ii) A triennial renewal fee of \$35; and

(iii) A later renewal surcharge of \$35.]

[(12)] (11) **Renewals.** A renewal application [shall] must be submitted between [thirty] sixty [(30)] (60) and [sixty] ninety [(60)] (90) days prior to the expiration date of the registration and [shall] must be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

(i) Renewal [shall] will be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.

(ii) No special inspector or special inspection agency [shall] will perform an inspection or test with an expired or lapsed registration.

§ 5. The "Small Building Special Inspections" Special Inspection Category of Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

[Small Building] Class 3 Special Inspections [(Group R-3, 3 stories or less in height] Small Projects) <sup>3</sup>	• PE or RA; and relevant experience	[N/A] See Technician requirements for relevant inspection.	• [Technician with relevant experience] See Technician requirements for relevant inspection.
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§ 6. The Notes to Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

Notes:

1. Abbreviations in the qualifications descriptions:

ACI – American Concrete Institute  
 AWS – American Welding Society  
 ICC – International Code Council  
 NEBB – National Environmental Balancing Bureau  
 NICET – National Institute for Certification in Engineering Technologies  
 PE – A New York State Licensed and Registered Professional Engineer  
 RA – A New York State Licensed and Registered Architect

2. Bachelor's Degrees must be from an accredited institution or equivalent

3. [Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:

- Soils Investigations
- Pier and Pile installation
- Underpinning of structures
- Protection of the sides of excavations greater than 10 feet in depth]

Class 3 Special Inspections. An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on the following projects only:

- The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
- The alteration of any building, including partial demolition, altering less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth will be performed only by special inspection agencies registered as either class 1 or class 2 special inspection agencies for such categories.

§7. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

Special inspection agency registration.	Initial: \$200 plus a \$30 endorsement fee per special inspection category	Renewal: \$90 plus a \$30 endorsement fee per special inspection category
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## ENVIRONMENTAL CONTROL BOARD

### NOTICE

#### NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to comment on Proposed Rule relating to procedures for adjudications conducted by the Environmental Control Board

**Date / Time:** May 15, 2012 / 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 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 subchapters A through E of Chapter 3 of Title 48 of the Rules of the City of New York, relating to procedures for adjudications conducted 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 May 15, 2012. 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 May 15, 2012 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 May 15, 2012.
- 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 May 8, 2012.
- 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 proposes to amend its procedural rules found in Subchapters A through E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

Specifically, the proposed rule:

- Codifies some procedures currently in place,
- Codifies a Board holding that permits the current owner of a property where a violation has allegedly occurred to participate in a hearing as a representative for a prior owner who was named as a respondent, and
- Adds rules to govern the conduct of people who appear at ECB.

#### Adjudication by Other Remote Methods

Since 2009, ECB has expanded the way it does business to include on-line and telephonic hearings. The current procedural rules include only adjudication by mail. These proposed changes bring our rules in line with our current practice. (See 48 RCNY 3-11, 3-34).

#### Persons Who May Appear Before Tribunal

The proposed rule adds to the definition of Person (See 48 RCNY 3-11) the term "limited liability company." It also changes the regulation regarding who is permitted to appear before the tribunal to codify the Board's holding in Appeal No. 40547 NYC v. Kern Sullivan Realty June 28, 2007. In that case, the Board found that the current owner of a place where a violation has occurred may participate in a hearing as a representative for a prior owner who was named as a respondent to present a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to substitute him- or herself for the prior owner, waiving service defenses. (See 48 RCNY 3-16 (d)).

#### Representatives and Attorneys

The proposed rule (see 48 RCNY 3-16.1) requires representatives of five or more respondents (other than family members) within a calendar year to register with ECB. This will ensure that the tribunal has current contact information on file for these representatives and will better protect the public by requiring representatives to have familiarity with and respect for ECB rules and procedures.



The proposed rule also prohibits representatives who are not attorneys from misrepresenting their qualifications (see also Prohibited Conduct below). Attorneys admitted to practice in New York State are not required to register.

The proposed rule also codifies an existing procedure that requires representatives and attorneys who appear on more than 15 notices of violation on a given hearing date to send a list of cases to ECB no later than noon, three business days prior to the scheduled hearing date (see 48 RCNY 3-39). Advance notice of high volumes helps tribunal staff and parties to better manage calendars. The proposed rule will also require that high volume representatives and attorneys provide sufficient staffing to handle their cases on hearing dates. (See 48 RCNY 3-51 (a) (3)).

#### **Prohibited Conduct**

ECB's rules currently allow a hearing officer to bar people from a hearing if they refuse to comply with the hearing officer's directions or behave in a disorderly, delaying or obstructionist manner. However, the rules do not provide for exclusion or discipline if the conduct takes place outside the hearing room. Therefore, 48 RCNY 3-16.2 is being added to define prohibited conduct and includes conduct that occurs both inside and outside of the hearing room. In drafting this rule, ECB looked to rules and requirements of other tribunals, its business processes and incidents over the last few years (verbal abuse in hallways and waiting areas, members of the public reaching over reception windows to operate ECB computers, requests to meet with hearing officers before or after a hearing or decision in attempts to influence the outcome).

The proposed rule also allows the Executive Director to suspend registered representatives or attorneys who do not comply with ECB's rules. The attorney or representative must be given notice and a reasonable opportunity to appear before the Executive Director to rebut the claims against him or her. The suspension may be for a specified period of time or indefinitely, at the discretion of the Executive Director.

#### **Withdrawal of Prosecution**

A new rule requires the petitioner agency to promptly notify ECB and the respondent when it withdraws a notice of violation (See 48 RCNY 3-31(e)).

#### **No Post-Hearing Communication**

The proposed rule clarifies that post-hearing communication with hearing officers is prohibited (See 48 RCNY 3-51(g)). This is necessary because such communications are often made to attempt to influence the outcome of a decision. This does not apply to filing an appeal or to post-hearing submissions directed by a hearing officer (for example, briefs).

#### **Disqualification Motions**

The current rule allows a party to apply to the Executive Director for review of a hearing officer's denial of a request to disqualify him/herself. However, since it is not always feasible for the Executive Director to promptly hear these motions—for example, if the Executive Director is in meetings or on vacation - the proposed rule allows the Executive Director to designate managing attorneys and tribunal affairs personnel to hear these applications (see 48 RCNY 3-52(e)(2)).

#### **Recordings and Transcripts**

The proposed rule prohibits recording of proceedings without the permission of a hearing officer (see 48 RCNY 3-16.2 (a)(12)) and codifies that the official record is the recording/transcript made by the hearing officer, even if another recording was made (see 48 RCNY 3-56).

#### **Decision Writing**

This addition to 48 RCNY 3-57(b) allows the Executive Director to designate a different hearing officer to write a decision in a case due to tribunal needs, such as case backlogs, for example, or the unavailability of the hearing officer who heard the case. This will allow for case resolution under extraordinary circumstances such as the untimely death of a hearing officer. The proposed rule also clarifies that these decisions will be based on the entire record developed by the hearing officer who heard the case.

#### **Finality of Appeals**

The Charter amendment that moved ECB into OATH also gave respondents the right to bring Article 78 proceedings if ECB did not review and make a final decision within 180 days of the filing date. Since the transfer of ECB into OATH, ECB has met this deadline in virtually all cases, with the exception of cases that were stayed by the courts. However, occasionally it has not been possible to have the full Board together within the 180 days, as currently required to affirm panel decisions, especially at year's end when up to six weeks can pass between the December and January Board meetings. The proposed rule eliminates the requirement that the full board vote on unanimous panel decisions unless the panelists decide a full board vote is needed—for example, due to policy implications or a novel question of law (see 48 RCNY 3-74(b)).

Except for the correction of ministerial matters, the proposed rule also eliminates the option of filing of a request for a superseding appeal, (see 48 RCNY 3-75).

#### **Default Rule**

This change adds language to 48 RCNY 3-82, the default rule enacted last year. Since then, some courts have ordered ECB to hold hearings after a default due to humanitarian circumstances—for example, when the respondent defaulted again after a stay was granted because the new hearing date conflicted with a chemotherapy appointment. The proposed rule authorizes the Executive Director to grant a new hearing only under exceptional circumstances and in the interests of justice. The intent is to have these terms construed narrowly and for such exceptions to be rare.

#### **Requests for New Hearings due to Unauthorized Representation**

Sometimes people who claim to represent parties at hearings

are not authorized to do so. Currently, parties who allege that they have been so aggrieved must write a letter which is routed to a hearing officer who specializes in evaluating such claims. If the hearing officer determines that an unauthorized representative appeared on behalf of a party at hearing, he or she will make a fact-specific, discretionary determination on whether to vacate the decision. If the decision is vacated, a new hearing is held. If the case is still pending before the Board, the party must follow ECB's other procedural rules, including filing an appeal. The proposed rule, 48 RCNY 3-83, codifies this process and notifies the public that this procedure exists.

Deleted material is in [brackets].  
New matter is underlined.

“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.

Section 1. Section 3-11 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

As used herein the following terms [shall have the meanings specified.] mean:

**Appearance.** “Appearance” means a communication with the board or its tribunal that is made by a party or the representative of a party in connection with a notice of violation that is or was pending before the board or its tribunal. An appearance may be made in person or [otherwise] by remote methods - for example, by mail[.], online or by telephone.

**Board.** “Board” means the Environmental Control Board of the City of New York.

**Executive Director.** “Executive Director” means the executive director of the Environmental Control Board of the City of New York.

**Hearing Officer.** “Hearing Officer” means a person designated as a hearing officer by the chairman of the board.

**Notice of Violation.** “Notice of Violation” means the document issued by a petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Environmental Control Board.

**Party.** “Party” means the person named as petitioner or respondent, or intervening as of right, in an adjudicatory or enforcement action before the board or its tribunal.

**Person.** “Person” means any individual, partnership, unincorporated association, corporation, limited liability company or governmental agency.

**Petitioner.** “Petitioner” means the commissioner, department or bureau within a department of the City of New York which commences an adjudicatory or enforcement proceeding before the Environmental Control Board.

**Respondent.** “Respondent” means the person against whom the charges alleged in a notice of violation have been filed.

**Tribunal.** “Tribunal” means the hearing officers and staff at the Environmental Control Board under the direction of the executive director charged with holding hearings on notices of violation, or hearings in the course of any special enforcement proceeding by the board.

Section 2. Subsection (b) of Section 3-14 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

(b) All documents filed must be signed by the party or by the party's attorney or other duly authorized [agent] representative. The signature of an attorney constitutes a certification that he or she has read the document; that to the best of his or her knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay.

Section 3. Section 3-16 of Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

The following persons are permitted to participate in proceedings before the tribunal:

(a) An individual may appear on his or her own behalf or by an authorized [agent] representative, or by an attorney licensed to practice in the State of New York.

(b) [A] Subject to the restrictions stated in section 3-16.2 (c), a business entity, not-for-profit organization or government agency may appear by any authorized officer or employee or by attorney licensed to practice in the State of New York, or by any other duly authorized [agent] representative.

(c) Any representative who is authorized by a City agency to appear on its behalf before the board or its tribunal may be authorized by any other City agency that issues notices of violation returnable to the board to appear on its behalf. An appearance includes any time an agency appears before a hearing officer to present a case or a motion for adjournment or for any other purpose concerning a notice of violation.

(d) The current owner of a property may appear on behalf of the prior owner of the property if the notice of violation:

(1) names the prior owner,

(2) is a premises related violation and

(3) was issued after title to the property was transferred.

However, the current property owner may only appear for the

purposes of presenting a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to substitute him or herself for the prior owner, waiving service defenses.

Section 4. Subchapter A of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add two new rules immediately following Section 3-16, “Appearances.” To read as follows:

#### **§3-16.1 Registered Representatives.**

A representative, other than a family member or an attorney admitted to practice in New York State, who represents five or more respondents before the tribunal within a calendar year must:

(a) be at least eighteen (18) years of age;

(b) register with the tribunal by completing and submitting a form provided by the tribunal. The form must include proof acceptable to the tribunal that identifies the representative, and must also include any other information that the tribunal may require. Registration must be renewed annually;

(c) notify the tribunal within ten (10) business days of any change in the information required on the registration form;

(d) not misrepresent his or her qualifications or service so as to mislead people into believing the representative is an attorney at law if the representative is not. A representative who is not an attorney admitted to practice must refer to him or herself as “representative” when appearing before the tribunal;

(e) exercise due diligence in learning and observing tribunal rules and preparing paperwork;

(f) be subject to discipline, including but not limited to suspension or revocation of the representative's right to appear before the tribunal, for failing to follow the provisions of this subdivision.

#### **§3-16.2 Prohibited Conduct.**

(a) Prohibited conduct: A party, witness, representative or attorney must not:

(1) engage in abusive, disorderly or delaying behavior, a breach of the peace or any other disturbance which directly or indirectly tends to disrupt, obstruct or interrupt the proceedings at the tribunal;

(2) engage in any disruptive verbal conduct or action or gesture which a reasonable person would believe shows contempt or disrespect for the proceedings or which a reasonable person would believe to be intimidating;

(3) willfully disregard the authority of a hearing officer or other tribunal employee. This may include refusing to comply with the hearing officer's directions or behaving in a disorderly, delaying or obstructionist manner as stated in section 3-52 (d);

(4) leave a hearing in progress without the permission of the hearing officer;

(5) attempt to influence or offer or agree to attempt to influence any hearing officer or employee of the tribunal by the use of threats, accusations, duress or coercion, a promise of advantage, or the bestowing or offer of any gift, favor or thing of value;

(6) enter any area other than a public waiting area unless accompanied or authorized by a tribunal employee. Upon conclusion of a hearing, a party, witness, representative or attorney must promptly exit non-public areas;

(7) request any tribunal clerical staff to perform tasks that are illegal, unreasonable or outside the scope of the employee's job duties;

(8) operate any tribunal computer terminal or other equipment at any time unless the equipment has been designated for use by the public;

(9) submit a document, or present testimony or other evidence in a proceeding before a hearing officer which he or she knows, or reasonably should have known, to be false, fraudulent or misleading;

(10) induce or encourage anyone in a proceeding before a hearing officer to make a false statement;

(11) solicit clients, or cause the solicitation of clients by another person on tribunal premises;

(12) make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any hearing or other proceeding, whether such hearing or other proceeding is conducted in person, by telephone, or other remote methods, except upon application to the administrative law judge. This does not include copies of documents submitted to the tribunal during a hearing including written or electronic statements and exhibits. Except as otherwise provided by law, such application must be addressed to the discretion of the administrative law judge, who may deny the application or grant it

in full, in part, or upon such conditions as the administrative law judge deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

(b) Prohibited Communication: All parties must be present when communications with tribunal personnel, including a hearing officer, occur, except as necessary for case processing and unless otherwise permitted by these rules, on consent or in an emergency. All persons are prohibited from initiating communication with a hearing officer or other employee before or after a hearing or before or after a decision on motion, in order to attempt to influence the outcome of a hearing or a decision on motion.

(c) Penalties for misconduct: Failure to abide by these rules constitutes misconduct. The executive director may, for good cause, suspend or bar from appearing before the tribunal an attorney or representative who fails to abide by these rules. The suspension may be either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the executive director that the basis for the suspension no longer exists. However, the executive director may not act unless the attorney or representative is given notice and a reasonable opportunity to appear before the executive director to rebut the claims against him or her. The executive director, depending upon the nature of the conduct, will determine whether said appearance will be in person or by a remote method. This section in no way limits the power of a hearing officer to discipline any person as set out in section 3-52(d) of these rules.

(d) Discipline on other grounds: The executive director may, in addition to the provisions of subdivision (c) of this section, suspend or bar a representative upon a determination that the representative lacks honesty and integrity and that the lack of honesty and integrity will adversely affect his or her practice before the tribunal. Any action pursuant to this subdivision will be on notice to the representative and the representative will be given an opportunity to be heard in a proceeding prescribed by the executive director. Factors to be considered in determining whether a representative lacks honesty and integrity may include, but need not be limited to, considering whether the representative has made false, misleading or inappropriate statements to parties or tribunal staff.

(e) The decision of the executive director under subdivision (c) or (d) of this section constitutes a final agency action. Judicial review of the decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

Section 5. The Table of Contents immediately following the label "Subchapter B" of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

§3-31 Notice of Violation.

§3-32 Admissions and Payments by Mail[,] or Other Remote Methods

§3-33 Pre-hearing Reschedules.

§3-34 Adjudication by Mail[,] or Other Remote Methods

§3-35 Motions to Intervene.

§3-36 Consolidation.

§3-37 Discovery.

§3-38 Subpoenas.

§3-39 Pre-hearing Notification of Schedule for Registered Representatives and Attorneys.

Section 6. Section 3-31 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new subparagraph (e) read as follows:

(e) Where a petitioner withdraws a notice of violation, even if it has been adjudicated, is open or has been decided by the tribunal, the petitioner must promptly notify the tribunal and the respondent in writing.

Section 7. Section 3-32 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

**§3-32 Admissions and Payments by Mail[,] or Other Remote Methods.**

Where the notice of violation states that aailable penalty schedule exists for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail or other remote method acceptable to the tribunal in the manner and time directed by the notice of violation. Payment in full is deemed an admission of liability and no further hearings or appeal will be allowed.

Section 8. Section 3-34 of Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

**§3-34 Adjudication by Mail or Other Remote Methods.**

(a) The executive director may designate certain classes of alleged violations or defenses as appropriate for adjudication by mail, or other remote methods and prescribe procedures for such adjudication. Where respondent is offered the option of contesting the violation or presenting a defense by mail or other remote methods, respondent may move for such adjudication by application addressed to the tribunal. Such application shall set forth all facts and arguments relevant to the case relied on by the respondent. The application may be supported by affidavits or other documentary evidence.

(b) Upon receipt by the tribunal of an application for adjudication by mail or other remote method, the matter shall be assigned to a hearing officer who shall review the record. The hearing officer may request further evidence to be submitted by respondent, may direct respondent to serve a copy of the application on petitioner, or may render a recommended decision and order based on the evidence in the record. The hearing officer may also deny the application for

adjudication by mail or other remote method and direct respondent to appear for a hearing in person.

Section 9. Subchapter B of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new rule immediately following Section 3-38, "Subpoenas." to read as follows:

**§3-39 Pre-hearing Notification of Schedule for Registered Representatives and Attorneys.**

(a) No registered representative or attorney may appear on fifteen (15) or more notices of violation on a given hearing date unless the registered representative or attorney emails or faxes in advance a written list of all scheduled cases to the tribunal office in the borough where the cases are scheduled to be heard. This list must be sent no later than noon, three (3) business days before the scheduled hearing date.

(b) Cases may only be added to this list on the day of the hearing at the discretion of the managing attorney or his/her designee.

Section 10. Section 3-51 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to change the heading of subparagraph (a), to add two new subsections to subparagraph (a) and to add a new subparagraph (g) to read as follows:

(a) [*Expedition.*] **Case Processing.**

(1) Hearings shall proceed with all reasonable expedition and insofar as is practicable shall be held at one place and shall continue without suspension, except for brief recesses, until concluded. Subject to § 3-52.1, the hearing officer shall have the authority to grant brief adjournments, for good cause shown, and consistent with the requirements of expedition.

(2) When a registered representative or attorney appears on more than one notice of violation on a single hearing day, the tribunal will have the discretion to determine the order in which the notices of violation will be heard.

(3) Each registered representative or attorney must provide sufficient staffing to ensure completion of his or her hearings. Factors in determining whether sufficient staffing has been provided include:

- the number of cases the representative had scheduled on the hearing date,
- the number of attorneys or representatives from a given firm or business sent to handle the cases,
- the timeliness of the arrival of the attorneys or representatives,
- the timelines of the arrival of any witnesses.

In addition, the tribunal may also consider:

- the availability of issuing agency personnel throughout the scheduled hearing date,
- the number of hearing officers present throughout the scheduled hearing date,
- delays in hearings due to the issuing agency,
- computer issues, and
- other unforeseeable or extraordinary circumstances.

The failure of a registered representative or attorney to provide sufficient staffing, as described above, may be considered misconduct under §3-16.2 (c) above.

(g) Unless directed by the hearing officer, parties are prohibited from submitting additional material or argument after the hearing has been completed.

Section 11. Subparagraph (e) (2) of Section 3-52 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

(2) A party may, for good cause shown, request that the hearing officer remove or disqualify himself or herself. Such motion shall be ruled upon by the hearing officer in the proceeding. If the hearing officer denies the motion, the party may obtain a brief adjournment in order to promptly apply for review by the executive director or his or her designee which may include a deputy director of tribunal affairs or any managing attorney.

Section 12. Section 3-56 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

**§3-56 Transcript.**

The board shall provide or arrange for either a stenographically reported or mechanically recorded verbatim transcript of all hearings. A digital, tape or other electronic or mechanical recording may be deemed the transcript of the hearing for all purposes under these Rules. Transcripts of proceedings made a part of the record by the administrative law judge will be the official record of proceedings, notwithstanding the existence of any other transcript or recording, whether or not authorized under these rules.

Section 13. Section 3-57 of Subchapter C of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add a new subparagraph (b) and to reletter the former subparagraph (b) to read as follows:

(b) The executive director may, due to tribunal needs or the unavailability of the hearing officer who heard the case, designate another hearing officer to write the recommended decision and order. The decision and order will state the reason for the transfer and will be based on the record, which must include (i) the notice of violation; (ii) all briefs filed and all exhibits received in evidence; and, (iii) a complete audio recording of the hearing or, if a complete audio recording is unavailable for any reason, a complete transcript of the hearing. The substitute hearing officer's recommended

decision must be issued no more than one year after the hearing

(c) Finality. If timely exceptions are not filed as per § 3-71, the hearing officer's recommended decision and order will be automatically adopted by the board without further action and shall constitute the board's final action in the matter.

Section 14. Section 3-74(b) of Subchapter D of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

The board may from time to time establish panels from among its members who shall conduct the review. If an appeal panel deems it necessary, it shall order further testimony or evidence be taken or submitted, or it may order oral argument on any or all of the questions raised on appeal. [The appeal panel shall report its findings to the full board for final resolution.] In cases where the decision of the appeals panel is unanimous, such decision will be the final decision of the board unless the appeal panel refers the case to the full board for final resolution, for example, due to policy implications or a novel question of law.

Section 15. Section 3-75 of Subchapter D of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

**§3-75 Amendments to Board Appeal Decision and Order.**

An application to the board by any party for a superseding appeal decision and order may be made within 10 days of mailing of the board's final decision and order solely to correct ministerial errors [or errors due to mistake of fact or law].

Section 16. The Table of Contents immediately following the label "Subchapter E" of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to read as follows:

§3-81 Default by Respondent.

§3-82 Request for a New Hearing after a Failure to Appear (Vacating a Default).

§3-83 Request for a New Hearing due to Unauthorized Representation.

§3-84 Stipulation in Lieu of Hearing.

Section 17. Section 3-82 of Subchapter E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended to add the following language immediately preceding subparagraph (d) of that section to read as follows:

In exceptional circumstances and in order to avoid injustice, the Executive Director will have the discretion to grant a request for a new hearing.

Section 18. Section 3-83 of Subchapter E of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) is amended by adding a new section 3-83 to read as follows:

**§3-83 Request for a New Hearing due to Unauthorized Representation.** Notwithstanding any other provision of these rules, a party may, within three years after a decision and order pursuant to a hearing has become final, move to vacate the decision and order on the grounds that the person who appeared on the party's behalf at the hearing was not authorized to do so. Upon a determination that the person who appeared was not authorized to represent the party, the executive director or his or her designee may vacate the decision and order and order a new hearing.

In exceptional circumstances and in order to avoid injustice, the executive director will have the discretion to grant a motion to vacate a decision and order after the three year period has lapsed.

**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 Rules of Procedure

**REFERENCE NUMBER:** 2011 RG 118

**RULEMAKING AGENCY:** Environmental Control Board

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  
Acting Corporation Counsel

Date: March 21, 2012

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment of Rules of Procedure

**REFERENCE NUMBER:** OATH-ECB-19

**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) 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/ Francisco Navarro March 21, 2012  
Mayor's Office of Operations Date

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**NOTICE OF PUBLIC HEARING**

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

**Date / Time:** May 15, 2012 at 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 (ECB) by Sections 1049-a and 1043 of the New York City Charter ("Charter"), ECB proposes to amend Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY). These rules create penalties for offenses that are heard and decided by ECB pursuant to Sections 1048 and 1049-a of the Charter, Section 7-02 of Chapter 7 of Title 24 of the RCNY, and Chapter 3 of Title 48 of the RCNY.

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**

- Prior to the hearing, you may submit written comments about the proposed rule amendment to James Macron at the address above, or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules), by May 15, 2012. If you wish to testify, please notify James Macron by May 15, 2012.
- To request a sign language interpreter or other accommodation for a disability, please contact James Macron by May 8, 2012.
- Written comments and a summary of oral comments received at the hearing will be available for thirty days after the hearing 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**

Pursuant to the authority vested in the Environmental Control Board (ECB) by Sections 1049-a and 1043 of the New York City Charter, ECB is amending the Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York ("Penalty Schedule").

**Section 1**

On January 20, 2012, amended and renumbered provisions of Article 81 of the New York City Health Code went into effect. To maintain consistency and avoid confusion, the Environmental Control Board (ECB) is amending the charges in its penalty schedule to conform to the renumbered code. All descriptions and penalties remain the same.

**Section 2**

Section 2 changes the statutory citation for Health Code Section 113.03(c)(2) or 113.07 to Health Code section 3.11. After review, DOHMH determined that the Health Code sections were duplicative with Part 14, Subpart 14-5.180 of the Public Health Law § 225 of the State of New York. As a result, on January 20, 2012, Health Code 113.03(c)(2) and 113.07 were repealed when Article 81 was renumbered. Health Code 3.11, the new citation, allows the DOHMH to enforce permit requirements of applicable law or regulation.

Deleted material is in [brackets].

New text is underlined.

Section 1. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to revise the following charges:

Section/Rule	Description	Penalty	Default
NYC Health Code [81.07(d)] <u>81.07(j)</u>	Foods prepared or served with bare-hand contact	\$385	\$770
NYC Health Code [81.29(c)] <u>81.21</u>	Hand washing facilities not provided	\$200	\$400
NYC Health Code [81.37(a)] <u>81.27</u>	Cart Utensils, equipment unclean	\$200	\$400
NYC Health Code [81.27(a)] <u>81.27(d)</u>	Wiping cloth used on food contact surfaces not stored in sanitizing solution	\$300	\$600

Section 2. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by revising the charge currently listed as "NYC Health Code 113.03(c)(2)) or NYC Health Code 113.07, Vending frozen desserts w/o appropriate permit," as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code [113.03(c)(2)] or [113.07] <u>3.11</u>	Vending frozen desserts w/o appropriate permit	\$1000	\$2000

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

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

**RULE TITLE:** Amendment of Health Code and Miscellaneous Food Vendor Violations Penalty Schedule

**REFERENCE NUMBER:** 2012 RG 023

**RULEMAKING AGENCY:** Environmental Control Board

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: March 21, 2012  
Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

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

**RULE TITLE:** Amendment of Health Code and Miscellaneous Food Vendor Violations Penalty Schedule

**REFERENCE NUMBER:** OATH/ECB-21

**RULEMAKING AGENCY:** Environmental Control Board

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 a cure period would run counter to the proposed rule's goal of preventing risks to public health and worker safety.

/s/ Rachel Squire March 21, 2012  
Mayor's Office of Operations Date

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**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on proposed rule regarding amendments to the Department of Transportation (DOT) Penalty Schedule for offenses adjudicated by the Environmental Control Board (ECB).

**Date / Time:** May 15, 2012 / 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 Sections 1043 and 1049-a of the New York City Charter, and in accordance with Sections 19-121(b)(7), 19-147, and 19-150 of the New York City Administrative Code, the Environmental Control Board proposes to amend Section 3-124 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (the DOT Penalty Schedule), creating penalties for offenses adjudicated by the Environmental Control Board. 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 Mr. Macron at his contact address above on or before May 15, 2012. 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).
- Individuals who want to testify at the hearing should notify Mr. Macron on or before May 15, 2012.
- Individuals who need a sign language interpreter or other accommodation for a disability should notify Mr. Macron on or before May 8, 2012.
- Individuals interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to Mr. Macron at his contact address above.

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

The Environmental Control Board proposes to amend the 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). These amendments will create penalties for violations of new and/or recently amended sections of DOT's Highway Rules, found in Chapter 2 of Title 34 of the RCNY.

**Section 1** - The proposed amendment creates penalties for violations of Section 2-05(d)(8)(vi) of DOT's Highway Rules. This provision was amended in 2011 to prohibit storage of construction material or equipment on City streets at a height greater than five feet unless such material or equipment is a nondivisible load or unless otherwise authorized by the DOT Commissioner.

**Sections 2 through 5** - The proposed amendments create penalties for violations of portions of Sections 2-11(e) and 2-11(f) of DOT's Highway Rules. These sections were amended in 2011 to enhance and clarify the rules related to street excavation and restoration, including rules designed to ensure that restorations result in a smooth and level roadway surface for motorists, pedestrians, and bicyclists so as to minimize trip hazards.

**Section 6** - The proposed amendments create penalties for portions of Section 2-20 of DOT's Highway Rules. This section was added in 2010 to address the procedures and processes involved in working on or within a specific distance of City electrical equipment or electrical equipment attached to City property. It also provides that permits are required for certain activities relating to electrical equipment associated with the City's streets and sidewalks where pedestrian and vehicular traffic are present and over which DOT exercises direct responsibilities.

All proposed penalties are within the guidelines set out in section 19-150 of the New York City Administrative Code. New matter is underlined.

**Section 1. The Environmental Control Board is amending its Department of Transportation 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 to add an entry after the entry in that schedule for 34 RCNY 2-07(b)(3) ("Utility cover/street hardware not flush with surrounding area") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-05(d)(8)(vi)	<u>Divisible construction materials or equipment stored at a height greater than 5 feet</u>	\$500	\$1,500

**Section 2. The Environmental Control Board is amending its Department of Transportation 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 to add an entry after the entry in that schedule for 34 RCNY 2-11(e)(11)(vi) ("Installing asphalt other than binder as a base course") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-11(e)(11)(vi)	<u>Installation and compaction of binder in greater than four inch lifts</u>	\$400	\$1,000

**Section 3. The Environmental Control Board is amending its Department of Transportation 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 to add an entry after the entry in that schedule for 34 RCNY 2-11(e)(11)(vii) ("Installation of shallow conduit without department approval") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-11(e)(11)(viii)	Binder based restoration not flush with surrounding pavement	\$750	\$1,000

**Section 4. The Environmental Control Board is amending its Department of Transportation 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 to add an entry after the entry in that schedule for 34 RCNY 2-11(e)(12)(ix) ("Installing Construction Signs w/o a Permit") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-11(e)(13)	Failure to conform with the latest version of DOT Standard Details 1042A, 1042B, or 1042C	\$750	\$1,000

**Section 5. The Environmental Control Board is amending its Department of Transportation 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 to add an entry after the entry in that schedule for 34 RCNY 2-11(e)(14)(iii) ("Failure to install a color coding marker at the end of the restoration") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-11(f)(4)(v)	Failure to conform with the latest version of DOT Standard Details 1042A, 1042B, or 1042C (protected street)	\$750	\$1,000

**Section 6. The Environmental Control Board is amending its Department of Transportation 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 to add 13 new entries after the entry in that schedule for 34 RCNY 2-15(c) ("Failure to remove an unlawful Sidewalk ATM (continuing violation)") to read as follows:**

SECTION	DESCRIPTION	PENALTY	DEFAULT
34 RCNY 2-20(a)(1)	Unauthorized attachment of item to City electrical equipment	\$250	\$500
34 RCNY 2-20(a)(2)	Unauthorized person working within 3 feet of City electrical equipment	\$250	\$500
34 RCNY 2-20(a)(6)	Failure to notify DOT's Electrical Inspections Unit at least 72 hours prior to the commencement of non-emergency work	\$250	\$500
34 RCNY 2-20(a)(7)	Unauthorized breaking, defacing, removing, or interfering with lamp, gas, communication or electrical apparatus in street or public place	\$250	\$500
34 RCNY 2-20(b)(2)	Installation of an overhead or wrap-around shunt without a DOT permit	\$250	\$500
34 RCNY 2-20(b)(4)	Failure to replace shunt with permanent connection within 90 days	\$250	\$500
34 RCNY 2-20(b)(9)	Failure to maintain overhead shunt or supports at minimum clearances	\$250	\$500
34 RCNY 2-20(e)(7)	Failure to protect conductor against accidental contact or possible interference	\$250	\$500
34 RCNY 2-20(n)(2)	Anchor guy attached to City property without DOT approval	\$250	\$500
34 RCNY 2-20(n)(3)(i)	Anchor guy attached to City property within 25 feet of intersecting street	\$250	\$500
34 RCNY 2-20(n)(3)(ii)	Anchor guy attached to City property where head guys or pole guys and cribbed poles sufficient	\$250	\$500
34 RCNY 2-20(n)(3)(iii)	Anchor guy attached to City property interfering with the entrance to a building or garage	\$250	\$500
34 RCNY 2-20(n)(4)	Anchor guy attached to City property not protected by approved shield	\$250	\$500

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

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

**RULE TITLE:** Amendment of Transportation Penalty Schedule (Street Light and Power)

**REFERENCE NUMBER:** OATH/ECB-18

**RULEMAKING AGENCY:** Environmental Control Board

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 for violations in section 4 and 5; does not provide cure period for violations in section 1, 2, 3, and 6, because those violations pose serious risks to public safety.

/s/ Ruby Choi 3/1/2012  
Mayor's Office of Operations Date

**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

**MUNICIPAL SUPPLY SERVICES**

**NOTICE**

**OFFICIAL FUEL PRICE SCHEDULE NO. 6857  
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/9/2012
3187250	5.0	#1DULS	CITY WIDE BY DELIVERY	GLOBAL MONTELLO GROUP	+0.067 GAL. 3.6734 GAL.
3187250	6.0	#1DULS	P/U	GLOBAL MONTELLO GROUP	+0.067 GAL. 3.5484 GAL.
3187251	11.0	#1DULS >=80%	CITY WIDE BY DELIVERY	SPRAGUE ENERGY CORP.	+0.067 GAL. 3.8191 GAL.
3187251	12.0	#1DULS B100 <=20%	CITY WIDE BY DELIVERY	SPRAGUE ENERGY CORP.	+0.067 GAL. 5.0849 GAL.
3187251	13.0	#1DULS	P/U	SPRAGUE ENERGY CORP.	+0.067 GAL. 3.7348 GAL.
3187251	14.0	#1DULS B100 <=20%	P/U	SPRAGUE ENERGY CORP.	+0.067 GAL. 5.0005 GAL.
3087064	1.0	#1DULSB50	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.0565 GAL. 4.4042 GAL.
3187221	1.0	#2	CITY WIDE BY DELIVERY	METRO FUEL OIL CORP.	+0.0111 GAL. 3.2921 GAL.
3187221	4.0	#2 >=80%	CITY WIDE BY DELIVERY	METRO FUEL OIL CORP.	+0.0111 GAL. 3.3573 GAL.
3187221	5.0	#2 B100 <=20%	CITY WIDE BY DELIVERY	METRO FUEL OIL CORP.	+0.0111 GAL. 3.4818 GAL.
3187249	1.0	#2DULS	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-0.0001 GAL. 3.4504 GAL.
3187249	2.0	#2DULS	P/U	CASTLE OIL CORPORATION	-0.0001 GAL. 3.4089 GAL.
3187249	3.0	#2DULS	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	+0.0001 GAL. 3.4659 GAL.
3187249	4.0	#2DULS	P/U	CASTLE OIL CORPORATION	-0.0001 GAL. 3.4289 GAL.
3187249	7.0	#2DULS >=80%	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-0.0001 GAL. 3.4582 GAL.
3187249	8.0	#2DULS B100 <=20%	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-0.0001 GAL. 3.5954 GAL.
3187249	9.0	#2DULS >=80%	P/U	CASTLE OIL CORPORATION	-0.0001 GAL. 3.4189 GAL.
3187249	10.0	#2DULS B100 <=20%	P/U	CASTLE OIL CORPORATION	-0.0001 GAL. 3.5524 GAL.
3187252	15.0	#2DULS	BARGE M.T.F. 111 & ST. GEORGE & WI	METRO FUEL OIL CORP.	-0.0001 GAL. 3.4623 GAL.
3087065	2.0	#2DULSB50	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0531 GAL. 4.2615 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP.	-0.0001 GAL. 3.7868 GAL.
3187222	2.0	#4	CITY WIDE BY TW	CASTLE OIL CORPORATION	-0.0140 GAL. 3.2219 GAL.
3187222	3.0	#6	CITY WIDE BY TW	CASTLE OIL CORPORATION	-0.0307 GAL. 3.2042 GAL.
3187263	1.0	JETA	FLOYD BENNETT	METRO FUEL OIL CORP.	+0.0080 GAL. 3.9083 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6858  
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/9/2012
3087154	1.0	#2	MANH	F & S PETROLEUM CORP.	+0.0111 GAL. 3.3759 GAL.
3087154	79.0	#2	BRONX	F & S PETROLEUM CORP.	+0.0111 GAL. 3.3759 GAL.
3087154	157.0	#2	BKLYN, QUEENS, SI	F & S PETROLEUM CORP.	+0.0111 GAL. 3.4559 GAL.
3087225	1.0	#4	CITY WIDE BY TW	METRO FUEL OIL CORP.	-0.0140 GAL. 3.6655 GAL.
3087225	2.0	#6	CITY WIDE BY TW	METRO FUEL OIL CORP.	-0.0307 GAL. 3.6033 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6859  
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/9/2012
3087115	1.0	#2	MANH & BRONX	PACIFIC ENERGY	+0.0111 GAL. 3.2013 GAL.
3087115	80.0	#2	BKLYN, QUEENS, SI	PACIFIC ENERGY	+0.0111 GAL. 3.2065 GAL.
3087218	1.0	#4	CITY WIDE BY TW	PACIFIC ENERGY	-0.0140 GAL. 3.6068 GAL.
3087218	2.0	#6	CITY WIDE BY TW	PACIFIC ENERGY	-0.0307 GAL. 3.6562 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6860  
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 4/9/2012
3187093	5.0	E70	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0317 GAL. 2.7866 GAL.
3187093	6.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	N/A GAL. 2.5604 GAL(A).
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0267 GAL. 3.9421 GAL.
3187093	2.0	PREM	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0267 GAL. 3.6026 GAL.
3187093	4.0	PREM	P/U	SPRAGUE ENERGY CORP.	+0.0267 GAL. 3.5235 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.8199 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.7199 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.7199 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.7199 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.7199 GAL.
3187093	1.0	U.L.	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.4087 GAL.
3187093	3.0	U.L.	P/U	SPRAGUE ENERGY CORP.	+0.0170 GAL. 3.3326 GAL.

**NOTES: (A): E85 FUEL (ETHANOL 85% / UNLEADED GAS 15%) PRICING IS EFFECTIVE APRIL 15, 2012.**

**REMINDER FOR ALL AGENCIES:**

Please be informed that the \$1.00 per gallon federal tax credit for blenders of biodiesel expired December 31, 2011. Beginning January 1, 2012, the price for biodiesel blended to create any biodiesel blend will be increased by \$1.00 per gallon and itemized as a separate line item on your invoice.

Please be informed that the federal tax credit of \$.45 per gallon on ethanol blended into gasoline expired on December 31, 2011. Beginning January 1, 2012, the price for ethanol will be increased by the amount of the lost tax credit and itemized as a separate line item on your invoice.

**CITY PLANNING**

**NOTICE**

**City of New York  
Department of City Planning  
Department of Homeless Services  
Substantial Amendment to the 2011 Consolidated Plan  
30-day Public Comment Period  
Addendum - Emergency Solutions Grant (ESG)**

Pursuant to 24 CFR 91.505 of the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan regulations regarding amendments, the City of New York Announces the 30-day public comment period for the substantial amendment to the 2011 Consolidated Plan: Addendum: Emergency Solutions Grant.

The public comment period will begin Monday, April 9 and end on Tuesday, May 8, 2012.

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May

20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants (ESG) program. The HEARTH Act also codifies into law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs.

On November 15, 2011, the US Department of Housing and Urban Development released an interim rule which revises the regulations for the Emergency Shelter Grants program by establishing the regulations for the Emergency Solutions Grants program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

Additional funding has been allocated in FY2011 in conjunction with the interim Emergency Solutions Grant rule. The City of New York is expected to receive \$4,448,535 in additional ESG funds.



All comments received at the end of the comment period (close of business) will be summarized and the City's responses incorporated into the 2011 Consolidated Plan amendment addendum for submission to HUD.

The City of New York must submit the amendment to HUD by May 15, 2012 in order to be eligible to receive its allocation.

On Monday, April 9, copies of the 2011 Consolidated Plan - Addendum: Emergency Solutions Grant (ESG) will be made available at: The City Planning Bookstore, 22 Reade Street, New York, NY (Monday 12:00 P.M. to 4:00 P.M., Tuesday thru Friday 10:00 A.M. to 1:00 P.M.).

In addition, on Monday, April 9 at 10:00 A.M. an Adobe PDF version of the amendment will be available for free downloading from the internet via both the Department of Homeless Services' and the Department of City Planning's websites at: www.nyc.gov/dhs and www.nyc.gov/planning, respectively.

Questions and comments may be directed to:  
Alyson Zikmund  
Director of Planning, Development and Grants  
Prevention, Policy and Planning  
NYC Department of Homeless Services  
33 Beaver Street, 20th Floor  
New York, NY 10004  
azikmund@dhs.nyc.gov

The City of New York:  
Amanda M. Burden, FAICP, Director,  
Department of City Planning  
Seth Diamond, Commissioner,  
Department of Homeless Services

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**HOUSING PRESERVATION & DEVELOPMENT**

■ NOTICE

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

Notice Date: April 10, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
564 Bainbridge Street, Brooklyn	29/12	March 9, 2009 to Present
313 Macon Street, Brooklyn	37/12	March 20, 2009 to Present
174 Herkimer Street, Brooklyn	39/12	March 21, 2009 to Present
19 West 103rd Street, Manhattan	30/12	March 9, 2000 to Present
209 East 14th Street, Manhattan	31/12	March 9, 2009 to Present
115 West 120th Street, Manhattan	32/12	March 16, 2009 to Present
546 West 140th Street, Manhattan	33/12	March 16, 2009 to Present
547 West 149th Street, Manhattan	34/12	March 16, 2009 to Present
114 West 124th Street, Manhattan	35/12	March 20, 2009 to Present
244 West 18th Street, Manhattan	36/12	March 20, 2009 to Present
2170 Broadway, Manhattan	38/12	March 20, 2009 to Present
a/k/a 222 West 77th Street		
547 West 159th Street, Manhattan	41/12	March 27, 2009 to Present
211 West 123rd Street, Manhattan	42/12	March 29, 2009 to Present
102-10 Ditmars Boulevard, Queens	40/12	March 27, 2009 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) 863-5277, (212) 863-8211 or (212) 863-8298.

a10-17

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

Notice Date: April 10, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
811 9th Avenue, Manhattan	26/12	March 8, 1997 to Present
a/k/a 813 9th Avenue		
815 9th Avenue, Manhattan	27/12	March 8, 1997 to Present
a/k/a 400 West 54th Street		
402 West 54th Street, Manhattan	28/12	March 8, 1997 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) 863-5277, (212) 863-8211 or (212) 863-8298.

a10-17

**LABOR RELATIONS**

■ NOTICE

**2008 -2010 Chaplains Agreement**

AGREEMENT entered into this 29th day of March, 2012 by and between the City of New York and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf and the New York City Health and Hospitals Corporation (hereinafter referred to jointly as the "Employer"), and District Council 37, A.F.S.C.M.E., AFL-CIO (hereinafter referred to as the "Union"), for the twenty-four (24) month period from March 3, 2008 to March 2, 2010.

**WITNESSETH:**

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

**ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION**

**Section 1.**

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

54610	Chaplain
54611	Resident Chaplain (Correctional Institutions)
54612	Chaplain (JDC)

**Section 2.**

The term's "Employee" and "Employees" as used in this Agreement shall mean only those persons in the unit described in Section 1 of this Article.

**ARTICLE II - DUES CHECKOFF**

**Section 1.**

- a. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each Employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union Dues" and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees."
- b. Any Employee may consent in writing to the authorization of the deduction of dues from the Employee's wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form acceptable to the City, which bears the signature of the Employee.

**Section 2.**

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference into this Agreement.

**ARTICLE III - SALARIES**

**Section 1.**

- a. This Article III is subject to the provisions, terms and conditions of the Alternative Career and Salary Pay Plan Regulations, dated March 15, 1967 as amended, except that the specific terms and conditions of this Article shall supersede any provisions of such Regulations inconsistent with this Agreement subject to the limitations of applicable provisions of law.
- b. Unless otherwise specified, all salary provisions of this Agreement, including minimum and maximum salaries, advancement or level increases, general

increases, education differentials and any other salary adjustments, are based upon a normal work week of 40 hours (37.5 hours in Health and Hospitals Corporation). In accordance with Article IX, Section 24 of the 1995-2001 Citywide Agreement, an Employee who works on a full-time, per-diem basis shall receive their base salary (including salary increment schedules) and/or additions-to-gross payment in the same manner as a full-time, per-annum employee. An Employee who works on a part-time per annum basis and who is eligible for any salary adjustments provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed on the relationship between the number of hours regularly worked each week by such employee and the number of hours in the said normal work week, unless otherwise specified.

- c. Employees who work on a part-time per diem or hourly basis and who are eligible for any salary adjustment provided in this agreement shall receive the appropriate pro-rata portion of such salary adjustment computed as follows, unless otherwise specified:

Per diem rate -	1/261 of the appropriate minimum basic salary.
Hourly Rate -	40-hour week basis - 1/2088 of the appropriate minimum basic salary.
37.5 hour week basis -	1/1957.5 of the appropriate minimum basic salary.
35 hour week basis -	1/1827 of the appropriate minimum basic salary.

- d. The maximum salary for a title shall not constitute a bar to the payment of any salary adjustment or pay differentials provided for in this Agreement but the said increase above the maximum shall not be deemed a promotion.

**Section 2. Salaries.**

Employees in the following title(s) shall be subject to the following specified salary(ies), salary adjustment(s), and/or salary range(s):

**a. Effective March 3, 2008**

Title	i. Minimum*		
	Hiring Rate	Incumbent Rate	ii. Maximum Rate
Chaplain (DJJ)	\$41,363	\$47,568	\$58,807
Chaplain	\$41,363	\$47,568	\$58,807
Resident Chaplain (DOC)	\$41,363	\$47,568	\$58,807

**b. Effective March 3, 2009**

Title	i. Minimum*		
	Hiring Rate	Incumbent Rate	ii. Maximum Rate
Chaplain (DJJ)	\$43,018	\$49,471	\$61,159
Chaplain	\$43,018	\$49,471	\$61,159
Resident Chaplain (DOC)	\$43,018	\$49,471	\$61,159

**NOTE:**

\* See Article III, Section 4, "New Hires"

**Section 3. - Wage Increases**

**General Wage Increase**

- a. The general wage increases, effective as indicated, shall be:
  - i. Effective March 3, 2008, Employees shall receive a general increase of 4 percent
  - ii. Effective March 3, 2009, Employees shall receive an additional general increase of 4 percent.
  - iii. Part-time per annum, part-time per diem Employees (including seasonal appointees), per session and hourly paid Employees and Employees whose normal work year is less than a full calendar year shall receive the increases provided in subsections 3(a)(i) and 3(a)(ii) on the basis of computations heretofore utilized by the parties for all such Employees.
- b. The increases provided for in Section 3(a) above shall be calculated as follows:
  - i. The general increase in Section 3(a)(i) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on March 2, 2008;
  - ii. The general increase in Section 3(a)(ii) shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on March 2, 2009.
- c.
  - i. The general increases provided for in this Section 3 shall be applied to the base rates, incremental salary levels, and the minimum "hiring rate" and "incumbent

rate” and maximum rates (including levels), for the applicable titles.

- ii. A general increase of 5.47%, effective on the last day of the Agreement, and consistent with the terms of the Stipulation of Settlement (A-13472-10; BCB 2864-10) shall be applied to the following “additions to gross”: uniform maintenance allowances, uniform allowances, equipment allowances, transportation allowances, assignment differentials, service increments, longevity differentials, longevity increments, advancement increases, assignment (level) increases, and experience, certification, educational, license, evening, or night shift differentials. Recurring increment payments are excluded from this provision.

#### Section - 4. New Hires

- a. Any employee hired on or after March 3, 2008 and appointed at a reduced hiring rate pursuant to Article III, Section 4(b) of the 2005-2008 Chaplains Agreement, shall be paid the applicable minimum “hiring rate” set forth in subsection 2(a)(i)(1). On the two year anniversary of the employee’s original date of appointment, such employee shall be paid the indicated minimum “incumbent rate” for the applicable title that is in effect on such two year anniversary as set forth in subsection 2(a)(i)(2) and 2(b)(i)(2) of this Article III.
- b. i. For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee’s length of service. Section 2 of this Article III reflects the correct amounts and has been adjusted in accordance with the provisions of Section 3(c)(i) of this Article III.
- ii. Employees who change titles or levels before attaining two years of service will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
- c. For the purposes of Sections 4(a) and 4(b), employees 1) who were in active pay status before March 3, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as “newly hired” employees and shall be entitled to receive the indicated minimum “incumbent rate” set forth in subsections 2(a)(i)(2) and 2(b)(i)(2) of this Article III:
- i. Employees who return to active status from an approved leave of absence.
- ii. Employees in active status (whether full or part-time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
- iii. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
- iv. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
- v. Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
- vi. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
- vii. A provisional employee who is appointed directly from one provisional appointment to another.
- viii. For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.
- d. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsection 4.

#### Section 5.

Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date as specified in Section 3 of this Article. In the case of a promotion or other advancement to the indicated title on the effective date of the general increase specified in Section 3 of this Article, such general increase shall not be applied, but the general increase, if any, for the title formerly occupied effective on the date indicated, shall be applied.

#### Section 6.

In the case of an employee on leave of absence without pay the salary rate of such employee shall be changed to reflect the salary adjustments specified in Article III.

#### Section 7.

Uniform allowances in the pro-rated annual amount set forth below shall be provided to those employees in the positions described below who are required to wear a uniform by the agency which employs them:

Eligible Position	Effective 3/3/08	Effective 3/2/10
Chaplains (Police Dept.)	\$564	\$595
Chaplains (Fire Dept.)	\$1,081	\$1,139

#### Section 8. - Longevity Increment:

- a. Employees with 15 years or more of “City” service in pay status shall receive a longevity increment of \$800 per annum.
- b. The rules for eligibility for the longevity increment described above in subsection a, shall be set forth in Appendix A of this Agreement and are incorporated by reference herein.

#### Section 9. - Recurring Increment Payment

- a. All full-time per annum and full time per diem employees covered by this agreement shall be eligible to receive RIP as set forth below:

Years of Service	3/3/08	3/3/08	3/3/09	3/3/09
	Increment	Total RIP	Increment	Total RIP
5	\$1,309	\$1,309	\$1,361	\$1,361
8	\$197	\$1,506	\$205	\$1,566
10	\$591	\$2,097	\$615	\$2,181
12	\$197	\$2,294	\$205	\$2,386
16	\$164	\$2,458	\$171	\$2,557
18	\$994	\$3,452	\$1,034	\$3,591

- b. The RIPs shall be based upon years of City service and be paid in addition to the longevity increment set forth in section 8a. RIPs shall be payable on the January 1, April 1, July 1 or October 1 subsequent to the qualifying employees anniversary date subject to the rules for eligibility set forth in Appendix B of this agreement.

#### Section 10. Overtime

Article IV (the Overtime Provisions) of the 1995-2001 Citywide Agreement or any successor thereto shall apply to all Chaplains and Resident Chaplains (Correctional Institutions) except as provided below:

Chaplains employed in the Police, Fire and Sanitation Departments are required to report for duty a minimum of 80 hours over a four (4) week cycle. All hours worked in excess of 80 but less than 161 hours in the four (4) week cycle shall be compensated as follows: Ordered involuntary overtime at the rate of straight time (1 x) in cash; and authorized voluntary overtime at the rate of straight time (1 x) in time off. All hours in excess of 160 hours over the (4) week cycle shall be compensated at the rates provided in Sections 2 and 3 of Article IV of the 1995-2001 Citywide Agreement. All overtime must be authorized in writing by a competent authority as designated by the agency head.

#### Section 11. Sick Leave

Article V (the Sick Leave Provisions) of the 1995-2001 Citywide Agreement or any successor thereto shall apply to all Chaplains and Resident Chaplains (Correctional Institutions) except that incumbent Chaplains hired before June 14, 1984 and employed in the Police or Fire Departments (Incumbents) shall continue to receive their current sick leave benefits. Said incumbents shall have the option of continuing to receive their current sick leave benefits or to be covered by the sick leave provisions of the 1995-2001 Citywide Agreement.

#### Section 12. Car Allowance

Article VIII (the Car Allowance Provisions) of the 1995-2001 Citywide Agreement or any successor thereto shall apply to all Chaplains and Resident Chaplains (Correctional Institutions) except that incumbent Chaplains hired before June 14, 1984 and employed in the Police or Fire Departments may at their option continue to receive the applicable Department’s current arrangements for car allowances.

### ARTICLE IV - WELFARE FUND

#### Section 1.

- a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the Citywide Agreement between the City of New York and related public employers and District Council 37, AFSCME, AFL-CIO, the Welfare Fund provisions of the 1995-2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement.
- b. When an election is made by the Union pursuant to the provisions of Article XIII, Section 1(b), of the Citywide Agreement, the provisions of Article XIII, Section 1(b) of the 1995-2001 Citywide Agreement, as amended or any successor agreement(s) thereto, shall apply to Employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal

services contributions provided in this Agreement, if any. In no case shall the single contribution provided in Article XIII, Section 1(b) of the 1995–2001 Citywide Agreement, as amended or any successor agreement(s) thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.

#### Section 2.

The Unions agree to provide welfare fund benefits to domestic partners of covered employees in the same manner as those benefits are provided to spouses of married covered employees.

#### Section 3.

In accordance with the Health Benefits Agreement dated January 11, 2001, each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active employee to widow(er)s, domestic partners and/or children of any employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

### ARTICLE V - PRODUCTIVITY AND PERFORMANCE

#### Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

#### Section 1. - Performance Levels

- a. The Union recognizes the Employer’s right under the New York City Collective Bargaining Law to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, to prepare work schedules and to measure the performance of each Employee or group of Employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of performance standards or norms hereunder.
- b. Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

#### Section 2. - Supervisory Responsibility

- a. The Union recognizes the Employer’s right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised employees for employees in supervisory positions listed in Article 1, Section 1, of this Agreement. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.
- b. Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

#### Section 3. - Performance Compensation

The Union acknowledges the Employer’s right to pay additional compensation for outstanding performance.

The Employer agrees to notify the Union of its intent to pay such additional compensation

### ARTICLE VI - GRIEVANCE PROCEDURE

#### Section 1. - Definition:

The term “Grievance” shall mean:

- a. A dispute concerning the application or interpretation of the terms of this Agreement;
- b. A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Personnel Rules and Regulations of the City Of New York or the Rules and Regulations of the Health and Hospitals Corporation with respect to those matters set forth in the first paragraph of Section 7390.1 of the Unconsolidated Laws shall not be subject to the grievance procedure or arbitration;
- c. A claimed assignment of Employees to duties substantially different from those stated in their job specifications;
- d. A claimed wrongful disciplinary action taken against a non-competitive employee as defined in Section 4 of this article.

#### Section 2.

The Grievance Procedure, except for grievances as defined in Sections 1(d) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the Employees may present the grievance at **STEP I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1(c), no monetary award shall in any event cover any period prior to the date of the filing of the **STEP I** grievance unless

such grievance has been filed within thirty (30) days of the assignment to alleged out-of-title work. No monetary award for a grievance alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be issued unless such grievance has been filed within the time limitation set forth in **STEP I** below for such grievances; if the grievance is so filed, any monetary award shall in any event cover only the period up to six years prior to the date of the filing of the grievance.

**STEP I** The Employee and/or the Union shall present the grievance in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose except that grievances alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be presented no later than 120 days after the first date on which the grievant discovered the payroll error. The Employee may also request an appointment to discuss the grievance and such request shall be granted. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

The following STEP 1(a) shall be applicable only in the Health and Hospitals Corporation in the case of grievances arising under section 1(a) through 1(c) of this Article and shall be applied prior to Step of this Section:

STEP 1(a) An appeal from an unsatisfactory determination at STEP I shall be presented in writing to the person designated by the agency head for such purpose. An appeal must be made within five (5) work days of the receipt of the STEP I determination. A copy of the grievance appeal shall be sent to the person who initially passed upon the grievance. The person designated to receive the appeal at this STEP I shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination to the Employee and/or the Union by the end of the fifth work day following the day on which the appeal was filed.

**STEP II** An appeal from an unsatisfactory determination at **STEP I** or **STEP I(a)**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. An appeal must be made within five (5) work days of the receipt of the **STEP I** or **STEP I(a)** determination. The agency head or designated representative, if any, shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

**STEP III** An appeal from an unsatisfactory determination at **STEP II** shall be presented by the Employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the Union should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The Commissioner of Labor Relations or the Commissioner's designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

**STEP IV** An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance". The Employer shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accordance with the Title 61 of the Rules of the City Of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the Agreement, and the arbitrator shall not add to, subtract from or modify the Agreement. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accordance with Article 75 of the Civil Practice Law and Rules. The arbitrator may provide for and direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

### Section 3.

As a condition to the right of the Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the Employee or Employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of such Employee(s) and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

### Section 4. Disciplinary Procedure for Non-competitive Employees

Grievances relating to a claimed wrongful disciplinary action taken against a noncompetitive employee shall be subject to and governed by the following special procedure. The provisions contained in this Section shall not apply to any of the following categories of employees covered by this contract:

- Per diem employees
- Temporary employees
- Probationary employees
- Trainees, provisionals, and non-competitive employees with less than three (3) months service in the title
- Competitive class employees
- Employees covered by Section 75 (1) of the Civil Service Law

**Step I(n)** Following the service of written charges upon an Employee a conference shall be held with respect to such charges by a person who is designated by the agency head to review such charges. The Employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a decision in writing by the end of the fifth day following the date of the conference.

**Step II(n)** If the Employee is dissatisfied with the decision in Step 1(n) above, he/she may appeal such decision. The appeal must be within five (5) working days of the receipt of such decision. Such appeal shall be treated as a grievance appeal beginning with **Step II** of the Grievance Procedure set forth herein.

### Section 5.

A grievance concerning a large number of Employees and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement may be filed directly at **STEP III** of the grievance procedure except that a grievance concerning Employees of the Health and Hospitals Corporation may be filed directly at **STEP II** of the grievance procedure. Such "group" grievance must be filed no later than 120 days after the date on which the grievance arose, and all other procedural limits, including time limits, set forth in this Article shall apply. All other individual grievances in process concerning the same issue shall be consolidated with the "group" grievance.

### Section 6.

If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

### Section 7.

If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except that only the Union may invoke impartial arbitration under **STEP IV**.

### Section 8.

The Employer shall notify the Union in writing of all grievances filed by Employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given forty-eight (48) hours' notice of all grievance hearings.

### Section 9.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

### Section 10.

A non-Mayoral agency not covered by this Agreement but which employs Employees in titles identical to those covered by this Agreement may elect to permit the Union to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the Commissioner of Labor Relations. If such election is made, the Union shall present its appeal to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the last step determination. The Union should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or the Commissioner's designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the Commissioner of Labor Relations may be taken to arbitration under procedures, if any, applicable to the non-Mayoral agency involved.

### Section 11.

The grievance and the arbitration procedure contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law.

### Section 12. Expedited Arbitration Procedure.

- The parties agree that there is a need for an expedited arbitration process which would allow for the prompt adjudication of grievances as set forth below.
- The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.

c. The selection of those matters which will be submitted shall include, but not limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedures shall apply:

#### i. SELECTION AND SCHEDULING OF CASES:

- The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in this Section 14 and notify the parties of proposed hearing dates for such cases.
- The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) to raise any objections thereto.

(3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.

(4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.

#### ii. Conduct of Hearings:

- The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a "packet" exhibit.
- In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning party at the Arbitrator's discretion absent good cause shown.
- The Arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
- A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
- Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
- The parties shall, whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

### ARTICLE VII - BULLETIN BOARDS: EMPLOYER FACILITIES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the Employees to read. All notices shall be on Union stationery, and shall be used only to notify employees of matters pertaining to Union affairs. Upon request to the responsible official in charge of a work location, the Union may use Employer premises for meetings during Employees' lunch hours, subject to availability of appropriate space and provided such meetings do not interfere with the Employer's business.

### ARTICLE VIII - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this Agreement.

### ARTICLE IX - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified employees, including the employees covered by this Agreement.

Chaplains and Resident Chaplains (Correctional Institutions) shall receive the benefits of the Citywide Agreement except for the following provisions:

- Article III: Section 2 Premium pay for holidays worked;
  - Article IV: Section 11 Standby time;
  - Article IV: Section 9 Recall time.
- Employees in the title of Chaplain, Chaplain (JDC) and Resident Chaplain (Correctional Institutions) who are required to work on any of the holidays listed in Article V, Section 9 of the 1995-2001 Citywide Contract shall receive a fifty percent (50%) cash premium for all hours worked on the holiday.

### ARTICLE X - UNION ACTIVITY

Time spent by employee representatives in the conduct of labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and Its employees and on Union Activity" or any other applicable Executive Order.

### ARTICLE XI - LABOR-MANAGEMENT COMMITTEE

#### Section 1.

The Employer and the Union, having recognized that cooperation between management and Employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty employees covered by this Agreement.

#### Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the Employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

**Section 3.**

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee shall select a chairperson from among its members at each meeting. The chairperson ship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

**Section 4.**

The labor-management committee shall meet at the call of either the Union members or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of the committee.

**ARTICLE XII - FINANCIAL EMERGENCY ACT**

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York as amended.

**ARTICLE XIII - APPENDICES**

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

**ARTICLE XIV - SAVINGS CLAUSE**

In the event that any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

**ARTICLE XV - CONTRACTING-OUT CLAUSE**

The problem of "Contracting Out" or "Farming Out" of work normally performed by personnel covered by this Agreement shall be referred to the Labor-Management Committee as provided for in Article XI of this Agreement.

**ARTICLE XVI - ECCLESIASTICAL QUALIFICATIONS**

The Union recognizes the authority of the Employer over all appointments. The Employer will establish a Chaplaincy Committee, consisting of representatives of the major denominations of the Employees namely, the New York Board of Rabbis, the Council of Churches of the City of New York, the Roman Catholic Archdiocese of New York, the Roman Catholic Diocese of Brooklyn and Queens in titles covered by this Agreement. The appropriate members of the Chaplaincy Committee shall provide technical assistance to the Employer in evaluating the Employee's ecclesiastical qualifications for initial hiring and continued employment. Determination as to whether specific individuals can continue to represent a religious denomination as a Chaplain or Resident Chaplain (Correctional Institutions) shall be made exclusively by the ecclesiastical body having jurisdiction over the religious denomination of the chaplain involved and such decisions shall be final and binding. The Chaplaincy Committee referred to in Article XVI are the members of the Interreligious Chaplaincy Commission of Religious Leaders of the City of New York.

The Council of Churches of the City of New York  
Director of Pastoral Care  
475 Riverside Drive Suite 456  
New York, N.Y. 10115  
(212) 749-1214

New York Board of Rabbis  
Director of Chaplaincy Services  
10 East 73rd Street  
New York, N.Y. 10021-4194  
(212) 879-8415

The Roman Catholic Archdiocese of N.Y.  
Director of Hospital Apostolate Catholic Center (20th Fl.)  
10 11 First Avenue  
New York, N.Y. 10022  
(212) 371-1000

The Roman Catholic Diocese of Brooklyn and Queens  
Director of Pastoral Care of Sick/Prison Ministries  
191 Joralemon Street  
Brooklyn, N.Y. 11201  
(718) 596-5500

**ARTICLE XVII - CIVIL SERVICE AND CAREER DEVELOPMENT**

A joint committee composed of representatives of the Offices of Management and Budget, Labor Relations, the Department of Citywide Administrative Services/Division of Citywide Personnel Services the Health and Hospitals Corporation, and the Union shall meet to study problems related to career development and retention of personnel, and where deemed necessary make recommendations to the appropriate Employer officials.

**WHEREFORE**, we have hereunto set our hands and seals this 29th day of March 2012,

FOR THE CITY OF NEW YORK  
AND RELATED  
PUBLIC EMPLOYERS AS  
DEFINED HEREIN:

FOR DISTRICT COUNCIL 37  
AFSCME, AFL-CIO

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**James F. Hanley**  
Commissioner of Labor Relations

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**Lillian Roberts**  
Executive Director

FOR THE NEW YORK CITY  
HEALTH AND HOSPITALS CORPORATION

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**SALVATORE J. RUSSO**  
Senior Vice President and General Counsel

**APPROVED AS TO FORM:**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
**PAUL T. REPHEN**  
Acting Corporation Counsel

**CERTIFIED TO THE FINANCIAL CONTROL BOARD:**

DATE: \_\_\_\_\_

UNIT: Chaplains

TERM: **March 3, 2008 – March 2, 2010**

**Appendix A  
Longevity Increment Eligibility Rules**

The following rules shall govern the eligibility of Employees

for the longevity increments provided for in Article III, Section 8 of the 2008 - 2010 Chaplains Agreement:

1. Only service in pay status shall be used to calculate the 15 years of service, except that for other than full time per annum Employees only a continuous year of service in pay status shall be used to calculate the 15 years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the 15 years of service. If the normal work year for an employee is less than the regular and customary work year for the Employee's title, it shall be counted as a continuous year of service if the Employee has customarily worked that length work year and the applicable agency verifies that information.
2. Service in pay status prior to any breaks in service of more than one year shall not be used to calculate the 15 years of service. Where an employee has less than seven years of continuous service in pay status, breaks in service of less than one year shall be aggregated. Where breaks in service aggregate to more than one year they shall be treated as a break in service of more than one year and the service prior to such breaks and the aggregated breaks shall not be used to calculate the 15 years of service. No break used to disqualify service shall be used more than once.
3. The following time in which an Employee is not in pay status shall not constitute a break in service as specified in paragraph 2 above:
  - a. Time on a leave approved by the proper authority which is consistent with the **Rules and Regulations of the New York City Personnel Director** or the appropriate personnel authority of a covered organization.
  - b. Time prior to a reinstatement.
  - c. Time on a preferred list pursuant to **Civil Service Law Sections 80 and 81** or any similar contractual provision.
  - d. Time not in pay status of 31 days or less.

Notwithstanding the above, such time as specified in subsections a, b and c above shall not be used to calculate the 15 years of service.

4. Once an Employee has completed the 15 years of "City" service in pay status and is eligible to receive the \$800 longevity increment, the \$800 shall become part of the Employee's base rate for all purposes except as provided in paragraph 5 below.
5. The \$800 longevity increment shall not become pensionable until fifteen months after the Employee begins to receive such \$800 increment. Fifteen months after the employee begins to receive the \$800 longevity increment, such \$800 longevity increment shall become pensionable and as part of the employee's base rate, the \$800 longevity increment shall be subject to the general increases provided in Article III, Section 3a of this Agreement.

**Appendix B**

The following rules shall govern the eligibility of Employees for the Recurring Increment Payment ("RIP") provided for in Article III, Section 9 of the 2008 - 2010 Chaplains Agreement.

1. Only service in pay status shall be used to calculate the qualifying years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve-month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the qualifying years of service. If the normal work year for an Employee is less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.
2. Part-time Employees shall be ineligible to receive RIPs, but prior part-time service shall be credited to full-time Employees on a pro rata basis, provided all other terms and conditions set forth herein are met.
  - a. An employee must have regularly worked at least one half the regular hours of full time Employees in the same title or if no full-time equivalent title exists then at least 17 1/2 hours for white collar positions or 20 hours for blue collar positions.
  - b. Such part time service shall be prorated by dividing the number of hours worked per week by a part-time Employee by the number of hours worked per week by a full-time Employee in the same title. If no full-time equivalent title exists then the divisor shall be 35 hours for white collar positions or 40 hours for blue collar positions.
3. Service in pay status prior to a break in service of more than one year shall not be used to calculate the qualifying years of service.
4. The following time in which an Employee is not in pay status shall not constitute a break in service, but such time shall not be used to calculate the qualifying years of service:
  - a. time on a leave approved by the proper authority which is consistent with the Personnel Rules and Regulations of the City of New York or the appropriate personnel authority of a covered organization,
  - b. time prior to a reinstatement,

- c. time on a preferred or recall list, and
  - d. time not in pay status of 31 days or less.
5. RIPs shall be considered a salary adjustment for the purposes of Article III, Section 1 (d) of this Agreement and the maximum salary of an eligible title shall not constitute a bar to the payment thereof.
  6. Once an Employee has qualified for a REP and is receiving it, the RIP shall become part of the Employee's base rate and included in calculating all salary based payments, except as provided in paragraph 7 below. Any future negotiated general increases shall be applied to RIPs.
  7. A RIP shall not become pensionable until two years after the Employee begins to receive such RIP.

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**LATE NOTICES****DESIGN AND CONSTRUCTION****PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, April 19, 2012, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Design and Construction of the City of New York and The New York Public Library, Fifth Avenue and 42nd Street, New York, NY 10018, for LRCA11LPA, The New York Public Library-Library for the Performing Arts-Façade Travertine Restoration, Borough of Manhattan. The contract amount shall be \$773,178. The contract term shall be 1,095 Consecutive Calendar Days from the date of registration. PIN#: 8502012LN0004P, E-PIN#: 85012S0004001.

The proposed consultant has been selected by means of a Sole Source procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from April 13, 2012 to April 19, 2012, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Carlo Di Fava at (718) 391-1541.

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**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS****PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, April 19, 2012, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Information Technology and Telecommunications and Vanguard Integrity Professionals, Inc. located at 6625 S. Eastern Avenue, Suite 100, Las Vegas, Nevada 89119, to provide software maintenance and support for various licensed software applications. The contract term shall be for three (3) years from May 1, 2010 through February 28, 2013, with two (2) one- year renewal terms, from March 1, 2013 through February 28, 2014, and March 1, 2014 through February 28, 2015. The contract amount shall be \$354,800.86. E-PIN#: 85810S0007001.

The proposed contractor was selected by means of the Sole Source procurement method, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection, Monday through Friday, exclusive of holidays, commencing April 13, 2012 to April 19, 2012, from 10:00 A.M. to 4:00 P.M., at the Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007.

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**TRANSPORTATION****PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, April 19, 2012 in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Transportation of the City of New York and the New York State Industries for the Disabled, 11 Columbia Circle Drive, Albany, New York, 12203, for the provision of Janitorial/Snow Removal Services for Ferry Terminals. The contract amount shall be \$9,419,384.91. The contract term shall be for a term of five (5) years from the Date of Written Notice to Proceed. PIN#: 84111SIS1588, E-PIN#: 84111M0004.

The proposed consultant has been selected by means of a Required Method of Source Selection Process, pursuant to Section 1-02 (d) (1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Transportation, Office of the Agency Chief Contracting Officer, 55 Water Street, New York, NY 10041, from April 13, 2012 to April 19, 2012, excluding Saturdays, Sundays and Legal Holidays, from 9:00 A.M. to 5:00 P.M.

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