



THE CITY RECORD

Official Journal of The City of New York

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

Printed on paper containing
40% post-consumer material

VOLUME CXL NUMBER 182

THURSDAY, SEPTEMBER 19, 2013

PRICE \$4.00

TABLE OF CONTENTS

PUBLIC HEARINGS & MEETINGS

Bronx Borough President	2689
Queens Borough President	2689
Community Boards	2689
Employees' Retirement System	2689
Housing Authority	2689
Landmarks Preservation Commission	2690
Board of Standards and Appeals	2691
Transportation	2691

PROPERTY DISPOSITION

Citywide Administrative Services	2692
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Citywide Purchasing	2692
Police	2692

PROCUREMENT

Citywide Administrative Services	2692
Citywide Purchasing	2692
Municipal Supply Services	2692
Vendor Lists	2693
Comptroller	2693
Information Systems	2693
Education	2693
Contracts and Purchasing	2693
Environmental Protection	2693
Fire	2693

Health and Hospitals Corporation	2693
Health and Mental Hygiene	2693
Agency Chief Contracting Officer	2693
Homeless Services	2693
Agency Chief Contracting Officer	2693
Housing Authority	2693
Purchasing	2693
Law	2693
Transportation	2693
Bridges	2693
Triborough Bridge and Tunnel Authority	2694
Procurement	2694

AGENCY PUBLIC HEARINGS

Administration for Children's Services	2694
Environmental Protection	2694

AGENCY RULES

Buildings	2694
Health and Mental Hygiene	2694

SPECIAL MATERIALS

Comptroller	2702
Cultural Affairs	2703
Changes in Personnel	2703
READER'S GUIDE	2704

THE CITY RECORD

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

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, 17th Floor, New York, N.Y. 10007 - 1602

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1 Centre Street, 17th Floor
New York N.Y. 10007-1602
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Subscription Changes/Information
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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BRONX BOROUGH PRESIDENT

PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED by the President of the Borough of the Bronx, Honorable Ruben Diaz Jr. on Friday, September 20, 2013 commencing at 3:00 P.M. (note afternoon time) This hearing will be held in room 915 (please take elevators in Bank "C") located at 851 Grand Concourse, the Bronx, New York 10451 on the following matters:

CD 7-ULURP APPLICATION NO: C 140033 ZMX - IN THE MATTER OF AN application submitted by KNIC Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3c, changing from an R6 District to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue, Borough of the Bronx, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 22, 2013.

CD 7-ULURP APPLICATION NO: N 140034 ZRX - IN THE MATTER OF AN application submitted by KNIC partners, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) to allow by a special permit an indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and allow modifications of certain signage and loading berth requirements in Community District 7, in the Borough of the Bronx.

CD 7-ULURP APPLICATION NO: C 140035 ZSX - IN THE MATTER OF AN application submitted by KNIC Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-41(b)* of the Zoning Resolution to allow an indoor arena with a maximum seating capacity of 5,800 seats located within 200 feet of a Residence District, and to allow the modifications of the sign provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of Section 36-62 (Required Off-Street Loading Berths), in connection with the conversion of an existing building (Kingsbridge Armory), on property located at 29 West Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), in a C4-4 District** Borough of the Bronx, Community District 7.

*Note: A zoning text amendment to modify Section 74-41 is proposed under a concurrent related application N 140034 ZRX.

**Note: A zoning map amendment to change an R6 District to a C4-4 District is proposed under a related application C 140033 ZMX.

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.

CD 7-ULURP APPLICATION NO: C 140036 PPX - IN THE MATTER OF AN application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), Borough of the Bronx, Community District 7, restricted by the conditions pursuant to NYC Zoning Resolution (ZR) Section 74-41 (b) Special Permit.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE PUBLIC HEARING. EACH SPEAKER WILL BE GRANTED THREE MINUTES TIME. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS HEARING TO THE OFFICE OF THE BOROUGH PRESIDENT, (718) 590-6124.

s13-19

QUEENS BOROUGH PRESIDENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, September 19, 2013 at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD04 - BSA #189-96 BZ - IN THE MATTER OF AN application submitted by John C. Chen, R.A. pursuant to Sections 73-244 of the New York City Zoning Resolution, to extend term of a special permit of an existing eating and drinking establishment located at **85-10/12 Roosevelt Avenue**, Block 1502, Lot 03, Zoning Map 9d, Elmhurst, Borough of Queens.

CD07 - BSA #90-13 BZ - IN THE MATTER OF AN application submitted by Akerman Senterfitt, LLP, on behalf of Eleftherios Lagos pursuant to Section 72-21 of the New York Zoning Resolution for a variance to allow the construction of a single-family dwelling which would create a non-compliance with respect to rear yard requirement on the zoning lot in an R1-2 district located at **166-05 Cryders Lane**, Block 4611 Lot 1, Zoning Map 7d, Whitestone, Borough of Queens.

s13-19

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 07 - Monday, September 23, 2013 at 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, 9th Floor, Flushing, NY

#C 140017PPQ
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 135-15 40th Road, pursuant to zoning.

#C 140018PPQ
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter for the disposition of (4) city-owned properties.

s17-23

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

BOROUGH OF QUEENS

COMMUNITY BOARDS NO. 03 - Thursday, September 19, 2013 at 7:45 P.M., Louis Armstrong School, 32-02 Junction Boulevard, East Elmhurst, NY

Capital Expense Budget 2015
Business/Economic
Brooklyn to Queens Corp. d/b/a A Arunee Thai
I & O LLC d/b/a La Gloria
Juan Bar Restaurant Corp., 96-15 Roosevelt Avenue
La Bamba Bar
Bocaito Cafe & Wine Bar
Dona Juana Bar & Grill Restaurant
Ecuadoriana Deli Grocery - 88-09 37th Avenue
Los Tres Potrillos Restaurant - 92-11 Roosevelt Avenue

s16-19

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 07 - Monday, September 23, 2013 at 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, 9th Floor, Flushing, NY

#N 130014ECQ
IN THE MATTER OF an application from the Nonna's of Whitestone Ltd., d/b/a Nonna's Pizzeria and Trattoria for review, pursuant to Section 366-a(c) of the New York City Charter, of the grant of a renewal of a revocable consent to operate an enclosed sidewalk cafe with 11 tables and 22 seats at 22-30 154th Street, Queens, N.Y.

s17-23

EMPLOYEES' RETIREMENT SYSTEM

INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, September 24, 2013 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

s17-23

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, September 25, 2013 at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Monday before the upcoming Wednesday Board Meeting. Copies of the Disposition are also available on NYCHA's Website or can be picked up at the

Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's Website or contact (212) 306-6088.

s17-25

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, **September 24, 2013 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 THE BRONX 14-2125 - Block 5643, lot 1-190 Fordham Street-Public School 102 (later Public School 17 - The City Island School)-Individual Landmark
A Georgian Revival style building designed by C.B.J. Snyder and built in 1897-1898 and later expanded in 1929-30. Application is to alter the entrance stairs and areaway. Community District 10.

BINDING REPORT
BOROUGH OF THE BRONX 14-7363 -Block 3247, lot -29 West Kingsbridge Road-Kingsbridge Armory-Individual Landmark
A Medieval Romanesque Revival style armory building designed by Pilcher & Tachau and built in 1912-17. Application is to install rooftop mechanical equipment and signage, modify window openings, and alter the landscape. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 14-7228 -Block 148, lot 80-39-88 48th Street-Sunnyside Gardens Historic District
A brick rowhouse with Colonial Revival style details designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to install a door and door hood above the entrance, install mechanical equipment in the side yard, and alter masonry openings. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 14-8217 -Block 148, lot 79-39-84 48th Street-Sunnyside Gardens Historic District
A brick rowhouse with Colonial Revival style details designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to install a door hood above the front entrance. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 14-5204 -Block 129, lot 30-39th Avenue and 50th Street-Sunnyside Gardens Historic District
A playground with a one story building and pavilion. Application is to relocate an existing building to the site and construct new buildings. Zoned R4. Community District 8.

MODIFICATION OF USE AND BULK
BOROUGH OF QUEENS 14-6295 -Block 9273, lot 89-86-15 Lefferts Boulevard-Richmond Hill Republican Club-Individual Landmark
Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use Pursuant to Section 74-711 of the Zoning Resolution. Zoned C2-4/R4-1. Community District 9.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF STATEN ISLAND 12-6478 - Block 7900, lot 5-7484 Amboy Road-James and Lucinda Bedell House - Individual Landmark
A free-standing Second Empire style residence built c. 1869-74. Application is to demolish existing additions and construct a new addition, install new paving, cellar access and mechanical equipment in the yard, and replace windows and siding. Zoned R3A. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-6691 -Block 2572, lot 29-149 Calyer Street-Greenpoint Historic District
A frame house built in 1872. Application is to construct a rooftop addition, alter the front and rear facades, the front areaway, and replace the fence. Zoned R6B. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-2573 -Block 276, lot 7-

191 Atlantic Avenue-Brooklyn Heights Historic District
An eclectic style house built in 1880-1899. Application is to legalize the installation of storefront infill and an awning without Landmarks Preservation Commission permits and to replace a sign installed without Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 12-4903 -Block 251, lot 33-54 Remsen Street-Brooklyn Heights Historic District
A Greek Revival style house built in 1844. Application is to install a barrier-free access lift. Community District 2.

ADVISORY REPORT
BOROUGH OF BROOKLYN 14-7868 -Block 1, lot 1-Jay Street at John Street-DUMBO Historic District
A street created from landfill in the early 19th century. Application is to install paving, seating, fencing, and to construct a land bridge. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-7905 -Block 41, lot 13-200 Water Street, aka 196-204 Water Street and 185 Front Street-DUMBO Historic District
A daylight factory building designed by Sydney Goldstone and built in 1950. Application is to alter the facades and construct rooftop and rear yard additions. Zoned M1-4/ R7A. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-7295 -Block 2092, lot 23-215 Clermont Avenue-Fort Greene Historic District
A French Second Empire style rowhouse built c. 1868-71. Application is to construct a rear yard addition. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7437 -Block 1959, lot 13-417 Clermont Avenue-Fort Greene Historic District
An Italianate style rowhouse built c. 1866. Application is to replace windows and construct a rear yard addition. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-7111 -Block 1963, lot 19-429 Washington Avenue-Clinton Hill Historic District
A French Second Empire style house built c.1870. Application is to construct a new rear yard addition. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5872- Block 436, lot 54-331 President Street -Carroll Gardens Historic District
A neo-Grec style rowhouse built in the 1878. Application is to excavate the basement. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-6770 -Block 312, lot 41-247 Kane Street-Cobble Hill Historic District
A Greek Revival style rowhouse built c. 1850. Application is to construct a rear yard addition. Zoned R6. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-6065 -Block 5097, lot 67-85 Buckingham Road- Prospect Park South Historic District
A free-standing Dutch Colonial Revival style house built c. 1910. Application is to alter the front facade. Community District 14.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3822 -Block 89, lot 1-139 Fulton Street-Bennett Building-Individual Landmark
A Second Empire style store and office building, designed by Arthur D. Gilman and built in 1872-1873, with additions designed by James M. Farnsworth and built in 1890-1892 and 1894. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits, and to replace the existing awning and signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7747 -Block 123, lot 22-233 Broadway-The Woolworth Building -Individual & Interior Landmark
A neo-Gothic style office tower designed by Cass Gilbert and built in 1911-13. Application is to replace windows, create and alter window openings, construct additions, install mechanical equipment, install a canopy, and modify an entrance. Zoned C53. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6038 -Block 174, lot 28-71-73 Franklin Street-Tribeca East Historic District
An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and modify storefront infill. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4249 -Block 175, lot 7504-90 Franklin Street-Tribeca East Historic District
An Art Deco style office building designed by Cross & Cross and built in 1930-31. Application is to establish a master plan governing the future installation of windows. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7959 -Block 222, lot 1-441-453 Greenwich Street, aka 34-48 Vestry Street, 9-17 Desbrosses Street-Tribeca North Historic District
A Romanesque Revival style warehouse designed by Charles C. Haight and built in 1883-1884. Application is to amend Certificate of Appropriateness 08-1126, for the construction of rooftop additions, the installation of windows, doors, and other infill; modifications to the vehicular driveways and related excavation; and the installation of a railing. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6081 -Block 475, lot 28-70 Grand Street-SoHo-Cast Iron Historic District
A neo-Grec style building designed by George DaCunha and built in 1887. Application is to replace windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9596 -Block 523, lot 47-623 Broadway, aka 190 Mercer Street-NoHo Historic District
A Renaissance Revival style warehouse building designed by John B. Snook and built in 1881-82. Application is to install signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6987 -Block 526, lot 52-90 MacDougal Street-MacDougal-Sullivan Gardens Historic District
A Greek Revival style rowhouse built in 1844 and altered in the neo-Federal style in the 1920s by Francis Y. Joannes and Maxwell Hyde. Application is to paint the facade and refinish the front door and window sash. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6946 -Block 569, lot 30-27 East 11th Street-Greenwich Village Historic District
A Greek Revival style townhouse built in 1845. Application is to raise the roof, construct a rooftop bulkhead and rear yard addition, install a balcony and shutters, alter the areaway, and excavate at the cellar and rear yard. Zoned R7-2. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7631 -Block 551, lot 1-2 Fifth Avenue-Greenwich Village Historic District
A brick apartment house designed by Emery Roth & Sons and built in 1951-52. Application is to alter the driveway and entry courtyard. Community District 2.

BINDING REPORT
BOROUGH OF MANHATTAN 14-4593 -Block 606, lot 1-425 6th Avenue-Greenwich Village Historic District
A High Victorian style courthouse designed by Frederick Clarke Withers and Calvert Vaux and built in 1874-77, and later altered in 1967 by Giorgio Cavaglieri. Application is to replace entrance infill, modify window openings and install a ramp. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-1851 -Block 612, lot 16-30 Perry Street-Greenwich Village Historic District
A Greek Revival style rowhouse built in 1845. Application is to construct rooftop and rear yard additions. Zoned R6, C2-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6124 -Block 631, lot 26-271 West 10th Street-Greenwich Village Historic District
Extension
A vernacular style stable building designed by Charles H. Richter, Jr. and built in 1911. Application is to construct a rooftop addition, alter the front and rear facades, replace windows and doors, and excavate the cellar. Zoned C1-6A. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5566 -Block 586, lot 61-270 Bleecker Street-Greenwich Village Historic District
Extension II
A Federal style rowhouse built in 1834, altered in the Italianate style in 1868-69, and altered again in 1889 and 1926 with the construction of the storefront. Application is to legalize the installation of condenser units without Landmarks Preservation Commission permit(s). Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7040-Block 627, lot 9-30 Gansevoort Street, aka 649 Hudson Street-Gansevoort Market Historic District
A garage building designed by Ralph J. Chiaro and built in 1982. Application is to legalize the installation of a vinyl covering on the front facade without Landmarks Preservation Commission permit(s). Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5025 -Block 646, lot 14-446 West 14th Street-Gansevoort Market Historic District
A Moderne style market building designed by H. Peter Henshien and Axel S. Hedman and built in 1936-37. Application is to install canvas wall signs. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6085 -Block 645, lot 39-402 West 13th Street-Gansevoort Market Historic District
A new building designed by Sherida E. Paulsen and built in 2010. Application is to construct a rooftop addition. Zoned M1-5. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4681 -Block 219, lot 7501-429 Greenwich Street-Tribeca North Historic District
A Romanesque Revival style factory and warehouse building designed by William J. Fryer and built in 1897-1898. Application is to install a mechanical enclosure at the roof and replace railings at the penthouse. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7856 -Block 823, lot 31-7 West 21st Street-Ladies' Mile Historic District
A parking lot. Application is to construct a new building. Zoning C6-4A. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4076 -Block 825, lot 12-49 West 23rd Street-Ladies' Mile Historic District
A Modern French style store and loft building designed by

Schwartz & Gross and built in 1911-12. Application is to install new storefronts and entrance infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4075 -Block 825, lot 12-53 West 23rd Street-Ladies' Mile Historic District
An early 20th-century Commercial and neo-Gothic style store and loft building, designed by William Harvey Birkmire, and built in 1916-17. Application is to install new storefronts and entrance infill, alter portions of the facade, and install flagpoles and signage. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7572 -Block 825, lot 20,60-39-41 West 23rd Street-Ladies' Mile Historic District
A vacant lot. Application is to construct a new building. Zoned M1-6. Community District 5.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 14-7831 - Block 825, lot 20-39-41 West 23rd Street-Ladies' Mile Historic District
A parking lot. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use and Bulk pursuant to Section 74-711 of the Zoning Resolution. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3089 -Block 829, lot 35-11 West 27th Street, aka 234 Fifth Avenue-Madison Square North Historic District
An Art Deco style commercial building designed by Green & Kitzler and built in 1926. Application is to replace windows. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7876 - Block 1010, lot 25-109-113 West 57th Street-Steinway Hall-Individual Landmark
A neo-Classical style commercial and office building designed by Warren & Wetmore and built in 1924-25. Application is to construct a new building on a portion of the landmark site, create a new interior entrance, and modify the existing service entrance. Zoned C5-3. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7867 -Block 1015, lot 29-1501 Broadway-Paramount Building -Individual Landmark
A French Beaux Arts style skyscraper designed by Rapp and Rapp and built in 1926-1927. Application is to install illuminated signs. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7808 -Block 1374, lot 69-785 Fifth Avenue-Upper East Side Historic District
An apartment building designed by Emery Roth & Sons and built in 1962-63. Application is to alter window openings, replace terrace guardrails, and construct a rooftop addition. Zoned R10H, C5-2.5. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-8052 -Block 1390, lot 46-42 East 76th Street-Upper East Side Historic District
A Queen Anne style rowhouse designed by John G. Prague and built in 1881-82. Application is to construct rooftop and rear yard additions and alter the front areaway. Zoned. Community District 8.

ADVISORY REPORT
BOROUGH OF MANHATTAN 14-8134-Block 1502, lot 1-2 East 91st Street-Andrew Carnegie Mansion - Individual Landmark-Expanded Carnegie Hill Historic District
A neo-Georgian style mansion with Beaux-Arts elements designed by Babb, Cook & Willard, and built in 1899-1903. Application is to install a canopy and lighting. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3566 - Block 1502, lot 45-66 East 91st Street - Carnegie Hill Historic District
A Romanesque Revival style rowhouse designed by James Henderson and built in 1887-89, altered in 1909 by Snelling & Potter, and again by William A. Boring in 1910. Application is to modify the areaway, demolish an existing rear yard addition, construct a new rear yard addition and install rooftop mechanical equipment. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7724 -Block 1121, lot 1-189 Columbus Avenue, aka 75-77 West 68th Street-Upper West Side/Central Park West Historic District
A Renaissance/Romanesque Revival style flats building designed by Edward Kilpatrick and built in 1893-94. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-9263 -Block 1126, lot 7502-54 West 74th Street, aka 289-295 Columbus Avenue-Upper West Side/Central Park West Historic District
A neo-Renaissance style dry-goods building designed by George H. Griebel, and built in 1902-03. Application is to construct a rooftop addition and install new storefront infill. Zoned C1-8A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3574 - Block 1197, lot 108-61 West 83rd Street-Upper West Side/Central Park West Historic District
A Queen Anne style rowhouse designed by George Dacunha and built between 1884 and 1885. Application is to alter the facade, replace windows, enlarge a rear yard addition, and construct a rooftop addition. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-7301 -Block 1150, lot 7501-105 West 78th Street-Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Joseph Turner and built in 1890-91. Application is to paint the facade and legalize the installation of a garbage enclosure without Landmarks Preservation Commission permits. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-7300 - Block 1150, lot 27-107 West 78th Street-Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Joseph Turner and built in 1890-91. Application is to paint the facade. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6945 -Block 1150, lot 26-109 West 78th Street-Upper West Side/Central Park West Historic District
A neo-Grec style rowhouse, designed by Christian Blinn and built in 1883-84. Application is to paint the facade. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6826 -Block 1129, lot 29-211 Central Park West -The Beresford Apartments - Individual Landmark -Upper West Side/Central Park West Historic District
A neo-Italian Renaissance style apartment building built in 1928-29. Application is to enlarge window openings and replace windows at a terrace set back. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-2013 Block 1184, lot 69-313 West 74th Street-West End-Collegiate Historic District
A Renaissance Revival style townhouse designed by C. P.H. Gilbert and built in 1893-94. Application is to legalize rooftop construction without Landmarks Preservation Commission permits. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5341 - Block 1184, lot 3-1 Riverside Drive - Frederick and Lydia Prentiss Residence-Individual Landmark
A Beaux Arts style rowhouse designed by C.P.H. Gilbert and built in 1899-1901. Application is to construct a side areaway stair. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3539 -Block 1233, lot 57-272 West 86th Street-Riverside-West End Historic District Extension I
A Renaissance Revival style rowhouse designed by C.P.H. Gilbert and built in 1895-96. Application is to construct rooftop and rear yard additions, alter window openings, replace doors and excavate the rear yard. Zoned R10A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7800 -Block 1233, lot 58-274 West 86th Street-Riverside-West End Historic District Extension I
A Renaissance Revival style rowhouse designed by C.P.H. Gilbert and built in 1895-96. Application is to construct rooftop and rear yard additions, alter window openings, replace doors and excavate the rear yard. Zoned R10A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-7801 -Block 1233, lot 59-276 West 86th Street-Riverside-West End Historic District Extension I
A Renaissance Revival style rowhouse designed by C.P.H. Gilbert and built in 1895-96. Application is to construct rooftop and rear yard additions, alter window openings, replace doors and excavate the rear yard. Zoned R10 A. Community District 7.

BINDING REPORT
BOROUGH OF MANHATTAN 13-0918 -Block 1920, lot 26-103 West 135th Street-New York Public Library, Schomburg Collection - Individual Landmark
A neo-Classical style library building designed by Charles McKim of McKim, Mead & White and built in 1904. Application is to install rooftop mechanical equipment. Community District 10.

s12-24

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

ADDED CASE

OCTOBER 8, 2013, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 8, 2013, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

163-04-BZ
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Mylaw Realty Corporation, owner; Crunch Fitness, lessee.
SUBJECT – Application July 26, 2013 – Extension of Time to Obtain a Certificate of Occupancy for a previously granted physical culture establishment (*Crunch Fitness*) within portions of an existing building

which expired on July 17, 2013. C2-4(R7A) zoning district.
PREMISES AFFECTED – 671/99 Fulton Street, northwest corner of intersection of Fulton Street and S. Felix Street, Block 2096, Lot 66, 99, Borough of Brooklyn.
COMMUNITY BOARD #2BK

ZONING CALENDAR

158-13-BZ
APPLICANT –Kramer Levin Naftalis& Frankel LLP, for Golf & Body NYC, owners.
SUBJECT – Application May 20, 2013 – Special Permit (§73-36) to permit the operation of a physical culture establishment (Golf & Body) within a portion of an existing building. C6-6(MID) zoning district.
PREMISES AFFECTED – 883 Avenue of the Americas, southwest corner of the Avenue of the Americas and west 32nd Street, Block 807, Lot 1102, Borough of Manhattan.
COMMUNITY BOARD #5M

Jeff Mulligan, Executive Director

☛ s19-20

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, September 25, 2013. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 44 West 69th Street LLC to continue to maintain and use a stoop, steps and a fenced-in area, on the south sidewalk of West 69th Street, east of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$4,387 the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing Jacaranda Club, LLC. To continue to maintain and use a ramp on the north sidewalk of East 60th Street, west of First Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing New York Stock Exchange, Inc. to continue to maintain and use bollards and planters on the west sidewalk of Broad Street, south of Wall Street, and on the south sidewalk of Wall Street, west of Broad Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2012 to June 30, 2022 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2012 to June 30, 2022 - \$7,751/annum.

the maintenance of a security deposit in the sum of \$11,000 and the insurance shall be the amount of One Million Dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing Norman C. Tauber to continue to maintain and use a stoop on the north sidewalk of West 71st Street west of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - \$25/annum.

There is no security deposit and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing Ten East 73rd Street LLC to continue to maintain and use a fenced-in area on the south sidewalk of 73rd Street, east of Fifth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing The 37 and 43 Bridge Street Condominium to continue to maintain and use a tunnel under and across Bridge Street

north of Water Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$ 8,344
 For the period July 1, 2014 to June 30, 2015 - \$ 8,582
 For the period July 1, 2015 to June 30, 2016 - \$ 8,820
 For the period July 1, 2015 to June 30, 2017 - \$ 9,058
 For the period July 1, 2017 to June 30, 2018 - \$ 9,296
 For the period July 1, 2018 to June 30, 2019 - \$ 9,534
 For the period July 1, 2019 to June 30, 2020 - \$ 9,772
 For the period July 1, 2020 to June 30, 2021 - \$10,010
 For the period July 1, 2021 to June 30, 2022 - \$10,248
 For the period July 1, 2022 to June 30, 2023 - \$10,486

the maintenance of a security deposit in the sum of \$10,500 and the insurance shall be in the amount of One Million Two Hundred Fifty Dollars (\$1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

s5-25

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

NOTICE

ASSET MANAGEMENT PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Asset Management proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the New York City Charter, a public hearing will be held regarding the proposed leases on Wednesday, September 25, 2013, 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

These properties will be leased in accordance with the Standard Terms and Conditions and the Special Terms and Conditions printed below.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in *The City Record*.

Further information, including public inspection of the Terms and Conditions and the proposed leases, may be obtained at 1 Centre Street, 20th Floor North, New York, New York 10007. To schedule an inspection, please contact Shelley Goldman at (212) 386-0608 or sgoldman@dcas.nyc.gov.

Note: Individuals requesting Sign Language Interpreters 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 services.

PREMISES ADDRESS: 127 East 105th Street
 LOCATION: East 105th Street between Park Avenue and Lexington Avenue

BOROUGH: Manhattan
 BLOCK: 1633
 LOT: 13
 PROPERTY TYPE: 3 Story Building
 SQUARE FOOTAGE: Approximately 8,800
 USE: Community Facility
 ZONE: R7-2/C1-5
 LEASE TERM: Five (5) Years
 RENEWAL TERMS: One (1) five (5) year renewal term
 MINIMUM ANNUAL BID: \$85,824

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: There is presently a boiler (the "boiler") in the cellar of 127 East 105th Street that can be accessed by way of an underground tunnel, which connects the cellars of 127 East 105th Street and 1680 Lexington Avenue. This boiler operates as a shared utility for both buildings. Pursuant to a Declaration of Restrictions dated April 27, 2011, which shall be made part of the proposed long term lease, the boiler shall be shall be maintained and repaired by the fee owner or agent of 1680 Lexington Avenue. The fee owner or agent of 1680 Lexington Avenue shall be permitted to enter through the underground tunnel to make necessary repairs and perform regular maintenance. If the boiler is replaced, it will be of a similar make model and performance, and shall stand upon the same location. In the event that either 1680 Lexington Avenue, or 127 East 105th Street, shall come under separate ownership, the cost of repair or replacement of the boiler shall be equally borne by the fee owners of each building. This special term and condition will continue in perpetuity or until such time that a separate boiler is installed in 1680 Lexington Avenue. A copy of the proposed long term lease and the Declaration of Restrictions is available at the offices of DCAS.

PREMISES ADDRESS: 8501 Fifth Avenue
 LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street

BOROUGH: Brooklyn
 BLOCK: 6036
 LOT: Part of Lot 1
 PROPERTY TYPE: Ground floor retail store and basement space
 SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space
 USE: As of Right
 ZONE: C4-2A
 LEASE TERM: Five (5) Years
 RENEWAL TERMS: Two (2) five (5) year renewal terms
 MINIMUM ANNUAL BID: \$90,240

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days. The day after the expiration of such License shall be the Commencement Date of the Lease.

PREMISES ADDRESS: 195-05 Linden Boulevard
 LOCATION: Northeast Corner of Linden Boulevard and 195th Street

BOROUGH: Queens
 BLOCK: 11067
 LOT: 40
 PROPERTY TYPE: 2 Story Building
 SQUARE FOOTAGE: Approximately 17,400
 USE: Community Facility
 ZONE: R5B, C1-3
 LEASE TERM: Five (5) Years
 RENEWAL TERMS: One (1) five (5) year renewal term
 MINIMUM ANNUAL BID: \$96,960

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement.

jy22-s25

CITYWIDE PURCHASING

NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on "Register" on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

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):

- * **Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555**
- * **Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030**

FOR ALL OTHER PROPERTY

- * **Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.**
- * **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

CITYWIDE ADMINISTRATIVE SERVICES

SOLICITATIONS

Goods

COVERS, BOAT AND MANHOLE – Competitive Sealed Bids – PIN# 8571300401 – DUE 10-16-13 AT 10:30 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services,
 1 Centre Street, 18th Floor, New York, NY 10007.
 Kelly Taylor (212) 386-0421; Fax: (212) 669-4867;
ktaylor@dcas.nyc.gov

City Certified Minority and Women - Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids / Proposals.

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Goods & Services

AUTO BODY AND CHASSIS REPAIR SERVICES, CITYWIDE – Competitive Sealed Bids – PIN# 8571300455 – DUE 10-21-13 AT 10:30 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services,
 1 Centre Street, 18th Floor, New York, NY 10028.
 Masha Rudina (212) 386-6373; Fax: (212) 313-3209;
mrudina@dcas.nyc.gov

City Certified Minority and Women - Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids / Proposals.

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AWARDS

Goods

SAUCES, SEASONING, SPICES AND CONDIMENTS - ACS/DYFJ – Competitive Sealed Bids – PIN# 8571300489 – AMT: \$4,936.63 – TO: Universal Coffee Corp., 123 47th Street, Brooklyn, NY 11232.

s19

CITYWIDE PURCHASING

SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services,
 66-26 Metropolitan Avenue, Queens Village, NY 11379.
 Donald Lepore (718) 417-2152; Fax: (212) 313-3135;
dlepore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods & Services

FOOD VENDORS MEETING – Other – PIN# 857FVM – DUE 10-03-13 AT 9:00 A.M. – An informational meeting on New York State Local Food Sourcing Guidelines, Kosher and Halal certifications and Nutritional requirements will be held on Thursday, October 3, 2013, 9:00 A.M. at DCAS/OCP, Municipal Building, 1 Centre Street, 18th Floor, Pre-Bid Room, New York, NY 10007. All Food Vendors are welcome. See Food Vendors Meeting letter, dated September 10, 2013. If you have questions regarding this meeting, please contact Mr. Anson Telford at (212) 669-8574 or email at atelford@dcas.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services,
 1 Centre Street, 18th Floor, New York, NY 10007.
 Anson Telford (212) 669-8574; Fax: (212) 313-3188;
atelford@dcas.nyc.gov

City Certified Minority and Women - Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids / Proposals.

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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.

j2-d31

COMPTROLLER

INFORMATION SYSTEMS

■ AWARDS

Services (Other Than Human Services)

BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN SERVICE – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 01513BIS7679 – AMT: \$379,925.00 – TO: Four Points Technology, LLC, 14900 Conference Center Drive, Chantilly, VA 20151.

s19

EDUCATION

CONTRACTS AND PURCHASING

■ SOLICITATIONS

Human / Client Services

OFFICIAL SPORTS NETWORK AND PARTNER OF THE PSAL SPONSORSHIP PROCUREMENT – Request for Proposals – PIN# R0999040 – DUE 10-29-13 AT 1:00 P.M. – The New York City Department of Education (DOE) is seeking proposals from media companies, cable distributors and networks, and/or other interested parties to be the Official Sports Network and partner of the Public Schools Athletic League (PSAL). Established in 1903, the PSAL oversees and manages interscholastic athletic competition for all New York City public schools. The PSAL comprises 44,000 student-athletes participating on 2,465 teams in 22 different boys and girls sports. The DOE is interested in responses from companies, who, in return for a licensing/rights fee, will earn the right to film, broadcast, distribute and promote PSAL games and activities on-air, online, and/or via mobile technologies. Sponsorship fees will go toward creating more opportunities for students to participate in athletics and covering program expenses. This RFP offers multiple proposal options that allow interested companies to submit a customized proposal based on its business goals and distribution footprint. The DOE is prepared to enter into a requirements agreement with one (1) or multiple companies resulting from this RFP for a period of five (5) years, with an option to extend for one year. If you cannot download this RFP, please send an e-mail to VendorHotline@schools.nyc.gov with the RFP Number and title in the subject. For all questions related to this RFP, please send an e-mail to spisik@schools.nyc.gov with the RFP number and title in the subject of your e-mail.

Pre-Proposal Conference: September 30, 2013 at 2:00 P.M. at NYC Dept. of Education, 65 Court Street, Brooklyn, N.Y. Room 1201 Conference Room.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (M/WBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including M/WBEs, from all segments of the community. The DOE works to enhance the ability of M/WBEs to compete for contracts. DOE is committed to ensuring that M/WBEs fully participate in the procurement process.

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

s19

PRESORT MAIL SERVICES – Competitive Sealed Bids – PIN# B2359040 – DUE 09-30-13 AT 4:00 P.M. – The purpose of this bid is to pick-up mail daily Monday through Friday, from the Central Mail Facility, 131 Livingston Street, Brooklyn, New York. Zip code, presort the mail and deliver the mail to the Post Office on the metered date. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID Number and title in the subject line of your e-mail. For all questions related to this BID, please send an e-mail to NLabetti@schools.nyc.gov with the bid number and title in the subject of your e-mail.

Bid Opening Date and Time: October 1, 2013 at 11:00 A.M.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (M/WBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including M/WBEs, from all segments of the community. The DOE works to enhance the ability of M/WBEs to compete for contracts. DOE is committed to ensuring that M/WBEs fully participate in the procurement process.

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

s19

ENVIRONMENTAL PROTECTION

■ SOLICITATIONS

Human / Client Services

NEW YORK CITY WATER BOARD: REQUEST FOR PROPOSALS FOR CONSERVATION PLAN CONSULTANT – Request for Proposals – PIN# 100713 – DUE 10-07-13 AT 12:00 P.M. – The New York City Water Board (the "Board") is a public benefit corporation charged with establishing and collecting water and sewer rates and charges for the water and sewer system (the "System") of the City of New York (the "City"). The System is operated and maintained by the City's Department of Environmental Protection ("DEP"), and it delivers approximately one billion gallons of water per day to over eight million users in the City, as well as about 110 million gallons a day to nearly one million people living in Westchester, Putnam, Ulster, and Orange counties. These communities north of the City are served by wholesale water utilities that are customers of the Board (the "Customers").

With the System's service area population expected rise to 10 million by 2030, in times where the System must curtail consumption for construction or other purposes, conservation will have an important role in meeting water demand. As the Customers' consumption represents 10 percent of the System's demand, DEP and the Board are undertaking a water conservation program (the "Program") to benefit the Customers. As part of this Program, the Board is seeking a consultant(s) who will collaborate with each participating Customer in the development of a water conservation plan (a "Conservation Plan"). The Board is issuing a Request for Proposals ("RFP") to solicit proposals from qualified vendors to provide Conservation Plan consulting services.

All qualified vendors are invited to respond to the RFP. The RFP package may be obtained from the following link: nyc.gov/nycwaterboard.

The deadline for submission of proposals is 12:00 P.M., October 7, 2013.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Environmental Protection, 59-17 Junction Boulevard, 8th Floor, Flushing, NY 11373-5108. Jason Low (718) 595-3114; jasonl@dep.nyc.gov

s17-23

FIRE

■ SOLICITATIONS

Services (Other Than Human Services)

PROVISION OF INSPECTION, PREVENTIVE MAINTENANCE, REPAIR, AND OPTIONAL SERVICES FOR FIRE COMMUNICATIONS RADIO TOWERS AND OBSTRUCTION LIGHTING SYSTEMS – Competitive Sealed Bids – PIN# 057130001207 – DUE 10-22-13 AT 4:00 P.M. – E-PIN#: 05713B0005. This procurement is subject to Local Law 1 Minority- and Women-owned Business Enterprise (M/WBE) participation goals.

This solicitation is subject to Local Law 220 Prevailing Wage Requirements.

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.
 Fire Department, 9 MetroTech Center, 5th Floor, Brooklyn, NY 11201. Kristina LeGrand (718) 999-1231; Fax: (718) 999-0177; legrandkm@fdny.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

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ AWARDS

Services (Other Than Human Services)

MOSQUITO CONTROL-CATCH BASIN LARVICIDING – Competitive Sealed Bids – PIN# 13AA001801R0X00 – AMT: \$6,693,750.00 – TO: Kingsway Exterminating Co. Inc., 2216 Flatbush Avenue, Brooklyn, NY 11234. ● **HOPWA** – Government to Government – PIN# 13AE011801R0X00 – AMT: \$6,057,687.00 – TO: County of Westchester, 148 Martine Avenue, Room 414, White Plains, NY 01601.

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HOMELESS SERVICES

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction / Construction Services

WINDOW REPLACEMENT AT 78 CATHERINE STREET - NYC – Competitive Sealed Bids – PIN# 07113S021417 – DUE 10-16-13 AT 11:00 A.M. – Bidders are hereby advised that this contract is subject to the Project Labor Agreement (PLA) entered into between the

City and the Building and Construction Trades Council of Greater New York (BCTC) affiliated local unions. Please refer to the bid documents for further information. M/WBE, LLI, also apply.

Non-mandatory pre-bid conference on 9/30/13 at 10:00 A.M. at 78 Catherine Street, New York, New York.

Solicitation package to be picked up by Vendors "free of charge."

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Homeless Services, 33 Beaver Street, New York, NY 10004. J. Destra (212) 361-8498; Fax: (917) 637-7054; jdestra@dhs.nyc.gov

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HOUSING AUTHORITY

PURCHASING

■ SOLICITATIONS

Goods & Services

SMD FURNISHING VARIOUS TYPES OF ELECTRICAL WIRES – Competitive Sealed Bids – RFQ# 59968 AS – DUE 10-03-13 AT 10:40 A.M. – Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business.shtml>. Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

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, Supply Management Dept., 90 Church Street, 6th Floor, New York, NY 10007. Bid documents available via internet ONLY: http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Atul Shah (718) 306-4553; shaha@nycha.nyc.gov

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LAW

■ INTENT TO AWARD

Services (Other Than Human Services)

INTENT TO AWARD CONTRACT TO LAW MANAGER INC. FOR SOFTWARE MAINTENANCE SERVICES FOR CASE MANAGEMENT SYSTEM – Sole Source – Available only from a single source - PIN# 02513X005270 – DUE 10-01-13 AT 5:00 P.M. – IT IS THE INTENT of the New York City Law Department ("Department") to enter into negotiations for a five-year contract with Law Manager Inc. ("Law Manager"), pursuant to PPB Rules Section 3-05(a) for the provision of Law Manager software maintenance services for the Law Manager case management system which is proprietary to Law Manager.

Based upon information obtained from Law Manager, the Department's Agency Chief Contracting Officer ("ACCO") has determined that there is only one source for the required service.

Firms that believe they are qualified to provide these services and wish to be considered for future procurements for the same or similar services should send an expression of interest to the Department's ACCO at the following address: Esther S. Tak, Assistant Corporation Counsel, New York City Law Department, 100 Church Street, Room 5-208, New York, NY 10007. Esther Tak (212) 356-1122; Fax: (212) 356-1148; etak@law.nyc.gov

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TRANSPORTATION

BRIDGES

■ SOLICITATIONS

Construction / Construction Services

PROTECTIVE COATING QUEENS BLVD/LIE BRIDGES – Competitive Sealed Bids – PIN# 84113QUBR708 – DUE 10-22-13 AT 11:00 A.M. – A printed copy of the contract can also be purchased. A deposit of \$50.00 is required for the bid documents in the form of a certified check or money order payable to: New York City Department of Transportation. No cash accepted. Company address, telephone, and fax numbers are required when picking up contract documents. Entrance is located on the South side of the Building facing the Vietnam Veterans Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.) A Pre-Bid Meeting (Optional) will be held on October 1, 2013 at 11:00 A.M. at 55 Water Street, Ground Floor, New York, NY 10041. For additional information, please contact Mark Lenkovskiy at (212) 839-6347.

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 Transportation, Office of the Agency Chief Contracting Officer, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435.

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TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

PROCUREMENT

■ SOLICITATIONS

Construction / Construction Services

NEW RAMP, PAINTING AND MISCELLANEOUS REPAIRS AT THE APPROACH AND SUSPENDED SPANS AT THE VERRAZANO-NARROWS BRIDGE – Competitive Sealed Bids – PIN# VN80CVN35000 – DUE 10-31-13 AT 3:00 P.M. – A pre-bid conference is scheduled for 10/1/13 at 10:00 A.M. Reservations must be made by contacting Gavin Masterson, Chief Procurement Officer, Capital and Major Maintenance at (646) 252-7080 no later than 48 hours prior. Must have protective equipment, including reflective safety vest and a hard hat. Visit www.mta.info for more information.

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.
Triborough Bridge and Tunnel Authority, 2 Broadway, 23rd Floor, New York, NY 10004. Victoria Warren (646) 252-7092; Fax: (646) 252-7077; vprocure@mtabt.org

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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

ADMINISTRATION FOR CHILDREN'S SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Administration for Children's Services, 150 William Street, 9th Floor, Room 9A-2, Borough of Manhattan, on Monday September 30, 2013, commencing at 10:00 A.M. on the following:

IN THE MATTER OF (4) four proposed contracts between the Administration for Children's Services of the City of New York and the contractors listed below, for the provision of child care services. The term of the contracts will be for (12) twelve months from approximately July 1, 2013 to June 30, 2014.

VENDOR/ADDRESS

- Jewish Child Care Association
120 Wall Street, New York, NY 10005
E-PIN 06814L0044001 **Amount** \$3,580,000
- Conselyea Street Block Association
211 Ainslie St., Brooklyn, NY 11211
E-PIN 06814L0016001 **Amount** \$1,096,851
- Nasry Michelen Day Care Center
510-516 W. 145th St., New York, NY 10031
E-PIN 06814L0026001 **Amount** \$933,432
- Queens County Educators for Tomorrow, Inc.
109-45 207th Street, Queens Village, NY 11429
E-PIN 06814L0030001 **Amount** \$233,811

The proposed contractors have been selected by means of Discretionary Funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A copy of the draft contract is available for public inspection at the New York City Administration for Children's Services, Office of Child Care Contracts, 150 William Street, 9th Floor, Borough of Manhattan, on business days from September 19, 2013 through September 30, 2013, exclusive of holidays, between the hours of 10:00 A.M. and 4:00 P.M. Please contact Sherene Hassen of the Office of Procurement at (212) 341-3443 to arrange a visit.

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ENVIRONMENTAL PROTECTION

WATER SUPPLY

■ PUBLIC HEARINGS

THIS PUBLIC HEARING HAS BEEN CANCELLED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on September 19, 2013 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and LiRo Engineers, Inc., 3 Aerial Way, Syosset, New York 11791 for DEL-378C: Site Investigation & Remedy Development Services. The Contract term shall be 3 years with a one year option to renew from the date of the written notice to proceed. The Contract amount shall be \$544,403.39 - Location: NYC Watershed Region - EPIN 82612P0003.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from September 6, 2013 to September 19, 2013 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17

Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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ENVIRONMENTAL HEALTH AND SAFETY

■ PUBLIC HEARINGS

THIS PUBLIC HEARING HAS BEEN CANCELLED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on September 19, 2013 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and MACTEC Engineering and Consulting, PC formally AMEC Engineering and Consulting, PC, 200 American Metro Blvd, Suite 113, Hamilton, New Jersey 08619 for EHSMS-13: Environmental Health & Safety Management Services. The Contract term shall be 1369 consecutive calendar days from the date of the written notice to proceed. The Contract amount shall be \$299,991.00 - Location: Borough of Queens - EPIN 82613P0010.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from September 6, 2013 to September 19, 2013 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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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 the Department of Buildings by Sections 643 and 1043 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendment to Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees for registration of energy auditors or retro-commissioning agents who are not registered design professionals.

This rule was first published on July 11, 2013, and a public hearing thereon was held on August 14, 2013.

Dated: 9/12/13 /s/
New York, New York Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter, Article 308 of the New York City Administrative Code and 1 RCNY 103-07.

Article 308 of the Administrative Code requires an energy efficiency audit to be performed by an energy auditor or a retro-commissioning agent and a report to be filed by building owners every ten years. 1 RCNY 103-07 sets out the requirements for those energy auditors and retro-commissioning agents, including a registration requirement for those who are not registered design professionals.

The amendment adds fees for initial registration of those energy auditors and retro-commissioning agents, as well as for registration renewal. These fees will cover the administrative costs incurred by the Department in registering and renewing the registration of these individuals.

In accordance with section 1043(d)(4) of the New York City Charter, a review of this rule pursuant to Local Law 46 of 2010 was not performed.

New matter is underlined.

Section 101-03 of Title 1 of the Rules of the City of New York is amended by adding the following entry at the end of the table set forth in that section:

Registration of energy auditor or retro-commissioning agent who is not a registered design professional	Initial:	Renewal:
	\$200	\$90

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HEALTH AND MENTAL HYGIENE

■ NOTICE

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 175 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 175 of the New York City Health Code (the "Health Code") was published in the City Record on July 9, 2013 and a public hearing was held on August 12, 2013. No testimony or written comments were received and no substantive changes have been made to the resolution. At its meeting on September 10, 2013, the Board of Health adopted the following resolution.

Statutory Authority

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter") and applicable state and federal law.

- Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate matters affecting health in New York City. Specifically, Section 556 (c)(11) of the Charter authorizes the Department to supervise and regulate public health aspects of ionizing radiation within the five boroughs of New York City.
- Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends.
- Section 1043 of the Charter grants rule-making powers to the Department.

The New York State Sanitary Code, in 10 NYCRR §16.1(b)(3), states that localities that have a population of more than 2,000,000 may establish their own radiation licensure requirements in place of State regulations, provided that the local requirements are consistent with Sanitary Code requirements. Section 274 of the federal Atomic Energy Act of 1954 (codified at 42 USC §2021, "Atomic Energy Act") authorizes "Agreement States" to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an "Agreement State" within the meaning of the Atomic Energy Act, and the New York City Department of Health and Mental Hygiene program is a component of the relevant Agreement.

Statement of Basis and Purpose

New York State is an Agreement State, meaning that New York State and the United States Nuclear Regulatory Commission (NRC) have entered into an agreement under the Atomic Energy Act through which the NRC has delegated authority to the State to regulate radioactive material at non-reactor sites within its jurisdiction¹. The New York State Agreement is comprised of the regulatory programs of three agencies:

- the New York State Department of Health,
- the New York State Department of Environmental Conservation, and
- the New York City Department of Health and Mental Hygiene.

¹ New York State's agreement with NRC is available online at, <http://nrc-stp.ornl.gov/special/regis/nyagreements.pdf>.

Under the Agreement and section 16.1 of the State Sanitary Code, the New York City Department of Health and Mental Hygiene, through its Office of Radiological Health (ORH), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

ORH regulations for radioactive material are contained in Article 175 of the Health Code. ORH licenses and inspects radioactive materials facilities for compliance with Article 175 for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities once every 1, 2 or 3 years depending on the type of use.

Each Agreement State program is required to maintain compatibility with the NRC regulatory program. NRC Compatibility Categories specify the type of wording of proposed State program regulatory changes corresponding to relevant NRC regulations. The following are the NRC Compatibility Categories:

- Compatibility A – Identical
- Compatibility B – Essentially Identical
- Compatibility C – Reflect the "essential objectives" of relevant NRC regulations
- Compatibility D – Not required for compatibility
- Compatibility H&S – Recommended for Health and Safety "best practices"

The majority of proposed changes in this Notice are Compatibility A and B. Some are compatibility C and H&S.

These proposed technical amendments to Article 175 are in response to NRC amendments of 10 CFR Part 20, concerning standards of protection for radiation, and 10 CFR § 19.13, regarding notification and reporting to individuals who are exposed to radiation as part of their employment, and are indicated in NRC Regulation Amendment Tracking Sheets (RATS) 1998-5, 1998-6 and 2008-1, available online at http://nrc-stp.ornl.gov/rss_regamendments.html. The provisions in Article 175 that require amendment are §175.02 (*Definitions*), 175.03 (*Standards for protection against radiation*), 175.04 (*Notices, instructions and reports to workers; inspections*) and 175.104 (*Waste disposal*).

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

RESOLVED, that the paragraph numbers for each

definition in subdivision (a) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on July 9, 2013, be and the same hereby are REPEALED, and the definitions in such subdivision shall be listed in alphabetical order, and further

RESOLVED, that the same subdivision be and is hereby amended to update the definitions of “declared pregnant woman,” “eye dose equivalent,” “high radiation area,” and “individual monitoring devices,” and to delete the definition of “public dose” to ensure compatibility with applicable federal regulations and the definitions in such subdivision be arranged in alphabetical order, to be printed together with explanatory notes to read as follows:

§ 175.02 Definitions

a. As used in this Code, the following definitions shall apply:

 [(66)] “Declared pregnant woman” means a woman who has voluntarily informed her employer the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

 [(99)] “Eye] “Lens dose equivalent” means the external [dose equivalent to] exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

 [(114)] “High radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters [(12 inches)] from [any source of] the radiation source or 30 centimeters from any surface that the radiation penetrates. [For the purposes of this Code, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.]

 [(119)] “Individual monitoring devices” (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal (“lapel”) air sampling devices. [For purposes of this Code, “personnel dosimeter” and “dosimeter” are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.]

 [(188)] “Public dose” means the dose received by a member of the public from exposure to sources of radiation or to radioactive material released by a licensee or to any other source of radiation under the control of the licensee. Public dose does not include occupational dose, dose received from background radiation, exposure to individuals administered radioactive material and released under §175.103(c)(9), dose received as a patient from medical practices, or dose from voluntary participation in medical research programs]

 [(261)] “Total effective dose equivalent” (TEDE) means the sum of the [deep] effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

 [(281)] “Very high radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in 1 hour at 1 meter [(3 feet)] from a radiation source or 1 meter from any surface that the radiation penetrates. [At very high doses received at high dose rates, units of absorbed dose (gray and rad) are appropriate, rather than units of dose equivalent (sievert and rem)].

 Notes: On September 10, 2013, the Board of Health amended §175.02(a) of the Health Code to remove the numbering of definitions and update the text of several definitions concerning radiation exposure limits to ensure compatibility with applicable federal regulations.

RESOLVED, that subdivisions (b), (c), (f), (k), and (l) of Section 175.03 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, subdivision (f) as last amended by resolution on April 3, 2001, subdivision (c) as last amended by resolution on September 26, 2006, subdivisions (b), (k), and (l) as last amended by resolution on March 13, 2012, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning radiation exposure limits, to be printed together with explanatory notes to read as follows:

§175.03 Standards for protection against radiation.

 (b) *Radiation protection programs.* (1) *Radiation Protection Programs.* Each person who operates or permits the operation of a radiation installation or who operates, transfers, receives, produces, possesses or uses, or permits the operation, transfer, receipt, production, possession or use of any radiation source shall:

(i) use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and [public] doses to members of the public that are as low as is reasonably achievable (ALARA) below the limits specified in this Code;

 (c) *Occupational dose limits.* (1) *Occupational dose limits for adults.*
 (i) Except for planned special exposures pursuant to §175.03(c)(6), the licensee or registrant shall control the occupational dose to any individual adult from licensed or registered activities to ensure that such dose does not exceed:

 (B) annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities of:
 (a) [an eye] a lens dose equivalent of 0.15 Sv (15 rem), and

 (iii) When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the Department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure:
 (A) the deep dose equivalent, [eye] lens dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable; or

 (3) *Determination of external dose from airborne radioactive material.*

(i) Licensees, when determining the dose from airborne radioactive material, shall include the contribution to the deep dose equivalent, [eye] lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. (See Appendix B of this section, footnotes 1 and 2.)

 (5) *Determination of prior occupational dose.* (i) For each individual who may enter the licensee’s or registrant’s restricted area and is likely to receive [, in a year,] an annual occupational dose requiring monitoring pursuant to §175.03(f)(2), the licensee or registrant shall:

 (ii) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

 (B) all doses in excess of the limits[,] (including doses [received] during accidents and emergencies), received during the lifetime of the individual; and

 (iii) In complying with the requirements of [§175.03(c)(5)(i)] subparagraphs (i) or (ii) of this paragraph, a licensee or registrant may:
 (A) accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual’s most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year; and

 (C) obtain reports of the individual’s dose [equivalent] equivalent(s) from the most recent employer for work involving radiation exposure, or the individual’s current employer[,] (if the individual is not employed by the licensee or registrant), by telephone, telegram, facsimile, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

 (vi) The licensee or registrant shall retain the records on form RAD-4, “Cumulative Occupational Radiation Exposure History,” or equivalent until the Department authorizes their disposition. The licensee or registrant shall retain records used in preparing form RAD-4 or equivalent for 3 years after the record is made. This includes records required under the standards for protection against radiation in effect prior to January 1, 1994.

 (8) *Dose to an embryo/fetus.* (i) The licensee or registrant shall ensure that the dose equivalent to [an] the embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem). (See [§175.03(k)(8)] §175.03(k)(9) for recordkeeping requirements.)

 (iii) The dose to an embryo/fetus shall be taken as the sum of:

 (B) the dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.
 (iv) If, by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo/fetus [has exceeded 4.5 mSv (0.45 rem)] is found to have exceeded 5 mSv (0.5 rem), or is within 0.5 mSv (0.05 rem) of this dose, the licensee or registrant shall be deemed to be in compliance with §175.03(c)(8)(i) if the additional dose to the embryo/fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

 (f) *Surveys and monitoring.* (1) *General.* (i) Each licensee or registrant shall make, or cause to be made, surveys that: (A) [are] may be necessary for the licensee or registrant to

comply with this Code; and
 (B) are necessary under the circumstances to evaluate:
 (a) the magnitude and extent of radiation levels; and

 (c) the potential radiological hazards [that could be present] of the radiation levels and residual radioactivity detected.

 (2) *Personnel monitoring.* (i) *External radiation sources.* Each [person who possesses any radiation source shall supply and require the proper use of appropriate, calibrated and operable] licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by:

 (B) minors and declared pregnant women likely to receive, in 1 year from sources external to the body, a deep dose equivalent in excess of 10 percent of any of the applicable limits in §175.03(c)(7) or §175.03(c)(8); and

 (ii) A person supplying personnel monitoring devices to individuals pursuant to §175.03(f)(2)(i) shall ensure that the individuals wear such devices as follows:

 (C) An individual monitoring device used for monitoring the [eye] lens dose equivalent shall be located at the neck outside any protective apron worn by the individual, or at an unshielded location closer to the eye.

 (k) *Records.* (1) *General provisions.* (i) [Each] (A) Except as required by federal law or regulations, each licensee or registrant shall use [SI units (becquerel, gray, sievert and coulomb per kilogram) or special units (curie, rad, rem and roentgen) including multiples and subdivisions,] the following units: curie, rad, rem, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this subdivision.

(B) In the records required by this subdivision, the licensee may record quantities in the International System of Units (SI) in parentheses following each of the units specified in clause (A) of this subparagraph. However, all quantities must be recorded as stated in clause (A) of this subparagraph.
 (ii) The licensee or registrant shall make a clear distinction between the quantities entered on the records required by this section, such as, total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, [eye] lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

 (9) *Records of individual monitoring results.* (i) *Recordkeeping Requirement.* Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to §175.03(f)(2) of this Code, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before the effective date of these requirements need not be changed. These records shall include, when applicable:
 (A) the deep dose equivalent to the whole body, [eye] lens dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities; and

 (D) the specific information used to [calculate] assess the committed effective dose equivalent pursuant to §175.03(c)(4)(iii)[;], and when required by §175.03(f)(2); and

 (1) *Reports.* (1) *Reports of stolen, lost, or missing licensed or registered sources of radiation.*

 (2) *Notification of incidents.* (i) *Immediate notification.* Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving byproduct, source, or special nuclear material or a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:
 (A) an individual to receive:

 (b) [an eye] a lens dose equivalent of 0.75 Sv (75 rem) or more; or

 (ii) *Twenty-four hour notification.* Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:
 (A) an individual to receive, in a period of 24 hours:

 (b) [an eye] a lens dose equivalent exceeding 0.15 Sv (15 rem); or

 Notes: On September 10, 2013, the Board of Health amended subdivisions (b), (c), (f), (k), and (l) of §175.03 of the Health Code to ensure compatibility with applicable federal regulations concerning radiation exposure limits.

RESOLVED, that subdivision (d) of Section 175.04 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 23, 2011, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning exposure limits for radiation facility workers, to be printed together with explanatory notes to read as follows:

§175.04 Notices, instructions and reports to workers; inspections.

(d) *Notification and reports to workers.*

(3) Each licensee and/or registrant shall [furnish a report of the worker's exposure to sources of radiation at the request of the worker formerly engaged in activities controlled by the licensee or registrant] make dose information available to workers as shown in records maintained by the licensee and/or registrant under the provisions of §175.03(k)(9). The licensee shall provide an annual report to each individual monitored under §175.03(f)(2) of the dose received in that monitoring year if:

(i) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or

(ii) The individual engaged or formerly engaged in activities controlled by the licensee or registrant requests his or her annual dose report.

The report shall include the dose record for each year the worker was required to be monitored pursuant to §175.03(f)(2) of this Code, or the equivalent provisions of previous versions of such section of this Code. Such report shall be furnished to the Department within thirty (30) days from the date of the request, or within thirty (30) days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover the period of time that the worker's activities involved exposure to sources of radiation and shall include the dates and locations of licensed or registered (including certified registrations) activities.

(4) When a licensee and/or registrant is required pursuant to [§175.03(l)(3)] §175.03(l)(2), §175.03(l)(4) or §175.03(l)(5) to report to the Department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee and/or registrant shall also provide the individual a report on the exposure data included [therein] in the report to the Department. [Such reports shall be transmitted at a time not later than the transmittal to the Department.]

Notes: On September 10, 2013, the Board of Health amended §175.04 of the Health Code to ensure compatibility with applicable federal regulations concerning exposure limits for radiation facility workers.

RESOLVED, that subdivision (f) and Appendix A of Section 175.104 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, subdivision (f) as last amended by resolution on July 9, 2013, Appendix A as last amended by resolution on June 27, 1994, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning the transfer or disposal of radioactive waste, to be printed together with explanatory notes to read as follows:

§175.104 Waste disposal.

(f) *Transfer for disposal and manifests.* (1) The requirements of [§175.104(f)] this subdivision and [Appendix A of §175.104] Appendix G to 10 CFR Part 20 are designed to;

(i) control transfers of low-level radioactive waste [intended for disposal at a licensed low-level radioactive waste] by any waste generator, waste collector, or waste processor licensee, as defined in Appendix G to 10 CFR Part 20, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility, as defined in 10 CFR §61.2;

(ii) establish a manifest tracking system, and

(iii) supplement existing requirements concerning transfers and recordkeeping for those wastes.

(2) Each shipment of radioactive waste designated for disposal at a licensed low-level radioactive waste disposal facility shall be accompanied by a shipment manifest as specified in Section I of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(3) Each shipment manifest shall include a certification by the waste generator as specified in Section II of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(4) Each person involved in the transfer of waste for disposal [or in the] and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in Section III of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(7) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR Part 20.

(8) Any licensee shipping byproduct material as defined in §§175.02(a)(33)(iii) and (iv) intended for ultimate disposal at a land disposal facility licensed under 10 CFR Part 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR Part 20.

APPENDIX A

[REQUIREMENTS FOR TRANSFER OF LOW-LEVEL RADIOACTIVE WASTE FOR DISPOSAL AT LAND DISPOSAL FACILITIES AND MANIFESTS

I. Manifest. The shipment manifest shall contain the name, address, and telephone number of the person generating the waste. The manifest shall also include the name, address,

and telephone number or the name and U.S. Environmental Protection Agency hazardous waste identification number of the person transporting the waste to the land disposal facility. The manifest shall also indicate: a physical description of the waste, the volume, radionuclide identity and quantity, the total radioactivity, and the principal chemical form. The solidification agent shall be specified. Waste containing more than 0.1% chelating agents by weight shall be identified and the weight percentage of the chelating agent estimated. Wastes classified as Class A, Class B, or Class C in Section I of Appendix B shall be clearly identified as such in the manifest. The total quantity of the radionuclides hydrogen-3, carbon-14, technetium-99, and iodine-129 shall be shown. The manifest required by this paragraph may be shipping papers used to meet U.S. Department of Transportation or U.S. Environmental Protection Agency regulations or requirements of the receiver, provided all the required information is included. Copies of manifests required by this section may be legible carbon copies or legible photocopies.

II. Certification. The waste generator shall include in the shipment manifest a certification that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation, the New York State Department of Environmental Protection and this Department. An authorized representative of the waste generator shall sign and date the manifest.

III. Control and Tracking. (a) Any radioactive waste generator who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in III. (a)(1) through (8). Any radioactive waste generator who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of III. (a)(4) through (8). A licensee shall:

(1) Prepare all wastes so that the waste is classified according to Section I of Appendix B and meets the waste characteristics requirements in Section II of Appendix B;

(2) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Section I of Appendix B;

(3) Conduct a quality control program to ensure compliance with Section I and II of Appendix B; the program shall include management evaluation of audits;

(4) Prepare shipping manifests to meet the requirements of Section I and II;

(5) Forward a copy of the manifest to the intended recipient, at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation from the collector;

(6) Include one copy of the manifest with the shipment;

(7) Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by §175.101 of this Code; and

(8) For any shipments or any portion of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).

(b) Any waste collector licensee who handles only prepackaged waste shall:

(1) Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

(2) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest. The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in Section I of this appendix. The collector licensee shall certify that nothing has been done to the waste that would invalidate the generator's certification;

(3) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

(4) Include the new manifest with the shipment to the disposal site;

(5) Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by §175.101 of this Code, and retain information from generator manifest until disposition is authorized by the Department; and

(6) For any shipments or any portion of a shipment for which acknowledgment of receipt is not received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).

(c) Any licensed waste processor who treats or repackages wastes shall:

(1) Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

(2) Prepare a new manifest that meets the requirements of Sections I and II of this appendix. Preparation of the new manifest reflects that the processor is responsible for the waste;

(3) Prepare all wastes so that the waste is classified according to Section I of Appendix B and meets the waste characteristics requirements in Section II of Appendix B;

(4) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Sections I and III of Appendix B;

(5) Conduct a quality control program to ensure compliance with Sections I and II of Appendix B. The program shall include management evaluation of audits;

(6) Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation by the collector;

(7) Include the new manifest with the shipment;

(8) Retain copies of original manifests and new manifests and documentation of acknowledgment of receipt as the record of transfer of licensed material required by §175.101 of this Code; and

(9) For any shipment or portion of a shipment for which acknowledgment is not received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).

(d) The land disposal facility operator shall:

(1) Acknowledge receipt of the waste within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest or equivalent documentation shall indicate any discrepancies between materials listed on the manifest and materials received;

(2) Maintain copies of all completed manifests or equivalent documentation until the Agency authorizes their disposition; and

(3) Notify the shipper, that is, the generator, the collector, or processor, and the Agency when any shipment or portion of a shipment has not arrived within 60 days after the advance manifest was received.

(e) Any shipment or portion of a shipment for which acknowledgment is not received within the times set forth in this section shall:

(1) Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer.

(i) Such investigation shall include tracing the shipment and filing a report with the Department. Each licensee who conducts a trace investigation shall file a written report with the Department within 2 weeks of completion of the investigation] (Reserved).

Notes: On September 10, 2013, the Board of Health amended §175.104 and its Appendix A to ensure compatibility with applicable federal regulations concerning the transfer or disposal of radioactive waste.

◀ s19

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 201 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 201 of the New York City Health Code (the "Health Code") was published in the City Record on July 9, 2013 and a public hearing was held on August 9, 2013. No testimony was given, no comments were received, and no changes have been made to the resolution. At its meeting on September 10, 2013, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE

Statutory authority

These amendments to the New York City Health Code (the "Health Code") are issued in accordance with §§ 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with the authority to regulate all matters affecting health in the City of New York. Sections 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Basis and purpose of the changes

Currently, facilities report most vital events using the Electronic Vital Event Registration System (EVERS). The Department has required all facilities reporting 100 or more live births annually to report them electronically since January 1, 1997. More than 99% of the 123,000 live births each year are reported electronically. Paper forms are used for home births, but most in-home delivery attendants voluntarily use EVERS for such reporting.

If a mother is not married, an Acknowledgment of Paternity (AOP) provides a way to legally establish paternity for a child (Public Health Law §4135-1). The AOP form can only be used if the mother was not married at any time during the pregnancy or when the child was born, and if only one man could be the father of the child. The AOP must be signed by both the mother and the father before two witnesses not related to the parents. Hospitals file about 30% of all live births in New York City (36,000 annually) with AOPs. Parents later file another 5,000 AOPs, at which time a replacement birth record is prepared by the Department's Bureau of Vital Statistics. AOPs must be filed with the Department to be effective.

At this time, all AOPs are completed on paper. However, the Department requires all hospital births to be reported electronically. Consequently, the Bureau of Vital Statistics receives the birth records immediately upon completion, but must wait for messenger or mail delivery of the associated paper AOPs. This delays birth registration and further processing, and often necessitates follow-up to hospitals for missing or incomplete AOPs. The amendment will allow for a more efficient method in which hospitals will send the AOPs electronically through secure fax/image transmission to the Bureau of Vital Statistics. To make the process consistent with existing birth reporting practices, the amendment will require all facilities reporting 100 or more live births per year to report acknowledgments of paternity electronically. To give facilities and the Department time to prepare, the requirement will take effect on January 1, 2014.

The amendment will also require facilities to retain AOPs reported electronically for a period of at least three years from the date of birth and require facilities to make these records available to the Department for inspection upon request. This retention period is consistent with the current requirement for hospitals to retain birth worksheets, and will enable inspection of original AOPs if necessary.

Accordingly, the Board is amending §201.05(d) of the Health Code to require electronic reporting of acknowledgments of paternity for facilities reporting 100 or more live births annually and to require the retention of such reports for at least three years to be made available for inspection by the Department upon request.

“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.

New text is underlined; deleted material is in [brackets].

The resolution is as follows:

RESOLVED, that subdivision 201.05(d) of Article 201 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended to be printed as follows:

§201.05 Preparation and certification of certificate of birth and confidential medical report of birth.

* * * * *

(d) All facilities required to file birth certificates electronically and facilities reporting fewer than 100 births per year which elect to report electronically, shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports of births and, on and after January 1, 2014, acknowledgments of paternity, only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. Facilities subject to this requirement must retain acknowledgments of paternity reported electronically for a period of at least three years from the date of birth and must make these records available to the Department for inspection upon request.

Notes: Subdivision (d) of section 201.05 was amended by resolution adopted on September 10, 2013 to require electronic reporting of acknowledgments of paternity for facilities reporting 100 or more live births annually and to require the retention of such reports for at least three years to be made available for inspection by the Department upon request.

☛ s19

**NOTICE OF ADOPTION
OF AMENDMENTS TO ARTICLE 165
OF THE NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 165 of the New York City Health Code (the “Health Code”) was published in the City Record on July 9, 2013. A public hearing was held on August 9, 2013; five persons testified and seven written comments were received. At its meeting on September 10, 2013, the Board of Health adopted the following resolution.

Statutory Authority

These amendments to the New York City Health Code (the “Health Code”) are issued in accordance with §§556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with authority to regulate all matters affecting health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Statement of Basis and Purpose

Background of amendments

Repetitive or prolonged underwater swimming or breath-holding can be deadly. During these activities the levels of oxygen and carbon dioxide in the body can drop, delaying the breathing reflex. Coupled with the lack of oxygen to the brain, a swimmer can lose consciousness and drown. This risk is heightened when breath-holding is coupled with intentional hyperventilation or when done as a competitive activity.

The Department has identified four drowning incidents in New York City and 12 other incidents in New York State between 1988 and 2011 that were confirmed or suspected to have been caused by a loss of consciousness underwater due to lack of oxygen caused by intentional hyperventilation or by competitive, repetitive or prolonged underwater swimming or breath-holding. Four of the sixteen swimmers involved died in incidents associated with intentional hyperventilation. Yet, many swimmers are unaware of the risks associated with these activities.

The Department has also studied relevant policies, practices and guidance of multiple jurisdictions and organizations with respect to these specific swimming behaviors. Several jurisdictions require pool operators to post signs regarding the risks associated with prolonged breath-holding activities and extended underwater swimming. These signage requirements can be found in the rules of local governmental jurisdictions that regulate pool facilities and in the policies of large governmental entities and non-governmental organizations that own and operate pool facilities. Additionally, governmental agencies and safety awareness organizations have developed guidance and educational material that promotes swimming behavior rules and/or signage requirements to reduce the risks of the above activities.

Overview of amendments

Article 165 of the Health Code addresses bathing establishments, including swimming pools. The amendments

to Article 165 are intended to discourage and/or prevent swimmers from engaging in certain swimming activities that can be deadly. The amendments will require pool operators to: update their safety plan when there are programing or operational changes at the facility and/or as directed by the Department; warn swimmers that prolonged or repetitive breath-holding is dangerous and can be deadly; and to post signage warning swimmers that “Prolonged or repetitive breath-holding can be deadly. No intentional hyperventilation or underwater competitive breath-holding.”

All persons who testified at the public hearing and who submitted written comments were generally supportive of the amendments. However, one comment, from the State Department of Health, identified that the inclusion of the undefined word “conditions” in the proposed amendment to §165.19 is not necessary because changes to the conditions of a bathing establishment are properly addressed in §165.41, *General Requirements for Pools*. The Department, agreed and decided to delete “conditions” from the proposed amendment to §165.19. Also, in response to a comment made by a Board member at the June 28, 2013 meeting of the Board of Health, the signage language in §165.41(u)(2)(K) has been changed to more clearly warn that prolonged breath-holding or repetitive breath-holding can be deadly and to prohibit two types of activities, intentional hyperventilation and competitive breath-holding. This section has also been changed to allow, rather than mandate, the Department to design and require by rule that a pictogram be included on the sign.

The resolution is as follows:

Deleted material is in [brackets]; new text is underlined.

RESOLVED, that §165.19 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended and to be published with explanatory notes, to read as follows:

**ARTICLE 165
BATHING ESTABLISHMENTS**

§165.19 Pool Safety Plan.

The operator[s] of a pool[s] and/or spray ground[s] shall develop, maintain and implement a written safety plan which consists of policies and procedures to be followed by the personnel during normal operation and emergencies for protecting the public from accidents and injuries. The [S]safety plan[s] must include procedures for daily bather supervision, injury prevention, reacting to emergencies, injuries and other incidents, providing first aid and summoning help. The safety plan shall be approved by the department and shall be accessible for use and inspection by the department at all times. The owner or pool operator shall review the plan periodically and update the plan [whenever a change occurs in] before making any change to operations or the facility or when directed to do so by the department. Changes made to the plan shall be submitted to the department for approval before implementation.

Notes: §165.19 was amended by resolution of the Board of Health adopted on September 10, 2013 to require the pool operator to update its safety plan when directed to do so by the Department in addition to when updates are necessary because of changes in operation or programs offered at the pool.

RESOLVED, that §165.21 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended by adding a new subdivision (l), to be published with explanatory notes, to read as follows:

§165.21 Facility Operating Policy.

* * *

(l) Prolonged or repetitive breath-holding can be deadly. Such activities are permitted only when appropriately supervised by qualified staff, as set forth in the operator’s pool safety plan. No intentional hyperventilation or underwater competitive breath-holding should be allowed.

Notes: Subdivision (l) of §165.21 was added by resolution of the Board of Health adopted on September 10, 2013 to require the pool operator to permit certain underwater activities only under supervision as described in the approved pool safety plan.

RESOLVED, that paragraph (2) of subdivision (u) of §165.41 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended by adding a new subparagraph (k), to be published with explanatory notes, to read as follows:

§165.41 General Requirements for Pools.

(u) Safety and warning signs.

(2) Warning signs. A sign or signs shall be securely posted in a conspicuous place or places in the pool area and bather preparation facility and shall provide the following information:

(K) “Prolonged or repetitive breath-holding can be deadly. No intentional hyperventilation or underwater competitive breath-holding.”

(i) The Department may require that the sign include a pictogram designed by the Department that conveys these dangers.

Paragraph (2) of Subdivision (u) of §165.41 was amended by resolution of the Board of Health adopted on September 10, 2013 to require the pool operator to add signage providing that “Prolonged or repetitive breath-holding can be deadly. No intentional hyperventilation or underwater competitive breath-holding.” Paragraph (2) was also amended to provide that the Department may require a pictogram designed by the Department that conveys these dangers. Section 165.41(u)(2)(k) will take effect 90 days after adoption by the Board of Health.

RESOLVED, that subdivision (u) of §165.41 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended by adding a new paragraph (7), to be published with explanatory notes, to read as follows:

§165.41 General Requirements for Pools.

(u) Safety and warning signs.

(7) Nothing in §165.41(u) prevents the operator from posting any additional sign or adding language to required signs alerting bathers to activities that are limited or prohibited under the operator’s safety plan.

Notes: Paragraph (7) of Subdivision (u) of §165.41 was added by resolution of the Board of Health adopted on September 10, 2013 to permit operators of pools to post additional signage in its facility alerting bathers to activities that are limited or prohibited under the operator’s safety plan.

☛ s19

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments of Article 175 (Radiation Control) of the New York City Health Code concerning new requirements for Cone Beam Computed Tomography (CBCT) units in dental facilities; revised requirements for radiation facility personnel protective lead garments and clarification about medical event reporting.

Date/Time: October 22, 2013 / 2:00 P.M. to 4:00 P.M.

Location: New York City Department of Health and Mental Hygiene
42-09 28th Street
14th Floor, Room 14-45
Queens, NY 11101

Contact: Roslyn Windholz
42-09 28th Street, 14th Floor, CN31
Long Island City, NY 11101-4132
(347) 396-6078/6116

Proposed Rules

These proposed changes for Article 175 of the New York City Health Code concern:

- Establishing standards for Cone Beam Computed Tomography (CBCT), an emerging x-ray technology now being used in dental offices in New York City; and
- Adding specific requirements for the methodology and testing frequency for operator lead protective garments as part of a radiation facility’s quality assurance program; and
- Clarification that both licensees and registrants are required to report medical events.

The CBCT and protective lead garments proposals were included in the Department’s FY2013 Regulatory Agenda; the medical event reporting clarification was not included in the FY2013 Regulatory Agenda as it is the result of recent analysis.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendments by mail to:

New York City Department of Health and Mental Hygiene
Board of Health
Attention: Roslyn Windholz
42-09 28th Street, 14th Fl., CN31
Queens, NY 11101-4132

Comments can also be sent electronically through NYC RULES at www.nyc.gov/nycrules, or, by email to resolutioncomments@health.nyc.gov or, online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., on October 22, 2013.

- If you are interested in pre-registering to speak, please notify Roslyn Windholz by October 22, 2013. Please include a phone number where, if necessary, you may be reached during normal business hours. You can also register at the door until 4:00 P.M.; however, preference will be given to those who pre-register. At the public hearing, you can speak up to five minutes.
- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Roslyn Windholz at the phone number shown above by October 8, 2013.
 - The Department’s general policy is to make written comments available for public viewing on the internet. All

comments received, including any personal information provided, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>.

- Copies of written comments and a summary of oral comments received at the hearing will be available for public inspection within a reasonable time after the hearing between the hours of 9:00 A.M. and 5:00 P.M. at the address above.

Statutory Authority

These amendments to the New York City Health Code (“Health Code”) are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter (“Charter”) and applicable state and federal law. Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene (“Department”) jurisdiction to regulate matters affecting health in New York City. Specifically, Section 556 (c)(11) of the Charter authorizes the Department to supervise and regulate the public health aspects of ionizing radiation within the five boroughs of New York City. Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 of the Charter grants rule-making powers to the Department.

The New York State Sanitary Code, in 10 NYCRR §16.1(b)(3), states that localities that have a population of more than 2,000,000 may establish their own radiation licensure requirements in place of State regulations, provided that the local requirements are consistent with Sanitary Code requirements.

Section 274 of the federal Atomic Energy Act of 1954 (codified at 42 USC §2021, “Atomic Energy Act”) authorizes “Agreement States” to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an “Agreement State” within the meaning of the Atomic Energy Act, and the New York City Department of Health and Mental Hygiene is a component of the New York State Agreement. Under this “Agreement State” structure, the New York City Department of Health and Mental Hygiene, through the Office of Radiological Health (“ORH”), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

Statement of Basis and Purpose

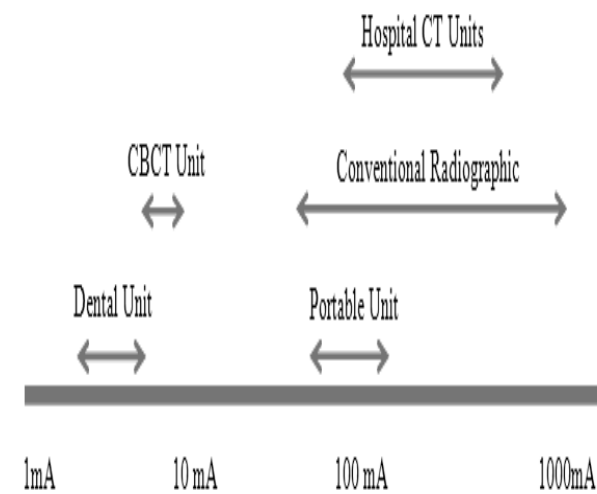
ORH regulations for radiation machines and radioactive materials are contained in Article 175 of the Health Code. ORH registers and inspects radiation machines, and licenses and inspects radioactive materials facilities for compliance with Article 175 for the protection of the health and safety of patients, radiation program employees and the general public.

There are about 6500 registered facilities possessing radiation machines and 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. Of the registered facilities, approximately 6440 are registered diagnostic X-ray facilities and 60 are therapeutic X-ray facilities possessing certified registrations. ORH inspects these facilities at frequencies of once every 1, 2 or 3 years depending on the type of usage.

I. Cone Beam Computed Tomography (CBCT)

Cone Beam Computed Tomography (CBCT) units are specialty CT x-ray units that produce radiation levels higher than conventional dental intra-oral x-ray units and are utilized for the imaging of the jaw, specific teeth, and the sinus cavity with high resolution. CBCT is useful for imaging and reconstruction of the human anatomy where speed and accurate reconstruction of structures is essential, but low contrast resolution is not essential. CBCT units were introduced into the dental environment in the early 2000s as an advanced imaging technology for dentists. The dental community has embraced CBCT technology and dental imaging professional organizations have put out position papers on CBCT use in the dental office.

CBCT has the potential to generate radiation exposures outside the range of traditional dental x-ray devices and has increased operational complexity that can result in unintended exposures to the public and workers. The graphic below identifies where the CBCT radiographic units fit in the universe of radiographic units that ORH regulates. The scale below presents the range of exposure in terms of milliamperes (mA) values¹ and shows that CBCT units are outside the range found from common dental x-ray devices:



Another measure of comparison for radiographic units is to compare the typical Entrance Skin Exposure (ESE) or

entrance patient dose, which are typically interchangeable for diagnostic x-ray kVps. CBCT manufacturer manuals reviewed indicate that the typical range for CBCT entrance dose is in the range of 2 – 4.4 mGy (about 0.2 – 0.44 rads). Data tabulated by the regulatory community in the United Kingdom shows that the effective dose for CBCT units are higher than conventional dental x-ray procedures:

¹ The quantity of electron flow (current) in the x-ray tube is described in units of milliamperes (mA). The rate of x-ray production is directly proportional to the x-ray tube current. Higher mA values indicate more electrons are striking the target and therefore producing more x-rays. (Source: http://www.e-radiography.net/radsafety/rad_physics.htm.)

Table: Typical doses from x-ray examinations of the head

Dental Panoramic Exam	Effective Dose (uSv) =	24 micro Sieverts
CBCT Unit (large Field of View)	Effective Dose (uSv) =	68-1073 micro Sieverts
CT Scan Dental Program	Effective Dose (uSv) =	534-2100 micro Sieverts

Currently, there are no standards in Article 175 to regulate CBCTs installed in dental offices. ORH estimates that 90 dental facilities employ CBCT in New York City. Dental facilities possessing such CBCT units will be required to register with and allow inspection by the Department and will need to develop a quality assurance program, which will be composed of periodic quality control testing and a radiation safety manual to ensure patient and operator safety. The proposed regulations are needed to protect both the members of the public undergoing such CBCT exams and operators of the CBCT units.

II. Operator protective lead garments

Protective lead garments are an important radiation safety tool for radiation facility operators and their workers conducting fluoroscopic² procedures in order to reduce their occupational radiation exposures. To assure that these lead protective garments retain their integrity over time, these garments should undergo routine testing by a variety of methods, as indicated in these proposed rules. If defective protective garments are used unknowingly, then their users will be subjected to unnecessary radiation exposures.

Currently, there are no standards in Article 175 for the integrity testing of protective lead garments. These proposed rules will provide a uniform standard for testing lead protective garments for registrants of radiation facilities to help ensure that their workers’ occupational radiation exposures can be minimized.

² Fluoroscopy is a type of medical imaging that shows a continuous x-ray image on a monitor. It is used to diagnose or treat patients by displaying the movement of a body part or of an instrument or dye (contrast agent) through the body. During a fluoroscopy procedure, an x-ray beam is passed through the body. The image is transmitted to a monitor so that the body part and its motion can be seen in detail. (Source: <http://www.fda.gov/radiation-emittingproducts/ radiation emittingproductsandproceduresmedicalimaging/medicalx-rays/ ucm115354.htm>)

III. Medical event reporting

The Department seeks to clarify that reporting of a medical event is required not only of radiation materials licensees, but also by radiation equipment registrants. The internal cross-reference provided in the definition of “medical event” is also being revised.

At its meeting on September 10, 2013, the Board of Health adopted a resolution that amended portions of §§ 175.02 and 175.03 that are further amended in the proposals below. The text of the amendments proposed in this notice reflect Article 175 of the Health Code as it exists at the time this proposal was approved for publication, and do not include the changes adopted on September 10, 2013.

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

“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.

RESOLVED, that Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on July 9, 2013, is amended to update the definitions of medical event and protective garment, to be printed together with explanatory notes, to read as follows:

§ 175.02 Definitions

- (a) As used in this Code, the following definitions shall apply:

(145) “Medical event” means an event that meets the criteria in [§175.03(l)(8)] §175.03(l)(9) of this Code.

(185) “Protective [apron] garment” means an apron, glove, thyroid shield or other protective barrier worn by a professional practitioner or licensed radiographic technologist or patient made of radiation attenuating material(s), used to reduce radiation exposure.

Notes: The Department proposes that the Board of Health amend §175.02(a) of the Health Code to update the definitions of medical event and protective garment.

RESOLVED, that clause (B) of subparagraph (iii) of paragraph 1 of subdivision (c), clauses (B) and (C) of subparagraph (ii) of paragraph 2 of subdivision (f), and paragraphs 9 and 10 of subdivision (l), of Section 175.03 of Article 175 of the New York City Health Code, as set forth in

Title 24 of the Rules of the City of New York, subparagraph (iii) of paragraph 1 of subdivision (c) as last amended by resolution on September 29, 2006, and paragraphs 9 and 10 of subdivision (l) as last amended by resolution on March 13, 2012, are amended to clarify requirements about the reporting of a medical event and doses to an embryo/fetus or a nursing child, to be printed together with explanatory notes, to read as follows:

§175.03 Standards for protection against radiation.

- (c) *Occupational dose limits.* (1) Occupational dose limits for adults.

(iii) The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure:

(B) when a protective [apron] garment is worn during x-ray fluoroscopic procedures to be in compliance with §175.62(i) of this Code and monitoring is conducted as specified in §175.03(f)(2)(ii), the effective dose equivalent for external radiation may be determined for these individuals as follows: (a) when only one individual monitoring device is used and it is located at the neck outside the protective [apron] garment, the reported deep dose equivalent value multiplied by 0.3 shall be the effective dose equivalent for external radiation; or (b) when individual monitoring devices are worn, both under the protective [apron] garment at the waist and outside the protective [apron] garment at the neck, the effective dose equivalent for external radiation shall be assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at the waist under the protective [apron] garment multiplied by 1.5 and the deep dose equivalent reported for the individual monitoring device located at the neck outside the protective [apron] garment multiplied by 0.04.

- ***
(f) *Surveys and monitoring.*

- ***
(2) *Personnel monitoring.*

(ii) A person supplying personnel monitoring devices to individuals pursuant to §175.03(f)(2)(i) shall ensure that the individuals wear such devices as follows:

(B) An individual monitoring device used for monitoring the dose to an embryo/fetus of a declared pregnant woman pursuant to §175.03(c)(8) shall be located at the waist under any protective [apron] garment worn by the woman.

(C) An individual monitoring device used for monitoring the eye dose equivalent shall be located at the neck outside any protective [apron] garment worn by the individual, or at an unshielded location closer to the eye.

- ***
(l) *Reports.*

- ***
(9) *Report and notification of a medical event.*

(i) A licensee or registrant shall report any event, except for an event that results from patient intervention, in which the administration of radiation, byproduct material or radiation from byproduct material results in-

- ***
(10) *Report and notification of a dose to an embryo/fetus or a nursing child.*

(i) A licensee or registrant shall report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radiation, byproduct material or radiation from byproduct material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.

(ii) A licensee or registrant shall report any dose to a nursing child that is a result of an administration of radiation or, byproduct material to a breast-feeding individual that-

(iii) The licensee or registrant shall notify by telephone the Department no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in [paragraphs (a) or (b) in this section] subparagraphs (i) or (ii) of this paragraph.

(iv) The licensee or registrant shall submit a written report to the Department within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in subparagraphs (i) and (ii) of this paragraph.

- (A) The written report shall include—
(a) The licensee’s or registrant’s name;

(g) Certification that the licensee or registrant notified the pregnant individual or mother (or the mother’s or child’s responsible relative or guardian), and if not, why not.

(v) The licensee or registrant shall provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under subparagraphs (i) and (ii) of this paragraph, unless the referring physician personally informs the licensee or registrant either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee or

registrant is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee or registrant shall make the appropriate notifications as soon as possible thereafter. The licensee or registrant may not delay any appropriate medical care for the embryo/fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this paragraph, the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee or registrant shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee or registrant upon request. The licensee or registrant shall provide such a written description if requested.

(vi) A licensee or registrant shall:

(B) Provide a copy of the annotated report to the referring physician, if other than the licensee or registrant, no later than 15 days after the discovery of the event.

Notes: The Department proposes that the Board of Health amend §§175.03(c)(1)(iii)(B), 175.03(f)(2)(ii)(B) and (C), and 175.03(l)(9) and (10) of the Health Code to update the term "protective garment," and to clarify that both licensees and registrants must report a medical event and doses to an embryo/fetus or a nursing child.

RESOLVED, that subparagraph (iii) of paragraph 2 of subdivision (c) of Section 175.54 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended and new paragraphs 4, 5 and 6 are added to such subdivision to provide requirements for the methodology and testing frequency for operator lead protective garments as part of a radiation facility's quality assurance program to reduce radiation exposures, to be printed together with explanatory notes, to read as follows:

§175.54 Surveys, shielding requirements and operator protection for diagnostic radiation machines.

(c) Operator protection.

(2) Mobile, portable, podiatric and dental radiographic installations, excluding mammographic systems.

(iii) Each operator of a mobile or portable radiographic x-ray unit, excluding dental and podiatric units, shall be provided with personnel monitoring as provided in §175.03 and shall wear a protective [apron] garment of at least 0.25 mm lead equivalent.

(4) The facility must include a written policy and procedure in the quality assurance manual, as required by Section 175.07 (b)(1)(i), that conforms to the manufacturer's recommended care and use policy for lead protective garments and is adhered to on a continuing basis. This policy, at a minimum, must describe the training of Licensed Radiographic Technologists (LRTs) on the proper care and usage of protective garments; how storage sites for lead protective garments will be evaluated and maintained and procedures for how LRTs report lead protective garment problems to the Radiation Safety Officer.

(5) Protective garments that are not used by operators conducting fluoroscopic procedures or not used for protection in veterinary offices for x-ray radiographic procedures on animals must be checked annually for defects such as holes, cracks and tears by using one of the following methods: visual investigation, tactile investigation, or x-ray imaging. If a defect is found, the lead protective garment must be removed from service and either replaced or repaired to conform to the manufacturers' specifications.

(6) Protective garments that are used by operators conducting fluoroscopic procedures or used for protection in veterinary offices for x-ray radiographic procedures on animals must be checked annually for defects such as holes, cracks and tears by using all of the following methods: visual investigation, tactile investigation, and x-ray imaging. If a defect is found, the lead protective garment must be removed from service and either replaced or repaired to conform to the manufacturers' specifications.

Notes: The Department proposes that the Board of Health amend §175.54(c) of the Health Code to update the term "protective garment" and to add requirements for the methodology and testing frequency for operator lead protective garments as part of a radiation facility's quality assurance program to reduce radiation exposures.

RESOLVED, that Section 175.58 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to add new subdivisions (c) and (d) providing requirements for the use of Cone Beam Computed Tomography (CBCT) x-ray equipment in dental offices to reduce radiation exposures, to be printed together with explanatory notes, to read as follows:

§175.58 Dental radiography.

(c) Facilities possessing a Cone Beam Computed Tomography (CBCT) unit.

(1) Notwithstanding any provision of this Code to the contrary, dental facilities possessing a CBCT unit will be subject to the requirements of Section 175.07(b) of this Code, which requires a written quality assurance program for all dental equipment possessed by the facility, including a written quality control manual and a written radiation safety policy and procedures manual for the facility.

(i) For all intraoral, panoramic and cephalometric dental x-ray units (except CBCT units), the registrant must establish annual quality control testing of x-ray parameters sufficient to maintain patient doses and image quality consistent over time. The annual tests will evaluate, at a minimum, collimation, filtration, patient dose, accuracy and reproducibility of X-ray techniques and the operational status of x-ray safety features.

(ii) For all CBCT units, the quality control tests must follow the manufacturer's recommended tests and frequency and utilize the manufacturer's quality control phantom. The quality control test results will be retained for review by the Department until after the next scheduled inspection is completed by the Department. If manufacturer guidance is absent or recommendations do not include quarterly or more frequent quality control testing, the facility must establish quality control testing that includes, at a minimum, the following:

(A) Quarterly quality control tests to determine image noise, image uniformity, reconstructed image measurement accuracy, high contrast spatial resolution of the CBCT unit; and

(B) Annual quality control tests to measure accuracy of imaging parameters (kVp, exposure time and dimensions of the scan beam), reproducibility of exposure per the most common scan, and beam filtration (HVL); and

(C) Annually, the facility will determine the patient radiation dose for the most common CBCT scan used at the facility as conducted by a medical physicist.

(d) Conditions of operation for the CBCT unit.

(1) Facilities possessing a CBCT unit must adhere to the requirements of Section 175.54 regarding the shielding requirements and operator protection for all CBCT units possessed by the dental facility.

(2) All operators of the CBCT must undergo training on the proper operation of the CBCT units and documentation of this training will be retained by the dental facility for review by the Department until after the next scheduled inspection is completed by the Department.

(3) All operators must be able to communicate with and visually observe the patient during the CBCT examination from the operator's protected position.

(4) CBCT patient exams will not be conducted solely for cosmetic purposes with no diagnostic value to the patient.

(5) The logbook for CBCT exams must contain all relevant diagnostic examination information, including but not limited to, x-ray technique, scan time, anatomical exam site and reason for examination.

Notes: The Department proposes that the Board of Health amend §175.58 of the Health Code to add new subdivisions (c) and (d) providing requirements for the use of Cone Beam Computed Tomography (CBCT) x-ray equipment in dental offices to reduce radiation exposures.

RESOLVED, that paragraphs 1 and 2 of subdivision (b) of Section 175.60 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to revise the reference for protective garment, to be printed together with explanatory notes, to read as follows:

§175.60 Fixed radiography (excluding dental, veterinary and podiatric radiography).

(b) Conditions for operation of equipment. (1) No person shall be regularly employed to hold patients or films during exposures nor shall such duty be performed by an individual occupationally exposed to radiation in the course of that individual's other duties. When it is necessary to restrain the patient, mechanical supporting or restraining devices should be used. If patients or films must be held by an individual, that individual shall be protected with appropriate shielding devices such as protective gloves and protective [apron] garment of at least 0.25 mm lead equivalent. No part of the holding individual's body shall be in the useful beam. The exposure of any individual used for holding patients shall be monitored. Pregnant women and individuals under 18 years of age shall not hold patients under any conditions.

(2) Only persons required for the radiographic procedure shall be in the radiographic room during the exposure and, except for the patient, all such persons shall be equipped with appropriate shielding devices such as protective gloves and a protective [apron] garment of at least 0.25 mm lead equivalent.

Notes: The Department proposes that the Board of Health amend §175.60(b) of the Health Code to revise the reference for protective garment.

RESOLVED, that paragraph 1 of subdivision (b) of Section 175.61 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to revise the reference for protective garment, to be printed together with explanatory notes, to read as follows:

§175.61 Portable, bedside or mobile equipment (excluding dental, veterinary and podiatric radiography).

(b) Conditions for operation of equipment. (1) No person shall be regularly employed to hold patients or films during exposures, nor shall such duty be performed by an individual occupationally exposed to radiation in the course of that individual's other duties. When it is necessary to

restrain the patient, mechanical supporting or restraining devices should be used. If patient or films must be held by an individual, that individual shall be protected with appropriate shielding devices such as protective gloves and a protective [apron] garment of at least 0.25 mm lead equivalent. No part of the holding individual's body shall be in the useful beam. The exposure of any individual used for holding patients shall be monitored. Pregnant women and individuals under 18 years of age shall not hold patients under any conditions.

Notes: The Department proposes that the Board of Health amend §175.61(b) of the Health Code to revise the reference for protective garment.

RESOLVED, that paragraph 3 of subdivision (i) of Section 175.62 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to revise the reference for protective garment, to be printed together with explanatory notes, to read as follows:

§175.62 Fluoroscopy.

(i) Conditions for operation of equipment.

(3) Unless measurements indicate that they are not needed, protective [gloves and aprons] garments of at least 0.25 mm lead equivalent each shall be worn by any person within the fluoroscopy room.

Notes: The Department proposes that the Board of Health amend §175.62(i)(3) of the Health Code to revise the reference for protective garment.

RESOLVED, that subparagraph (iv) of paragraph 18 of subdivision (f) of Section 175.64 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to revise the reference for protective garment, to be printed together with explanatory notes, to read as follows:

§175.64 Therapeutic radiation machines.

(f) Therapeutic radiation machines incapable of operating at 500 kV or above. (1) Leakage radiation.

(18) Operating procedures.

(iv) The tube housing assembly shall not be held by an individual during operation unless the assembly is designed to require such holding and the peak tube potential of the system does not exceed 50 kV. In such cases, the holder shall wear protective [gloves and apron] garments of not less than 0.5 mm lead equivalency at 100 kV.

Notes: The Department proposes that the Board of Health amend §175.64(f)(18)(iv) of the Health Code to revise the reference for protective garment.

RESOLVED, that subparagraph (iii) of paragraph 2 of subdivision (a) and subparagraph (iii) of paragraph 2 of subdivision (b), of Section 175.65 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to revise the reference for protective garment, to be printed together with explanatory notes, to read as follows:

§175.65 Veterinary radiography and fluoroscopy.

(a) Fixed radiographic installations.

(2) Conditions for operation of equipment.

(iii) Animal patients or films shall be held by an individual only under extreme conditions when clinically necessary. Such individuals shall wear protective gloves having at least 0.5 mm lead equivalent, a protective [apron] garment of at least 0.25 mm lead equivalent, and shall keep all parts of his/her body out of the useful beam.

(b) Portable or mobile radiographic installations.

(2) Conditions for operation of equipment.

(iii) Animal patients or films shall be held by an individual only under extreme conditions when clinically necessary. Such individuals shall wear protective gloves having at least 0.5 mm lead equivalent, a protective [apron] garment of at least 0.25 mm lead equivalent, and shall keep all parts of his/her body out of the useful beam.

Notes: The Department proposes that the Board of Health amend §175.65(a) and (b) of the Health Code to revise the reference for protective garment.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-0428

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Standards for New Radiation
Technology (Health Code Article 175)

REFERENCE NUMBER: 2013 RG 042

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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: August 29, 2013
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: Standards for New Radiation Technology (Health Code Article 175)

REFERENCE NUMBER: DOHMH-31

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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 the violations pose a risk to the public health.

/s/ Ruby B. Choi August 29, 2013
Mayor's Office of Operations Date

• s19

NOTICE OF PUBLIC HEARING

Subject: Opportunity to Comment on Proposed Amendment of Article 43 (School-Based Programs for Children Ages Three Through Five) and Article 47 (Day Care Services) of the New York City Health Code, found in Title 24 of the Rules of the City of New York.

Date / Time: October 23, 2013/10:00 A.M. to 12:00 P.M.

Location: New York City Department of Health and Mental Hygiene
Gotham Center
42-09 28th Street, 14th Floor, Room 14-45
Long Island City, NY 11101-4132

Contact: Roslyn Windholz
Secretary to the Board of Health
New York City Department of Health and Mental Hygiene
Gotham Center, 14th Floor, CN 31
Long Island City, NY 11101-4132
(347) 396-6078/6116

Proposed Rule

The Department of Health and Mental Hygiene is proposing that the Board of Health amend Articles 43 and 47 of the New York City Health Code to require that children under five (5) years of age receive an annual influenza vaccination and be immunized against pneumococcal disease.

Instructions

- You may pre-register to speak at the hearing by contacting Roslyn Windholz at the address or phone number above before October 23, 2013.
- The Department will also consider written comments that it receives about the proposed amendment. Written comments must be received by the Department on or before the date of the hearing. Written comments can be mailed to Roslyn Windholz at the address above. They may also be submitted by e-mail to resolutioncomments@health.nyc.gov or posted electronically (without attachments) at either <http://www.nyc.gov/html/doh/html/about/notice.shtml> or through NYC RULES at www.nyc.gov/nycrules.
- To request a sign language interpreter or any other form of reasonable accommodation for a disability at the hearing, please contact Roslyn Windholz at the phone number above by October 9, 2013.
- Copies of written comments and a transcript of oral comments received at the hearing, as soon as the

hearing transcript becomes available, can be reviewed between the hours of 9:00 A.M. and 5:00 P.M. at the address above. Anyone wishing to review the comments may contact Roslyn Windholz to schedule an appointment to do so.

- Additionally, the Department's general policy is to make written comments available for public viewing on the Internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>.

Statement of Basis and Purpose*Statutory Authority*

These amendments to the New York City Health Code (the Health Code) are promulgated pursuant to §§558 and 1043 of the New York City Charter (the Charter). Sections 558(b) and (c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 1043 grants the Department rule-making authority.

Background

The Charter provides the Department with jurisdiction over all matters concerning health in the City of New York. The Bureau of Child Care, in the Department's Division of Environmental Health, enforces Article 47 and 43 (Child Care Services) of the Health Code. Article 47 regulates all public and private group day care services for children less than six years of age. Article 43 contains health and safety standards for school-based programs for children ages three through five.

The Department is requesting the Board to amend Articles 47 and 43 to require that children attending child care services and school-based programs under the Department's jurisdiction receive annual vaccinations against influenza, and to add immunization against pneumococcal disease to the list of required pre-admission immunizations in these Articles. Full citations for reports and studies cited in the section on influenza vaccination are listed at the end of the Statement of Basis and Purpose. The Department particularly invites comments on the manner in which the influenza vaccination requirement applies to children who first enroll in a day care or school-based program mid-way through the flu season.

Influenza vaccination

Influenza causes an estimated 200,000 hospitalizations and an average of 36,000 (range 3,000-49,000) deaths annually in the United States (CDC, 2010). Approximately 20,000 hospitalizations and 30-150 deaths occur in children under 5 years of age each year. Children typically have the highest attack rates of influenza, which can be as high as 40%, and children serve as a major source of transmission within communities. Each year, an estimated 15%-42% of preschool children contract influenza, and 38 million school days are missed due to influenza illness (CDC/ National Center for Health Statistics, 1999).

Influenza strains vary from year to year. The US Food and Drug Administration annually licenses influenza vaccines for administration based on a scientific consensus identifying "virus strains likely to cause the most illness during the upcoming flu season" (generally October through April in the middle Atlantic states). (USFDA, 2012) Vaccination only protects against the strains specifically included in the approved vaccine. Therefore, immunization is only effective for the year in which it is given, and a different influenza vaccine generally needs to be administered each year. The effectiveness of influenza vaccine varies with the severity of flu season, circulating influenza viruses, vaccine composition, and the age group studied. In children less than 6 years of age, influenza vaccine efficacy, ability to prevent influenza infection, ranged from 59%-82%; effectiveness, a measure of how vaccine performed in real world settings in preventing influenza, ranged from 24%-36%. (T Jefferson, 2005; M Fujieda, 2006; Jefferson, 2008; Hoberman, 2003; Longini I, 2012) Belshe et. al. showed that live attenuated influenza vaccine (LAIV) was 55% more effective than trivalent inactivated vaccine (TIV) in preventing laboratory-confirmed influenza in children 6-59 months old (Belshe, 2007).

Influenza vaccination has been found to be safe for use in children (Hambridge SJ, 2006; Glanz JM, 2011; France EK, 2004; Bernstein DI, 1982, Skowronski DM 2006). Based on the scientific evidence, the federal Advisory Committee on Immunization Practices – which sets the standard of care for the United States – recommends that everyone 6 months of age and older receive an annual influenza vaccination. Trivalent inactivated vaccine (TIV) is licensed for use in all children >6 months of age, and live attenuated influenza vaccine (LAIV; delivered as a nasal spray) is licensed for use in children >24 months.

Vaccinating children produces "herd immunity" in the general population. This means that vaccinating children against influenza reduces the number of influenza infections in everyone else, regardless of whether they were vaccinated or not (Piedra PA, 2005). Vaccinating younger children may also protect against secondary cases (Reichert, 2001). One study looked at respiratory illness in household contacts of vaccinated and unvaccinated children attending daycare. Among study participants, vaccine efficacy in preventing proven influenza infection by measuring protective levels of antibodies was 45% for influenza B and 31% for influenza A (H3N2) during the 1996-97 influenza season. The greatest effect of vaccination was seen in household contacts 5 to 17 years of age; household contacts of vaccinated children had a 50% reduction in respiratory illnesses and an 80% reduction in febrile respiratory illness compared to unvaccinated children. Statistically significant declines in illness were not seen for household contacts of younger children or adults, though the study was limited by small sample size (ES

Hurwitz, 2000). A second paper found a correlation between states with higher influenza immunization coverage among 19-35 month-olds and reduced influenza and pneumonia hospitalizations rates among adults over the age of 65 (based on claims records for Medicare eligible P&I hospitalizations) (SA Cohen, 2011). This analysis was conducted before routine pediatric influenza vaccination; summary coverage estimates rose from 8.3% in 2002-2003 to 33.5% in 2005-2006.

Despite active promotion of influenza vaccination for children, coverage rates have risen slowly in New York City. As of March 26, 2013, 61.0% of children ages 6 months through 59 months received at least one dose of influenza vaccine compared to 56.7% at the same time in 2012. This still leaves nearly 4 out of every 10 young children unprotected. Furthermore, young children are at high risk of influenza-related complications and hospitalization, making this vulnerable group especially important to protect.¹

Finally, while child day care permittees and persons in charge of schools are required by Health Code §§47.27(e) and 43.19(e) to report to the Department within 24 hours any instance of a vaccine preventable disease, the Department does not expect individual cases of seasonal influenza to be reported. Reports by schools and day care facilities will, however, continue to be required as provided in Health Code §11.03 (a) and (b) of cases of a novel strain of influenza with pandemic potential, the influenza related death of a child under 18 years of age, or an outbreak of influenza.

¹ Seasonal influenza vaccinations are currently required for children aged 6 months through 59 months attending any child care or preschool facility in New Jersey and Connecticut. Since 2008, the New Jersey Department of Health and Senior Services has required administration of at least one dose of influenza vaccine to these children between September 1 and December 31 each year (New Jersey Administrative Code §8:57-4.19). Since 2010, the Connecticut Department of Public Health pursuant to its commissioner's authority to establish vaccination schedules (see, Connecticut General Statutes §19a-7f) has required children aged 6 months through 59 months attending day care to receive at least one dose of influenza vaccine between September 1 and December 31 each year. Connecticut preschoolers (aged 24-59 months) are required to have one dose between August 1 and December 31 each year. Connecticut day care and preschool enrollees receiving influenza vaccine for the first time are required to have two doses of vaccine, administered at least 28 days apart. Connecticut children attending kindergarten classes are not required to have influenza vaccinations.

Pneumococcal disease immunization

The Department is also requesting that the Board amend Health Code §§43.17(a)(2) and 47.25(a)(2) to add "pneumococcal disease" to the list of required immunizations. This immunization, which is required by Public Health Law §2164(2), was inadvertently omitted from these sections.

References:

Belshe, R, Edwards K, Vesikari T, et. al. Live attenuated versus inactivated influenza vaccine in infants and young children. NEJM. 2007;356(7):685-696.

Bernstein DI, Zahradnik JM, DeAngelis CJ, et. al. Clinical reactions and serologic responses after vaccination with whole-virus or split-virus influenza vaccines in children aged 6 to 36 months. Pediatrics. 1982;69:404-408.

CDC. Estimates of Deaths Associated with Seasonal Influenza - United States, 1976-2007. MMWR. 2010;59(33):1057-1062.

CDC/ National Center for Health Statistics. Current estimates from the National Health Interview Survey, 1999. Series 10, No 200.

Cohen G, Nettleman M. Economic impact of vaccination in preschool children. Pediatrics. 2000;106(5):972-976.

France EK, Glanz JM, Xu S, et. al. Safety of the trivalent inactivated influenza vaccine among children: a population-based study. Arch Pediatr Adolesc Med. 2004;158(11):1031-1036.

Fujieda M, Maeda A, Kondo K, et. al. Inactivated influenza vaccine effectiveness in children under 6 years of age during the 2002-2003 season. Vaccine. 2006;27(7):957-963.

Glanz JM, Newcomer SR, Hambidge SJ, et. al. Safety of trivalent inactivated vaccine in children aged 24 to 59 months in vaccine safety datalink. Arch Pediatr Adolesc Med. 2011;165(8):749-755.

Hambidge SJ, Glanz JM, France EK, et. al. Safety of trivalent inactivated influenza vaccine in children 6 to 23 months old. JAMA. 2006;296(16):1990-1997.

Hoberman A, Greenberg D, Paradise J, et. al. Effectiveness of inactivated influenza vaccine in preventing acute otitis media in young children. 2003;290(12):1608-1616.

Hurwitz E, Haber M, Chang A, et. al. Effectiveness of influenza vaccination of day care children in reducing influenza-related morbidity among household contacts. JAMA. 2000;284(13):1677-1682.

Jefferson T, Rivetti A, Harnden A, et. al. Vaccines for preventing influenza in healthy children. Cochrane Database Syst Rev. 2008;(2):CD004879.

Jefferson T, Smith S, Harnden A, et. al. Assessment of the efficacy and effectiveness of influenza vaccines in healthy children: systematic review. Lancet. 2005;365:773-780.

Longini I. A theoretic framework to consider the effect of immunizing schoolchildren against influenza: implications for research. Pediatrics. 2012;129(S2):S62-S67.

Piedra PA, Manjusha GJ, Kozinetz CA, et. al. Herd immunity in adults against influenza-related illnesses with use of the trivalent-live attenuated influenza vaccine (CAIV-T) in

children. Vaccine. 2005;23(13):1540-1548.

Reichert TA, Sugaya N, Fedson DS, et. al. The Japanese experience with vaccinating schoolchildren against influenza. NEJM. 2001;344(12):889-896.

Skowronski DM, Jacobsen K, Daigneault J, et. al. Solicited adverse events after influenza immunization among infants, toddlers, and their contacts. Pediatrics. 2006;117(6):1963-1971.

US Food and Drug Administration. News Release, FDA approves vaccines for the 2012-2013 influenza season. www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/cm315365.htm

The proposal is as follows:

“Shall and “must” denote mandatory requirements and may be used interchangeably.

New text is underlined; deleted material is in [brackets].

RESOLVED, that the heading and subdivision (a) of section 43.17 of Article 43 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

§43.17 Health; [child admission criteria] children’s examinations and immunizations.

(a) [Admission requirements] Required examinations, screening and immunizations.

(1) Physical examinations and screening. Prior to initial admission to a school, all children shall receive a complete age appropriate medical examination, including but not limited to a history, physical examination, developmental assessment, nutritional evaluation, lead poisoning screening, and, if indicated, screening tests for dental health, tuberculosis, vision, and anemia.

(2) Immunizations.

(A) All children shall be immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib), in accordance with New York Public Health Law §2164, or successor law], and shall have such additional immunizations as the Department may require]. Exemption from specific immunizations may be permitted [for medical contraindications] if the immunization may be detrimental to the child’s health or on religious grounds, in accordance with Public Health Law §2164.

(B) (i) Children aged from 6 months to 59 months shall be immunized each year before December 31 against influenza with a vaccine approved by the U.S Food and Drug Administration as likely to prevent infection for the influenza season that begins following July 1 of that calendar year, unless the vaccine may be detrimental to the child’s health, as certified by a physician licensed to practice medicine in this state, or the parent, parents, or guardian of a child hold genuine and sincere religious beliefs which are contrary to the practices herein required. The principal or person in charge of a school may require additional information supporting either exemption.

(ii) Except where prohibited by law, the principal or person in charge of a school may after December 31 refuse to allow any child to attend such school in excess of 14 days without acceptable evidence of the child meeting the requirements of clause (i) of this subparagraph. A parent, guardian, or other person in parental relationship to a child denied attendance by a principal or person in charge of a school may appeal by petition to the commissioner. A child who first enrolls in a school after June 30 of any year is not required to meet the requirements of clause (i) of this paragraph for the flu season that ends before July 1 of that calendar year.

(C) A school that fails to maintain documentation showing that each child in attendance has either received each vaccination required by this subdivision or is exempt from such a requirement pursuant to paragraph A or B of this subdivision will be subject to fines for each child not meeting such requirements, as provided for under this Code.

(D) All children shall have such additional immunizations as the Department may require.

Notes: The heading and subdivision (a) of §43.17 were amended by resolution adopted XXX to add pneumococcal disease to the list of required pre-admission immunizations and to require annual immunization against influenza.

RESOLVED, that the table of section headings in Article 43 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

ARTICLE 43

SCHOOL-BASED PROGRAMS FOR CHILDREN AGES THREE THROUGH FIVE

* * *
§43.15 **Corrective action plan.**

§43.17 **Health; [child admission criteria] children’s examinations and immunizations.**

§43.19 **Health; daily requirements; communicable diseases.**

* * *

Notes: §43.17 (Health; child admission criteria) and its

heading were amended by resolution adopted XXX. RESOLVED, that the heading and subdivision (a) of section 47.25 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

§47.25 Health; [child admission criteria] children’s examinations and immunizations.

(a) [Admission requirements] Required examinations, screening and immunizations.

(1) Physical examinations and screening. [All] Prior to admission, all children shall receive a complete age appropriate medical examination, including but not limited to a history, physical examination, developmental assessment, nutritional evaluation, lead poisoning screening, and, if indicated, screening tests for dental health, tuberculosis, vision, and anemia.

(2) Immunizations.

(A) All children shall be immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib), in accordance with New York Public Health Law §2164, or successor law], and shall have such additional immunizations as the Department may require]. Exemption from specific immunizations may be permitted if the immunization may be detrimental to the child’s health or on religious grounds, in accordance with Public Health Law §2164.

(B) (i) Children aged from 6 months to 59 months shall be immunized each year before December 31 against influenza with a vaccine approved by the U.S Food and Drug Administration as likely to prevent infection for the influenza season that begins following July 1 that calendar year, unless the vaccine may be detrimental to the child’s health, as certified by a physician licensed to practice medicine in this state, or the parent, parents, or guardian of a child hold genuine and sincere religious beliefs which are contrary to the practices herein required. The permittee may require additional information supporting either exemption.

(ii) The permittee may refuse to allow any child to attend a child care service in excess of 14 days without acceptable evidence of the child meeting the requirements of clause (i) of this subparagraph. A parent, guardian, or other person in parental relationship to a child denied attendance by a permittee may appeal by petition to the commissioner. A child who first enrolls in a child care service after June 30 of any year is not required to meet the requirements of clause (i) of this paragraph for the flu season that ends before July 1 of that calendar year.

(C) A school that fails to maintain documentation showing that each child in attendance has received each vaccination required by this subdivision or is exempt from such a requirement pursuant to paragraph A or B of this subdivision will be subject to fines for each child not meeting such requirements, as provided for under this Code.

(D) All children shall have such additional immunizations as the Department may require.

Notes: The heading and subdivision (a) of §47.25 were amended by resolution adopted XXX to add pneumococcal disease to the list of required pre-admission immunizations and to require annual immunization against influenza.

RESOLVED, that the table of section headings in Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

ARTICLE 47

DAY CARE SERVICES

* * *
§47.23 **Supervision; staff to child ratios and group size.**

§47.25 **Health; [child admission criteria] children’s examinations and immunizations.**

§47.27 **Health; daily requirements; communicable diseases**

* * *

Notes: §47.25 (Health; child admission criteria) and its heading were amended by resolution adopted on XXX.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Vaccination Requirements for Children (Health Code Article 43)

REFERENCE NUMBER: 2013 RG 066

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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: September 5, 2013
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: Vaccination Requirements for Children (Health Code Article 43)

REFERENCE NUMBER: DOHMH-34

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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/ Kelly Shultz 9/5/2013
Mayor’s Office of Operations Date

☛ s19

NOTICE OF PUBLIC HEARING

Subject: Opportunity to Comment on the Proposed Amendment of Article 11(Reportable Diseases and Conditions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York.

Date/Time: October 22, 2013/10:00 A.M. to 12:00 P.M.

Location: New York City Department of Health and Mental Hygiene
2 Gotham Center
42-09 28th Street, 14th Floor, Room 14-45
Long Island City, NY 11101-4132

Contact: Roslyn Windholz
(347) 396-6078/6116

Proposed Rule

The Department of Health and Mental Hygiene is proposing the Board of Health amend Article 11 of the Health Code, requiring the reporting of first-episode psychosis. This proposal was not included in the Department’s Regulatory Agenda for 2012-2013 because the Department did not anticipate this amendment at the time.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment by mail to

New York City Department of Health and Mental Hygiene
Board of Health
Secretary to the Board
Attention: Roslyn Windholz
2 Gotham Center, 14th Floor, CN 31
Long Island City, NY 11101-4132

or electronically through NYC RULES at <http://www.nyc.gov/html/nycrules> or by email to RESOLUTIONCOMMENTS@HEALTH.NYC.GOV or online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., on October 22, 2013.

- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Roslyn Windholz at the phone number shown above by October 8, 2013.

- Copies of written comments and a summary of oral comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the

New York City Department of Health and Mental Hygiene
Board of Health
Secretary to the Board
Attention: Roslyn Windholz
2 Gotham Center, 14th Floor, CN 31
Long Island City, NY 11101-4132

Statement of Basis and Purpose

Statutory Authority
These amendments to the Health Code are promulgated

pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the authority of the Department of Health and Mental Hygiene (the "Department" or "DOHMH") extends. Section 1043 grants the Department rule-making authority.

Background

The Department is responsible under the Charter for supervising matters affecting the health of New Yorkers. This includes supervision of the reporting and control of chronic diseases and conditions hazardous to life and health.¹ The Department also has specific responsibilities with regard to mental health. Pursuant to section 552 of the Charter, the Department's Division of Mental Hygiene (MHY) is the local government unit (LGU) for the City of New York under New York State Mental Hygiene Law, and the executive deputy commissioner who directs the Division is the City's director of community services. As the LGU, MHY is responsible for administering, planning, contracting, monitoring, and evaluating community mental health and substance abuse services within the City of New York. It also is charged with identifying needs and planning for the provision of services for high-need individuals, such as persons with schizophrenia and other psychotic illnesses.

¹ Charter §556(c)(2).

Overview of Psychotic Illness

Schizophrenia and other psychotic illnesses, which include schizoaffective disorder, substance-induced psychotic disorder and psychosis NOS (not otherwise specified), include symptoms such as hallucinations, delusions, confused and disturbed thoughts, and a lack of self-awareness.^{2,3} These illnesses usually begin in young adulthood^{4,5} and often place a significant quality of life and financial burden on both the individual with the illness as well as their families and loved ones.⁶ While previously thought to be chronically impairing, evidence now shows that early, high-quality treatment can reduce the risk of relapse and increase chances for long-term remission for affected individuals, decreasing the likelihood of debilitation and other risks to themselves or others.

DOHMH estimates that approximately 60,000 New Yorkers currently have psychotic illnesses.⁷ Despite evidence that treatment improves outcomes, we estimate only 40-50% of these New Yorkers receive ongoing psychiatric care following discharge from a psychiatric hospitalization.^{8,9} Approximately 2,000 new cases of psychotic illness are expected to develop annually in New York City.^{10,11} Without follow-up treatment, more than one quarter of these individuals will be expected to relapse and to be re-hospitalized within one year.^{12,13,14,15} With treatment, the risk of relapse can be reduced by approximately 50%.^{16,17}

² Barbato, A. (1998) WHO/MSA/NAM/97.6

³ New York State Office of Mental Health (NYS OMH)(2012).

Schizophrenia. Retrieved August 22, 2013 from: <http://www.omh.ny.gov/omhweb/booklets/schizophrenia.html>.

⁴ Lewine RR. Amer J Orthopsychiat 1980;50:316-322.

⁵ Kleinhaus K et al. J Psych Res 2011;45:136-141.

⁶ Wu EQ, et al. J Clin Psych 2005;66:1122-1129.

⁷ NYC DOHMH analysis of NYS OMH Patient Characteristics Survey, 2011.

⁸ NYC DOHMH analysis of NYS Medicaid claims data, 2012.

⁹ Buchanan RW, et al. Schiz Bull. 2010;36(1):71-93.

¹⁰ Kirkbride JB et al. Int J Epi. 2009; 38:1255-64.

¹¹ Bladwin P et al. Schiz Bull 2005 31;3, 624-38.

¹² NYC DOHMH Medicaid analysis.

¹³ Zhomitsky S, et. al. Schiz Res Treatment. doi:10.1155/2012/407171

¹⁴ Ram R, et al. Schiz Bull 1992;18:185-207.

¹⁵ NYC DOHMH analysis of NYS Statewide Planning and Research Cooperative System, 2009.

¹⁶ Alvarez-Jimenez M, et al. Schiz Bull. 2011;37:619-630.

¹⁷ Marshall M et al. Arch Gen Psych 2005; 62:975-983.

Impact of Duration of Untreated Psychosis and Early Intervention on Psychotic Illness

The 'duration of untreated psychosis' (DUP), the period from the first onset of psychotic symptoms to the start of treatment, is associated with both treatment effectiveness and long-term outcomes.^{18,19,20} Despite the fact that shorter DUP is associated with better response to antipsychotic treatment, indicated by reduction in symptoms and better overall functioning, the average DUP is long (between one and three years in national studies).^{21,22,23,24} In the medium and longer term (6 month, 12 month and multi-year follow-ups), longer DUP is associated with poorer outcomes for overall functioning, symptoms, and quality of life.^{25,26}

DUP can be reduced by enhancing early detection, treatment and referral. Early detection programs can bring people to treatment sooner, at lower symptom levels, and reduce DUP.^{27,28}

Implementing an early intervention model is also associated with better clinical and functional outcomes for individuals experiencing psychotic illness. This model involves a team-based approach (psychiatrists, social workers, peers) that includes community treatment, cognitive behavioral therapy, low-dose medication, family counseling, social skills training and vocational strategies.^{29,30,31} The effectiveness of early intervention programs has been demonstrated in a growing body of research.^{32,33,34,35,36}

¹⁸ Marshall M et al. Arch Gen Psych 2005; 62:975-983.

¹⁹ Perkins D, et. al. Am J Psych 2005;162:1785-1804

²⁰ Addington J. Early Interv Psych 2007;1:294-307.

²¹ Marshall M et al. Arch Gen Psych 2005; 62:975-983.

²² Perkins D, et. al. Am J Psych 2005;162:1785-1804

²³ Hass G, et al. Schiz Bull. 1992; 18:373-386.

²⁴ Ho B, et al. Am J Psych 2000;157:808-815.

²⁵ Perkins D, et. al. Am J Psych 2005;162:1785-1804

²⁶ Petersen L, et al. BMJ 2005;331:602.

²⁷ Melle I, et al. Arch Gen Psych 2004;61:143-150.

²⁸ Hegelstad W, et al. Am J Psych 2012;169:374-380.

²⁹ Grawe RW, et al. Acta Psych Scand 2006;114:328-336.

³⁰ Mental Health Network NHS Confederation. 2011 Issue 219.

³¹ Singh SP. Br J Psych 2010; 196:343-345.

³² Alvarez-Jimenez M, et al. Schiz Bull. 2011;37:619-630.

³³ Hastrup LH, et al. Br J Psych 2013;2002:35-41.

³⁴ Mihalopoulos C, et al. Schiz Bull 2009; 35:909-918.

³⁵ Norman RMG, et al. Schiz Research 2011;129: 111-115.

³⁶ Lieberman J, et al. JAMA 2013;310:689-690.

Adequacy of Current Links to Care

New Yorkers with psychotic illnesses often do not seek care or become disengaged from care. This is due, in part, to:

- fragmentation in the current mental health treatment system (patients being lost to care in transitions from hospitalization);
- exchange of patient information unsupported by technology infrastructure or current administrative practices);
- mental health treatment providers lacking resources to ensure links are established between patients and community supports; and
- challenges such as stigma, denial, fear, lack of support, and confusion related to benefits and insurance.

As a result, there are many people who do not become engaged in care until years after the early stages of their illness.³⁷

It is well-established that linking patients to care improves both health and economic outcomes for the individual and their loved ones and reduces the burden on the healthcare system. Numerous studies, conducted with a variety of patient populations, highlight the importance and efficacy of linkage-to-care programs in improving post-hospitalization outpatient engagement, reducing the rate of re-hospitalization and decreasing associated costs.^{38,39,40}

³⁷Thorncroft G, (Commentary) Epi and Psych Sci. 2012;21:59-61

³⁸ Jack BW, et al. Ann Intern Med. 2009; 150(3): 178-87.

³⁹ Coleman EA, et al. Arch Intern Med. 2006; 166(17):1822-8.

⁴⁰ Naylor MD, et al. JAMA. 1999; 281(7):613-20.

Proposed Rule

To improve linkages to care and outcomes for New Yorkers experiencing first episodes of psychosis, the Department proposes the Board of Health amend Article 11. The proposed changes would facilitate enrollment in treatment by requiring hospitals to report when adults over 18 and under 30 years of age are admitted with a first episode of psychotic illness.

Reporting will be required within 24 hours of admission and will include hospital name, patient name, age, gender, address, telephone, date of admission, insurance type and diagnosis. All patient information will be confidential and used only for the purposes of linking patients to care. Patient name, address, date of admission and telephone number will not be retained by the Department for longer than 30 days. Information about patients agreeing to participate in the linkage-to-care program will subsequently be maintained in a program chart that is separate and apart from the information received from the reporting hospital.

Epidemiologic analysis

The de-identified data (hospital name, age, gender, month of admission, insurance type and diagnosis) in the reporting database will be used to describe characteristics of the aggregate population admitted with first-episode psychosis, in order to guide mental health system planning efforts.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted text is in [] brackets.

RESOLVED, that Article 11 of the New York City Health Code, found in Title 24 of the Rules of the City of New York is being amended by adding a new §11.04 and will be printed together with explanatory notes, to read as follows:

§11.04 Report of First-Episode Psychosis

(a) Required reports. A hospital must, within 24 hours of admission, by telephone or in an electronic transmission format acceptable to the Director of the Division of Mental Hygiene within the Department, report the admission of any adult person over 18 and younger than 30 years of age, with no known prior hospitalizations for psychotic illness as an adult, who is being admitted for first-episode psychosis diagnoses.

(1) First-episode psychosis diagnoses include:

(A) Schizophrenia (any type);

(B) Psychosis NOS (not otherwise specified);

(C) Schizophreniform Disorder;

(D) Delusional Disorder;

(E) Substance Induced Psychotic Disorders; or

(F) Schizoaffective Disorder.

(G) Psychotic Disorders Due to General Medical Conditions

(H) Brief Psychotic Disorder

(I) Shared Psychotic Disorder

(2) Reports must include patient's:

(A) Full Name

(B) Gender

(C) Date of birth

(D) Address

(E) Telephone

(F) Hospital admission date

(G) Diagnosis

(H) Insurance type

(b) Reports to be confidential. The Division of Mental Hygiene will only use the information reported to it to offer care and services to the patient who is the subject of the report. Identifying information shall be confidential and shall not be subject to inspection by persons other than authorized personnel of the Division of Mental Hygiene. The disclosure of such information shall not be compelled. Information reported to the Department pursuant to this section may only be disclosed to the person who is the subject of such report or to persons to whom the subject of the report has consented to their receiving such information. The director will not keep patient-identifying information reported to him or her for more than thirty days, at which time it must be destroyed.

☛ s19

SPECIAL MATERIALS

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 December 23, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
29	15661	20
30	15661	23
32	15661	26
33	15661	27
34	15661	28
39	15662	3
40	15662	5
42	15662	8

Acquired in the proceeding entitled: CHANDLER STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s10-23

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on September 25, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
14	6209	14
15	6209	15
16	6209	16
17	6209	17
18	6209	18
19	6029	19
20	6029	20
21	6029	21
2 2	6029	22
23	6029	30
24 and 24a	6211	24
27a	6211	34
28a	6211	35
29a	6211	36
30a	6211	28

Acquired in the proceeding, entitled: SNEDEN AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s12-25

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 December 23, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
43	15662	10
45	15662	12
46	15662	14
48	15662	18

49	15662	20
50	15662	22
52	15662	25

Acquired in the proceeding entitled: CHANDLER STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s10-23

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on September 25, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
2 and 2A	6205	200
3 and 3A	6209	1
4	6209	4
5	6209	5
6	6209	6
7	6029	7
8	6029	8
9	6029	9
10	6029	10
11	6029	11
12	6029	12
13	6029	13

Acquired in the proceeding, entitled: SNEDEN AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s12-25

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on September 23, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
53	15662	27
54	15662	28
55	15662	30
56	15663	1
57	15663	72
58	15663	74
59	15663	76
60	15663	78
61	15663	80
62	15663	82
63	15663	84
64	15663	86
65	15663	88
66	15663	90
67	15663	92
68	15663	95
69	15663	98
71	15663	104
72	15663	105
73	15663	108
76	15663	111
79	15663	115
80	15663	211

Acquired in the proceeding, entitled: CHANDLER STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s11-24

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 December 2, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
4	15652	15
7	15652	19
8	15652	21
9	15652	23
11	15652	118
12	15654	1
13	15654	5

Acquired in the proceeding entitled: CHANDLER STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

s6-19

Application for Exclusion of Indebtedness Contracted For School Purposes

AN APPLICATION DATED September 16, 2013 TO EXCLUDE PURSUANT to Section 126.00 of the Local Finance Law outstanding indebtedness of \$14,140,705 contracted by the City of New York for school purposes, evidenced by bonds, in ascertaining the power of The City of New York to contract indebtedness has been transmitted to the Comptroller of the State of New York. A copy of such application is on file in the Office of the Comptroller of The City of New York, Room 200S, Municipal Building, Chambers and Centre Streets, Borough of Manhattan, City of New York, New York 10007.

For the payment of the debt service on such indebtedness during the fiscal year ending June 30, 2014 The City of New York has allocated the sum of \$2,500,000 of State Aid for Common Schools.

John C. Liu
COMPTROLLER

s19

CULTURAL AFFAIRS

NOTICE

9/11 MEMORIAL

The Lower Manhattan Development Corporation (LMDC) has allocated funds to the City of New York and the National September 11 Memorial & Museum to address a range of transportation improvements that will benefit commuters, businesses, residents and pedestrians in Lower Manhattan. These funds are intended to accomplish one or more of the following:

- Improve mobility
- Improve connectivity between Lower Manhattan, the rest of New York City and the region
- Promote the livability of Lower Manhattan; and/or encourage business development
- Improve conditions for pedestrians and bicyclists
- Promote use of public transportation
- Reduce congestion on the streets
- Support traffic management and emergency response
- Ease the impact of construction on residents, businesses and tourists
- Provide access to the streets for vehicular traffic

The City of New York and the National September 11 Memorial & Museum are seeking public comment regarding the use of \$4 million of these funds to construct sidewalks connecting the National September 11 Memorial Plaza at the World Trade Center to New York State Route 9A, the roadway adjacent to the World Trade Center Site on its western side. The proposed project is further described below.

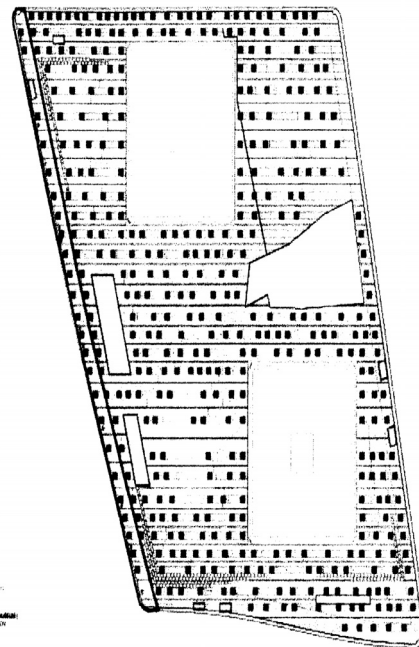
This proposed allocation is open to public comment for 30 calendar days from the date of publication of this project description. Comment must be made in writing and may be delivered to the National September 11 Memorial & Museum either by posted mail or by electronic submission as follows:

By post to: Public Comment on Transportation Funding Allocation
National September 11 Memorial & Museum
1 Liberty Plaza, 20th Floor
New York, NY 10006

Electronically at the National September 11 Memorial & Museum website:
<http://www.911memorial.org/newsroom>
or email: info@911memorial.org.

The deadline for receipt of public comments is **September 26, 2013** at 5:00 P.M. Comments delivered by fax or telephone will not be considered.

The National September 11 Memorial & Museum at the World Trade Center (9/11 Memorial) will provide \$4 million of LMDC transportation funding for the completion of the western sidewalk that connects the Memorial plaza to Route 9A (shown below).



As the LMDC envisioned through the Memorial Jury's selection of the "Reflecting Absence" design, the Memorial is intended to have a "curb to curb" design, integrating this sacred place of remembrance into the city surrounding it. The sidewalk design on all four sides of the Memorial includes the same white oak trees that grace the plaza and features many of the same key design elements as the rest of the Memorial. Constructing the sidewalks as designed helps to complete the Memorial and fulfill a fundamental aspect of Studio Daniel Libeskind's master plan for the rebuilt World Trade Center site, which always envisioned that the Memorial at its heart would transition seamlessly into the areas around it.

To ensure the integrity of the design of the Memorial and the World Trade Center as a whole, the Route 9A sidewalk, which is the property of the New York State Department of Transportation (NYSDOT), requires additional resources to match the other three sidewalks.

In addition to ensuring the Memorial's curb-to-curb design, this work will help complete construction along Route 9A and the World Trade Center, improve pedestrian pathways, and increase access to the Memorial and the entire World Trade Center.

Project Description

The Memorial's west side sidewalk is approximately 25-feet wide and extends north from Liberty Street to Fulton Street. Specific design elements included to continue the Memorial design to the curb are as follows:

- Verde fontaine granite curb
- Verde fontaine granite bollard band
- K-12-rated bollards and footings
- Structural soil organic mix
- Irrigation/aeration system, concrete base
- Steel plates over trees
- Verde fontaine cobblestones
- Verde fontaine pavers
- Steel trench drains
- Fully matured swamp white oak trees to match the trees on the Memorial.

The standard NYSDOT sidewalk design (25-feet wide) for the 9A corridor on West Street includes the following: granite curb, granite pavers, non-rated bollards, structural soil, concrete slab, and small trees in a cobblestone bed.

s19-26

CHANGES IN PERSONNEL

COMMUNITY COLLEGE (QUEENS BOROUGH)
FOR PERIOD ENDING 08/02/13

NAME	NUM	SALARY	ACTION	PROV	EFF DATE
BAGLEY KEVIN F	04689	\$38.9100	APPOINTED	YES	05/28/13
CHIRIBOGA ALCIV JOSE	10102	\$10.9900	APPOINTED	YES	07/02/13
FREIBERGER SCOTT B	04689	\$38.9100	APPOINTED	YES	05/28/13
LEE KATHLEEN W	04097	\$76944.0000	RESIGNED	YES	07/21/13
MANCHA SCOTT DA	04060	\$59063.0000	RESIGNED	YES	08/01/13
MILLER BENJAMIN L	04689	\$38.9100	APPOINTED	YES	05/28/13
NIKOU-TEHRANI MOHAMAD M	04689	\$38.9100	APPOINTED	YES	05/28/13
PANTALEO KRISTINA	04625	\$42.0900	APPOINTED	YES	07/08/13
POTITO JOAN	10102	\$12.5900	APPOINTED	YES	07/22/13
SMITH KERRI-AN M	04689	\$38.9100	APPOINTED	YES	05/28/13
TULLIO ANDREW	10102	\$20.5900	RESIGNED	YES	02/08/13
WILLIAMS STEPHANI A	04689	\$38.9100	APPOINTED	YES	05/28/13

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 08/02/13

NAME	NUM	SALARY	ACTION	PROV	EFF DATE
LEE VALERIE	80633	\$9.2100	RESIGNED	YES	06/26/13
LEVY RACHEL S	06664	\$14.9000	APPOINTED	YES	07/01/13
LEWIS DARLENE	60421	\$37907.0000	APPOINTED	NO	06/24/13
LEWIS KELLIE A	91406	\$15.7800	INCREASE	YES	07/18/13
LI DONNA	71205	\$18.2100	INCREASE	YES	07/04/13
LISBOA MARISOL	60421	\$32963.0000	APPOINTED	YES	07/14/13
LLOPIZ EDWIN	06070	\$38257.0000	INCREASE	YES	07/01/13

LOCK JOEL W	60421	\$32963.0000	APPOINTED	YES	07/14/13
LOGAN CHEYENNE T	81307	\$8.1000	APPOINTED	YES	07/01/13
LOMAX DESIREE D	80633	\$9.2100	APPOINTED	YES	07/19/13
LONGORIA GABRIELL	80633	\$9.2100	RESIGNED	YES	06/15/13
LORMIL SHIRLEY S	80633	\$9.2100	RESIGNED	YES	04/05/13
LOZADA CANDICE E	06664	\$14.9000	APPOINTED	YES	07/01/13
LU VINCENT	06664	\$14.9000	APPOINTED	YES	07/09/13
LUCIANO SAMANTHA	52406	\$13.5501	APPOINTED	YES	07/01/13
LUGO ROBERT	92005	\$291.9700	INCREASE	YES	07/18/13
LUNA CHRISTIN B	60440	\$49824.0000	INCREASE	YES	07/15/13
MABRY KENYA A	91406	\$11.1100	APPOINTED	YES	06/27/13
MACHUCA DANIEL F	06664	\$14.9000	APPOINTED	YES	07/01/13
MALDONADO FRANCES	80633	\$9.2100	APPOINTED	YES	07/19/13
MARIN WALTER	90641	\$44051.0000	APPOINTED	YES	06/24/13
MARTE GENESIS	06664	\$14.9000	APPOINTED	YES	07/12/13
MARTIN STEPHON	80633	\$9.2100	RESIGNED	YES	06/21/13
MARTIN TANYA O	80633	\$9.2100	RESIGNED	YES	06/12/13
MARTINO JOSEPH	81111	\$61287.0000	INCREASE	YES	07/24/13
MATEO ISMAEL	80633	\$9.2100	RESIGNED	YES	07/02/13
MATTEN JAMES P	81307	\$8.1000	APPOINTED	YES	07/01/13
MATTES ERIC	21315	\$93000.0000	APPOINTED	YES	06/02/13
MAXWELL TYREE B	90641	\$33662.0000	APPOINTED	YES	06/16/13
MAYFIELD SERRINA S	90641	\$44051.0000	APPOINTED	YES	06/24/13
MC NATT DIVINA R	10251	\$29548.0000	APPOINTED	YES	05/19/13
MCCARROLL TYIESHA J	81307	\$8.1000	APPOINTED	YES	07/08/13
MCFADDEN GIAVONNI T	06664	\$14.9000	APPOINTED	YES	07/01/13
MCGARRAH KRISTINE D	80633	\$9.2100	RESIGNED	YES	06/15/13
MCGARRELL MITCHELL A	80633	\$9.2100	RESIGNED	YES	06/11/13
MCGILL JOSEPH	81106	\$44173.0000	APPOINTED	NO	06/17/13
MCNEIL JR LEONARD	06664	\$14.9000	APPOINTED	YES	07/01/13
MCNEILL RONNA	60421	\$32963.0000	APPOINTED	YES	07/14/13

s19

READER'S GUIDE

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

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

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

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

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

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

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

PROMPT PAYMENT

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

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

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

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

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

CSB	Competitive Sealed Bidding including multi-step <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	
CP/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
DP	Demonstration Project
SS	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

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

HOW TO READ CR PROCUREMENT NOTICES

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

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

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

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

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

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

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

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

☛ m27-30

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