

NOTICE
OF ADOPTION OF FINAL RULE

The Procurement Policy Board adopted an amendment to § **2-05 Specifications** of its Rules pursuant to Section 311 of the New York City Charter. The proposed amendment was published on February 28, 2005. A public hearing was held on March 29, 2005. The amendment was adopted by the PPB on April 25, 2006. The effective date of this amendment is July 1, 2006.

Basis and Purpose of the Amendment

The proposed amendment to section 2-05 regarding the authority to contract for drafting of specifications expands and clarifies the situations where a vendor that drafted specifications is prohibited from participating in subsequent solicitations.

The Amended Rule

In the amendment, which immediately follows this notice, new material is underlined and deletions are bracketed.

Brendan J. Sexton, Chair

Section1. Subdivision (b) of Section 2-05 of Title 9 of the Rules of the City of New York is amended to read as follows:

(b) **Authority to Contract for Drafting of Specifications.** The drafting of specifications [shall] may be [contracted-out] performed by a vendor only upon a determination by the ACCO that it is in the best interest of the City to do so. [In such event, the selected] Any vendor [supplier] participating in the drafting of specifications shall not participate, in any manner, in a response to [that] any subsequent solicitation utilizing such specifications, in whole or in part, [whether as a contractor or subcontractor shall not be allowed], unless, after reviewing the specifications, the ACCO determines, with CCPO approval, that the specifications do not favor [the selected] a vendor [supplier] or such vendor's [supplier's] good, service, or construction, and it is in the City's best interest to allow such participation and the basis thereof. Such prohibited participation shall include, but not be limited to, participating as a contractor or a subcontractor, or as a consultant to any contractor or subcontractor, responding to the solicitation using the specifications. The provisions of this subdivision shall apply to any vendor that has drafted any portion of the specifications used in a procurement, regardless of whether such vendor's services were procured specifically for the drafting of those specifications, were procured as general consulting services, or were donated.