

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendments related to the definitions in the Procurement Policy Board rules.

Date / Time: June 4, 2012
3:00pm-5:00pm

Location: Mayor's Office of Contract Services
253 Broadway, 14th Floor
New York, New York 10007

Contact: Andrea Glick
Director
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, New York 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Procurement Policy Board ("PPB") by section 311 and in accordance with section 1043 of the New York City Charter, the PPB hereby proposes to amend Chapter 1 of Title 9 of the Rules of the City of New York ("RCNY").

The proposed amendments were not included in the board's most recent regulatory agenda, because the amendments were not anticipated at the time the agenda was published.

Instructions

Written comments regarding the proposed amendments must be received by close of business on June 4, 2012. Written comments should be sent to:

Jennifer Jones Austin
Chair
Procurement Policy Board
253 Broadway, 9th Floor
New York, New York 10007

or electronically through NYC RULES at www.nyc.gov/nycrules by June 4, 2012.

If you need a sign language interpreter or other form of reasonable accommodation for disability at the hearing, please notify Andrea Glick by close of business on May 29, 2012.

Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt between 9:00 a.m. and 4:30 p.m. at the Mayor's Office of Contract Services.

Statement of Basis and Purpose

Prior to recent amendments to New York State General Municipal Law § 103, contracts for public work and contracts for purchase contracts (i.e., contracts for the purchase of goods and standard services) had to be procured, as a general matter, by publicly advertised, low sealed bid. The recent changes to GML § 103 (the "Best Value Law") give the City the option to procure purchase contracts based on best value to the City, as that phrase is defined in State Finance Law § 163. Under that section, best value is defined in terms of the optimization of quality, cost and efficiency.

The proposed amendments to this rule provide a definition for the first time for "standard services." This definition is needed in light of the Best Value Law. In addition, the proposed amendments provide definitions for "human services" and "professional services". The proposed amendments also delete the definition for "multi-step sealed bidding" because, in light of the Best Value Law, this process (set forth in rule 3-02) is proposed for repeal.

The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

Section 1. The definition of "human services/client services", as set forth in subdivision (e) of section 1-01 of Chapter 1 of Title 9 of the Rules of the City of New York, is amended, the definition of "multi-step sealed bidding" is deleted, and new definitions of "professional services" and "standard services" are added, to read as follows:

(e) Definitions.

Human Services/Client Services. [See Client Services.] Services contracted for by an agency on behalf of third party clients, including programs to provide social services such as:

- day care,
- foster care,
- home care,
- homeless assistance,
- housing and shelter assistance,
- preventive services,
- youth services,
- senior centers,
- employment training and assistance,
- preventive services,

- health or medical services including those provided by health maintenance organizations;
- legal services,
- vocational and educational programs, and
- recreation programs.

[Multi-Step Sealed Bidding. Source selection method involving two competitive steps. In the first step, vendors submit a technical proposal for furnishing the goods or service described in the solicitation. The solicitation may or may not require submission of a sample as part of the technical proposal. In the second step, the agency evaluates the proposals. If price bids were solicited with the technical proposals, the agency evaluates the bids of those technical proposals deemed acceptable. If price bids were not solicited with technical proposals (or if based on discussions with vendors, technical proposals are revised), price bids are solicited from those vendors who submitted acceptable technical proposals. In either case, award shall be made, if at all, to the lowest responsive and responsible bidder.]

Professional Services. Services other than human/client services that require specialized skills and the exercise of judgment, including but not limited to:

- accountants,
- lawyers,
- doctors,
- computer programmers and consultants,
- architectural and engineering services, and
- construction management services.

Standard Services. Services other than professional services and human/client services.