

NOTICE
OF ADOPTION OF FINAL RULE

The Procurement Policy Board has adopted an amendment to **Chapter 3 Small Purchases** of its Rules pursuant to Section 311 of the New York City Charter. The amendment was published on January 14, 2009 in the City Record. A public hearing was held on February 18, 2009. The amendment was adopted by the Procurement Policy Board on March 4, 2009.

Basis and Purpose of the Amendment

The amendment requires agencies to obtain CCPO approval in order to solicit additional vendors, such as those known to them from prior solicitations, for small purchase opportunities. The amendment requires agencies otherwise to direct such solicitations to those randomly solicited from the appropriate citywide bidders lists and through methodologies otherwise sanctioned by DSBS. This will promote fairness and increase competition, by allowing vendors, including minority-owned, women-owned and emerging business enterprises greater access to small purchase opportunities.

The Amended Rule

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

Jose Maldonado, Chair

Section 1. Subparagraph (iii) of paragraph (1) of subdivision (c) of section 3-08 of Title 9 of the Rules of the City of New York is amended as follows:

Section 3-08 SMALL PURCHASES.

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(c) Scope.

(1) Competition Objective.

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(iii) For procurements in value over \$5,000 through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases[bidder] bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. [The agency may additionally solicit vendors who have responded to prior solicitations or whose names have been obtained through referrals from other City agencies, commercial buyers, or general market research]. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of “no bid” is not a responsive bid. If only one responsive bid or offer is received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

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