

## AGENCY RULES

### CONFLICTS OF INTEREST BOARD

#### ■ NOTICE

Notice of Adoption of Rule Defining City Employees Involved in the Negotiation, Authorization, or Approval of Contracts and of Certain Other Matters within the Meaning of Section 12-110(b)(3)(a)(4) of the Administrative Code

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Conflicts of Interest Board by Section 2603(a) of the New York City Charter and Section 12-110(b)(3)(a)(4) of the New York City Administrative Code that the Conflicts of Interest Board has adopted a new rule, Section 1-15 of Title 53 of the Rules of the City of New York, defining City employees involved in the negotiation, authorization, or approval of contracts and of certain other matters within the meaning of Section 12-110(b)(3)(a)(4) of the Administrative Code. Pursuant to a notice published on November 26, 2003, in the *City Record*, a public hearing was held on December 29, 2003, at 2 Lafayette Street, Suite 1010, New York, New York. The Board received no comments and adopted the proposed rule as final. The text of the new rule is set forth below.

Title 53 of the Rules of the City of New York is amended by adding a new Section 1-15, to read as follows:

[New matter is underscored]

#### § 1-15. CITY EMPLOYEES WHOSE DUTIES INVOLVE THE NEGOTIATION, AUTHORIZATION, OR APPROVAL OF CONTRACTS AND OF CERTAIN OTHER MATTERS.

(a) For purposes of Administrative Code § 12-110(b)(3)(a)(4), a City employee shall be deemed to have duties that involve the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, and applications for zoning changes, variances, and special permits if the employee performs any of the following duties:

- (1) Determines the substantive content of a request for proposals or other bid request or change order;
- (2) Makes a determination as to the responsiveness of a bid or the responsibility of a vendor or bidder;
- (3) Evaluates a bid;
- (4) Negotiates or determines the substantive content of a contract, lease, franchise, revocable consent, concession, or application for a zoning change, variance, or special permit or change order;
- (5) Recommends or determines whether or to whom a contract, lease, franchise, revocable consent, concession, or application for a zoning change, variance, or special permit or change order should be awarded or granted;
- (6) Approves a contract, lease, franchise, revocable consent, or concession or change order on behalf of the City or any agency subject to Administrative Code § 12-110; or
- (7) Determines the content of or promulgates City procurement policies, rules, or regulations.

(b) Clerical personnel and other public servants who, in

relation to the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, and applications for zoning changes, variances, and special permits, perform only ministerial tasks shall not be required to file a financial disclosure report pursuant to Administrative Code § 12-110(b)(3)(a)(4). For example, public servants who are under the supervision of others and are without substantial personal discretion, and who perform only clerical tasks (such as typing, filing, or distributing contracts, leases, franchises, revocable consents, concessions, or zoning changes, variances, or special permits or calendaring meetings or who identify potential bidders or vendors) shall not, on the basis of such tasks alone, be required to file a financial disclosure report. Similarly, public servants who write a request for proposals, bid request, change order, contract, lease, franchise, revocable consent, concession, or application for a zoning change, variance, or special permit or procurement policy, rule, or regulation under the direction of a superior but who do not determine the substantive content of the document shall not, on the basis of such tasks alone, be required to file a financial disclosure report.

STATUTORY AUTHORITY: Sections 2603(a) of the New York City Charter and Section 12-110(b)(3)(a)(4) of the New York City Administrative Code.

Statement of Basis of Purpose OF THE RULE:

As mandated by New York State law, the City's Financial Disclosure Law requires the filing of an annual financial disclosure report by, among others,

Each city employee whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the conflicts of interest board and as annually determined by his or her agency head, subject to review by the conflicts of interest board.

Ad. Code § 12-110(b)(3)(a)(4), as amended by Local Law 43 of 2003, effective January 1, 2004. See also NYS Gen. Mun. Law §§ 811(1)(a), 813(9)(k). The Board must, therefore, adopt a rule defining these so-called "contract" filers.

The Board must also adopt a separate rule regulating appeals by public servants who contest their designation as "contract" filers. See Ad. Code § 12-110(c)(2), as amended by Local Law 43 of 2003. Historically, determination of such appeals by unionized employees has consumed considerable time of the filer's agency, which makes the initial determination as to whether the agency correctly identified the public servant as a "contract" filer and provides documentation in support of that initial determination; the filer's union, which prosecutes the appeal; the Office of Labor Relations, which currently defends the appeal; the Office of Collective Bargaining, which currently hears the appeal and makes a recommendation; the Department of Investigation, which currently makes the final determination of the public servant's filing status; and the Board, which currently provides technical and legal support throughout the appeal process. As of January 1, 2004, appeals will be determined by the Board. See Ad. Code § 12-110(c)(2), as amended by Local Law 43 of 2003.

Moreover, in the Board's experience, agencies differ widely in their interpretation of what constitutes the "negotiation, authorization or approval of contracts." Some agencies include everyone involved in purchasing, even clerical help; other agencies include only procurement officers. Little uniformity exists among agencies in interpreting this provision of law.

As the Board has often stated, the purpose of the City's ethics laws, including its Financial Disclosure Law, lies in promoting both the reality and the perception of integrity in City government by preventing conflicts of interest before they occur. The focus, therefore, lies on prevention, not punishment. Thus, financial disclosure focuses the official's attention at least once each year upon the Conflicts of Interest Law; alerts the public, the media, supervisors, vendors, and the filer to his or her possible conflicts of interest, thereby helping to avoid them; and provides a check on transactional disclosure and recusal by a public servant when a potential conflict actually arises.

In light of the foregoing, the Board's intent in drafting the rule is threefold: (1) to limit financial disclosure filing to those public servants who are at risk of conflicts of interest; (2) to ensure that rules for determining who is a "contract" filer are uniform and uniformly applied throughout the City; and (3) to reduce the number of appeals by defining with some precision who should and should not be filing a financial disclosure report because of "contracting" duties.

[Financial Disclosure: FD Amendments: Contracting Duties

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Notice of Adoption of Amendment to Rule Defining "Substantial Policy Discretion" within the Meaning of Sections 2604(b)(12) and 2604(b)(15) of the New York City Charter

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Conflicts of Interest Board by Sections 2603(a), 2604(b)(12), and 2604(b)(15) of the New York City Charter that the Conflicts of Interest Board has adopted an amendment to its rule, Section 1-02 of Title 53 of the Rules of the City of New York, defining "substantial policy discretion" within the meaning of Charter Sections 2604(b)(12) and 2604(b)(15), to change the deadline for filing annual lists of public servants having substantial policy discretion. Pursuant to a notice published on November 26, 2003, in the City Record, a public hearing was held on December 29, 2003, at 2 Lafayette Street, Suite 1010, New York, New York. The Board received no comments and adopted the proposed amendment as final. The text of the amendment is set forth below.

Subdivision a of Section 1-02 of Title 53 of the Rules of the City of New York is amended to read as follows:

[New matter is underscored; material in brackets is deleted]

§ 1-02. Public Servants Charged with Substantial Policy Discretion.

(a) For purposes of Charter § 2604(b)(12) and § 2604(b)(15), a public servant is deemed to have substantial policy discretion if he or she has major responsibilities and exercises independent judgment in connection with determining important agency matters. Public servants with substantial policy discretion include, but are not limited to: agency heads, deputy agency heads, assistant agency heads, members of boards and commissions, and public servants in charge of any major office, division, bureau or unit of an agency. Agency heads shall:

- (1) designate by title, or position, and name the public servants in their agencies who have substantial policy discretion as defined by this section;
  - (2) file annually with the Conflicts of Interest Board, no later than [September 30] February 28 of each year, a list of such titles or positions and the names of the public servants holding them; and
  - (3) notify these public servants in writing of the restrictions set forth in Charter § 2604(b)(12) and § 2604(b)(15) to which they are subject.
- If the Conflicts of Interest Board determines that the title, position, or name of any public servant should be added to or deleted from the list supplied by an agency, the Board shall notify the head of the agency involved of that addition or deletion; the agency shall in turn promptly notify the affected public servant of the change.

STATUTORY AUTHORITY: Sections 2603(a), 2604(b)(12), and 2604(b)(15) of the New York City Charter.

STATEMENT OF BASIS OF PURPOSE OF THE AMENDMENT:

telephone number and email address information are submitted by your company/messenger service when picking up bid documents.

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

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows - Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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**SANITATION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ AWARD

*Goods and Services*

**GENERATORS, PORTABLE, AND ENGINE DRIVEN** - Innovative Procurement - Other - PIN# 20195090214 - AMT: \$22,000.00 - TO: Finesse Creations, 3004 Avenue J, Brooklyn, NY 11210. MWBE Award Kohler Automotive Replacement Parts.  
**● STAINLESS AND ALUMINUM EXPANDED METAL** - Innovative Procurement - Other - PIN# 20195090217 - AMT: \$100,000.00 - TO: Moore Metals, 2 Kuniholm Drive, Holliston, MA 01810. MWBE Award.

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**TRANSPORTATION**

**TRAFFIC**

■ SOLICITATION

*Construction / Construction Services*

**PROACTIVE FURNISHING, INSTALLATION AND REMOVAL OF ELECTRICAL TRAFFIC SIGNAL EQUIPMENT TO CONTROL TRAFFIC AT SPECIFIC LOCATIONS** - Competitive Sealed Bids - PIN# 84119MBTR305 - Due 1-24-19 at 11:00 A.M.

The MBE goal for this contract is 12 percent. The WBE goal for this contract is 18 percent. A printed copy of the bid 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 January 7, 2019, at 2:30 P.M., at 55 Water Street, Ground Floor, Conference Room, New York, NY 10041. For additional information, please contact Sharif Choudhry, at (212) 839-4370.

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.

Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435;

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**CONTRACT AWARD HEARINGS**

**NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE**

**ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.**



**CAMPAIGN FINANCE BOARD**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing, will be held at the Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007, on January 7, 2019, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** the following two proposed contract awards:

A proposed contract between the New York City Campaign Finance Board (CFB) and the Contractor listed below, for the provision of Printing, Binding, and Mailing Services for Voter Guides and Other Projects (RFP PIN# 004201900002). The term of the contract shall be three years from the date of registration, with the possibility of a two-year renewal.

Contractor/Address	PIN #	Amount
Unimac Graphics 350 Michelle Place Carlstadt, NJ	004201900002	Not to exceed \$12,000,000

A proposed contract between the New York City Campaign Finance Board (CFB) and the Contractor listed below, for the provision of Design, Formatting, and Prepress Production Services for NYC Voter Guides 2019-2022 and Other Projects (RFP PIN# 004201900003). The term of the contract shall be three years from the date of registration, with the possibility of a two-year renewal.

Contractor/Address	PIN #	Amount
212/Harakawa Inc DBA Two Twelve 236 West 27th Street, Suite 802 New York, NY 10001	004201900003	Not to exceed \$1,300,000

Both proposed Contractors were selected by means of a Request for Proposals (RFP), pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of each contract is available for inspection at the CFB, 100 Church Street, 12th Floor, New York, NY 10007, on business days (excluding legal holidays) from December 21, 2018 to January 7, 2019, between 9:00 A.M. and 5:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Campaign Finance Board within five business days after publication of this notice. Written requests should be sent to Chandler Hart-McGonigle, Campaign Finance Board, 100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007, or CHart-McGonigle@nyccfb.info. If the CFB receives no written requests to speak within the prescribed time, the CFB reserves the right not to conduct the public hearing, pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules. In such case, a notice will be published in *The City Record* canceling the public hearing.

Accessibility questions: Chandler Hart-McGonigle, (212) 409-1745, by: Monday, December 31, 2018, 5:00 P.M.



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**AGENCY RULES**

**CONFLICTS OF INTEREST BOARD**

■ NOTICE

Notice of Adoption of Final Rules

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY CONFLICTS**

**OF INTEREST BOARD** by Section 1043 of the City Charter and Section 3-907 of the New York City Administrative Code, that the Conflicts of Interest Board has adopted Board Rules that (1) move its Rules regarding annual disclosure to a new Chapter 4; (2) adopt a new rule defining "other similar entity" as used in New York City Charter § 2601(11), which defines the term "firm"; and (3) adopt a new rule defining business or financial relationship for the purposes of Charter § 2604(b)(14).

The proposed Rules were published in the *City Record* on November 1, 2018, and a public hearing was held on December 5, 2018. No testimony or comments were received. The Conflicts of Interest Board now adopts the following Rules, including a conforming amendment in the text of the new § 1-10(a)(2) regarding the limit on purchases and sales of property between superiors and subordinates.

### Statement of Basis and Purpose

#### Reorganization of Rules

In the Section 1 of this rulemaking, the Board moves four sections of the Rules of the Board from Chapter 1, entitled "Conflicts of Interest," to a new Chapter 4, entitled "Annual Disclosure": Section 1-08, "Procedures for Obtaining an Extension of Time Within Which to File a Financial Disclosure Report"; Section 1-10, "Retention of Financial Disclosure Reports"; Section 1-14, "City Employees Holding Policymaking Positions for Purposes of the Financial Disclosure Law"; and Section 1-15, "City Employees Whose Duties Involve the Negotiation, Authorization, or Approval of Contracts and of Certain Other Matters". These four sections, promulgated in 1992, 1994, 2003, and 2005 respectively, are an integral part of the administration of the Annual Disclosure Law set forth in Section 12-110 of the New York City Administrative Code and not relevant to determinations made about "conflicts of interest" under Chapter 68 of the City Charter. By creating a new Chapter 4, the Board's Rules will be better organized, and each chapter of rules will be more clearly related to the other rules within such chapter. The text of the four relocated Board Rules remain otherwise unchanged.

#### New Definition of "Other Similar Entity" within the definition of "Firm"

The Board adopts a new definition of "other similar entity" within the definition of "firm," to be numbered § 1-08. Several provisions of the City Charter are relevant to the new definition. At the threshold, City Charter § 2601(11) defines "firm" as follows:

'Firm' means sole proprietorship, joint venture, partnership, corporation and any other form of enterprise, but shall not include a public benefit corporation, local development corporation or other similar entity as defined by rule of the board.

Another key term, "interest," is defined by §2601(12) to mean an "ownership interest in a firm or position with a firm."

Moreover, the term "firm" is implicated by various provisions of City Charter §§ 2604(a) ("Prohibited interests") and 2604(b) ("Prohibited conduct"). Charter § 2604(a)(1) proscribes a full-time public servant from having an interest in a firm which such person knows is engaged in business dealings with his or her agency (except as addressed by paragraph (3) of subdivision (a)). Charter § 2604(b)(1) addresses the issue of a public servant taking an action particularly affecting the interest of a firm in which they have an interest; paragraph (b)(3) prohibits a public servant from using or attempting to use his or her position to benefit himself or any person or firm associated with him or her; and paragraph (b)(5) bars a public servant from accepting any valuable gift (as defined by Board Rule § 1-01) from any person or firm which the public servant knows is or intends to become engaged in business dealings with the City.

As noted above, Charter § 2604(a)(1) prohibits a full-time public servant from having an ownership interest or position in a firm that is engaged in business dealings with the City. This means that any full-time public servant who wishes to have a second job with a firm that has business dealings with any City agency must obtain a waiver from the Board to have such an interest or position. Charter § 2601(11) already exempts public benefit corporations and local development corporations from the definition of "firm" and grants the Board the authority to exempt "similar entities" that it defines by rule.

The Board's new Rule in § 1-08 clarifies the entities with which public servants may take positions, such as by taking a second job at the entity, serving on its board, or teaching a class as an adjunct teacher, without requiring a waiver of Charter § 2604(a)(1). The Board adopts this Rule because over the years it has advised numerous public servants that their proposed activities would not violate Chapter 68 because their prospective employer or ownership interest does not fall within the ambit of "firm" for the purposes of City Charter § 2601(11). See, e.g., A.O. Nos. 1992-20, 1994-10, 1997-1, 1999-6, 2000-1, and 2005-2. The Board includes "New York State local public authorities," as defined in the New York Public Authorities Law § 2(2), as entities exempted from the definition of "firm." The Board also limits the definition of "local development corporation," as used in Charter § 2601(11), to those local development corporations established by, affiliated with, sponsored by, or

created by a unit of New York State government and not to include any private local development corporations. As stated in the Rule, the term "other similar entity" includes, but is not limited to, the listed entities; this list is not exclusive.

Public servants who have second jobs with entities that are not "firms" remain subject to other fundamental requirements of Chapter 68, including, but not limited to: their work for the other employing entity must be conducted at times when they are not required to perform services for the City (Charter § 2604(b)(2), Board Rules § 1-13(a)); they may not use City equipment, letterhead, personnel, or other City resources in connection with their second jobs at the employing entity (Charter § 2604(b)(2), Board Rules § 1-13(b)); they may not use their official City positions or titles to obtain any private advantage for themselves, the employing entity, or any of such entity's clients (Charter § 2604(b)(3)); they may not disclose or use for private advantage any confidential information concerning the City (Charter § 2604(b)(4)); they may not make any appearances before the City on behalf of the employing entity (Charter § 2604(b)(6)); and lastly, they may not be compensated by the employing entity for performing their official duties (Charter § 2604(b)(13)). Additionally, the Board will make a separate determination whether any given entity is a "local, State or Federal agency" pursuant to Charter § 2604(d)(6) and therefore a public servant's employment therein would be exempt from the post-employment restrictions of Chapter 68.

#### New Definition of "Business or Financial Relationship" as Used in City Charter § 2604(b)(14)

City Charter § 2604(b)(14) provides as follows: "No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant." Charter § 2604(b)(14) recognizes the potential for coercion or favoritism that exists when co-workers who occupy different positions in a City government office hierarchy, in which one person has authority over another, enter into business or financial relationships.

The Board has repeatedly been asked to provide advice about whether public servants may enter into certain relationships with their co-workers, supervisors, and subordinates. Its numerous advisory opinions on this topic include A.O. Nos. 1992-28 (prohibiting a subordinate from representing a superior as his attorney); 1998-12 (prohibiting superiors from selling anything to subordinates but permitting subordinates to sell a limited amount of commercial and charitable projects to a superior); 2001-3 (reiterating that a subordinate and a superior may not enter into an attorney-client relationship); 2003-6 (advising that a public servant may be compensated for voluntarily working on his or her superior's political campaign); 2004-2 (advising that a superior and subordinate cannot participate in the same savings club); 2004-3 (advising that any financial relationship between a community board member and a member of the community board's staff is prohibited); 2012-5 (reiterating that a public servant may be compensated for voluntarily working on his or her superior's political campaign and advising that a superior and subordinate may volunteer on the same campaign and in that capacity one may supervise the other); 2013-1 (advising that while it generally violates Chapter 68 for superiors to solicit or accept gifts from their subordinates, superiors can do so long as such gift-giving is not extremely frequent or extravagant; furthermore, public servants can accept gifts from their peers); 2017-5 (advising that participation by a superior and subordinate in the same lottery pool was an impermissible financial relationship).

Moreover, numerous enforcement actions have been initiated over the years that have resulted in fines for public servants found to have violated this prohibition. Examples include COIB Case Nos. 2016-057 (2017) (a New York City Department of Education ("DOE") Superintendent paid a \$3,000 fine for having sold her house to a teacher she supervised as her Principal); 2016-600 (2017) (a DOE Principal was issued a public warning letter for being regularly driven to and from work by a subordinate); 2015-858(a) (2017) (a former Director of Contracts and Construction in the New York City Department of Transportation's Traffic Division paid a \$4,000 fine for, over the course of three years, lending and repaying his subordinate more than \$40,000); and 2016-902 and 902a (2017) (a DOE Assistant Principal and a teacher whom he supervised at the school found to have entered into an impermissible financial relationships by cohabitating and were fined \$3,750 and \$1,752, respectively).

The Board has made one small substantive change to Board Rules § 1-10(a)(2) since its publication in the *City Record*. In this paragraph, it was the Board's intention to codify the advice given in Advisory Opinion No. 1998-12 regarding the sale of property. In keeping with that intention, and in order to be more consistent with the other provisions of the Rule, Board Rules § 1-10(a)(2) has been revised to remove the one-year cap.

The Board therefore adopts this Rule to clarify which relationships between superiors and their subordinates are deemed to be business or financial relationships for the purposes of Charter § 2604(b)(14) and are therefore prohibited. This section prohibits a public servant from entering into any of the enumerated relationships

with any other public servant who either is supervised by him/her or is supervising his/her work, or who has the power to direct his/her work, or whose work he/she directs, or whose terms and conditions of employment the superior public servant has the power to affect or who could affect the terms and conditions of the subordinate public servant's employment. As stated in the Rule, the term "business or financial relationship" includes, but is not limited to, the listed relationships; this list is not exclusive.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Title 53 of the Rules of the City of New York is amended by adding a new Chapter 4, entitled "Annual Disclosure".

§ 2. Section 1-08 of Title 53 of the Rules of the City of New York, entitled "Procedures for Obtaining an Extension of Time Within Which to File a Financial Disclosure Report", is renumbered as § 4-01 of Chapter 4 of such title, as added by section 1 of this rulemaking.

§ 3. Section 1-10 of Title 53 of the Rules of the City of New York, entitled "Retention of Financial Disclosure Reports", is renumbered as §4-02 of Chapter 4 of such title, as added by section 1 of this rulemaking.

§ 4. Section 1-14 of Title 53 of the Rules of the City of New York, entitled "City Employees Holding Policymaking Positions for Purposes of the Financial Disclosure Law", is renumbered as § 4-03 of Chapter 4 of such title, as added by section 1 of this rulemaking.

§ 5. Section 1-15 of Title 53 of the Rules of the City of New York, entitled "City Employees Whose Duties Involve the Negotiation, Authorization, or Approval of Contracts and of Certain Other Matters", is renumbered as § 4-04 of Chapter 4 of such title, as added by section 1 of this rulemaking.

§ 6. Chapter 1 of Title 53 of the Rules of the City of New York is amended by adding a new § 1-08 to read as follows:

§1-08 Definition of "other similar entity" within the definition of "firm".

(a) For the purposes of Charter § 2601(11), the term "other similar entity" includes, but is not limited to, any of the following entities:

- (1) local, state, and federal governments and their agencies;
- (2) New York State public authorities;
- (3) New York local public authorities;
- (4) the United Nations;
- (5) the United States Postal Service;
- (6) the State University of New York;
- (7) the City University of New York;
- (8) the Brooklyn Public Library;
- (9) the Queens Public Library; and
- (10) charter schools created, pursuant to New York State Education Law Article 56.

(b) For the purposes of Charter § 2601(11), the term "local

development corporation" includes only local development corporations affiliated with, sponsored by, or created by New York State government or by a New York county, city, town, or village.

§ 7. Chapter 1 of Title 53 of the Rules of the City of New York is amended by adding a new § 1-10 to read as follows:

§1-10 Prohibited Business or Financial Relationships Between a Superior and a Subordinate.

(a) For purposes of Charter § 2604(b)(14), the term "business or financial relationship" between a superior and subordinate includes but is not limited to:

- (1) outstanding loans collectively amounting to \$25.00 or more;
- (2) a purchase or sale of any property valued at \$25.00 or more;
- (3) the leasing of any property;
- (4) cohabitation;
- (5) participation in a lottery pool;
- (6) participation in a savings club;
- (7) shared ownership of real property or any other property worth more than \$100.00;
- (8) shared ownership of financial instruments;
- (9) shared ownership interest in a firm other than a publicly traded company;
- (10) shared ownership interest in a cooperative apartment building with fewer than six units;
- (11) employer-employee, consultant, contractor, attorney-client, agent-principal, brokerage, or other similar relationships;
- (12) establishing a trust or serving as a trustee of a trust in which one of them or a person associated with one of them has a beneficial interest; and
- (13) payment of each other's recurring expenses such as rent or payments for a vehicle.

(b) Expenses for activities related to public servants' City jobs which are shared between public servants, including superiors and subordinates, such as expenses related to a carpool or a coffee club, will not be deemed a "business or financial relationship" within the meaning of Charter § 2604(b)(14) if:

- (1) the benefit is shared by the participants; and
- (2) each public servant bears a fair proportion of the expense or effort involved for the activity.

§ 8. The titles of Sections 1-14 and 1-15 of Chapter 1 of Title 53 of the Rules of the City of New York are amended to read, respectively, as follows:

§1-14 [City Employees Holding Policymaking Positions for Purposes of the Financial Disclosure Law] Reserved.

§1-15 [City Employees Whose Duties Involve the Negotiation, Authorization, or Approval of Contracts and of Certain Other Matters] Reserved.

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## SPECIAL MATERIALS

### CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8252  
FUEL OIL AND KEROSENE

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 12/17/2018
3687331	1.0	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.0337 GAL.	2.0611 GAL.
3687331	2.0	#2DULS	PICK-UP	SPRAGUE	-0.0337 GAL.	1.9564 GAL.
3687331	3.0	#2DULS Winterized	CITYWIDE BY TW	SPRAGUE	-0.0337 GAL.	2.2594 GAL.
3687331	4.0	#2DULS Winterized	PICK-UP	SPRAGUE	-0.0337 GAL.	2.1546 GAL.
3687331	5.0	#1DULS	CITYWIDE BY TW	SPRAGUE	-0.0295 GAL.	2.3451 GAL.