



# THE CITY RECORD

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**THE CITY RECORD**      **MICHAEL R. BLOOMBERG, Mayor**

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**EDNA WELLS HANDY**, Commissioner, Department of Citywide Administrative Services.  
**ELI BLACHMAN**, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, March 20, 2013 at 10:00 A.M.**

**BOROUGH OF BROOKLYN**  
**Nos. 1, 2 & 3**  
**BAM SOUTH**  
**No. 1**

**CD 2**      **C 130116 ZMK**  
**IN THE MATTER OF** an application submitted by 22 Lafayette LLC and NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16c, by changing from a C6-1 District to a C6-2 District property bounded by Lafayette Avenue, Ashland Place, Hanson Place, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated November 26, 2012.

**No. 2**

**CD 2**      **N 130117 ZRK**  
**IN THE MATTER OF** an application submitted by 20 Lafayette, 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 Article X, Chapter I (Special Downtown Brooklyn District) to allow special permits for use and bulk modifications for cultural uses in certain C6-2 districts, in the Borough of Brooklyn, Community District 2.

Matter in underline is new, to be added;  
 Matter in ~~strikeout~~ is to be deleted;  
 Matter with # # is defined in Section 12-10;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

ARTICLE X  
 Chapter 1

Special Downtown Brooklyn District

\* \* \*

101-80  
 Special Permits

101-81  
 Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

In order to support a concentration of cultural uses and public open spaces in the C6-2 District bounded by Flatbush Avenue,

Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural uses, the City Planning Commission may permit the maximum #community facility floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-632 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section. For the purposes of this Section 101-81, "cultural use" shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable uses and space occupied by such cultural use shall qualify as #community facility floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

- (a) Conditions
- (1) A letter from the Office of the Mayor shall be submitted certifying that:
- (i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural uses and for the construction of the core and shell of such cultural facility by the applicant; and
- (ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural uses, and
- (2) A legal commitment in the form of declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural uses to cultural use for the life of the related #development#, provided, that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not for profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.
- (b) In order to grant such permit, the Commission shall find that:

- (1) the #building# including such cultural uses is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural uses from surrounding #streets#;
- (2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;
- (3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;
- (4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and
- (5) any modifications to #sign# regulations will result in greater visibility for the cultural uses provided on the #zoning lot#.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of Occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural uses minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that:

- (1) A deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:
- (i) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;
- (ii) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and
- (iii) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

\* \* \*

**No. 3**

**CD 2**      **C 130118 ZSK**  
**IN THE MATTER OF** an application submitted by 22 Lafayette LLC and NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-81\* of the Zoning Resolution:

1. to permit the maximum community floor area ratio requirements of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts) to be increased from 6.5 to 7.0;
2. to modify the street wall location regulations of Section 101-41 (Special Street Wall Location Regulations);
3. to modify the height and setback regulations of Section 23-632 (Front setbacks in districts where front yards are not required); and
4. to modify the sign regulations of Section 32-64 (Surface Area and Illumination Provisions), Section 32-65 (Permitted Projection or Height of Signs) and Section 32-68 (Permitted Signs on Residential or Mixed Buildings);

in connection with a proposed 32-story mixed use development, on property located at 113 Flatbush Avenue (Block 2110, Lots 3 and 103), in a C6-2 District\*\*, within the Special Downtown Brooklyn District.

\*Note: a zoning text amendment to create a new Section 101-81 (Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts) is proposed under a concurrent related application N 1130117 ZRK.

\*\*Note: The site is proposed to be rezoned from a C6-1 District to a C6-2 District under a concurrent related application (C 130116 ZMK) for a change in the Zoning Map.

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.

**YVETTE V. GRUEL, Calendar Officer**  
**City Planning Commission**  
**22 Reade Street, Room 2E**  
**New York, New York 10007**  
**Telephone (212) 720-3370**

☛ m7-20

## 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. 02 - Thursday, March 7, 2013 at 7:00 P.M., Sunnyside Community Services, 43-31 39th Street, Sunnyside, NY

#### #C 110253MMQ

Queens West Park Addition  
 Queens West Development Corp. seeks an amendment to the city map involving: the elimination, discontinuance and closing of East River Road north of 47th Road; the establishment of a park addition northwest of 47th Road and Center Boulevard; delineation of sewer easements and the extinguishment of a pedestrian access easement.

#### #C 130159PPQ

Disposition of (4) city-owned properties located on Block 276, 2545, 2573, 2575, and Lot 46, 54, 124, and 244. Department of Citywide Administrative Services (DCAS) intends to dispose of these (4) properties pursuant to the NYC Charter Section 384.

#### BSA Application

Premises: 41-05 69th Street  
 IN THE MATTER OF an application applying to Board of Standards and Appeals to allow owners to obtain a certificate of occupancy for a 4-story residential building plus a store on the 1st floor, this is for a total of 7-units and store/office.

m5-7

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

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 13 - Tuesday, March 12, 2013 at 7:00 P.M., Bellerose Assembly of GodChurch, 240-15 Hillside Avenue, Bellerose, NY

#### #C 130188ZMQ

Bellerose/Floral Park/Glen Oaks Rezoning:  
 Public Hearing regarding a zoning map amendment.

m6-12

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

#### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 12 - Thursday, March 7, 2013 at 6:30 P.M., 5910 13th Avenue, Brooklyn, NY

#### BSA# 54-13-BZ

Premises: 1338 East 8th Street, Brooklyn  
 Application seeks to enlarge the existing one-family home at the above referenced premises, in violation of side yard and lot coverage regulations in the subject R5/Ocean Parkway Special District.

m5-7

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

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 04 - Tuesday, March 12, 2013 at 7:00 P.M., VFW Post #150, 51-11 108th Street, Corona, NY

#### #C 130155PPQ

USTA Expansion  
 IN THE MATTER OF an application submitted by the New York City Department of Parks and Recreation (DPR) and the USTA National Tennis Center Inc., pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property to the USTA National Tennis Center, within Flushing Meadows-Corona Park.

m6-12

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 06 - Wednesday, March 13, 2013 at 6:30 P.M., Community School 211, 1919 Prospect Avenue, (betw. East Tremont Ave. and East 176th St.), Bronx, NY

Public Hearing regarding the Mayor's Preliminary Budget for Fiscal Year 2014.

☛ m7-13

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 03 - Tuesday, March 12, 2013 at 6:00 P.M., Children's Circle Day Care Center, 1332 Fulton Avenue (betw. East 169th and West 170th St.), Bronx, NY

Public Hearing: Fiscal Year 2014 Preliminary Budget, the Board will entertain testimony related to specific programs, services or capital projects to be recommended for funding consideration as part of the FY 2014 adopted budget.

m6-12

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, March 11, 2013 at 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, Flushing, NY

#### BSA# 316-12-BZ

37-20 Prince Street  
 Special permit application pursuant to Section 73-03 and 73-36 of the Zoning Resolution to allow for the proposed physical culture establishment health spa on a portion of the 3rd Floor of a 15-story mixed-use building.

Premises: 42-32 147th Street

Application filed on behalf of the owner of the premises to seek the approval of the Board to permit the proposed 7-story residential development at the premises, which is within the mapped but unbuild portion of Ash Avenue.

m5-11

## BOARD OF CORRECTION

### ■ MEETING

Please take note that the next meeting of the Board of Correction will be held on March 11, 2013, at 9:00 A.M., in the public hearing room of the Landmarks Preservation Commission. Located at: 1 Centre Street, 9th Floor, Room 924, New York, NY 10007.

At that time, there will be a discussion of various issues concerning New York City's correctional system.

m5-11

## DESIGN COMMISSION

### ■ MEETING

#### Meeting Agenda

Monday, March 11, 2013

#### Public Meeting

##### 11:25 A.M. Consent Items

24675: Installation of a prototypical newsstand, 145-149 East 125th Street, northeast corner of East 125th Street and Lexington Avenue, Manhattan. (Preliminary and Final) (CC 8, CB 11) DCA/DOT

24676: Installation of a prototypical newsstand, 317 Lafayette Street, northeast corner of Lafayette Street and East Houston Street, Manhattan. (Preliminary and Final) (CC 1, CB 2) DCA/DOT

24677: Installation of emergency generators and a cooling tower, Generator Building, 15-00 Hazen Street, Rikers Island, Bronx. (Preliminary and Final) (CC 22, CB 3) DCAS

24678: Replacement of rooftop mechanical equipment, Watson Building and Pratt Building, New York

Botanical Gardens, 2900 Southern Boulevard, Bronx. (Preliminary and Final) (CC 11, CB 6) DCAS/DPR/DCLA

24615: Installation of bike racks by David Byrne and construction of a wall for temporary murals, 31 Lafayette Street, BAM Cultural District, Brooklyn. (Preliminary) (CC 35, CB 2) DCLA

24679: Installation of *Sun Dancers* (formerly *Dance* and *Water Dance/Aquabatic*) by Carol and Tim Watkins, Kensington Branch Library, 4209-4211 18th Avenue, Brooklyn. (Final) (CC 44, CB 12) DCLA%/DDC

24680: Rehabilitation of a Department Environmental Protection maintenance building (formerly Department of Sanitation Stables), 356 Flushing Avenue, Brooklyn. (Preliminary) (CC 35, CB 2) DDC/DEP

24681: Installation of streetscape improvements, Broadway Junction, Van Sinderen Avenue between Fulton Street and Broadway, adjacent to Callahan-Kelly Park, Brooklyn. (Preliminary) (CC 37, CB 5 & 16) DDC/DOT/DPR

24682: Reconstruction of the sidewalk, Queens Botanical Garden, 43-50 Main Street, Queens. (Preliminary and Final) (CC 20, CB 7) DDC/DPR/DCLA/DOT

24683: Construction of a temporary spillway channel wall, Amawalk Dam, Amawalk Road and Lake Road, Somers, Westchester County. (Preliminary and Final) DEP

24684: Restoration of the landscape, 477 Beaverkill Road, Ashokan Reservoir campus, Olive, Ulster County. (Preliminary and Final) DEP

24685: Installation of a distinctive sidewalk, 1601, 1605, 1611 and 1615 University Avenue, Bronx. (Preliminary and Final) (CC 16, CB 5) DOT

24686: Construction of steps, State Street Renaissance Townhomes, 345, 347A, 349A and 353 State Street, Brooklyn. (Preliminary and Final) (CC 33, CB 2) DOT

24687: Construction of dam breaches as Phase II of the reconstruction of Highland Park at Ridgewood Reservoir, Jackie Robinson Parkway, Jamaica Avenue, Vermont Place and Cypress Hill Street, Brooklyn and Queens. (Preliminary) (CC 30 & 37, CB B5 & Q5) DPR

24688: Reconstruction of ballfields and adjacent site work, Jamaica Avenue between Linwood Street and Shepard Avenue, Lower Highland Park, Brooklyn. (Final) (CC 37, CB 5) DPR

24689: Reconstruction of Sherman Creek Park, Phase IA, Tenth Avenue, Harlem River Drive, Academy Street and Sherman Creek, Manhattan. (Final) (CC 10, CB 12) DPR

24690: Reconstruction of a pier, West 79th Street, adjacent to the Boat Basin, Riverside Park, Manhattan. (Final) (CC 9, CB 7) DPR

24691: Reconstruction of the *John Mervin Carrère Memorial* (1919) by Thomas Hastings, Riverside Park, Manhattan. (Final) (CC 6, CB 7) DPR

24692: Relocation of three cast-iron decorative flagpole bases as a part of the reconstruction of Pier A Plaza, Battery Place and West Street, adjacent to Battery Park, Manhattan. (Preliminary) (CC 1, CB 1) EDC/BPCA

24693: Reconstruction of a gas metering and regulation station, West 134th Street and the Hudson River, Manhattan. (Preliminary and Final) (CC 7, CB 9) EDC

24694: Installation of an emergency generator, Engine Company 64/Ladder 47, 1214-1220 Castle Hill Avenue, Bronx. (Preliminary and Final) (CC 18, CB 9) FDNY

#### Public Hearing

11:30 A.M.

24695: Reconstruction of the Far Rockaway Community Library, 16-37 Central Avenue, Queens. (Preliminary) (CC 31, CB 14) DDC

Design Commission meetings are held in the conference room on the fifth floor of 253 Broadway, unless otherwise indicated. **Please note that all times are approximate and subject to change without notice.**

Members of the public are encouraged to arrive **at least 45 minutes in advance** of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing **at least three (3) business days in advance** of the meeting date.

Please note that items on the consent agenda are not presented. If members of the public wish to testify on a consent agenda item, they should contact the Design Commission immediately, so the project can be rescheduled for a formal presentation at the next appropriate public hearing, per standard procedure.

Design Commission  
 253 Broadway, Fifth Floor  
 Phone: 212-788-3071  
 Fax: 212-788-3086

☛ m7

**EMPLOYEES RETIREMENT SYSTEM****REGULAR MEETING**

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employee's Retirement System has been scheduled for Thursday, March 14, 2013 at 9:30 A.M. to be held at the New York City Employee's Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

☛ m7-13

**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, **March 19, 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 BROOKLYN** 13-9780 – Block 2104, lot 50-320 Clermont Avenue – Fort Greene Historic District  
An Anglo-Italianate style rowhouse built c.1865. Application is to construct a rear yard addition and a rooftop bulkhead. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF BROOKLYN** 14-0139 – Block 208, lot 337–162 Columbia Heights – Brooklyn Heights Historic District  
A Greek Revival style rowhouse built in 1844 with a mansard altered c. 1870. Application is to enlarge masonry openings and replace windows. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF BROOKLYN** 12-6721 - Block 307, lot 34–226 Court Street – Cobble Hill Historic District  
A rowhouse with neo-Grec style features built in the early 1850s. Application is to construct a rear yard addition. Zoned R6. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF BROOKLYN** 14-0704 - Block 1083, lot 16–540 4th Street – Park Slope Historic District  
A rowhouse designed by Arthur R. Koch and built in 1907. Application is to install a lamp post and excavate the basement and a portion of the rear yard. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0883 - Block 41, lot 1–70 Pine Street, aka 2-18 Cedar Street, 171-185 Pearl Street - he Cities Service Building-Individual Landmark and Interior Landmark  
An Art Deco style skyscraper designed by Clinton and Russell, and Holton and George and built in 1932; with an Art Deco style lobby. Application is to alter exterior ground floor openings, install glass railings at the setback terraces, and alter the lobby. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-8440 - Block 13, lot 27–25 Broadway, aka 13-39 Greenwich Street, 1-9 Morris Street - Cunard Building-Individual Landmark and Interior Landmark  
A neo-Renaissance style office building designed by Benjamin Wistar Morris with consulting architects Carrere and Hastings, and built in 1917-21. Application is to install signage. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0976 - Block 640, lot 34–755-761 Washington Street, 46-50 Bethune Street - Greenwich Village Historic District  
A two-story garage building built in 1937-1938. Application is to install storefront infill, signage, lighting, and security cameras, replace windows, and install railings. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0263 -Block 589, lot 5–245 Bleecker Street - Greenwich Village Historic District Extension II  
A Federal style rowhouse built in 1829 with major alterations completed in 1926. Application is to install illuminated signage and a bracket sign, and to paint the base of the building. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0893 -Block 474, lot 60–74 Grand Street - SoHo-Cast Iron Historic District  
A vacant lot, formerly occupied by a neo-Grec style loft building designed by George DaCunha and built in 1886. Application is to reconstruct the cast iron facade in conjunction with a new building. Zoned M1-5B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-8441 -Block 593, lot 23–395 6th Avenue - Greenwich Village Historic District  
A commercial building built in 1876 and remodeled in 1958. Application is to alter the facade, install storefront infill, signage, and replace window. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0675 -Block 434, lot 50–415 East 6th Street - East Village/Lower East Side Historic District  
A building originally built as a house in 1841 and redesigned as a neo-Classical style synagogue by Herman Horenburger in 1910. Application is to construct a rooftop addition. Zoned R7-2. Community District 3.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0933 - Block 795, lot 37–635 6th Avenue - Ladies' Mile Historic District  
A Beaux Arts style department store building designed by William H. Hume & Son and built in 1900-02. Application is to demolish the penthouse, construct a rooftop addition, and install storefronts. Zoned C6-2A, C6-3A. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 12-4939 - Block 823, lot 68–46 West 22nd Street - Ladies' Mile Historic District  
An Italianate style dwelling built in 1850 with a mansard roof added in 1872 and a two-story storefront extension added in 1907. Application is to construct a rear addition. Zoned 8D. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-4602 Block 696, lot 65–210-218 11th Avenue, aka 564-568 West 25th Street -West Chelsea Historic District  
A Gothic Revival style factory building designed by Shire & Kaufman and built in 1910-11. Application is to establish master plan governing the future installation of windows and window louvers. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-7282 - Block 875, lot 45–31 Gramercy Park South-Gramercy Park Historic District  
An altered Italianate style house built in 1852. Application is to construct a rooftop bulkhead. Zoned R8-B. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0116 – Block 871, lot 1–101 East 15th Street-Union Square Savings Bank - Individual Landmark  
An Academic Classic style bank building designed by Henry Bacon and built in 1905-07. Application is to install light fixtures. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-9086 - Block 849, lot 6–5 East 20th Street-Ladies' Mile Historic District  
A stable built in 1849-51 and redesigned as a Renaissance Revival style commercial building by John L. Jordan in 1901. Application is to install a stretch banner and flagpoles. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-1197 – Block 827, lot 39-202 Fifth Avenue, aka 1122 Broadway, 103 West 25th Street - Madison Square North Historic District  
A neo-Classical style office building designed by Buchman & Kahn, with Zimmerman, Saxe & Zimmerman, and built in 1918-1919. Application to construct a one-story addition and bulkhead; raise a parapet; modify and create masonry openings; replace cladding; and install shopfront infill, windows, signage, lighting, a marquee, and interior partitions at windows. Zoned C5-3. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-3794 -Block 1300, lot 1–230 Park Avenue - New York Central Building/Helmsley Building-Individual Landmark and Interior Landmark  
A Beaux-Arts style office building designed by Warren & Wetmore and built in 1927-29. Application is for alterations within the walkways and to install new paving within the walkways and sidewalk. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-9951 -Block 1015, lot 12–217-247 West 43rd Street, aka 216-232 West 44th Street - New York Times Building-Individual Landmark  
A neo-Gothic style skyscraper designed by Buchman & Fox and built 1912-1913, with a French Renaissance style addition designed by Ludlow & Peabody and built in 1922-1924, and a neo-Gothic style addition designed by Albert Kahn, Inc. and built in 1930-1932. Application is to install signage and lighting. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-1012 -Block 1029, lot 14–1780 Broadway - B.F. Goodrich Company Building - Individual Landmark  
An office building with abstract, stylized ornament that suggests the influence of Elizabethan and Jacobean sources, the English Arts and Craft movement, and the Vienna Secession, designed by Howard Van Doren Shaw in association with Ward & Willauer, and built in 1909. Application is to demolish and partially reconstruct the secondary facades and excavate the cellar. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-6559 - Block 1149, lot 36–100 West 78th Street, aka 376 Columbus Avenue - Upper West Side/Central Park West Historic District  
A Queen Anne style apartment building designed by Charles H. Bliss and built in 1886. Application is to install a pergola, and aluminum and glass railings at the roof. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-6826 - Block 1141, lot 39–118-126 West 70th Street - Central Park West/Upper West Side Historic District  
A neo-Georgian style apartment building designed by Rouse and Golstone and built in 1917. Application to modify a penthouse. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 12-7550 – Block 1211, lot 1-421 Amsterdam Avenue - Central Park West /Upper West Side Historic District  
A Romanesque Revival style flats building with neo-Grec elements designed by Frederick T. Camp and built in 1887-88. Application is to install storefront infill. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 14-0570 - Block 1244, lot 63-90-94 Riverside Drive, aka 307-319 West 81st Street – Riverside-West End Historic District Extension I  
A Renaissance Revival style apartment building designed by Schwartz & Gross and built in 1925-1926. Application to enlarge masonry openings at the penthouse. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-5497 – Block 1248, lot 19-325 West 86th Street – Riverside-West End Historic District Extension I  
A Renaissance Revival style apartment building designed by Rosario Candela and built in 1925-26. Application is to replace windows. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**

**BOROUGH OF MANHATTAN** 13-0682 - Block 1407, lot 51–150 East 73rd Street, aka 1009-1017 Lexington Avenue-Upper East Side Historic District Extension  
A Colonial Revival style apartment building designed by Cross & Cross and built in 1922-23. Application is to establish a master plan governing the future replacement of windows. Community District 8.

**m6-19**

**PUBLIC MEETING**

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, March 12, 2013**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York, For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

☛ m7-11

**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, March 20, 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 The Trustees of Columbia University in the City of New York to continue to maintain and use benches, bollards, and a litter receptacle on the south sidewalk of West 162nd Street, between Broadway and Amsterdam Avenue, 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 - \$1,025/annum.

the maintenance of a security deposit in the sum of \$4,000 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 The Trustees of Columbia University in the City of New York to continue to maintain and use four bollards on the north sidewalk of West 167th Street, between Saint Nicholas Avenue and Audubon Avenue, 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 - \$500/annum.

the maintenance of a security deposit in the sum of \$5,600 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 Linden Central Associates, L.P. to continue to maintain and use a fenced-in planted area on the north sidewalk of Central Avenue, east of Linden Street, and continuing along the east sidewalk of Linden Street in the northerly direction, in the Borough of Brooklyn. 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 - \$1,429/annum.

the maintenance of a security deposit in the sum of \$12,000 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 PLN Enterprise Inc. to construct, maintain and use a sidewalk hatch in the southeast sidewalk of seventh Avenue,

northeast of 46th Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule

From the approval date to June 30, 2013- \$453/annum

For the period July 1, 2013 to June 30, 2014 - \$466  
For the period July 1, 2014 to June 30, 2015 - \$479  
For the period July 1, 2015 to June 30, 2016 - \$492  
For the period July 1, 2016 to June 30, 2017 - \$505  
For the period July 1, 2017 to June 30, 2018 - \$518  
For the period July 1, 2018 to June 30, 2019 - \$531  
For the period July 1, 2019 to June 30, 2020 - \$544  
For the period July 1, 2020 to June 30, 2021 - \$557  
For the period July 1, 2021 to June 30, 2022 - \$570  
For the period July 1, 2022 to June 30, 2023 - \$583

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.

#5 In the matter of a proposed revocable consent authorizing Teach Charles Trust to continue to maintain and use a stoop and a fenced-in area on the north sidewalk of Charles Street, between West 4th Street and Bleecker 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 others 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 - \$25/ annum.

the maintenance of a security deposit in the sum of \$3,500 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.

f28-m20

## COURT NOTICE

## SUPREME COURT

■ NOTICE

### QUEENS COUNTY IA PART 8 NOTICE OF ACQUISITION INDEX NUMBER 24414/12

In the Matter of Application of the CITY OF NEW YORK, relative to acquiring title in fee simple absolute to certain real property where not heretofore acquired for the ATLANTIC AVENUE EXTENSION

located in the area generally bounded by 94th Avenue, 138th Place, 95th Avenue, and the Van Wyck Expressway, in the Borough of Queens, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of Queens, IA Part 8 (Hon. Jaime A. Rios, J.S.C.), duly entered in the office of the Clerk of the County of Queens on February 5, 2013, the application of the City of New York to acquire certain real property, for the ATLANTIC AVENUE EXTENSION, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on February 20, 2013. Title to the real property vested in the City of New York on February 20, 2013.

**PLEASE TAKE FURTHER NOTICE**, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1	9990	5
2 and 2A	9990	34
3	9990	46

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each condemnee shall have a period of one calendar year from the date of service of the Notice of Acquisition for this proceeding, to file a written claim, demand or notice of appearance with the Clerk of the Court of Queens County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

- the name and post office address of the condemnee;
- reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real

property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York, 10007 on or before February 20, 2015 (which is two (2) calendar years from the title vesting date).

Dated: February 27, 2013. New York, New York  
MICHAEL A. CARDOZO,  
Corporation Counsel of the City of New York  
100 Church Street  
New York, New York 10007  
Tel. (212) 356-2140

m1-14

## PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### 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

## ENVIRONMENTAL PROTECTION

### WATERSHED PROTECTION AND PLANNING

■ NOTICE

Forest Management Project  
# 5045 "Ashokan Superstorm Sandy Salvage Project"  
NOTICE OF PROJECT AVAILABILITY

**Description:** The City of New York will sell an estimated 300 thousand board feet of standing spruce timber through Forest Management Project #5045. The project is within two areas that comprise the *Superstorm Sandy Salvage Forest Management Project* on New York City-owned watershed land adjacent to the Ashokan Reservoir, Olive, NY. Bid Solicitation information is available by contacting NYCDEP Watershed Forester, Todd Baldwin, at 845-340-7854, or requesting via e-mail at [tbaldwin@dep.nyc.gov](mailto:tbaldwin@dep.nyc.gov).

**Show Dates:** Prospective bidders are required to attend one of the two public showings in order to receive a bid package necessary to submit a valid bid. The mandatory showings will be held on **Tuesday March 19, at 3:00 P.M.** and **Wednesday March 20 at 9:00 A.M.**, starting at the Ben Nesin Lab/ Ashokan Fountain Parking area, off of NYS Route 28A, south of Reservoir Road and the Dividing Weir, Shokan, Town of Olive, Ulster County, NY.

**Bidding:** All bid proposals must be received by Todd Baldwin, 71 Smith Avenue, Kingston, New York 12401 (845-340-7854), **Thursday, March 28, 2013 at 3:00 PM**, local time. Sealed bids will be publicly opened at the DEP Office, 71 Smith Avenue, Kingston, NY on **Friday, March 29, 2013 at 9:00 AM**, local time. The projected date for awarding the bid is on or about April 5, 2013.

m6-7

## 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

**"Compete To Win" More Contracts!**  
**Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.**

● **Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)**

**"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. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."**m1-14

## ADMINISTRATION FOR CHILDREN'S SERVICES

■ SOLICITATIONS

*Human/Client Services*

**EARLYLEARN NYC: HEAD START MODEL** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06813N0005 – DUE 03-18-13 AT 2:00 P.M. – EarlyLearn NYC, ACS contracted early care and education system, serves approximately 45,000 children through center-based care and home-based care settings. In partnership with the City's Department of Education (DOE), the Department of Youth and Community Development (DYCD), and the Department of Health and Mental Hygiene (DOHMH), EarlyLearn NYC plays a critical role in delivering the City's comprehensive community-based early care and education services. With this solicitation, ACS is seeking appropriately qualified providers to provide quality EarlyLearn NYC Head Start services for preschool children aged 3-4 years old at the following four City owned sites for the number of slots indicated for each site listed:

180 Mott Street, New York, NY 10012  
EarlyLearn slots: 84 preschoolers

711 Manida Avenue, Bronx, NY 10474  
EarlyLearn slots: 161 preschoolers

169 West 87th Street, New York, NY 10024  
EarlyLearn slots: 49 preschoolers

1054 Intervale Avenue, Bronx, NY 10454  
EarlyLearn slots: 106 preschoolers

Site visits will be available by appointment as per the solicitation.

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.

Administration for Children's Services, 150 William Street, 9th Floor, NYC 10038. Jean Sheil (212) 341-3518; Fax: (212) 341-3520; [Jsheil@acs.nyc.gov](mailto:Jsheil@acs.nyc.gov)

m1-7

## CITYWIDE ADMINISTRATIVE SERVICES

### 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; [dlepire@dcas.nyc.gov](mailto:dlepire@dcas.nyc.gov)

s6-f25

**MUNICIPAL SUPPLY SERVICES**

**■ SOLICITATIONS**

*Goods*

**TRUCK, CLASS FOUR WITH VARIOUS BODIES** – Other – PIN# 857PS1300350 – DUE 04-09-13 AT 9:30 A.M. – A pre-solicitation conference for the above listed goods will be held on April 9, 2013 at 9:30 A.M. at the address below. Please review the attached specification before you attend the conference. 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.

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.  
Edward Andersen (212) 669-8509; Fax: (212) 313-3148;  
eanderso@dcas.nyc.gov

**m7**

**■ 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**

**COMPTRROLLER**

**ASSET MANAGEMENT**

**■ AWARDS**

*Services (Other Than Human Services)*

**INVESTMENT MANAGEMENT SERVICES** – Innovative Procurement – Judgment required in evaluating proposals - PIN# 01511814810EY – AMT: \$5,894,000.00 – TO: Credit Suisse Asset Management LLC / CSAM Americas Holding Corp., 1 Madison Avenue, New York, NY 10010.

**m7**

**DESIGN & CONSTRUCTION**

**■ AWARDS**

*Construction / Construction Services*

**PHASE 3 BEACHFRONT RESTORATION PROJECT: RECONSTRUCTION OF CONEY ISLAND STEEPLE CHASE PIER, BROOKLYN** – Competitive Sealed Bids – PIN# 85013B0073001 – AMT: \$16,213,840.70 – TO: Triton Structural Concrete, Inc., 3100 47th Avenue, Long Island City, NY 11101. Project ID: SANDSTPCP DDC PIN#: 8502013PV0009C.

**● PHASE 3, BEACHFRONT RESTORATION PROJECT: NEW PREFABRICATED MODULAR BUILDING UNITS, BROOKLYN, QUEENS, AND STATEN ISLAND** – Competitive Sealed Bids – PIN# 85013B0071001 – AMT: \$105,003,443.02 – TO: Triton Structural Concrete, Inc., 3100 47th Avenue, Long Island City, NY 11101. PROJECT ID: SANDPRFAB DDC PIN#: 8502013PV0007C.

**● PHASE 3, BEACHFRONT RESTORATION PROJECT: RENOVATION TO EXISTING BUILDINGS, BROOKLYN AND STATEN ISLAND** – Competitive Sealed Bids – PIN# 85013B0074001 – AMT: \$10,245,012.00 – TO: Mongiove Associates, Ltd, 1976 Richmond Terrace, Staten Island, NY 10302. PROJECT ID: SANDRENO DDC PIN#: 8502013PV0010C.

**m7**

**ECONOMIC DEVELOPMENT CORPORATION**

**CONTRACTS**  
**■ SOLICITATIONS**

*Goods & Services*

**SPRINGFIELD GARDENS INDUSTRIAL BID, CONSULTANT SERVICES** – Request for Proposals – PIN# 53780001 – DUE 04-09-13 AT 4:00 P.M. – New York City Economic Development Corporation (NYCEDC) is seeking a consultant or consultant team to provide support to the local industrial area of Springfield Gardens, Queens, in the planning and outreach phases of the development of a proposed Industrial Business Improvement District ("Industrial BID"). The proposed Industrial BID would aim to provide innovative services that are specifically tailored to the Springfield Gardens community and also provide a source of funding for services to existing businesses and property owners in the industrial-zoned area.

NYCEDC plans to select a consultant on the basis of factors stated in the RFP which include, but are not limited to: the quality of the proposal, experience of key staff identified in the proposal, demonstrated successful experience in performing services similar to those encompassed in the RFP, and the proposed fee.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE

certification and NYCEDC's M/WBE program, please visit <http://www.nycfedc.com/opportunitymwdbe>.

An optional informational session will be held on Thursday, March 14, 2013 at 9:30 A.M. at NYCEDC. Those who wish to attend should RSVP by email to [SpringfieldGardensBID@nycfedc.com](mailto:SpringfieldGardensBID@nycfedc.com) on or before March 13, 2013.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M. on March 19, 2013. Questions regarding the subject matter of this RFP should be directed to [SpringfieldGardensRFP@nycfedc.com](mailto:SpringfieldGardensRFP@nycfedc.com). For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Monday, March 25, 2013, to [www.nycfedc.com/RFP](http://www.nycfedc.com/RFP).

To download a copy of the solicitation documents please visit [www.nycfedc.com/RFP](http://www.nycfedc.com/RFP). Please submit six (6) sets of your proposal to.

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.  
*Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969; Fax: (212) 312-3918; SpringfieldGardensBID@nycfedc.com*

**m7**

**EDUCATION**

**CONTRACTS AND PURCHASING**

**■ SOLICITATIONS**

*Goods & Services*

**INFOPRINT MAINTENANCE AND USAGE** – Competitive Sealed Bids – PIN# B2293040 – DUE 04-11-13 AT 4:00 P.M. – The New York City Department of Education (NYCDOE) is seeking bids for Infoprint Maintenance for existing machines and Usage charges which is incurred for the use of the machine. If you cannot download this BID, please send an e-mail to [VendorHotline@schools.nyc.gov](mailto: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 [cblair2@schools.nyc.gov](mailto:cblair2@schools.nyc.gov) with the BID number and title in the subject line of your e-mail.

Bid Opening Date and Time: April 12, 2013 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.  
*Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; VendorHotline@schools.nyc.gov*

**m7**

**OFFICE OF EMERGENCY MANAGEMENT**

**■ SOLICITATIONS**

*Goods & Services*

**INCIDENT COMMAND CENTER (ICC) REFURBISH** – Negotiated Acquisition – PIN# 01713N0001 – DUE 03-12-13 AT 12:00 P.M. – OEM uses four special vehicles to respond to incidents in New York City. The Mobile CIMS Center serves as a mobile field office for City agencies and other emergency officials/personnel responding to a large disaster. The Incident Command Center provides OEM with an on-scene emergency command center to coordinate the deployment of resources between multiple agencies. The Interagency Communications Vehicle is designed to be a quick, communications and scene-support vehicle. It can gather critical information and relay it to the other vehicles. Through this Negotiated Acquisition, the New York City (NYC) Office of Emergency Management (OEM) is seeking a qualified vendor to refurbish the Interagency Command Center (ICC) vehicle. The ICC is mobile command vehicle used during emergency response operations, currently in OEM's fleet. OEM intends to refurbish the vehicle and upgrade the technology.

Contract award(s) will be made by use of the Negotiated Acquisition method, pursuant to Section 3-04(b)(2)(i)(ii) of the Procurement Policy Board Rules. It is anticipated that the projected contract term is approximately eight (8) months from notice to proceed.

Qualified vendors and/or other organizations may express interest in this procurement by emailing [procurement@oem.nyc.gov](mailto:procurement@oem.nyc.gov).

The ACCO shall justify the use of the negotiated acquisition method by making a determination that is not practical and/or advantageous to award a contract by competitive sealed bidding or competitive sealed proposals due to one or more of the following circumstances and the basis thereof there is a time-sensitive where a vendor must be retained quickly because funds available from a source outside the City will be lost to the City.

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.  
*Office of Emergency Management, 165 Cadman Plaza East, Brooklyn, NY 11201. Brian Genzmann (718) 422-4867; Fax: (718) 246-6011; bgenzmann@oem.nyc.gov*

**m5-11**

**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**

**HOMELESS SERVICES**

**■ AWARDS**

*Human / Client Services*

**HUMAN SHELTER SERVICES** – Emergency Purchase – PIN# 07113E0034001

Sponsoring Agency  
H.E.L.P. Social Service Corporation  
5 Hanover Square, 17th Fl., New York, NY 10004  
Program Site/Address  
Homebase  
5 Hanover Square, New York, NY 10004  
EPIN#: 07113E0034001  
Contract Term: 11/01/2012-06/30/2013  
Contract Amount: \$190,975.00

Sponsoring Agency  
Ridgewood Bushwick Senior Citizens  
555 Bushwick Avenue, Brooklyn, NY 11206  
Program Site/Address  
Homebase  
555 Bushwick Avenue, Brooklyn, NY 11206  
EPIN#: 07113E0029001  
Contract Term: 11/01/2012-06/30/2013  
Contract Amount: \$190,874.00

3-08 of the Procurement Policy Board Rules, the Department of Homeless Services intends to procure through an Emergency Procurement for the provision of shelter services to homeless storm Sandy hurricane evacuees.

**m7**

**HUMAN RESOURCES ADMINISTRATION**

**■ AWARDS**

*Human / Client Services*

**EMERGENCY SHELTER SERVICES** – Renewal – PIN# 06913H080304 – AMT: \$2,833,203.00 – TO: H.E.L.P. Social Service Corp., 5 Hanover Square, 17th Floor, NY, NY 10004. Term: 3/1/2013-02/28/2014. E-PIN: 09611P0061004R001.

**m7**

**CONTRACTS**

**■ INTENT TO AWARD**

*Human / Client Services*

**HOMEMAKING SERVICES FOR PLWAS AND THEIR FAMILIES** – Negotiated Acquisition – PIN# 06908X0041CNVN003 – DUE 03-08-13 AT 2:00 P.M. – \*For Informational Purposes Only\*

HRA intends to extend the contract with the following vendors:

1. The Children's Aid Society - PIN#: 06914H084501 - Contract Amount: \$625,000.00
2. Dannelisse Corporation - PIN#: 06914H084502 - Contract Amount: \$500,000.00
3. Jewish Care Services of Long Island - PIN#: 06914H084503 - Contract Amount: \$550,000.00
4. Richmond Home Need Services, Inc. - PIN#: 06914H084504 - Contract Amount: \$1,279,316.00
5. Selfhelp Community Services - PIN#: 06914H084505 - Contract Amount: \$600,000.00
6. VIP Health Care Services - PIN#: 06914H084506 - Contract Amount: \$625,000.00

HRA has determined that there is a compelling need for the use of the Negotiated Acquisition Extension process to extend the contracts for six (6) vendors who are currently providing Homemaking supportive services to Persons Living with AIDS (PLWAs) and their children under the age of 12. For families with children over the age of 12, the need for homemaking will be evaluated on a case by case basis.

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.  
*Human Resources Administration, 180 Water Street, New York, NY 10038. Barbara Beirne (212) 331-3436; beirneb@hra.nyc.gov*

**m7**

**CITYWIDE HOME ATTENDANT SERVICES TO MEDICAID ELIGIBLE INDIVIDUALS** – Negotiated Acquisition – PIN# 06908X0076CNVN0033 – DUE 03-13-13 AT 5:00 P.M. – \*For Informational Purposes Only\*  
HRA intends to extend the contract with the following vendor:  
\*Medicaid Management Information System (MMIS)\*  
Human Development Association located at 12 Heyward Street, Brooklyn, NY 11249.  
PIN: 06912H079216 - Contract Amount: \$0 City Share/51,982,765 (MMIS) Service Area in Brooklyn.

The Human Resources Administration/Home Care Services Program (HRA/HCSPP) plans to enter into negotiations with the vendors that currently provide home Attendant Services to Medicaid Eligible Individuals in the borough of Brooklyn. The extension of this contract will allow this vendor to continue to provide mandated Long Term Care Program.

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.  
*Human Resources Administration, 180 Water Street, New York, NY 10038. Barbara Beirne (212) 331-3436; beirneb@hra.nyc.gov*

**m6-12**

**PARKS AND RECREATION**

**REVENUE AND CONCESSIONS**

■ **SOLICITATIONS**

*Services (Other Than Human Services)*

**SALE OF FOOD FROM MOBILE FOOD UNITS AT VARIOUS LOCATIONS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q-B-JB-O-2013 – DUE 04-08-13 AT 3:00 P.M. – The New York City Department of Parks and Recreation ("Parks") is issuing a Request for Proposals (RFP) for the sale of food from mobile food units at various locations on New York City parklands throughout Jamaica Bay, and corresponding sale of food from mobile food units at various locations in the Jamaica Bay Unit of Gateway National Recreation Area, a unit of the National Park System.

There will be a recommended on-site proposer meeting and site tour on Wednesday, March 20, 2013 at 10:00 A.M. We will begin the meeting in the multipurpose room (to the right of the lobby and down the hall) of Gateway National Recreation Area's Ryan Visitor Center at Floyd Bennett Field, which is located at Aviation Road and Flatbush Avenue, Brooklyn. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

*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, 830 5th Avenue, Rm. 407, New York, NY 10065. Alexander Han (212) 360-1397; Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov*

**m6-19**

**INSTALLATION, OPERATION AND MAINTENANCE OF MULTIPLE SITE BICYCLE RENTAL STATIONS** –

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q-B-JB-BR-2013 – DUE 04-08-13 AT 3:00 P.M. – The New York City Department of Parks and Recreation ("Parks") is issuing a Request for Proposals (RFP) for the installation, operation and maintenance of multiple site bicycle rental stations on New York City parklands throughout Jamaica Bay, and corresponding installation, operation and maintenance of multiple site bicycle rental stations in the Jamaica Bay Unit of Gateway National Recreation Area, a unit of the National Park System.

There will be a recommended on-site proposer meeting and site tour on Wednesday, March 20, 2013 at 10:00 A.M. We will begin the meeting in the multipurpose room (to the right of the lobby and down the hall) of Gateway National Recreation Area's Ryan Visitor Center at Floyd Bennett Field, which is located at Aviation Road and Flatbush Avenue, Brooklyn. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

*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, 830 5th Avenue, Rm. 407, New York, NY 10065. Alexander Han (212) 360-1397; Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov*

**m6-19**

**INSTALLATION, OPERATION AND MAINTENANCE OF MULTIPLE SITE KAYAK AND CANOE LAUNCH AND RENTAL STATIONS** –

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q-B-JB-RB-2013 – DUE 04-08-13 AT 3:00 P.M. – The New York City Department of Parks and Recreation ("Parks") is issuing a Request for Proposals (RFP) for the installation, operation and maintenance of a multiple site kayak and canoe launch and rental stations on New York City parklands throughout Jamaica Bay, and corresponding installation, operation and maintenance of multiple site kayak and canoe launch and rental stations in the Jamaica Bay Unit of Gateway National Recreation Area, a unit of the National Park System. There will be a recommended on-site proposer meeting and site tour on Wednesday, March 20, 2013 at 10:00 A.M. We will begin the meeting in the multipurpose room (to the right of the lobby and down the hall) of Gateway National Recreation Area's Ryan Visitor Center at Floyd Bennett Field, which is located at Aviation Road and Flatbush Avenue, Brooklyn. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

*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, 830 5th Avenue, Rm. 407, New York, NY 10065. Alexander Han (212) 360-1397; Fax: (212) 360-3434; Alexander.Han@parks.nyc.gov*

**m6-19**

**PROBATION**

**CONTRACT PROCUREMENT**

■ **SOLICITATIONS**

*Human/Client Services*

**CORRECTION: PATHWAYS TO EXCELLENCE, ACHIEVEMENT AND KNOWLEDGE (PEAK)** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 78113N0001 – DUE 03-14-13 AT 2:00 P.M. – CORRECTION: The New York City Department of Probation (DOP) is seeking to partner with and leverage the experience of qualified community-based organization(s) with existing NYC Department of Education "Learning to Work" (LTW) contracts or organization(s) that can demonstrate similar relevant experience to operate the PEAK (Pathways to Excellence, Achievement and Knowledge) Program. DOP, in collaboration with the Department of Education (DOE) and the Center for Economic Opportunity (CEO), is implementing PEAK, an education-focused alternative-to-placement program for youth in the juvenile justice system. PEAK combines elements of educational enrichment, behavior modification, and therapeutic services, and is provided in conjunction with on-going probation supervision provided by DOP.

Contract award(s) will be made by use of the Negotiated Acquisition method, pursuant to Section 3-04(b)(2)(i)(ii) of the Procurement Policy Board Rules. It is anticipated that the contract term will be from May 1, 2013 through June 30, 2015 with an option to renew for up to two 1 year terms. Expression of interest are invited by the date and time indicated below and should be submitted to the Office of Contract Procurement, 33 Beaver Street, 21st Floor, New York, NY 10004.

*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 Probation, 33 Beaver Street, 21st Floor, New York, NY 10004. Eileen Parfrey-Smith (212) 232-0444; epsmith@probation.nyc.gov*

**m5-11**

**SMALL BUSINESS SERVICES**

**PROCUREMENT**

■ **INTENT TO AWARD**

*Goods*

**ORACLE CRM ON DEMAND LICENSE** – Sole Source – Available only from a single source - PIN# 80113S0003 – DUE 03-11-13 AT 12:00 P.M. – The NYC Department of Small Business Services intends to enter into sole source negotiations with Oracle America Inc. to procure a continuation of Oracle CRM On Demand software licenses. Oracle CRM On Demand is proprietary software that helps SBS Manage its customer relationship data. The software is created and maintained by Oracle America Inc. Any firm that believes it is qualified and has the in-house expertise to provide such services or would like to provide such services in the future is invited to express an interest. Please indicate your interest by letter sent via postal mail, which must be received no later than March 11, 2013 at 12:00 P.M. to Mr. Daryl Williams, Agency Chief Contracting Officer, NYC Department of Small Business Services, 110 William Street, 7th Floor, New York, New York 10038. PIN: 80113S0003.

*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 Small Business Services, 110 William Street, 7th Floor, New York, New York 10038. Daryl Williams (212) 513-6300; Fax: (212) 618-8867; procurementhelpdesk@sbs.nyc.gov*

**m4-8**

**TRIBOROUGH BRIDGE & TUNNEL AUTHORITY**

**MTA BRIDGES AND TUNNELS**

■ **SOLICITATIONS**

*Construction / Construction Services*

**NEW RAMP AT THE VERRAZANO-NARROWS BRIDGE** – Competitive Sealed Bids – PIN# VN80C0000000 – DUE 05-08-13 AT 3:00 P.M. – A pre-bid conference is scheduled for 03/20/13 at 10:00 A.M. Reservations must be made by contacting Gavin Masterson, Manager, General Projects at (646) 252-7080 no later than noon the preceding work day. Visit [www.mta.info](http://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, 24th Floor, New York, NY 10004. Victoria Warren (646) 252-7092; Fax: (646) 252-7077; vprocure@mtabt.org*

**m7**

**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.**

**DESIGN AND CONSTRUCTION**

■ **PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, March 14, 2013, in Spector Hall, 22 Reade Street, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of thirteen (13) proposed contracts between the Department of Design and Construction of the City of New York and the Contractors listed below, for DDCTOWNGN, An Academic Consortium Contract to Support the City's Town + Gown Program. This requirements contract is being initially registered in the amount of \$1.00 for each contract.

Any Agency that wishes to issue a task order under this requirements contract must fund its task order from its own budget resources.

The contract term shall be 3,650 Consecutive Calendar Days from date of registration with a Renewal option of 1,825 Consecutive Calendar Days. E-PIN#: 85012I0002001-013.

**CONTRACTOR/ADDRESS**

1. Manhattan College  
4513 Manhattan College Parkway, Riverdale, NY 10471  
**E-PIN 85012I0002001 Amount \$1.00**

2. New York Institute of Technology  
Northern Boulevard, P.O. Box 8000, Old Westbury, NY 11568  
**E-PIN 85012I0002002 Amount \$1.00**
3. Pace University  
1 Pace Plaza, New York, NY 10038  
**E-PIN 85012I0002003 Amount \$1.00**
4. New York University  
70 Washington Square South, New York, NY 10012  
**E-PIN 85012I0002004 Amount \$1.00**
5. Pratt Institute  
200 Willoughby Avenue, Brooklyn, NY 11205  
**E-PIN 85012I0002005 Amount \$1.00**
6. Louisiana Tech University  
1620 Wylly Tower, Rouston, LA 71272  
**E-PIN 85012I0002006 Amount \$1.00**
7. Fordham University  
441 East Fordham Road, Bronx, NY 10458  
**E-PIN 85012I0002007 Amount \$1.00**
8. Research Foundation for the City of New York  
230 West 41st Street, 7th Floor, New York, NY 10036  
**E-PIN 85012I0002008 Amount \$1.00**
9. The Trustees of Columbia University in the City of New York  
615 West 131st Street, Room 254, Mail Code 8725  
New York, NY 10027  
**E-PIN 85012I0002009 Amount \$1.00**
10. The New School  
79 Fifth Avenue, 16th Floor, New York, NY 10003  
**E-PIN 85012I0002010 Amount \$1.00**
11. The Trustees of the University of Pennsylvania  
3451 Walnut Street, Room P-221, Philadelphia, PA 19104  
**E-PIN 85012I0002011 Amount \$1.00**
12. Brooklyn Law School  
250 Joralemon Street, Brooklyn, NY 11201  
**E-PIN 85012I0002012 Amount \$1.00**
13. The Cooper Union for the Advancement of Science and Art  
30 Cooper Street, New York, NY 10003  
**E-PIN 85012I0002013 Amount \$1.00**

The proposed consultants have been selected by Innovative Procurement Method, pursuant to Section 3-12 of the Procurement Policy Board Rules.

Draft copies of the proposed contracts are available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, March 7, 2013 to March 14, 2013, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Carlo Di Fava at (718) 391-1541.

**m7**

**TRANSPORTATION**

■ **PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, March 14, 2013 at Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of a proposed contract between the Department of Transportation of the City of New York and US Army Corps of Engineers Research & Development Center, 26 Federal Plaza, New York, NY 10278, for the provision of Assessment, Design, Construction Management Services of a Hazard Mitigation Program for Improvements to East River Bridges. The contract amount shall be \$159,018,220.00. The contract term shall be from 5/31/2013 to 5/31/2023 and may be renewed at the Department's sole discretion for two additional 5 year terms periods. PIN No.: 84113MBBR729, E-PIN No.: 84113T0001.

The proposed contractor has been selected by means of a Government to Government procurement method, pursuant to Section 3-13 of the Procurement Policy Board Rules.

A draft copy of the proposed contract will be available for inspection by members of the public from March 7, 2013 to March 14, 2013, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 5:00 P.M., at the Department of Transportation, Office of the Agency Chief Contracting Officer at 55 Water Street, Room 825, New York, NY 10041.

**m7**

**AGENCY RULES**

**HEALTH AND MENTAL HYGIENE**

■ **NOTICE**

**NOTICE OF OPPORTUNITY TO COMMENT**

Subject: Opportunity to Comment on Proposed Repeal of Chapter 5 (Inhalation Therapy Service) and of Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Theatre Matrons) of Title 24 of the Rules of the City of New York.

**Proposed Rule**

The Department of Health and Mental Hygiene (the "Department") is proposing to repeal Chapter 5 (Inhalation Therapy Service) and Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Theatre Matrons) of Title 24 of the Rules of the City of New York.

**No Public Hearing**

Pursuant to section 1043(e) of the New York City Charter, no public hearing is being held because it has been determined that a public hearing would serve no public purpose.

**Instructions**

You may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene  
Attention: Rena Bryant, Secretary to the Department  
Gotham Center 42-09 28th Street  
14th Floor, WS 14-55  
Long Island City, NY 11101

or electronically through NYC RULES to [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) or by email to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto: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 April 9, 2013.

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>.

Copies of written comments will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the contact address above.

**Statement of Basis and Purpose**

Statutory Authority

The repeal of Chapter 5 and Chapter 8 of Title 24 of the Rules of the City of New York is authorized by §§556 and 1043 of the New York City Charter (the "Charter").

- Section 556 of the Charter authorizes the Department of Health and Mental Hygiene (the "Department") to regulate all matters affecting health in the city of New York.
- Section 1043 of the Charter gives the Department rulemaking powers.

Background

The Department is proposing to repeal as outdated and no longer needed Chapter 5 (Inhalation Therapy Service) and Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Theatre Matrons) of Title 24 of the Rules of the City of New York.

**Repeal Chapter 5 of Title 24 of the Rules of the City of New York**

Chapter 5, licensing suppliers ('purveyors') and persons who administer "inhalation therapy" and regulating how equipment containing medical gases is to be safely used and maintained was added to the Department's rules in 1943 to implement §17-335 (formerly §561-3.0) of the Administrative Code of the City of New York (Administrative Code). At the time the law was enacted and these rules were adopted there were no other applicable federal and state laws and regulations. This is no longer the case, and both the manufacturer and administration of medical gases are regulated by the federal and state governments. Currently manufacturing of containers and gases used for medical purposes is regulated by the U.S. Food and Drug Administration and the quality standards of the gases must conform to the standards established in the US Pharmacopeia. People qualified to administer medical gases to patients are licensed professionals, respiratory therapists and respiratory therapy technicians, regulated in New York State by Article 164 of the State Education Law. Use and handling of tanks holding gases for medical uses is regulated in hospitals by the State Department of Health, and flammable gases must be used in accordance with applicable fire codes. Although the Department continues to issue a small number - less than a dozen - inhalation therapy purveyor and therapist licenses per year, it has not had the expertise or resources to enforce its rules for many years, and as they are no longer current, are duplicative of other law, and no longer necessary they should be repealed.

**Repeal Chapter 8 of Title 24 of the Rules of the City of New York**

In 1937, Chapter 2 of Title 20 (Consumer Affairs) of the City's Administrative Code was amended to add a new Subchapter 1 (Motion Picture Exhibitions), licensing motion picture theatres, and a new Subchapter 2 (Admission of Children) to regulate admission of children to motion picture theatres without adult escorts. Chapter 8 of the Department's rules was adopted in 1943 to provide for examination and licensing requirements for motion picture theatre matrons to implement Administrative Code §20-209 (formerly §B 32-30.0) of Subchapter 2. After both subchapters were repealed in 1995, no further matron licenses were issued by the Department. Accordingly, this chapter should also be repealed.

Statement pursuant to Charter §1043

Through an oversight, the proposed repeal of these rules was not included in the Department's Regulatory Agenda.

The rule is as follows:

Section 1. Chapter 5 (Inhalation Therapy Service) of Title 24 of the Rules of the City of New York is repealed.

§2. Chapter 8 (Examination, Licensing and Procedure Relating to Motion Picture Matrons) of Title 24 of the Rules of the City of New York, is repealed.

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Repeal of Rules Relating to Licensing of Inhalation Therapists and Motion Picture Theaters

**REFERENCE NUMBER:** 2013 RG 002

**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: January 15, 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:** Repeal of Rules Relating to Licensing of Inhalation Therapists and Motion Picture Theaters

**REFERENCE NUMBER:** 2013 RG 002

**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/ Hunter Gradie January 17, 2013  
Mayor's Office of Operations Date

**TAXI AND LIMOUSINE COMMISSION**

**NOTICE**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend rules regulating taxicab lease caps- and the maximum dollar amount per shift for which taxis can be leased and changing some of the ways in which fares are calculated.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, April 11, 2013. The hearing will be in the public hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on April 11, 2013. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by April 8, 2013.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, April 4, 2013.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**Statement of Basis and Purpose of Proposed Rule**

These rules amend the Taxi and Limousine Commission's rules governing the leasing of taxicabs and taxicab medallions. The Commission's authority to adopt these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

Following hearings held on May 31 and July 9, 2012, on July 12, 2012, the Commission approved rules changing lease caps and certain other rules pertaining to the leasing of taxicabs and taxicab medallions, as well as rules regarding taxicab rates of fare. The fare rules took effect on September 4, 2012 and the leasing rules took effect on September 30, 2012.

Following adoption of these rules, participants from the taxicab industry met with the TLC and identified a number of instances where a technical clarification or qualification to the rules passed on July 12 might be helpful. In addition, in accordance with the settlement of the lawsuit "Metropolitan Taxicab Board of Trade and JTL Management et. al. v. The New York City Taxi & Limousine Commission et. al" (Index 103849/2012), which resulted in a preliminary injunction against certain of the leasing rules, the TLC agreed to propose certain other changes to the rules. The TLC proposes these rules to address some of the comments received after adoption of the first set of changes to the rules.

The proposed rules:

- Clarify provisions regarding responsibility for service and maintenance
- Change how credit card charges are paid and implement a surcharge payable by a driver coupled with a lower lease cap
- Clarify that an agent cannot charge a surcharge in addition to the surcharge collected under the lease cap rules.
- Clarify the provisions requiring the pro-rating of lease amounts if the vehicle is unavailable.
- Allow late charges for late payments in certain instances.
- Allow owner fines for missed inspections, suspended drivers and illegal subleases to be charged to drivers in certain circumstances.
- Clarify that reasonable cancellation charges can include repossession fees.
- Modify marking specifications to reflect the recent elimination of exterior fare decals.
- Modify penalties for retaliation against complaining lessees.
- Provide a test for determining whether financing of a vehicle by a public corporation is related to a medallion lease when the lessor holds stock in the public corporation.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraphs (3) and (4) of subdivision (c) of section 52-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Powers and Duties with Respect to Rate-Setting*
  - (3) Not later than the end of April of every odd-numbered year, the Chairperson shall [prepare a report assessing] hold a public hearing to assess the adequacy of the current fares established under Section 58-26 of these Rules[. Such report may consider] and shall solicit written comment and testimony on all relevant facts including, the following:
    - (i) The time and distance of travel;
    - (ii) The character of the service provided;
    - (iii) The gross revenues derived from operation;
    - (iv) The net return derived from operation;
    - (v) The expenses of operation including the income of drivers or operators;
    - (vi) The return upon capital actually expended and the need to reserve some income for surplus and contingencies;
    - (vii) The number of passengers transported;
    - (viii) The effect of fares on the public and in relation to the fares for other forms of public transportation;-
    - (ix) The fares and practices with respect to similar services in other cities of the United States;
    - (x) Changes in economic circumstances of drivers of Taxicabs since the previous adjustment in the rate of fare[.];

(xi) The amount of revenue necessary to generate a fair and reasonable rate of return to a medallion owner.

[Such report shall contain a recommendation as to whether the rate of fare should be adjusted, and if so shall contain a recommendation as to the range of adjustment which would be appropriate in light of the foregoing factors and other factors deemed relevant. Such report must be published in the City Record.]

(4) Not later than the end of April of every odd-numbered year, the Chairperson shall [prepare a report] hold a public hearing to assess[ing] the adequacy of the lease caps established under section 58-21 of these Rules[. Such report shall consider] and shall solicit written comment and testimony on all relevant facts, including the following:

(i) The expenses of operation of medallion owners and their agents;

(ii) The amount of revenue necessary to generate a fair and reasonable rate of return to a medallion owner;

[(iii) (iii)] Practices with respect to similar services in other cities in the United States;

[(iii) (iv)] Retention of experienced drivers;

[(iv) (v)] Changes in economic circumstances of medallion owners since the previous adjustment in the lease caps;

(vi) The economic condition of the taxi industry including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of drivers and passengers;

(vii) Relevant data from the current and projected cost of living indices for the New York-northern New Jersey-Long Island area;

(viii) Such other data as may be made available to it [including but not limited to cost of liability insurance for vehicles, cost of no-fault insurance, cost of fire insurance, cost of liability insurance for the facility, cost of garage equipment, cost of workers' compensation insurance for employees, cost of workers' compensation insurance for non-employee drivers mandated by state statute, cost of maintenance for garage equipment, cost of routine vehicle maintenance, cost of repairing damage to vehicles, cost of dispatchers, cost of managers, cost of mechanics, cost of accountants, cost of drivers to take vehicles to inspection, cost of office support staff, cost of rent, cost of electricity, cost of cleaning, cost of building fuel (gas or oil), cost of real estate taxes, cost of water and sewer taxes, costs of city permits such as for welding or paint shops or necessary facility renovation, costs of workers compensation insurance for employees, costs of social security contribution for employees, cost of taxes, including but not limited to Commercial Motor Vehicle Tax, cost of banking fees, cost of loan maintenance and payments, cost of loan origination fees, cost of telephone and internet access, cost of security, cost of IT including computer systems and internal networks, cost of maintaining computer equipment, cost of software and programming, cost of payments to medallion owners, legal services, accounting, services, towing fees, life and medical insurance for employees, cost of processing EZ-Pass@ requirements, cost of processing credit card payments, cost of office supplies, cost of garage supplies, cost of parts, including oils, washer fluid and miscellaneous items needed by mechanics, cost of vehicles, and cost of settlements for driver accidents.

Such report shall contain a recommendation as to whether the lease caps should be adjusted, and if so shall contain a recommendation as to the range of adjustment which would be appropriate in light of the foregoing factors and other factors deemed relevant. Such report must be published in the City Record].

(5) Not later than the end of July of every odd-numbered year, the Commission shall publicly state its intention whether to change, subject to applicable rulemaking requirements, fares and/or lease caps based on, but not limited to, testimony and written comments received at public hearings held pursuant to paragraphs (3) and (4) of this subdivision.

Section 2. Section 58-21(a)(2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) An Owner must not authorize or allow a lessee of a Taxicab under sections 58-21(c)(1) or 58-21(c)(2) of these Rules to sublease the Taxicab to another party.

Section 3. Sections 58-21(b)(1), (2) and (3) of Title 35 of the Rules of the City of New York are amended to read as follows:

(b) *Service and Maintenance of Leased Taxicab Vehicles.*

(1) Service and maintenance of a leased Taxicab (including the vehicle) under sections 58-21(c)(1) and (c)(2) is the responsibility of the Owner/lessor, and the cost of the service and maintenance of the Vehicle cannot be charged to the Driver/lessee.

(2) The lease of a Medallion-only under Section 58-21(c)(3) or a lease under Section 58-21(c)(4) does not include, and does not require, the Medallion Owner/lessor to provide service and maintenance of the vehicle.

(3) A Medallion-only lessor under Section 58-21(c)(3) or a

lessor under Section 58-21(c)(4) must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to, the Medallion Owner or any agent of the Medallion Owner. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson.

Section 4. Section 58-21(c)(1)(i) of Title 35 of the Rules of the City of New York is amended to read as follows

(i) The Standard Lease Cap for a Medallion and vehicle for one shift will not exceed:

- A. \$[115]105, for all 12-hour day shifts
- B. \$[125]115, for the 12-hour night shift on Sunday, Monday and Tuesday
- C. \$[130]120, for the 12-hour night shift on Wednesday
- D. \$[139]129, for the 12-hour night shifts on Thursday, Friday and Saturday
- E. \$[690] 630, for any one-week day shift for one week or longer
- F. \$[797] 737, for any one week night shift for one week or longer.

Section 5. Section 58-21(c)(1)(ii) of Title 35 of the Rules of the City of New York is amended to read as follows:

(ii)Except for a driver who meets all of the following:

(A) the driver pays for the lease on a daily or shift basis and is not required to pay for more than one shift in advance;

(B) the driver is required to return the vehicle to the owner or operator's business premises or other mutually agreed upon location at the conclusion of each shift; and

(C) the driver is not required to pay for any shift for which he provides the owner or operator with timely notice that he will not lease the vehicle, so the owner can lease the vehicle to another daily shift driver, n[N]o driver leasing a medallion and vehicle under this paragraph 58-21(c)(1) can be charged more than a total of

- A. \$[690] 630, for six or more day shifts in any seven consecutive day period
- B. \$[797] 737, for six or more evening shifts or combination of day and evening shifts in any seven consecutive day period.
- C. A Driver who meets all the requirements of (ii)(A)-(C) can be charged for seven shifts if the Driver leases seven shifts.

Section 6. Section 58-21(c)(1)(vi) of Title 35 of the Rules of the City of New York is amended to read as follows:

(vi) For a driver with a weekly lease under 58-21(c)(1)(i)(E) or 58-21(c)(1)(i)(F), the lease includes costs for collision and other damage coverage, including repairs of physical damage to the vehicle, except that it shall not be considered an overcharge prohibited under these Rules if the Owner of a Taxicab or his or her Agent and the driver agree in writing that the driver will make payments for damage to the vehicle caused by the driver's negligence and such agreement will remain in effect for only so long as the driver is leasing a medallion from the Owner or the Agent, provided that the lease contains language informing the driver that he or she will be responsible for physical damage to the vehicle caused by his or her negligence if such damage was in fact caused by the negligence of the driver. If the Owner receives compensation for damages to the vehicle incurred from an entity other than the driver, any amount previously paid by the driver as compensation for damages, must be refunded to the driver.

Section 7. Section 58-21(c)(2)(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) The Standard Lease Cap for Hybrid Electric Taxicabs and Diesel-Fueled Taxicabs that are hacked-up under §67-05 of these Rules [are] is raised by \$3 per shift (\$21 per week), so that the lease amount for one shift must not now exceed:

- A. \$[118]108, for all 12-hour day shifts
- B. \$[128]118, for the 12-hour night shift on Sunday, Monday and Tuesday
- C. \$[133] 123, for the 12-hour night shift on Wednesday
- D. \$[141] 132, for the 12-hour night shifts on Thursday, Friday and Saturday.
- E. \$[708] 648, for any one-week day shift for one week or longer
- F. \$[812] 755, for any one week night shift for one week or longer.

Section 8. Section 58-21(c)(2)(ii) of Title 35 of the Rules of the City of New York is amended to read as follows:

(ii)Except for a driver who meets all of the following:

(A) the driver pays for the lease on a daily or shift basis and is not required to pay for more than one shift in advance;

(B) the driver is required to return the vehicle to the owner or operator's business premises or other mutually agreed upon location at the conclusion of each shift; and

(C) the driver is not required to pay for any shift for which he provides the owner or operator with timely notice that he will not lease the vehicle, so the owner can lease the vehicle to another daily shift driver, n[N]o driver leasing a medallion and vehicle under this paragraph 58-21(c)(2) can be charged more than a total of

- A. \$[708] 648, for six or more day shifts in any seven consecutive day period

B. \$[812] 755, for six or more evening shifts or combination of day and evening shifts in any seven consecutive day period.

C. A Driver who meets all the requirements of (ii)(A)-(C) can be charged for seven shifts if the Driver leases seven shifts.

Section 9. Section 58-21(c)(2)(vi) of Title 35 of the Rules of the City of New York is amended to read as follows:

(vi) For a driver with a weekly lease under 58-21(c)(2)(i)(E) or 58-21(c)(2)(i)(F), the lease includes costs for collision and other damage coverage, including repairs of physical damage to the vehicle, except that it shall not be considered an overcharge prohibited under these Rules if the Owner of a Taxicab or his or her Agent and the driver agree in writing that the driver will make payments for damage to the vehicle caused by the driver's negligence and such agreement will remain in effect for only so long as the driver is leasing a medallion from the Owner or the Agent, provided that the lease contains language informing the driver that he or she will be responsible for physical damage to the vehicle caused by his or her negligence if such damage was in fact caused by the negligence of the driver. If the Owner receives compensation for damages to the vehicle incurred from an entity other than the driver, any amount previously paid by the driver as compensation for damages, must be refunded to the driver.

Section 10. Sections 58-21(c)(3)(i) and (ii) of Title 35 of the Rules of the City of New York are amended to read as follows:

(i) For a *Medallion-only* Hybrid Taxicab hacked up under §67-05 is \$[1114] \$994 weekly.

(ii) For all other *Medallion-only* Taxicabs (including Accessible Taxicabs) is [1072] \$952 weekly.

Section 11. Section 58-21(c)(3)(iv) of Title 35 of the Rules of the City of New York is amended to read as follows:

(iv) A lease, and payment of the Lease Cap under this [section] paragraph includes (and all of the following must be provided to the lessee):

- A. Use of the medallion;
- B. All applicable TLC fees except for TLC vehicle inspection fees (but the lessor is not required to provide vehicle registration or payment of the Commercial Motor Vehicle Tax);
- C. Insurance required by Section 58-13;
- D. Credit card fees or charges;
- E. Up to 3 drivers on a lease at the request of the drivers, which request cannot be unreasonably denied.

A lessor must not accept any [other] payment from a lessee for the purchase or lease of a vehicle. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arms-length basis outside the lease. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson. A Medallion lessor may not enter into a lease with any person or entity under this paragraph if such Medallion lessor holds more than 2% of shares in a publicly held corporation that sells, leases or finances vehicles and has accepted a payment from such person or entity related to the sale, lease or finance of the Vehicle of such person or entity.

Section 12. Section 58-21(c)(4)(i)C is amended to add new item 4 to read as follows:

4. For purposes of this paragraph, an individual, business entity or business entity person covered by subitems one through three of this item C who is leasing a Medallion to a lessee and who holds more than 2% of the shares in a publicly held corporation that sells, leases or finances vehicles and has accepted a payment from such lessee related to the sale, lease or finance of such lessee's vehicle is deemed to be a party to the vehicle financing arrangement. Accordingly, the total amount charged to the lessee for both the lease of the Medallion and for the sale, lease, or financing of the vehicle cannot exceed the amount of the Standard Lease Cap set forth in subparagraph (ii) of this paragraph.

Section 13. Sections 58-21(c)(4)(ii)A and B of Title 35 of the Rules of the City of New York are amended to read as follows:

A. \$[1,389] \$1,269 weekly if the vehicle complies with the requirements of Section 67-05 of these Rules; or

B. \$[1,347] \$1,227 weekly if the vehicle complies with the requirements of Sections 67-05.1 or 67-05.2 of these Rules.

Section 14. Section 58-21(c)(4)(v) of Title 35 of the Rules of the City of New York is amended to read as follows:

(v) A lease, and payment of the Lease Cap under this section includes (and the following must be provided to the lessee, except that items G and H are optional):

- A. Use of the medallion;
- B. All applicable TLC and NYS DMV fees except for TLC vehicle inspection fees;
- C. Insurance required by Section 58-13;
- D. Credit card fees or charges;
- E. All Vehicle purchase and/or finance costs and vehicle sales tax and related costs;
- F. Up to 3 drivers on a lease at the request of the drivers, which request cannot be unreasonably denied.

G. A Medallion lessor or Agent can offer coverage for collisions and physical damage to the vehicle to the lessee/purchasers in an amount not to exceed \$50 per week,



but cannot require that the lessee/purchasers purchase such coverage.

i. The Medallion lessor or Agent can require that a deductible of up to \$250 per incident be met before covering or reimbursing costs identified in item G.

ii. For any incident for which a driver has paid a deductible amount authorized under this subsection, if the Medallion lessor or Agent of the taxicab which is the subject of the damages claim receives insurance claim proceeds, litigation proceeds or other proceeds to cover the cost of repair, the lessor must reimburse the driver for the amount previously remitted as a deductible.

H. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arm's-length basis outside the lease. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson or his or her designee.

Section 15. Subparagraph (vii) of Section 58-21(c)(4) of Title 35 of the Rules of the City of New York is renumbered subparagraph (vi), and subparagraph (viii) is amended to read as follows:

[(viii)] vii If the vehicle is unavailable for use for any reason that is not the lessee's responsibility during any part of any week, the lessee's payment of the Lease Cap must be prorated. As an example, a vehicle is not unavailable for purposes of this rule if the vehicle is undergoing required maintenance, undergoing repairs as a result of not being properly maintained, or required to appear for inspection at the TLC.

Section 16. The first unnumbered paragraph of Section 58-21(c)(5) of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) Limits on Additional Charges. In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee [(of a Taxicab or Medallion-only)] any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind above the Standard Lease Cap (as adjusted)), except for the following:

Section 17. Section 58-21(c)(5)(iv) of Title 35 of the Rules of the City of New York is amended to read as follows:

(iv) Late Charges

[A] A. For any vehicle leased pursuant 58-21(c)(1) or 58-21(c)(2), a late charge not to exceed \$25.00 [for any shift] per hour for the late return of a vehicle[;]. The total late charge for the late return of a vehicle from any one shift may not exceed the cost of one shift.

B. For any vehicle leased pursuant to 58-21(c)(3) or 58-21(c)(4) a late charge not to exceed \$50.00 for each weekly lease payment paid late. A late charge can be imposed only if the weekly lease payment is not received within 24 hours of the date and time on which it is due.

Section 18. Section 58-21(c)(5) of Title 35 of the Rules of the City of New York is amended by adding new subparagraphs (x) and (xi), to read as follows:

(x) If contained in the lease, a provision for the recovery of reasonable damages for a breach of the lease contract, including attorneys' fees and costs. Fines paid to the Commission by an Owner or Agent cannot be recovered from a driver as reasonable damages, except for

A. fines incurred as a result of a sublease prohibited by Rule 58-21(a)(2), or,

B for drivers leasing under 58-21(c)(3) or (c)(4), fines incurred as a result of unauthorized operation by a suspended or revoked driver, or

C. fines imposed on the owner for violation of Rule 58-29(b), provided that such fine was assessed because of the conduct of the driver and provided the owner is able to show that the driver had notice of the inspection date.

(xi) Credit Card Processing Surcharge for Leases entered into pursuant to 58-21(c)(1), 58-21(c)(2), 58-21(c)(3), or 58-21(c)(4) of these Rules:

A. For daily leases under 58-21(c)(1) and 58-21(c)(2), an Owner of a Taxicab can charge a \$10 surcharge per shift for credit card processing.

B. For weekly leases under 58-21(c)(1) and 58-21(c)(2), an Owner of a Taxicab can charge a \$60 surcharge per week for credit card processing.

C. For leases under 58-21(c)(3) and 58-21(c)(4), an Owner of a Taxicab can charge a \$120 surcharge per week for credit card processing.

D. Beginning on January 1, 2013, each June and December, the TLC will review the TPEP systems' data to determine average credit card usage per shift. The TLC will review only the data for shifts at least seven hours long. Payments made by credit card shall be the entire amount paid by the passenger, as determined from the T-PEP records reviewed. If, under this review, the amount of the average credit card usage per daily shift exceeds \$200, the TLC will propose and support:

a rule seeking an adjustment to the Credit Card Surcharge for daily leases under 58-21(c)(1), 58-21(c)(2), 58-21(c)(3) and 58-21(c)(4) so that it is equivalent to 5% of the average credit

card usage per shift for the preceding four months, rounded to the nearest whole dollar;

a rule seeking a similar adjustment to the Credit Card Surcharge for weekly leases under 58-21(c)(1) and 58-21(c)(2) by multiplying the per shift surcharge by six; and

a rule seeking a similar adjustment to the Credit Card Surcharge for Medallion-only and Medallion and Vehicle leases under 58-21(c)(3) and 58-21(c)(4) by multiplying the shift rate surcharge by twelve.

For example, if the average credit card usage per shift, using the criteria set forth above, is \$200, the per shift surcharge shall be \$10 (\$60 per week, \$120 per week for a lease under 58-21(c)(3) and (4)). If the average credit card usage per shift is \$240, the per shift surcharge shall be \$12 (\$72 per week, \$144 per week for a lease under 58-21(c)(3) and (4)). E. Upon enactment of any rule that changes the Credit Card Surcharge, the TLC will issue an industry notice setting forth the new Credit Card Surcharge. F. Notwithstanding the results of the review(s) above, the TLC will not adjust, propose, or seek an adjustment to Credit Card Surcharges to any amount less than \$10 for any daily lease entered into pursuant to 58-21(c)(1), 58-21(c)(2), or less than \$60 for any weekly lease entered into pursuant to 58-21(c)(1), 58-21(c)(2), or less than \$120 for any lease entered into pursuant 58-21(c)(3) and 58-21(c)(4), irrespective of the average credit card usage per shift.

Section 19. Section 58-21(c)(6) of Title 35 of the Rules of the City of New York is amended to add new subdivision (viii) to read as follows:

(viii) Nothing in paragraph 58-21(c)(6) prohibits an Owner/lessor, or his or her Agent leasing a Taxicab under Section 58-21(c)(1) or 58-21(c)(2) from selling gasoline to a lessee independent of any lease payments made under 58-21(c)(1) or 58-21(c)(2) as long as such transactions are recorded and available for inspection as required by Section 58-21(b)(3) of this Chapter.

Section 20. The penalty for violation of Section 58-21(j) of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-21(j) Fine: [10,000] \$1,000, plus restitution to the driver for losses for the first offense and a fine of \$10,000 plus restitution to the driver for the second offense within five years. Appearance NOT REQUIRED

Section 21. Subdivision (h) of section 58-26 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), to read as follows:

(3) An Owner or Agent who or which is collecting the credit card surcharge authorized by 58-21(c)(5)(xi) must ensure that a Driver is not charged any additional credit card charges, or must reimburse the driver for any such additional charges, including any credit card charges imposed on the driver by the T-PEP Provider.

§58-26(h) (3) Fine: \$500 Appearance NOT REQUIRED

Section 22. Section 58-32(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) Marking Specifications for Taxicabs.

INSCRIPTION*	LOCATION	SIZE
(a) Rate of fare decals (Reserved) [(required). (Non-detachable type only.)]	[Both rear doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle.	[The size of the approved rate of fare decals must be determined by the Commission.]
(b) Taxicab logo decals (required) (Non-detachable type only.)	Both front doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle.	The size of the Taxicab logo decals must be determined by the Commission
(c) Medallion number (required)	Front and rear of roof light.	2¾" to 3" high letters ½" thick.
(d) "OFF DUTY" (required)	Each end of roof light.	1¼" high letters ¼" thick.
(e) "Owner-Driver" (optional)	Rear of taxi.	3" maximum height
(f) EMBLEMS (Optional) (1) Fleet Owner (2) Owner Association (3) Taxicab Drivers' Union insignia (4) Taxicab manufacturer	On rear baggage compartment in lower right corner of deck lid. Consult the Commission if contour of lid requires another location on the lid.	2" high letters ¼" thick. Avoid overcrowding
(g) Medallion number, interior (required). Can be one-piece decal or a stencil. The number must be of a color contrasting with the seat, to provide for easy legibility.	On the back of the front seat. The top of the number must be located not more than two inches below the top of the front seat.	Numbers and letter must be 3" minimum in height.
(h) Passenger Information Sign.	On the back of the front seat or on a safety partition, displayed	Approximately 12" wide by 6"

(required) Must contain the information required by the Chairman or his designee.

in a manner that is clearly visible to the passengers in the back seat.

If the taxi is equipped with a safety partition, the passenger information sign can be placed on the partition behind the Driver's head, but no higher than a headrest would be.

(i) "Drivers Wanted" sign. Can include the telephone number of

Rear of taxi. No more than 24" wide by 3" high.

(j) "If this taxi is parked for over 24 hours, please call Owner at (telephone number)..." (Optional)

Rear of taxi or horizontal on dashboard. No more than 24" wide by 3" high.

(k) Telephone available, or similar language or symbol (optional)

Exterior, on a door or a side window. 4" by 6", or smaller.

(l) Brand name of passenger information monitor manufacturer or Taxicab Technology Service Provider

On the bezel of the frame of the passenger information monitor. Not to exceed 11¼" in height and 4" in length

(m) "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED." (Non-detachable decals only)

On rear passenger window. Letters must be at least one-half inch high.

(n) Medallion number decals (required). (Non-detachable decals only.)

[Immediately before the checkerboard stripe decal so that the two decals appear to be one stripe.] The size of the Medallion number decals must be determined by the Commission.

The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows[, such that the number and checkerboard are aligned and appear to be one stripe].

On some vehicles, such as minivans, the Medallion number can be placed at the rear of the sliding door[, but must still align with the checkerboard stripe].

(o) Checkerboard stripe decals (Reserved) [(required). (Non-detachable decals only.)]

[Immediately behind the Medallion number decal so that the two decals appear to be one stripe.] [The size of the checkerboard stripe decals must be determined by the Commission.]

The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and checkerboard are aligned and appear to be one stripe.

The tailing end of the checkerboard can be shortened, if necessary, on vehicles with short quarter panels.]

(p) "Drivers are not allowed to use cell phones or handheld electronics." Decal or sticker shall be issued by the Commission

Interior of passenger compartment in a location plainly visible to passengers. As issued by the Commission

\*Detachable signs suspended from door frames are not permitted

Section 23. Section 63-14(f) of Title 35 of the Rules of the City of New York, relating to an Agent charging a credit card mark-up to a Driver, is repealed.

**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:** Amendment of Leasacap Rules

**REFERENCE NUMBER:** TLC-44

**RULEMAKING AGENCY:** TLC

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 rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro February 27, 2013  
Mayor's Office of Operations Date

NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087

CERTIFICATION PURSUANT TO  
CHARTER §1043(d)

RULE TITLE: Amendment of Leasecap Rules

REFERENCE NUMBER: 2013 RG 004

RULEMAKING AGENCY: Taxi and Limousine Commission

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: February 26, 2013  
Acting Corporation Counsel

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Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") promulgates rules setting forth Information Security Standards for Authorized Taxicab Technology System ("TPEP")<sup>1</sup> Service Providers.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

On February 21, 2013, a public hearing was held by the TLC at TLC's offices at 33 Beaver St., 22nd Floor, New York, New York. These rules were approved at a Commission meeting at TLC's offices at 33 Beaver St., 22nd Floor, New York, New York, on February 21, 2012. These rules will take effect immediately upon publication in accordance with Section 1043(e)(1)(c) of the New York City Charter.

<sup>1</sup> "TPEP" is the acronym for Taxicab Passenger Enhancement Program and is the short form for Taxicab Technology System.

Statement of Basis and Purpose of Rule

On December 13, 2012, the TLC promulgated rules for the Authorization of TPEP Providers, which contained requirements that TPEP Providers must meet in order to be authorized to sell, lease, make available for use, install, service, and repair TPEP Systems in Taxicabs. These rules establish the information security standards that said TPEP Systems must meet in order to be approved by the Commission for sale, lease, or use in Taxicabs.

The rules require that the TPEP Data collected, transmitted, processed, maintained and stored by all TPEP Providers and their employees, agents and subcontractors must be safeguarded to provide:

- 1) a secure medium for the TPEP Data and TPEP system components,
- 2) protection of personal information of the TPEP Provider and subcontractor employees, and
- 3) protection of personal information of members of the riding public who pay by credit, debit or prepaid card.

The rules require that the TPEP Provider:

- Establishes policies for information security, authentication, remote access, anti-virus security, application development security, digital media re-use and disposal, encryption, passwords, user responsibilities, and vulnerability management;
- Complies with copyrights and develops appropriate controls and procedures to protect the Database Management Systems;
- Limits access to TPEP Data, by providing safeguards such as firewalls and fraud prevention;
- Maintains the confidentiality of personal information; and
- Develops controls for network management and procedures for security incident management.

The Commission's authority for this rules change is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

The rule is as follows:

New Matter is underlined.

Section 1. Title 35 of the Rules of the City of New York is amended by adding a new chapter 76, to read as follows:

Chapter 76  
Information Security Rules for Taxicab Technology Service Providers

§76-01 Scope of the Chapter

(a) To establish the Commission's information security

requirements for the collection, transmission, processing, maintenance, and storage of TPEP Data by TPEP Providers, their employees, agents and subcontractors.

(b) The information security requirements set forth in this Chapter apply to TPEPs, all Information System Components, TPEP Data, and all related services provided by TPEP Providers, their employees, agents and subcontractors to carry out the activities authorized under Chapter 75 of these Rules.

§76-02 Definitions Specific to this Chapter

- (a) Application. A computer program designed for a specific use or task and includes all software applications whether custom or off-the-shelf, including internal and external (web) applications.
- (b) Database. An organized collection of data, typically in digital form.
- (c) Database Management System. A software package with computer programs that control the creation, maintenance and use of a database.
- (d) DOITT Standards. The Department of Information Technology and Telecommunications Citywide Information Security Policy for Service Providers and Encryption Standards.
- (e) Information System means the same as the same term in §75-03 of these Rules.
- (f) Information System Component includes any Network Component, Server, agent, or Application included in, or connected to, the TPEP and/or TPEP Data environment.
- (g) TPEP Data. All data required to be collected, transmitted and maintained pursuant to §75-25 of these Rules and other information assets related to the TPEP Data. TPEP Data includes, but is not limited to, Trip Data, data related to credit, debit and prepaid card transactions, and text messages and the date and time such messages were sent and received. Any data that is transferred to the TPEP by E-Hail Apps that provide E-Payment become TPEP Data once received by the TPEP.
- (h) Network Component includes all firewalls, switches, routers, wireless access points, network appliances, and other security appliances.
- (i) Non-consumer User. Any individual, excluding a cardholder, who accesses Database Management System components, including, but not limited to employees, administrators and third parties.
- (j) Personal Information means the same as the same term in §75-03 of these rules.
- (k) Security Incident or Incident means the same as the same term in §75-03 of these Rules.
- (l) Security Policy. The information security policy and procedures established by a TPEP Provider that comply with the requirements in §76-03 of these Rules.
- (m) Server. A physical computer hardware system dedicated to running one or more services at the requests of other programs or agents including but not limited to web, database, authentication, Domain Name System, mail proxy, and Network Time Protocol.
- (n) Taxicab Technology System or TPEP means the same as the same term in §51-03 of these Rules.
- (o) Taxicab Technology Service Provider or TPEP Provider means the same as the same term in §51-03 of these Rules.
- (p) Trip Data means the same as the same term in §51-03 of these Rules.

§76-03 Information Security Requirements

- (a) Information Security Policy.
  - (1) Establish Information Security Policy (Security Policy). Prior to system design, the TPEP Provider must establish, maintain, and disseminate to its employees and relevant third parties such as agents and subcontractors, the TPEP Provider's information security policy and procedures that:
    - (i) Comply with all of the requirements in this section;
    - (ii) Are reviewed and updated at least annually; any change in information security policy and procedures should be analyzed for breaches before implementation (notification of the review and update of the Security Policy must be provided to the Commission); and
    - (iii) Include daily operational security procedures that are consistent with the requirements in this section (such as user

account maintenance procedures, and log review procedures, for example).

- (2) Usage Policies. The Security Policy must include usage policies for critical employee-facing technologies, such as wired and wireless devices, to define proper use of these technologies for all employees, agents and subcontractors of TPEP Providers. Usage policies must include:
  - (i) Explicit management approval;
  - (ii) Authentication for use of the technology;
  - (iii) A list of all such devices and personnel with access;
  - (iv) Labeling of devices with TPEP Provider contact information;
  - (v) Acceptable uses of the technology;
  - (vi) Acceptable network locations for these technologies;
  - (vii) A list of products approved by the TPEP Provider;
  - (viii) Automatic disconnect of wired and wireless communication sessions after a specific period of inactivity;
  - (ix) Activation of wired and wireless communication only when needed, with immediate deactivation after use; and
  - (x) When accessing TPEP Data remotely via wired or wireless communication device, the TPEP Provider must disable storage of TPEP Data onto local hard drives, floppy disks or other external media, and disable cut-and-paste, print, and any other screen capture functionality.
- (3) Responsibilities of TPEP Providers and Employees. The Security Policy must clearly define the information security responsibilities of the TPEP Provider, its employees, and related third parties such as agents and subcontractors.
- (4) Management Responsibilities. The TPEP Provider must assign to an individual or team the following information security management responsibilities:
  - (i) Establish, document, and distribute the Security Policy;
  - (ii) Monitor and analyze security alerts and information, and distribute to appropriate personnel;
  - (iii) Establish, document, and distribute Security Incident response and escalation procedures to ensure timely and effective handling of all situations;
  - (iv) Administer user accounts, including additions, deletions, and modifications; and
  - (v) Monitor and control all access to data.
- (5) Security Awareness for Employees. The TPEP Provider must make all employees aware of the importance of information security by:
  - (i) Educating employees (e.g., through posters, letters, memos, meetings, trainings, and promotions); and
  - (ii) Requiring employees to acknowledge in writing they have read and understood the Security Policy.
- (6) Screen Employees. The TPEP Provider must screen potential employees to minimize the risk of attacks from internal sources.
- (7) Requirements for Third Party Access. The TPEP Provider must require all third parties, such as agents and subcontractors, with access to the TPEP, Information System Components, or TPEP Data, or who are involved in any related services provided by the TPEP Provider in carrying out the activities authorized under Chapter 75 of these Rules, to agree in writing and demonstrate compliance with the Security

- Policy and all security requirements in this section.
- (8) Incident Response Plan. The TPEP Provider must implement a Security Incident response plan that, at a minimum, requires the TPEP Provider to respond immediately to a system breach. The plan must:
- (i) Contain specific Incident response procedures, business recovery and continuity procedures, data backup processes, roles and responsibilities, and communication and contact strategies;
  - (ii) Be tested at least annually;
  - (iii) Designate specific personnel to be available on a 24/7 basis to respond to alerts;
  - (iv) Provide appropriate training to staff with Security Incident response responsibilities;
  - (v) Include alerts from intrusion detection, intrusion prevention, system logs, and file integrity monitoring systems;
  - (vi) Contain a process to modify and evolve the Incident response plan according to lessons learned and to incorporate industry developments; and
  - (vii) Require notification to the Commission of Security Incidents within two (2) hours of occurrence.
- (b) Authentication. The TPEP Provider must provide a process that verifies a user's identity to ensure that the person requesting access to a system is the person to whom entry is authorized.
- (c) Change Control. The TPEP Provider must follow change control procedures for all system and software configuration changes. The procedures must include:
- (1) Documentation of impact;
  - (2) Management sign-off by appropriate parties;
  - (3) Testing that verifies operational functionality and security; and
  - (4) Back-out procedures.
- (d) Copyright Compliance. The TPEP Provider must comply with the terms of all software licenses and may not use any software in any form that has not been legally purchased or otherwise legitimately obtained.
- (e) Database Management Systems. The TPEP Provider must develop and implement appropriate controls and procedures to ensure that the Database Management Systems are adequately protected.
- (f) Access to TPEP Data and Computing Resources.
- (1) Limit Access. The TPEP Provider must limit access to TPEP Data and related computing resources to only those individuals whose jobs require them to have access and to only those processes which are required by the TPEP Provider to have access.
  - (2) Restrict Access. The TPEP Provider must establish a mechanism for systems with multiple users that restricts access based on a user's need to know, and is set to "deny all" unless specifically allowed.
  - (3) Unique ID. The TPEP Provider is required to assign a unique ID to each person with access to TPEP Data and related computing resources to ensure that action taken on critical data and systems are performed by, and can be traced to, known and authorized users. The TPEP Provider must:
    - (i) Identify all users with a unique username before allowing them access;
    - (ii) To ensure proper user authentication and password management for Non-consumer Users and administrators on all system components, the TPEP Provider must:
      - (A) Control the addition, deletion, and modification of user IDs, credentials, and other identifier objects;
      - (B) Immediately revoke accesses of terminated users;
- (C) Remove inactive user accounts at least every ninety (90) days;
- (D) Enable accounts used by vendors for remote maintenance only during the time needed;
- (E) Distribute and enforce password procedures and policies to all users who have access to TPEP Data and related computing resources;
- (F) Prohibit the use of group, shared, or generic accounts; and
- (G) Authenticate all access to any database containing TPEP Data, including access by applications, administrators, and all other users.
- (4) Restrict Physical Access. The TPEP Provider must restrict physical access to TPEP Data and related computing resources as follows:
- (i) Any physical access to data or systems that house TPEP Data, allows the opportunity to access devices or data, and/or removes systems or hardcopies, must be appropriately restricted.
  - (ii) The TPEP Provider must use appropriate facility entry controls to limit and monitor physical access to systems that collect, transmit, process, maintain or store TPEP Data.
    - (A) The TPEP Provider must use cameras to monitor sensitive areas and audit this data and correlate with other entries, storing access logs for at least three (3) months, unless otherwise restricted by law.
    - (B) The TPEP Provider must restrict physical access to publicly accessible network jacks.
    - (C) The TPEP Provider must restrict physical access to wireless access points, gateways, and handheld devices.
  - (iii) The TPEP Provider must develop procedures to help all personnel easily distinguish between employees and visitors, especially in areas where TPEP Data is accessible.
  - (iv) The TPEP Provider must ensure that employees and visitors are authorized before entering areas where TPEP Data is collected, transmitted, processed, maintained or stored.
  - (v) The TPEP Provider must ensure that visitors are given a physical token (e.g., badge or access device) that expires, and that identifies them as non-employees.
  - (vi) The TPEP Provider must ensure that visitors are asked to surrender the physical token before leaving the facility or at the date of expiration.
  - (vii) The TPEP Provider must use a visitor log to retain a physical audit trail of visitor activity, and retain this log for a minimum of three (3) months, unless otherwise restricted by law.
  - (viii) The TPEP Provider must store media back-ups in a secure off-site facility, which may be either an alternate third-party or a commercial storage facility. Media back-ups must also adhere to all of the standards enumerated in this subdivision (f).
  - (ix) The TPEP Provider and any subcontractor(s) who is/are performing or will perform services in connection with any of the activities required under Chapter 75 and this Chapter must physically secure all paper and electronic media (e.g., computers, electronic media, networking and communications hardware, telecommunication lines, paper receipts, paper reports, and faxes) that contain TPEP Data.
- (x) The TPEP Provider must maintain strict control over the internal or external distribution of any kind of media that contains TPEP Data, including:
- (A) Labeling the media so it can be identified as confidential; and
  - (B) Sending the media via secured courier or a delivery mechanism that can be accurately tracked and is not accessible during transit.
- (xi) The TPEP Provider must ensure management approves all media that is moved from a secured area (especially when media is distributed to individuals).
- (xii) The TPEP Provider must maintain strict control over the storage and accessibility of media that contains TPEP Data including properly inventorying all media and making sure it is securely stored.
- (xiii) The TPEP Provider must destroy media containing TPEP Data when it is no longer needed for business or legal reasons including:
- (A) Cross-cut shredding, incinerating, or pulping hardcopy materials; and
  - (B) Purging, degaussing, shredding, or otherwise destroying electronic media so that TPEP Data cannot be reconstructed.
- (g) Firewalls.
- (1) Firewall Configuration. A firewall must control access between internal networks and external networks. All firewalls used in the TPEP Provider's systems must be configured by the TPEP Provider to:
    - (i) Block all data traffic (subject to the protocol limitations of the firewall) except that traffic which is explicitly allowed; direct incoming traffic to trusted internal systems; and protect vulnerable systems;
    - (ii) Prevent disclosure of information such as system names, network topology, and network device types; and
    - (iii) Support network layer authentication, with both the firewall and the network layer authentication to be used in conjunction with standard application authentication methods.
  - (2) External Firewall Connections and Changes. The TPEP Provider must establish a formal process for approving and testing all external network connections and changes to the firewall configuration.
  - (3) Network Diagram. The TPEP Provider must provide the Commission a current network diagram with all connections to TPEP Data, including any wireless networks.
  - (4) Management Descriptions. The TPEP Provider must provide the Commission a description of groups, roles, and responsibilities for logical management of Network Components.
  - (5) List of Services/Ports. The TPEP Provider must provide the Commission a documented list of services/ports necessary for business.
  - (6) Justification for Protocols. The TPEP Provider must provide the Commission justification and documentation for any risk protocols allowed (e.g., File Transfer Protocol, etc.), which includes reason for use of protocol and security features implemented.
  - (7) Periodic Review. The TPEP Provider must conduct a periodic review of firewall/router rule sets.
  - (8) Exceptions to Denial of Untrusted Networks/Hosts. The TPEP Provider must build a firewall configuration that denies all traffic from "untrusted" networks/hosts, except for:
    - (i) Web protocols - Secure Sockets Layer (SSL) (port 443);
    - (ii) System administration

- protocols (e.g., Secure Shell (SSH) or Virtual Private Network); and
- (iii) Other protocols required by the business (e.g., for ISO 8583).
- (9) *Restricting Connections between Publicly Accessible Servers and TPEP Data.* The TPEP Provider must build a firewall configuration that restricts connections between publicly accessible servers and any system component storing TPEP Data, including any connections from wireless networks. This firewall configuration must include:
- (i) Restricting inbound and outbound Internet traffic to ports 22 and 443;
- (ii) Securing and synchronizing router configuration files (e.g., running configuration files which are used for normal running of the routers, and start-up configuration files which are used when machines are re-booted, must have the same, secure configuration);
- (iii) Denying all other inbound and outbound traffic not specifically allowed;
- (iv) Installation of personal firewall software on any mobile and/or employee-owned computers with direct connectivity to the Internet (e.g., laptops used by employees), which are used to access the organization's network;
- (v) Prohibiting direct public access between external networks and any system component that stores TPEP Data (e.g., databases);
- (vi) Filtering and screening all traffic to prohibit direct routes for inbound and outbound Internet traffic;
- (vii) Restricting outbound traffic from sensitive applications to authorized IP addresses; and
- (viii) Implementing IP masquerading to prevent internal addresses from being translated and revealed on the Internet. The TPEP provider must use technologies that implement RFC 1918 address space, such as Port Address Translation or Network Address Translation.
- (h) *Host and Server Systems.* The TPEP Provider must configure host and server systems with sufficient security features to ensure that TPEP Data are adequately protected from unauthorized use, disclosure, modification, destruction, and denial of service.
- (i) *Local Area Networks.* The TPEP Provider must configure local area networks ("LANs") with sufficient security features to ensure that TPEP Data are adequately protected from unauthorized use, disclosure, modification, destruction, and denial of service.
- (j) *Network Management.*
- (1) *Appropriate Access.* The TPEP Provider must implement controls over all such devices and platforms so that only appropriate resources, agents, and individuals may access the network. The TPEP Provider must also implement appropriate architectures, procedures, management assignments, and back-up and recovery plans to provide such controls.
- (2) *Monitor All Access.* The TPEP Provider must track and monitor all access to network resources and TPEP Data.
- (3) *Linking Access to System Components.* The TPEP Provider must establish a process for linking all access to system components (especially those done with administrative privileges such as root) to an individual user.
- (4) *Automated Audit Trails.* The TPEP Provider must implement automated audit trails to reconstruct the following events for all system components:
- (i) All individual user access to TPEP Data;
- (ii) All actions taken by any individual with root or administrative privileges;
- (iii) Access to all audit trails;
- (iv) Invalid logical access attempts;
- (v) Use of identification and authentication mechanisms;
- (vi) Initialization of the audit logs; and
- (vii) Creation and deletion of system-level objects.
- (5) *Record Audit Trails.* The TPEP Provider must record at least the following audit trail entries for each event listed in item (4) above, for all system components:
- (i) User identification;
- (ii) Type of event;
- (iii) Date and time;
- (iv) Success or failure indication;
- (v) Origination of event; and
- (vi) Identity or name of affected data, system component, or resource.
- (6) *Synchronize Times.* The TPEP Provider must synchronize all critical system clocks and times.
- (7) *Secure Audit Trails.* The TPEP Provider must secure audit trails so they cannot be altered, including the following:
- (i) Limit viewing of audit trails to those with a job-related need;
- (ii) Protect audit trail files from unauthorized modifications;
- (iii) Promptly back-up audit trail files to a centralized log server or media that is difficult to alter;
- (iv) Copy logs for wireless networks onto a log server on the internal LAN; and
- (v) Use file integrity monitoring/change detection software (such as Tripwire) on logs to ensure that existing log data cannot be changed without generating alerts (although new data being added must not cause an alert).
- (8) *Review Logs.* The TPEP Provider must review logs for all system components at least daily. Log reviews must include those servers that perform security functions (like intrusion detection systems) and authentication, authorization and accounting servers (e.g., Diameter).
- (9) *Retain Audit Trail History.* The TPEP Provider must retain audit trail history for a period that is consistent with its effective use, as well as all applicable law, rules and regulations.
- (k) *Wireless Networks.* At a minimum, dynamic Wi-Fi Protected Access must be used by the TPEP Provider for any portion of the network or system that includes 802.11x, or similar technology.
- (l) *Personal Information.* In addition to complying with §75-23 of the TLC's Rules, all TPEP Provider employees, agents or subcontractors with access to such agents or subcontractors with access to Personal Information are required to maintain the confidentiality of Personal Information. Personal Information:
- (1) Must only be used for the stated purpose for which it was gathered, and
- (2) May not be shared or disclosed, except for lawful purposes.
- (m) *Fraud Prevention.* The TPEP Provider must ensure that controls are developed and implemented into the TPEP, Information System Components and any software contained therein to prevent the possibility of fraud, and to ensure that the TPEP Data are adequately protected. This protection must address and prevent both malicious and inadvertent damage by the general user community, as well as authorized users. Controls built into the TPEP, Information System Components and any software contained therein must include:
- (1) Segregating duties so that the initiation of an event must be separated from its authorization to prevent activities that require collusion;
- (2) Fraud detection; and
- (3) Development, test and operational environments that are separated and the roles of those involved in these activities must also be segregated, to prevent the possibility of introducing unauthorized and untested code or altering operational data.
- (n) *Security Incident Management.*
- (1) *Reporting Security Incidents.* The TPEP Provider must develop a procedure for reporting observed or suspected Security Incidents, threats, weaknesses, or malfunctions that may have an impact on the security of the TPEP, TPEP Data, Information System Components and any software contained therein. All such observed or suspected Security Incidents, threats, weaknesses, or malfunctions must be reported to the Commission within twelve (12) hours of when the TPEP Provider knows of or should have known of such Security Incidents, threats, weaknesses or malfunctions.
- (2) *Security Incident Management Procedures.* The TPEP Provider's Security Incident management responsibilities and procedures must be clearly defined and documented to ensure an immediate, effective, and orderly response to Incidents. At a minimum, these procedures must address:
- (i) Information system failures and loss of service;
- (ii) Denial of service;
- (iii) Errors resulting from incomplete or inaccurate data;
- (iv) Breaches of confidentiality; and
- (v) Loss of integrity of the TPEP, TPEP Data, Information System Components or any software contained therein.
- (3) *Security Incident Response Procedures.* In addition to normal contingency plans designed to recover systems or services, the Security Incident response procedures must also cover:
- (i) Analysis and identification of the cause of the Incident;
- (ii) Planning and implementation of corrective actions to prevent reoccurrence;
- (iii) Collection of audit log information;
- (iv) Communication with those affected by or involved in the recovery from the Incident; and
- (v) Reporting and escalation of Incidents.
- (o) *Security Staffing.* The TPEP Providers and their agents or subcontractors must employ staff familiar with generally accepted baseline security practices and methodologies in connection with their performance under this section. These resources must have oversight responsibilities for compliance with this section and be able to formulate and direct secure solutions to protect the infrastructure and the underlying data.
- (p) *Criminal Activity.* The TPEP Provider must report all instances of suspected criminal activity to the Commission and the Agency Inspector General Office at the New York City Department of Investigation within twelve (12) hours of when the TPEP Provider knows of or should have known of such instances of suspected criminal activity.
- (q) *Logging and Administration.* All TPEP, Information System Components and any software contained therein provided by or for the TPEP Provider must enable appropriate logging and auditing capabilities.
- (r) *Anti-Virus Security Policy.*
- (1) *Commercial Anti-virus Software.* Servers, desktops, and laptops must have current commercial anti-virus software installed, properly configured and running at all times.
- (2) *Remove the Virus.* Anti-virus software must be configured to automatically remove the virus.
- (3) *Users Not to Disable Anti-virus Software.* Users must not disable automatic virus scanning on their local machines.
- (4) *Administrators Not to Disable Anti-virus Software.* Server administrators must not disable anti-virus software on server machines.
- (5) *Administrators to Validate Files.* The TPEP Provider's administrators are responsible for validating version and signature files for desktop and laptop machines.

- (6) Server Administrators to Validate Files. Server administrators are responsible for validating version and signature files for servers.
- (7) Users to Validate Files. Users are responsible for validating version and signature files for stand-alone computers that are not connected to the network.
- (8) Signature Updates. When possible, signature updates must be installed without user intervention.
- (9) Virus Signature Files. New versions of the virus signature files must be loaded within forty-eight (48) hours.
- (10) Affected Devices. All virus alerts must be followed by an immediate full scan of affected devices performed by appropriate IT personnel.
- (11) Root Cause Investigation. The TPEP Provider's administrators must perform a root cause investigation when a virus is identified to ensure proper containment.
- (s) Application Development Security Policy.
- (1) Security Requirements Analysis. A comprehensive security requirements analysis must be performed for all new systems and for significant upgrades to existing systems.
- (2) Best Practice Standards. System security requirements and specifications must be compliant with industry best practice standards for technologies and system configuration.
- (3) Interoperability. System security requirements and specifications must ensure secure interoperability with all information sources and services with which it must interface.
- (4) Integration. System security requirements and specifications must ensure integration with existing security services where applicable.
- (5) Production Environment. The production environment must not be used for development or testing activities.
- (6) Functionality. All security functionality must be operational during formal acceptance and operational testing.
- (7) Testing of New Application. Prior to production release of any new application, testing must be done to ensure the new application will not adversely affect any existing systems.
- (8) Back Out Plan. Each application must have a defined back out plan in case service is affected when the application is migrated to the production environment.
- (9) Disaster Recovery Program. Each new application must create a business continuity and disaster recovery program in accordance with the business significance of the application.
- (t) Digital Media Re-use and Disposal Policy.
- (1) Rendering Information Permanently Unreadable. Where any equipment containing digital media is to be discarded or re-used, donated, sold or otherwise transferred to an external person, organization or vendor (e.g. at the end of a lease or as an RMA (returned merchandise), the TPEP Provider must use one of the following approved methods appropriate for rendering all information on the media permanently unreadable:
- (i) A data wiping program that will securely delete all data by methods that irreversibly wipe the physical area of storage (rather than simply removing the disk-directory reference to that information). The program should overwrite all addressable locations with a character, its complement, then a random character;
- (ii) Any full disk encryption method which complies with the DOITT Standards and can be reasonably expected to protect the data from decryption by an unauthorized person; or
- (iii) Degaussing and/or physical media shredding technology which meets NIST standard 800-88 (or its successor). See [http://csrc.nist.gov/publications/nistpubs/800-88/NISTSP800-88\\_rev1.pdf](http://csrc.nist.gov/publications/nistpubs/800-88/NISTSP800-88_rev1.pdf)
- (2) Transfer of Asset for Disposal. An asset can be securely transferred for disposal to a vendor who has contractually committed to following one or more of the above methods.
- (u) Encryption Policy.
- (1) Approved Algorithms. The TPEP Service Provider must use only approved cryptographic algorithms and supporting processes as described in the DOITT Standards found at <http://www.nyc/html/doitt/html/business/security.shtml>.
- (2) Confidential Data at Rest. Where technology permits, private or confidential data at rest must be protected by encryption. The use of password protection instead of encryption is not an acceptable alternative to protecting sensitive information.
- (3) Private or Confidential Data. Data categorized as private or confidential must not be transitioned to removable media without Commission approval.
- (4) Removable Media. Removable media including CDs, backup tapes, and USB memory drives that contain private or confidential data must be encrypted and stored in a secure location.
- (5) Transfer of Removable Media. When transferring removable media, the receiver must be identified to ensure the person requesting the data is a valid recipient.
- (6) Emails. All emails containing data classified as private or confidential must be encrypted.
- (7) Unencrypted Transmission. Unencrypted transmission of private or confidential data in any way (e.g. through the use of web applications or File Transfer Protocol) is not allowed.
- (8) Wireless Networks. Wireless networks must be encrypted in accordance with DOITT Standards.
- (9) Storage of Private or Confidential Data. Only when encrypted may private or confidential data be stored on portable devices such as laptops, smart phones and personal digital assistants (PDAs).
- (10) Portable Devices. Portable devices must not be used for long-term storage of private or confidential data.
- (11) Remote Wipe. Where technologically feasible, portable devices must have the capability to be remotely wiped in the event of theft or accidental loss.
- (12) Protections for Portable Devices. Portable devices must have proper protections in place.
- (13) Approved Encryption Algorithms. Approved encryption algorithms must be a minimum key length of 128 bits.
- (14) Private Keys. Private keys must be kept confidential.
- (15) Key Management. Key lifecycle management must be implemented.
- (16) Keys in Storage and Transit. Keys in storage and transit must be encrypted.
- (17) Key Choice. Keys must be chosen randomly from the entire key space, and weak keys must never be used.
- (18) Encryption Keys. Encryption keys must allow for retrieval for administrative or forensic use.
- (v) Password Policy.
- (1) Passwords and PINs. Passwords and PINs:
- (i) Must never be shared or displayed on screen;
- (ii) Must be classified; and
- (iii) Must be changed when there is any indication of system or password compromise.
- (2) Screen Lock. A password-protected screen lock must be activated within fifteen (15) minutes of user inactivity.
- (3) Encryption of Passwords and PINs. Passwords and PINs:
- (i) Must be encrypted when transmitted electronically with a protocol which complies with the DOITT Standards located at <http://www.nyc.gov/html/doitt/html/business/security.shtml>; and
- (ii) Must be encrypted or hashed when held in storage. When embedded in configuration files, source code or scripts, passwords and PINs must be either encrypted or secured with compensating controls which provide a comparable level of protection.
- (4) Change Password. A user wishing to change his or her password/PIN must be positively identified by demonstrating knowledge of the current password/PIN or by other comparable methods. Passwords must be changed every ninety (90) days. Passwords cannot be changed more than once a day.
- (5) Password Delivery. Passwords must be delivered securely to the recipient (authorized user) with an approved transmission method. Although passwords and PINS must never be shared, initial passwords may be delivered to the recipient's manager. In all cases, the recipient or manager must be positively identified before the password is delivered.
- (6) Sensitive Accounts. All accounts which provide access to sensitive, private or confidential information must be automatically disabled after a maximum of five (5) sequential invalid login attempts within a fifteen (15) minute period. After being disabled, the account must remain locked out for a minimum of fifteen (15) minutes.
- (7) Use of PINS. PINs may only be used where a numeric method for authentication is required, such as a telephone keypad. In all other cases, passwords or pass-phrases must be used for authentication.
- (8) Number of Password and PIN Characters. Passwords and PINs must have a minimum length of eight (8) characters with the exception of voice mail systems, and Blackberry and PDA devices issued by the TPEP Provider, its agents or subcontractors, which must use a password or PIN of at least 4 alphanumeric characters.
- (9) Type of Password Characters. Passwords must be constructed using at least one alphabetic character and at least one character which is either numeric or a special character.
- (10) Derivation of Passwords. Passwords must not be derived from easily guessed, common words or phrases such as those found in dictionaries (English and non-English), nor should they be constructed from user IDs, proper names or other names, words, numbers or dates readily associated with the individual user (e.g., telephone extension, Social Security number, or zip code).
- (11) Temporary or Initial Passwords. Temporary or initial user account passwords and PINs must be set to expire after initial use. Default passwords and PINs must be changed immediately upon the completion of the installation process and/or first login. Temporary or initial user account passwords and PINs must also adhere to all of the standards enumerated in this subdivision (v).
- (12) Expiration Requirements. Additional password/PIN expiration requirements and related guidelines and restrictions are provided as follows for three account types.
- (i) User Accounts.
- (A) User account passwords and/or PINs must expire at least every ninety (90) days.
- (B) There are no exceptions for User account passwords and/or PINs.
- (ii) Administrative Accounts.
- (A) Administrative account passwords must expire at least every ninety (90) days.
- (B) Administrative accounts must be restricted to logging in from specified IP addresses.
- (C) When a staff member who knows an Administrative account password leaves the

TPEP Provider or changes his or her job function, that password must be changed.

(D) Administrative accounts need not expire provided they use two-factor authentication and are either randomly generated or highly complex.

(E) Where feasible, the use of password management software and/or certificate-based authentication is recommended as an additional control for non-expiring Administrative accounts.

(iii) Service Accounts.

(A) Service account passwords must expire at least every ninety (90) days.

(B) Service accounts must be known only by a limited number of staff members on a need-to-know basis.

(C) The names of staff who know the password for any Service account must be documented and the list of names/service accounts must be kept current.

(D) Service accounts must be restricted to logging in from specified IP addresses.

(E) When a staff member who knows a Service account password leaves the TPEP Provider or changes his or her job function, that password must be changed.

(F) Service accounts need not expire provided they have a minimum length of fifteen (15) characters and are either randomly generated or highly complex.

(G) Where feasible, the use of password management software and/or certificate-based authentication is recommended as an additional control for non-expiring Service accounts.

(13) Reuse of Passwords and PINs. Users cannot re-use any of the past four (4) passwords.

(14) Automate Enforcement or Establish Equivalent Controls. Where possible, the system must automate the enforcement of these requirements. Where this is not possible, equivalent controls must be established through alternative methods or procedures. For example, as an alternative to enforcing password complexity, the administrator could periodically use tools to detect weak passwords and require users with weak passwords to change them.

(w) Access Policy.

(1) Authenticated Users. Users must be positively and individually identified and authenticated prior to being permitted access to any TPEP Data or related networking and computing resource.

(2) Connection to Only One Network. A computer or computing device must not be connected simultaneously to more than one network.

(3) Fax Modem Function. The fax modem function must be appropriately configured on all network resources to not answer any incoming call requests.

(4) Disconnect from Remote Access. Users must disconnect from the remote access connection when not actively in use.

(5) One Hour Limit. Users must be disconnected after a maximum of one (1) hour of no user input or activity. This does not apply to application program inactivity. The application time-out period will be determined by the application owner. Users must not use a device or program acting in their absence to avoid the one-hour inactivity disconnect.

(6) Confidentiality of Passwords and Authentication Mechanisms. Users are responsible for maintaining the confidentiality of passwords or other authentication mechanisms that are assigned in conjunction with the remote access service. A user's credentials must be classified as restricted information. Individual passwords must never be shared.

(7) Confidentiality of Data Remotely Accessed. Users must protect the confidentiality and integrity of data that is accessed remotely. This includes, but is not limited to, ensuring that TPEP Data is either erased from the remote device after use or appropriately protected based on the level of sensitivity of the information.

(x) User Responsibilities Policy.

(1) Safeguard. The TPEP Provider is responsible and accountable for safeguarding TPEP Data from unauthorized modification, disclosure, and destruction.

(2) Protect Critical Data. Critical data and removable data devices (USB drives, CDs, external drives, etc.) must be protected by appropriate physical means from modification, theft, or unauthorized access.

(3) Faxing Sensitive Information. When faxing sensitive information, the recipients must be called in advance to ensure the fax is properly managed upon receipt.

(4) Remove Documents. When faxing, copying or printing is completed, all documents must be removed from the common area.

(5) Screen Lock Workstations. Users must screen lock their active workstations when left unattended.

(6) Protect PDA Devices. Users must utilize passwords to protect PDA devices and voice mail systems.

(7) Protect Credentials. Individual users must properly protect credentials for their accounts. Individual credentials must never be shared.

(8) Group IDs. The use of group IDs is prohibited.

(9) Written Passwords. Writing down passwords is strongly discouraged. Passwords that are written must be appropriately stored to prevent disclosure to anyone other than the individual user. Passwords that are written must not reference the account or data store they protect.

(10) PINs for Blackberry. PINs for Blackberry, PDA, and voicemail must be a minimum of four (4) digits.

(y) Vulnerability Management Policy.

(1) Inventory Computing Resources. All computing resources must be inventoried to determine the types of hardware, operating systems, and software applications that are used within the organization.

(2) Review and Update Inventory. The computing resource inventory must be periodically reviewed and updated to accurately reflect the environment. The inventory must be updated whenever new resources, hardware, operating systems, or software are added to the environment.

(3) Monitor Sources of Threat and Vulnerability. The TPEP Provider must continuously monitor sources of threat and vulnerability information from internal and external security sources.

(4) Review Vulnerability Information. The TPEP Provider must perform a timely review of vulnerability information received from reputable sources.

(5) Perform Analysis. The TPEP Provider must perform proper analysis to confirm applicability of identified vulnerabilities in comparison to system inventory.

(6) Categorize Vulnerabilities. The TPEP Provider must classify applicable vulnerabilities based on significance. At a minimum, classification must consist of urgent, routine, or not applicable.

(7) Remediate Vulnerabilities. The TPEP Provider must have a process to remediate vulnerabilities based on significance.

(8) Automated Patch Management Tools. The TPEP Provider must use automated patch management tools to expedite the distribution of patches to systems and verify that patches are applied successfully and securely within seventy-two (72) hours.

(9) Action Plan. The TPEP Provider must maintain a process that develops an action plan to remediate all verified vulnerabilities.

**Statement of Substantial Need for Earlier Implementation**

I hereby find, pursuant to section 1043(e)(1)(c) of the New York City Charter, that there is a substantial need for the implementation, immediately upon the publication in the *City Record* of the New York City Taxi and Limousine Commission's Notice of Adoption, of rules implementing information security standards for Authorized Taxicab Technology System ("TPEP")<sup>2</sup> Service Providers, including a new Chapter 76 of Title 35 of the Rules of the City of New York.

<sup>2</sup> "TPEP" is the acronym for Taxicab Passenger Enhancement Program and is the short form for Taxicab Technology System.

The rules require that the TPEP Data collected, transmitted, processed, maintained and stored by all TPEP Providers and their employees, agents and subcontractors must be safeguarded to provide:

- 1) A secure medium for the TPEP Data and TPEP system components.
- 2) Protection of personal information of the TPEP Provider and subcontractor employees.
- 3) Protection of personal information of members of the riding public who pay by credit, debit or prepaid card.

Specifically, the rules require that TPEP Providers:

- Establish policies for information security, authentication, remote access, anti-virus security, application development security, digital media re-use and disposal, encryption, passwords, user responsibilities, and vulnerability management;
- Comply with copyrights and develops appropriate controls and procedures to protect the Database Management Systems;
- Limit access to TPEP Data, by providing safeguards such as firewalls and fraud prevention;
- Maintain the confidentiality of personal information; and
- Develop controls for network management and procedures for security incident management.

The earlier implementation of these rules is necessary because the TLC plans to name Authorized TPEP Providers prior to or during the 30 day-post publication implementation period. Should the TPEP security standards remain unimplemented, TPEP systems and TPEP data may be compromised because TPEP Providers could not be held to the security standards prior to the implementation date. Alternatively, should the TLC wait until the 30-day post publication period ends to name a TPEP Provider, the City could suffer a lapse in TPEP service in taxicabs. Current TPEP contracts expire on March 1, 2013, at which point TPEP service will be governed by TLC rules, not contracts. Once TPEP service is governed by TLC rules, Medallion Owners will be required to sign a contract for TPEP services with an Authorized TPEP Provider. Should TLC fail to name an Authorized TPEP Provider by March 2, 2013, TPEP service may lapse because the TPEP systems currently employed in taxicabs will no longer be under contract and Medallion Owners will have no Authorized TPEP Providers with which they can enter into agreements for TPEP services.

To avert the danger of compromised passenger data and, more importantly, to avert the risk of suspension of credit, debit, and prepaid card service in taxicabs, early implementation of the security standards established by these rules is necessary.

/s/ David Yassky

David Yassky, Commissioner/Chairperson  
New York City Taxi and Limousine Commission

Approved: /s/ Michael R. Bloomberg  
Michael R. Bloomberg, Mayor

Date: 2/26/2013

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**SPECIAL MATERIALS**

**OFFICE OF THE MAYOR**

**OFFICE OF CONTRACT SERVICES**

■ NOTICE

Notice of Intent to Issue New Solicitations Not Included in FY 2013 Annual Contracting Plan and Schedule

**NOTICE IS HEREBY GIVEN** that the Mayor will be issuing the following solicitations not included in the FY 2013 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Environmental Protection  
Nature of services sought: Service and Repair of Variable Frequency Drives at the Jamaica Water Pollution Control Plant  
Start date of the proposed contract: 4/2/2013  
End date of the proposed contract: 4/1/2016  
Method of solicitation the agency intends to utilize: Sole Source Personnel in substantially similar titles within agency: None  
Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Transportation  
Nature of services sought: Marine Emergency Oil Spill Response & Training  
Start date of the proposed contract: 10/1/2013  
End date of the proposed contract: 9/30/2018  
Method of solicitation the agency intends to utilize:

Competitive Sealed Bid
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Transportation
Nature of services sought: Preventive Maintenance of Brooklyn, Manhattan, Williamsburg, and Queensboro Bridges
Start date of the proposed contract: 4/14/2014
End date of the proposed contract: 4/13/2017
Method of solicitation the agency intends to utilize: Competitive Sealed Bid
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

YOUTH AND COMMUNITY DEVELOPMENT

NOTICE

Notice of Concept Paper

In accordance with Section 3-03(b)(1) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) will be issuing a Concept Paper for the Neighborhood Development Area program.

services identified by community representatives. Through this RFP, DYCD will seek appropriately qualified organizations to provide a wide spectrum of programming to match the self-defined needs, assets, and priorities of New York City's (City's) 42 low-income communities, each of which has been designated as a Neighborhood Development Area (NDA).

Please email comments to DYCD at CP@dycd.nyc.gov no later than April 22, 2013. Please enter "NDA Concept Paper" in th subject line. Written comments also may be submitted to: Nancy Russell, Project Director, Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, New York 10038.

CHANGES IN PERSONNEL

FIRE DEPARTMENT
FOR PERIOD ENDING 02/15/13
TITLE

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Fire Department from 02/15/13.

Table with columns: Name, Title, Salary, Action, Prov, Eff Date. Lists personnel changes for various departments including Youth and Community Development.

## 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](http://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](http://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](http://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](http://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](http://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](http://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](http://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 &amp; 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.*

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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