



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
U.S.P.S.0114-660

Printed on paper containing
40% post-consumer material

VOLUME CXXXVI NUMBER 189

WEDNESDAY, SEPTEMBER 30, 2009

PRICE \$4.00

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THE CITY RECORD

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ELI BLACHMAN, Editor of The City Record.

Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

Editorial Office
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

Subscription Changes/Information
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

■ PUBLIC MEETING

NOTICE IS HEREBY GIVEN that Brooklyn Borough President Marty Markowitz will hold a meeting of the Brooklyn Borough Board in the Borough President's Conference Room, First Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 6:00 P.M. on Tuesday, October 6, 2009.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Andrew Steininger at (718) 802-3877 at least 5 business days before the day of the hearing.

s28-o2

CITY COUNCIL

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, October 6, 2009:

EXCELSIOR RESIDENCE

QUEENS CB - 13 C 030129 ZMQ
Application submitted by MCM Realty Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247th Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72nd Avenue, and the northwesterly service road of the Grand Central Parkway, as shown on a diagram (for illustrative purposes only) dated April 20, 2009 and which includes CEQR Declaration E-234.

ON THE SOUND ON CITY ISLAND

BRONX CB - 10 C 060288 ZMX
Application submitted by City Island Estates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Carroll Street (straight line portion), and Fordham Place, as

shown on a diagram (for illustrative purposes only) dated May 4, 2009 and which includes CEQR Designation E-237.

ON THE SOUND ON CITY ISLAND

BRONX CB - 10 C 060289 ZSX
Application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to modify the height and setback regulations of Sections 112-103 (Special height and setback regulations) and Section 23- 631 (Maximum Height of Walls and Required Setbacks) to facilitate a 43-unit residential development on property located at 226 Fordham Place (Block 5643, Lot 235), in an R3A District, within the Special City Island District (Area A).

SOUTH CONDUIT AVENUE

QUEENS CB - 13 C 060419 ZMQ
Application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

246 11TH AVENUE

MANHATTAN CB - 4 N 090243 ZRM
Application submitted by G&R 11th Avenue Associates, 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 IX, Chapter 8 (Special West Chelsea District), Matter in underline is new, to be added; Matter in strikeout is old, to be deleted; Matter within # # is defined in Section 12-10 (DEFINITIONS) * * * indicates where unchanged text appears in the Resolution * * *

Article IX - Special Purpose Districts Chapter 8 Special West Chelsea District * * *

98-27 Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts
For #zoning lots# existing prior to June 23, 2005 and located partly within an M1-5 district and partly within a C6-3 district in Subarea C, the permitted #floor area ratio# for the C6-3 portion of the zoning lot may be increased to the #floor area ratio# existing in the C6-3 portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the High Line Improvement Fund established under Section 98-25, to be used at the discretion of the Chairperson of the City Planning Commission to assure that the High Line is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).
No building permit for any development or enlargement may be issued for any #building# or other structure on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made. * * *

53 WEST 53RD STREET/MOMA

MANHATTAN CB - 5 C 090431 ZSM
Application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area from property

located at 1 West 54th Street (Block 1270, Lot 34) that is occupied by a landmark building (University Club) to property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165) to facilitate the development of a mixed use building, in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

53 WEST 53RD STREET/MOMA

MANHATTAN CB - 5 C 090432 ZSM
Application submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- Section 74-711 - to allow the distribution of the total allowable floor area without regard to zoning district boundaries, to modify the height and setback regulations of Sections 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) and 33-432 (In other Commercial Districts), to modify the requirements of Sections 81-45 (Pedestrian Circulation Spaces) and 37-50 (Requirements for Pedestrian Circulation Space), and rear yard regulations of Section 23-532 (Required Rear Yard Equivalent); and
- Section 8 1-277 - to modify the height and setback requirements of Section 8 1-27 (Alternative Height and Setback Regulations - Daylight Evaluation);

to facilitate the development of a mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 20, 30, 58, 66, 69, and 165), in C6-6, C5-P, C5-2.5 and C5-3 Districts, within the Special Midtown District (partially within the Preservation and Fifth Avenue Subdistricts).

CAFÉ REGGIO

MANHATTAN CB - 2 20085246 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Fabrizio Cavallacci, d/b/a Café Reggio, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 119 Macdougall Street.

CORNER DELI

MANHATTAN CB - 2 20095244 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 114 Kenmare Associates, LLC, d/b/a Corner Deli, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 106 Kenmare Street.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, October 6, 2009:

ST. GEORGE'S SYRIAN CATHOLIC CHURCH MANHATTAN CB - 1 20105028 HKM (N 100028 HKM)
Designation (List No. 416/LP- 2167) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the (Former) St. George's Syrian Catholic Church located at 103 Washington Street (Block 53, Lot 3), as an historic landmark.

GRAMMAR SCHOOL 9

MANHATTAN CB - 7 20105029 HKM (N 100027 HKM)
Designation (List No. 416/LP- 2318) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of Grammar School 9, located at 460-466 West End Avenue (Block 1230, Lot 1), as an historic landmark.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, October 6, 2009:

RIVERWAY APARTMENTS

BROOKLYN CB - 16 C 090447 HAK
Application submitted by the New York City Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 228 Riverdale Avenue (Block 3603, Lot 25) as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program.

**COLLEGE POINT CORPORATE PARK
QUEENS CB - 7 C 090470 PPQ**

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one (1) city-owned property located on Block 4208, p/o Lot 1 in the College Point Corporate Park, pursuant to zoning.

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

- Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for Nos. 1 and 2.

NO.	ADDRESS	BLOCK/ LOT	BORO	COMMUNITY PROGRAM BOARD	
1.	177 Hull Street 1185 Jefferson Avenue 190 Cornelia Street 126 Ridgewood Avenue 2485 Pitkin Avenue 282 Eldert Lane	1534/55 3382/59 3383/13 3927/27 4005/38 4152/51	Brooklyn	Asset Control Area	4,5,16
2.	279 Clifton Place 412 Gates Avenue 469 Monroe Street	1788/72 1813/17 1634/78	Brooklyn	Asset Control Area	3

☛ s30-o6

**CITYWIDE ADMINISTRATIVE
SERVICES**

DIVISION OF REAL ESTATE SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY PUBLIC HEARING ON ACQUISITIONS AND DISPOSITIONS, in accordance with Section 824 of the New York City Charter, will be held at 10:00 A.M. on October 13, 2009 in Spector Hall, 22 Reade Street, in Manhattan.

IN THE MATTER OF a lease for the City of New York, as tenant, of 23,495 rentable square feet of space (DYCD portion = 12,070 rsf; DOI portion = 11,425 rsf) on part of the fourth (4th) floor of a building located at 50 Washington Street, a/k/a 45 Main Street (Block 37, Lot 1) in the Borough of Brooklyn, for the Department of Youth and Community Development and for the Department of Investigation to use for the storage of files or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of three (3) years, eleven (11) months, and eleven (11) days, from January 20, 2010 through December 31, 2013, at an annual rent of \$293,687.50 (\$12.50 per square foot) [DYCD portion = \$150,875.00; DOI portion = \$142,812.50] for the first year; \$299,561.25 (\$12.75 per square foot) [DYCD portion = \$153,892.50; DOI portion = \$145,668.75] for the second year; and \$305,435.00 (\$13.00 per square foot) [DYCD portion = \$156,910.00; DOI portion = \$148,525.00] for the period from January 20, 2012 through January 31, 2013, payable in equal monthly installments at the end of each month.

The Tenant shall have no right to terminate the lease. The Tenant shall have no right to renew the lease. The Tenant shall take the Demised Premises "as is".

IN THE MATTER OF a lease for the City of New York, as tenant, of approximately 7,264 rentable square feet, on the entire ninth (9th) floor, in a building located at 32 Broadway (Block 22 Lot 17), in the Borough of Manhattan, for the Department of Consumer Affairs to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of three (3) years from April 1, 2009, at an annual rent of \$236,080.00 (\$32.50 per square foot), payable in equal monthly installments at the end of each month.

The lease may be terminated by the Tenant at the end of two (2) years, or at anytime thereafter, provided the Tenant gives the Landlord one hundred and eighty (180) days prior written notice.

IN THE MATTER OF a lease for the City of New York, as tenant, of approximately 50,440 rentable square feet, on the entire fifth (5th), eighth (8th) and ninth (9th) floors, in a building located at 42 Broadway (Block 22 Lot 20), in the Borough of Manhattan, for the Department of Consumer Affairs to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of three (3) years from April 1, 2009, at an annual rent of \$1,639,300.00 (\$32.50

per square foot), payable in equal monthly installments at the end of each month.

The lease may be terminated by the Tenant at the end of two (2) years, or at anytime thereafter, provided the Tenant gives the Landlord one hundred and eighty (180) days prior written notice.

Further information, including public inspection of the proposed Lease Renewal may be obtained at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming at (212) 669-7497.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, NY 10007, (212) 788-7490, no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TDD users should call VERIZON relay services.

☛ s30

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, New York, on Wednesday, October 7, 2009, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN

No. 1

SUNSET PARK 197-A PLAN

CD 7 N 080396 NPK

IN THE MATTER OF a plan concerning Community District 7 in Brooklyn, submitted by Community Board 7, for consideration under the rules for the processing of plans pursuant to Section 197-a of the New York City Charter. The proposed plan is called, "New Connections/New Opportunities - Sunset Park 197-A Plan."

The proposed plan can be reviewed at the Department of City Planning, 22 Reade Street, Room 6E, New York, New York 10007.

BOROUGH OF QUEENS

No. 2

DCAS OFFICE SPACE

CD 1 N 100108 PXQ

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for the use of property located at 45-02 Ditmars Boulevard (Block 769, Lot 1) (Queens Community Board 1 District office).

YVETTE V. GRUEL, Calendar Officer

City Planning Commission

22 Reade Street, Room 2E

New York, New York 10007

Telephone (212) 720-3370

s24-o7

CITY PLANNING

■ NOTICE

**PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 10DCP002K)**

NOTICE IS HEREBY GIVEN that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed 1752 Shore Parkway Rezoning (10DCP002K).

The applicant, Thor Shore Parkway Developers, LLC, is proposing the following discretionary actions in connection with the proposed redevelopment of a 363,737 square foot parcel located at 1752 Shore Parkway (Block 6491, Lots 207 and 292) along the western shore of Gravesend Bay (Lower New York Bay) in the Bensonhurst neighborhood of Brooklyn, Community District 11:

- A zoning map amendment to rezone 1752 Shore Parkway from M3-1 to M1-1. The existing M3-1 district is a medium density manufacturing district that allows industrial uses at a maximum FAR of 2.0 and includes performance standards. The proposed M1-1 district is a manufacturing district that allows light industrial and certain commercial uses at a maximum FAR of 1.0.
- A special permit pursuant to ZR 74-922 to permit certain commercial establishments over 10,000 square feet in an M1 zoning district;
- A special permit pursuant to ZR 62-836 to permit bulk modifications on waterfront blocks;
- A special permit pursuant to ZR 74-744 to permit modification of signage requirements in General Large-Scale Developments;
- A Chairperson certification pursuant to ZR 62-811 for public access to the waterfront and visual corridor; and
- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (a), for modification of the provision of ZR 62-56 that requires that an upland connection be provided at least every 600 feet along a shore public walkway.

Additionally, the following discretionary approval may be sought:

- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (b), to modify certain requirements of ZR 62-60 (design requirements for waterfront public access areas).

The proposed project would also require the following permits: a Joint Permit Application from the New York State Department of Environmental Conservation (NYSDEC) and Army Corps of Engineers to permit an in-water work, stabilization of riprap, outfalls, upland building and esplanade coverage; a State Pollutant Discharge Elimination System (SPDES) Permit from NYSDEC, to permit the discharge of stormwater during and after construction; and a Beneficial Use Determination (BUD), including a Soil Management Plan (SMP) from NYSDEC to permit the on-site reuse of soil from the western half of the project site to the eastern half of the project site.

The proposed actions would facilitate a proposal by the applicant to redevelop the project site with a two-story commercial building containing 214,000 gross square feet of Use Group 6 and 10 retail uses; 97,000 square feet of publicly accessible waterfront open space, and an unattended 690-space above-grade accessory parking garage. The project site is currently occupied by a bus storage facility and is developed with a two-story building, a one-story storage building and an accessory parking lot. Absent the proposed actions, the applicant has stated that the site would remain a bus storage operation. Construction of the proposed project is anticipated to be completed by 2013.

A public scoping meeting has been scheduled for Thursday, October 29, 2009 at 10:00 A.M. at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. The protocol for public participation in the scoping meeting is attached to this notice. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York, 10007, Robert Dobruskin, AICP, Director (212) 720-3423; the Brooklyn Office, New York City Department of City Planning, 16 Court Street, 7th Fl., Rm. 705 Brooklyn, NY 11241-0103 Purnima Kapur, Director, (718) 780-8290; and the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York, 10038, Robert Kulikowski, Ph.D., Director (212) 788-2937.

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COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 3 - Monday, October 5, 2009, 7:00 P.M., Restoration Plaza, 1368 Fulton Street (Lower Level), Brooklyn, NY

Public Hearing on the Capital and Expense Budget Requests for FY 2011.

s29-o5

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 13 - Wednesday, September 30, 2009, 7:30 P.M., Coney Island Hospital, Auditorium, 2601 Ocean Parkway, Brooklyn, NY

Public Hearing on Proposed Capital and Expense Items for Inclusion in Budget Requests for Fiscal Year 2011.

s24-30

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, October 5, 2009 at 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

A public hearing to solicit input from the community for new budget items within the district for submission in the FY 2011 New York City budget.

s29-o5

BOROUGH OF BRONX

Community Board NO. 6 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Wednesday, October 10, 2009 at 6:30 P.M. at O'Hara Hall, Fordham University, Bronx, (In the O'Keefe Lounge) (enter through the Southern Boulevard - Dr. Kazimiroff Boulevard entrance).

s28-o2

BOROUGH OF BRONX

Community Board NO. 8 - Public Hearing on Capital and Expense Budget for FY 2011 will take place on Tuesday, October 13, 2009 at 7:30 P.M. at Amalgamated Housing Corp., Vladek Hall, 74 Van Cortlandt Park South.

s28-o2

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 8 - Wednesday, September 30, 2009 at 7:30 P.M., Beacon 168, Parsons J.H.S. - Auditorium, 158-40 76th Road, Flushing, NY

BSA# 728-29-BZ

154-04 Horace Harding Expressway
Exxon Mobil Station

Proposal to extend the term of the zoning variance for a period of (10) ten years for a gasoline service station located in an R4 zoning district.

s24-30

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, **October 06, 2009 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 QUEENS 10-2402 - Block 8027, lot 49-21 Beverly Road, aka 235-31 Beverly Road and 31-20 West Drive – Douglaston Historic District
A free standing Arts and Crafts style home designed by A. Maney and built in 1907. Application is to replace windows at the porch.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 09-8163 - Block 8058, lot 10-234-24 Melrose Lane – Douglaston Historic District
A vacant lot. Application is to construct a new house. Zoned R1-1.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-2069 - Block 77, lot 7-1809 Avenue H - Fiske Terrace-Midwood Park Historic District
A Colonial Revival style freestanding house with later alterations, designed by A. White Pierce, and built in 1906. Application is to replace windows at the porch.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-2500 - Block 1063, lot 5, 6-79-81 7th Avenue - Park Slope Historic District
Two one-story commercial buildings built prior to 1939. Application is to demolish the existing buildings and construct a new one-story building. Zoned C1-3.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-2525 - Block 306, lot 16-202 Warren Street - Cobble Hill Historic District
An Italianate style rowhouse built in 1853-1855 and altered in the mid-20th century. Application is to construct a stoop and alter the facade and areaway.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-2317 - Block 1961, lot 23-405 Clinton Avenue - Clinton Hill Historic District
A Romanesque Revival/Queen Anne style house designed by William Tubby and built in 1889. Application is to demolish a rear yard addition.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5327 - Block 196, lot 9-416 Broadway - Tribeca East Historic District
A Renaissance Revival style store and office building designed by Jordan & Giller and built in 1898-99. Application is to legalize the installation of a rooftop addition without Landmarks Preservation Commission permits and the installation of storefront infill in non-compliance with Certificate of Appropriateness 06-3975.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8921 - Block 47, lot 7501-120 Broadway - The Equitable Building- Individual Landmark
A Beaux-Arts style office building designed by E.R. Graham and built in 1913-15. Application is to legalize the installation of rooftop mechanical equipment without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1925 - Block 621, lot 69-67 Charles Street - Greenwich Village Historic District
A French Second Empire style rowhouse built c.1867. Application is to construct a rooftop bulkhead and a rear yard addition, and to excavate at the cellar and rear yard. Zoned R6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1418 - Block 253, lot 63-111 Waverly Place - Greenwich Village Historic District
A Greek Revival style brick house built in 1839-40. Application is to replace and consolidate the bluestone sidewalk.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1846 - Block 588, lot 62-324 Bleeker Street - Greenwich Village Historic District
An Italianate style building built in 1854 and altered in the 20th century. Application is to demolish and reconstruct the facade.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7363 - Block 609, lot 71-151 West 13th Street - Greenwich Village Historic District
A Greek Revival style house built in 1847-48. Application is to excavate the cellar and rear yard and construct rear yard and rooftop additions. Zoned R6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1847 - Block 645, lot 44-21-27 9th Avenue - Gansevoort Market Historic District
A row of four Greek Revival rowhouses, built circa 1844-1846 and altered in the 1880's and 1920's. Application is to construct a rooftop addition, alter a canopy, and install new storefront infill and signage. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0949 - Block 545, lot 26-4-8 Astor Place, 8-10 Astor Place - NoHo Historic District
A Romanesque Renaissance Revival style loft building designed by Francis H. Kimball and built in 1891; and a neo-Grec style factory and printing office designed by Griffith Thomas and built in 1875-1876. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1307 - Block 738, lot 33-81 8th Avenue - New York Savings Bank- Interior Landmark, Individual Landmark
A Classical Revival style bank and banking hall designed by R. H. Robertson, constructed in 1896-97 and altered in 1930. Application is to renovate the banking hall and to install signage at the exterior.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0465 - Block 821, lot14-39 West 19th Street - Ladies' Mile Historic District
A neo-Renaissance style store and loft building, built by Maynicke & Franke, and built in 1910. Application is to install windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8974 - Block 1141, lot 23-123 West 69th Street - Upper West Side /Central Park West Historic District
A neo-Grec style brownstone rowhouse designed by Thom & Wilson and built in 1882. Application is to install a stoop railing.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0112 - Block 1143, lot 7503-100 West 72nd Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style store building designed by McKim, Mead and White and built in 1892-1893. Application is to construct a new shade structure and privacy fences at the penthouse roof.

s23-o6

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, September 30, 2009. 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 224 Development LLC to construct, maintain and use a planted area on the south sidewalk of 16th Street, west of Sixth Avenue, 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, 2020, 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, 2020 - \$71/per annum

the maintenance of a security deposit in the sum of \$3,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing St Johns Episcopal Hospital to maintain and use a bridge over and diagonally across Beach 19th Street, south of Brookhaven Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$12,845
For the period July 1, 2010 to June 30, 2011 - \$13,219
For the period July 1, 2011 to June 30, 2012 - \$13,593
For the period July 1, 2012 to June 30, 2013 - \$13,967
For the period July 1, 2013 to June 30, 2014 - \$14,341
For the period July 1, 2014 to June 30, 2015 - \$14,715
For the period July 1, 2015 to June 30, 2016 - \$15,089
For the period July 1, 2016 to June 30, 2017 - \$15,463
For the period July 1, 2017 to June 30, 2018 - \$15,837
For the period July 1, 2018 to June 30, 2019 - \$16,211

the maintenance of a security deposit in the sum of \$30,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#3 In the matter of a proposed revocable consent authorizing YMCA of Greater New York to construct, maintain and use a handicap ramp and stairs on the south sidewalk of Catalpa Avenue and on the west sidewalk of 64th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

From the date of approval by the Mayor to June 30, 2020 - \$25/annum

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#4 In the matter of a proposed revocable consent authorizing New York Institute of Technology to install, maintain and use cables in the existing facilities of the Empire City Subway Company (Limited) in Broadway, West 61st Street, Columbus Avenue and West 62nd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Date of Approval to June 30, 2010 - \$4,532/annum
For the period July 1, 2010 to June 30, 2011 - \$4,668
For the period July 1, 2011 to June 30, 2012 - \$4,804
For the period July 1, 2012 to June 30, 2013 - \$4,940
For the period July 1, 2013 to June 30, 2014 - \$5,076
For the period July 1, 2014 to June 30, 2015 - \$5,212
For the period July 1, 2015 to June 30, 2016 - \$5,348
For the period July 1, 2016 to June 30, 2017 - \$5,484
For the period July 1, 2017 to June 30, 2018 - \$5,620
For the period July 1, 2018 to June 30, 2019 - \$5,756
For the period July 1, 2019 to June 30, 2020 - \$5,892

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing 411-417 West 13th Street Condominium to construct, maintain and use stairs and a wheelchair lift on the north sidewalk of West 13th Street, between Washington Street and Ninth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

- \$1,591/annum
For the period July 1, 2010 to June 30, 2011 - \$1,638
For the period July 1, 2011 to June 30, 2012 - \$1,685
For the period July 1, 2012 to June 30, 2013 - \$1,732
For the period July 1, 2013 to June 30, 2014 - \$1,779
For the period July 1, 2014 to June 30, 2015 - \$1,826
For the period July 1, 2015 to June 30, 2016 - \$1,873
For the period July 1, 2016 to June 30, 2017 - \$1,920
For the period July 1, 2017 to June 30, 2018 - \$1,967
For the period July 1, 2018 to June 30, 2019 - \$2,014
For the period July 1, 2019 to June 30, 2020 - \$2,061

the maintenance of a security deposit in the sum of \$10,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

s10-30

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001-G

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, September 30, 2009 (SALE NUMBER 10001-G). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

s16-30

■ SALE BY SEALED BID

SALE OF: 11 LOTS OF ROLL-OFF CONTAINERS, USED.

S.P.#: 10002

DUE: October 13, 2009

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.
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

s29-o13

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):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * 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

■ AUCTION**PUBLIC AUCTION SALE NUMBER 1168**

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is October 5, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on October 6, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

s23-o6

PROCUREMENT

"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."

ADMINISTRATION FOR CHILDREN'S SERVICES**■ SOLICITATIONS***Human/Client Service***FAMILY ASSESSMENT PROGRAM INTERVENTION –**

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 06809PINS000 – DUE 11-10-09 AT 2:00 P.M. – A pre-proposal conference will be held on October 14, 2009 from 11:00 A.M. to 1:00 P.M. at 150 William Street, 8th Floor, Room A2, New York, NY 10038.

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 Reception Desk, NY, NY 10038.
Rafael Asusta (212) 341-3511, rasusta@acs.nyc.gov

s30

CITY UNIVERSITY**■ SOLICITATIONS***Services (Other Than Human Services)*

ELECTRONIC RESOURCES MANAGEMENT SYSTEM (ERMS) – Request for Information – PIN# UCO351 – DUE 10-30-09 AT 5:00 P.M. – Please visit the CityRecord Online (CROL) to view the complete document.

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.
City University, 230 West 41st Street, 5th Floor
New York, NY 10036. Jerri Brown (212) 397-5607
jerri.brown@mail.cuny.edu

s30

■ INTENT TO AWARD*Services (Other Than Human Services)*

FIRE ALARM SYSTEM MAINTENANCE – Sole Source – Available only from a single source - PIN# 092209 – DUE 10-09-09 AT 10:00 A.M. – LaGuardia Community College, CUNY is entering into a Purchase Order contract with Fireservice, a subsidiary of Firecom, Inc. for the yearly maintenance of the College's Firecom fire alarm system. Firecom is the sole licensed manufacturer, distributor, and service provider for this equipment. This notice is not intended to invite competition, but if your company is authorized to provide these services, contact Tawanikka Smith at tsmith@lagcc.cuny.edu with an authorized statement from the manufacturer and your contact information. This notice is intended to fulfill the requirement for giving Public Notice or a Sole Source purchase as per New York State Finance Law, Section 163.

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.
City University, 31-10 Thomson Avenue, Room E413
Room E405, Long Island City, NY 11101.
Tawanikka Smith (718) 482-5590, tsmith@lagcc.cuny.edu

s28-o2

CITYWIDE ADMINISTRATIVE SERVICES**DIVISION OF MUNICIPAL SUPPLY SERVICES****■ AWARDS***Goods*

CHROMATOGRAPHS AND RELATED EQUIPMENT - OCME – Intergovernmental Purchase – PIN# 8571000194 – AMT: \$309,202.65 – TO: Agilent Technologies, 2850 Centerville Rd., Wilmington, DE 19808. NYS Contract #PC56288.
● **LABORATORY SUPPLIES - DOHMH** – Intergovernmental Purchase – PIN# 8571000207 – AMT: \$300,000.00 – TO: Fisher Scientific Co., 2000 Park Lane, Pittsburgh, PA 15275. NYS Contract #PC63915.
● **PURSUIT TIRES - NYPD** – Intergovernmental Purchase – PIN# 8571000195 – AMT: \$200,000.00 – TO: Barnwell House of Tires, 2020 Lakeland Ave., Ronkonkoma, NY 11779. NYS Contract #PC61334.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

s30

COMMERCIAL PRINTING AND DIRECT MAIL –

Competitive Sealed Bids – PIN# 857801373 – AMT: \$4,297,747.60 – TO: Vanguard Direct Inc., 519 8th Avenue, New York, NY 10018.
● **EQUIPMENT, RENTAL OF VARIOUS, DOT** – Competitive Sealed Bids – PIN# 857900378 – AMT: \$429,000.00 – TO: Contractors Sales Company Inc., P.O. Box 12010, Albany, NY 12212.

s30

■ VENDOR LISTS*Goods*

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

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: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

COMPROLLER**■ AWARDS***Services (Other Than Human Services)*

FIELD INVESTIGATION SERVICES – Request for Proposals – PIN# 015056BLA001 – AMT: \$1,050,000.00 – TO: Sweet Claims Company, 65 N. Moore Street, New York, NY 10013.

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CORRECTION**CENTRAL OFFICE OF PROCUREMENT****■ SOLICITATIONS***Construction Related Services***DESIGN/BUILD ONE-STORY CLASSROOM MODULAR BUILDING AT RNDC ON RIKERS ISLAND –**

Competitive Sealed Bids – PIN# 072200914CPD – DUE 11-05-09 AT 11:00 A.M. – The pre-bid conference and site visits are scheduled for Tuesday, October 20, 2009 at 10:00 A.M. Location: Construction Management Unit (CMU), 640 Mandinici Road, Rikers Island, East Elmhurst, NY 11370. Attendance at this pre-bid conference is OPTIONAL BUT HIGHLY RECOMMENDED. The cost of the bid package is \$25.00 check or money order payable to: Commissioner of Finance. The bid package can be used at City of New York Department of Correction, Central Office of Procurement, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370, between the hours of 9:00 A.M. - 4:30 P.M. For admission to Rikers Island, interested contractors must execute a "Security Clearance Request and Authorization Form," which is furnished with each bid package (complete Sections 3 and 4 only). The Security Clearance Form must be received by fax at (718) 278-6217 or (718) 278-6277 or by email to: lilliana.cano@doc.nyc.gov and be certain to indicate the specific PIN for which entry is sought on your cover letter. For additional questions regarding to this project please contact Lilliana Alvarez-Cano at (718) 546-0686.

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.
Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, E. Elmhurst, NY 11370. Lilliana Alvarez-Cano (718) 546-0686, lilliana.cano@doc.nyc.gov

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DESIGN & CONSTRUCTION**CONTRACT SECTION****■ SOLICITATIONS***Construction/Construction Services*

RECONSTRUCTION OF DECATUR AVENUE RETAINING WALL, THE BRONX – Competitive Sealed Bids – DUE 10-27-09 AT 11:00 A.M. – PIN# 8502008HW0062C - Retaining Walls
PIN# 8502010HW0023C - Retaining Walls

PROJECT NO.: RWX002. Bid documents are available at: <http://www.nyc.gov/ddc>

There will be an optional Pre-Bid conference on Wednesday, October 14, 2009 at 10:00 AM at the Bid Room on the First Floor at the Department of Design and Construction. Located at 30-30 Thomson Ave., Long Island City, 11101.

Experience Requirements. This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Apprenticeship Participation Requirements apply to this contract. Vendor Source ID#: 63774.

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. Bid document deposit - \$35.00 per set. Company check or money order. No cash accepted. Late bids will not be accepted.
Department of Design and Construction
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

s30

RECONSTRUCTION OF HUGH GRANT CIRCLE INCLUDING TRAFFIC AND STREET LIGHTING WORK, THE BRONX –

Competitive Sealed Bids – PIN# 8502009HW0056C – DUE 10-28-09 AT 11:00 A.M. – PROJECT ID: HWD105-01A. Bid documents are available at: <http://www.nyc.gov/ddc>

Experience Requirements. This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Vendor Source ID#: 63782.

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. Bid document deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.
Department of Design and Construction
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

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ENVIRONMENTAL PROTECTION

■ INTENT TO AWARD

Services (Other Than Human Services)

CSF WORKSHOP SOFTWARE SUPPORT AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 826X040069 – DUE 10-16-09 AT 11:00 A.M. – The Department of Environmental Protection/Bureau of Customer Services intends to enter into a sole source agreement with Metavante for support and maintenance of their CSF workshop software. Any firm which believes they can also provide the required services and support is invited to do so by mail or e-mail to the attention of Ira M. Elmore, Deputy Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373, (718) 595-3259, email: irae@dep.nyc.gov

s28-o2

MEGACRYPTION SOFTWARE SUPPORT AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 826X040031 – DUE 10-16-09 AT 11:00 A.M. – The Department of Environmental Protection/Bureau of Customer Services intends to enter into a sole source agreement with Advanced Software Products Group, Inc. for support and maintenance coverage of their MEGACRYPTION software product. Any firm which believes they can also provide the required maintenance support is invited to do so by mail or e-mail to the attention of Ira M. Elmore, Deputy Agency Chief Contracting Officer 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 (718) 595-3259, email: irae@dep.nyc.gov

s28-o2

BUREAU OF WATER SUPPLY

■ SOLICITATIONS

Services (Other Than Human Services)

SIEMENS MICROFILTRATION MAINTENANCE FOR VARIOUS WWTP'S – Sole Source – Available only from a single source - PIN# 82610WS00020 – DUE 10-13-09 AT 4:00 P.M. – DEP intends to enter into a Sole Source Agreement with Siemens Water Technologies, for CAT-383; Siemens Microfiltration Maintenance for Various WWTP's. This specialty preventive maintenance and technical service contract is required for the microfiltration systems located in the five (5) Wastewater plants in the Upstate Watershed, BWS Wastewater Treatment Operations Division. The microfiltration systems are part of the NYSDEC-SPDES permit and FAD agreement. These systems are critical to the effluent quality discharged into the drinking water supply of NYC. They are highly technical in nature and require personnel with expertise and experience. Any firm which believes it can also provide the required service is invited to so, indicated by letter which must be received no later than October 13, 2009, 4:00 P.M. at: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, New York 11373, Attn: Ms. Debra Butlien, dbutlien@dep.nyc.gov (718) 595-3423.

s24-30

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) 442-3863.

j1-d31

■ SOLICITATIONS

Goods

4' X 5' BORROWED LITE WELDED LEAD LINED W/GLASS – Competitive Sealed Bids – PIN# QHN2010-1026EHC – DUE 10-21-09 AT 11:00 A.M. – 4' X 5' Borrowed lite welded lead lined w/glass welded borrowed lite 1/16" lead lined for 4 7/8" wall width at opening. Infill with leaded clear glass. Final field measurements to be done by vendor.

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.
Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Evelyn Negron (718) 883-6000, negrone@nychhc.org

s30

Construction Related Services

PARTIAL ROOF REPLACEMENT – Competitive Sealed Bids – PIN# QHN2010-1027QHC – DUE 10-21-09 AT 2:00 P.M. – There will be a mandatory pre-bid/walk thru on Tuesday, October 13 and Wednesday, October 14, 2009 at 10:00 A.M. All concerned need to attend one day only. Pick-up bid package prior to pre-bid.

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.
Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Aurelio Morrone (718) 883-6000, morronea@nychhc.org

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HOMELESS SERVICES**OFFICE OF CONTRACTS AND PROCUREMENT**

■ SOLICITATIONS

Human/Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. – The Department of Homeless Services is soliciting proposals

from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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 Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Construction/Construction Services

APARTMENT RESTORATION (10 UNITS) AT OCEAN BAY APARTMENTS – Competitive Sealed Bids – PIN# GR9003856 – DUE 10-19-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

s28-o2

ROOFING REPLACEMENT AND ASBESTOS ABATEMENT AT LEHMAN VILLAGE HOUSES – Competitive Sealed Bids – PIN# RF7000237 – DUE 10-14-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

s30-o6

REPLACEMENT OF BOILERS AT 45 ALLEN STREET

– Competitive Sealed Bids – PIN# HE9013065 – DUE 10-15-09 AT 11:00 A.M.

● **REPLACEMENT OF UNDERGROUND STEAM DISTRIBUTION SYSTEM AT MELROSE HOUSES** – Competitive Sealed Bids – PIN# HE9007156 – DUE 10-15-09 AT 10:30 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.
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.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

s24-30

REPLACEMENT OF ROOF WATER TANKS AT VARIOUS DEVELOPMENTS – Competitive Sealed Bids – PIN# PL9015197 – DUE 10-08-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo (212) 306-3121 gloria.guillo@nycha.nyc.gov

s25-o1

PURCHASING DIVISION

■ SOLICITATIONS

Goods

FURNISHING G.A.L. ELEVATOR PARTS – Competitive Sealed Bids – RFQ# 7354 – DUE 10-14-09 AT 10:40 A.M.
● **VARIOUS TYPES OF BATTERY** – Competitive Sealed Bids – RFQ# 7364 – DUE 10-14-09 AT 10:45 A.M.
● **SHADES, WINDOW** – Competitive Sealed Bids – RFQ# 7340 – DUE 10-14-09 AT 10:50 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.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101.
Bid documents available via internet ONLY:
http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Atul Shah (718) 707-5450.

s30

O. THOMPSON PARTS – Competitive Sealed Bids – RFQ #7356 – DUE 10-14-09 AT 10:35 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.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101.
Bid documents available via internet ONLY:
http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Atul Shah (718) 707-5450.

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FURNISH WINDOW GUARDS – Competitive Sealed Bids – RFQ #7335 – DUE 10-14-09 AT 10:30 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.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101.
Bid documents available via internet ONLY:
http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Terry Eichenbaum (718) 707-5265.

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Goods & Services

BOND PAPER AND CARD STOCK – Competitive Sealed Bids – RFQ #7306 SS – DUE 10-20-09 AT 10:35 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.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101.
Bid documents available via internet ONLY:
http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml. Surinderpal Sabharwal (718) 707-5480.

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JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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 Juvenile Justice, 110 William Street 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

LAW

■ SOLICITATIONS

Services (Other Than Human Services)

SERVICE OF LEGAL PROCESS AND LEGAL PAPERS – Competitive Sealed Bids – PIN# 02510X100004 – DUE 10-22-09 AT 5:00 P.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.
Law Department, Service of Legal Process Window 100 Church Street, 4th Floor, East Reception Desk Room 6-222, New York, NY 10007.
Sandy Carles (212) 788-0742, acarles@law.nyc.gov

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PARKS AND RECREATION**CONTRACT ADMINISTRATION**

■ SOLICITATIONS

Construction/Construction Services

CONSTRUCTION - RECONSTRUCTION OF PLAYGROUNDS IN SCHOOL YARDS AND RECONSTRUCTION OF PLAY EQUIPMENT AND SITE WORK – Competitive Sealed Bids – DUE 10-29-09 AT 10:30 A.M. – PIN# 8462009C000C33 – At PS 123K and PS 239Q PIN# 8462009B000C20 – Safety surfacing, site work at various locations. Known as Contract #CNYG-109MA. Known as Contract #BG-907M. Vendor Source ID#: 63661, 63662.
● **CONSTRUCTION - RECONSTRUCTION OF PLAYGROUNDS IN SCHOOL YARDS** – Competitive Sealed Bids – PIN# 8462009Q000C29 – DUE 10-29-09 AT 10:30 A.M. - At PS 36Q and PS 250Q, Queens, known as Contract #QG-1809M. Vendor Source ID#: 63594.

These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

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RECONSTRUCTION OF THE HECKSCHER EAST LANDSCAPE – Competitive Sealed Bids – PIN# 8462009M010C01 – DUE 10-30-09 AT 10:30 A.M. – Located between the Center Drive and Heckscher Playground and the Ballfields in Central Park, Manhattan, known as Contract #M010-207M. Vendor Source ID#: 63593.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

A pre-bid meeting is scheduled for Friday, October 16, 2009 at 10:00 A.M. at the site. Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 64
Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

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PAYROLL ADMINISTRATION

■ INTENT TO AWARD

Services (Other Than Human Services)

CITYTIME SUBJECT MATTER EXPERTS (SME'S) AND QUALITY ASSURANCE (QA) – Negotiated Acquisition – PIN# 10131000047864 – DUE 10-09-09 AT 5:00 P.M. – As per Procurement Policy Board (PPB) Rules Section 3-04(b)(2)(iii), the Office of Payroll Administration (OPA) intends to enter into negotiations with Spherion Corporation for a team of selected consultants to continue to provide Subject Matter Experts (“SMEs”) and Quality Assurance (QA) Services to insure continuity of CityTime, a secure, web-based time and attendance systems. The consultants that will continue services on the project through Negotiated Acquisition have extensive expertise and knowledge of the specific requirements and processes supporting CityTime. The project is also entering a critical juncture during which OPA will be transitioning the contractors that have been staffing the project for years. Accordingly, continuing with the services of these consultants is crucial to the success of the transition and ultimate completion of the CityTime project. The Subject Matter Experts augment the City team and assist with testing deliverables, technical, business and system implementation and administrative tasks as required by OPA. The contract term shall commence on January 16, 2010 and will conclude on January 15, 2012.

Any Contractors who believe they are able to provide such specific services in the future may submit expressions of interest in writing to Valerie Himelewski, Agency Chief Contracting Officer, at 1 Centre Street, Room 200N, New York, NY 10007 or vhimelewski@payroll.nyc.gov

Per Procurement Policy Board (PPB) Rules Section 3-04(b)(2)(iii), there is a compelling need to extend a contract one or more times beyond the now-permissible cumulative twelve-month limit, provided that the vendor's performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan, and the extension(s) is for the minimum time necessary to meet the need.

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 Payroll Administration, 1 Centre Street, Room 200N
New York, NY 10007. Amer Parvez (212) 669-4667
aparvez@payroll.nyc.gov

s28-o2

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

A&E SERVICES FOR ACOUSTIC ANALYSIS/DESIGN – Request for Proposals – PIN# 10-00018R – DUE 10-07-09 AT 2:00 P.M. – The NYC School Construction Authority (SCA) is seeking qualified consulting interested in responding to a Request for Proposal (RFP) SCA No. 10-00018R to provide Architecture and Engineering Services in connection with Acoustical Analysis and Design Consulting for various schools throughout New York City.

Proposal will be accepted from the following firms: Acentech Inc.; Acoustic Dimensions; Cerami Associates; Lewis Goodfriend and Associates; Ostergaard Associates; Akustics, LLC; Arup Acoustics; Clayton Acoustics Group; Clifford R. Bragdon and Assoc.; Creative Acoustics; DiGeronimo; Houghton Associates, LLC; Jaffe Holden Acoustics; Marshall/KMK Acoustics; Paul Carpenter Associates; Ronnette Riley Architects; Shen Milsom and Wilke, LLC; Sound Engineering Services; Wilson, Ihrig and Associates, Inc.

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.
School Construction Authority, 30-30 Thomson Avenue
1st Floor, Long Island City, New York 11101.
Donald Mezick (718) 752-5479, dmezick@nycsca.org

s25-o1

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

■ SOLICITATIONS

Construction / Construction Services

CONCRETE REPAIRS AT THE QUEENS APPROACH AND REHABILITATION OF THE BRONX AND QUEENS EYEBAR AT THE BRONX - WHITESTONE BRIDGE – Competitive Sealed Bids – PIN# BW97BW97A000 – DUE 10-23-09 AT 3:00 P.M. – Estimated range is \$5M - \$10M.
A site tour and pre-bid conference are scheduled for 10/6/09 at 11:00 A.M. Reservations must be made with Harold Booth

at (646) 252-7052 no later than noon the preceding day. Must have protective equipment, including a reflective safety vest and hard hat and two (2) forms of identification, including photo ID. All vendors interested in purchasing these documents must follow instruction for CCR and FedBizOpps at www.mta.info/bandt/procure/preactcon.htm.

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, 3 Stone Street
Bid Suite, New York, NY 10004.
Victoria Warren (646) 252-6101, vprocure@mtabt.org

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AGENCY RULES

BUILDINGS

■ NOTICE

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Section 28-103.19 of the New York City Administrative Code, that the Department of Buildings hereby adds a new Chapter 7000 and Section 7000-01 to Title 1 of the Official Compilation of the Rules of the City of New York, relating to the National Fire Protection Association, Flammable Combustible Code edition amendment.

This rule was first published on July 17, 2009 and a public hearing thereon was held on August 27, 2009.

Dated: September 21, 2009 /s/
New York, New York Robert D. LiMandri
Commissioner

Title 1 of the Rules of the City of New York is amended by adding a new Chapter 7000 and Section 7000-01, to read as follows:

Chapter 7000 Mechanical Code

§7000-01 National Fire Protection Association, Flammable Combustible Code edition amendment. Pursuant to Section 28-103.19 of the New York City Administrative Code, NFPA 30-96, as identified in Section MC 1501 of the New York City Mechanical Code, is hereby deleted and a new NFPA 30-03 is added, to read as follows:

30-03 Flammable and Combustible Liquids Code....605.4, 1305.8

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter and Section 28-103.19 of the New York City Administrative Code, and amends the edition of the National Fire Protection Association, Flammable Combustible Code.

The Department has determined that the reference to the 1996 edition of the National Fire Protection Association, Flammable Combustible Code prescribed in the NFPA portion of Section MC 1501 of the New York City Mechanical Code is erroneous. The 2003 edition will now be referenced instead, in keeping with the intent of Local Law 33 of 2007 to reference the latest edition of this standard.

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TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed 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”) proposes amended rules governing TLC adjudications.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on November 6, 2009 at 2:30 P.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than October 30, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules

should be submitted to the Office of Legal Affairs and must be received no later than November 2, 2009 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 18 thereto, to read as follows:

New Material is underlined.

§18-01 Scope of this Chapter

- To establish a Commission Adjudications Tribunal.
- To establish the procedures for all Hearings and appeals conducted by the Commission.
- To establish the requirements for imposing the immediate summary suspension of a License and the procedures and protections for Licensees whose Licenses have been summarily suspended.

§18-02 Penalties

- Prescribed Penalties. Whenever a Respondent is charged with a violation of any Commission Rule or Administrative Code Section, Respondent can be subject to the civil penalties as set in the Commission Rules or the Administrative Code.
- Discretionary Penalties. In the alternative to any of the specific penalties set in the Commission Rules, the Commission can, in its discretion, impose a penalty of License revocation, License suspension of up to six months, and/or the following fines:

- A fine, not to exceed \$10,000 for each violation, against the Owner of a Licensed Taxicab or For-Hire vehicle, Base, Commuter Van Service or vehicle, Paratransit service or vehicle, Taximeter Business, Taxicab Broker or Taxicab agent.
- A fine, not to exceed \$1,000 for each violation, against a Licensed Driver

§18-03 Definitions Specific to this Chapter

- Commission Adjudications Tribunal (or Commission Tribunal) is the judicial body that has, except as otherwise provided in these Rules, jurisdiction over:
 - Violations of Title 19, Chapter 5 of the Administrative Code
 - Violations of Commission Rules
 - Review of the fitness of an Applicant or a Licensee to hold a License
- De Novo is a legal term meaning “over again from the beginning.”
- Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation *must* be imposed; Discretionary Revocation can be sought by the Commission for any Rule, if the Commission determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
- Fit to Hold a License means that the Applicant or Licensee is qualified (“fit”) to assume the duties and obligations of the particular TLC Licensee and meets and will continue to meet the qualifications for licensure established by applicable rule or law, and that a Licensee or Applicant for a License will comply and continue to be able to comply with such qualifications or applicable rule or law
- Inquest is the presentation and consideration of evidence at a Hearing before an ALJ, when the Respondent has failed to appear after proper notice.
- Mandatory Revocation is the imposition of the penalty of revocation when a Rule specifies that revocation *must* be imposed.
- Notice of Seizure is document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.
- OATH is the New York City Office of Administrative Trials and Hearings.
- Recommended Decision. A Recommended Decision is a writing made by an ALJ (or by OATH) following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.
- Respondent is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.
- Secondary Owner is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a vehicle.

- (1) Unlicensed Activity is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service; Unlicensed Activity specifically includes these activities as specifically set forth in §19-506 and §19-529 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

§18-04 Alternative Forum

- (a) The Commission can refer any adjudication to the New York City Office of Administrative Trials and Hearings (OATH). In this event, OATH's rules will govern the case. The determination of OATH about the penalty will be a recommendation to the Chairperson ("Recommended Decision").

§18-05 Service of Summonses and Notices

- (a) Service. A Respondent must be served with a summons, a notice, or a notice of violation specifying the nature of the violation charged or the basis for any charge that the Respondent is not Fit to Hold a License.

- (b) Licensees. Service of a summons or other notice upon a Licensee can be accomplished through any of the following methods:

- (1) By personal service;
- (2) By USPS first class mail addressed to the last Mailing Address filed with the Commission;
- (3) If the Licensee is a Vehicle Owner (of a Taxicab, For-Hire Vehicle, Paratransit Vehicle, or Commuter Van), by personal service upon the Driver, who must promptly forward the summons or notice to the Owner or Agent; a Driver who fails to do so will be in violation of these Rules.
- (4) If the Licensee is any Licensee other than a Vehicle Owner or Driver (for example, owner of a Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business), by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Licensee at the Licensee's place of business.

- (c) Non-Licensees. Service of a summons or other notice upon a Respondent who is not a Licensee can be accomplished through any of the following methods consistent with the requirements set in the Civil Practice Law and Rules:

- (1) By personal service.
- (2) By USPS first class mail addressed to the address on the Respondent's state-issued Driver's License or vehicle registration.
- (3) If the Respondent is the registered owner of a vehicle, by personal service upon the driver of the vehicle.
- (4) If the Respondent is charged with operating an unlicensed Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business, by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Respondent at the Respondent's place of business.

§18-06 Contents of Summons or Notice of Violation

- (a) Required Information. A summons or notice of violation must contain, at a minimum, the following information:

- (1) The date, time, and location of the alleged violation.
- (2) A description of the nature of the violation sufficient to inform the Respondent of the prohibited conduct, including the basis for any charge that the Respondent is not Fit to Hold a License.
- (3) The Rule or Administrative Code Section alleged to have been violated. If there is a conflict between the Rule or Code Section cited and the description of the violation, the description controls the final resolution of the issue.
- (4) The date, time, and location of the scheduled Hearing on the violation, or instructions to the Respondent on how to schedule a Hearing date including the deadline for responding.
- (5) Whether the Respondent's personal appearance at the Hearing is required.
- (6) If the rule violated includes the penalty of discretionary revocation, a specific statement that a finding of guilt could result in the revocation of the Respondent's License.
- (7) If the rule violated includes the penalty of mandatory revocation, a specific

statement that a finding of guilt will result in the revocation of the Respondent's License.

(b) Failure of Summons to Provide Information.

- (1) If, at a Hearing, a Respondent claims that the summons or notice of violation did not provide the required information, the ALJ will attempt to have the Respondent provided with the required information and determine if the lack of information has unfairly prejudiced the Respondent.
- (2) The ALJ will then determine whether to:
 - (i) Proceed with the Hearing
 - (ii) Grant an adjournment, or
 - (iii) Dismiss the violation
- (3) If the summons or notice of violation is dismissed solely because the information specified in subdivision (a) has not been provided, the Commission can issue an amended summons or notice of violation.

§18-07 Respondent Options Based on Violation's Appearance Requirements

- (a) Options When Attendance Is Not Required. For violations where the Respondent's personal appearance is not required, the Respondent can choose from the following options:
- (1) The Respondent can plead guilty and pay the scheduled fine in person or by mail (or in any other manner approved by the Commission) prior to the scheduled Hearing or deadline. By pleading guilty, the Respondent admits the charges contained in the summons or notice of violation and waives any right to appeal the ALJ's determination or assessment of penalties.
 - (2) The Respondent can choose, instead, to appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. If no Hearing date is scheduled, the Respondent can request a Hearing by pleading not guilty to the summons or by following the instructions contained in the notice from the Commission.
 - (3) The Respondent's failure to enter a plea in a timely manner will constitute a default to the charges, and the Respondent will be subject to penalties that can include License suspension or revocation.

- (b) Options When Appearance is Required. If the summons or violation requires a personal appearance, the Respondent must appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. Failure to appear will constitute a default to the charges and the Respondent will be subject to penalties that can include License suspension or revocation.

§18-08 Failure to Prosecute by the Commission

- (a) If without any delay or default on the part of the Respondent, the Commission fails to act within one year from the date of the violation, the charges will be dismissed.

§18-09 Hearings – Adjournment Requests

- (a) A Respondent who is unable to appear at a scheduled Hearing must:
- (1) Notify the Commission at least five business days in advance of the Hearing; and
 - (2) Show why Respondent is unable to attend.
- (b) A Respondent will be entitled to only one adjournment.
- (c) If a Respondent requests an Adjournment less than five business days before the Hearing, he or she must make the request in person. An ALJ must decide whether to grant the adjournment on the day the request is made.

§18-10 Hearings – Who Must or Can Appear for the Respondent

- (a) Licensees. A Respondent who is a Licensee can be represented at a Hearing by an attorney or by an authorized non-attorney Representative.
- (b) Corporations. If the Respondent is a corporation, it can also be represented by an officer, director, or employee of the Respondent corporation designated as an agent for the Respondent.
- (c) Partnerships. If the Respondent is a partnership, it can also be represented by any partner.
- (d) Non-Licensees. A Respondent who is not a Licensee must appear personally and can be accompanied and represented by an attorney or an authorized non-attorney Representative.
- (e) Non-Licensee Business Entity. If the non-Licensee Respondent is a corporation or partnership, an officer, director, employee, or partner must appear.

- (f) Proof of Relationship to Respondent. Any individual appearing who is not a Respondent must provide proof of his or her relationship to the Respondent.

- (g) The Commission can, for cause, deny any non-attorney (other than an authorized Representative or the Respondent) the opportunity to appear at a Hearing.

§18-11 Hearings – Procedures

- (a) Identification Required. A Respondent must provide the ALJ with a Valid government-issued photo ID prior to the Hearing.

- (b) Hearings Conducted in English. All Hearings must be conducted in English.

- (c) Right to Bring Translator. Except for a Licensed Taxicab Driver, any Respondent who does not speak or understand English can appear at a Hearing with a translator who is not a party, a representative of the Respondent, or a witness to the proceeding.

- (d) Right to Present Witnesses. A Respondent is entitled to be present throughout the entire Hearing and can present witnesses. However, witnesses will be excluded from the Hearing room except while they are actually testifying.

- (e) Right to Confront Witnesses.

- (1) The Commission will produce a complaining witness, if there is one, to testify in person where the witness's credibility is relevant. The Respondent will have the opportunity to confront a complaining witness, if the witness is produced.

- (2) If the witness cannot personally appear, the Commission will make reasonable efforts to have the witness available by videoconferencing or teleconferencing at the Hearing.

- (3) If the Commission is unable to produce the witness in person or by video or teleconference, it will provide the ALJ with a statement outlining its efforts to produce the witness.

- (4) If the ALJ determines that the Commission's efforts were not adequate, the ALJ shall dismiss the notice of violation.

- (f) Conduct of Hearing.

- (1) All Hearings must be conducted before an ALJ.

- (2) The ALJ must consider all relevant testimony and review documentary evidence submitted at the Hearing.

- (3) Evidence at a Hearing can include affidavits or affirmations submitted under penalties of perjury. Evidence can also include records maintained by the Commission or by another governmental body in its regular course of business.

- (4) If the Respondent fails to produce any document that the Commission has requested or that Respondent is required by Commission Rules to maintain, the Commission will presume that the document, if produced, would have been adverse to the Respondent.

- (5) Although the formal rules of evidence do not apply, all witnesses must testify under oath or affirmation.

- (6) At the conclusion of the Hearing, the ALJ must issue a decision that includes findings of fact and conclusions of law.

- (g) Recordings. All Hearings shall be recorded. The record of the Hearing and the written decision of the ALJ will constitute the only official record of the Hearing. No individual can record or photograph the Hearing without prior written permission from the Commission.

- (h) Findings of Guilt. If the ALJ finds that a violation has been committed, the ALJ must impose the appropriate penalties, which can include a fine, points, and a suspension or revocation of the Respondent's License. If a suspension for a specified period of time is imposed, the suspension period will not include any period of time during which the Respondent's License is not in the possession of the Commission.

§18-12 Inquests – Hearing Conducted in the Absence of Respondent

- (a) Failure to Appear. If a Respondent fails to appear at a scheduled Hearing, the Commission will conduct an Inquest on or after the Hearing date.

- (b) Inquest Proceedings. At the Inquest, the ALJ will conduct the Hearing and review the evidence and impose any penalties deemed appropriate, including additional penalties for the failure to appear at the Hearing.

- (c) Notification of Results.

- (1) The Commission will mail a copy of the ALJ's decision by regular, USPS first

- class mail to the Respondent at the address on file with the Commission.
- (2) The Commission will record the time and date this notification is mailed and the name of the person who mailed it. This record of information will be available to the Respondent upon request.
- (d) **Imposition of Penalties.**
- (1) **Suspension.** All suspension penalties imposed at an Inquest will begin 10 days from the date the ALJ's decision is mailed to the Respondent.
- (2) **Fines.** Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
- (3) **Penalties for Persistent Driver Violators.** Penalties imposed as a result of the Program for Persistent Violators will be assessed 10 days from the date the ALJ's decision is mailed to Respondent unless a timely motion to vacate, as provided in §18-13 below, is filed.

§18-13 Inquests – Respondent's Right to Challenge Decision

- (a) **Motion to Vacate.** A Respondent can move to vacate the Inquest determination by filing a written motion to vacate within two years from the date of the Inquest.
- (b) **Content of Motion.** A Respondent's motion to vacate must present written evidence on the following:
- (1) The reasons for his or her failure to appear at the Hearing
- (2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons
- (c) **Granting of Motion to Vacate.** If the ALJ determines that the Respondent has established both a valid excuse for his or her failure to appear at the Hearing and a defense to the violation that, if proven, would be legally sufficient:
- (1) The Inquest determination must be vacated and the Respondent must be entitled to a new Hearing.
- (2) Any suspension, revocation or Persistent Violator penalties imposed at the Inquest must be vacated.
- (3) Any fines paid will be refunded.
- (d) **Denial of Motion to Vacate.** If the ALJ denies the motion to vacate, the penalties imposed at the Inquest will remain in force.

§18-14 Appeals – By Respondent

- (a) **Time for Appeal.** The Respondent can appeal a final decision of the ALJ within 30 calendar days from the date of the decision, unless extended as provided by subdivision (d) below.
- (b) **Expedited Appeal.** If the ALJ's decision resulted in the suspension or revocation of a License, the determination of the appeal will be expedited.
- (c) **Filing of Appeal.** The appeal must be directed to the Deputy Commissioner for Legal Affairs/General Counsel and accompanied by a copy of the ALJ decision.
- (d) **Payment of Fines Deferred.**
- (1) If the Respondent files a timely appeal, any fines imposed by the ALJ will be deferred until a decision on the appeal is made.
- (2) The Commission will not be required to refund any fines paid before Respondent filed the appeal, unless the appeal is successful.
- (e) **Requests for Copy of Recording.**
- (1) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the ALJ's determination. The request must be made in writing on a form supplied by the Commission.
- (2) The Commission will provide Respondent with a copy of the recording within 30 days after receipt of the request.
- (3) If the Commission cannot produce the recording to the Respondent within 30 days, the determination being appealed will be dismissed without prejudice, which means that the Commission is entitled to re-issue the violation and rehear the case as a new case.

- (f) **Extension of Time for Appeal.** If the Respondent requests a copy of the recording of the Hearing, his or her time to respond to the notice of appeal will be the later to occur of the following:
- (1) The original 30 calendar days from the date of the decision being appealed
- (2) Twenty-one calendar days from the date the Commission issues the requested copy of the recording of the Hearing to the Respondent.
- (g) **Issues of Law on Appeal.** A Respondent's appeal of an ALJ's decision must be limited to the issues of law raised in the appeal submitted.
- (h) **Results of Appeal.** On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.
- (i) **Temporary License.**
- (1) If the ALJ's decision results in the suspension of the Respondent's License, the Deputy Commissioner for Legal Affairs/General Counsel or his designee can, in his or her discretion, issue a temporary license, which will remain in effect pending the determination of the appeal.
- (2) In deciding whether or not to issue a temporary license, the following factors can be considered: the Respondent's record, the seriousness of the charges, the likelihood of the success of the appeal, and the significance of the issues raised on appeal.

§18-15 Appeals – By Commission

- (a) **Appeal by the Commission.** The Commission can appeal a final decision by an ALJ if the determination has raised issues of law that require review.
- (b) **Filing of the Appeal.** The appeal must be filed with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the determination.
- (c) **Basis for Appeal.** The appeal will include a written statement describing the basis for the appeal.
- (d) **Rights of the Respondent.**
- (1) The Respondent has the right to receive by mail a written statement setting forth the basis for the appeal, information as to when and how Respondent can respond to the appeal, and any official forms necessary for requesting further information.
- (2) The Respondent must respond to the Commission's appeal within 21 calendar days from the mailing of the appeal.
- (3) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the notice of appeal. The request must be in writing on the form supplied by the Commission.
- (4) If a Respondent requests a copy of the recording of the Hearing, his or her time to respond to the notice of appeal is extended until 21 calendar days from the issuance of the requested copy by the Commission, whether by mailing or otherwise.
- (e) **Issues of Law on Appeal.** A Commission appeal of an ALJ's decision must be limited to the issues of law raised in the appeal submitted.
- (f) **Results of Appeal.** On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.
- (1) If a decision appealed by the Commission results in the reversal of a decision by an ALJ to dismiss a summons, the matter must be remanded to the Commission Adjudications Tribunal for a new Hearing.
- (2) If a decision appealed by the Commission affirms a determination of guilt by an ALJ but modifies a penalty that had been incorrectly imposed, the decision can correct the penalty without remand for a new Hearing.

§18-16 ALJ's Final and Recommended Decisions

- (a) ALJs of the Commission Adjudications Tribunal will render final decisions that include findings of fact and conclusions of law, as well as penalties to be assessed.
- (b) ALJ decisions will be final except for the following, which shall be Recommended Decisions:
- (1) ALJ findings and penalty determinations as to the fitness of Licensees or License Applicants
- (2) ALJ penalty determinations in padlocking or proceedings under §19-528(b) of the Administrative Code
- (3) ALJ findings and penalty determinations

in Summary Suspension proceedings pending revocation.

§18-17 Procedure for Finalizing Recommended Decisions

- (a) **Respondent's Opportunity to Respond.** When a Recommended Decision is issued, the Respondent must be given an opportunity to provide a written response. The response must be limited to the record of the Hearing and the determination of the ALJ with respect to penalty only.
- (b) **Submission to Chairperson.** The Recommended Decision must include the findings of fact, conclusions of law and recommended penalties. This will be submitted to the Chairperson along with any written comments submitted by the Respondent.
- (c) **Final Decision by Chairperson.** The Chairperson will determine whether to accept, modify, or reject the Recommendation of the ALJ and will issue a Final Decision. Alternatively, the Chairperson can remand the matter to the ALJ for further consideration.

§18-18 Appeal of Chairperson's Final Decision

- (a) The only Chairperson's Final Decision that can be appealed is a decision regarding the imposition of Discretionary Revocation (see §18-19).
- (b) The Chairperson's Final Decision on the imposition of discretionary revocation can be appealed to the Commissioners following these rules:
- (1) The Respondent must file a written appeal with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the Chairperson's final decision.
- (2) The filing must describe the basis for the appeal and must include all supporting statements and arguments.
- (3) The Chairperson can prescribe the form for the conduct and filing of these appeals.
- (4) A review of the Chairperson's decision must be limited to the issues of law raised in the appeal submitted and whether the decision of the Chairperson and the Recommended Decision of the ALJ are supported by substantial evidence. The Commissioners can not review findings of fact or determinations of credibility by an ALJ.
- (5) The Commission can submit a written response to any appeal filed by the Respondent.
- (6) The Respondent must be given the opportunity to respond in writing to the Commission's written submission.
- (7) The Commissioners must each receive a copy of the ALJ's Recommended Decision, the Chairperson's Final Decision, the Respondent's appeal, and any responses filed by the Commission or the Respondent.
- (8) Acting in its quasi-judicial capacity, the Commission must affirm, reject, modify, or remand the Chairperson's Final Decision. A minimum of five votes is required to reject, modify or remand the Final Decision; the absence of five votes to change the Final Decision constitutes an affirmance. The Chairperson can not vote on these appeals.
- (9) The results of the vote and the action taken by the Commission must be communicated at a public meeting.

§18-19 Special Procedures – Imposition of Revocation

- (a) **Mandatory Revocation.** Mandatory License revocation will be imposed when a Respondent is found liable for a violation in which mandatory revocation is specified.
- (b) **Discretionary Revocation.** If the Commission seeks Discretionary Revocation, the following procedure must be followed.
- (1) The Chairperson must determine that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
- (2) The proceeding must be commenced before the Office of Administrative Trials and Hearings (OATH).
- (3) The Commission must notify the Respondent of the proceeding by serving a written summons or notice detailing the charged misconduct and warning the Respondent that a finding of guilt could result in the revocation of his License.
- (4) The Respondent must be served with charges according to the procedures adopted by OATH.
- (5) The charges must inform the Respondent of the location, date, and time of any scheduled Hearing.

- (6) The Hearing will be conducted by an OATH ALJ and governed by OATH procedures. The affirmative defenses in subdivision b of §19-512.1 of the Administrative Code can be available in the Hearing.
- (7) The OATH ALJ must issue a Recommended Decision to the Chairperson containing findings of fact, conclusions of law, and recommended penalties. These penalties can include License revocation, License suspension for a period up to six months, and a fine not to exceed \$10,000 for each offense for which a Taxicab owner, base owner, taximeter business owner, Taxicab broker, or Taxicab agent is found guilty or a fine not to exceed \$1,000 for each offense for which any other Licensee is found guilty.

§18-20 Special Procedures – Fitness Hearings

- (a) The Chairperson will notify the Applicant or Licensee to appear as Respondent for a fitness Hearing if the Chairperson believes that a Licensee or Applicant for a License is not Fit to Hold a License including, but not limited to, as a result of:
 - (1) A criminal conviction.
 - (2) A failed drug test as a result of illegal drug use.
- (b) The Notice to Respondent and the conduct of the Hearing will be governed by the rules and procedures established in this Chapter.
- (c) At the conclusion of the Hearing, the ALJ must issue a Recommended Decision that must include a determination as to the Respondent's fitness to possess a License.
- (d) If the Respondent is or has ever been a Licensee, the Recommended Decision will be issued to the Chairperson.
- (e) If the Respondent is an Applicant who has never held a License issued by the Commission, the Recommended Decision will be issued to the Chairperson.
- (f) The Chairperson can accept, reject, or modify the Recommended Decision. The decision of the Chairperson will constitute the final, determination of the Commission.
- (g) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.

§18-21 Special Procedures – Summary Suspension Pending Revocation

- (a) Summary Suspension.
 - (1) The Chairperson can summarily suspend a License if the Chairperson believes that continued licensure would constitute a direct and substantial threat to public health or safety, pending revocation proceedings.
 - (2) Any Licensee subjected to a Summary Suspension is entitled to a Summary Suspension Hearing or a Revocation Hearing as established below.
 - (3) The Commission will notify the Licensee either by personal service or by USPS first class mail of the Summary Suspension, within five days of the suspension.
- (b) Summary Suspension or Revocation Hearing (other than Suspensions resulting from Criminal Charges). If the Commission does not schedule a revocation Hearing to be held within 15 days from the suspension:
 - (1) The Respondent can request a Hearing on the Summary Suspension within ten calendar days from receiving the notice of suspension.
 - (2) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing within ten calendar days of the receipt of the request, unless the Chairperson determines that the Hearing will harm any ongoing civil or criminal investigation.
 - (3) No Summary Suspension Hearing will be required where the Commission schedules the revocation Hearing within 15 calendar days of the suspension.
- (c) Conduct of Summary Suspension Hearing.
 - (1) A summary suspension Hearing must be held before an ALJ who must consider relevant evidence and testimony under oath, according to the Hearing procedures established in this Chapter.
 - (2) Where applicable, the affirmative defenses will include those provided in §19-512.1(b) of the Administrative Code.
 - (3) At the end of the Summary Suspension Hearing, the ALJ must issue a written Recommended Decision to the

- Chairperson, who can accept, reject, or modify the recommendation.
- (4) The decision of the Chairperson is the final determination of the Commission with respect to the summary suspension.
- (5) If the Chairperson does not render a decision within 60 calendar days from the end of the suspension Hearing, the suspension must be lifted until the decision is rendered.

(d) Summary Suspension for Criminal Charges.

- (1) The Chairperson can summarily suspend a License based upon an arrest on criminal charges if the Chairperson believes that the charges, if true, would demonstrate that continued licensure would constitute a direct and substantial threat to public health or safety.
- (2) The Chairperson need not commence revocation proceedings while the criminal charges are pending. However, the Respondent is entitled to request a Suspension Hearing.
- (3) At the Summary Suspension Hearing, the issue will be whether the charges underlying the Licensee's arrest, if true, demonstrate that the continuation of the License while awaiting a decision on the criminal charges would pose a direct and substantial threat to the health or safety of the public.
- (4) Within five calendar days from the date the Commission receives from the Licensee a certificate of disposition of the criminal charges, the Chairperson must either lift the suspension or commence revocation proceedings.

§18-22 Special Procedures – Summary Suspension Pending Compliance

- (a) Summary Suspension. If the Chairperson finds that the Licensee is not in compliance with a rule in this title that provides for "summary suspension until compliance," the Licensee's TLC-issued License can be summarily suspended until compliance pending an opportunity to be heard.
- (b) Notice to Licensee. The Commission will send a notice to the Licensee (now, Respondent) by personal service or by USPS first class mail to the Respondent's current Mailing Address with the following information:
 - (1) That the Respondent's TLC-issued License is being suspended for a violation of the Commission's rules or applicable Administrative Code section
 - (2) A description of the nature of the violation
 - (3) That the Respondent's License will be suspended based on one of the following options, whichever applies:
 - (i) Immediately upon service of the notice if made by personal service
 - (ii) Five days from the date of the mailing if the notice was sent by USPS first class mail to the Respondent's current Mailing Address
 - (4) That the Respondent has the right to be heard by following the instructions contained in the notice and responding:
 - (i) Within ten calendar days from receiving the notice, if notice was given by personal service
 - (ii) Within 15 calendar days from the mailing of the notice of suspension, if the notice was mailed
- (c) Respondent's Right to Expedited Hearing.
 - (1) Except as set forth in §18-22(d) below, any Licensee subjected to a summary suspension is entitled to an expedited Hearing provided the Licensee or Respondent timely requests an expedited Hearing.
 - (2) Scheduling a Summary Suspension Hearing.
 - (i) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing (or a Hearing on the underlying violation), which must be held within ten calendar days from the receipt of the request.
 - (ii) A Summary Suspension Hearing must be held before an ALJ who will consider relevant evidence and testimony under oath according to the Hearing procedures established in this Chapter.
 - (3) Failure to Request a Hearing on the Suspension. If a Respondent does not

request an expedited Hearing within the timeframe given in §18-22(b)(4) above, then the Respondent is deemed to have waived the opportunity to be heard on an expedited basis. The Respondent will be scheduled for a Hearing on the underlying violation in accordance with the normal procedures set forth in this Chapter. The Summary Suspension will be continued until lifted by the ALJ in the Hearing on the underlying violation or until the Licensee furnishes proof of compliance satisfactory to the Chairperson.

(d) Respondent's Right to be Heard Through Written Documentation.

- (1) Violation of Drug-Testing Rules. A Taxicab or For-Hire Vehicle Driver who fails to be timely tested for drug use, in accordance with §4-14(d) or §5-15(e) of these Rules, and whose License is then summarily suspended, is not entitled to a Hearing, but can provide the Commission with a single submission of written documentation refuting the suspension of his or her License.
- (2) ALJ Review of Documentation. The documentation submitted by a Licensee refuting the Summary Suspension will be reviewed by an ALJ who will then issue a decision including findings of fact and conclusions of law. This decision can be appealed in accordance with the process established in §18-14 of this Chapter.
- (3) Failure to Submit Documentation. If the Driver does not timely submit written documentation refuting the Summary Suspension, the opportunity to be heard is waived and the Driver will be deemed to be guilty of the violation.
- (e) Continuation of a Suspension. The suspension of TLC-issued Licenses provided by this section must continue until any fines assessed are paid and until compliance with the underlying Commission rule or Administrative Code section has been shown to the satisfaction of the Chairperson or his or her designee.
- (f) Lifting of Suspension. At any time after being notified of a suspension, a Respondent can pay any applicable fines, comply with the underlying Commission rule or Administrative Code section, and furnish proof of such compliance to the satisfaction of the Chairperson or his or her designee. Upon such payment and submission of proof of compliance, the suspension of the TLC-issued License will be lifted.

§18-23 Special Procedures – Seizure of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles

- (a) Seizure.
 - (1) The Commission and/or a police officer is entitled to seize any vehicle where probable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-506(b) or (c) of the Administrative Code.
 - (2) A vehicle seized under subdivision (1) above will be removed to a designated secured facility.
- (b) Summons and Notice of Seizure.
 - (1) The officer or representative of the Commission seizing the vehicle will serve a summons for Unlicensed Activity upon the owner of the vehicle, by service upon the owner or any person who uses the vehicle with the permission of the owner, express or implied.
 - (2) The officer or representative of the Commission seizing the vehicle will also serve a Notice of Seizure upon the owner of the vehicle in the same manner permitted in paragraph (b)(1) above. The Notice of Seizure will include, but not be limited to, the following information:
 - (i) Identification of the seized vehicle
 - (ii) Information concerning these regulations, and
 - (iii) The designated secured facility to which the vehicle was or will be taken.
 - (3) An officer or representative of the Commission will also mail a Notice of Seizure to the owner of the vehicle. Any defect in delivery or mailing of a Notice of Seizure will not affect the validity of service of a summons upon the owner described in subdivision (b)(1) above.
- (c) Expedited Hearing. The summons will set a date and time for a Hearing, no later than:
 - (1) Seven calendar days (rolling forward to the next business day if the seventh day is not a business day) for seizure of a paratransit vehicle; or
 - (2) Fourteen days for seizure of a for-hire vehicle or Taxicab.

- (d) Release of Vehicle Prior to the Scheduled Hearing.
- (1) Eligibility for Early Release.
- (i) An owner of a vehicle is eligible to obtain the release of a seized vehicle prior to the scheduled hearing if the owner has not been found in violation two or more times of §19-506(b) or (c) of the Administrative Code within the previous thirty-six month period.
- (ii) An owner who has already been found guilty of engaging in Unlicensed Activity two or more times within the previous thirty six months is subject to having the vehicle forfeited, and is not eligible for early release.
- (2) Process. To obtain the release of a seized vehicle, an eligible owner must personally bring the notice of violation to the Commission Tribunal, on or before the scheduled hearing date, and either:
- (i) Plead guilty, whereupon:
- A. The Commission must verify that the owner meets the eligibility requirements;
- B. An ALJ will determine the amount of the civil penalty;
- C. The Commission will determine the amount of removal and storage fees;
- D. The owner must pay in full the civil penalty and removal and storage fees;
- E. Upon receiving payment, the Commission will issue an order to release the vehicle;
- F. The owner or his agent can present the order at the designated secured facility to obtain the vehicle.
- (ii) Post a Bond, whereupon:
- A. The Commission must verify that the owner meets the eligibility requirements.
- B. The owner must post a bond in the amount of the maximum civil penalty, plus removal and storage fees.
- C. Upon the bond being posted, the Commission will issue an order to release the vehicle.
- D. The owner or his agent can present the order at the designated secured facility to obtain the vehicle.
- (iii) If the owner does not obtain the vehicle by the date specified in the order of release, the owner will be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.
- (c) Decisions at the Expedited Hearing.
- (1) Dismissal. If the ALJ dismisses the summons, he or she will then issue an order for release of the seized vehicle without removal and storage fees.
- (2) Liability for Violation. If the ALJ finds that the owner is guilty, the ALJ will assess a civil penalty. The owner must pay the civil penalty as well as any remaining removal and storage fees in order to obtain an order for release of the seized vehicle.
- (3) Potential for Forfeiture. If the ALJ finds that the owner is guilty and that this was the owner's third or subsequent conviction of engaging in Unlicensed Activity within a thirty-six month period, the ALJ will:
- (i) Set a civil penalty, and
- (ii) Issue a notice to the owner and to the Chairperson that the vehicle is subject to forfeiture upon a judicial determination.
- (f) Inquest Review. If the owner of the seized vehicle fails to appear for the Hearing, an Inquest hearing will be held, and the following process will be followed:
- (1) An ALJ will make a determination in accordance with subdivision (e) above.
- (2) The Commission will notify the owner/Respondent of the Inquest determination by first class mail, and will include the provisions of §18-25 concerning Abandoned Vehicles.
- (3) The owner/Respondent can appear at the Commission offices within seven calendar [business] days of the notice to comply with the Inquest determination or to move to vacate the determination.
- (4) If the Inquest determination is vacated, the owner/Respondent will be entitled to a hearing De Novo on the original summons.
- (5) Such hearing will be scheduled within seven calendar days of the order vacating the Inquest determination, or, if the seventh day is a Saturday, Sunday or City government holiday, no later than on the business day next following the seventh day.
- (g) Appeals.
- (1) If the owner has been found guilty of Unlicensed Activity, he or she must pay the civil penalty together with removal and storage fees in order to appeal.
- (2) If the owner has been found liable for Unlicensed Activity three or more times within a 36-month period and therefore subject to having the vehicle forfeited, the owner must pay only the civil penalty in order to appeal.
- (3) If upon appeal the decision is reversed in whole or part, the relevant civil penalty and fees will be refunded to the owner.
- §18-24 Special Procedures – Forfeiture of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles**
- (a) Forfeiture. If an owner of a vehicle is found to be guilty of Unlicensed Activity three or more times within a thirty-six month period, the interest of the owner in the vehicle used to commit the most recent violation will be subject to forfeiture after notice and judicial determination.
- (b) Determination to Pursue Forfeiture.
- (1) The Chairperson will determine whether to pursue the remedy of forfeiture.
- (2) If the Chairperson determines not to pursue the remedy of forfeiture, the owner will be notified by first class mail.
- (3) The owner can get an order to release the vehicle by paying the civil penalty already assessed along with all removal and storage fees.
- (4) If the Chairperson determines to pursue a remedy of forfeiture, the owner will be served proper summons and other papers required under the provisions of the civil practice law and rules.
- (c) Public Sale Pursuant to Forfeiture.
- (1) A public sale of the forfeited vehicle can be held no sooner than 30 days after the owner is served notice of the forfeiture.
- (2) Prior to a public sale, at least five days notice of the sale:
- (i) Must be published in the City Record or in a newspaper of general circulation, and
- (ii) Must be mailed to any Secondary Owner shown in the records of the jurisdiction that issued the number license plates on the vehicle.
- (d) Rights of Secondary Owners.
- (1) Any person who can establish a right of ownership in the vehicle (other than the owner whose interest has been forfeited) can recover the vehicle, provided the person:
- (i) Redeems the ownership interest which was subject to forfeiture, by paying the city the value of that interest;
- (ii) Pays the reasonable expenses for the safekeeping of the vehicle between the time of seizure and redemption;
- (iii) Proves that he or she has not expressly or impliedly permitted the actions that led to the seizure and forfeiture.
- (2) A person wishing to assert an ownership claim in the vehicle must either:
- (i) File a claim and participate in the forfeiture proceedings or
- (ii) Submit a claim in writing within 30 days after the determination of forfeiture.
- (3) If the Secondary Owner submits the claim after the forfeiture hearing (but within 30 days of the forfeiture determination), the Commission will hold a separate administrative adjudication, and will:
- (i) Schedule a Hearing;
- (ii) Mail notice to the claimant at least ten business days in advance of the Hearing, and
- (iii) Determine whether the violations upon which the forfeiture was predicated were expressly or impliedly permitted by the claimant;
- (iv) If the ALJ finds that there was such permission by the claimant, the claim will be denied.
- §18-25 Special Procedures – Abandoned Taxicab, Paratransit, and For-Hire Vehicles**
- (a) Declaration of Abandonment. A vehicle will be declared Abandoned by the Commission, if an owner does not:
- (1) Remove the vehicle from storage within five days of obtaining an order of release; or
- (2) Pay the civil penalty and removal and storage fees within five days after the Hearing in which a determination of violation was made; or
- (3) Pay the civil penalty and removal and storage fees, within seven days after a notice that the Commission will not pursue the remedy of forfeiture was mailed to the owner; or
- (4) Within seven days after notice of an inquest determination of violation is mailed to the owner:
- (i) Pay the civil penalty and removal and storage fees, or
- (ii) Obtain an order vacating the Inquest determination of violation and setting a hearing De Novo.
- (b) Disposition of the Vehicle. In the event that a vehicle has been deemed Abandoned, the Commission will:
- (1) Mail notice to the owner and any Secondary Owners that the vehicle has been declared Abandoned and that, unless claimed within 10 days of the mailing date of the letter, the vehicle will become the property of the Commission and will be sold.
- (2) The owner or any Secondary Owner can claim the vehicle by paying the removal and storage fees due and, in the case of the owner, the civil penalty claimed that is now a lien on the vehicle.
- (3) If the vehicle is not claimed within the allotted time, the Commission can sell the vehicle by public auction or by bid.
- (c) Disposition of the Proceeds from the Sale of the Vehicle.
- (1) Proceeds from any sale, minus expenses incurred for removal, storage and sale of the vehicle and minus the civil penalty lien will be held without interest for the benefit of the former owner of the vehicle for one year.
- (2) If these funds are not claimed within the one year period, they will be paid into the Commission's general fund.
- §18-26 Special Procedures – Seizure of Commuter Vans**
- (a) Right to Seize Vehicle.
- (1) The Commission and/or any police officer is entitled to seize any vehicle where reasonable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-529.2 of the Administrative Code.
- (2) All passengers and the driver in a vehicle that has been seized will be left in or transported to a location that is readily accessible to other means of public transportation.
- (3) Any vehicle that has been seized will be taken to a designated secured facility.
- (b) Procedure after Seizure.

- (1) Notice of Seizure.
 - (i) Within one business day after the seizure, notice of the seizure and a copy of the notice of violation will be mailed to the owner of the vehicle.
 - (ii) The notices will be mailed to the address listed for the owner in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
- (2) Hearing.
 - (i) A Hearing to adjudicate Unlicensed Activity will be held before the Commission Tribunal within five business days after the date of the seizure.
 - (ii) The Hearing will be conducted according to the procedures set forth in this Chapter 18 of the Rules.
 - (iii) Where the procedures in this section are inconsistent with procedures in other sections of this Chapter, the procedures established in this section will govern seizure and forfeiture Hearings.
- (c) Release of Vehicle Prior to Hearing.
 - (1) An owner will be eligible to obtain release of the vehicle prior to a Hearing if the owner has not previously been found liable for Unlicensed Activity under §19-529(2) within a five-year period prior to the violation resulting in the seizure.
 - (2) To obtain release of the vehicle, an eligible owner must post a bond (in a form satisfactory to the Commission) in an amount equal to:
 - (i) The maximum civil penalty that could be imposed for the violation, plus
 - (ii) All reasonable costs for removal and storage of the vehicle.
- (d) Hearing Decision.
 - (1) Timely Decision. The Commission Tribunal will render a determination within one business day of the conclusion of the hearing, with a finding as to whether the vehicle has been engaged in Unlicensed Activity of a commuter van or a commuter van service.
 - (2) Guilty Finding. If the Administrative Tribunal of the Commission finds that the vehicle has been engaged in Unlicensed Activity:
 - (i) If the vehicle's owner has not engaged in Unlicensed Activity within the past five years, the vehicle is not subject to forfeiture and the Commission will release the vehicle to the owner upon payment of the applicable civil penalties and all reasonable removal and storage costs;
 - (ii) If the vehicle's owner has previously engaged in Unlicensed Activity within the past five years, the vehicle is subject to forfeiture and the Commission can either:
 - A. Release the vehicle to an owner upon payment of the applicable civil penalties and all reasonable removal and storage costs, or
 - B. Commence a forfeiture action within ten days after the owner's written demand for such vehicle (see §18-27).
 - (3) Not Guilty Finding. Where the Commission Tribunal finds that the charge of Unlicensed Activity has not been sustained, the vehicle will be released to the owner.
- (e) Declaration of Abandonment.
 - (1) If an owner has not tried to reclaim a seized vehicle within thirty days after the Commission mails the owner a notice that the Commission Tribunal has made its final determination regarding the violation underlying the seizure, the vehicle will be declared abandoned, regardless of whether the owner was found guilty or not guilty of the violation.
 - (2) An abandoned vehicle will be disposed of

- by the City according to §1224 of the NYS Vehicle and Traffic Law; provided, however, that, if an owner seeks to reclaim the abandoned vehicle under §1224, nothing in this §18-26(e) will apply to prevent the owner from making the claim and the Commission will take whichever action is authorized by subdivision (d) of this section.
- §18-27 Special Procedures – Forfeiture of Commuter Vans**
- (a) Forfeiture.
 - (1) If an owner of a vehicle is found to be in violation of §19-529.2 of the Administrative Code two or more times within a five-year period, all rights, title and interest in the vehicle is subject to forfeiture of the vehicle after notice and judicial determination.
 - (2) A vehicle which is the subject of such an action will remain in the custody of the City pending the final determination of the forfeiture action.
- (b) Commencing an Action for Forfeiture. A forfeiture action is commenced by the filing of a summons with notice or a summons and complaint according to the New York Civil Practice Law and Rules.
- (c) Who Must Be Served and How. Service of a summons with notice (or a summons and complaint) will be made:
 - (1) By personal service (according to the New York Civil Practice Law and Rules) upon all owners listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
 - (2) By first class mail upon all individuals who have notified the Commission Tribunal that they are an owner of the vehicle; and
 - (3) By first class mail upon all persons holding a Valid security interest, filed with the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered, at the address shown in the filing.
- (d) Asserting a Claim. Any owner or Secondary Owner who receives notice of the forfeiture action and who claims an interest in the vehicle must assert a claim for the recovery of the vehicle or their interest in the vehicle by intervening in the forfeiture action (in accordance with the New York Civil Practice Law and Rules).
- (e) Affirmative Defenses Required to Sustain a Claim. In order to sustain his or her claim in the vehicle, a claimant must plead and prove that he or she was not in any way a party to allowing the actions that constituted the violation, by showing that:
 - (1) The claimant had no knowledge of the actions; or
 - (2) If the claimant had knowledge of the actions, claimant took all reasonable steps to prevent the use of the vehicle for the unlawful conduct and did not knowingly obtain his or her interest in the vehicle in order to avoid forfeiture of the vehicle; or
 - (3) The vehicle was unlawfully in the possession of another person who committed the actions that constituted the violation.
- (f) Disposition of Vehicle. The City, after judicial determination of forfeiture, can either:
 - (1) Retain the vehicle for the official use of the City; or
 - (2) Sell the vehicle at public sale after at least a 20-day public notice, and pay the net proceeds into the general fund of the City.
- (g) Rights of Secondary Owners Unaware of Forfeiture Proceedings.
 - (1) Any Secondary Owner who did not receive notice of the forfeiture action and who did not otherwise receive actual notice of the action may assert a claim within six months after the forfeiture.
 - (2) The claim must be one that could have been asserted in the original forfeiture action, and must be adjudicated before the Justice of the Supreme Court who presided at the original forfeiture action.
 - (3) The court can grant the relief sought upon such terms and conditions as it deems reasonable and just if the claimant:
 - (i) Establishes that he or she was not sent notice of the commencement of the forfeiture

- action and was without actual knowledge of the forfeiture action, and
- (ii) Proves one of the affirmative defenses set forth in subdivision (e) of this section.
- (h) Total Claims May Not Exceed Value of Vehicle at Sale.
 - (1) In any forfeiture action, including a subsequent action initiated under subdivision (g) of this section, where the court awards a sum of money to one or more persons in satisfaction of claims in the forfeited vehicle, the total amount awarded to satisfy all interests must not exceed the amount of the net proceeds of the sale of the forfeited vehicle.
 - (2) The net proceeds is the amount remaining after deduction of the lawful expenses incurred by the City, including the reasonable costs of removal and storage of the vehicle between the time of seizure and the date of sale.
- §18-28 Special Procedures – Removal and Storage Fees for Seized Vehicles**
- (a) Removal Fee. The removal fee for all vehicles is one hundred eighty-five dollars (\$185).
- (b) Storage Fee.
 - (1) The storage fee for vehicles seized for unlicensed Taxicab, Paratransit, or For-Hire activity will be as set by the New York City Police Department or such other agency as may store the Vehicles.
 - (2) The storage fee for vehicles seized for unlicensed Commuter-Van activity is fifteen dollars (\$15) per day.

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility. Except as noted below, these rules are not intended to make any changes to TLC’s current policies, procedures or operations. During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 8, Adjudications	Chapter 18, Adjudications

The proposed rules make several substantive changes to the provisions of current rules governing Adjudications. Specifically, the proposed rules:

- Consistent with local law, add provisions reflecting that taxicabs can be seized and forfeited for unlicensed operation, just as other vehicles operating for hire may be.
- Update vehicle towing and storage fees to reflect current practice.
- Streamline the fitness hearing procedure to provide that all recommended decisions be issued to the Chairperson, which includes the Chairperson’s designee. The TLC intends to continue its current practice of referring to the Deputy Commissioner for Licensing, as the Chairperson’s designee, recommendations regarding applicants who have never held a TLC license.
- Clarify, consistent with practice, that an ALJ’s recommendations as to both findings of fact and penalties are recommended decisions in fitness hearings and in summary suspension proceedings.
- To fully incorporate the provisions of Local Law 16 of 2008, provisions regarding suspensions and persistent violator penalties will begin ten days after the mailing of the decision and fines will be due 30 days from the date of the guilty finding, as may be extended by the filing of appeals or motions to vacate, as may be applicable.
- To fully incorporate the provisions of Local Law 16 of 2008, provisions regarding a respondent’s time to vacate an Inquest have been modified to 2 years.

SPECIAL MATERIALS

CITY PLANNING

NOTICE

NEGATIVE DECLARATION

Project Identification CEQR No. 09DCP016M ULURP No. 100026ZMM SEQRA Classification: Type I	Lead Agency City Planning Commission 22 Reade Street New York, NY 10007 Contact: Robert Dobruskin (212) 720-3423
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Name, Description and Location of Proposal:

Sullivan Street Rezoning

The applicant, DJL Family Limited Partnership, is seeking an amendment to the zoning map to extend an existing C1-5 commercial overlay onto the east side of Sullivan Street between Spring and Broome streets, (Block 489 / Lots 9, 11, 12, 13, 14 and 15), in Community District 2, Manhattan, to facilitate a proposal to establish 7,000 GSF of retail space in the ground floor and cellar of a new building to be developed on 73-75 Sullivan Street (Block 489 / Lot 9). The area to be rezoned is currently zoned R7-2, except for the southern part of Lot 9, which is zoned M1-5B. The site is currently developed with a 5,000 sq. ft single story bakery.

Three of the remaining five lots in the area to be rezoned (Block 489 / Lots 11, 12, 13) contain residential buildings with ground floor commercial space and residences above; the other two lots (Block 489 / Lots 14, 15) contain New York City landmark-designated residential buildings with three dwelling units apiece. According to the applicant, these buildings will remain unchanged.

In addition, the proposed action includes an (E) designation for hazardous materials (E-241). The (E) designation for hazardous materials would be mapped on Block 489, Lot 9. The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on Manhattan Block 489, Lot 9, there is potential for soil and groundwater contamination. To determine whether contamination exists and, if so, to ensure that the appropriate remediation is performed, the following tasks must be undertaken by the fee owner of the lot prior to demolition of the existing building or soil disturbance.

Task 1

The fee owner of the lot restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sampling sites should be selected to adequately characterize the type and extent of any contamination and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, the agency will give written notice.

If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lot restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required remediation has indeed been completed satisfactorily, the agency will give written notice.

A DEP-approved construction-related health and safety plan (HASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. The HASP must be submitted to DEP for review and approval prior to implementation.

With the placement of the (E) designation for hazardous materials, no impacts related to hazardous materials are expected and no further assessment is warranted.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 16, 2009, prepared in connection with the ULURP Application (No. 100026ZMM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Olga Abinader at (212) 720-3493.

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NEGATIVE DECLARATION

Project Identification CEQR No. 09DCP012M ULURP No. 090100ZSM SEQRA Classification: Type I	Lead Agency City Planning Commission 22 Reade Street New York, NY 10007 Contact: Robert Dobruskin (212) 720-3423
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Name, Description and Location of Proposal:

57-63 Greene Street

The applicant, Greene Mercer Holdings LLC, is seeking a Special Permit pursuant to Zoning Resolution (ZR) 74-711 to modify bulk and use regulations within an M1-5A district to allow the conversion of former office and artist studio space to Joint Living Work Quarters for Artists (JLWQA) and conversion of ground floor warehouse use to Use Group 6 retail. The subject property (Block 486/Lot 28) is located within an M1-5A zoning district at 57-63 Greene Street near the intersection of Broome and Greene Streets, and is located in the SoHo Cast Iron Historic District in Manhattan, Community District 2.

The proposed action would legalize one existing JLWQA on the second floor, allow the conversion of the first floor and cellar to Use Group 6 retail (approximately 9,600 square feet) and allow the conversion of portions of floors two through six to JLWQAs. A mix of JLWQA, office space, and artists' studios currently exist on floors two through six. The cellar and ground floors currently contain three Use Group 17 uses, including warehouse and furniture distribution facilities.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 4, 2009, prepared in connection with the ULURP Application (No. 090100ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Olga Abinader at (212) 720-3493.

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POSITIVE DECLARATION

September 16, 2009

Project Identification CEQR No. 10DCP002K ULURP No. Pending SEQRA Classification: Unlisted	Lead Agency City Planning Commission 22 Reade Street New York, NY 10007 Contact: Robert Dobruskin (212) 720-3423
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Name, Description and Location of Proposal:

1752 Shore Parkway Rezoning

The applicant, Thor Shore Parkway Developers, LLC, is proposing the following discretionary actions in connection with the proposed redevelopment of a 363,737 square foot parcel located at 1752 Shore Parkway (Block 6491, Lots 207 and 292) along the western shore of Gravesend Bay (Lower New York Bay) in the Bensonhurst neighborhood of Brooklyn, Community District 11:

- A zoning map amendment to rezone 1752 Shore Parkway from M3-1 to M1-1. The existing M3-1 district is a medium density manufacturing district that allows industrial uses at a maximum FAR of 2.0 and includes performance standards. The

proposed M1-1 district is a manufacturing district that allows light industrial and certain commercial uses at a maximum FAR of 1.0.

- A special permit pursuant to ZR 74-922 to permit certain commercial establishments over 10,000 square feet in an M1 zoning district;
- A special permit pursuant to ZR 62-836 to permit bulk modifications on waterfront blocks;
- A special permit pursuant to ZR 74-744 to permit modification of signage requirements in General Large-Scale Developments;
- A Chairperson certification pursuant to ZR 62-811 for public access to the waterfront and visual corridor; and
- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (a), for modification of the provision of ZR 62-56 that requires that an upland connection be provided at least every 600 feet along a shore public walkway.

Additionally, the following discretionary approval may be sought:

- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (b), to modify certain requirements of ZR 62-60 (design requirements for waterfront public access areas).

The proposed project would also require the following permits: a Joint Permit Application from the New York State Department of Environmental Conservation (NYSDEC) and Army Corps of Engineers to permit an in-water work, stabilization of riprap, outfalls, upland building and esplanade coverage; a State Pollutant Discharge Elimination System (SPDES) Permit from NYSDEC, to permit the discharge of stormwater during and after construction; and a Beneficial Use Determination (BUD), including a Soil Management Plan (SMP) from NYSDEC to permit the on-site reuse of soil from the western half of the project site to the eastern half of the project site.

The proposed actions would facilitate a proposal by the applicant to redevelop the project site with a two-story commercial building containing 214,000 gross square feet of Use Group 6 and 10 retail uses; 97,000 square feet of publicly accessible waterfront open space, and an unattended 690-space above-grade accessory parking garage. The project site is currently occupied by a bus storage facility and is developed with a two-story building, a one-story storage building and an accessory parking lot. Absent the proposed actions, the applicant has stated that the site would remain a bus storage operation.

Construction of the proposed project is anticipated to be completed by 2013.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
4. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
5. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
6. The actions, as proposed, may result in significant adverse impacts to natural resources in the affected area.
7. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
8. The actions, as proposed, are located within the designated coastal zone and may result in significant adverse impacts related to the Waterfront Revitalization Program (WRP) within the affected area.
9. The actions, as proposed, may result in significant adverse impacts to traffic, and parking conditions in the vicinity of the affected area.
10. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
11. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
12. The actions, as proposed, may result in significant adverse construction-related impacts.
13. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement and Draft Scope of Work for an Environmental Impact Statement prepared for the action which finds that:

- The proposed actions would facilitate the development of an approximately 214,000 square foot commercial development with publicly accessible open space uses which could affect land use, zoning and public policy in the surrounding area, which is zoned M3-1 and R6.
- The proposed project would result in the development of approximately 214,000 square feet of commercial space on the project site. The development induced as a result of the proposed actions could potentially alter socioeconomic conditions in the area.
- The proposed actions would result in the construction of a new building which would be approximately 56 feet tall at its highest point. The proposed building has the potential to cast shadows on nearby parks and other sunlight sensitive resources.
- The proposed actions would result in a new commercial building whose use and form could differ from existing urban design elements in the affected area, and may affect the urban design character and visual resources of the area.
- The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, urban design, traffic, and noise.
- The project site is located on the waterfront. Although most of the site consists of the parking facility and associated structures, upland vegetation, tidal wetlands and New York State Department of Environmental Conservation (NYSDEC)-regulated tidal wetland adjacent areas are also located on the site. Construction activities may affect natural resources, including the excavation and grading activities, vegetation clearing and grubbing, and work along the waterfront. In addition, waterfront construction activities may affect water quality.
- The project site is within and adjacent to an M3-1 district, which allows heavy industrial uses. Historic uses on the project site are known to have included solid waste disposal, coal storage, an asphalt plant, auto dealership/rentals, and numerous underground and aboveground storage tanks. Based on these factors, new development on the project site has the potential to increase pathways of exposure to hazardous materials.
- The proposed actions would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP.
- The proposed actions would result approximately 214,000 square feet of commercial space of new development in the rezoning area which could result in additional vehicular trips and additional parking demand in the vicinity of the affected area.
- The proposed actions would result in new development in the rezoning area which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions. In addition, the proposed project would include waterfront access for the public in an area zoned for heavy manufacturing, potentially introducing sensitive receptors to industrial source emissions.
- The proposed actions would increase traffic volumes and the immediate vicinity, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors.
- The proposed actions would result in new development that would involve demolition and construction activities which may result in temporary construction-related impacts.
- The proposed actions would result in approximately 214,000 square feet of commercial space in an area currently zoned for manufacturing, creating the potential for human exposure to hazardous materials. This could potentially result in public health concerns.
- Based on the preliminary screening assessments outlined in the *CEQR Technical Manual*, the following environmental areas would not require detailed analysis for the proposed project in the Draft Environmental Impact Statement (DEIS): community facilities; open space; historic resources; and transit and pedestrians.
- The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, October 29, 2009 at 10:00 A.M. at City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

If you have any questions pertaining to this Positive Declaration, please contact the project manager, Olga Abinader, at (212) 720-3493.

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COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on 10/7/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
12	146	29

Acquired in the proceeding entitled: FIFTH AMENDED BROOKLYN CENTER URBAN RENEWAL PROJECT, PHASE 2 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s23-o7

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007, on 10/14/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1,2,3,4,5,6 & 7	3658	3,1,75,73,68,66, & 74
24,25	3663	1,11
8	3658	61
22,23	3662	3,1

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 4, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s29-o14

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August 2009

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HOMELESS SERVICES

NOTICE

Notice of Concept Paper

The Department of Homeless Services ("DHS") intends in the near future to issue a Request for Proposals seeking a qualified vendor to provide Targeted Rapid Re-housing Services for the City's homeless families. The primary goal of this program is to place homeless families from shelter into the community and deliver stabilization services to ensure

they remain in the community and are linked to community resources as needed. These objectives are to provide the following:

- Quick and intensive housing placement services for clients with barriers to permanency.
Stabilization services delivered to maintain clients in the community.

In advance of the issuance of the RFP, DHS is releasing a "concept paper" presenting the agency's proposed approach and requesting comments and feedback on this new program. The concept paper will be posted on the agency's website www.nyc.gov/dhs, beginning October 5, 2009 and public comment is invited until October 16, 2009. Please go to the DHS website for additional information.

s28-o2

SCHOOL CONSTRUCTION AUTHORITY

NOTICE

NOTICE OF FILING

Pursuant to §1731 of the New York City School Construction Authority Act, notice has been filed for the proposed site selection of Block 967, Lot 1 (portion), located in the Borough of the Manhattan, for the development of a new, approximately 612-seat primary/intermediate school facility in Community School District No. 2.

The proposed site is located on the east side of First Avenue between East 35th and East 36th Streets on the East Side of Manhattan. The project site is an approximately 23,581-square-foot (0.54-acre) portion of an approximately 68,014-square-foot (1.56-acre) parcel of land (Lot 1) that is currently vacant and privately owned. Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101
Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until November 16, 2009.

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CHANGES IN PERSONNEL

LAW DEPARTMENT FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Law Department.

DEPARTMENT OF CITY PLANNING FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of City Planning.

DEPARTMENT OF INVESTIGATION FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Investigation.

TEACHERS RETIREMENT SYSTEM FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Teachers Retirement System.

CIVILIAN COMPLAINT REVIEW BD FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Civilian Complaint Review Board.

POLICE DEPARTMENT FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

Large table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments including BARTHOLOMEW, BECKWITH, BOLGER, etc.

Table with columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists various employees and their details.

FIRE DEPARTMENT FOR PERIOD ENDING 09/04/09

Table with columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists fire department employees.

Table with columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists various employees.

LATE NOTICES

CITY UNIVERSITY

PURCHASING DEPARTMENT

SOLICITATIONS

Goods & Services

ELECTRONIC SIGNAGE - Competitive Sealed Bids - BID# N000002 - DUE 10-22-09 AT 11:00 A.M. - Note: There will be a mandatory conference and site visit scheduled for 10/13/09 at 11:00 A.M. in Shuster Hall, Rm. 325. No bids will be issued after the date and time.

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. Requests for bid pkg. must be faxed: (718) 960-6950, or emailed: Noreen.Crawford@lehman.cuny.edu Information provided in bid documents.

CORRECTION

SOLICITATIONS

Services (Other Than Human Services)

BID EXTENSION: MONEY TRANSFER AGENTS - Request for Information - PIN# 072201008COP - DUE 10-05-09 AT 11:00 A.M. - BID EXTENSION: Request for Expressions of Interest: BOOKING KIOSK:

The NYC Department of Correction (DOC) is seeking expression of interest for one or more "money transfer agents" who could do the following at three DOC locations (Rikers Island, Manhattan Detention Center and the Vernon C. Bain Center in the Bronx): Supply DOC with 6-8 booking kiosks that will record all inmates's cash and coin at the time of admission. The Kiosks must also provide a text messaging module capability for up to three (3) text messages from the Kiosk. The text messaging kiosk must have the capability to turn text into voice message and should be available in English and Spanish. A fee will be charged to the inmates for the messaging services. The Kiosks should have a bail function and be able to allow inmates to use cash, debit and credit cards for the purpose of posting bail. Additionally, the Kiosks must provide and release a 3D facial recognition program within the database. The database will function as the enrollment and release face biometric gallery; which stores the inmates' facial photo image, analyzed and convert into a biometric template which is compromised of

normalized 3D facial vectors, illumination and 2D biometric facial information. All of these features excluding text and all equipment will be provided at no charge to the Department of Correction.

CHECK CASHING KIOSK: The DOC is also seeking a RFEI for 3-6 check cashing kiosks to cash released inmate's checks. Kiosks must provide a money load feature and bail feature allowing the public to use cash, debit and credit cards. All programs must also be via the internet. All equipment and programs will be provided at no charge to the Department of Correction. However, a fee will be charged to the released inmate.

Please send your responses to: NYC - Department of Correction, Central Office of Procurement, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370. Attn: Sharon Hall-Frey or by email to: sharon.hall-frey@doc.nyc.gov. All information should be received no later than 11:00 A.M., October 5, 2009.

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 Correction, The Bulova Corporate Center 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370. Sharon Hall-Frey (718) 546-0688 sharon.hall-frey@doc.nyc.gov

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 Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except 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 Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

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 \$7 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. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us 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, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency 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 list 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 the 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 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

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, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

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 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

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 the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

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 now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. 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 Website, <http://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:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE Date Intent to Negotiate Notice was published in CR
- OLB Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/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)
Special Case Solicitations / Summary of Circumstances:
- CP **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 **CB or CP 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
For ongoing construction project only:
- 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

For Legal services only:

- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- 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
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- 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.

☛ m27-30

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-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	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 City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.