

NOTICE OF ADOPTION OF FINAL RULE

The Procurement Policy Board has adopted amendments to **Chapter 2 of Title 9 of the Rules of the City of New York** relating to the **Procurement Process** pursuant to Section 311 of the New York City Charter. The amendments were published in *The City Record* on August 2, 2013, and the required public hearing was held on September 10, 2013. The amendments were adopted by the Procurement Policy Board on October 24, 2013. These rules will take effect 30 days after publication.

Statement of Basis and Purpose

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

PPB Rule, 9 RCNY § 2-09 sets forth the requirements for the Recommendation for Award prepared by the agency’s contracting officer. In light of recent amendments to PPB Rules, 9 RCNY §§ 3-02 and 3-03, which give agencies the option to award goods and standard services based on best value to the City instead of lowest bidder, this amendment to § 2-09 adds the requirement that the Recommendation for Award set forth the criteria used in determining best value if an award is made to a bidder whose bid represents the best value to the City.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined and deletions are [bracketed].

Section 1. Paragraphs (4) through (20) of subdivision (b) of section 2-09 of Chapter 2 of Title 9 of the Rules of the City of New York are renumbered paragraphs (5) through (21), and a new paragraph (4) is added, to read as follows:

(4) if award is made to the bidder whose bid represents the best value to the City pursuant to § 3-02(o) of this title, a summary of the criteria used in determining best value;