

## **Notice of Adoption of Rules**

Pursuant to the authority vested in the Procurement Policy Board (PPB) by Sections 311 and 314 of the New York City Charter and in accordance with the requirements of Section 1043 of said Charter, the PPB has adopted amendments to Title 9 of the Rules of the City of New York.

## **Statement of Basis and Purpose**

These Procurement Policy Board (PPB) amendments update the provisions of the PPB Rules that refer to HHS Accelerator. The purpose of these amendments to the PPB Rules is to fully decommission and eliminate references to HHS Accelerator, a digital procurement system which has been replaced by the PASSPort system. These amendments also add time frames for human services procurements pursuant to Local Law 169 of 2023.

On April 9, 2012, the Mayor issued Executive Order No. 160, establishing HHS Accelerator within the Office of the Mayor. As provided in the Executive Order, the purpose of HHS Accelerator was to simplify and speed up the contract process for human services providers by establishing a centralized, digital system for human services solicitations, prequalification, document storage, and financial management. Following Executive Order 160, HHS Accelerator was launched in 2013. Pursuant to such executive order, the role of the HHS Accelerator Director was also established to implement HHS Accelerator. The HHS Accelerator Director was empowered to prequalify client and community services vendors, in consultation with the appropriate agencies, based on evaluation criteria established by the HHS Accelerator Director, and to establish prequalified lists for procurements by client and community services agencies pursuant to Chapter 13 of the New York City Charter and the PPB Rules.

On June 16, 2017, the Mayor issued Executive Order No. 27 transferring HHS Accelerator from the Office of the Mayor to the Mayor's Office of Contract Services (MOCS). Pursuant to this order, the MOCS Director became the head of HHS Accelerator and took on the HHS Accelerator Director's responsibilities.

As a result of resource challenges affecting the long-term sustainability of HHS Accelerator's functionalities, and as part of an effort to consolidate contract management into one digital system, the decade-old HHS Accelerator system was decommissioned on July 31, 2024. All HHS Accelerator procurement processes are now handled in PASSPort.

On January 30, 2024, New York City Administrative Code § 6-148 was amended by Local Law 169 of 2023 to require the Mayor's Office of Contract Services to complete a study and issue a report with recommended time frames for each step of the procurement process for a human services contract and to require the PPB to promulgate rules setting forth time frames in accordance with the findings of the report.

The rule amendments:

(1) reflect the decommissioning of HHS Accelerator;

(2) remove duplicative text and outdated processes; and  
(3) implement the time frames set forth in the report required pursuant to Local Law 169 of 2023 in order to support the timely registration of human services contracts, make the process more predictable for human services providers, and provide more transparency during the contracting process.

Section 1 of these rules amends PPB Rule § 1-01 to remove the definitions for HHS Accelerator and the HHS Accelerator Director and add new definitions for HHS and HHS PQL.

Sections 2, 3, 4, 5, 6, and 10 of these rules amend PPB Rule § 2-04, § 2-08, § 2-09, § 3-01, and § 4-12 to remove references to HHS Accelerator and the HHS Accelerator Director and replace them with references to the HHS PQL and the MOCS Director, who is the City Chief Procurement Office (CCPO), respectively.

Section 7 of these rules amends PPB Rule § 3-03 to remove the requirement that a competitive sealed proposal be opened in the presence of two or more City employees because proposals are now most often submitted and opened electronically.

Section 8 of these rules amends PPB Rule § 3-10 to remove the exception for contracts covered by the existing § 3-16 (which is being replaced), to clarify that a procurement for client services is not a “special case,” and to clarify that the HHS PQL process is overseen by CCPO and MOCS.

Section 9 of these rules repeals and replaces PPB Rule § 3-16. The new section establishes policy and procedures for human services contracts to reflect the decommissioning of HHS Accelerator and the transition to the new HHS PQL in PASSPort. Except as specified in the new § 3-16, prequalification of human services vendors will be conducted pursuant to § 3-10.

Pursuant to Local Law 169 of 2023, and in accordance with Section 311(b)(6) of the New York City Charter, Section 9 also adds time frames for key steps during the procurement process for human services contracts. This new provision establishes parameters for completion of these steps, which can be used to improve transparency and increase accountability for any delays through appropriate oversight mechanisms. Such remedies are appropriate in light of the goals of Local Law 169, as other remedies, such as imposing penalties on agencies, invalidating a procurement that exceeds such time frames, or establishing a private right of action, would be counter to the goal of reducing prolonged delays in human services procurements.

On August 20, 2025, the PPB voted to initiate the rulemaking process under the Citywide Administrative Procedure Act for this proposed rule amendment. A proposed version of this amendment was published in the *City Record* on October 15, 2025. A public hearing was held on November 17, 2025.

The PPB received two comments via email. Upon careful consideration of the comments and in consideration of the PPB's discussions during the August public meeting, the PPB made the following changes to the rule:

- Commenters pointed out that the proposed rule amendments would require use of the HHS PQL for all human services procurements and expressed concern that these changes would limit participation in human services procurements. Changes have been made to this rule to clarify that the exceptions that existed under HHS Accelerator will continue to apply in the context of the HHS PQL and that the transition to the HHS PQL is not intended to impose additional prequalification requirements.
- Commenters also raised additional perspectives on the application of the prequalification procedures of PPB Rule § 3-10, which would now apply to prequalification of human services vendors. Changes have been made to the rule to clarify how the procedures of PPB Rule § 3-10 will apply in the context of human services procurements.

The PPB adopted the amendment on [DATE].

The PPB's authority to promulgate these rules is found in Sections 311 and 1043 of the New York City Charter.

The new material added in the text of the rule is underlined and the deleted material is in [brackets]. Asterisks (\*\*\*) indicate unamended text. "Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this agency, unless otherwise specified or unless the context clearly indicates otherwise.

**§ 1. SUBDIVISION (e) OF SECTION 1-01 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED BY REPEALING THE DEFINITIONS OF "HHS ACCELERATOR" AND "HHS ACCELERATOR DIRECTOR" AND ADDING NEW DEFINITIONS OF "HHS" AND "HHS PQL," IN ALPHABETICAL ORDER, TO READ AS FOLLOWS:**

[HHS (Health and Human Services) Accelerator. HHS Accelerator is an office that facilitates the central management of the procurement process for client services and contractual relationships with client services vendors by creating and maintaining a web-based document vault for client services vendors; by creating and maintaining a centralized, electronic and web-accessible categorization system of services provided for all City agencies; by prequalifying client services providers; and by managing procurements for client services.

HHS Accelerator Director. A position designated by the Mayor to head HHS Accelerator with regard to procurements conducted through HHS Accelerator.]

HHS. An acronym that stands for Health and Human Services, also referred to as client services.

HHS PQL. A prequalified list (see PQL) of client services vendors.

**§ 2. PARAGRAPHS (2) AND (6) OF SUBDIVISION (c) OF SECTION 2-04 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK ARE AMENDED TO READ AS FOLLOWS:**

*(c) Planning.*

(2) The form of the draft and final Plans shall be prescribed by the CCPO[, in consultation with the HHS Accelerator Director]. The draft and final Plans shall include, but not be limited to: the type of services to be provided, the authorized maximum amount of funding associated with the program, the authorized number of contracts to be let for a particular program, and the month and year of the next planned competitive solicitation.

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(6) The agency shall submit to the CCPO [and the HHS Accelerator Director] by August 31 a copy of the Plan approved by the ACCO.

**§ 3. THE OPENING PARAGRAPH OF SUBDIVISION (d) OF SECTION 2-04 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

*(d) Determination and Approvals.* Prior to issuing a solicitation for a multi-term contract, the ACCO, with the approval of the [HHS Accelerator Director] CCPO for those procurements procured pursuant to Section 3-16 of these Rules, shall make a determination that:

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**§ 4. SUBPARAGRAPH (i) OF PARAGRAPH (2) OF SUBDIVISION (e) OF SECTION 2-08 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

(i) by applicants, at the time of an application for inclusion on a prequalified list, provided that this requirement shall not apply to applications [under HHS Accelerator] pursuant to Section 3-16 of these Rules;

**§ 5. PARAGRAPH (7) OF SUBDIVISION (b) OF SECTION 2-09 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

*(b) Content.* The Recommendation for Award shall contain, but not be limited to, the following information:

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(7) date of City Record publication and date and publication name of any other advertised notice. If a prequalified vendor list other than [HHS Accelerator] the HHS PQL is used, date(s) of advertisement(s) for prequalified list; if the procurement is from a sole source, the date of the notice of intent to enter sole source negotiations;

**§ 6. SUBDIVISION (c) OF SECTION 3-01 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

(c) *Preference for Competitive Sealed Proposals in Certain Contracts.* Procurement by competitive sealed proposals[, including, where applicable, through HHS Accelerator,] is the preferred method for awarding contracts for non-commodity data processing equipment and for information technology, non-commodity data processing, architectural, engineering, client, legal, accounting, financial, training, educational, cultural, medical, managed care, employee health benefits, scientific, management, research, performing arts, and systems consultation services, and/or other similar services. A “Special Case” determination is not required for such procurements.

**§ 7. PARAGRAPH 9 OF SUBDIVISION (f) OF SECTION 3-03 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

(9) *Receipt and Registration of Proposals.* The identify of an offeror shall not be disclosed prior to the established date and time for receipt of proposals. Proposals shall not be opened publicly [but shall be opened in the presence of two or more City employees]. Proposals and modifications shall be time and date-stamped upon receipt and held in a secure place until the established due date and time. The agency shall disclose the identity of all proposers for goods and standard services on the due date and time of the proposals. After the date and time established for the receipt of proposals, a Register of Proposals shall be prepared and shall be open to public inspection after award of a contract. It shall include for all proposals the name of each offeror and the number of modifications received, if any.

**§ 8. SUBDIVISION (a) OF SECTION 3-10 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

(a) *Policy.* Prequalification allows an agency to evaluate the qualifications of vendors for provision of particular categories of goods, services, construction, or construction-related services (including subcategories based on expertise, size, dollar size of project, or other factors as determined by the ACCO) before issuing a solicitation for a specific contract. Except for procurements for construction or procurements designated for a mentoring program or procurements for client services, a procurement using a PQL shall be considered a “special case” under these Rules. [This Section does not apply to the prequalification of vendors pursuant to Section 3-16 of these Rules.] For purposes of the prequalification process for client services vendors under this Section pursuant to Section 3-16 of these Rules, where this Section uses the terms “ACCO” or “Agency Head,” such terms shall mean the CCPO, and the term “agency” shall mean the mayor’s office of contract services.

**§ 9. SECTION 3-16 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS REPEALED AND REPLACED WITH A NEW SECTION 3-16 TO READ AS FOLLOWS:**

**§ 3-16 HHS Procurements**

(a) Policy.

(1) Client services contracts must be procured pursuant to this section of the Rules, unless the CCPO authorizes the use of a different procurement method. The authorization of the CCPO is not required for procurements pursuant to 9 RCNY §

1-02(d); 9 RCNY § 1-02(e); 9 RCNY § 3-04(b)(2)(iii); 9 RCNY § 3-05; 9 RCNY § 3-06; 9 RCNY § 3-08; 9 RCNY § 3-09; and 9 RCNY § 3-13.

(2) The CCPO will prequalify vendors for the HHS PQL by evaluating their qualifications to provide client services. When procuring client services pursuant to this section, an agency must issue a solicitation for a specific contract to vendors on the HHS PQL in accordance with the provisions of this section. An ACCO may permit joint ventures of two or more prequalified vendors.

(b) *HHS Prequalification.* The prequalification of vendors for client services shall be conducted pursuant to the rules and procedures set forth in section 3-10, except as modified by this section. The CCPO will review the HHS PQL at least once every three years to ensure that firms that no longer meet prequalification criteria are not retained on the HHS PQL.

(c) *Prequalification Questionnaire.* A vendor must complete and submit a prequalification questionnaire developed by the CCPO. After prequalification, a vendor may update information contained in PASSPort as needed. At least once every three years, and when submitting any bid or proposal in response to a solicitation from the HHS PQL, vendors must affirm that there has been no change in the information included in the prequalification questionnaire, or if there have been changes, provide the updated information.

(d) *Solicitation from HHS PQL.* Except as otherwise provided by this section, an agency may only solicit bids or proposals for client services from vendors on the HHS PQL. An ACCO may determine the method of procurement and shall ensure compliance with applicable rules.

(e) *HHS Procurement Timeframes.* The following time schedules shall apply to HHS procurements pursuant to section 3-03 of these Rules, provided that, where, in an agency's sole discretion, compliance with any such time schedule would be impracticable or infeasible, such agency shall complete the relevant step of such procurement as soon as practicable or feasible:

(1) *Pre-Solicitation.* Publication of the notice of solicitation: 180 days after the initiation of the pre-solicitation report.

(2) *Solicitation.* Deadline for submission of proposals: 60 days after the publication of the notice of solicitation.

(3) *Evaluation.* Selection of vendors to receive contracts awards: 120 days after the deadline for submission of proposals.

(4) *Award and Contract.* Submission of contracts to the Comptroller's Office for registration: 120 days after the selection of vendors to receive contract awards.

**§ 10. PARAGRAPH (ii) OF SUBDIVISION (a) OF SECTION 4-12 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:**

(ii) [In the circumstance wherein] When an expiring contract for client services is to be replaced by a new contract awarded from an RFP pursuant to Section 3-03 or [via HHS Accelerator] from the HHS PQL pursuant to Section 3-16 of these Rules, renewed pursuant to Section 4-04 or extended pursuant to Sections 3-04(b)(2)(iii) or 4-02(b)(1)(iii) of these Rules, the agency should notify the selected vendor of its selection by no later than ninety (90) days prior to the expiration date of the contract that is to be replaced, renewed or extended. Earlier notification is preferable, particularly where the agency anticipates that the vendor [will be required to] must file a new [VENDEX] PASSPort questionnaire pursuant to Section 2-08(e)(2) of these Rules. In addition, where an agency proposes to continue services by means of a new RFP award, the Notice of Solicitation for such RFP should be published by the agency pursuant to Section 3-03(d) of these Rules, or by the [HHS Accelerator Director] CCPO pursuant to [Section 3-16(b)(1)] Section 3-10(e) of these Rules, by no later than two hundred fifty (250) days prior to the expiration of the contracts to be replaced.