

Procurement Policy Board

Notice of Public Opportunity to Comment on Proposed Rules

What are we proposing? The Procurement Policy Board (PPB) is proposing changes to the PPB Rules to update provisions relating to public hearings, notice and comment.

When and where is the hearing? No public hearing will be held, as the PPB has determined, pursuant to Section 1043(e)(iii) of the New York City Charter, that a public hearing on the proposed rule would serve no public purpose.

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

Website. You can submit comments to the PPB through the NYC Rules website at <http://rules.cityofnewyork.us>.

Email. You can email comments to ppb@mocs.nyc.gov.

Mail. You can mail comments to:

Attn: Procurement Policy Board
Mayor's Office of Contract Services
255 Greenwich St, 9th Floor
New York, NY 10007

Is there a deadline to submit comments? The deadline to submit written comments will be June 21, 2025.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Within a reasonable time after the deadline, copies of all written comments concerning the proposed rules will be available to the public on MOCS' website at <https://www.nyc.gov/site/mocs/regulations/ppb.page> and at MOCS' office located at 255 Greenwich St, 9th Floor, New York, NY 10007.

What authorizes the PPB to make these rules? Sections 311, 326, and 1043 of the New York City Charter authorize the PPB to make the proposed rules. This proposed rule was not included in the PPB's regulatory agenda for this Fiscal Year because it was not contemplated when the PPB published its agenda.

Where can I find the PPB's rules? The PPB's rules are in Title 9 of the Rules of the City of New York.

What laws govern the rulemaking process? The PPB must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

These Procurement Policy Board (PPB) Rule amendments would update provisions of the PPB Rules relating to public hearings and public notice and comment.

Effective May 21, 2025, New York City Charter § 326 will be amended by New York State law (Chapter 483 of the Laws of 2024) to replace the requirement for public hearings with a requirement for public notice and comment for any contract for goods, services or construction in excess of \$100,000 to be awarded by other than competitive sealed bidding or competitive sealed bids from prequalified vendors.

This proposed rule would amend sections of the PPB Rules for clarity and consistency with the changes to Charter § 326 and PPB Rule § 2-11. A previous proposed rule of the PPB, published in the City Record on April 1, 2025, amends PPB Rule § 2-11 in identical fashion.

Section 1 would amend PPB Rule § 3-07 to replace all references to “public hearing” with “public notice and comment.”

Section 2 would amend PPB Rule § 3-08 to replace all references to “public hearing” with “public notice and comment.”

Sections 3, 4, and 5 would amend PPB Rule § 4-04 to replace references to “public hearing” with “public notice and comment” and update the section for clarity and consistency with the changes to Charter § 326.

Section 6 would amend PPB Rule § 4-12 to replace all references to “public hearing” with “public notice and comment.”

The PPB’s authority to promulgate these rules is found in sections 311, 326, 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]. “Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph (2) of subdivision (e) of section 3-07 of Title 9 of the Rules of the City of New York is amended to read as follows:

(2) an accelerated procurement is exempt from the [hearing] notice and comment requirements of these Rules, and

Section 2. Subparagraph (i) of paragraph (1) of subdivision (c) of section 3-08 of Title 9 of the Rules of the City of New York is amended to read as follows:

(i) Public notice of solicitation and award, written decision to procure technical, consultant, or personal services, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX questionnaires (unless the total aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$250,000) and public [hearing] notice and comment (unless the award is valued over \$100,000) shall not be required for small purchases awarded, pursuant to this section.

Notwithstanding any provision of this subparagraph, notice of award shall be made in accordance with paragraph (d)(2) for procurements made pursuant to subparagraph (c)(1)(iv) below.

Section 3. Paragraph (14) of subdivision (c) of section 4-04 of Title 9 of the Rules of the City of New York is amended to read as follows:

(14) if a public hearing or public notice and comment was held, the date of the public hearing or period of public notice and comment, the number of witnesses testifying or comments received, and an explanation of the effect, if any, of the testimony offered at the public hearing or comments on the decision to renew and/or on the terms and conditions of the contract; if a public hearing or public notice and comment was not held, an explanation of why a public hearing or public notice and comment was not held, including a statement that the renewal contract is on substantially the same terms and conditions as the original contract;

Section 4. Subparagraph (i) of paragraph (1) of subdivision (d) of section 4-04 of Title 9 of the Rules of the City of New York is amended to read as follows:

(i) In the case of contracts in value greater than \$100,000, such notice shall be provided whenever [a] public [hearing] notice and comment is required.

Section 5. Subdivision (e) of section 4-04 of Title 9 of the Rules of the City of New York is amended to read as follows:

(e) Public [Hearing] Notice and Comment Requirements. Renewal contracts shall be subject to public [hearings] notice and comment for the purpose of eliciting information concerning the vendor's performance and other factors relevant to the renewal, unless:

(1) the renewal option to be exercised is in a contract where the original contract or any prior renewal option was subject to a public hearing or public notice and comment, and the original contract term and all possible renewal options contained within the contract, were subject to such public hearing or public notice and comment, or

(2) in exigent circumstances, in the case of contracts in value less than \$10,000,000, the ACCO has made a determination justifying an exemption and that justification has been approved by the CCPO.

Section 6. Paragraph (i) of subdivision (b) of section 4-12 of Title 9 of the Rules of the City of New York is amended to read as follows:

(i) The provisions of this subdivision shall apply to client service contracts and extensions: contracts awarded by negotiated acquisition where there is a compelling need to extend the contract one or more times beyond the cumulative twelve-month limit, pursuant to 9 RCNY § 3-04(b)(2)(iii); contracts for which no public [hearing] notice and comment is required pursuant to these Rules because they do not differ materially in terms and conditions from contracts currently held by the City where the parties to such contracts are the same, pursuant to 9 RCNY § 2-11(b)(3); extensions of contract terms for a cumulative period not to exceed one year, pursuant to 9 RCNY §4-02(b)(1)(iii); and renewal contracts, pursuant to 9 RCNY § 4-04.

Notwithstanding the above, contracts awarded pursuant to 9 RCNY § 1-02(e) shall not be subject to the provisions of this subdivision.

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Further Amendment of Rules Relating to Public Hearings, Notice and Comment

REFERENCE NUMBER: PPB-11

RULEMAKING AGENCY: Procurement Policy Board

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro

Mayor's Office of Operations

May 19, 2025

Date

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Further Amendment of Rules Relating to Public Hearings, Notice and Comment

REFERENCE NUMBER: 2025 RG 042

RULEMAKING AGENCY: Procurement Policy Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: May 19, 2025