

**Testimony of Anne Meredith,
Before the New York City Report and Advisory Board Review Commission
September 28, 2022**

Good afternoon, Chairperson and members of the Report and Advisory Board Review Commission. My name is Anne Meredith, and I am the General Counsel of the Mayor's Office of Contract Services (MOCS). Thank you for the opportunity to submit testimony before the Commission on MOCS' reporting requirements.

As the agency charged with overseeing the City's procurement process, MOCS often acts as a reporting hub for various components of procurement activity. Transparency is among our agency's core values, and a significant part of our mission continues to be pushing the bounds of transparency further so that more information is in the public domain to reinforce accountability, responsibility, and process improvements in City procurement. For example, MOCS launched PASSPort Public in June of this year, which is a data transparency portal that provides unprecedented insight into the City's main procurement system, lowering barriers to entry and driving accountability in City contracting. Fulfilling this mandate also requires us to continuously evaluate existing reports to ensure they are providing quality information on government operations, balanced against adding excess burden to contracting agencies.

We have submitted the reports described in this testimony for RABRC review because, in these cases, we feel that the balance has tipped away from providing actionable, widely consumed public data and information. We request that the Commission support our request to waive these reporting requirements and today I will provide you with a brief description of the reports submitted for your review.

Small Purchase Report

Section 314(b) of the New York City Charter requires the mayor's designee to submit a report to City Council and the Comptroller at the end of each quarter detailing each small purchase award made during the prior quarter. MOCS is the agency responsible for providing this report.

Generating and reviewing this report requires MOCS outreach to and responses from all mayoral agencies and requires an average of approximately 40 hours of work from various MOCS employees during a period of about seven weeks every quarter, while also creating additional demands on the time and resources of all City agencies contacted. This creates an undue cost in terms of mayoral agency staff time and resources. At the same time, the data that is sent in the final report is duplicative of data that is already publicly available via the Comptroller's Checkbook NYC website and on PASSPort Public. Waiving this report would result in major time savings for MOCS and other agencies and allow for the re-focusing of agency resources on priorities that better serve the New York City public rather than providing duplicative information available online to any interested party.

New York State Food Purchasing

Admin Code §6-130 (Local Law 50 of 2011) requires MOCS to produce a report to the Mayor and City Council by October 1st summarizing information collected from City vendors regarding their purchase of food products in the last fiscal year and whether or not those food products

were grown or produced in or out of New York State, with a wide range of additional details required under the law.

This report is generated via a 3-month process starting in July, which typically takes approximately 50 staff hours and involves numerous MOCS employees. MOCS first reaches out to all mayoral agencies that have been identified as possibly having a food related contract in the prior fiscal year. Agencies are asked to confirm that the identified contracts are in fact food related and qualify for the requirements of Local 50. From there, MOCS sends out a survey to all identified food vendors, which asks for more than 1,000 data points. Due to time constraints, we must give vendors a deadline of less than a month to provide information on contracts that they may have concluded nearly a year ago. Most of these survey recipients are nonprofit providers – a vendor community that is already overburdened with document requests from the City. We have received complaints in the past from both mayoral agencies and vendors about the amount of time and resources it takes them to provide this information, during a period when agencies and vendors are already dedicating significant resources to other reporting requirements.

Given both this significant administrative burden and the voluntary nature of these surveys, the historic response rate by vendors has been less than 1%. MOCS has done its best to refine the report in a number of ways since it was implemented in 2011 but the inherent scale of the information required by law makes it a nearly unachievable task. The report relies on vendors to provide details that they often do not track in the first place, such as the seasonal growing period of specific types of produce in New York state, among other fields. Given the significant cost in time and resources to both City agencies and vendors, the historically near-zero participation rates, and the resulting minimal data provided, MOCS strongly recommends the discontinuation of this report in favor of exploring data alternatives that are better suited to working with our contracting partners and existing agency resources.

Worker Cooperatives Report

A worker cooperative is a business where workers are represented on the Board of Directors and the workers control the majority of the voting stock. Administrative Code §6-139(b) (Local Law 22 of 2015) requires MOCS to report on an annual basis information on the number and value of contracts that have been awarded to vendors that self-identify as worker cooperatives.

Such contracts represent an insignificant number, never exceeding the value of 1% of all City contracts, and the report does not require any discussion or other materials. Much of the information is duplicative of that found in the Worker Cooperative Business Development Report and the Working Together report, which contain more relevant discussion of worker cooperative contracting and support. These reports are issued by the Department of Small Business Services (SBS) in consultation with MOCS and are done either annually or every three years pursuant to the same Admin Code provision. Furthermore, the main purpose of the report and SBS' worker cooperative support program is to generally encourage the creation of such worker cooperatives and the data provided in the MOCS report does not further that aim. Finally, there has been no interest expressed or inquiries made to MOCS about this report from the public or elected officials since its inception.

Public Online Database

Admin Code §6-131 (Local Law 5 of 2012) requires MOCS to establish a public online searchable database that includes summaries of material terms of City contracts, including but not limited to contractor names, dollar amounts of contracts, max contract values, description of scope of services, and start and end dates.

To comply with this law, MOCS implemented a Transparency database in 2015, which is no longer functional. At this juncture, most of the information required by the law to be in the database can be found through Checkbook NYC and PASSPort Public. MOCS continues to explore ways to add relevant information to the public portal of PASSPort. This database requirement is no longer relevant or useful since the information is duplicative and maintaining a separate database is unduly expensive, time and resource consuming, and potentially results in conflicting information from the other public databases.

Preferred Source

Administrative Code §6-136 (Local Law 125 of 2013) requires MOCS to submit no later than October 1st of each year to the Speaker and publish on its website a report detailing the City's procurement of preferred source products during the prior fiscal year. City use of preferred source vendors, such as Corcraft and New York State Industries for the Disabled, is mandated by state law under NYS Finance Law Section 162. Such report includes the total dollar value of each product procured from preferred source vendors, total dollar value of each product procured from vendors not identified as preferred source vendors, and the total dollar value of all products procured.

These data points account for less than 1% of the City's total procurement volume and the data collected is minimal or nonexistent, rendering this report not relevant or useful. The City Council has not taken any action regarding preferred source purchasing since enactment of the local law imposing this reporting requirement. Additionally, the information can be generally gathered from the other appendices included in the MOCS Indicators Report. Finally, MOCS has not received any significant public or elected official inquiries about this report. The goal was to increase spending for preferred source vendors, which can be done more effectively in other ways such as agency trainings and guidance materials rather than through a yearly report.

In closing, thank you for inviting me to testify and for considering ways to streamline and bring further efficiency to City government without compromising transparency. We have thoroughly reviewed the reports offered here and have generally found that they either outlived their usefulness or no longer adequately convey the full context of relevant information sought. We are happy to continue this dialogue with the Commission and appreciate the opportunity to address this topic today.