

STATE OF NEW YORK

8864--A

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. RAJKUMAR, SEAWRIGHT, TAYLOR, TAPIA -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to public notice and comment for certain contracts; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 326 of the New York city charter, as amended by
2 local law number 19 of the city of New York for the year 2004, is
3 amended to read as follows:

4 § 326. Public [~~hearings~~] notice and comment on contract awards. a.
5 Prior to entering into any contract for goods, services or construction
6 to be awarded by other than competitive sealed bidding or competitive
7 sealed bids from prequalified vendors, the value of which exceeds one
8 hundred thousand dollars, the agency shall [~~upon reasonable public~~] give
9 notice [~~conduct a public hearing to receive testimony regarding the~~
10 ~~proposed contract. Notwithstanding the preceding sentence, if within a~~
11 ~~period of time after such notice, which period of time shall be deter-~~
12 ~~mined by the procurement policy board, no individual requests an oppor-~~
13 ~~tunity to speak at such a public hearing with respect to any such~~
14 ~~proposed contract the value of which does not exceed one million~~
15 ~~dollars, then such public hearing need not be conducted] in the City
16 Record that comments on the proposed contract may be submitted online
17 for a period of time of not less than seven days, determined by the
18 procurement policy board by rule, provided that such period of time
19 shall commence no earlier than the date such notice is given. A
20 description of the scope of work and key terms of the contract shall be
21 included in such notice which shall at minimum include: (i) the agency
22 name, (ii) the procurement identification number(PIN), (iii) a brief
23 description of the goods, services, or construction to be procured, and
24 method of source selection, (iv) the name and address of the proposed
25 vendor and location of the proposed program, project, or worksite, and~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (v) the dollar amount of the proposed contract. The procurement policy
2 board may by rule exempt from this public [~~hearing~~] notice and comment
3 requirement contracts to be let which do not differ materially in terms
4 and conditions, as defined by the board, from contracts currently held
5 by the city where the parties to such contracts are the same; provided,
6 that under no circumstance may such exemption apply to any contract in
7 value exceeding ten million dollars.

8 b. The requirements of this section shall not apply to any procurement
9 (i) let pursuant to a finding of an emergency under section three
10 hundred fifteen, (ii) required to be made on an accelerated basis due to
11 markets which experience significant, short-term price fluctuations, as
12 identified by rule of the board, or (iii) where [~~a~~] public [~~hearing~~]
13 notice pursuant to this section would disclose litigation strategy or
14 otherwise impair the conduct of litigation by the city.

15 § 2. No later than September 30, 2025, and no later than September 30
16 of each year thereafter, the mayor's office of contract services of the
17 city of New York shall submit to the governor, the temporary president
18 of the senate, the speaker of the assembly, the mayor of the city of New
19 York, and the comptroller of the city of New York a report relating to
20 public notice and comment on contracts of the city of New York pursuant
21 to section 326 of the New York city charter. Such report shall include,
22 but need not be limited to, the number of contracts for which public
23 notice and comment was provided pursuant to such section during the
24 previous fiscal year, the dollar value of any such contract, and whether
25 the threshold established pursuant to such section was modified during
26 the previous fiscal year and if so, the value of the threshold following
27 such modification.

28 § 3. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law and shall expire and be deemed repealed Octo-
30 ber 1, 2030. Effective immediately, the affected agencies of the city of
31 New York, including but not limited to, the procurement policy board,
32 may take any actions necessary to effectuate the provisions of this act
33 prior to its effective date.