STATE OF NEW YORK

7383

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sen. SEPULVEDA -- (at request of the NYC Mayor's Office of Contract Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

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 certain provisions upon expiration thereof

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

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

§ 326. Public [~~hearings~~] **notice and comment** on contract awards. a. Prior to entering into any contract for goods, services or construction to be awarded by other than competitive sealed bidding or competitive sealed bids from prequalified vendors, the value of which exceeds [~~one hundred thousand dollars~~] **a threshold established by the procurement policy board by rule**, the agency shall [~~upon reasonable public~~] **give** notice [~~conduct a public hearing to receive testimony regarding the proposed contract. Notwithstanding the preceding sentence, if within a period of time after such notice, which period of time shall be determined by the procurement policy board, no individual requests an opportunity to speak at such a public hearing with respect to any such proposed contract the value of which does not exceed one million dollars, then such public hearing need not be conducted~~] **in the City Record that comments on the proposed contract may be submitted online for a period of time, determined by the procurement policy board in its discretion by rule, provided that such period of time shall be no less than seven days and shall commence no earlier than the date such notice is given. In establishing a threshold pursuant to this section, the procurement policy board shall consider factors including, but not limited to, the need for efficiency and transparency in city procure-**

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

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ments. The procurement policy board may by rule exempt from this public [~~hearing~~] notice and comment requirement contracts to be let which do not differ materially in terms and conditions, as defined by the board, from contracts currently held by the city where the parties to such contracts are the same; provided, that under no circumstance may such exemption apply to any contract in value exceeding ten million dollars.

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

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

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, that section two of this act shall expire and be deemed repealed October 1, 2030. Effective immediately, the affected agencies of the city of New York, including but not limited to, the procurement policy board, may take any actions necessary to effectuate the provisions of this act prior to its effective date.