§ 633. Contracts of the trust. 1. Notwithstanding any provision of law to the contrary, including but not limited to article eight of this chapter, the trust shall establish and maintain procurement policies that shall set forth the methods and procedures by which the trust shall procure contracts for goods and services, including but not limited to services for design, development, construction, reconstruction, improvement, modernization, rehabilitation, repair and operation, related to property owned or leased by the trust, in a manner consistent with the provisions of this article. Such policies shall specifically include:

(a) a competitive sealed bidding process for the award of contracts in which sealed bids are publicly solicited or solicited from a list of prequalified bidders and opened and a contract is awarded to the lowest responsive, responsible bidder;

(b) processes for awarding contracts for goods and services using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, in which case the trust shall use the most competitive method of procurement that is appropriate under the circumstances to select the proposer offering the best value to the trust;

(c) a process for prequalifying bidders and proposers based on criteria, which may include an entity's experience, past performance, ability to undertake work, financial capability, responsibility, reliability and status as a certified minority or women owned business enterprise pursuant to article fifteen-A of the executive law or section thirteen hundred four of the New York city charter;

(d) reasonable procedures to secure the meaningful participation of minority and women owned business enterprises in the trust's procurement process. The trust may use the same measures to enhance minority and women owned business enterprise participation as are available to the city pursuant to applicable law, including section 6-129 of the administrative code of the city of New York;

(e) processes for awarding alternative project delivery contracts, in a manner consistent with the terms of section six hundred thirty-four of this article;

(f) procedures for the fair and equitable resolution of contract disputes, for appeals of responsiveness and responsibility

determinations by the trust, and for appeals of prequalification determinations;

(g) a process for making purchases off contracts procured by public agencies and public entities, provided that such contract exists between a vendor and (1) the United States General Services Administration, (2) the state of New York or any of its political subdivisions, (3) another public authority or public corporation of the state, (4) another public housing agency or public housing authority, or (5) any purchasing cooperative where the lead purchasing entity is any of the foregoing, provided that in any case when the trust under this paragraph determines that obtaining such item thereby would be in the public interest and provide for greater economy and efficiency and sets forth the reasons for such determination. Such rationale shall include, but not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an explanation why a competitive procurement or the use of a centralized contract let by the commissioner of the office of general services is not in the best interest of the trust, and the reasonableness of cost; and

(h) a mechanism for procurements without a formal competitive process where:

(1) the existence of an emergency involving danger to life, safety or property requires immediate action and cannot await a competitive process for goods or services to be purchased, including, but not limited to, services for construction, reconstruction, rehabilitation, alteration, renovation, maintenance or repairs, which are essential to efficient operation or the adequate provision of service by the trust and as a consequence of unforeseen circumstance such purchase cannot await a competitive process;

(2) a procurement's value does not exceed fifty thousand dollars;

(3) the trust receives no responsive bids or only a single responsive bid in response to a solicitation for competitive bids or proposals;

(4) a procurement's value does not exceed five hundred thousand dollars and is made from a business certified as a minority or women owned business enterprise pursuant to article fifteen-A of the executive law and section thirteen hundred four of the New York city charter. Nothing in this paragraph shall be construed to require that such business be concurrently certified as minority or women owned business

enterprises under article fifteen-A of the executive law and section thirteen hundred four of the New York city charter to be awarded such a contract;

(5) a duly appointed representative of the trust determines in writing that, based on a market analysis, only one source for the required goods or services, including but not limited to, services for construction, reconstruction, rehabilitation, alteration, renovation, maintenance and repairs, are available; or

(6) the contract is a contract between the trust and another governmental entity, including, but not limited to NYCHA.

2. Construction performed under a contract entered into by the trust pursuant to this article shall be deemed a public work to be performed in accordance with the provisions of article eight of the labor law, including but not limited to the prevailing wage requirements set forth in section two hundred twenty of the labor law and the reporting, monitoring, and enforcement provisions of such article, and for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract, the principal purpose of which is to provide construction services and that is either entered into through a competitive sealed bidding process or pursuant to section six hundred thirty-four of this article, and undertaken pursuant to a project labor agreement, shall include a clause requiring the selected alternative project delivery contractor or the contractor selected on the basis of its sealed bid to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section six hundred thirty-four of this article and this section, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with any such project labor agreement.

3. Contracts of the trust shall be subject to sections 6-108 and 6-123 of the administrative code of the city of New York, and the trust shall constitute a "contracting agency" for the purposes of section 6-123 of the administrative code of the city of New York.

4. The provisions of section one hundred six-b of the general municipal law shall apply to the trust.

5. The provisions of section one hundred fifty-one-a of this chapter shall apply to the trust.

6. Unless a federal requirement conflicts with any procurement procedure set forth in this article, the trust shall be required to comply with such procedure.