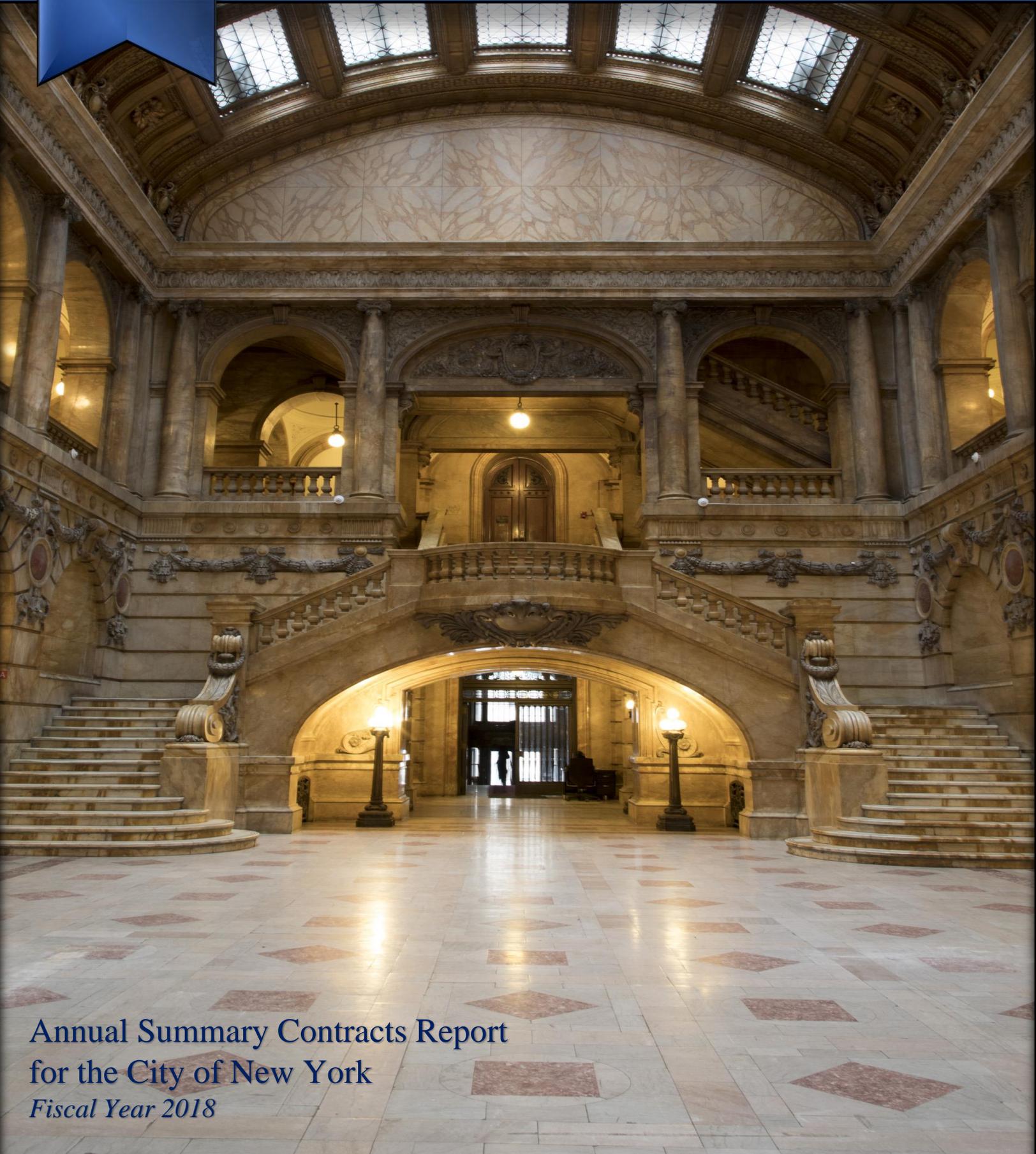




New York City Comptroller
Scott M. Stringer
Bureau of Contract Administration



Annual Summary Contracts Report
for the City of New York
Fiscal Year 2018



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Part I

Introduction

The Comptroller's Office is charged with a number of NYC Charter ("Charter") mandated responsibilities intended to safeguard the City's financial health and root out waste, fraud and abuse in local government, including contract registration.¹ Specifically, the Charter requires that all contracts and agreements entered into by City agencies be registered by the Comptroller prior to implementation.² This requirement extends to all agreements memorializing the terms of franchises, revocable consents and concessions.³

The contract registration process ensures there is adequate funding in the City's treasury (or under the control of the City) to cover the cost of contracts as well as to ensure that both the contracted vendors and procurement process are free from corruption. The Comptroller's Bureau of Contract Administration ("BCA") fulfills this registration responsibility by reviewing City contracts for integrity, accountability and fiscal compliance and by serving as the final oversight in the City's procurement process.

In addition to discharging the Comptroller's Charter-mandated registration function, BCA is also responsible for publishing an annual summary report on franchises, concessions and contracts for goods and services pursuant to section 6-116.2(f) of the NYC Administrative Code ("Administrative Code").⁴ The current report ("Annual Summary Contracts Report" or "Report") summarizes the City's financial commitment assumed through contracts registered in City Fiscal Year 2018 ("FY18") and is derived from the City's Financial Management System ("FMS"), a computerized database maintained by the Comptroller and the Mayor pursuant to section 6-116.2(a) of the Administrative Code.⁵ This commitment is based on projected contract amounts at the time of registration and, unless otherwise indicated, is limited to the initial terms of the transactions.

As in the past four fiscal years, BCA sought to produce a comprehensive analysis of contracts and agreements registered in FY18 in order to provide additional transparency and to ensure that municipal agencies serve the needs of all New Yorkers in an efficient and fair, cost-effective manner. To realize this goal, BCA provides data and analysis beyond the minimum data requirements set forth in the Administrative Code and presents comparative data and analysis of FY15, FY16, FY17 and FY18 registered Contract Actions.⁶

Finally, this Report includes certain FY18 annual data produced by the Comptroller's Bureau of Labor Law ("BLL") and required by sections 6-109 and 6-130 of the Administrative Code.⁷

¹ "City" refers to the City of New York.

² NYC Charter § 328(a).

³ Id. at § 375.

⁴ NYC Admin. Code § 6-116.2(f).

⁵ Fiscal Year 2018 covers the period from July 1, 2017 to June 30, 2018.

⁶ Note that the registration information provided in this Report is based on the contract data as inputted into FMS by the submitting agency.

⁷ NYC Admin. Code §§ 6-109 and 6-130.

Report Structure

The statistical information and data set forth in this Report is presented in five parts divided into six independent sections.

Part I includes the “Introduction” and this “Report Structure.”

Part II includes Sections 1 and 2.

Section 1 (“Summary Report”) offers a high level review of all registered transactions in FY18, including procurement methods, total registered contract values, and pertinent facts relating to the awarding agency, New York City affiliated agency, elected official or the City Council.⁸

Section 2 (“Contract Registrations by Award Method”) is organized into six general Contract Groups, each of which contains multiple individual award methods or contract types.⁹ These Groups include:

1. Registered Procurement Contract Actions by Competitive Award Methods;
2. Registered Procurement Contract Actions by Limited or Non-Competitive Award Methods;
3. Registered Procurement Contract Actions by “Other” Award Methods;
4. Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules;
5. Registered Procurement Contract Management Actions; and
6. Registered Revenue Contract Actions.

Part III includes Section 3.

Section 3 (“Agency Specific Data & Supplemental Analysis”) features various contract-based analysis of interest, including registrations by industry classification, registered modifications, construction change order registrations, registered task orders awarded pursuant to agency master agreements, Department of Education contract registrations, certain real property-related registrations (*i.e.*, leases and licenses), contract retroactivity, prompt payment, registered agency purchase orders, emergency procurement approvals, and legislative initiatives.

Part IV includes Section 4.

Section 4 (“Bureau of Labor Law FY18 Annual Report”) presents certain information required by sections 6-109 and 6-130 of the Administrative Code.¹⁰

Part V includes Sections 5 and 6.

Section 5 (“Glossary”) defines relevant key City procurement and contract registration terminology.

Section 6 (“Appendices”) contains complete supporting data sets for the interposed tables as well as other data points required by the Administrative Code that are not specifically referenced in *Parts I* through *IV* of the Report.¹¹

⁸ A complete list of the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council, including agency numerical codes and short names is located in *Appendix 16*. In general, this list reflects those entities that registered at least one contract action in FY18.

⁹ In order to preserve transparency, supporting data for the tables included in each of the above-referenced categories and this Report are included as appendices at the end of the document.

¹⁰ NYC Admin. Code §§ 6-109, 6-130.

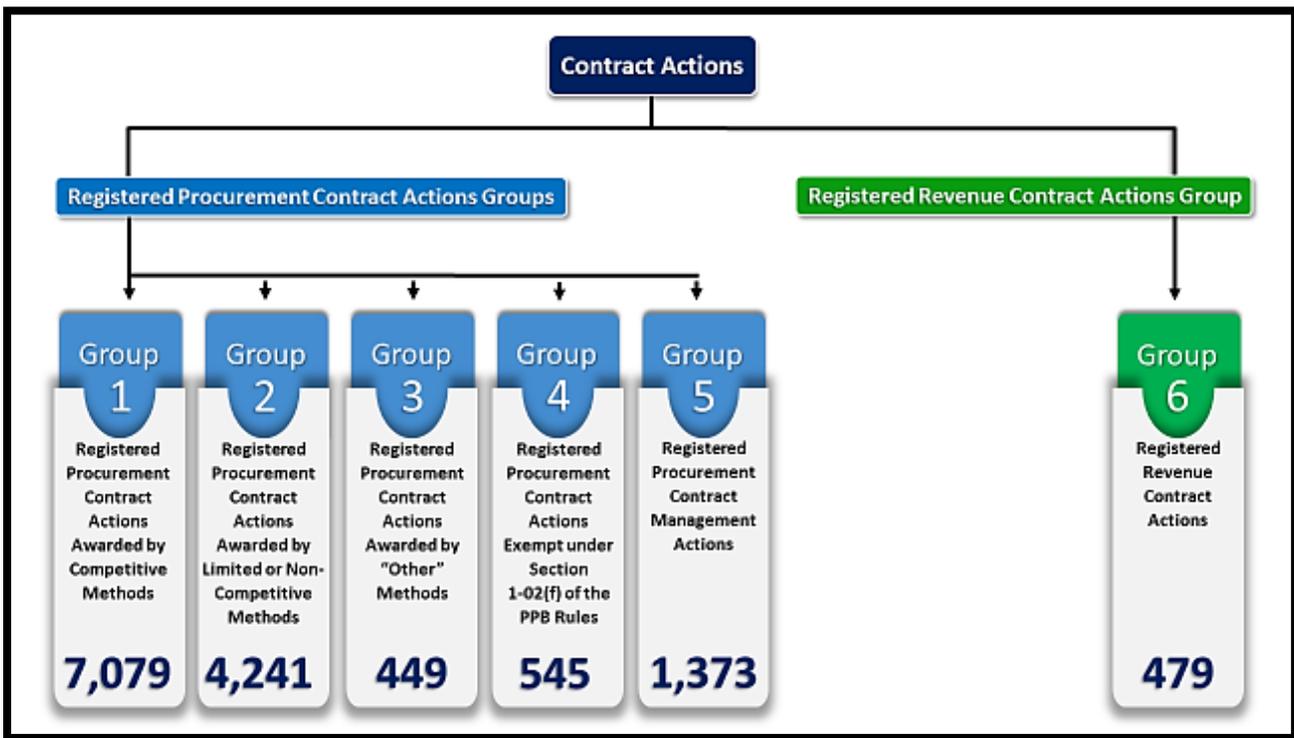
¹¹ Id. at § 6-116.2(f).

Part II

Section 1: Summary Report

A total of 14,166 new Contract Actions (CT1s, RCT1s, MA1s and MMA1s) were registered in FY18 for the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council.¹² This figure and the term “Contract Actions” includes “Procurement Actions,” where the City generally spends money and “Revenue Actions,” where the City typically receives money.¹³ The 14,166 figure does not include the 49,807 modifications (CTRs, MARs), 1,609 Task Orders (“TOs”) awarded pursuant to agency master agreements (CTA1s) or the 147,633 Purchase Orders (“POs”) registered in FY18.¹⁴ As eluded to previously, Procurement Actions and Revenue Actions are each comprised of at least one “Contract Group.” A side-by-side comparison of the categories and groups, which are generally based on FMS Award Method Codes (“AM Codes”) or Contract Type Codes (“CT Codes”), is provided directly below in GRAPH I.

GRAPH I: REGISTRATION CATEGORIES



The 14,166 new Contract Actions registered in FY18 are broken down as follows:

- 13,687 Procurement Actions (based on the first five Contract Groups shown above) were registered for a total value exceeding \$29.4 billion.
- 479 Revenue Actions (based on the sixth Contract Group shown above) were registered for a total value exceeding \$246 million.¹⁵

¹² Definitions for the following FMS Transaction Codes can be found in the “Crosswalk” addendum to *Comptroller’s Directive #24* which was re-issued on March 11, 2014: CT1 is a general contract used for both expense and capital contracts; RCT1 is a revenue contract; MA1 is a master agreement and MMA1 is a multiple master award contract used for when more than one contract will be awarded to a vendor.

¹³ Revenue Actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts).

¹⁴ For the purposes of this Report, POs include PCCIs, PODs, POCs, and PONIs.

¹⁵ Note that registered values represented in this Report are rounded to the nearest whole number.

TABLE I (below) provides a historical comparison of the total number and total value of registered Contract Actions in FY18. As the data indicates, the total number of registered Contract Actions (*Procurement Actions*¹⁶ + *Revenue Actions*¹⁷) increased slightly from FY17 to FY18. In addition, the total value of Procurement Actions increased by nearly \$3.8 billion (15.1%) while the total value of Revenue Actions decreased by approximately \$877 million (78.1%).

TABLE I: HISTORICAL COMPARISON OF TOTAL NUMBER AND TOTAL VALUE OF REGISTERED CONTRACT ACTIONS

Registration Category	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018
Total Number of Registered Contract Actions	13,203	14,375	13,715	14,166
Total Value of Procurement Actions	\$17,145,717,009	\$19,743,944,347	\$25,537,827,921	\$29,382,026,168
Total Value of Revenue Actions	\$296,463,921	\$573,826,328	\$1,123,290,043	\$246,289,345

Registration - Overview

Registration is the process through which the Comptroller: (1) sets aside funds to ensure that encumbered monies are available to pay contractors for contract work to be performed; (2) maintains a registry of City agreements; (3) presents objections if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity; and (4) tracks City expenditures and revenues associated with those contracts and agreements.¹⁸ Further, and as briefly referred to in the *Introduction* above, no contract or agreement, franchise, revocable consent or concession executed pursuant to the Charter or other law can be implemented until: (1) a copy has been filed with the Comptroller; and (2) either the Comptroller has registered it or 30 days have elapsed from the date of filing, whichever is sooner, unless an objection has been filed or the Comptroller has grounds for not registering the contract.¹⁹

NYC Administrative Code - Annual Summary Contracts Report Minimum Requirements

The Administrative Code requires the Comptroller to include certain information pertaining to franchises, concessions, goods and services contracts exceeding \$10,000 and construction contracts exceeding \$15,000, in a summary contracts report published annually by this Office.²⁰ Examples of required data include, but are not limited to:

- Award/Selection Method (whether vendor was selected with or without competition);
- Contract Type and Dollar Amount;
- Comptroller-Assigned Contract Registration Number; and
- Awarding Entity (Mayoral Agency, City-Affiliated Agency, the Elected Official or City Council (*i.e.*, Mayor, Borough Presidents, District Attorneys).

¹⁶ Unless otherwise indicated, for the purposes of TABLE I and this Report, Procurement Contract Actions include the following AM Codes: 01, 02, 03, 05, 06, 07, 10, 11, 12, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 040, 41, 42, 43, 44, 45, 51 61, 62, 68, 72, 78, 79, 99, 100, 101, 102, 106, 109, 111, 112, 113, 211, 251 and 511 and excludes the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.

¹⁷ Unless otherwise indicated, for the purposes of TABLE I and this Report, Revenue Actions include the following CT Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.

¹⁸ NYC Charter § 328(a); 9 RCNY § 1-01(e).

¹⁹ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to in FMS as "self-registration" or registering a contract "in-house." When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

²⁰ NYC Admin. Code § 6-116.2(f).

Expansion of Report's Minimum Requirements - Continued Commitment to Transparency in Action

While the Administrative Code establishes minimum requirements for data inclusion in this Report, BCA continues to offer a more robust and transparent picture of the projected financial commitments assumed by the City during FY18 based on the combined registered Contract Action values. FY18 examples of this additional information include, but are not limited to, comprehensive statistical summaries/lists of:

- All contracts registrations, regardless of dollar value;
- Contract registrations based on industry classifications;
- Registered modifications;
- Registered construction change orders;
- Task Orders registered through agency master agreements;
- DOE contract registrations;
- Lease and license registrations;
- Retroactive contract registrations;
- Prompt payments;
- Agency Purchase Order registrations;
- Emergency procurement approvals; and
- Legislative initiatives.

Exclusions

Although this Report provides significant detail regarding Citywide Contract Actions registered in FY18, there are some areas where data is excluded either because it is not possible to be reported in the context of this Report or the data is already featured in an alternative report published by the Comptroller's Office, such as the *Comprehensive Annual Financial Report*, which details the City's fiscal year financial obligations. For example, and unless otherwise indicated, the registered Contract Actions listed in this Report do *not* include:

- Increases and decreases in contract value following registration (which are represented in *Section 3* of this Report);
- Information relating to subcontractor registrations;²¹
- Information on actual FY18 expenditures, payments or annual agency budget figures;
- Intra-city agency purchasing agreements; and
- Contracts entered into by New York City Economic Development Corporation ("NYCEDC"), NYC & Co., Brooklyn Navy Yard Development Corporation ("BNYDC"), Governor's Island and other similar entities affiliated with the City's mayoral agencies through master contracts.²²

Registration and Reporting - Who Registered City Contracts in FY18

The City's mayoral agencies, City-affiliated agencies, elected officials and the City Council had Contract Actions registered in FY18, with the City's mayoral agencies accumulating the greatest volume of these registrations. Non-mayoral agencies, such as the DOE, can also be credited with a significant volume of Contract Action registrations, both in terms of quantity and dollar value. Although the Offices of the Borough Presidents, District

²¹ Unlike prime contracts, individual subcontracts entered into by prime contractors pursuant to existing contracts are not registered by BCA. Prime vendors are required to receive prior approval from the contracting City agency for every subcontractor it intends to utilize during the contract term. "Subcontractor Approval Forms" are completed, signed and submitted to the contracting City agency for review and approval. Additionally, prime contractors are required to "self-report" subcontractor information by entering certain data into the Payee Information Portal ("PIP"). However, a significant number of prime contractors either do not enter this data into PIP at all or do not do so on a real-time basis. As a result, subcontractor data is not included in this Report since the available information does not allow for accurate reporting or analysis. Note that a report issued on November 16, 2017 by the Comptroller's Office through its Diversity Office within the Bureau of Policy and Research (*Making the Grade: New York City Agency Report Card on Minority/Women-Owned Business Enterprises*) found that although there has been an increase in the subcontracting data being uploaded from City agencies to PIP, most agencies are not enforcing the requirement that that prime contractors input subcontractor data into PIP.

²² For instance, this Report does include the FY18 Master and Maritime Contracts New York City Department of Small Business Services ("SBS") entered into and registered with NYCEDC, but not the contracts between NYCEDC and the contracted entity for individual projects.

Attorneys, Community Boards, City Council and other elected officials are represented in this Report, the overall volume of their registered Contract Actions is relatively small when compared to the substantial and often diverse procurement portfolio of the mayoral and City-affiliated agencies.

It is important to keep in mind that, for some agencies, NYS law preempts the application of the City's procurement rules. For example, NYC Health + Hospitals or "H+H" (formerly New York City Health and Hospitals Corporation or "HHC"), the New York City Housing Authority ("NYCHA"), the City University of New York ("CUNY"), the Board of Elections ("BOE"), NYCEDC, DOE, the School Construction Authority ("SCA"), and the Water Board/Authority are either not subject to, or are only partially subject to, the City's procurement rules.²³ By operation of law, however, these entities may be required to adhere to the contract registration requirements as set forth in sections 328 and 375 of the Charter.

FY18 Annual Summary Contracts Report - Use of "Contract Groups" to Present Data

As previously mentioned, the data presented through this Report is derived from FMS, a database jointly administered by the Mayor and the Comptroller and maintained by Financial Information Services Agency ("FISA"), as required by section 6-116.2(a) of the Administrative Code.²⁴ FMS is the primary tool that the City uses to track contracts and the finances associated with those agreements.

Although registered Contract Actions are catalogued in FMS through several identifiers, such as AM Codes,²⁵ CT Codes,²⁶ and Contract Category Codes ("CC Codes"),²⁷ the data published in *Part II* of this Report, as well as other relevant sections, is primarily analyzed and presented by AM Codes for both clarity and ease of comparison. Based on the current list of over 70 AM Codes that are used by City agencies to input registration data into FMS, BCA developed the following six general "Contract Groups":

1. Registered Procurement Contract Actions Awarded by Competitive Methods;
2. Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods;
3. Registered Procurement Contract Actions Awarded by "Other" Methods;
4. Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules;
5. Registered Procurement Contract Management Actions; and
6. Registered Revenue Contract Actions.

With the exception of Revenue Actions and unless otherwise indicated, all statistical information presented herein is based on this categorization. CHART I (beginning on the following page) lists these six Contract Groups as well as the AM Codes and CT Codes that each is comprised of.

Because the City's mayoral agencies are responsible for the majority of FY18 contract registrations, the Contract Groups are generally based on the Procurement Policy Board ("PPB") Rules.²⁸ Although non-mayoral agencies are not bound by the PPB Rules, the procurement types they utilize to acquire goods and services are often very similar to those that apply to mayoral agencies. For example, the "competitive sealed bidding" ("CSB") procurement method is used by both DDC (mayoral agency) and DOE (non-mayoral agency) under similar circumstances. However, DDC must comply with the applicable PPB Rules when awarding a contract solicited by CSB whereas DOE is required to comply with its own *Procurement Policy and Procedures*

²³ See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).

²⁴ NYC Admin. Code § 6-116.2(a).

²⁵ AM Codes refer to the type of procurement used to select the contractor or vendor. There are currently over 70 AM Codes to select from when entering registration-related data into FMS. See *Appendix 17* for a complete list.

²⁶ CT Codes refer to the purpose or nature of the contract. There are over 30 CT Codes to select from when entering registration-related data into FMS. See *Appendix 18* for a complete list.

²⁷ CC Codes refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 CC Codes to select from when entering registration-related data into FMS. See *Appendix 19* for a complete list.

²⁸ The PPB is comprised of five members; three members appointed by the Mayor and two members appointed by the Comptroller. The PPB is authorized to promote and put into effect rules governing the procurement of goods, services, and construction by the City under Chapter 13 of the Charter.

("PPP") when using a bid to obtain the same goods or services. The same is true for non-mayoral agencies such as H+H, CUNY and NYCHA.

As a result, all FY18 CSB contract registrations, regardless of whether the awarding agency is mayoral or non-mayoral, are captured using the individual AM Codes set forth under "Competitive Sealed Bid Contracts" in CHART I below. The same logic and approach applies to the four other Contract Groups listed beneath Procurement Actions. However, the sixth Contract Group listed under Revenue Actions is presented using CT Codes and CC Codes.²⁹ Due to the large volume of registered FY18 DOE Contract Actions, Appendix 20 provides a side-by-side comparison of DOE award or contract types with PPB counterparts.

CHART I: CONTRACT GROUPS³⁰

PROCUREMENT ACTIONS (CONTRACT GROUP NOS. 1 – 2)*	
Group 1: Registered Procurement Contract Actions Awarded by Competitive Methods	
Award Method	Award Method Code(s)
Competitive Sealed Bid Contracts (includes PQVL)	01, 03, 35, 37
Competitive Sealed Proposal Contracts (includes PQVL)	02, 22, 36, 39
Small Purchase Contracts (includes PQVL)	31, 32, 60, 109, 111, 112, 113
Accelerated Procurement Contracts	27
Group 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods	
Award Method	Award Method Code(s)
Sole Source Contracts	05, 34
Emergency Procurement Contracts	06, 33
Discretionary (Line Item) Contracts	12, 38
Negotiated Acquisition Contracts	21
Innovative Procurement Contracts**	20
Demonstration Project Contracts	23
Micropurchase Contracts	30
Government-to-Government Contracts	17, 103
Buy-Against Procurement Contracts	28, 106
Intergovernmental Procurement Contracts***	25, 62, 251
Determined by Government Mandate Contracts	26
Determined by Legal Mandate Contracts	11

*For the purposes of Chart I and this Report, Contract Group Nos. 1, 2, 3, 4, and 5 exclude Revenue Actions or "RCTIs" from the individual AM Codes.

**FMS AM Code 72 is specifically for the new City approved Innovative Procurement mechanism allowing agencies to procure goods and services in amounts over \$20,000, but not exceeding \$150,000, from certified Minority and Women Owned Business Enterprises (M/WBEs) without formal competition.

***Includes Intergovernmental Renewals.

²⁹ Due to the large volume of registered FY18 DOE Contract Actions, Appendix 20 provides a side-by-side comparison of DOE award or contract types with PPB counterparts.

³⁰ See Appendix 17 for corresponding FMS AM Codes.

PROCUREMENT ACTIONS (CONTRACT GROUP NOS. 3 – 5)	
Group 3: Registered Procurement Contract Actions Awarded by “Other” Methods	
Award Method	Award Method Code(s)
Leases/Lessee Negotiation Agreements	07
Watershed Agreements	79, 107
Assignment Contracts	29
Force Account Negotiation Contracts	68
DOE Listing Application Contracts	40
Non-Procurement Contracts	18
Contract Conversions	24
Real Estate Sales & Purchase Agreements	78
Loan Negotiations	8
Bonds	99**
Miscellaneous	99***
Group 4: Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules	
Award Method	Award Method Code(s)
Grant Agreements (includes Grant Renewals)	51, 102, 511
Cable Service Negotiation Contracts	41
Professional Membership Negotiation Contracts	42, 101
Public Utility Contracts	44, 45
Subscription Contracts	43, 100
Group 5: Registered Procurement Contract Management Actions	
Award Method	Award Method Code(s)
Renewals (excludes Intergovernmental Renewals and Grant Renewals)	10, 61
Negotiated Acquisition Extensions	211

**Includes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letters of Credit).

***Excludes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letters of Credit).

REVENUE ACTIONS (CONTRACT GROUP NO. 6) ³¹	
Group 6: Registered Revenue Contract Actions by Contract Type	
Contract Type	Contract Type Code(s)
Franchise Agreements	15
Concession Agreements	20
Revocable Consent Agreements	17
Corpus Funded Agreements	25
Other	10, 24, 30, 72, 99
Other Expense Contract or Revenue Related Contract	29
Requirement Services Agreements	47

³¹ Since the award methods used to enter into Revenue Actions may overlap with the awards methods listed in Contract Group Nos. 1–5 for Procurement Actions, the transactions in Contract Group No. 6 are identified by Contract Type in order to distinguish between them from the two categories.

Part II

Section 2: Registrations by “Contract Group”

This section of the Report provides a range of statistical data, analysis and information pertaining to FY18 registrations.

As stated in *Section 1*, data in this Report is presented categorically and is generally based on the type of selection method utilized by the agency to undertake the contract transaction. As previously indicated, the broad term “Contract Actions” consists of two categories: Procurement Actions (consisting of five Contract Groups) and Revenue Actions (consisting of a single Contract Group). All six of the Contract Groups delineated in this section contain several individual FMS-based AM Codes or CT Codes which correspond to the numerical codes listed in CHART I.

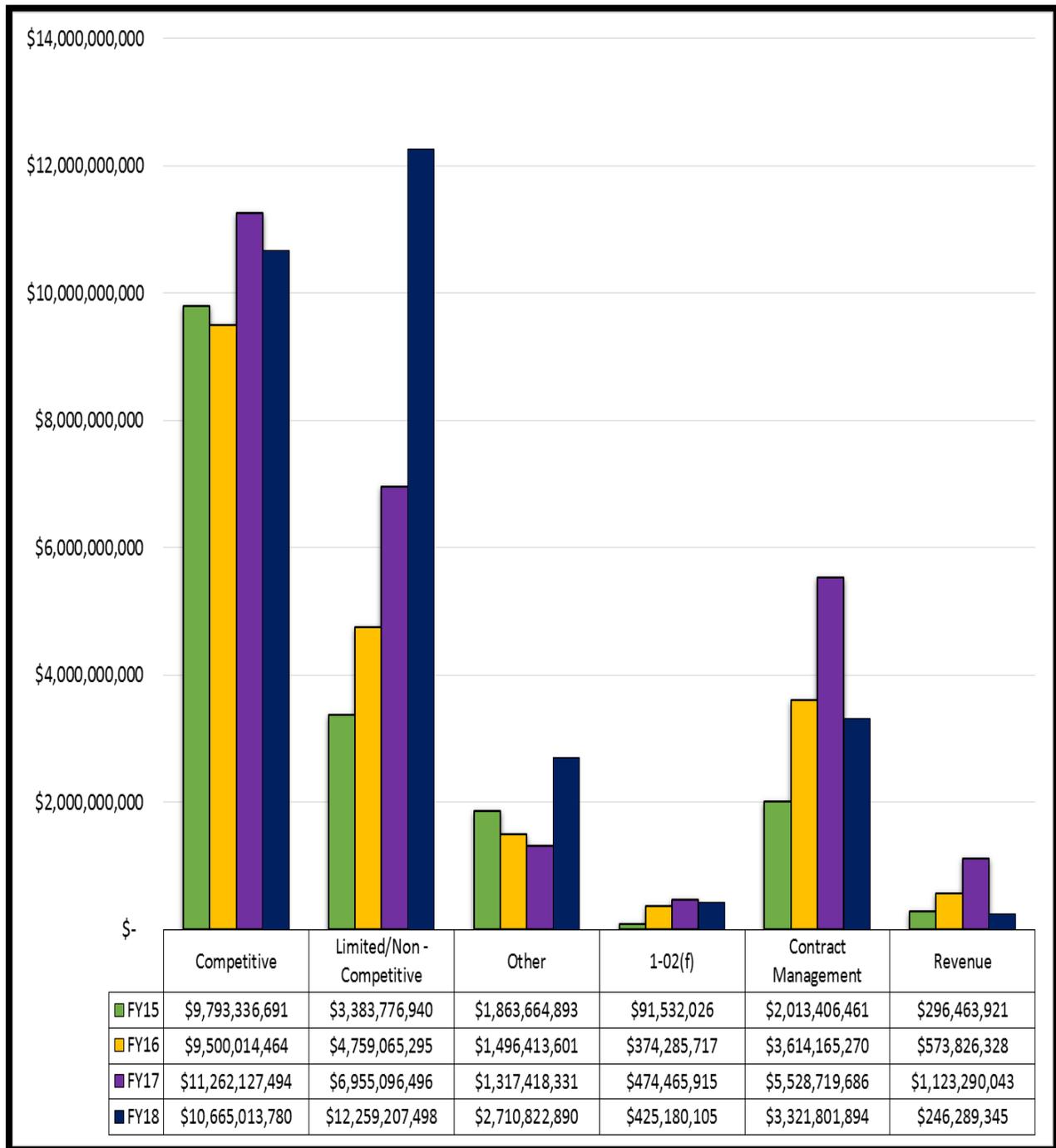
TABLE II and GRAPH 2 provide historical comparisons of the total number of registered Contract Actions and total registered Contract Action values in each of the six Contract Groups between FY15 and FY18. TABLE II also presents the total number of registered actions within each Contract Group as a percentage of all Contract Actions registered within the respective fiscal year. Supporting data for each of the Contract Groups listed in the table below is located in *Appendices 1-6*.

TABLE II: HISTORICAL COMPARISON OF TOTAL REGISTERED CONTRACT ACTIONS BY CONTRACT GROUP

	Contract Groups	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018		% Change of Total No. Registered From FY17 - FY18
		Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	Total No. Registered	% of Total Contract Actions by Group	
Procurement	Competitive	6,221	47.1%	6,598	45.9%	6,919	50.4%	7,079	50%	2.3%
	Limited/Non-Competitive	3,685	27.9%	4,375	30.4%	3,802	27.7%	4,241	29.9%	11.5%
	Other	403	3.1%	404	2.8%	556	4.1%	449	3.2%	-19.2%
	1-02(f)	387	2.9%	513	3.6%	530	3.9%	545	3.8%	2.8%
	Contract Management	1,439	10.9%	1,488	10.4%	1,356	9.9%	1,373	9.7%	1.3%
	SUBTOTAL	12,135	91.9%	13,378	93.1%	13,163	96%	13,687	96.6%	4%
Revenue	Revenue	1,068	8.1%	997	6.9%	552	4%	479	3.4%	-13.2%
	SUBTOTAL	1,068	8.1%	997	6.9%	552	4%	479	3.4%	-13.2%
TOTAL		13,203	100%	14,375	100%	13,715	100%	14,166	100%	3.3%

As illustrated by TABLE II, the total number of registered Contract Actions across the six Contract Groups increased from 13,715 in FY17 to 14,166 in FY18 (3.3% overall). The total number registered of “Other” Contract Actions saw the greatest decrease from 556 in FY17 to 449 in FY18 (or 19.2%). A 13.2% decrease in registered Revenue Actions from 552 in FY17 to 479 in FY18 was also observed.

GRAPH II: HISTORICAL COMPARISON OF REGISTERED CONTRACT ACTIONS BY CATEGORY AND REGISTRATION VALUE



As illustrated in GRAPH II and based on the data presented in TABLE II, although the total number of Procurement Actions awarded by competitive methods increased from 6,919 in FY17 to 7,079 in FY18 (2.3%), the total registration value decreased from \$11,262,127,494 in FY17 to \$10,665,013,780 in FY18 (5.3%). Both total number of Procurement Actions awarded by limited or non-competitive methods and total registration value increased from 3,802 in FY17 to 4,241 in FY18 (11.5%) and from \$6,955,096,496 in FY17 to \$12,259,207,498 in FY18 (76.3%). Overall, while the total registration value of Revenue Actions has risen steadily from \$296,463,921 in FY15 to \$1,123,290,043 to FY17, it decreased significantly to \$246,289,345 in FY18 (78.1%).

Based on the data presented in TABLE II and GRAPH 2, the total number of Revenue Actions consistently decreased from 1,068 in FY15 to 997 in FY16 to 552 in FY17 and, finally, to 479 in FY18. By contrast, the total number of Procurement Actions awarded by competitive methods has seen a steady increase from 6,221 in FY15 to 7,079 in FY18, a 13.8% jump overall and a 2.3% jump from FY17.

TABLE III: TOP TEN REGISTERED PROCUREMENT ACTIONS BY VALUE

Rank	Contract No.	Agency	Vendor Name	Contract Description	Award Method	Registered Value
1	20185401081	DCAS	New York Power Authority	FY18 Heat, Light & Power	Government to Government	\$6,684,100,000
2	20186200481	SBS	NYCEDC	Citywide Economic Development Services	Sole Source	\$1,874,851,000
3	20185402491	DCAS	Feinberg & Feinberg et al.	Construction of Leased Space for HRA at 106 E. 16th St., Irving Place	Lessee Negotiation	\$550,752,153
4	20186200482	SBS	NYCEDC	Maritime, Aviation, Rail Freight, Market & Intermodal Agreement	Sole Source	\$500,759,000
5	20180003033	DHS	Acacia Network Housing, Inc.	Emergency Shelter and Social Services in Community Hotels	Negotiated Acquisition	\$442,961,796
6	20180003037	DHS	Childrens Community Services, Inc.	Emergency Shelter and Social Services in Community Hotels	Negotiated Acquisition	\$351,447,756
7	20181411581	DOITT	Verizon Business Network Services, Inc.	Citywide Telecommunication Services	RFP	\$279,000,000
8	20181425713	DOT	American Bridge Company	Replacement of Upper Roadways on Ed Koch Queensboro Bridge	CSB	\$274,145,000
9	20181419729	CUNY	Resnick 255 Greenwich LLC.	Lease Agreement for the Borough of Manhattan Community College at 75 Park Place	Assignment Contract	\$236,632,201
10	20171427410	DOT	Unionport Constructors JV	Replacement of Unionport Bridge/Bruckner Expressway in the Bronx	CSB	\$231,760,052
Total						\$11,426,408,958

TABLE III lists the “Top Ten” registered Procurement Actions by value in FY18. As indicated, the largest contract registered in FY18 was DCAS’ \$6.68 billion contract with New York Power Authority, which accounted for 78% of the agency’s total registration value that year. As in the prior fiscal years, SBS’ two annual master agreements with NYCEDC for citywide economic development services and maritime, aviation, rail freight, market and intermodal services made the “Top Ten” list in FY18 (#2 and #4). When combined, the total registration value of these two contracts accounted for over 90% of the agency’s total registration value in FY18.

TABLE IV: HISTORICAL COMPARISON OF TOP TEN AGENCIES BY TOTAL REGISTERED CONTRACT ACTION VALUE

Rank	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Agency	Total Registered Value						
1	DOE	\$2,532,763,255	ACS	\$2,630,678,142	DOE	\$3,252,259,969	DCAS	\$8,617,602,072
2	DDC	\$2,101,192,606	SBS	\$2,624,663,703	DDC	\$3,226,906,130	DHS	\$3,517,198,477
3	SBS	\$2,006,842,902	DOE	\$2,295,076,377	DSNY	\$3,180,450,183	DDC	\$2,723,677,855
4	DEP	\$1,533,295,188	DDC	\$1,604,778,145	SBS	\$2,991,435,103	SBS	\$2,633,931,807
5	DCAS (DMSS)	\$1,206,667,493	DEP	\$1,294,553,229	ACS	\$2,500,812,453	DCAS (DMSS)	\$1,484,787,416
6	HRA (DSS)	\$1,180,743,726	DCAS (DMSS)	\$1,059,838,332	DOT	\$1,695,325,812	DOE	\$1,448,119,680
7	DSNY	\$1,094,211,105	DYCD	\$851,059,342	DOITT	\$1,376,987,699	DOT	\$1,284,972,319
8	ACS	\$1,004,458,027	DHS	\$834,632,513	HRA (DSS)	\$1,032,908,495	DEP	\$1,144,039,625
9	DOT	\$899,654,700	DCAS	\$783,009,864	DCAS (DMSS)	\$1,027,848,615	HRA (DSS)	\$932,146,518
10	DYCD	\$551,241,422	HRA	\$731,074,843	DCAS	\$997,700,153	DOITT	\$851,637,741
TOTAL		\$14,111,070,424		\$14,709,364,490		\$21,282,634,613		\$24,638,113,511

A “Historical Comparison of the Top Ten Agencies by Total Registered Contract Action Value” is provided in TABLE IV and TABLES V and VI list the “Top Five Agencies” by Total Registered Procurement Contract Action Value and Registered Revenue Contract Action Value in FY18, respectively.

The “Top Ten” agencies registered over \$24.6 billion of the City’s \$29.6 billion in Contract Actions in FY18, with DCAS and DHS accounting for 41% of this amount. DCAS, who had the largest jump in rank from #10 in FY17 to #1 in FY18 also had the largest total registered Procurement Action value, at just over \$8.6 billion, which actually exceeds all other City agencies from FY15 to FY17 by more than \$5 billion. The agency’s \$6,684,100,000 agreement with New York Power Authority is responsible for the #1 spot in FY18. DHS, who last appeared on the “Top Ten” list in FY16 (#8) landed the #2 spot in FY18 with approximately \$3.5 billion in total registered contract action value. The aggregate value of the four largest Procurement Actions entered into by DHS was \$1,042,709,063 accounting for 30% of the agency’s total registered Procurement Action value in FY18.

TABLE V: TOP FIVE AGENCIES BY TOTAL REGISTERED PROCUREMENT CONTRACT ACTION VALUE IN FY18

Rank	Agency	Total Registered Value
1	DCAS	\$8,617,089,360
2	DHS	\$3,517,198,477
3	DDC	\$2,723,677,855
4	SBS	\$2,633,931,807
5	DCAS (DMSS)	\$1,484,787,416
TOTAL		\$18,976,684,916

TABLE VI: TOP FIVE AGENCIES BY TOTAL REGISTERED REVENUE CONTRACT ACTION VALUE IN FY18

Rank	Agency	Total Registered Value
1	COMP	\$177,010,310
2	DPR	\$47,536,139
3	DOITT	\$7,697,500
4	DOT	\$7,503,415
5	DCA	\$6,029,269
TOTAL		\$245,776,633

A review of TABLE V and VI indicate that while the Comptroller's Office did not make the "Top 5" list for the total value of its registered Procurement Actions in FY18, it did take the top spot for the total registered Revenue Actions for the same period at just over \$177 million. The Comptroller's Office #1 position was obtained through the registration of multiple revenue agreements in FY18, including four renewals with an aggregate value exceeding \$100 million.

A. Total Registered Procurement Contract Actions in FY18

CONTRACT GROUP NO. 1 Registered Procurement Contract Actions Awarded by Competitive Methods

A paramount tenet of any effective procurement system is to obtain the best quality goods and services at either the lowest cost or the best value. To achieve these outcomes, use of competitive award methods, such as CSBs and Competitive Sealed Proposals (“CSPs”), are frequently employed by the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council to enter into their contracts. Not only are they considered the most effective means to procure goods and services for the City, but competitive sealed bidding is the default award method under the NYS General Municipal Law (“GML”) and the PPB Rules for public works contracts. Depending on the type of procurement, CSPs may also be the default method.

Agencies may proceed with an alternative method of procurement only when it first determines that the use of competitive sealed bidding is either not practicable or advantageous to the City under the circumstances.³² Each agency contract file must contain documentation of such “special case” determination and the basis upon which each contract is awarded.³³ For purposes of this Report, Procurement Actions awarded via “Competitive Award Methods” include CSBs, CSPs, Accelerated Procurements and Small Purchases.

As demonstrated by TABLE VII below, the number of Procurement Actions awarded by competitive methods only increased by a mere 160 or just over 2% in FY18 when compared to FY17 (approximately 2%). Conversely, the total registered value for these competitive contract registrations decreased by nearly \$600 million from FY17 to FY18 (just under 6%).

TABLE VII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY COMPETITIVE METHODS³⁴

Award Method*	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value	Total No. Registered	Total Registered Value
CSB**	1,052	\$6,090,057,726	918	\$4,486,525,324	958	\$4,562,373,980	927	\$5,011,664,246
CSP**	1,154	\$3,447,987,429	1,116	\$4,809,487,538	814	\$6,348,831,010	895	\$5,357,752,999
Accelerated Procurement	98	\$121,828,122	91	\$52,086,346	85	\$182,944,952	99	\$126,370,613
Small Purchase**	3,917	\$133,463,414	4,473	\$151,915,256	5,062	\$167,977,551	5,158	\$169,225,923
TOTAL	6,221	\$9,793,336,691	6,598	\$9,500,014,464	6,919	\$11,262,127,494	7,079	\$10,665,013,780

*Excludes RCTIs.

**Includes PQVL.

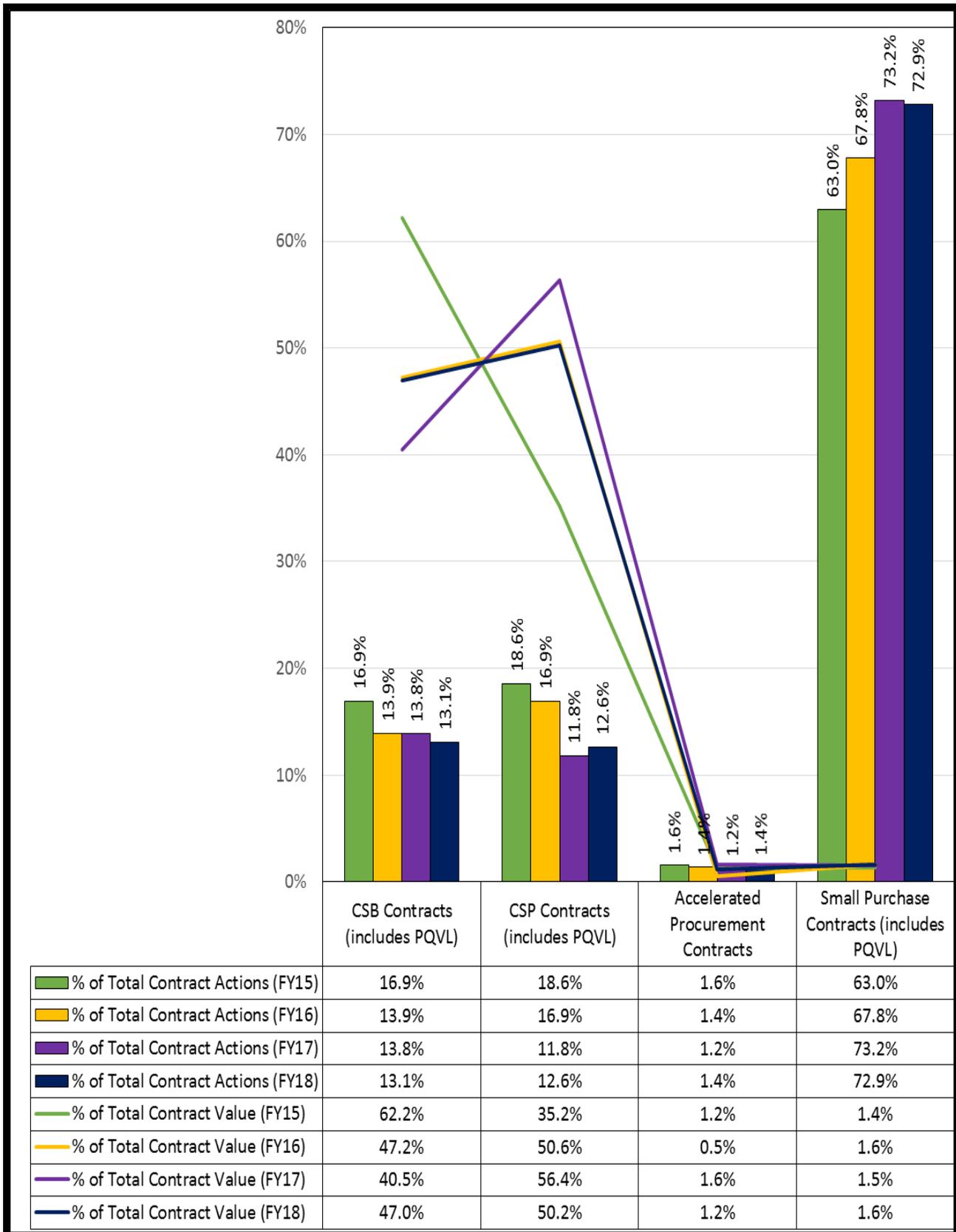
GRAPH III on the following page provides a historical comparison of Procurement Actions awarded by competitive methods as a percentage of total dollar value and as a percentage of the total number of actions registered within the applicable fiscal year. For instance, 73% of the total number of FY18 Procurement Actions were awarded using the Small Purchases Competitive Procurement Method. However, while it represents the most frequently used competitive procurement method, Small Purchases only represent 1.6% of the total City competitive procurement value by dollars.

³² GML §§ 103, 104.

³³ NYC Charter § 317.

³⁴ See Appendix I for supporting data pertaining to TABLE VII.

GRAPH III: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY PERCENTAGE OF TOTAL CONTRACT ACTIONS AND PERCENTAGE OF TOTAL CONTRACT VALUE



Competitive Sealed Bid Contracts

CSBs or “Bids” refer to a method of procurement where the award of a contract is made to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids (“IFB”).³⁵ Bids are solicited through an IFB, which generally includes a purchase description and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.³⁶ Bids may also be solicited by agencies from vendors who have been prequalified for the provision of goods, services or construction by mailing notice to each prequalified vendor or, if special circumstances require, to a selected prequalified vendors (“PQVL”) list.³⁷

A determination to employ selective solicitation for a particular procurement or for a particular class of procurements must be made in writing by the agency and must be approved by the Mayor, unless the Mayor, upon adequate assurances of an agency's capacity to comply with procedural requirements, has determined that such approval is not required for the agency procurement at issue or for a particular class of procurements.³⁸

The largest Bid contract registered in FY18 was between DOT and American Bridge Company, for the replacement of upper roadways on the Ed Koch Queensboro Bridge, in the amount of \$274,145,000 (CT1 20181425713). The largest PQVL Bid registered in FY18 was between DEP and Yonkers Contracting Co., Inc., for the cogeneration and electrification of the North River Wastewater Treatment Plant in the amount of \$177,211,000 (CT1 20171426056).³⁹

Competitive Sealed Proposal Contracts

A CSP is a competitive procurement method that an agency may use if it first determines that a CSB is not practicable or advantageous to the City under the circumstances.⁴⁰ CSPs are typically used to award contracts for information technology, architecture, engineering, accounting, legal, scientific, research and/or other similar services. Additionally, CSP contracts are typically solicited through a “request for proposals” (“RFP”) with the award being made to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria as set forth in the RFP.

To ensure a level playing field when evaluating proposal submissions, the agency may only use the factors or criteria set forth in the RFP. Further discussions may be conducted with responsible offerors who submit proposals, provided that offerors are accorded fair treatment with respect to any opportunity for discussion and the revision of the proposals.

Similar to Bids, CSPs may also be solicited from vendors who have been prequalified for the provision of a good or service by mailing notice to each prequalified vendor or, if special circumstances require, to a selected PQVL list through a similar procedure as described above for CSBs.⁴¹

The largest CSP contract registered in FY18 was a \$279,000,000 agreement between DoITT and Verizon Business Network Services, Inc., for the provision of telecommunications services throughout the City (CT1 20181411581). The second largest agreement was a \$184,046,939 contract between DOT and Triple Cantilever Design JV, for the rehabilitation of the Brooklyn/Queens Expressway (CT1 20181402058).

³⁵ NYC Charter § 312.

³⁶ Id. at § 313.

³⁷ Id. at § 3-10.

³⁸ Id. at § 317(b).

³⁹ This contract was submitted with a FY17 contract number, but was registered in FY18.

⁴⁰ Id. at § 319.

⁴¹ Id. at § 320.

Accelerated Procurement Contracts

An Accelerated Procurement contract enables DCAS to quickly obtain specific City Chief Procurement Officer (“CCPO”) approved commodities (*i.e.*, chemicals, energy, food, etc.) due to PPB-approved markets experiencing significant shortages and/or short-term price fluctuations.⁴²

The largest Accelerated Procurement contract registered in FY18 was between DCAS (DMSS) and Environmental Operating Solutions, Inc., for the purchase of glycerol (MA1 20181201441). At the time of registration, this agreement had a total value of \$76,657,040.

Small Purchase Contracts⁴³

Small Purchases are those procurements for goods, services, construction and/or construction-related services valued at no more than \$100,000 – the current “Small Purchase Limit.” According to the Charter, the PPB and the City Council may, by concurrent action, establish dollar limits for the procurement of goods, services, construction and/or construction-related services that may be made without competition or without public advertisement.⁴⁴ These awards, however, are still subject to all other requirements of the PPB Rules.⁴⁵ Additionally, the PPB Rules lay out a competition objective for the way Small Purchases are awarded, currently known as the “5 + 10” method.⁴⁶ Through the 5 + 10 method, procurements valued above the two “Micropurchase Limits” discussed briefly below and more fully under Contract Group No. 2, are solicited from a list of five randomly selected vendors and at least ten randomly selected City-certified Minority and Women Owned Business Enterprise (“M/WBE”) vendors.

As mentioned above, in addition to the \$100,000 small purchase limit, the rules allow for less competitive purchases at lower dollar thresholds through “Micropurchases.” These are:

1. Construction procurements valued up to and including \$35,000; and
2. All other procurements valued up to and including \$20,000.⁴⁷

Although a procurement conducted via any other method defined by the PPB Rules may result in a contract value below the Small Purchase Limit, only those contracts awarded via the 5 + 10 method are considered “true” Small Purchases. All 5 + 10 Small Purchases and most other contracts below the Small Purchase Limit but above the dollar limits set for Micropurchases, are submitted to the Comptroller for registration. Notwithstanding, agencies also have the ability to “self-register” certain contracts at lower amounts as “in-house” registrations.⁴⁸ In FY18, 5,158 Small Purchase registrations accounted for approximately \$169 million of agency purchasing activity.⁴⁹

⁴² 9 RCNY § 3-07.

⁴³ The discussion of Small Purchase Contracts in this subsection, including references to the Small Purchase Limit and the procedures established to afford more opportunities for M/WBEs and Emerging Business Enterprises (“EBE”) to compete for City contracts through the 5+10 method, only apply to the City’s mayoral agencies.

⁴⁴ *Id.* at § 3-08.

⁴⁵ NYC Charter § 314.

⁴⁶ 9 RCNY § 3-08.

⁴⁷ On December 29, 2017, Governor Andrew M. Cuomo signed legislation raising the threshold for NYC government contracts that requires contractors to go through a competitive bidding process to \$150,000 from \$20,000. On September 27, 2018, the PPB adopted a corresponding rule change allowing agencies to enter into contracts with City-certified M/WBEs up to \$150,000 without a formal competition.

⁴⁸ Agencies have delegation to register contracts for goods and services transactions valued at less than \$25,000 and construction transactions valued at less than \$50,000 internally without having to submit the transactions to BCA for review and registration. This process is generally referred to as “self-registration” or registering a contract “in-house.” When an agency exercises this delegation, BCA performs no registration review function nor is BCA responsible for performing any aspect of the registration process on behalf of the awarding agency in FMS.

⁴⁹ The figures provided for “Small Purchases” in this Report do not include all individual AM Codes that FMS identifies as “Small Purchases” by name. Rather, certain “Small Purchase” FMS AM Codes are collapsed into the more “general” procurement Award Method. For instance, CSBs in the “Competitive” Contract Group include standard CSBs (AM Code 01), Small Purchase CSBs (AM Code 03), CSBs from a PQVL (AM Code 35) and Small Purchase CSBs from a PQVL (AM Code 37). A similar approach is used for CSPs.

CONTRACT GROUP NO. 2

Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods

Registered contracts procured by limited or non-competitive award methods define the second Contract Group listed under Procurement Actions. A historical comparison of these actions starting in FY15 is provided in TABLE VIII and includes, but is not limited to, negotiated acquisitions, buy-against procurements, government-to-government procurements and sole sources. GRAPH IV provides an FY18-specific look at Procurement Actions awarded by limited or non-competitive award methods as a percentage of the total value of registrations within Contract Group No. 2. Use of limited or non-competitive award methods are typically restricted to situations where full competition is neither practicable nor possible due to factors such as:

1. Time-sensitive situations (*i.e.*, the need to preserve continuity of service should an agency terminate a contract with an existing vendor);
2. Limited vendor pool with the requisite operating capacity;
3. Existence of only a single provider of the necessary goods and/or services; and/or
4. Where the selection process is dictated by the funding source (*i.e.*, federal government grant).⁵⁰

TABLE VIII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE METHODS⁵¹

Award Method	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
Sole Source	58	\$1,991,004,709	74	\$2,800,477,398	61	\$3,102,167,494	89	\$2,704,418,101
Emergency	120	\$189,143,190	132	\$155,405,830	97	\$93,195,792	70	\$159,719,390
Negotiated Acquisition	290	\$302,470,335	259	\$290,782,017	329	\$2,425,836,913	261	\$1,558,617,809
Innovative*	4	\$327,003	330	\$330,275,039	18	\$10,113,229	207	\$13,736,869
Demonstration Project	8	\$8,281,538	8	\$14,721,801	26	\$29,507,335	9	\$11,741,153
Micropurchase	164	\$2,632,108	115	\$1,702,400	140	\$2,144,101	105	\$1,633,004
Government to Government	67	\$187,507,057	91	\$336,019,954	53	\$134,823,532	78	\$6,946,724,868
Buy-Against	18	\$14,684,473	9	\$10,704,392	3	\$22,791,216	2	\$4,296,000
Intergovernmental**	956	\$437,816,047	705	\$518,684,116	660	\$837,422,905	558	\$467,899,292
Determined by Gov't Mandate***	86	\$107,295,316	104	\$111,741,568	93	\$104,874,162	147	\$140,082,607
Discretionary	1,914	\$142,615,164	2,548	\$188,550,780	2,322	\$192,219,817	2,715	\$250,338,404
TOTAL	3,685	\$3,383,776,940	4,375	\$4,759,065,295	3,802	\$6,955,096,496	4,241	\$12,259,207,498

*Includes Innovative Procurement Contracts and M/WBE Non-Competitive Small Purchases.

**Includes Intergovernmental Renewals.

***Includes Determined by Legal Mandate Contracts.

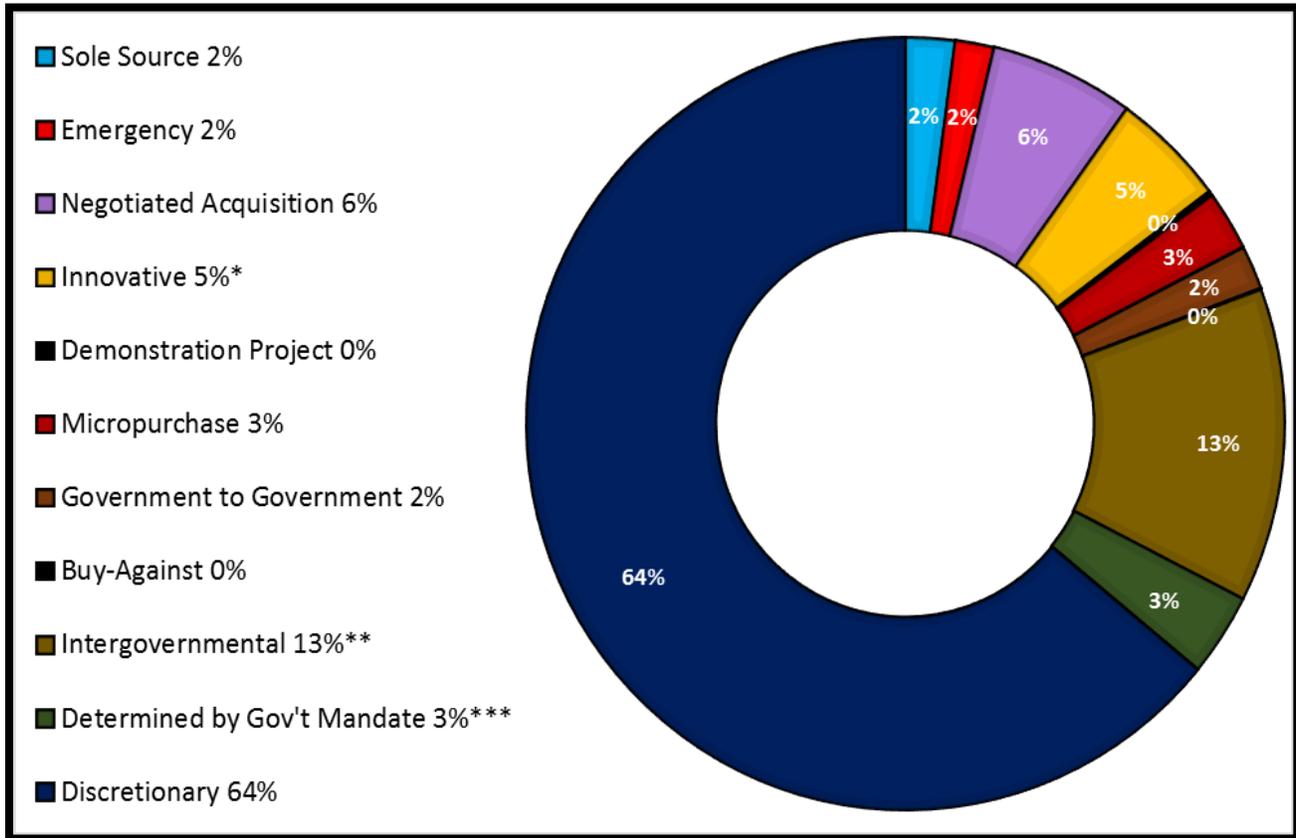
Based on the data presented in TABLE VIII on the previous page, 4,241 contracts procured via limited or non-competitive award methods were registered in FY18 for a total registered value of \$12,259,207,498. Although

⁵⁰ Id. at § 1-02(f)(1).

⁵¹ See Appendix 2 for supporting data pertaining to TABLE VIII.

the total number of registered Contract Actions procured within this category experienced only a marginal increase of 11.5% from FY17 (3,802) to FY18 (4,421), the total registered value of such actions increased exponentially from \$6,995,096,496 in FY17 to \$12,259,207,498 in FY18 (76.3%).

GRAPH IV: FY18 REGISTERED PROCUREMENT ACTIONS AWARDED BY LIMITED OR NON-COMPETITIVE METHODS AS A PERCENTAGE WITHIN CONTRACT GROUP NO. 2



*Includes Innovative Procurement Contracts and M/WBE Non-Competitive Small Purchases.

**Includes Intergovernmental Renewals.

***Includes Determined by Legal Mandate Contracts.

Sole Source Contracts

A Sole Source contract is awarded for goods, services and/or construction without competition after a determination has been made that there is only one source for the required goods, services and/or construction.⁵² Additionally, Sole Source contracts may be entered into with vendors that own proprietary software since they are the only source for the procurement of that software. Whenever an agency makes the determination that there is only a single source for the needed goods, services or construction, such determination must be published in *The City Record*.⁵³ To ensure that only one source exists, this determination or “notice” must solicit applications from any other vendors who may be qualified to provide such goods, services or construction, or who may be interested in providing such goods, services or construction in the future.⁵⁴

⁵² 9 RCNY § 3-05

⁵³ *The City Record* is the official paper of the City of New York. It is published each weekday except legal holidays. The print edition of *The City Record* is the official publication for the following notices: public hearings, meetings, court notices, property dispositions, procurements (solicitations and awards), agency public hearings, agency rules, and special materials which include changes in personnel. This electronic version of *The City Record* is offered solely for the convenience of readers. See NYC Charter § 1066 and <https://a856-cityrecord.nyc.gov/> (last accessed January 29, 2019).

⁵⁴ NYC Charter § 321.

In FY18, 89 Sole Source contracts were registered across 30 agencies for a total registered value of \$2,704,418,101. Of those 30 agencies, the largest cumulative value of registered agreements is attributed to SBS at \$2,595,211,091 (across six contracts), while DOHMH entered into the most sole source contracts, at 14, for a total cumulative registered value of \$2,650,407. For the second consecutive fiscal year, the largest Sole Source agreement registered in FY18 was SBS' Master Economic Development Agreement with NYCEDC at \$1,874,851,000 (MMA1 20186200481), and the second largest was SBS' Master Maritime Agreement with NYCEDC at \$500,759,000 (MMA1 20186200482).

Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an emergency procurement (referred to in the PPB Rules as "Emergency Purchases") may be made with the prior approval of the Comptroller and Corporation Counsel. All procurements entered into pursuant this award method must be made with as much competition as is practical under the circumstances, consistent with applicable provisions of the Charter.⁵⁵ In addition, the procuring agency must include a written determination of the basis for the emergency and the selection of the contractor in the agency contract file while the summary of such determination must be included in the notice of contract award published in *The City Record* within 15 calendar days of registration.⁵⁶

In FY18, 70 Emergency Procurement contracts were registered. Of those, HPD had the largest number of registered Emergency Procurements, at 25, followed by DHS, at 15. DHS registered the highest dollar amount in Emergency Procurements at \$63,740,228 and entered into the largest registered FY18 contract under this award method, at \$47,586,560, with Children's Community Services, Inc., for the provision of emergency shelter services for families in commercial hotels (CT1 20181400558).

Additional information and statistics regarding the number of Emergency Procurement approvals granted by the Comptroller's Office in FY18 is provided in *Section 3* of this Report.

Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO approval, to negotiate contracts directly with vendors in specific circumstances when it is neither practicable nor advantageous to the City to make the procurements through CSBs or CSPs.^{57 58}

In FY18, the first and second largest registered contracts procured via the Negotiated Acquisition method were entered into by DHS. The first was a \$442,961,796 contract with Acacia Housing Network, Inc., for emergency shelter social services in commercial hotels (CT1 20180003033) and the second was a \$351,447,756 agreement with Children's Community Services, Inc., for emergency shelter social services in commercial hotels (CT1 20180003037). DOE entered in the most Negotiated Acquisition contracts in FY18 at 63, but DHS had the largest registered aggregate contract value at \$1,119,183,670.

Innovative Contracts

An Innovative Procurement is a prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently authorized by the PPB Rules.⁵⁸

In FY18, the City approved a new Innovative Procurement permitting agencies to procure goods and services in amounts over \$20,000 but not exceeding \$150,000 from City-certified M/WBE Non-Competitive Small Purchases without engaging in a competitive process. This new mechanism for these M/WBE Non-Competitive Small Purchases, however, does not replace the small purchase method entirely but is considered a separated category within small purchases.

⁵⁵ Id. at § 315.

⁵⁶ 9 RCNY § 3-06(f)(2).

⁵⁷ Id. at § 3-04.

⁵⁸ Id. at § 1-01(e).

⁵⁸ Id. at § 3-12(a).

In FY18, a total of 207 M/WBE Non-Competitive Small Purchases were registered using this new method for a total of \$13,736,869. DOHMH had the largest volume of registered M/WBE Non-Competitive Small Purchases, at 20, for total contract value of \$936,142. The agency with the highest total value of M/WBE Non-Competitive Small Purchases was DOT for a total contract value at \$1,729,910 (across 19 contracts).

There were no standard Innovative Procurement Contract agreements registered in FY18.

Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City.⁵⁹ Procurements authorized through this method permit an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of nine Demonstration Project contracts with a registered value of \$11,741,153 were registered in FY18. DOE awarded the largest registered Demonstration Project contract, at \$3,300,000, with The Eagle Academy Foundation, Inc., for the provision of support services targeting needs of male students of color (CT1 20189871526).

Micropurchase Contracts

Micropurchases are considered a subset of the “Small Purchase” award method and consist of the purchase of goods and/or services in an amount not to exceed \$20,000 and construction procurements not to exceed \$35,000 (“Micropurchase Limits”).⁶⁰ As long as the value of the procurement does not exceed the applicable Micropurchase Limit, no formal competition is required. However, agencies must still ensure that Micropurchase awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.⁶¹

Micropurchases accounted for \$1,633,004 in total FY18 agency Contract Action purchasing activity. DPR had the largest volume of registered Micropurchase contracts, at 42, and the largest total value of registered Micropurchases, at \$658,318.

Government-to-Government Contracts

Awards through Government-to-Government contracts occur when an agency determines that it is in the City’s best interest to procure goods, services, construction, or construction-related services from another governmental entity rather than from vendors on the open market.⁶² The accepted price, terms and conditions for these procurements are achieved through negotiation between the City agency and the other governmental entity. All final negotiated prices must be fair and reasonable for the agency to proceed with the contract.

In FY18, there were 78 Government-to-Government contracts registered totaling \$6,946,724,868. The largest was a \$6,684,100,000 agreement between DCAS and New York Power Authority for the provision of heat, lighting and power to the City (CT1 20185401081).

Buy-Against Procurement Contracts

Buy-Against Procurements are used by City agencies to obtain goods and services after the contracted vendor defaults or fails to fulfill its contract responsibilities.⁶³

⁵⁹ Id. at § 3-11(a).

⁶⁰ Id. at § 3-08(c)(2).

⁶¹ Id. at § 3-08(c)(1)(ii).

⁶² Id. at § 3-13(a).

⁶³ Id. at § 1-01(e).

Two Buy-Against agreements with a registered contract value of nearly \$4,296,000 were registered in FY18. Of these two agreements, the largest was a \$2,244,000 agreement between DCAS (DMSS) and Able Equipment Rental, Inc., for rental equipment needed by DOT (MA1 20181203691).

Intergovernmental Procurement Contracts

The Intergovernmental Procurement award method is used whenever an agency procures, orders or awards a contract for goods, services, construction or construction-related services through a contract let by another government entity.⁶⁴

The two most common government entities that City agencies purchase through are the United States General Services Administration (“GSA”)⁶⁵ and the New York State Office of General Services (“OGS”).⁶⁶ An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. Additionally, in order to purchase services or construction through this award method, the agency must also certify that the contract price is fair and reasonable.

New York State Finance Law provides OGS with expansive authority, permitting the City to purchase through State contracts.⁶⁷ Cooperative purchasing, a procurement conducted by one government entity on behalf of other government entities, is also permissible so long as the agency first determines that use of such award method is in the City’s best interest.

During FY18, 558 Intergovernmental Procurement contracts were registered. The agency with the highest number of registered Intergovernmental Procurement contracts was DCAS (DMSS), which entered into 69 agreements for a total registered value of \$55,532,424. H+H had the highest aggregate value of registered Intergovernmental Procurement contracts, at \$101,561,774 (across 43 agreements). The largest Intergovernmental Procurement contract was entered into by DoITT, at \$46,717,123, with International Business Machines, Corp., for the provision of support and maintenance to hardware, software and mainframe (CT1 20180003816).

Determined by Government Mandate Contracts⁶⁸

Required Method

A Required Method is used by a City agency whenever an outside funding source, statute, rule, court order, consent decree, or other applicable law, specifies the selection method that must be used to award the contract. While selection of the procurement method itself is not governed by the PPB Rules, the contracting agency must comply with all other applicable requirements of the Rules.⁶⁹ For example, section 162 of the NYS Finance Law confers preferred source status on certain vendors for a pre-determined set of goods and services.⁷⁰ As a result, when an agency requires goods or services covered by this law, it must use the source selection method that the law specifies.

Required/Authorized Source

A Required/Authorized Source is used whenever an outside funding source, statute, rule, court order, consent decree or other applicable law, specifies the vendor that a City agency must use to obtain the goods or services. With the exception of source selection, a contracting agency must comply with all other applicable requirements of the PPB Rules. For example, if an agency applies for funding from the United States

⁶⁴ NYC Charter § 316.

⁶⁵ See 40 U.S.C. § 502(c)(1) regarding GSA’s authority to allow other government entities to use its contracts, limited to Federal Supply Schedules 70 and 84.

⁶⁶ See GML §§ 103(1-b), 104, 104-a, and 104-b. The City has broad authority to use the contracts let by other governments.

⁶⁷ SFL § 163(10)(e).

⁶⁸ In addition to the contracts registered using AM Code 26, an additional contract, CT1 20181417927 (DEP), qualified as Required/Authorized Source was registered using AM Code 11 (Determined by Legal Mandate).

⁶⁹ 9 RCNY § 1-02(d).

⁷⁰ SFL § 162.

Department of Agriculture, and the federal agency names the specific vendor that the applicant/recipient must use in order to receive the funding, the City agency must contract with that named vendor directly.

For reporting purposes, the number and value of registered contracts awarded by Required Method and Required/Authorized Source are combined as they share the same award method code in FMS (AM Code 26). In FY18, 147 Determined by Government Mandate contracts were registered across 19 agencies for a total value of \$139,282,607. The agency with both the highest number and greatest value of these contracts was DOHMH, with 43 registered agreements, totaling \$81,076,549.

Discretionary (Line Item) Contracts

Discretionary Contracts are agreements between City agencies and not-for-profit organizations or other public service vendors identified by elected City officials other than the Mayor and the Comptroller.⁷¹ Although these agreements are funded by the respective elected officials' available discretionary funding, they are administered by City agencies.

In FY18, 2,715 Discretionary Contracts were registered across 20 agencies for a total value of \$250,338,404. The agency that processed the most Discretionary Contracts was DYCD, at 1,235, for a total registered value of \$67,050,848. DYCD's registered Discretionary Contracts also represent the largest cumulative value of this type of procurement in FY18. The single largest registered Discretionary Contract, on the other hand, was entered into by the Mayor's Office of Criminal Justice, at \$7,629,399, with Safe Horizon, Inc., in connection with the City Council Dove Initiative (CT1 20181425204).

⁷¹ 9 RCNY § 1-02(e).

CONTRACT GROUP NO. 3
Registered Procurement Contract Actions Awarded by “Other” Methods

The “Other” Registrations Contract Group includes transactions that cannot be easily classified using one of the aforementioned general award methods. For purposes of this Report, these include the nine individual award methods listed in TABLE IX. A total of 449 registrations by “Other” award methods were processed in FY18 for a combined registered value of \$2,710,822,890, representing a 105% increase, or \$1.39 million, when compared to the total registered value in FY17.

TABLE IX: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS
 AWARDED BY “OTHER” METHODS⁷²

Award Method	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
Leases/Lessee Negot. Agreements	96	\$1,271,086,165	107	\$962,597,739	58	\$695,692,801	97	\$1,673,912,325
Watershed Agreements	53	\$12,354,726	43	\$13,698,058	38	\$9,643,503	43	\$18,382,491
Assignments*	139	\$450,004,939	86	\$195,312,075	197	\$439,892,403	137	\$882,206,859
Force Account Negotiations	22	\$5,389,091	27	\$10,248,260	46	\$26,135,330	33	\$18,386,922
DOE Listing Applications	42	\$86,466,914	50	\$243,301,219	51	\$77,262,545	23	\$54,254,113
Non-Procurements	0	\$0	1	\$1,000,000	105	\$33,788,419	55	\$18,811,035
Real Estate Sales & Purchases	2	\$45,513	5	\$7,987,300	3	\$613,680	4	\$5,655,000
Bonds**	12	\$18,880,000	22	\$37,441,800	8	\$18,031,000	5	\$13,335,000
Miscellaneous	37	\$19,437,544	63	\$24,827,151	50	\$16,358,650	52	\$25,879,144
TOTAL	403	\$1,863,664,893	404	\$1,496,413,601	556	\$1,317,418,331	449	\$2,710,822,890

*Excludes RCTIs.

** Includes CT Code 88 (Bonds) and CC Code 104 (Bonds/Letter of Credit).

Leases/Lessee Negotiation Agreements

Leases are agreements entered into between the City and a landlord for an agency’s use of real property for purposes such as office or program space. In certain situations, the agreement for the use of real property by the City may take the form of a “lease,” “license,” or a “license with option to lease.” The acquisition and use of real property through a lease is not subject to the competitive bidding requirements of the PPB Rules or section 103 of the GML but Chapter – of the Charter. However, they are all still subject to the requirement of registration prior to implementation. As required by the Charter, most leases for real property are negotiated and entered into by DCAS, generally on behalf of other City agencies, community boards and borough president’s offices.⁷³

⁷² See Appendix 3 for supporting data pertaining to TABLE IX.

⁷³ NYC Charter § 824(a).

In FY18, 97 Lease/License agreements were registered for a total value of \$1,673,912,325.⁷⁴ One example of a lease registered in FY18 was the \$550,752,153 DCAS agreement with Feinberg & Feinberg et al., for the construction of leased spaced for HRA at 106 East 16th Street, Irving Place (CT1 20185402491).

Watershed Agreements

The City's Watershed consists of three waterway systems (the Catskills, Delaware and Croton) that collectively provide the largest unfiltered water supply in the United States. The City's master Watershed Agreement, signed in January 1997, grants DEP, in collaboration with other NYS and federal agencies, the authority to manage the City's watershed properties and the responsibility to operate the City's water assets through service contracts.

During FY18, a total of 43 DEP Watershed Agreements were registered for an aggregate value of \$18,382,491.

Assignments

A contract Assignment is generally used to transfer an active registered agreement, or portion thereof, from the original contractor to a new contractor, for completion of the original services and deliverables. The terms and conditions of the original agreement, as assigned, do not change. In limited circumstances, a contract Assignment may also be from one City agency to another, with the vendor remaining the same.

During FY18, 137 contract Assignments were registered for a total assigned value of \$882,206,859. There were 12 contract Assignments registered by DCAS for a total registered value of \$239,015,034.

Force Account Negotiation Agreements

Force Account Negotiation agreements are entered into with various railroad agencies, such as Amtrak, New York City Transit Authority, and Long Island Rail Road, when rehabilitation and reconstruction work is to be performed on City-owned property, including bridges and streets, which are above or adjacent to train traffic. These railroad agencies provide a single point of contact for all railroad issues and the required coordination includes the use of railroad personnel for track safety, approval of reconstruction design drawings, track shutdowns, and reductions in train service in order to complete the construction work.

In FY18, a total of 33 Force Account Negotiation agreements were registered across DOT and DDC for a total registered value of \$18,386,922.

DOE Listing Application Contracts

As the name suggests, the "DOE Listing Application" award method is unique to DOE. It permits DOE to create a listing application for the purchase of content provided directly to students, materials that are available only from a certain publisher, artistic performances and admission to programs offered by cultural institutions.⁷⁵ This method may also be used to pay for costs incidental to presentations or workshops geared toward explaining the methodology of a specific published/copyrighted item or costs incidental to the admission to a cultural event that include workshops or presentations geared toward teaching tools that will enhance the use of the original materials, performances or programs purchased.

There were 23 DOE Listing Application contracts registered in FY18 for an aggregate value of \$54,254,113.

Real Estate Sales & Purchase Agreements

Real Estate Sales and Purchase agreements typically refer to contracts for the purchase of land or real estate (*i.e.*, buildings) by an agency from a private seller in connection with a City project. Agencies may also enter these agreements to reimburse property owners for the use of all or a portion of their land rather than purchase the land outright.

⁷⁴ See Section 3 of this Report for a more detailed discussion of this area.

⁷⁵ PPP § 3-06(a).

During FY18, four Real Estate Sales and Purchase agreements were registered for a total value of \$5,655,000. One of these agreements was entered into by ACS, for \$5,500,000, for the purchase of a building in Brooklyn for continued use as a day care center (CT1 20181402723).

Bond Agreements

Bond Agreements or “Letter of Credit” Agreements permit the City to issue variable rate bonds intended to reduce the interest rates that the City must pay on its bonds and ensure that bonds are purchased in the event of a failed remarketing. Solicitations for these transactions are issued pursuant to Section 4.90 of the NYS Local Finance Law and not the PPB Rules.⁷⁶

In FY18, there were five registered Bond Agreements entered into by the Comptroller’s Office for a total aggregate value of \$13,335,000.

Miscellaneous

The Miscellaneous award method generally includes those contracts that do not fall squarely into any other available award method and may include contracts for areas such as insurance-related payments.

A total of 52 contracts across three agencies (CUCF, Mayor’s Office and DYCD) were registered in FY18 using the Miscellaneous award method for a combined value exceeding \$25 million.

⁷⁶ See § 4.90 of NYS Local Finance Law requiring variable rate bonds to have letters of credit or liquidity facilities backing them.

CONTRACT GROUP NO. 4
Registered Procurement Contract Actions Exempt under Section 1-02(f) of the PPB Rules

Section 1-02(f) of the PPB Rules identifies five transactions that do not qualify as procurements under Chapter 13 of the Charter and are therefore not subject to the PPB Rules.⁷⁷ They include:

1. Grant Agreements;
2. Public Utility Agreements;
3. Cable Service Negotiations;
4. Professional Membership Negotiations; and
5. Subscriptions.

While these five categories are not subject to the same procurement requirements as other award methods, registration of the underlying transactions is still required by the Charter prior to implementation.

TABLE X: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS
EXEMPT UNDER § 1-02(F) OF THE PPB RULES⁷⁸

Award Method	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
Grants*	216	\$68,427,198	222	\$105,729,637	207	\$54,742,363	209	\$64,482,514
Public Utility	27	\$12,470,978	35	\$232,186,969	42	\$401,514,759	42	\$328,918,624
Cable Service Negotiation	3	\$138,124	21	\$1,556,820	30	\$3,328,939	12	\$1,814,179
Professional Memb. Negot.	7	\$150,720	17	\$511,010	29	\$1,476,634	23	\$569,898
Subscriptions	134	\$10,345,005	218	\$34,301,281	222	\$13,403,220	259	\$29,394,891
TOTAL	387	\$91,532,025	513	\$374,285,717	530	\$474,465,915	545	\$425,180,105

*Includes Grant Renewals.

Grant Agreements

A Grant is a cash transfer made by one government entity to another government entity, a quasi-public entity, a private organization or an individual, for use by the recipient in accomplishing specific objectives established by the recipient.⁷⁹ A Grant is permissible only to accomplish a public purpose authorized by Federal, State or City law and may be conditional or awarded without other consideration. Federal and State grants are identified by formula or specific allocations in law or in the Annual Operating Budget Act, bond authorizations or other acts of Congress or State legislature. Grants are distinct from procurement contracts, which call for the vendor to produce specific products or to deliver specific goods or services. While there are requirements that result in an executed agreement between the grantor and grantee, Grants are not contracts for services.

In FY18, the Department of Cultural Affairs (“CULT”) had 160 Grants registered for a total of \$31,468,960, SBS had 24 Grants registered for \$1,473,900, and DOE had six Grants registered for \$1,447,006. DDC entered into the largest registered Grant in FY18, at \$14,033,814, with the Brooklyn Botanical Garden, for the purpose

⁷⁷ 9 RCNY § 1-02(f).

⁷⁸ See *Appendix 4* for supporting data pertaining to TABLE X.

⁷⁹ Id. at §§ 1-01(e) and 1-02(f)(1).

of restoring, renovating and expanding the garden space renovation of the Women’s History Center’s Sweat Equity Exhibit (CT1 20181411357).

Public Utility Contracts

The Public Utility non-procurement transaction is used by an agency when the work or service is provided by public utilities that are regulated by the NYS Public Service Commission (“NYSPSC”) where rates charged to customers have been tariffed pursuant to the Public Service Law, or where there are no practical competitive alternatives.⁸⁰ Such services typically include local telephone service, electricity, gas, water, and steam.

During FY18, 42 Public Utility transactions submitted by nine agencies were registered for a total value of \$328,918,624. The majority of these transactions were processed by DCAS, including the largest Public Utility contract with Consolidated Edison Company of New York, Inc., at \$79,454,000, for the purchase of gas for use in public buildings (CT1 20195000001).⁸¹

Cable Service Negotiation Contracts

Cable Service Negotiations is another non-procurement transaction for the provision of cable television services or other public services that are regulated by the NYSPSC.⁸² This non-procurement method also includes any interstate public utility that is regulated by either the Federal Energy Regulatory Commission or the Federal Communications Commission.

During FY18, 12 Cable Service Negotiation contracts were registered across five agencies totaling \$1,814,179.

Professional Membership Negotiation Contracts

The Professional Membership Negotiation non-procurement method is used by agencies to acquire new memberships or to process membership renewals in professional associations such as attorney bar associations or other industry associations.⁸³

During FY18, 23 Professional Membership Negotiation contracts were registered across seven agencies totaling \$569,898.

Subscription Contracts

The Subscription non-procurement method is used by an agency to purchase subscriptions (including electronic subscriptions) for magazines and periodicals, orders for books, “off-the-shelf” training videotapes, and attendance at standard commercially available training seminars.⁸⁴ Certain software licenses and various print and online periodicals may also be obtained through subscriptions.

During FY18, 259 Subscriptions were registered for a total value of \$29,394,891. DEP was responsible for entering into the greatest number of registered Subscriptions, at 73, for a total value of \$837,891, while DCAS (DMSS) was responsible for the single largest Subscription registered in FY18 – a \$11,305,000 agreement with West Publishing Corporation to allow City agencies to subscribe to various online legal, news, business, public records and law enforcement information, printed materials and solutions. (CT1 20181202177).

⁸⁰ 9 RCNY § 1-02(f)(2).

⁸¹ This contract was submitted with a FY19 contract number, but was registered in FY18 during the Pre-Processing Period.

⁸² Id. at § 1-02(f)(3).

⁸³ Id. at § 1-02(f)(4).

⁸⁴ Id. at § 1-02(f)(5).

CONTRACT GROUP NO. 5 Registered Procurement Contract Management Actions

Registered Procurement Contract Management Actions refer to procurement transactions intended to extend and/or enhance existing registered agreements. For the purposes of TABLE XI and this Report, Procurement Contract Management Actions include Renewals and Negotiated Acquisition Extensions (“NAEs”), but excludes RCTIs, Intergovernmental Renewals and Grant Renewals.

As indicated by TABLE XI, a total of 1,373 Registered Procurement Contract Management Actions (CTIs, MAIs and MMAIs) were registered in FY18 for a collective value of \$3,321,801,894. While this represents a small increase of 1% when compared to FY17, the total value of Procurement Contract Management Actions decreased by \$2,206,917,792 during the same period (or 40%). Although there was an increase of 90 renewals registered from FY17 to FY18, there was a significant decrease in the total registered value of renewals by from FY17 to FY18 (down \$2,274,035,572).

TABLE XI: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS ⁸⁵

Award Method	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
Renewals*	508	\$1,139,808,106	1,107	\$3,301,645,281	1,085	\$5,217,387,335	1,175	\$2,943,351,763
NAEs**	931	\$873,598,355	381	\$312,519,989	271	\$311,332,350	198	\$378,450,131
TOTAL	1,439	\$2,013,406,461	1,488	\$3,614,165,270	1,356	\$5,528,719,686	1,373	\$3,321,801,894

*Excludes Intergovernmental Renewals and Grant Renewals.

**Includes DOE Negotiated Services Extensions.

Renewal Agreements

A Renewal is the re-registration of a previous contract with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists, or schedules or types of items to be supplied.⁸⁶

In FY18, 1,175 Renewals were registered, up 8.3% from FY17. This figure does not include “Intergovernmental Renewals” which are captured in TABLE VIII and “Grant Renewals” which are captured in TABLE X under “Grants.”

Negotiated Acquisition Extensions

Negotiated Acquisition Extensions (“NAEs”) are a form of contract extension whereby an existing contract, regardless of the original procurement method, is extended one or more times beyond the current cumulative twelve-month limit, provided that the vendor’s performance is satisfactory or that any deficiencies have been addressed or are effectively addressed through a corrective action plan, and the extension is for the minimum time necessary to meet the need.⁸⁷

In FY18, 198 NAEs were registered. One example of an NAE registered in FY18 is the \$32,600,000 DoITT agreement with Telesector Resources Group, Inc., a Verizon Services Group, for the provision of voice and data services (CT1 20180003601).

⁸⁵ See Appendix 5 for supporting data pertaining to TABLE XI.

⁸⁶ 9 RCNY § 4-04(a).

⁸⁷ Id. at § 3-04(b)(2)(iii).

B. Total Registered Revenue Contract Actions in FY18

CONTRACT GROUP NO. 6 Registered Revenue Contract Actions Awarded by Contract Type

The sixth and final Contract Group discussed in this Report is Revenue Actions. Franchises, Concessions and Revocable Consents, which are governed by Chapter 14 of the Charter, represent three types of revenue-generating agreements entered into and registered by City agencies. Additional authority for these types of Revenue Action awards can be found in the followings sections of the Rules of the City of New York: Chapter 1 of Title 12 (“Concession Rules”); Chapter 2 of Title 6 (“DCA Rules on Revocable Consents”); and Chapter 7 of Title 34 (“DOT’s Revocable Consent Rules”).

Unlike traditional procurements where the City spends money to receive a good or service, City agencies enter into revenue agreements to generate money by allowing a vendor to operate on or use the City’s inalienable property for either a private purpose in the case of concessions or for a public purpose in the case of a franchise. For instance, the City’s golf courses are operated by vendors through concession contracts with DPR (typically in the form of license agreements) and cable companies such as Time Warner Cable and Verizon, provide services to the public through approved and registered franchise agreements held by DoITT.

In terms of payment structure, concessions awarded by DPR through CSPs generally require the selected vendor to pay the City a “Guaranteed Annual Minimum Fee” or a “Negotiated Percentage of Gross Receipts,” whichever figure is higher. However, alternate payment structures may be established on a contract-by-contract basis to ensure the best interests of the City are being protected, consistent with governing rules, regulations, local laws, and the parameters of the underlying solicitation. With limited exceptions, all monies generated from registered Revenue agreements are deposited into the City’s General Fund.⁸⁸

TABLE XII: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE⁸⁹

Contract Type	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
Franchises	5	\$3,265,000	3	\$1,862,000	0	\$0	4	\$2,447,500
Concessions	43	\$43,606,378	133	\$39,384,376	69	\$26,787,611	71	\$47,536,139
Revocable Consents	962	\$32,523,139	786	\$31,374,294	442	\$970,260,677	367	\$13,532,684
Corpus Funded	37	\$208,131,333	62	\$495,740,657	34	\$123,925,098	32	\$177,010,310
Requirements - Services	0	\$0	0	\$0	1	\$128,376	0	\$0
Other Expense - Revenue	0	\$0	0	\$0	2	\$1,388,280	3	\$512,712
Other	21	\$8,938,071	13	\$5,465,000	4	\$800,000	2	\$5,250,000
TOTAL	1,068	\$296,463,921	997	\$573,826,328	552	\$1,123,290,043	479	\$246,289,345

⁸⁸ NYC Charter § 104.

⁸⁹ See Appendix 6 for supporting data pertaining to TABLE XII.

Franchise Agreements

A Franchise is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.⁹⁰ As noted above, the provision of cable television services is one example of a franchise.

There were four Franchise agreements registered in FY18 by DoITT for a total registered revenue value of \$2,447,500. One example of a Franchise registered in FY18 was the \$640,000 DoITT agreement with Pilot Fiber NY, LLC., for the provision of information services (RCT1 20188200181).

Concession Agreements

A Concession is a grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs.⁹¹ Concessions do not include franchises, revocable consents or leases.

In FY18, 71 new Concessions were registered for a total registered revenue value of \$47,536,139. The largest concession registered in FY18 is a \$23,289,100 agreement between DPR and Central Park Boathouse, LLC., for the operation and maintenance of Loeb Boathouse Restaurant (RCT1 20178202626).⁹²

Revocable Consent Agreements

A Revocable Consent is a grant of a right by the City, revocable at will: (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property; (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property; or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.⁹³

In FY18, a total of 367 registered Revocable Consent agreements were entered into for a collective value exceeding \$13.5 million. Although the number of Revocable Consents decreased from FY17 to FY18 by 75, the total registration value decreased by over \$956 million for the same period. DCA had the largest number of registered Revocable Consent agreements with 282, followed by DOT with 85.

Corpus Funded Agreements

Corpus Funds are used to finance pension-related expenses, such as investment management services.

In FY18, a total of 32 Corpus Funded agreements entered into by the Comptroller's Office were registered for \$177,010,310.

⁹⁰ NYC Charter § 362(b).

⁹¹ Id. at § 362(a).

⁹² This contract was submitted with a FY17 contract number, but was registered in FY18.

⁹³ Id. at § 362(d).

Section 3: Agency Specific Data & Supplemental Analysis

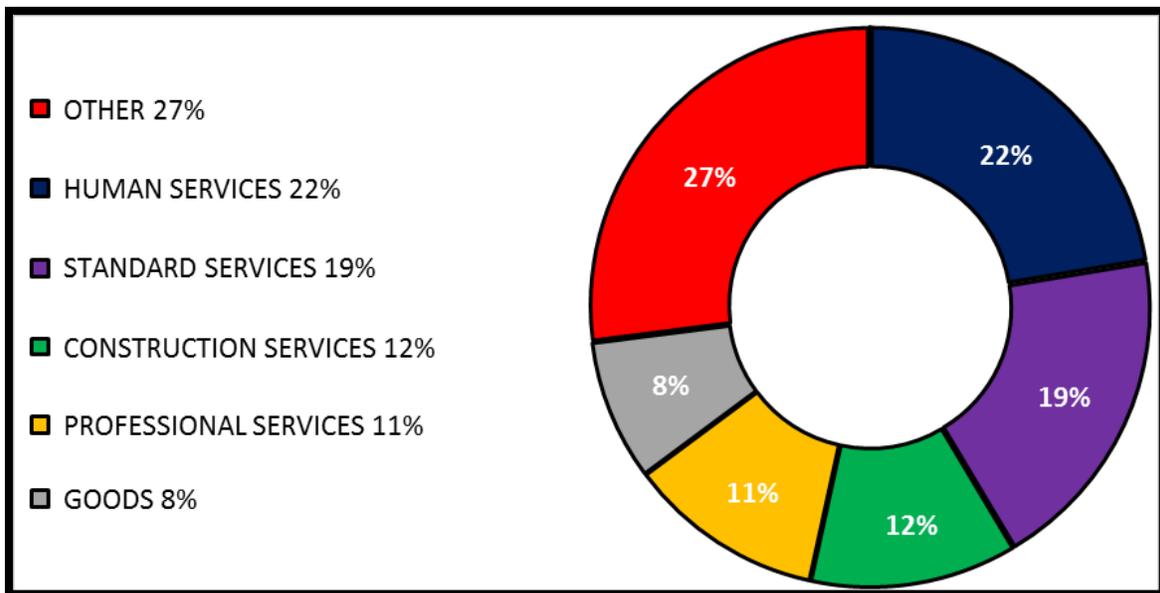
BCA makes every effort to ensure that the City’s funds are properly safeguarded by identifying ways to increase transparency, accountability and efficiency in the contracting and registration process. The agency specific data and supplemental analysis that follows is intended to further such goals.

A. Registrations by Industry Classification

This part of the Report presents FY18 Contract Action registrations by industry classification based on the industry categories established by Local Law 1 of 2013 (“LL1”). This information has been included to provide members of the public with an alternate perspective of the contract data based on the industry classification used in many other City-issued contracts reports. It is important to note, however, that while the industry classifications and groups set forth in LL1 were applied, this is not intended to be a LL1 compliance report. Rather, it is a report detailing overall agency registrations in FY18. As GRAPH V indicates, there are six primary industry classifications that a particular Contract Action may fall under:

1. Construction Services;
2. Goods;
3. Human Services;
4. Professional Services (including Architectural/Engineering Services);
5. Standard Services; and
6. Other (including No Category Coded, Multiple Classifications and Unclassified).

GRAPH V: REGISTERED FY18 CONTRACT ACTIONS BY INDUSTRY CLASSIFICATION^{94 95}



⁹⁴ See *Appendix 7* for supporting data pertaining to GRAPH V.

⁹⁵ For purposes of the FY18 Report, whenever the industry classification identified by OASIS for a particular contract different from the industry classification identified by FMS, the FMS industry classification was used. In prior annual reports, the OASIS classification was defaulted to.

B. Registered Modifications

Modifications are used by a City agency to amend or adjust an existing registered agreement.⁹⁶ Most often, these changes are effectuated through mechanisms such as “Amendments,” “Amendment Extensions” or “Change Orders” (“COs”).

An Amendment is used to modify specific terms of a registered agreement whereas an Amendment Extension is a modification that extends the contract term for good and sufficient cause for a cumulative period not to exceed twelve months from the date of expiration of the underlying contract.⁹⁷ A CO, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement in some way.⁹⁸ Contract Modifications are also registered for administrative actions, including changes to accounting lines and revisions to an agreement’s end dates on construction completion contracts.

As TABLE XIII indicates, a total of 49,807 Modifications were registered in FY18. This figure can be broken down as follows:

- 48,947 (just over 98%) represent “CTR” Modifications to contracts registered using the following Transaction Codes: CT1 and CTA1.
- 860 (just over 1%) represent “MAR” Modifications to contracts registered with the following Transaction Codes: MA1; MMA1; and RCT1.

Of the 48,947 CTRs registered in FY18:

- 1,436 include CTR Modification actions where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.
- 47,511 include CTR Modifications where there either a change to the term OR change to the contract amount OR some other change (such as an administrative revision).

Of the 860 MARs registered in FY18:

- 220 include MAR Modifications where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.
- 640 include MAR Modifications where there either a change to the term OR change to the contract amount OR some other change (such as an administrative revision).

TABLE XIII: REGISTERED MODIFICATIONS IN FY18⁹⁹

Modification Transaction Code	Modification Type		Total No. Registered
	Change in Term OR Amount OR Other Revision	Change in Term AND Amount	
CTR Modifications*	47,511	1,436	48,947
MAR Modifications**	640	220	860
TOTAL	48,151	1,656	49,807

*CT1 and CTA1.

**MA1, MMA1 and RCT1.

⁹⁶ 9 RCNY § 4-02.

⁹⁷ Id. at § 4-02(b)(iii).

⁹⁸ Id. at § 1-01(e).

⁹⁹ See *Appendix 8* for supporting data pertaining to TABLE XIII.

C. Construction Change Order Registrations

As referenced in Section B, some Modifications are processed as COs, which are changes to existing contracts that authorize additional work to be performed that is either necessary to complete the work in the original contract or to add work that would not result in a material change to the scope of the contract. While COs are processed for a variety of contract types, this section highlights COs processed for Construction known as construction change orders (“CCO”). As the construction industry continues to boom in NYC, the pressure for municipal construction contracts to maintain projects on budget and on schedule is ever more important in order for municipalities to remain competitive. CCOs provide insight into the City’s management of these projects.

A CCO condition can be categorized as a scope change, which can be classified as a material change in scope or a non-material change in scope, administrative change, design omission, field condition, design error and/or other (extra work, overruns/underruns, Comptroller’s dispute determination, no cost CO). City Rules/Regulations¹⁰⁰ state that CCOs cannot be implemented until registered by the Comptroller¹⁰¹.

CCOs are prevalent in the construction services industry due to complexities of construction that can be affected by a myriad of factors such as conditions of the site, unknown remediation issues and flaws in the site. When appropriate, CCOs must include but is not limited to locations and limits of proposed work, any applicable specification changes and references to specifications, drawings, sketches, and other technical information.

During FY18, a total of 796 CCOs (CTR and MAR Modification actions) related to the construction services industry were registered where there was a change to the term of the agreement (end date). DDC was responsible for entering into the greatest number of registered CCOs where the contract end date was revised, at 508, while DEP was responsible for the second largest number, at 100, followed by DOT with 37. These three City agencies accounted for just under 82% of all CCOs where the contract end date changed in the construction services industry.

In FY18, a total of 1,923 CCOs (CTR and MAR Modification actions) related to the construction services industry were registered where there was a change to the contract amount. The agency that processed the most CCOs where the registered contract value increased was DDC, at 1,048, for a total registration modification value of \$90,091,093.42, followed by DEP with 202 for a total registration modification value of \$14,716,597. Although DOT only entered into 78 CCOs where the registered contract value increased, they had the highest total registration modification value of \$367,864,881, including 12 CCOs with Defoe Corporation, with a contract increase sum of \$19,323,961 resulting in a revised contract maximum amount of \$126,655.933, for the reconstruction of the Harlem River Drive over East 127th Street and 2nd Avenue (CTR 20151406751-00008 and CTR 20151406751-00013 through CTR 20151406751-00023).

TABLE XIV: REGISTERED CONSTRUCTION CHANGE ORDERS IN FY18¹⁰²

Modification Transaction Code	Modification Type			Total Registered Modification Value
	Change in Term	Change in Amount	Change in Term AND Amount	
CTR Modifications	788	1895	369	\$668,657,586.76
MAR Modifications	8	28	3	\$15,474,956.33
TOTAL	796	1,923	372	\$684,132,543.09

¹⁰⁰ 9 RCNY § 2-12.

¹⁰¹ NYC Charter § 328(a).

¹⁰² See Appendix 9 for data supporting TABLE XIV.

D. Registered Task Orders Awarded through Agency Master Agreements

Master agreements are created to provide general categories of goods and services required by one or more agencies. Agencies use master agreements by issuing Task Orders (“TOs”) to fulfill specific needs.¹⁰³ For example, DoITT’s Citywide Quality Assurance and System Integration Services contracts provide user agencies with an effective mechanism to identify qualified consultants capable of supporting and completing the agency’s individual IT project needs.

The protocol for awarding TOs is established by the terms and conditions of the respective master agreement and may include assigning TOs on a rotational basis, by area or expertise or via a second tier of competitions, such as through a mini-bid or mini-proposal process. All master agreements, as well as agency TOs, are submitted to the Comptroller for registration.

In FY18, 1,609 TOs (processed in FMS as CTA1s) were issued and registered pursuant to master contracts held by several City agencies for a total value of approximately \$1.1 billion. Of these, 303 (just under 19%) were TOs issued and registered through DoITT master information technology contracts for total registration value of \$288,492,804.

TABLE XV: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS AWARDED THROUGH AGENCY MASTER AGREEMENTS^{104 105}

CTA1 Category	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
CTA1s Registered through DoITT MMA1s	264	\$126,034,417	390	\$98,129,197	280	\$256,051,788	303	\$288,492,804
CTA1s Registered through Agency MMA1s*	632	\$586,945,892	735	\$677,055,371	1,181	\$1,068,392,998	1306**	\$784,004,609
TOTAL	896	\$712,980,309	1,125	\$775,184,568	1,461	\$1,324,444,786	1,609	\$1,072,497,413

*For purposes of Table XV, “Agency” MMA1s refer to master agreements held by City agencies other than DoITT.

**One of the TOs included in this total was registered as a CTI 20180002777 and not as a CTA1. For purposes of Table XV, “Agency” MMA1s refer to master agreements held by City agencies other than DoITT.

The three agencies with the largest number of TOs (CTA1s) registered through non-DoITT agencies MMA1s in FY18 were SBS at 284 (\$323,804,511), followed by DDC at 207 (\$237,001,849), and then HPD at 193 (\$101,930,485). Registrations by these three agencies accounted for more than 52% of individually registered TOs for non-DoITT agencies and accounts for over 62% of the total registered value.

¹⁰³ The data provided in this section is limited to TOs/CTA1s issued pursuant to master agreements registered using the Transaction Code “MMA1.” It does not include instances where agencies purchase goods using a Direct Order (“DO”) issued through master agreements registered using the Transaction Code “MA1.”

¹⁰⁴ See Appendix 10 for supporting data pertaining to TABLE XV.

¹⁰⁵ For the purposes of the FY18 Report, the “CTA1s Registered through DoITT MMA1s” category included agency TOs issued and registered pursuant to master agreements held by DoITT. In the prior reports issued for FY15 – FY17, the data for this reported same category was limited to DoITT TOs issued and registered pursuant to master agreements held by DoITT (and not all agency TOs).

E. DOE Registered Contract Actions

DOE oversees schools that serve approximately one million students each year and its Division of Contracts and Purchasing (“DCP”) is responsible for awarding goods and services contracts.¹⁰⁶ Given the high volume of DOE procurements, DOE’s diverse contract portfolio, and the Department’s sheer leverage from a buying, budget and accounting perspective, a thorough review of the agency’s FY18 procurement activity is included in this Report.

DOE, whose procurement activity is governed by NYS Education Law (and not the PPB Rules) is required to create, implement and abide by a set of procurement rules.¹⁰⁷ These rules, known as the *Procurement Policy and Procedures* (“PPP”), were approved by the Panel of Education Policy (“PEP”) on January 27, 2010.¹⁰⁸ Amendments to the PPP were subsequently approved by the PEP on December 21, 2012 and once again on February 24, 2016.

The PPP was enacted to “ensure the wise, prudent, and economical use of public money.”¹⁰⁹ Specifically, they are intended “to ensure that contracts are awarded consistent with law and on the basis of best value, including, but not limited to maximum quality, lowest cost or lowest possible cost, and efficiency...to make as consistent as possible the uniform application of these policies throughout the DOE” and “to provide for increased public confidence in the DOE’s public procurement procedures.”¹¹⁰

Section 3-01(a) of the PPP lists the following 14 procurement award methods available to DOE and requires , unless otherwise authorized by law, that DOE use one of these methods for every award¹¹¹:

1. Competitive Sealed Bidding;
2. Request for Proposals;
3. Multiple Task Award Contract Process;
4. Expedited Competitive Solicitation;
5. Listing Application;
6. Sole Source Goods Procurement;
7. Negotiated Services;
8. Emergency Purchases;
9. Simplified Procurement;
10. Purchases through Governmental Contracts;
11. Demonstration Projects for Innovative Products, Approaches, or Technologies;
12. Innovative Procurement Methods;
13. Government-to-Government Purchases; and
14. Consultant Contracts with Individuals.

As mentioned in the prior reports, the PPP is very similar to the PPB in terms of intent, award methods, and requirements. However, there are some considerable differences between the two sets of rules that offer DOE significantly more discretion in the contract solicitation, vetting and award process. One constant, however, is the requirement that any contract funded partially or in full by the City treasury be registered with the Comptroller’s Office prior to implementation. According to section 2-09(a) of the PPP:

Unless otherwise provided by law or these Procedures, all contracts, franchises, revocable consents and concessions shall be presented to the Comptroller for registration.

¹⁰⁶ <http://schools.nyc.gov/AboutUs/schools/data/stats/default.htm>, last accessed January 29, 2018.

¹⁰⁷ NYS Education Law § 2590-g.

¹⁰⁸ See PPP § 1-01 (“Definitions”) which states that the Panel for Educational Policy is the “The board of education of the city school district of the City of New York consisting of thirteen appointed members as set forth in the New York State Education Law Section § 2590-b of Article 52-A.”

¹⁰⁹ PPP § 1-01.

¹¹⁰ Id.

¹¹¹ Id. at § 3-01(a).

Registration of a contract by the Comptroller shall not constitute an approval of the contract nor an approval of the process by which the contract or agreement was awarded.”¹¹²

Although section 3-01(b) of the PPP specifies a “Preference for Competitive Sealed Bidding,” the majority of DOE’s FY18 procurements were awarded and registered via “Alternate Source Selection Methods pursuant to sections 3-01(c) and (d) of the PPP.”¹¹³ Section 3-01(d) of the PPP states:

Upon determining that there is a situation which warrants awarding a contract using alternatives to competitive sealed bidding where competitive sealed bidding is not practicable or not advantageous, the Procurement Manager shall use the most competitive alternative method of procurement provided for in § 3-01(a) of these Procedures which is appropriate under the circumstances. The Procurement Manager shall make a written determination justifying the basis, including the efficiency, benefit and necessity, for awarding a contract using a procurement method other than competitive sealed bidding.¹¹⁴

Additionally (and similar to the PPB Rules), the PPP does not require registration of POs nor does the PPP require that “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.¹¹⁵ Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike mayoral agencies, the PPP does not require that DOE receive prior approval from either the Comptroller or the Corporation Counsel to invoke use of the “Emergency Procurement” method. Rather, the prior approval is handled internally.

As TABLE XVI on page 41 indicates, below are a few notable observations pertaining to FY18 DOE registered agreements:

- DOE was responsible for the sixth largest value of total registered Contract Actions in FY18 (*see* TABLE IV);
- A total of 4,620 DOE Contract Actions were registered in FY18 for a total registered value of \$1,448,119,680, representing a small increase in both Contract Actions and contract value from FY17;
- The total value of DOE’s competitive awards increased substantially from FY17 to FY18 (*i.e.*, CSBs increased from \$251,798,986 to \$368,202,89 and CSPs increased from \$69,461,966 to \$177,198,508 in FY18);
- The total value of DOE’s Intergovernmental Agreements, Negotiated Acquisitions and Assignments decreased significantly from FY17 to FY18 (Intergovernmental Agreements from \$298,714,166 to \$27,591,075, Negotiated Acquisitions from \$1,872,311,071 to \$34,308,250 and Assignments from \$135,186,914 to \$33,691,598);
- While there were no Determined by Government Mandate Contracts registered in FY15, FY16 and FY17, there were 34 of these agreements registered in FY18 for a total registration value of \$13,490,063;
- There were 395 DOE Renewals registered for a total registration value of \$459,675,361, both figures representing a percentage increase of 47.4% and 65.3%, respectively, from FY17 to FY18;
- There was a decrease in DOE’s use of CSBs by seven from FY17 to FY18, while CSPs increased by 34 for the same period; and
- There was a 301 increase in the number of Small Purchase registrations from FY17 to FY18 and a corresponding \$7,525,000 increase in value.

¹¹² PPP § 2-09(a).

¹¹³ *See* PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”).

¹¹⁴ PPP §§ 3-01(c) and (d).

¹¹⁵ *See* PPP § 2-09(b) (“Registration is not required for purchase orders used to make purchases pursuant to requirements contracts that have been registered with the Comptroller.”).

TABLE XVI: TOTAL DOE REGISTERED CONTRACT ACTIONS IN FY18¹¹⁶

Award Method	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
CSBs	85	\$1,122,481,154	38	\$353,601,463	80	\$251,798,986	73	\$368,202,891
CSPs	297	\$539,116,702	48	\$785,572,518	33	\$69,461,966	67	\$177,198,508
PQVL Competitive Sealed Proposals	60	\$122,631,910	74	\$111,151,348	140	\$97,667,387	176	\$159,366,265
Renewals	74	\$203,816,663	156	\$183,483,346	239	\$311,859,980	395	\$459,675,361
Determined by Legal Mandate	0	\$0	0	\$0	1	\$450,000	0	\$0
Determined by Gov't Mandate	0	\$0	0	\$0	0	\$0	34	\$13,490,063
Demonstration Project Contracts	0	\$0	0	\$0	0	\$0	1	\$3,300,000
Intergovernmentals	11	\$5,702,648	8	\$14,588,774	11	\$298,714,166	16	\$27,591,075
Emergency Procurements	14	\$36,010,621	3	\$3,538,981	2	\$7,153,121	7	\$10,500,095
Negotiated Acquisitions	179	\$176,640,046	128	\$44,599,938	146	\$1,872,311,071	63	\$34,308,250
Buy-Against Procurements	9	\$10,770,661	2	\$3,881,975	0	\$0	0	\$0
Discretionary Awards	15	\$2,057,200	24	\$2,422,858	21	\$10,201,547	29	\$6,466,500
Grants	25	\$6,821,424	19	\$4,461,503	14	\$2,989,929	6	\$1,447,006
SM Purchase Goods Services (100k)	0	\$0	0	\$0	2	\$92,760	0	\$0
Grant Renewals	14	\$1,470,199	16	\$2,468,724	4	\$722,553	0	\$0
DOE Listing Applications	42	\$86,466,914	50	\$243,301,219	51	\$77,262,545	23	\$54,254,113
Sole Sources	0	\$0	1	\$105,000,000	3	\$268,710	2	\$1,602,987
Small Purchase-Written	2,026	\$50,650,000	2,710	\$67,750,000	3,390	\$84,750,000	3,691	\$92,275,000
Corpus Funded	1	\$285,000	1	\$510,000	1	\$570,000	0	\$0
Government to Government	6	\$5,887,642	14	\$19,640,085	3	\$20,685,109	5	\$4,749,969
Assignments	26	\$135,082,933	21	\$21,624,285	106	\$135,186,914	32	\$33,691,598
Info Tech. - Small Purchase Contract	0	\$0	1	\$25,000	0	\$0	0	\$0
Innovative Procurements	0	\$0	320	\$323,874,280	16	\$10,113,227	0	\$0
DOE Negotiated Services Extensions	0	\$0	1	\$3,430,080	0	\$0	0	\$0
Intergovernmental Renewals	0	\$0	1	\$150,000	0	\$0	0	\$0
TOTAL	2,884	\$2,505,891,717	3,636	\$2,295,076,377	4,263	\$3,252,259,971	4,620	\$1,448,119,680

¹¹⁶ See Appendix 11 for supporting data pertaining to TABLE XVI.

F. Lease and License Registrations

BCA reviews and registers leases and licenses negotiated and entered into primarily by DCAS (the agency that acts on behalf of other City agencies) pursuant to section 824 of the Charter. Specifically, this section of the Charter empowers and places the responsibility of purchasing, leasing, condemning or otherwise acquiring real property for the City on the DCAS Commissioner.¹¹⁷

Leases and licenses are typically submitted for registration using AM Code 07 (“Lessee Negotiation”) and CT Codes 35 (“Lessee”) and 36 (“Miscellaneous Property Rental”) and include new agreements, amendments, extensions and renewals to existing registered agreements. Although leases and licenses are not procurements subject to the PPB Rules, BCA continues to apply the same rigorous and comprehensive registration review standards that other submissions are subjected to in an effort to effectively execute the Comptroller’s role as the City’s Chief Financial Officer with respect to oversight of the City’s budget and fiscal condition (including the registration process).

In FY18, a total of 97 new lease and license agreements were registered, totaling \$1,673,912,325, compared to a total registration value of \$695,692,802 in FY17. In fact, FY18 was the highest contract value in the last four fiscal years. In addition, 1,559 modifications to existing licenses and leases were registered in FY18.

Three of the new lease registrations were for separate spaces to be occupied by HRA, DSNY and the NYPD within the Verizon Building, located at 375 Pearl Street within the Financial District of downtown Manhattan.¹¹⁸ Specifically, HRA’s lease is for 153,421 sq. ft. and was registered for \$211,126,467, DSNY’s lease is for 144,380 sq. ft. and was registered for \$113,964,223 and NYPD’s lease is for 18,767 sq. ft. and was registered for \$24,433,851. All three agreements have a base term of 20 years and include two (2) five-year renewal options. If exercised, the renewal rates for the three spaces will be at a percentage of the fair market value determined at the time of the expiration of the original term.

G. Contract Retroactivity¹¹⁹

According to TABLE XVII, of the 14,166 Contract Actions registered in FY18, 8,386 (or 59%) were retroactive. Furthermore, as illustrated by TABLES XVIII (page 43), and XIX (page 44), 7,961 of the 13,687 Procurement Actions (or 58%) and 425 of the 479 Revenue Actions (or 89%) were retroactive.

For the purposes of this Report, a contract is considered “retroactive” when its start date (as set forth in the underlying legal instrument or other governing document and reflected on the Advice of Award) occurs prior to the FMS contract registration date.

¹¹⁷ New York City Charter § 824(a)

¹¹⁸ The Verizon Building is located at the Manhattan side foot of the Brooklyn Bridge. When it first opened, the building was used primarily for telephone switching and in recent years named one of the ugliest buildings in New York City. In 2016 renovations on the building including installation of glass windows were completed. Since the renovation, the owners of the building have leased out spaces to office tenants including city agencies.

¹¹⁹ Details on contract retroactivity for FY17 are available in the report entitled, Running Late: An Analysis of NYC Agency Contracts, available online at: <https://comptroller.nyc.gov/reports/running-late-an-analysis-of-nyc-agency-contracts/> (last accessed January 30, 2019). A follow-up report for FY18 is anticipated to be released on January 31, 2019.

TABLE XVII: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED CONTRACT ACTIONS IN FY18

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	1,472	\$393,799,429
2	DOE	826	\$1,056,904,346
3	DOHMH	762	\$508,556,291
4	DFTA	521	\$199,306,012
5	HRA (DSS)	438	\$907,641,696
6	DPR	294	\$153,152,086
7	DCA	288	\$6,795,152
8	DEP	263	\$293,496,137
9	HHC	236	\$216,867,053
10	SBS	235	\$2,633,636,557
Total (Top 10)		5,335	\$6,370,154,759
Subtotal (All Others)		3,051	\$11,146,442,721
TOTAL		8,386	\$17,516,597,480

TABLE XVIII: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED PROCUREMENT CONTRACT ACTIONS IN FY18

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	1,472	\$393,799,429
2	DOE	826	\$1,056,904,346
3	DOHMH	762	\$508,556,291
4	DFTA	521	\$199,306,012
5	HRA (DSS)	437	\$907,641,696
6	DPR	278	\$111,195,385
7	DEP	263	\$293,496,137
8	HHC	236	\$216,867,053
9	SBS	235	\$2,633,636,557
10	DHS	234	\$3,323,095,426
Total (Top 10)		5,264	\$9,644,498,332
Subtotal (All Others)		2,697	\$7,631,389,241
TOTAL		7,961	\$17,275,887,572

TABLE XIX: AGENCIES BY NUMBER OF RETROACTIVE REGISTERED REVENUE CONTRACT ACTIONS IN FY18

Rank	Agency	Total No. Registered	Total Registered Value
1	DCA	282	\$6,029,269
2	DOT	86	\$7,503,415
3	COMP	32	\$177,010,310
4	DPR	16	\$41,956,701
5	DOITT	5	\$7,697,500
6	NYPD	2	\$0
7	HRA (DSS)	1	\$0
8	DCAS	1	\$512,712
TOTAL		425	\$240,709,908

In addition to analyzing retroactivity for registered FY18 Contract Actions, this Report also analyzes whether or not TOs or “CTA1s” awarded through agency Multiple Master Agreements (“MMA1s”) were considered retroactive based on the above definition.

As TABLE XX indicates, 75% of all registered FY18 TOs were retroactive (1,203 of 1,609 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (948) represents 59% of the total number of registered TOs in FY18 and 54% of all retroactive CTA1 registrations for the same twelve-month period.

TABLE XX: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED TASK ORDERS IN FY18

Rank	Agency	Total No. Registered	Total Registered Value
1	SBS	288	\$324,410,556
2	HPD	161	\$84,075,649
3	DOITT	107	\$75,236,943
4	HRA (DSS)	97	\$7,308,365
5	DOHMH	76	\$11,222,320
6	DPR	63	\$26,416,673
7	DCAS	53	\$8,305,981
8	OATH	35	\$2,194,487
9	DOT	34	\$8,437,161
10	DDC	34	\$14,071,025
Total (Top 10)		948	\$561,679,159
Subtotal (All Others)		255	\$143,853,611
TOTAL		1,203	\$705,532,771

H. Prompt Payment

City agencies are required to process contract payments to those vendors doing business with the City efficiently and expeditiously.¹²⁰ After a proper invoice has been received and accepted by the contracting agency, a required payment date is established. Specifically, contract payments must be made within 30 calendar days of the required payment date. If City agencies fail to provide payments within the prescribed period, they will become liable for making interest payments to the vendors. The interest rate for these payments is jointly established by the Comptroller and OMB and is set at a rate equal to the maximum amount allowed by law or lower.

In FY18, the total interest paid by City agencies to contracted vendors was nearly \$180,000.

I. Registered Agency Purchase Orders

The PPB Rules defines a Purchase Order or “PO” as an official document of the City directing a vendor to perform. A PO formalizes a transaction with a vendor for purchases generally at or below the small purchase limits unless the PO is placed against an existing contract.¹²¹ FMS contains four different PO types:

1. Commodity PO - Small Purchase Construction (“PCC1”);
2. Commodity PO - Micropurchase (“POD”);
3. Commodity PO - Small Purchase (“POC”); and
4. Non - Commodity PO (“PON1”).

Pursuant to *Comptroller Directive #24*, dated April 15, 2004 and re-issued on March 11, 2014, the purchase of commodities below the Small Purchase and Micropurchase Limits can be processed through PCC1s, PODs, or POCs. Non-Commodity POs or “PON1s” are limited to general agency encumbrances for special, non-procurement expenditures for which a contract or other purchase document is not required.¹²²

On April 1, 2015, the Comptroller’s Office issued *Comptroller’s Memorandum #15-1 – Updates to Directive #24 - Agency Purchasing Procedures and Controls*, to clarify for agencies the limited approved uses of PON1s and to provide overall guidance regarding proper practices for this PO type. Specifically, *Comptroller’s Memorandum #15-1* states that PON1 usage is restricted to non-procurement payments such as union welfare funds, pension fund payments and U.S. Postal Services payments.

TABLE XXI: HISTORICAL COMPARISON OF REGISTERED AGENCY POS BY TYPE¹²³

PO Type	Fiscal Year 2015		Fiscal Year 2016		Fiscal Year 2017		Fiscal Year 2018	
	Total No. Registered	Total Registered Value						
PCC1	8,596	\$8,664,116	9,486	\$11,061,142	8,222	\$12,661,555	8,761	\$13,307,549
POD	19,264	\$92,524,269	20,286	\$95,659,630	20,617	\$95,392,001	19,636	\$94,204,191
POC	64,706	\$694,134,285	75,708	\$809,354,200	89,308	\$1,329,756,723	92,509	\$1,473,507,420
PON1	33,020	\$15,354,744,445	32,963	\$14,799,475,206	38,543	\$14,925,036,722	26,727	\$16,744,907,556
TOTAL	125,586	\$16,150,067,115	138,443	\$15,715,550,178	156,690	\$16,362,847,000	147,633	\$18,325,926,716

¹²⁰ 9 RCNY § 4-06.

¹²¹ Id. at § 1-01(e).

¹²² Since the original issuance of *Comptroller’s Directive #24* on April 15, 2004, the City’s financial management system was upgraded from FMS2 to FMS3. As a result of such change, many FMS purchase document names were updated. When the Directive was reissued on March 11, 2014, it included an addendum, in the form of a “Crosswalk,” identifying what each FMS2 purchase document type was replaced with when FMS3 was implemented.

¹²³ See *Appendix 14* for supporting data pertaining to TABLE XXI.

TABLE XXII: TOP FIVE AGENCIES BY TOTAL NUMBER OF REGISTERED POS IN FY18

Agency	Top Five Agencies by Number - PCC1s	
	Total No. Registered	Total Registered Value
HPD	8,511	\$9,381,770
HHC	165	\$1,735,546
DPR	37	\$929,948
NYPD	17	\$521,567
DOHMH	8	\$139,020
Total (Top 5)	8,738	\$12,707,851
Subtotal (All Others)	23	\$599,698
TOTAL	8,761	\$13,307,549

Agency	Top Five Agencies by Number - PON1s	
	Total No. Registered	Total Registered Value
DOE	14,141	\$4,889,799,912
CUNY	9,561	\$155,775,796
CULT	1313	\$104,774,113
HRA (DSS)	613	\$412,361,204
HPD	225	\$150,636,721
Total (Top 5)	25,853	\$5,713,347,746
Subtotal (All Others)	874	\$11,031,559,810
TOTAL	26,727	\$16,744,907,556

Agency	Top Five Agencies by Number - PODs	
	Total No. Registered	Total Registered Value
DPR	1,959	\$7,238,799
DEP	1,365	\$12,691,233
DOHMH	1,343	\$11,515,930
DSNY	1,107	\$5,397,675
CC	863	\$1,289,142
Total (Top 5)	6,637	\$38,132,778
Subtotal (All Others)	12,999	\$56,071,413
TOTAL	19,636	\$94,204,191

Agency	Top Five Agencies by Number - POCs	
	Total No. Registered	Total Registered Value
DOE	88,445	\$139,892,910
NYPD	2,386	\$14,918,301
LAW	383	\$2,932,064
DOT	370	\$4,537,381
HPD	234	\$1,275,834,762
Total (Top 5)	91,818	\$1,438,115,417
Subtotal (All Others)	691	\$35,392,002
TOTAL	92,509	\$1,473,507,420

J. Emergency Procurements Approvals

As discussed in *Part II* of this Report, once a mayoral agency determines that a particular set of circumstances present a case of unforeseen danger to life, safety, property or a necessary service, it can request prior approval from both the Comptroller and the Corporation Counsel to utilize the “Emergency Purchases” procurement method as required by section 3-06 of the PPB Rules.¹²⁴

Agencies may seek the initial prior approval either verbally or by submitting a written request, typically in the form of an email or other similar communication. Once the prior approval is granted, agencies must take the requisite steps to ensure compliance with the remaining procedural requirements under section 3-06 of the PPB Rules for Emergency Purchases, including the submission of a written emergency determination, publication of notices and contract registration submission.

Unlike the Emergency Procurement registration data presented in *Section 2.A* of this Report, this section highlights the number of prior approvals granted by the Comptroller’s Office permitting agencies to use the “Emergency Purchases” award method to enter into a procurement for goods and/or services, regardless of whether the resulting agreement is ultimately negotiated by the agency within FY18 as well. For instance, a total of 14 agencies registered 70 Emergency Procurement contracts in FY18. However, the Comptroller’s Office only granted 39 initial prior approval requests received by nine agencies during that same twelve-month period. One example of the type of emergency that agencies may use this procurement method for includes an FY18

¹²⁴ 9 RCNY 3-06(a).

DOHMH request to solicit services from vendors to perform water cooling tower testing and disinfecting in response to an outbreak of Legionnaires' Disease in Flushing, Queens (ER2018003). Another FY18 example is an FDNY request to make an emergency purchase of fire support equipment and air freight services for the agency's emergency response to the widespread damage that crippled Puerto Rico following Hurricane Maria (ER2018028).

At 30, HPD received the most prior approvals of any other agency during FY18. Of these, 28 were new approvals while two were revisions to initial approvals. Typically, HPD must wait until DOB observes dangerous conditions at a particular structure (or a portion thereof) and, as a result of the severity of the unsafe condition(s), issues an Emergency Declaration notifying the owner of the structure that it must begin work immediately to remediate the condition(s). If the owner fails to take such remedial action in a timely manner or does not perform such work in a satisfactory manner, the City will perform the work detailed in the Emergency Declaration for the owner and may even seek to recover the costs associated with such work from the building owner. Typically, HPD is responsible for contracting with vendors to perform demolition services relating to a failing structure on an emergency basis.

In addition to granting the initial 39 prior approval requests, the Comptroller's Office also approved 14 requests to amend or modify previously issued Emergency Procurement approvals in FY18. These amended approval requests are generally submitted to the Comptroller's Office when an agency anticipates that it will exceed the maximum contract amount set forth in the original emergency approval and/or whenever material changes in scope and/or changes to timelines occur. For example, BCA provided prior approval for a request to extend the term of ACS' emergency contract for nursing and support services at the agency's Nicholas Scoppetta Children's Center for eight months (ER2017004 Rev.1). Additional time was requested to undertake extensive revisions to the related solicitation's scope of work.

As part of the registration process, BCA closely reviews the final executed emergency contract, including both the scope of work and budget, to ensure that both are consistent with and do not exceed the parameters set forth in the underlying written Emergency Procurement Approval Determination (*e.g.*, work is outside scope or budget costs exceed approved contract maximum). TABLE XXIII below provides a breakdown of the total number of Emergency Procurement approvals (by agency) granted by the Comptroller's Office in FY18, regardless of whether the award or resulting contract negotiated by the agency was ultimately registered in FY18.

TABLE XXIII: EMERGENCY PROCUREMENT APPROVALS BY AGENCY IN FY18¹²⁵

Agency	Total New Approvals	Total Amended Approvals	Total Approvals
HPD	28	2	30
ACS	4	2	6
NYPD	1	4	5
DDC	2	3	5
DOHMH	2	0	2
DEP	1	1	2
FDNY	1	0	1
DPR	0	1	1
DOT	0	1	1
TOTAL	39	14	53

¹²⁵ See Appendix 15 for data supporting TABLE XXIII.

K. Legislative Initiatives

Design/Build

As part of the NYS Executive Budget for 2018, Governor Cuomo signed into law authorization for the City to use a different project delivery model called design-build on three public projects: the Brooklyn-Queens Expressway (“BQE”); Rikers Island replacement jails; and NYCHA. In the City, the traditional delivery method for public work projects is to let two separate contracts for the work - the first is for design and the second is for construction. Under the new law, the City may make a single award for both design and construction for each of the three new projects. This alternate project delivery model promises to enable a collaborative project management approach resulting in faster delivery of project completion with fewer problems. Cost savings are also anticipated as a result of this collaborative relationship between designers and contractor through the avoidance of delays and a reduction in change orders.

Minority and Women Owned Business Enterprises (“M/WBEs”)

On December 29, 2017, Governor Cuomo signed into a law an amendment to the NYC Charter permitting the PPB to increase the minimum amount that contract awards may be made by City agencies to M/WBEs without formal competition from \$20,000 to \$150,000.¹²⁶ Accompanying the law change was a letter from the Governor conveying his full support for the increase to the discretionary contract threshold indicating that such change will not only provide M/WBEs with more opportunities to participate in local City procurement efforts, but will also remove potentially time-consuming barriers that limit M/WBE expansion and growth.

To supplement this change at the City level on an expedited basis, the Comptroller’s Office worked with both the Mayor’s Office of Contract Services (“MOCS”) and FISA to develop a strategy which ultimately permitted the use of section 3-12 of the PPB Rules (“Innovative Procurements”) to make this new type of contract awards to City M/WBEs. As part of that collaborative process, guidance material was developed to assist agencies on how to properly make these contract awards put in place the ability for agencies to let these contracts using the Innovative Procurement award method. Together, the Comptroller’s Office and MOCS created guidance documents to assist City agencies on how to properly make these awards.

Best Value

The same NYS legislation referenced above also allowed the City to consider a vendor’s status as an M/WBE when awarding contracts soliciting using “best value procurements,” which involves assessing factors other than the price of a contract proposed by a prospective vendor. For example, agencies can release a best value solicitation prioritizing previous experience and performance when evaluating whether or not to award a contract. The new legislation permits agencies to use M/WBE status as one of the factors in contract award evaluations and determinations.

PPB Rule Amendments

On September 27, 2018, the PPB unanimously adopted the following amendments to the PPB Rules:

- Elimination of the requirement that original “wet” signatures on contracts be submitted to the Comptroller’s Office for registration;¹²⁷
- Permitting City agencies to award contracts to M/WBEs in amounts not to exceed \$150,000 without a formal competition;¹²⁸

¹²⁶ NYC Charter § 311.

¹²⁷ 9 RCNY § 1-04(b).

¹²⁸ Id. at § 3-08.

- Inclusion of a definition for the “Procurement and Sourcing Solutions Portal” or “PASSPort,” the City’s new online portal that migrated the former VENDEX filing system, a paper-based system, to an electronic one;¹²⁹ and
Increasing the minimum dollar threshold relating to the VENDEX filing requirement from \$100,000 to \$250,000.¹³⁰

¹²⁹ Id. at § 1-01.

¹³⁰ Id. at §§ 1-01 and 2-08.

Part IV

Section 4: Bureau of Labor Law FY18 Annual Report Data Pursuant to Sections 6-109 and 6-130 of the NYC Administrative Code

The Comptroller is required to submit annual reports to the Mayor and to City Council summarizing and assessing the implementation and enforcement of sections 6-109 and 6-130 of the Administrative Code which require that:

- Contractors and subcontractors on City service contracts providing homecare services, day care services, head start services or services to persons with cerebral palsy pay their covered employees at the living wage rate and either provide health benefits or supplement the hourly wage rate by \$1.50; and
- City service contractors and subcontractors providing building services, food services or temporary office services pay their covered employees at the prevailing wage and supplement rates set annually by the City Comptroller, or at the living wage rate, whichever is greater.¹³¹

The Comptroller is required by section 6-116.2 of the Administrative Code to include this information in the annual summary contracts report published by BCA on behalf of the Comptroller.¹³² The required reporting information is presented in TABLE XXIV below.

TABLE XXIV: BLL FY18 DATA PURSUANT TO SECTIONS 6-109 AND 6-130 OF THE ADMINISTRATIVE CODE

Type of Work	Number of Pending Cases as of 07/1/2018	Number of New Cases Opened	Number of Cases Closed	Closed Result
Temporary Office Services	1	3	1	Non Willful Violation
Building Services	0	0	0	N/A
Food Services	0	0	0	N/A
Day Care Services	0	0	0	N/A
Head Start Services	0	0	0	N/A
Home Care Services	0	0	0	N/A
Services to Persons with Cerebral Palsy	0	0	0	N/A

¹³¹ NYC Admin. Code § 6-109

¹³² In addition to the report required by section 6-109 of the Administrative Code, BLL is also responsible for the Comptroller's compliance with the annual reporting requirement set forth in section 6-130(d)(1) of the Administrative Code. BLL reports that the NYCEDC provided the Comptroller's Office with a list of covered developers on March 10, 2015 pursuant to section 6-130(c)(7) of the Administrative Code. Furthermore, BLL reports that it received no complaints of underpayment under the statute.

Part V

Section 5: Glossary

Accelerated Procurement: An accelerated procurement is a procurement of commodities that is required to be made quickly due to markets experiencing significant shortages and/or short-term price fluctuations. Such markets must be identified by specific rule of the PPB. Accelerated procurement shall only be authorized when the CCPO determines those specific commodities subject to accelerated procurement, *i.e.*, chemicals, energy, food, etc. (9 RCNY § 3-07).

ACCO: An acronym that stands for Agency Chief Contracting Officer. Position delegated authority by the Agency Head to organize and supervise the procurement activity of subordinate agency staff in conjunction with the CCPO. (9 RCNY § 1-01 (e)).

Agency Head: A term referring to heads of city, country, borough, or other office, administration, department, division, bureau, board, or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the City treasury. (9 RCNY § 1-01 (e)).

Amendment: Modification or adjustments made to an existing contract. (9 RCNY § 4-02).

Amendment Extension: A contract amendment that allows for an extension of a contract term for good and sufficient cause for a cumulative period not to exceed one year from the date of expiration of the current contract. (9 RCNY § 4-02(b)(iii)).

Buy-Against: The process by which, as part of contract administration, an agency obtains goods and services to fulfill its requirements after a vendor defaults or fails to fulfill its contract responsibilities. (9 RCNY § 1-01(e)).

Capital Project (budget, or funding): Capital projects or contracts are funded with monies from the Capital budget typically for the purposes of funding physical infrastructure. Capital projects are at least \$35,000 and have a life of five years.

Change Order: Any alteration, change, amendment, or modification to any contract or agreement approved as required by law or rule. (9 RCNY § 1-01(e)).

CCPO: An acronym that stands for City Chief Procurement Officer. Position delegated authority by the Mayor to coordinate and oversee the procurement activity of Mayoral agency staff, including the ACCOs. (9 RCNY § 1-01(e)).

Charter: The New York City Charter. (9 RCNY § 1-01(e)).

City: City of New York. (9 RCNY § 1-01(e)).

Competitive Sealed Bidding (CSB): The source selection method in which sealed bids are publicly solicited and opened and a contract is awarded to the lowest responsive, responsible bidder. (9 RCNY § 1-01(e)).

Competitive Sealed Proposals (CSP): The source selection method in which a solicitation is made to potential vendors, and between receipt of proposals and award, discussions with vendors may take place to resolve uncertainties in the proposal, advise vendors of deficiencies in meeting the agency's requirements, allow for resulting price changes, etc. (9 RCNY § 1-01(e)).

Concession: A grant made by an agency for the private use of City-owned property for which the City receives compensation other than in the form of a fee to cover administrative costs, except that concessions shall not include franchises, revocable consents and leases. (NYC Charter § 362(a)).

Construction: The process of constructing, reconstructing, demolishing, excavating, renovating, altering, improving, rehabilitating, or repairing any building, facility, or physical structure of any kind, excluding the performance of routine maintenance. (9 RCNY § 1-01(e)).

Construction Management Contract: A form of construction contract that provides the vendor is to furnish management and supervisory services necessary for the construction of facilities that may also include construction services and the ability to award the underlying construction contract. (9 RCNY § 1-01(e)).

Construction-Related Services: Those services that may reasonably be required in the planning, design, or construction

of real property or other public improvements. Such services shall include, but not be limited to, engineering, construction supervision, construction management, testing and investigation. (9 RCNY § 1-01(e)).

Contract: A written agreement between the City and a vendor in an amount generally in excess of the small purchase limits that gives rise to obligations that are enforced and recognized by law. (9 RCNY § 1-01(e)).

Contractor: Any person having a contract with a governmental body. (9 RCNY § 1-01(e)).

Cost Analysis: The process of examining the reasonableness of a vendor's price by evaluation of the separate cost elements and proposed profit in part on the basis of cost data supplied and certified by the vendor. Cost analysis is used on contract actions (including change orders) where price cannot be determined as fair and reasonable by using price analysis alone. (9 RCNY § 1-01(e)).

Demonstration Project: A short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City. Demonstration projects may be proposed for goods, services or construction. They allow the City to observe and analyze effectiveness and efficiency without a large commitment of resources. (9 RCNY § 3-11(a)).

Emergency: An unforeseen danger to life, safety, property, or a necessary service. (9 RCNY § 1-01(e)).

Emergency Procurement: Method of procurement for goods when there is an unforeseen danger to life, safety, property, or a necessary service, the existence of which creates an immediate and serious need for goods, services, or construction that cannot be met through normal procurement methods. (9 RCNY § 3-06(a)).

Emerging Business Enterprise (EBE): A business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which such individuals have demonstrated that they are socially and economically disadvantaged. (NYC Charter § 1304 (6)(c)).

Encumbrance: An action to set aside or reserve all, or a portion, of an appropriation of funds for the payment of future expenses such as payments for the receipt of goods, services or construction pursuant to a contract or agreement. (NYS Office of the State Comptroller Guide to Financial Operations Chapter XI.2.C.).

Expense Contract (budget, or funding): An expense contract is sourced with funding from the expense budget that has the explicit function of funding present City operations.

Fiscal Year: Unless otherwise indicated, the word "year" as it related to terms of contracts shall mean the City's fiscal year. (9 RCNY § 1-01(e)). For the purpose of this Report, the fiscal year covered is Fiscal Year 2016 which runs from July 1, 2015 through June 30, 2016.

FMS: An acronym stands for Financial Management System. (9 RCNY § 1-01(e)).

Franchise: A grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service. (NYC § 362(b)).

Franchise and Concession Review Committee (FCRC): The FCRC consists of six members: the Mayor who serves as chair, the director of the Office of Management and Budget (OMB), the Corporation Counsel, the Comptroller and one additional appointee of the Mayor. The FCRC is primarily responsible for the establishment of rules for the granting of concessions to ensure a competitive and fair process. Each member of the FCRC is entitled to one vote, with the exception of the borough president who collectively share a single vote. Franchises require at least five votes to be approved whereas applicable concession awards typically require four votes. (NYC Charter § 373).

Goods: All personal property, including but not limited to equipment, materials, printing, and insurance, excluding land or a permanent interest in land. (9 RCNY § 1-01(e)).

Government-to-Government Procurement: Purchases made when it is in the City's best interest to procure from another governmental entity goods, services, construction, or construction-related services where the accepted price, terms and conditions are achieved through negotiation between the agency and the governmental entity. (9 RCNY § 3-13(a)).

Grant: A cash transfer made by a government entity to another government entity, a quasi-public entity, a private organization, or an individual, for use by the recipient in accomplishing objectives established by the recipient. A grant is permissible only to accomplish a public purpose authorized by federal, state, or City law. A grant may be conditional,

although awarded without other consideration. Federal and state grants are identified specifically by formula or specific allocations in law or in the annual operating budget act, bond authorizations, or other acts of Congress or the state legislature. Grants can be distinguished from procurement contracts, which call for the vendor to produce specific end products or to deliver specific goods or services. While there are requirements under a grant that result in an executed agreement between the grantor and grantee, this document is not a contract for services. (9 RCNY § 1-01(e)).

HHS (Health and Human Services) Accelerator: HHS Accelerator is an office that facilitates the central management of the procurement process for client services vendors and contractual by creating and maintaining a web-based document vault for client services vendors; creating and maintaining a centralized, electronic and web accessible categorization system of services provided for all City agencies; prequalifying client services providers; and managing procurements for client services. (9 RCNY § 1-01(e)).

Human/Client Services: Programs contracted for by the City of New York on behalf of third party clients, including programs to provide social services, health or medical services, housing and shelter assistance services, legal services, employment assistance services, and vocational, educational or recreational programs. Agencies whose mission involves the award and administration of such contracts, or provisions of the same or similar services by agency staff are sometimes known as “Human Services agencies.” Examples of human services include but are not limited to: day care, foster care, mental health treatment, operation of senior centers, home care, employment training, homeless assistance, preventive services, health maintenance organizations, and youth services. (9 RCNY § 1-01(e)).

IFB: An acronym that stands for Invitation for Bids. (9 RCNY § 1-01(e)).

Information Technology: Systems or components thereof including, but not limited to, hardware, software, firmware, and telecommunications that integrate and process data; and services including, but not limited to, planning, consulting, project managing, developing requirements definitions, analyzing, designing, programming, testing, training, implementing, as well as conversion capacity management and quality assurance for the purpose of using, creating, maintaining, operating, or repairing computer systems or networks or computer systems or components thereof. (9 RCNY § 1-01(e)).

Innovative Procurement: Prospective procurement method that tests and evaluates the feasibility and application of procurement methods not currently used by the City or provided for under the PPB rules. (9 RCNY § 3-12 (a)).

Intergovernmental Purchase: The issuance of a purchase order or contract to procure goods, services, or construction through the United States General Services Administration, any other federal agency, the New York State Office of General Services, any other state agency or in cooperation with another public agency subject to the rules set forth under the PPB rules. (9 RCNY § 1-01(e)).

Investigative or Confidential Services: Services provided by law enforcement, scientific, and/or legal consultants, or other experts or professionals that are necessary in connection with an official matter within the scope of the acquiring agency’s authority and that directly or indirectly relate to a pending or contemplated case, trial, litigation, or confidential or sensitive investigation or negotiation for which such services of the nature and kind envisioned herein are ordinarily used. (9 RCNY § 1-01(e)).

Line Item Appropriation: Method of procurement in which contract awards are made from line items appropriations and/or discretionary funds to community-based not-for-profit organizations or other public service organizations identified by elected City officials other than the Mayor and the Comptroller. Public officials that are able to designate awards for discretionary funding include the Public Advocate, individual members of the City Council, the City Council Speaker, and the Borough Presidents. These contract awards are typically designated by an elected official and are then administered and processed by a Mayoral agency. (9 RCNY § 1-02(e)).

Master Service Agreement: A Master Agreement (or Multiple Award Task Order Contract) may be awarded for standard services or multiple award purchase order contracts for goods upon a determination by the ACCO that it is in the best interest of the City to award multiple contracts for goods or standard services to multiple contractors and to allocate work among such contractors through a task order or purchase order system. Master Service Agreements can be awarded through either CSBs or CSPs. Once a master contract is set up, individual task orders are issued for the specific amount of the goods and or services. Task orders are typically assigned by rotation though they can also be awarded through a mini-bid or competition. These types of contracts (typically for standard services) are commonly set up by DCAS and can be utilized by other City agencies. (9 RCNY §§ 3-02(t), (j)).

Micropurchases: Procurements of which the value is \$20,000 or less where no competition is required except that in

making purchases below the limit, contracting officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. (9 RCNY § 3-08(c)(1)(ii)).

M/WBE: An acronym that stands for Minority and/or Women-owned Business Enterprise; a business authorized to do business in the state, including sole proprietorships, partnerships, and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are (a) either minority group members or (b) women, (ii) the ownership interest of such person is real, substantial, and continuing, and (iii) such persons have and exercise the authority to control independently the day to day business decisions of the enterprise. (9 RCNY § 1-01(e)).

Negotiated Acquisition: A method of source selection under which procurements can be made through negotiation due to circumstances and subject to conditions, as specified in these rules, in which it is not practicable and/or advantageous to the City to make the procurement through competitive sealed bidding or competitive sealed proposals. The use of negotiated acquisition requires CCPO approval. (9 RCNY § 1-01(e)).

Negotiated Acquisition Extension: A form of contract extension in which an existing contract regardless of the original procurement method, can be extended one or more times beyond the now permissible cumulative twelve-month limit, provided that the vendor's performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan, and the extension(s) is for the minimum time necessary to meet the need. (9 RCNY § 3-04(b)(2)(iii)).

PASSPort: A computerized citywide system providing new comprehensive contract management information and historical data migrated from VENDEX.

Person: Any business, individual, partnership, corporation, union, firm, company, committee, club, other organization, governmental body, or group of individuals. (9 RCNY § 1-01(e)).

Prequalification: The screening of potential vendors in which a purchaser may consider factors such as financial capability, reputation, and management in order to develop a list of prospective vendors qualified to be sent invitations to bid or requests for proposals. (9 RCNY § 1-01(e)).

Procurement: Buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, or construction. It also includes all functions that pertain to the obtaining of any good, service, or construction, including planning, description of requirements, solicitation and selection of sources, preparation and award of contract, and all phases of contract administration, including receipt and acceptance, evaluation of performance, and final payment. (9 RCNY § 1-01(e)).

Procurement Policy Board (PPB): The PPB is the governing entity responsible for the promulgation of the City's procurement rules. Members of the PPB set forth rules that include but are not limited to: the use of different types of procurements, how bids and proposals may be solicited, the award and administration of contracts and the resolving of contract disputes. The PPB consists of five members, three of whom are appointed by the Mayor and two of whom are appointed by the Comptroller. The PPB is required to assess and review its rules, policies and procedures annually and report to the Mayor, Comptroller and City Council on recommendations to make procurement more efficient. (NYC Charter § 311).

Professional Services: Services other than human/client services that require specialized skills and the exercise of judgment, including but not limited to: (i) accountants, (ii) lawyers, (iii) doctors, (iv) computer programmers and consultants, (v) architectural and engineering services, and (vi) construction management services. (9 RCNY § 1-01(e)).

Proposer: A person submitting a proposal in response to a Request for Proposal. (9 RCNY § 1-01(e)).

Protest: A complaint about a governmental action or decision concerning procurement brought by an interested party to the appropriate administrative section with the intention of achieving a remedial result. (9 RCNY § 1-01(e)).

Purchase Order: An official document of the City directing the vendor to perform. A purchase order formalizes a purchase transaction with a vendor for purchases generally at or below the small purchase limits unless the purchase order is placed against an existing contract. (9 RCNY § 1-01(e)).

Registration: The process through which the Comptroller (1) encumbers funds to insure that monies are available to pay vendors upon the satisfactory completion of contract work; (2) maintains a registry of City contracts and agreements; (3) presents objections, if, in the Comptroller's judgment, there is sufficient reason to believe that there is possible corruption

in the letting of the contract or that the proposed contractor is involved in corrupt activity, and (4) tracks City expenditures and revenues associated with those contracts and agreements. No contract or agreement (including agreements memorializing the terms of franchises, revocable consents or concession) will be executed pursuant to the NYC City Charter or other law shall be implemented until (1) a copy has been filed with the comptroller and (2) either the comptroller has registered it or thirty days have elapsed from the date of filing, whichever is sooner. Registration authority for contracts, franchises and concessions are derived from the NYC City Charter. (9 RCNY § 1-01(e); NYC City Charter §§ 328, 375).

Renewals: Re-registration of previous contracts with the same vendor, with substantially unchanged terms and conditions, but possibly revised quantities, lists or schedules or items to be supplied. (9 RCNY §4-04(a)).

Required Method/Preferred Source: Method of procurement in which the PPB rules do not apply to procurements to the extent that a source of funds outside the City of New York, a Federal or State statute or rule, the terms of a court order or consent decree, or other applicable law expressly authorizes or requires otherwise. (9 RCNY § 1-02 (d)(1)).

Required Authorized Source: Method of procurement in which the source selection requirements of the PPB rules do not apply to procurements where a source of funds outside the City of New York, a Federal or State statute or rule, the terms of a court order or consent decree, or other applicable law expressly authorizes or requires that a procurement be made from a specified source. (9 RCNY § 1-02 (d)(2)).

Requirement Contract: Contract for standard services or multiple award purchase order contracts for goods that are awarded when it is determined by the ACCO that it is in the best interests of the City to award multiple contracts for goods or standard services to multiple contractors and to allocate work among such contractors through a task order or purchase order system. (9 RCNY § 3-02(t)(1)).

Responsible Bidder or Proposer: A vendor who has the capability in all respects to perform in full the contract requirements, and the business integrity and reliability that will assure good faith performance. (9 RCNY § 1-01(e)).

Responsive Bidder or Proposer: A vendor whose bid or proposal conforms to the terms set out by the City in the solicitation. (9 RCNY § 1-01(e)).

Revocable Consent: A grant of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property, or (3) to a public service corporation for facilities ancillary to, but not within a franchise granted prior to July 1, 1990. (NYC Charter § 362 (d)).

RFP: An acronym that stands for Request for Proposals. All documents, whether attached or incorporated by reference, used for soliciting competitive proposals. (9 RCNY § 1-01(e)).

Service Contract: A contract that calls for a vendor's time and effort rather than for delivery of goods and construction. The term as defined here does not include employment agreements or collective bargaining agreements. (9 RCNY § 1-01(e)).

Small Purchases: Any procurement at or below the small purchase limit. The small purchase limit is currently set as \$100,000. (9 RCNY §§ 1-01(e), 3-08(a)).

Sole Source: An award of a contract for a good, service, or construction to the only source for the required good, service, or construction. (9 RCNY § 1-01(e)).

Special Case: A situation in which it is either not practicable or not advantageous to the City to use competitive sealed bidding as defined in § 312 of the NYC Charter. (9 RCNY § 1-01(e)).

Solicitation: The process of notifying prospective vendors that a governmental body wishes to receive bids or proposals for furnishing goods, services, or construction. The process may consist of public advertising, mailing invitations for bids or requests for proposals, posting notices, telephone or facsimile messages to prospective vendors, or all of these. (9 RCNY § 1-01(e)).

Subscription: A method of transaction in which there is a subscription or continuing need to renew including electronic subscriptions, for magazines and periodicals, orders for books and "off-the-shelf" training videotapes, and attendance at standard commercially-available training seminars. (9 RCNY § 1-02(f)(5)).

Standard Services: Services other than professional services and human/client services such as custodial services, security guard services, stenography services and office machine repair. (9 RCNY § 1-01(e)).

Task Order: An agreement that defines the requested scope of work and price under the parameters issued via a master services contract. (9 RCNY § 3-02(t)).

VENDEX: A computerized citywide system providing comprehensive contract management information. (9 RCNY §1-01(e)).

Vendor: An actual or potential contractor. (9 RCNY § 1-01(e)).

Section 6. Appendices¹³³

Appendices 1 – 15 are available by clicking the appropriate link below. Appendices 16 - 21 are immediately available on the pages that follow.

[Appendix 1: Registered Procurement Contract Actions Awarded by Competitive Methods](#)

[Appendix 2: Registered Procurement Contract Actions Awarded by Limited or Non-Competitive Methods](#)

[Appendix 3: Registered Procurement Contract Actions Awarded by "Other" Award Methods](#)

[Appendix 4: Registered Procurement Contract Actions Exempt under Section 1-02\(f\) of the PPB Rules](#)

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[Appendix 15: BCA Emergency Procurement Approvals](#)

Appendix 16: Agency Codes

Appendix 17: Award Method Codes

Appendix 18: Contract Type Codes

Appendix 19: Contract Category Codes

Appendix 20: Analogizing FMS Award Method Codes to PPB Rules and the PPP

Appendix 21: Applicable Sections of the NYC Administrative Code

¹³³ The column heading labeled "Award Level" in Appendices 1 through 8 refers to the level of competition received for an individual procurement. The numbers listed in the "Award Level" column correspond to the following level of competition received: (1) Single Bid; (2) Multiple Responses/Lowest Chosen; (3) Multiple Responses/Not Lowest Chosen; (30) Conversion; (4) Revenue-Single Response Received; (5) Revenue-Highest of Multiple Responses; (6) Revenue-Not Highest/Multiple Responses; and (7) Best Value/Not Lowest Selected.

APPENDIX 16: AGENCY CODES

Agency Code	Agency	Agency Short Name
2	Mayoralty	MAYOR
3	Board of Elections	BOE
4	Campaign Finance Board	CFB
8	Office of the Actuary	OTA
10	Borough President - Manhattan	MBP
11	Borough President - Bronx	BXBP
12	Borough President - Brooklyn	BKBP
13	Borough President - Queens	QBP
14	Borough President - Staten Island	SIBP
15	Office of the Comptroller	COMP
17	Department of Emergency Management	OEM
21	Office of Administrative Tax Appeals	OATA
25	Law Department	LAW
30	Department of City Planning	DCP
32	Department of Investigation	DOI
35	New York Research Libraries	NYRL
37	New York Public Library	NYPL
38	Brooklyn Public Library	BPL
39	Queens Borough Public Library	QBPL
40	Department of Education	DOE
42	City University of New York	CUNY
43	City University Construction Fund	CUCF
54	Civilian Complaint Review Board	CCRB
56	Police Department	NYPD
57	Fire Department	FDNY
59	Board of Standards & Appeals	BSA
63	Department of Veteran Affairs	DVA
68	Administration for Children's Services	ACS
69	Human Resources Administration (Department of Social Services)	HRA (DSS)
71	Department of Homeless Services	DHS
72	Department of Correction	DOC

Agency Code	Agency	Agency Short Name
73	Board of Correction	BOC
95	Pension Contributions	PENSION CONT
96	Human Resources Administration	HRA
99	Debt Service	DEBT
101	Public Advocate	PA
102	City Council	CC or COUNCIL
103	City Clerk	Clerk
125	Department for the Aging	DFTA
126	Department of Cultural Affairs	CULT
127	Financial Information Services Agency	FISA
130	Department of Juvenile Justice	DJJ
131	Office of Payroll Administration	OPA
132	Independent Budget Office	IBO
136	Landmarks Preservation Commission	LPC
156	NYC Taxi and Limousine Commission	TLC
214	Health Payments	HEALTH PYMTS
226	Commission on Human Rights	HRC
260	Department of Youth and Community Development	DYCD
312	Conflicts of Interest Board	COIB
313	Office of Collective Bargaining	OCA
341	Manhattan Community Board # 1	MCB1
342	Manhattan Community Board # 2	MCB2
343	Manhattan Community Board # 3	MCB3
344	Manhattan Community Board # 4	MCB4
345	Manhattan Community Board # 5	MCB5
346	Manhattan Community Board # 6	MCB6
347	Manhattan Community Board # 7	MCB7
348	Manhattan Community Board # 8	MCB8
349	Manhattan Community Board # 9	MCB9
350	Manhattan Community Board # 10	MCB10
351	Manhattan Community Board # 11	MCB11
352	Manhattan Community Board # 12	MCB12

Agency Code	Agency	Agency Short Name
381	Bronx Community Board # 1	BXCB1
382	Bronx Community Board # 2	BXCB2
383	Bronx Community Board # 3	BXCB3
384	Bronx Community Board # 4	BXCB4
385	Bronx Community Board # 5	BXCB5
386	Bronx Community Board # 6	BXCB6
387	Bronx Community Board # 7	BXCB7
388	Bronx Community Board # 8	BXCB8
389	Bronx Community Board # 9	BXCB9
390	Bronx Community Board # 10	BXCB10
391	Bronx Community Board # 11	BXCB11
392	Bronx Community Board # 12	BXCB12
431	Queens Community Board # 1	QCB1
432	Queens Community Board # 2	QCB2
433	Queens Community Board # 3	QCB3
434	Queens Community Board # 4	QCB4
435	Queens Community Board # 5	QCB5
436	Queens Community Board # 6	QCB6
437	Queens Community Board # 7	QCB7
438	Queens Community Board # 8	QCB8
439	Queens Community Board # 9	QCB9
440	Queens Community Board # 10	QCB10
441	Queens Community Board # 11	QCB11
442	Queens Community Board # 12	QCB12
443	Queens Community Board # 13	QCB13
444	Queens Community Board # 14	QCB14
471	Brooklyn Community Board # 1	BKCB1
472	Brooklyn Community Board # 2	BKCB2
473	Brooklyn Community Board # 3	BKCB3
474	Brooklyn Community Board # 4	BKCB4
475	Brooklyn Community Board # 5	BKCB5

Agency Code	Agency Name	Agency Short Name
476	Brooklyn Community Board # 6	BKCB6
477	Brooklyn Community Board # 7	BKCB7
478	Brooklyn Community Board # 8	BKCB8
479	Brooklyn Community Board # 9	BKCB9
480	Brooklyn Community Board # 10	BKCB10
481	Brooklyn Community Board # 11	BKCB11
482	Brooklyn Community Board # 12	BKCB12
483	Brooklyn Community Board # 13	BKCB13
484	Brooklyn Community Board # 14	BKCB14
485	Brooklyn Community Board # 15	BKCB15
486	Brooklyn Community Board # 16	BKCB16
487	Brooklyn Community Board # 17	BKCB17
488	Brooklyn Community Board # 18	BKCB18
491	Staten Island Community Board # 1	SICB1
492	Staten Island Community Board # 2	SICB2
493	Staten Island Community Board # 3	SICB3
781	Department of Probation	DOP
801	Department of Small Business Services	SBS
806	Housing Preservation and Development	HPD
810	Department of Buildings	DOB
816	Department of Health and Mental Hygiene	DOHMH
817	Department of Mental Health	DP MNTL HLTH
819	Health and Hospitals Corporation	HHC
820	Office of Administrative Trials and Hearings	OATH
826	Department of Environmental Protection	DEP
827	Department of Sanitation	DSNY
829	Business Integrity Commission	BIC
836	Department of Finance	DOF
841	Department of Transportation	DOT
846	Department of Parks and Recreation	DPR
850	Department of Design and Construction	DDC

Agency Code	Agency Name	Agency Short Name
856	Department of Citywide Administrative Services	DCAS
857	DCAS Division of Municipal Supply Service	DCAS (DMSS)
858	Department of Information Technology and Telecommunications	DoITT
860	Department of Records and Information Services	DORIS
866	Department of Consumer Affairs	DCA
901	District Attorney - New York County	DANY
902	District Attorney - Bronx County	DABX
903	District Attorney -Kings County	DAKINGS
904	District Attorney - Queens County	DAQ
905	District Attorney -Richmond County	DARICH
906	Office of Prosecution – Special Narcotics	OOP-SN
943	Public Administrator-Kings County	PA-KINGS
996	Housing Authority	NYCHA
998	Transit Authority	TRANSIT

APPENDIX 17: AWARD METHOD CODES

Award Method Code	Award Method
01	Competitive Sealed Bidding (CSB)
02	Request for Proposal (RFP)
03	PQVL Competitive Bid List
05	Sole Source
06	Emergency
07	Lessee Negotiation
08	Loan Negotiation
09	Rental Subsidy Negotiation
10	Renewal of Contract
11	Determined by Legal Mandate
12	Boro Needs/Discretionary Fund
13	Petition Private Use/Franchise
14	Concessionaire by Procedure
15	Renewal Franchise/Concession
16	Exempt Concession – Public Bid
17	Government-to-Government
18	Non-Procurement Transaction
20	Innovative Procurement
21	Negotiated Acquisition and DOE Negotiated Services
22	RFP from a PQL
23	Demonstration Project
24	Contract Conversion
25	Intergovernmental Procurement
26	Determined by Government Mandate
27	Accelerated Procurement
28	Buy Against
29	Assignment
30	Micropurchase – Under \$20,000
31	Small Purchase – Oral Solicitation
32	Small Purchase – Written
33	Small Purchase – Emergency

Award Method Code	Award Method
34	Small Purchase – Sole Source
35	Small Purchase – Publicly Let
36	Small Purchase – RFP
37	Small Purchase – PQL CSB
38	Micropurchase Council & BP Needs
39	Small Purchase – PQL RFP
40	DOE Listing Application
41	Cable Service Negotiation
42	Professional Membership Negotiation
43	Subscriptions Etc. per PPB
44	Public Utility
45	Small Purchase – Public Utility
51	Grants
60	Small Purchase Rotation List
61	Small Purchase – Renewal
62	Small Purchase – Intergovernmental
68	Force Account Negotiation
72	Innovative (M/WBE)
78	Real Estate Sales and Purchases
79	Watershed Land Negotiation
99	Miscellaneous
100	Small Purchase - Subscription etc.
101	Small Purchase - Professional Membership
102	Small Purchase - Grants
103	Small Purchase - Government-to-Government
104	Small Purchase – Assignment
105	Condemnations – Exempt OCA Processing
106	Small Purchase - Buy Against
107	Small Purchase Watershed Land Acquisition
109	Small Purchase - Information Technology
111	Small Purchase – IT 25K to 100K
112	Small Purchase Goods and Services 100k

Award Method Code	Award Method
113	Small Purchase Construction 50k to 100k
115	Multiple Awards
211	Negotiated Acquisition Extension and DOE Negotiated Services Extension
251	Intergovernmental Procurement Renewal
511	Grant Renewal

APPENDIX 18: CONTRACT TYPE CODES

Contract Type Code	Contract Type
05	Construction
10	Consultant
15	Franchises
17	Revocable Consents
18	Permits
20	Concessions
25	Corpus Funded
26	Compensating Balance from Proceeds
29	Other Expense Contract or Revenue Related
30	Miscellaneous Revenue – No Expense
35	Lessee
36	Miscellaneous Property Rental
39	Lessor – Revenue
40	Lessor – Accounting Lines Exist
41	Cable Service
42	Professional Membership
43	Subscriptions
44	Public Utility
45	Requirements
46	Requirements – Goods
47	Requirements – Services
48	Requirements – Construction
50	Work/Labor
51	Supplies/Materials/ Build
52	Construction Management/Build
65	Loans
68	Force Account Agreement
70	Programs
72	Programs (Not Tax Levy Funded)
78	Real Estate Sales and Purchases
79	Watershed Land Acquisition

Contract Type Code	Contract Type
80	DoITT – Requirements Contract
81	DMS – Requirements Contract
83	Condemnations – Exempt OCA Processing
85	Intra-Agency Fund Agreements
86	Department of Education – Requirements Contract
88	New York City Bond Financing
99	Others

APPENDIX 19: CONTRACT CATEGORY CODES

Contract Category Code	Contract Category
001	Professional Services – Accounting, Audit, & Actuarial
002	Professional Services – Legal
003	Professional Services – Engineering & Architectural
004	Professional Services – Computer Related
005	Professional Services – Management Analysis, Special Studies & Other
010	Maintenance & Operation – Data Processing Equipment
011	Maintenance & Operation – Office Equipment
012	Maintenance of Telecommunications Equipment
013	Maintenance of Motorized Equipment
014	Maintenance & Operation of Infrastructure – Lighting Systems
015	Maintenance & Operation – Infrastructure – Surface Trams System
016	Maintenance & Operation of Infrastructure – Buildings
017	Maintenance & Operation – Infrastructure – Parks & Recreational Facility
018	Maintenance & Operation – Infrastructure – Water Supply System
019	Maintenance & Operation – Infrastructure – Sewage Disposal System
020	Custodial Services
021	Security Services
022	Secretarial & Other Services
023	Advertising Services
024	Employee Related Services
025	Transportation Related Services
026	Collection Agency Services
027	Food Related Services
030	Cultural Related Services
035	Economic Development
040	Education – Contract Schools
041	Congregate Care
042	Family Rehabilitation Program Services
043	Independent Living Services
050	Home Care
051	Child Welfare Services

Contract Category Code	Contract Category
052	Family Services
053	Employment
054	Public Assistance/Child Support
055	Day Care
056	Homeless Families
057	Homeless Singles
058	AIDS
059	Senior Citizens/Other Services
060	Services for the Elderly
061	Youth Services
062	Adult Services including Education
063	Health Services
064	Prison, Detention, Probation Health Services
065	Student Services
066	Mental Health
067	Mental Retardation
068	Alcoholism
099	All Other Services
100	Foster Care
101	Preventative Services
102	Head Start
103	Crisis Intervention
104	Bonds and Letters of Credit
300	Goods/Commodities
444	Department of Education FMS Interface
888	Information Technology
N/A	Contract Budget Category Not Available

APPENDIX 20: FMS AWARD METHOD CODES AND CORRESPONDING PPB RULES AND PPP

Award Method Name (AM Code)	PPB Rule	PPP Equivalent
Competitive Sealed Bids (01)	§ 3-02	§ 3-02
Competitive Sealed Proposals (02)	§ 3-03	§ 3-03
PQVL Competitive Sealed Proposals (22)	§§ 3-03, 3-10	§ 3-04
PQVL Competitive Sealed Bids (03)	§§ 3-02, 3-10	§ 3-04
Renewals (10)	§ 4-04	§ 4-06
Intergovernmental (25)	§ 3-09	§ 3-11
Government-to-Government (17,103)	§§ 1-02(f)(1), 3-13	§§ 1-02(e)(1), 3-14
Emergency Procurements (06)	§ 3-06	§ 3-09
Negotiated Acquisitions/Services (21)	§ 3-04	§§ 3-05, 3-08
Negotiated Acquisition/Services Extensions (211)	§ 3-04	§ 4-07(b)
Buy-Against Procurements (28)	§ 4-07	§ 4-09
Discretionary (Line Item) Awards (12)	§ 1-02(e)	§ 1-03(c)
Leases (07)	N/A	N/A
Grants (51)	§ 1-02(f)(1)	§ 1-03(e)(1)
Grant Renewal (511)	N/A	N/A
Assignment (86)	N/A	N/A
DOE Listing Application (040)	N/A	§ 3-06
Sole Source (05)	§ 3-05	§ 3-07
Determined by Government Mandate (26)	§ 1-02 (d)(1),(2)	§ 1-03(b)
Determined by Legal Mandate (11)	§ 1-02 (d)(1),(2)	§ 1-03(b)
Small Purchase-Written (32)	§ 3-08	§ 3-10
Innovative Procurements (20)	§ 3-12	§ 3-13
Demonstration Projects (23)	§ 3-11	§ 3-12
Corpus Funded (Contract Type 25)	N/A	N/A
Multiple Task Award Contract Process (MTAC)*	N/A	§ 3-04
Expedited Competitive Solicitation*	§ 3-04	§ 3-05
Consultant Contracts with Individuals*	N/A	§ 3-15

*No direct corresponding FMS AM Code.

NYC Admin. Code § 6-116.2 (a)-(f)

a. The comptroller and the mayor shall jointly maintain, at the financial information services agency, a computerized database. Such data base shall contain information for every franchise and concession and every contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, entered into by an agency, New York city affiliated agency, elected official or the council, including, but not limited to: (1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire where available in accordance with applicable law; (2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures; (3) the type of goods or services to be provided pursuant to the contract; (4) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized; (5) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder; and (7) the date of any public hearing held with respect to the contract and the date and agenda number of action taken with respect to a concession or franchise by the franchise and concession review committee; and (8) the contract budget category to which the contract is assigned, where applicable.

b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York City affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to: (1) the current addresses and telephone numbers of: A. the contractor's principal executive offices and the contractor's primary place of business in the New York city metropolitan area, if different, B. the addresses of the three largest sites at which it is anticipated that work would occur in connection with the proposed contract, based on the number of persons to be employed at each site, C. any other names under which the contractor has conducted business within the prior five years, and D. the addresses and telephone numbers of all principal places of business and primary places of business in the New York city metropolitan area, if different, where the contractor has conducted business within the prior five years; (2) the dun & bradstreet number of the contractor, if any; (3) the taxpayer identification numbers, employer identification numbers or social security numbers of the contractor or the division or branch of the contractor which is actually entering into the contract; (4) the type of business entity of the contractor including, but not limited to, sole proprietorship, partnership, joint venture or corporation; (5) the date such business entity was formed, the state, county and country, if not within the United States, in which it was formed and the other counties within New York State in which a certificate of incorporation, certificate of doing business, or the equivalent, has been filed within the prior five years; (6) the principal owners and officers of the contractor, their dates of birth, taxpayer identification numbers, social security numbers and their current business addresses and telephone numbers; (7) the names, current business addresses and telephone numbers,

taxpayer identification numbers and employer identification numbers of affiliates of the contractor; (8) the principal owners and officers of affiliates of the contractor and their current business addresses and telephone numbers; (9) the principal owners and officers of every subcontractor; (10) the type, amount and contract registration number of all other contracts awarded to the contractor, as reflected in the database maintained pursuant to subdivision a of this section; (11) the contract sanction history of the contractor for the prior five years, including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon the contractor's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (12) the contract sanction history for the prior five years of affiliates of the contractor including, but not limited to, all cautions, suspensions, debarments, cancellations of a contract based upon such entity's business conduct, declarations of default on any contract made by any governmental entity, determinations of ineligibility to bid or propose on contracts and whether any proceedings to determine eligibility to bid or propose on contracts are pending; (13) the name and telephone number of the chief contracting officer or other employee of the agency, elected official or the council responsible for supervision of those charged with day-to-day management of the contract; (14) judgments or injunctions obtained within the prior five years in any judicial actions or proceedings initiated by any agency, any elected official or the council against the contractor with respect to a contract and any such judicial actions or proceedings that are pending; (15) record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the contractor, or a principal owner or officer of the contractor; (16) whether city of New York income tax returns, where required, have been filed for the past five years; (17) outstanding tax warrants and unsatisfied tax liens, as reflected in the records of the city; (18) information from public reports of the organized crime control bureau and the New York state organized crime task force which indicates involvement in criminal activity; (19) criminal proceedings pending against the contractor, and any principal owner or officer of such contractor; (20) record of all criminal convictions of the contractor, any current principal owner or officer for any crime related to truthfulness or business conduct and for any other felony committed within the prior ten years, and of any former principal owner or officer, within the prior ten years, for any crime related to truthfulness or business conduct and for any other felony committed while he or she held such position or status; (21) all pending bankruptcy proceedings and all bankruptcy proceedings initiated within the past seven years by or against the contractor and its affiliates; (22) whether the contractor has certified that it was not founded or established or is not operated in a manner to evade the application or defeat the purpose of this section and is not the successor, assignee or affiliate of an entity which is ineligible to bid or propose on contracts or against which a proceeding to determine eligibility to bid or propose on contracts is pending; (23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract. (ii) When personnel from any agency, elected officials or their staff, or members of the council or council staff learn that the certification required by subparagraph twenty-two of paragraph (i) may not be truthful, the appropriate law enforcement official shall be immediately informed of such fact and the fact of such notification shall be reflected in the data base, except when confidentiality is requested by the law enforcement official. (iii) Information required from a contractor consisting of a contractor's social security number shall be obtained by the agency, elected official or the council entering into a contract as part of the administration of the taxes administered by the commissioner of finance for the purpose of establishing the identification of persons affected by such taxes. (iv) In the event that procurement of goods, services or construction must be made on an emergency basis, as provided for in section three hundred fifteen of the charter, on an accelerated basis as provided for in section three hundred twenty-six of the charter, or expedited action is required due to urgent circumstances, or in such other circumstances as may be determined by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement, where it is not feasible to submit the information required by subdivision b prior to contract award, the required information may be submitted after award of the contract. However, all of the information required by subdivision b herein shall be submitted no later than thirty days from the date of the award. A contractor or subcontractor who fails to provide such

information as required by this paragraph shall be ineligible to bid or propose on or otherwise be awarded a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement. (v) Where a contractor or subcontractor becomes obligated to submit information required by this subdivision by reason of having been awarded a contract or subcontract, the value of which, when aggregated with the value of all other contracts or subcontracts awarded to that contractor or subcontractor during the immediately preceding twelve-month period, is valued at one hundred thousand dollars, or more, such information shall be submitted no later than thirty days after registration of the contract which resulted in the obligation to submit such information. A contractor or subcontractor who fails to provide such information as required by this paragraph shall be ineligible to bid or propose on a contract or subcontract until such information is provided and shall be subject to such other penalties as may be prescribed by rule of the procurement policy board, where applicable, or any rule of the council relating to procurement. (vi) For the calendar year commencing on January 1, 1992, subcontractors shall be required to provide the information required by subparagraph nine of paragraph i and on or after June 30, 1994, subcontractors shall be subject to paragraph i in its entirety. (vii) This subdivision shall not apply to any New York City affiliated agency, except that such New York City affiliated agency shall report cautionary information and the name and telephone number of the employee responsible for responding to inquiries concerning such information.

c. The information maintained pursuant to subdivision b shall be made accessible to the computerized data system established pursuant to subdivision “a” of this section in a form or format agreed upon by the mayor and the comptroller. The information contained in these computerized data systems shall be made available to any other data retrieval system maintained by an agency, New York city affiliated agency, elected official or the council for the purpose of providing information regarding contracts, franchises and concessions awarded and the contractors, franchisees and concessionaires to which they were awarded. The information concerning the past performance of contractors that is contained in a computerized data base maintained pursuant to section 6-116.1 of this code for such purposes shall be made available to these data systems.

d. All of the information as required by subdivisions a and b contained in these computerized data bases shall be made available on-line in read-only form to personnel from any agency or New York city affiliated agency, elected officials, members of the council and council staff, and shall be made available to members of the public, in accordance with sections three hundred thirty four and one thousand sixty four of the charter and article six of the public officers law.

e. No contract for goods or services involving the expenditure of more than ten thousand dollars or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars, franchise or concession shall be let by an agency, elected official or the council, unless the contract manager or other person responsible for making the recommendation for award has certified that these computerized data bases and the information maintained pursuant to section 6-116.1 of this code have been examined. This shall be in addition to any certifications required by chapter thirteen of the charter, the rules of the procurement policy board, where applicable, or any rules of the council relating to procurement.

f. Not later than January thirtieth following the close of each fiscal year, the comptroller shall publish a summary report setting forth information derived from the data base maintained pursuant to subdivision a of this section and the following information for each franchise, concession or contract for goods or services having a value of more than ten thousand dollars or in the case of construction, having a value of more than fifteen thousand dollars, including, but not limited to: (1) the types and dollar amount of each contract, franchise or concession entered into during the previous fiscal year; (2) the registration number assigned by the comptroller, if any; (3) the agency, New York city affiliated agency, elected official or the council entering into the contract, franchise or concession; (4) the vendor entering into the contract, franchise or concession and the subcontractors engaged pursuant to each contract; (5) the reason or reasons why the award of each such contract was deemed appropriate pursuant to subdivision a of section 312 of the charter,

where applicable;¹³⁴ and (6) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder.¹³⁵ For franchises, this information shall also include whether the authorizing resolution of the council was complied with.¹³⁶

¹³⁴ The "displacement" analysis required by § 312(a) of the Charter occurs prior to the submission of a contract action for registration. Confirmation that such award was "deemed appropriate" is conducted by the head of submitting agency or his/her official designee. Additionally, the Mayor or his/her official designee is required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met, including compliance with § 312(a) of the Charter.

¹³⁵ The PPB Rules require agencies to award contracts procured through a competitive sealed bid to the lowest responsible bidder. Confirmation that each applicable award was appropriately made is attested to by the submitting agency's "Agency Chief Contracting Officer" and/or the Mayor or his/her official designee who are required to certify, prior to the agency's filing of the contract action with the Comptroller for registration, that the procedural requisites for the solicitation and award of the contract have been met.

¹³⁶ The awarding agency and the Corporation Counsel certify, prior to the agency's filing of the franchise action with the Comptroller for registration, that the requirements set forth in an authorizing resolution adopted by the City Council were complied with.

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