



NEW YORK CITY COMPTROLLER

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Bureau of Contract Administration



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# Annual Summary Contracts Report for the City of New York, Fiscal Year 2021



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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.<sup>1</sup> Specifically, the Charter requires that all contracts and agreements entered into by City agencies be registered by the Comptroller prior to implementation.<sup>2</sup> This requirement extends to all agreements memorializing the terms of franchises, revocable consents and concessions.<sup>3</sup>

The contract registration process ensures that there is adequate funding in the City's treasury (or under the control of the City) to cover the cost of contracts and to ensure that the contracted vendors and procurement processes are free from corruption. The Comptroller's Bureau of Contract Administration ("BCA") fulfills this registration responsibility by reviewing submitted 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").<sup>4</sup> The current report ("Annual Summary Contracts Report" or "*Report*") summarizes the City's financial commitment assumed through contracts registered in City Fiscal Year 2021 ("FY21").<sup>5</sup> The data is derived from the City's Financial Management System ("FMS"), a computerized database jointly administered by the Mayor and the Comptroller and maintained by Financial Information Services Agency ("FISA"), as required by pursuant to section 6-116.2(a) of the Administrative Code.<sup>6</sup> 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 fiscal years, this *Report* provides a comprehensive analysis of contracts and agreements registered in FY21 in order to increase transparency in the City's contracting process to ensure that municipal agencies serve the needs of all New Yorkers in an efficient and fair, cost-effective manner. To do this, BCA offers data and analysis beyond the minimum data requirements set forth in the Administrative Code, including comparative data and analysis of registration transactions from FY18 through FY21.<sup>7</sup>

Finally, this *Report* includes certain FY21 annual data produced by the Comptroller's Bureau of Labor Law ("BLL") and required to be published by sections 6-109 and 6-130 of the Administrative Code.<sup>8</sup>

## Report Structure

The statistical information and data set forth in this *Report* is presented in five parts and six sections as follows:

*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 FY21, 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.<sup>9</sup>

Section 2 (“Contract Registrations by Award Method”) is organized into six general Contract Groups, each containing multiple award methods or contract types.<sup>10</sup> These Contract Groups include Registered Procurement Contract Actions by Competitive Award Methods, Registered Procurement Contract Actions by Limited or Non-Competitive Award Methods, Registered Procurement Contract Actions by Other Award Methods, Registered Procurement Contract Actions Exempt under PPB Rule Section 1-02(f), Registered Procurement Contract Management Actions, and Registered Revenue Contract Actions.

*Part III* includes Section 3.

Section 3 (“Agency Specific Data & Supplemental Analysis”) features various contract-based analyses of interest, including registrations by industry classification, registered modifications, registered construction change orders, registered Task Orders pursuant to agency master agreements, contract registrations by Department of Education, New York City Economic Development Corporation and Health + Hospitals, New York City Housing Authority, certain real property-related registrations (*i.e.*, leases and licenses), emergency procurement approvals, Emergency Executive Order 101, contract retroactivity data, prompt payments, registered agency purchase order registrations, Design/Build, Best Value and agency-submitted contract Unlock and Override requests.

*Part IV* includes Section 4.

Section 4 (“Bureau of Labor Law FY21 NYC Administrative Code Sections 6-109 and 6-130 Data”) presents certain information required by sections 6-109 and 6-130 of the Administrative Code.<sup>11</sup>

*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*.<sup>12</sup>

## Part II

### Section 1: Summary Report

A total of 11,857 new contract actions (CTIs, RCTIs, MAIs and MMAIs) were registered in FY21 for the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council.<sup>13</sup> For the purposes of this *Report*, the term contract actions includes procurement actions, where the City generally spends money and revenue actions, where the City typically receives money. Revenue actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts).<sup>14</sup> The 11,857 figure does not include the 51,847 Modifications (CTRs and MARs), 821 Task Orders (“TOs” or CTAIs) awarded pursuant to agency master agreements or the 113,045 Purchase Orders (“POs”) registered in FY21.<sup>15</sup> As indicated below, procurement actions are identified in Contract Group Nos. 1 - 5 and revenue actions are included in Contract Group No. 6, as created by BCA based on Award Method Codes currently used by City agencies when inputting registration data into FMS. A comparison of the groups, which are generally based on FMS Award Method Codes or Contract Type Codes, are provided directly below in GRAPH I.

GRAPH I: REGISTRATION CATEGORIES

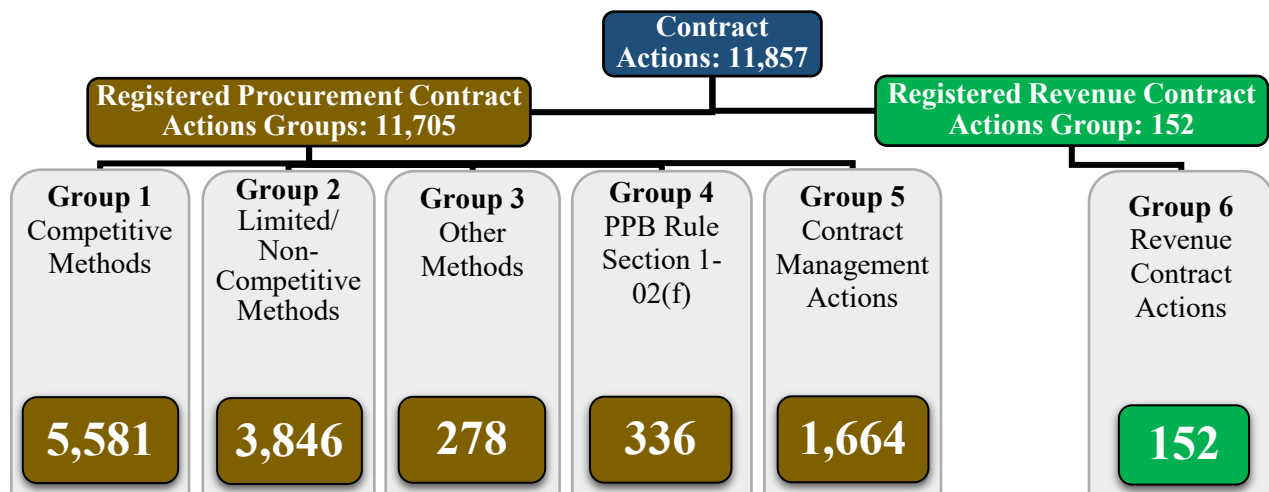


TABLE I provides a historical comparison of the last four fiscal years of the total number of registered contract actions and total value of procurement and revenue actions. As the data indicates, the total number of registered contract actions (procurement actions<sup>16</sup> + revenue actions<sup>17</sup>) decreased significantly and total value of procurement actions increased significantly from FY20 to FY21. Procurement actions were registered for a total value of approximately \$31.8 billion. The total value of registered revenue actions decreased substantially from FY20, or \$34 million (20%). Revenue actions were registered for a total value exceeding \$451.2 million.

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

Registration Category	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
<b>Total No. of Registered Contract Actions</b>	14,166	16,463	13,990	<b>11,857</b>
<b>Total Value of Procurement Actions</b>	\$29,382,026,168	\$25,857,033,104	\$23,426,487,667	<b>\$31,751,697,232</b>
<b>Total Value of Revenue Actions</b>	\$246,289,345	\$529,928,947	\$563,992,242	<b>\$451,241,021</b>

## FY21 Annual Summary Contracts Report - Use of Contract Groups to Present Data

FMS is the City’s primary tool for tracking contracts and the finances associated with those agreements. Although registered contract actions are catalogued in FMS through several identifiers, such as Award Method Codes<sup>18</sup>, Contract Type Codes<sup>19</sup>, and Contract Category Codes<sup>20</sup>, the data published in *Part II* and *Part III* of this *Report* are primarily analyzed and presented by Award Method Codes for ease of comparison.

The Contract Groups were also shaped by the City’s Procurement Policy Board (“PPB”) Rules to present registration data for non-mayoral agencies that are not always bound by the PPB Rules<sup>21</sup>. For example, both DDC (mayoral agency) and DOE (non-mayoral agency) follow similar procurement processes to acquire goods and services. However, DDC must comply with the applicable PPB Rules whereas DOE is required to comply with its own Procurement Policy and Procedures (“PPP”) when obtaining the same goods or services.<sup>22</sup> The same applies for other non-mayoral agencies such as H+H and NYCHA.

CHART I provides the Contract Groups based on Award Methods and Award Method Codes. For example, Competitive Sealed Bid (“CSB”) contracts are captured using the Award Method Codes 01, 03, 35, and 37. This logic applies throughout Contract Groups Nos. 1 – 5 and Contract Group No. 6 is based on Contract Type Codes.

CHART I: CONTRACT GROUPS<sup>23</sup>

Contract Groups*	Award Method	Award Method Code(s)
Group 1: Competitive Methods	Competitive Sealed Bid Contracts**	01, 03, 35, 37
	Competitive Sealed Proposal Contracts**	02, 22, 36, 39
	Accelerated Procurement Contracts	27
	Small Purchase Contracts**	31, 32, 60, 109, 111, 112, 113
Group 2: Limited or Non-Competitive Methods	Discretionary (Line Item) Contracts	12, 38
	M/WBE Non-Competitive Small Purchase	72
	Intergovernmental Procurement Contracts***	25, 62, 251
	Emergency Procurement Contracts	06, 33
	Micropurchase Contracts	30
	Negotiated Acquisition Contracts	21
	Determined by Government Mandate Contracts	26
	Determined by Legal Mandate Contracts	11
	Sole Source Contracts	05, 34
	Government-to-Government Contracts	17, 103
	Innovative Procurement Contracts	20
	Demonstration Project Contracts	23
	Buy-Against Procurement Contracts	28, 106

\*For Chart I and throughout this Report, Contract Group Nos. 1 - 5 exclude Revenue Actions or “RCTIs” from the AM Codes.

\*\*Includes PQVL

\*\*\* Includes Intergovernmental Renewals.



Contract Groups	Award Method	Award Method Code(s)
Group 3: Other Methods	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: PPB Rule Section 1-02(f)	Grant Agreements***	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: Contract Management Actions	Renewals****	10, 61
	Negotiated Acquisition Extensions	211
Group 6: Revenue Contract Actions <sup>24</sup>	Contract Type	Contract Type Code(s)
	Franchise Agreements	15
	Concession Agreements	20
	Revocable Consent Agreements	17
	Corpus Funded Agreements	25
	Other	10, 29, 30, 47, 72, 99

\*Includes Contract Type Code 88 (Bonds) and Contract Category Code 104 (Bonds/Letters of Credit) only.

\*\*Excludes Contract Type Code 88 (Bonds) and Contract Category Code 104 (Bonds/Letters of Credit).

\*\*\*Includes Grant Renewals.

\*\*\*\*Excludes RCTIs, Intergovernmental Renewals and Grant Renewals.

## Registration - Overview

Contract registration is the process through which the Comptroller:

- Ensures that encumbered monies are available to pay contractors for work to be performed;
- Maintains a registry of City agreements;
- 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
- Tracks City expenditures and revenues associated with those contracts and agreements.<sup>25</sup>

Further, and as briefly referred to in the *Part I*, 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 to refuse registration.<sup>26</sup>

### NYC Administrative Code - Annual Summary Contracts Report Minimum Requirements

The Administrative Code requires the Comptroller to include data pertaining to goods and services contracts, franchises and concessions exceeding \$10,000 and construction contracts exceeding \$15,000, in a summary contracts report published annually by this Office.<sup>27</sup> 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, Elected Officials (*i.e.*, Mayor, Borough Presidents and District Attorneys) or City Council.

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

While the Administrative Code establishes minimum data inclusion requirements in this *Report*, it is challenging to truly understand the City's projected financial commitments assumed each fiscal year through registered contract action values without additional pertinent reporting metrics. To further this Office's ongoing commitment to fiscal transparency, this year's *Report* incorporates a significant amount of additional information in the form of statistical summaries and comprehensive lists, that help to paint a more robust picture of the City's assumed contract-specific liabilities. *Part III*\* includes:

- A. Contract registrations based on industry classifications;
- B. Registered modifications;
- C. Registered construction change orders;
- D. Task Orders registered through agency master agreements;
- E. DOE contract registrations;
- F. NYCEDC contract registrations;
- G. H+H contract registrations;
- H. NYCHA contract registrations;
- I. Emergency procurement approvals;
- J. Emergency Executive Order 101;
- K. Lease and license registrations;
- L. Retroactive contract registrations;
- M. Prompt payments;
- N. Agency Purchase Order registrations;
- O. Design/Build;
- P. Best Value; and
- Q. Agency-submitted Contract Unlock and Override requests.

\*The letters above correspond to the subsections within Section 3 of *Part III* of this Report.

## Registration and Reporting - Who Registered City Contracts in FY21

The City's mayoral agencies, City-affiliated agencies, elected officials, and the City Council all had contract actions registered in FY21, with the City's mayoral agencies accumulating the greatest volume of these transactions. Similar to prior fiscal years, the City's non-mayoral agencies (*i.e.*, New York City Department of Education ("DOE"), NYC Health + Hospitals or ("H+H"), NYC Housing Authority ("NYCHA"), the City University of New York ("CUNY"), Board of Elections ("BOE"), and NYC Economic Development Corporation ("NYCEDC")) 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 Attorneys, Community Boards, the 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 diverse procurement portfolio of the City's mayoral and affiliated agencies.

One important note to consider is, for some agencies, NYS law may preempt the application of the City's procurement rules, either in part or altogether. For example, non-mayoral agencies are either not subject to, or are only partially subject to, the City's procurement rules.<sup>28</sup> By operation of law, however, the contract registration requirements are set forth in sections 328 and 375 of the Charter.

### Exclusions

Although this *Report* provides significant detail regarding Citywide contract actions registered in FY21, 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 publication issued by the Comptroller's Office, such as the *Popular Annual Financial Report* detailing the City's fiscal year financial obligations. For example, and unless otherwise indicated, the following data is excluded from this *Report*:

- Increases and decreases in contract value following initial registration (which are represented in *Part III* of this *Report*);
- Subcontractor registration information<sup>29</sup>;
- Information on actual FY21 expenditures, payments or annual agency budget figures;
- Intra-City agency purchasing agreements; and
- Contracts entered into by NYC & Co., Brooklyn Navy Yard Development Corporation ("BNYDC"), Governor's Island and other similar entities that engage with the City's mayoral agencies through master contracts.<sup>30</sup>

## Part II

### Section 2: Registrations by Contract Group

This section of the *Report* provides a range of statistical data, analysis and information pertaining to FY21 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 set forth in this section contain several individual FMS-based Award Method Codes or Contract Type 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 FY18 and FY21. 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 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021		
		Total No. Reg.	% of Total	Total No. Reg.	% of Total	Total No. Reg.	% of Total	Total No. Reg.	% of Total	% Change in the Total No. Reg. from FY20 to FY21
Procurement	Competitive	7,079	50%	7,210	44%	5,559	40%	5,581	47%	0.4%
	Limited/Non-Competitive	4,241	30%	5,558	34%	5,316	38%	3,846	32%	-28%
	Other	449	3%	367	2%	536	4%	278	2%	-48%
	1-02(f)	545	4%	459	3%	445	3%	336	3%	-25%
	Contract Management	1,373	10%	2,111	13%	1,558	11%	1,664	14%	7%
	SUBTOTAL	13,687	97%	15,705	95%	13,414	96%	11,705	99%	-13%
Revenue	Revenue	479	3%	760	5%	576	4%	152	1%	-74%
	SUBTOTAL	479	3%	760	5%	576	4%	152	1%	-74%
TOTAL		14,166	100%	16,465	100%	13,990	100%	11,857	100%	-15%

As illustrated by TABLE II, the total number of registered contract actions across the six Contract Groups significantly decreased by 2,133 from 13,990 in FY20 to 11,857 in FY21 (15% overall). The total number of registered revenue actions also decreased exponentially from 576 in FY20 to 152 in FY21 (74%). The total number of Contract Management contract actions registered was the only significant increase from 1,558 in FY20 to 1,664 to FY21 (7%). The total registration value for contract actions procured by a limited/non-competitive method continued increased substantially from \$9,206,076,852 in FY20 to \$14,019,201,812 in FY21 (52%) although total number of registered contract actions decreased significantly from 5,316 in FY20

to 3,846 in FY21 (28%). Despite the fact that the total number of procurement actions continued to decrease from 15,705 in FY19 to 13,414 in FY20 to 11,705 in FY21 (13% decrease from FY20 to FY21), the total registration value of procurement actions increased from \$23,426,487,667 in FY20 to \$31,751,697,232 in FY21 (36%). The total number of contract actions under 1-02(f) has consistently decreased from 545 in FY18 to 459 in FY19 to 445 in FY20 and, finally, to 336 in FY21.

TABLE III: TOP TEN FY21 REGISTERED PROCUREMENT ACTIONS BY VALUE

Rank	Contract No.	Agency	Vendor Name	Contract Description	Award Method	Registered Value
1	20219150300	DOE	NYC School Support Services, Inc.	Custodial Staffing Services	Negotiated Acquisition	\$6,359,635,178
2	20216201666	SBS	NYCEDC	Citywide Economic Development Services	Sole Source	\$1,327,500,210
3	20211411747	DOHMH	Public Health Solutions	Master Contractor for Disease Control	Request for Proposal	\$1,206,000,000
4	20216201156	DCAS (DMSS)	New York Power Authority	Master Energy Agreement	Government to Government	\$1,200,000,000
5	20210003679	DHS	Acacia Network Housing, Inc.	Shelter Services for Homeless Families in Various Commercial Hotels	Renewal of Contract	\$442,961,796
6	20211421091 <sup>31</sup>	OEM	Aya Healthcare, Inc.	Temporary Vaccine Staff for Clinical Administrative Services for COVID-19	Emergency	\$400,000,000
7	20211200826	DoITT	Dell Marketing LP	Citywide enterprise license agreement for Microsoft products	Intergovernmental Procurement	\$357,313,566
8	20211403962	DEP	Walsh Construction Company II, LLC	Excavation and construction of tunnels in Queens and Brooklyn	Competitive Sealed Bidding	\$355,480,000
9	20216201936	SBS	NYCEDC	Maritime, Aviation, Rail Freight, Market & Intermodal Services	Sole Source	\$328,696,000
10	20211413712	CC	250 Broadway Owner, LLC	Lease of space for City Council at 250 Broadway, Manhattan	Lessee Negotiation	\$264,816,040
<b>TOTAL</b>						<b>\$12,242,402,790</b>

TABLE III lists the Top Ten registered procurement actions by value in FY21. As indicated, the largest contract registered in FY21 was DOE's \$6.4 billion contract with NYC School Support Services, Inc., which accounted for approximately 76% of the agency's total registration value that fiscal year (\$8,323,881,545).

One of the Top Ten FY21 contracts was COVID-19 related and was registered outside of the standard procurement process, referencing E.E.O. 101 as authority. More information on the contracts registered citing E.E.O. 101 is provided in *Part III* of this Report.

As in prior fiscal years, SBS’ two annual master agreements with NYCEDC for Citywide economic development services and maritime, aviation, rail freight, market and intermodal services, ranked #2 and #9 respectively, in the “Top Ten” list in FY21. When combined, the total registration value of these two contracts accounted for over 99% of the agency’s total registration value in FY21. A historical comparison of Top Ten FY21 agencies by total registration value is provided in TABLE IV.

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

Rank	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Agency	Total Registration Value	Agency	Total Registration Value	Agency	Total Registration Value	Agency	Total Registration Value
1	DCAS	\$8,617,602,072	DOE	\$3,191,464,973	DCAS	\$3,389,744,884	DOE	\$8,323,881,545
2	DHS	\$3,517,198,477	DOHMH	\$2,691,596,964	SBS	\$2,698,782,970	DDC	\$2,637,152,969
3	DDC	\$2,723,677,855	SBS	\$2,454,718,996	DHS	\$2,604,390,249	DHS	\$2,580,236,639
4	SBS	\$2,633,931,807	DDC	\$2,150,231,677	DDC	\$1,787,636,448	DOHMH	\$2,197,937,229
5	DCAS (DMSS)	\$1,484,787,416	DCAS (DMSS)	\$1,672,559,440	DOE	\$1,776,046,926	HRA (DSS)	\$2,141,145,639
6	DOE	\$1,448,119,680	DEP	\$1,659,837,997	DoITT	\$1,106,395,178	DCAS	\$1,949,308,257
7	DOT	\$1,284,972,319	DHS	\$1,415,756,819	ACS	\$1,097,181,489	SBS	\$1,678,554,101
8	DEP	\$1,144,039,625	DoITT	\$1,369,045,909	DEP	\$1,060,074,193	DEP	\$1,557,782,750
9	HRA (DSS)	\$932,146,518	DOT	\$1,141,350,705	OEM	\$890,577,095	OEM	\$987,964,208
10	DoITT	\$851,637,741	DCAS	\$1,098,809,590	DOHMH	\$861,506,261	ACS	\$886,477,831
<b>TOTAL</b>		<b>\$24,638,113,511</b>		<b>18,845,373,070</b>		<b>\$17,272,335,693</b>		<b>\$24,940,441,168</b>

The Top Ten agencies registered over \$24.9 billion of the City’s \$31.8 billion in contract actions in FY21, with DOE accounting for approximately 26% of the City’s total value of procurement actions. DOE, which has appeared on the Top Ten list since FY14, landed the #1 spot in FY21 with approximately \$8.3 billion. DoITT, which has appeared on the list in the last few fiscal years did not appear on the Top Ten list in FY21. Over the last eight fiscal years, the only agencies to consistently make the Top Ten list have been DCAS, DDC, DOE, and SBS.

TABLE V: TOP FIVE FY21 AGENCIES BY TOTAL REGISTERED PROCUREMENT CONTRACT ACTION VALUE

Rank	Agency	Total Registration Value
1	DOE	\$8,323,881,545
2	DDC	\$2,637,152,969
3	DHS	\$2,580,236,639
4	DOHMH	\$2,197,937,229
5	HRA (DSS)	\$2,141,145,639

TABLE VI: TOP FIVE FY21 AGENCIES BY TOTAL REGISTERED REVENUE CONTRACT ACTION IN VALUE

Rank	Agency	Total Registration Value
1	COMP	\$403,093,450
2	DPR	\$41,312,971
3	DEP	\$4,395,435
4	DCAS	\$1,388,280
5	DOT	\$689,977

TABLES V and VI provides two Top Five lists of agencies with the highest total registered procurement action value and total registered revenue action value. It is worth mentioning that the agencies that made the Top Five list for the highest total registered procurement action value did not make the Top Five list for the highest total registered revenue contract action value and vice versa. For example, the Comptroller's Office did not make the Top Five list for the total value of its registered procurement actions in FY21, but it did take the #1 spot for the total registered revenue actions for the same period at approximately \$403 million. The Comptroller's Office #1 position is the result of the registration of Corpus Funded agreements for finance pension-related expenses. The Comptroller's Office did not receive or collect the approximate amount of \$403 million. Corpus Fund agreements are explained in greater detail in *Part II* of this *Report*.

## Total Registered Procurement Contract Actions in FY21

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

Obtaining the best quality goods and services at either the lowest cost or the best value should be the paramount tenet of every effective procurement system. To achieve this outcome, use of competitive award methods, such as Competitive Sealed Bids (“CSBs”) or Competitive Sealed Proposals (“CSPs”), are often used by the City’s mayoral agencies, City-affiliated agencies, elected officials and the City Council to enter into contracts. Competitive sealed bidding is the default award method under the NYS General Municipal Law (“GML”) and the PPB Rules for public works contracts and can be considered an effective procurement method to procure goods and services for the City. Depending on the type of procurement and industry, CSPs may also be the default method.<sup>32</sup>

An agency may only proceed with an alternative method of procurement when it first determines that the use of competitive sealed bidding is either not practicable or advantageous to the City under the circumstances.<sup>33</sup> Each agency contract file must contain documentation of such “special case” determination and the basis upon which each contract is awarded.<sup>34</sup> For purposes of this *Report*, procurement actions awarded via competitive methods include CSBs, CSPs, Accelerated Procurements and Small Purchases (excluding M/WBE Non-Competitive Small Purchases).

As demonstrated by TABLE VII below, the number of procurement actions awarded by competitive methods slightly increased from 5,559 in FY20 to 5,581 in FY21, a 0.4% increase. The total registered value for these competitive contract registrations increased significantly from \$7,648,926,302 in FY20 to \$11,140,270,186 in FY21 (46%).

TABLE VII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY COMPETITIVE METHODS<sup>35</sup>

Award Method*	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CSB**	927	\$5,011,664,246	873	\$4,736,191,433	733	\$3,351,737,326	480	\$3,627,265,771
CSP**	895	\$5,357,752,999	876	\$4,532,231,487	696	\$4,046,033,940	484	\$7,287,465,534
Accelerated Procurement	99	\$126,370,613	101	\$171,714,679	14	\$124,403,814	51	\$83,297,253
Small Purchase**	5,158	\$169,225,923	5,360	\$158,049,207	4,116	\$126,751,221	4,566	\$142,241,628
<b>TOTAL</b>	<b>7,079</b>	<b>\$10,665,013,780</b>	<b>7,210</b>	<b>\$9,598,186,806</b>	<b>5,559</b>	<b>\$7,648,926,302</b>	<b>5,581</b>	<b>\$11,140,270,186</b>

\*Excludes RCTIs.

\*\*Includes PQVL.

### Competitive Sealed Bid Contracts

The CSB method refers to a type of procurement method where the award of a contract is made to the lowest responsive and responsible bidder or to the responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids (“IFB”) and represents the best value to the City.<sup>36</sup>



Bids are solicited through an IFB, which generally includes a purchase description bid tab and a notice of where vendors may obtain a copy of all contractual terms and conditions applicable to the procurement.<sup>37</sup> Agencies may also solicit bids 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.<sup>38</sup>

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.<sup>39</sup>

In FY21, the CSB Contracts registered had the second highest total registered value for competitive contract registrations at \$3,627,265,771, representing 33% of the total registered value of registered procurement contract actions awarded by competitive methods. While the total registered value of CSB Contracts remained slightly similar from FY20 to FY21, the total number of registered CSB contracts decreased substantially from 733 in FY20 to 480 in FY21 (35%).

The largest CSB Contract registered in FY21 was between DEP and Walsh Construction Company II, LLC for the excavation and construction of tunnels in Queens and Brooklyn, in the amount of \$355,480,000 (CT1 20211403962).

### Competitive Sealed Proposal Contracts

The CSP method is another type of competitive procurement method that an agency may use after it first determines that a CSB procurement method is not practicable or advantageous to the City under the circumstances.<sup>40</sup> CSPs are solicited through Request for Proposals (or “RFP”) and are primarily used to award contracts for information technology (“IT”), architecture, engineering, accounting, legal, scientific, research or other similar services. Ultimately, the contract is awarded to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price and such other factors or criteria as set forth in the RFP.

To ensure a level playing field, no other factors or criteria may be used by the agency when evaluating proposal submissions for award. 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.

Like 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 using a process similar to bids.<sup>41</sup>

As indicated in TABLE VII, the CSP Contracts had the highest total registered value in FY21 for competitive contract registrations at \$7,287,465,534, representing 65% of the total registered value for FY21 competitive contract registrations. The largest FY21 registered contract procured via CSP was entered into by DOHMH at \$1,206,000,000 with Public Health Solutions to provide master contractor services, including management, administrative coordination services, and oversight of subcontracts with healthcare providers and community based organizations (CT1 20211411747).

## Accelerated Procurement Contracts

An Accelerated Procurement Contract enables DCAS to quickly obtain specific commodities approved by the City Chief Procurement Officer (“CCPO”), such as chemicals, energy and food, when the PPB-approved markets experience significant shortages and/or short-term price fluctuations.<sup>42</sup> Pursuant to Section 3-07(e)(3) of the PPB Rules, Accelerated procurements are exempt from Comptroller registration of the contract, however the agency shall, as soon as is practicable, and not more than thirty days from the date of award, submit such procurement to the Comptroller’s Office.

In FY21, a total of 51 Accelerated Procurement Contracts were registered for a total registered value of \$83,297,253.

## Small Purchase Contracts<sup>43</sup>

Small Purchases are 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.<sup>44</sup> These awards, however, remain subject to all other requirements of the PPB Rules.<sup>45</sup> Additionally, the PPB Rules outline a competition objective for the award of Small Purchases, currently known as the “5+10” method.<sup>46</sup> Specifically, agencies are required to solicit bids from a list of five randomly selected vendors and at least ten randomly selected City-certified M/WBE vendors when making awards over \$35,000 for construction procurements and over \$20,000 for goods and services but no more than \$100,000.<sup>47 48</sup> The data presented in this section of the *Report* does not include M/WBE Non-Competitive Small Purchases.

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. In FY21, 4,566 Small Purchase Contracts accounted for \$142,241,628 of agency purchasing activity.<sup>49</sup>

## CONTRACT GROUP NO. 2

### Registered Procurement Contract Actions by Limited/Non-Competitive Methods

Registered contracts procured by limited/non-competitive award methods define the Contract Group No. 2. A historical comparison of these actions starting in FY18 is provided in TABLE VIII and GRAPH IV provides an FY21 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/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.*, preserving continuity of services) 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).<sup>50</sup>

TABLE VIII: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY LIMITED/NON-COMPETITIVE METHODS<sup>51</sup>

Award Method	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Discretionary	2,715	\$250,338,404	3,029	\$249,934,362	2,523	\$298,837,162	1,562	\$192,459,338
M/WBE Non-Comp. Small Purchases*	207	\$13,736,869	1,100	\$80,997,036	1,242	\$98,552,721	870	\$90,736,188
Intergovernmental**	558	\$467,899,292	610	\$1,495,892,747	421	\$440,277,820	433	\$798,721,390
Emergency	70	\$159,719,390	57	\$94,881,913	515	\$3,873,783,532	382	\$1,973,851,571
Micropurchase	105	\$1,633,004	160	\$2,102,292	151	\$2,171,778	205	\$2,725,773
Negotiated Acquisition***	261	\$1,558,617,809	230	\$2,204,105,824	183	\$305,674,462	181	\$6,957,053,880
Determined by Gov't Mandate****	147	\$140,082,607	192	\$444,312,413	136	\$634,489,136	80	\$224,232,053
Sole Source	89	\$2,704,418,101	80	\$2,489,029,164	72	\$2,708,916,733	68	\$1,884,092,818
Government to Government	78	\$6,946,724,868	78	\$1,123,013,692	65	\$820,840,023	45	\$1,753,313,445
Innovative	0	\$0	4	\$38,771,343	3	\$15,720,024	14	\$134,874,194
Demonstration	9	\$11,741,153	14	\$41,399,712	3	\$5,786,070	4	\$4,189,002
Buy-Against	2	\$4,296,000	4	\$31,925,761	2	\$1,027,392	2	\$2,952,160
<b>TOTAL</b>	<b>4,241</b>	<b>\$12,259,207,498</b>	<b>5,558</b>	<b>\$8,296,366,260</b>	<b>5,316</b>	<b>\$9,206,076,852</b>	<b>3,846</b>	<b>\$14,019,201,812</b>

\*Two of the contracts included in this Group were registered as a Purchase Order and a Task Order, not as a CTI.

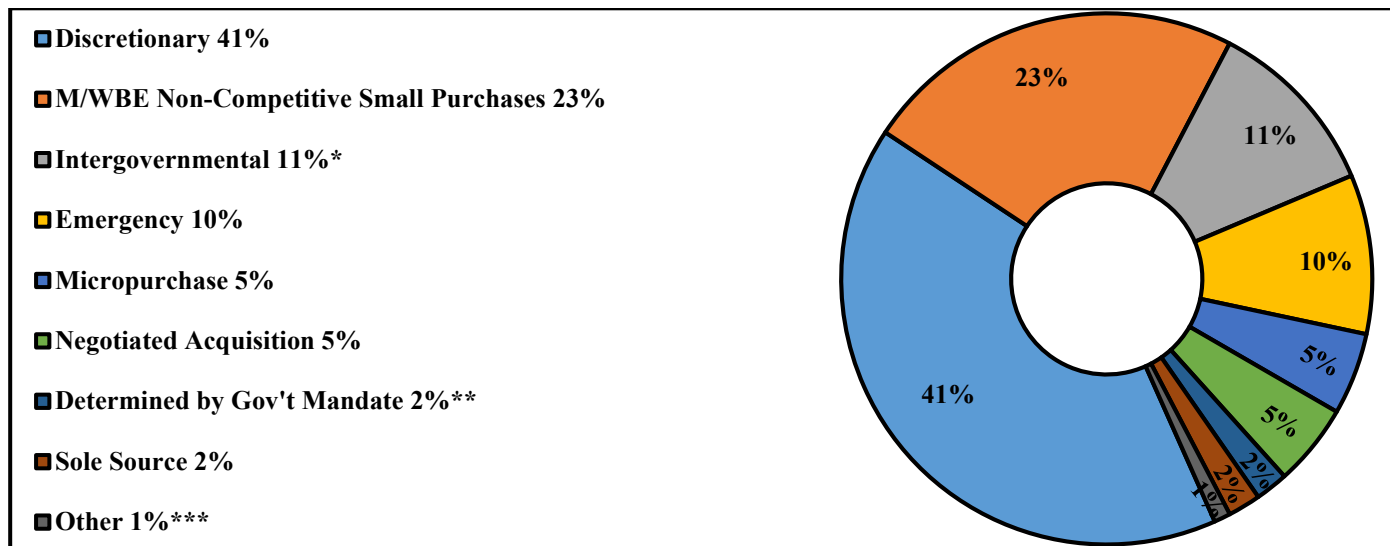
\*\*Includes Intergovernmental Renewals.

\*\*\* CTI 20219150300 between the DOE and NYC School Support Services, Inc. was registered for \$6,359,635,178.

\*\*\*\*Includes Determined by Legal Mandate Contracts.

Based on the data presented in TABLE VIII, 3,846 contracts procured via limited or non-competitive award methods were registered in FY21 for a total registered value of \$14,019,201,812. While the total number of registered contract actions procured within this category experienced a decrease of approximately 28% from 5,316 in FY20 to 3,846 in FY21, the total registered value of such actions increased from \$9,206,076,852 in FY20 to \$14,019,201,812 in FY21 (52%).

GRAPH II: REGISTERED PROCUREMENT ACTIONS BY LIMITED/NON-COMPETITIVE METHODS BY PERCENTAGES IN FY21



\*Includes Intergovernmental Renewals.

\*\*Includes Determined by Legal Mandate Contracts.

\*\*\*Includes Gov't to Gov't (1%), Demonstration (0.1%), Innovative (0.1%), and Buy-Against (0.1%)

### 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.<sup>52</sup> Although these agreements are funded by the respective elected officials' available discretionary funding, the contracts are administered by City agencies.

In FY21, 1,562 Discretionary Contracts were registered for a total value of \$192,459,338. As in past fiscal years, the total number of Discretionary contracts registered remains the highest of all the procurement actions awarded by limited or non-competitive award methods within Contract Group No. 2. Conversely, the total number of Discretionary contracts registered in FY21 represents the lowest number since FY18. Also, number of Discretionary contracts registered significantly decreased from 2,523 in FY20 to 1,562 in FY21 (38%).

### M/WBE Non-Competitive Small Purchases

On July 15, 2019, Governor Cuomo signed into law an amendment to the NYC Charter which authorizes the PPB to increase the maximum amount of M/WBE Noncompetitive Small Purchases to \$500,000 and include construction in addition to goods and services.<sup>53</sup>

In November of 2019, and consistent with that state legislation, the PPB unanimously voted to amend PPB Rule 3-08 regarding the M/WBE Non-Competitive Small Purchase Method and updated the threshold from \$150,000 to \$500,000 for purchases of goods, services, and construction. This procurement method allows

agencies to contract with City-certified M/WBEs, up to the new threshold of \$500,000, without competition. This amendment became effective January 1, 2020.

On January 10, 2020, the Comptroller's Office signed a Conditional Delegation & Approval that allows agencies the ability to "self-register" in FMS M/WBE Noncompetitive Small Purchase contracts up to \$500,000 in exchange for certain reporting requirement regarding this procurement type. This delegation of the Comptroller's statutory registration authority was in an effort to facilitate the equity goals of this unique procurement method and encourage agency utilization.

In FY21, a total of 870 M/WBE Non-Competitive Small Purchases were registered using this new method for a total of \$90,736,188. The data included in this section does not include Small Purchases.

## 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.<sup>54</sup>

The two most common government entities that City agencies purchase through are the United States General Services Administration ("GSA")<sup>55</sup> and the New York State Office of General Services ("OGS").<sup>56</sup> An agency can procure goods through GSA, OGS or another government entity provided that the price is lower than the prevailing market price. Additionally, 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.<sup>57</sup> 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 FY21, 433 Intergovernmental Procurement Contracts were registered. The largest Intergovernmental Procurement Contract was entered into by DoITT at \$357,313,566, with Dell Marketing LP which consolidates all City agency licenses into a single, enterprise agreement includes access to the latest versions and releases of critical Microsoft products, services for deployment and implementation, unlimited server deployment, and transitional solutions for emerging technologies such as cloud based offerings (MA1 20211200826).

## Emergency Procurement Contracts

In the case of an unforeseen danger to life, safety, property or a necessary service, an agency may pursue an emergency procurement (referred to in the PPB Rules as "Emergency Purchases") with the prior approval of the Comptroller and Corporation Counsel. Consistent with applicable Charter provision, agencies are required to use as much competition as is practical under the circumstances to award an emergency procurement contract.<sup>58</sup> Finally, the procuring agency is required to include a written determination of the basis for the emergency and the selection of the contractor in the agency contract file and include a summary of such determination in the notice of contract award published in *The City Record* within 15 calendar days of contract registration.<sup>59</sup>

In FY21, 382 Emergency Procurement Contracts were registered with a total registration value of \$1,973,851,571, which represents a decrease from \$3,873,783,532 in FY20 (49%). OEM held the largest contract at \$400,000,000, with Aya Healthcare, Inc., for the provision of temporary vaccine staff for clinical administrative services for COVID-19 (CT1 20211421091).<sup>60</sup> This contract was not procured through the process described above but pursuant to E.E.O. 101. The Comptroller's Office did not provide prior approval

or register these contract actions, however we are reporting on the data in an effort to continue the office’s goal of transparency. For more information, please see *Part III* of this *Report*.

While this subsection provides data pertaining to Emergency Procurement Contracts, *Part III* of this *Report* tracks the number of approval requests granted by the Comptroller’s Office in FY21.

### Micropurchase Contracts

Micropurchase Contracts are a subset of “Small Purchases” and consist of the acquisition of goods and/or services in an amount valued up to and including \$20,000 and construction procurements valued up to and including \$35,000 (“Micropurchase Limits”).<sup>61</sup> As long as the value of the procurement does not exceed the applicable Micropurchase Limit, no formal competition is required so long as agencies ensure that awards are distributed appropriately among responsible vendors, including M/WBEs, and that the prices charged are fair and reasonable.<sup>62</sup>

While FMS data identifies that 205 Micropurchase Contracts were registered in FY21 for a total registration value of \$2,725,773, this may not represent the total volume of Micropurchase Contracts since the City has the ability to process Micropurchase Contracts through the Citywide Purchasing Card (P-Card) Policies and Guidelines.

### Negotiated Acquisition Contracts

The Negotiated Acquisition source selection method permits agencies, with prior CCPO approval, to negotiate contracts directly with vendors under specific circumstances when use of procurement methods like CSB and CSPs are neither practicable nor advantageous to the City.<sup>63 64</sup>

The largest NA registered in FY21 was the \$6,359,635,178 agreement between the DOE and NYC School Support Services, Inc., to provide employment services for custodial staff (e.g., firepersons, handypersons, cleaners, and any other future applicable titles) to ensure schools are clean and safe. (CT1 20219150300). This NA agreement accounted for approximately 91% of the total registration value for NA registered in FY21.

### Determined by Government Mandate Contracts

For the purposes of this *Report*, Determined by Government Mandate Contracts consist of both Required Method and Required/Authorized Source contracts since both share the same Award Method Code 26. As a result, the number and value of registered contracts awarded by Required Method and Required/Authorized Source are combined as they share Award Method Code 26. Both are discussed below.

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.<sup>65</sup> 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.<sup>66</sup> 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 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

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.

In FY21, 80 Determined by Government Mandate Contracts were for a total value of \$224,232,053.

### Sole Source Contracts

A Sole Source Contract is awarded to a vendor without competition after the agency determined that there is only one source for the required goods, services and/or construction.<sup>67</sup> A Sole Source contract may also be entered into with a vendor that owns proprietary software since, by default, that vendor is the only source for the procurement of that software. To ensure that only one source of the goods, services or construction in question, every “single source” determination made by an agency must be published in *The City Record* and include language soliciting applications from any other vendor(s) who may be qualified or interested providing such goods, services or construction.<sup>68 69</sup>

In FY21, 68 Sole Source Contracts were registered for a total registered value of \$1,884,092,818. Once again, SBS entered into the largest Sole Source Contract with NYCEDC in FY21 for the Master Economic Development Agreement at \$1,327,500,210 (MMA1 20216201666).

### 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.<sup>70</sup> The accepted price and 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 FY21, there were 45 Government-to-Government contracts registered totaling \$1,753,313,445. One of the largest was an agreement between DCAS and New York Power Authority for purchase services to provide energy efficiency projects and services, clean energy technology projects and services and high-performance and sustainable building projects and services (including technologies that reduce air and other pollution and conserve materials and resources such as water); and the construction, installation and/or operation of facilities or equipment done in connection with any such projects, programs or services for a total value of \$1,200,000,000 (CT1 20216201156).

### Innovative Procurement 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.<sup>71</sup>

During FY21, a total of 14 Innovative Procurement Contracts were registered for a total registration value of \$134,874,194.

### Demonstration Project Contracts

A Demonstration Project is a short-term, carefully planned, pilot exercise designed by the agency to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the City.<sup>72</sup> One of the benefits of conducting procurements under this method is that it authorizes an agency to observe and analyze effectiveness and efficiency without investing large resources.

A total of four Demonstration Project contracts with a total registered value of \$4,189,002 were registered in FY21.

### 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.<sup>73</sup>

Two Buy-Against Procurement Contracts with a registered contract value of \$2,952,160 were registered in FY21.



## Contract Group No. 3

### Registered Procurement Contract Actions by Other Methods

Contract Group No. 3 includes contract actions by other methods that cannot be easily classified using one of the aforementioned general award methods. For the purposes of this *Report*, these include the nine individual award methods listed in TABLE IX. A total of 278 registrations by Other award methods were processed in FY21 for a combined registered value of \$2,415,425,003, representing a decrease in registered contract actions and a slight increase in total registered value from FY20, when 536 Other contracts were registered for a total value of \$1,743,603,408.

TABLE IX: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS BY OTHER METHODS<sup>74</sup>

Award Method	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Leases/Lessee Negotiated Agreements	97	\$1,673,912,325	57	\$1,507,595,121	43	\$914,127,478	66	\$1,449,086,153
Watershed Agreements	43	\$18,382,491	33	\$8,191,630	27	\$5,346,789	4	\$245,856
Assignments*	137	\$882,206,859	143	\$374,234,818	199	\$679,334,546	90	\$865,596,831
Force Account Negotiations	33	\$18,386,922	35	\$20,604,664	24	\$6,548,434	19	\$7,365,933
DOE Listing Applications	23	\$54,254,113	13	\$25,386,440	11	\$49,711,988	23	\$59,081,944
Non-Procurements	55	\$18,811,035	32	\$17,555,582	181	\$56,762,033	24	\$5,566,260
Real Estate Sales & Purchases	4	\$5,655,000	1	\$2,700,000	2	\$4,000,704	3	\$97,000
Bonds**	5	\$13,335,000	3	\$8,179,000	5	\$12,537,500	4	\$16,896,000
Miscellaneous	52	\$25,879,144	50	\$12,851,322	44	\$15,233,936	45	\$11,489,026
<b>TOTAL</b>	<b>449</b>	<b>\$2,710,822,890</b>	<b>367</b>	<b>\$1,977,298,578</b>	<b>536</b>	<b>\$1,743,603,408</b>	<b>278</b>	<b>\$2,415,425,003</b>

\*Excludes RCTIs.

\*\*Includes Contract Type Code 88 (Bonds) and Contract Category Code 104 (Bonds/Letter of Credit).

### Leases/Lessee Negotiation Agreements

Leases and Licenses 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 15 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.<sup>75</sup>

In FY21, 66 new Lease/License Negotiation Agreements were registered for a total value of \$1,449,086,153. More information on Lease/License Negotiation Agreements is provided in *Part III* of this *Report*.

### 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 FY21, a total of four Watershed Agreements were registered for an aggregate value of \$245,856, representing a staggering decrease of \$5,100,933 in the total registration value from FY20 (95%).

### 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 FY21, 90 contract Assignments were registered for a total assigned value \$865,596,831. The 90 contract Assignments represents the lowest totals since FY18 when 137 contract assignments were registered.

### 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 FY21, a total of 19 Force Account Negotiation Agreements were registered for a total registered value of \$7,365,933.

### 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.<sup>76</sup> 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 FY21 for an aggregate value of \$59,081,944.

### 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.

During FY21, three Real Estate Sales and Purchase Agreement was registered for an aggregate value of \$4,000,704.

### 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.<sup>77</sup>

In FY21, there were four registered Bond Agreements entered into by the Comptroller’s Office for a total aggregate value of \$16,896,000.

### 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 45 contracts were registered in FY21 using the Miscellaneous award method for a combined value of \$11,489,026.

## Contract Group No. 4

### Registered Procurement Contract Actions Exempt under PPB Rule Section 1-02(f)

Contract Group No. 4 captures five transactions that are not subject to the PPB Rules<sup>78</sup> including:

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. A total of 336 registrations under 1-02(f) were processed in FY21 for a combined registered value of \$300,480,119.

TABLE X: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT ACTIONS EXEMPT UNDER PPB RULE SECTION 1-02(f)<sup>79</sup>

Award Method	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Grants*	209	\$64,482,514	196	\$290,685,850	217	\$112,472,267	163	\$41,559,352
Public Utility	42	\$328,918,624	23	\$95,775,171	42	\$402,992,948	34	\$247,690,948
Cable Service Negotiation	12	\$1,814,179	22	\$50,809,784	15	\$716,969	6	\$336,189
Professional Member Negotiation	23	\$569,898	25	\$1,218,884	23	\$644,084	27	\$1,480,558
Subscriptions	259	\$29,394,891	193	\$11,816,093	148	\$9,399,910	106	\$9,413,072
<b>TOTAL</b>	<b>545</b>	<b>\$425,180,105</b>	<b>459</b>	<b>\$450,305,783</b>	<b>445</b>	<b>\$526,226,177</b>	<b>336</b>	<b>\$300,480,119</b>

\*Includes Grant Renewals.

### Grant Agreements

A Grant under 1-02(f)(1) 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.<sup>80</sup> A Grant Agreement 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. Grant Agreements 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, Grant Agreement are not contracts for services.

In FY21, 163 Grant agreements were registered for a total aggregate value of \$41,559,352. Both totals in FY21 represents the lowest total registration value and lowest number of Grant agreements registered in the last four fiscal years.

### Public Utility Contracts

The Public Utility transaction under 1-02(f)(2) is used by an agency when the work or service is provided by public utilities 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.<sup>81</sup> Such services typically include local telephone service, electricity, gas, water, and steam.

During FY21, three agencies registered 34 Public Utility Contracts for a total value of \$247,690,948.

### Cable Service Negotiation Contracts

Cable Service Negotiations is another transaction under 1-02(f)(3) for the provision of cable television services or other public services that are regulated by the NYSPSC.<sup>82</sup> 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 FY21, six Cable Service Negotiation Contracts were registered totaling \$336,189, which represents the lowest totals for both total registration value and registered Cable Service Negotiation Contracts in the last few fiscal years.

### Professional Membership Negotiation Contracts

The Professional Membership Negotiation method under 1-02(f)(4) 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.<sup>83</sup>

In FY21, eight agencies registered 27 Professional Membership Negotiation Contracts totaling \$1,480,558. Both totals in FY21 represents the highest total registration value and highest number of Professional Membership Negotiation Contracts registered since FY19.

### Subscription Contracts

The Subscription non-procurement method under 1-02(f)(5) 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.<sup>84</sup> Certain software licenses and various print and online periodicals may also be obtained through subscriptions.

During FY21, 106 Subscription Contracts were registered for a total value of \$9,413,072.

## Contract Group No. 5

### Registered Procurement Contract Management Actions

Contract Group No. 5 includes contract management actions, which refers 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”).

As indicated by TABLE XI, a total of 1,664 registered procurement contract management actions (CT1s, MA1s and MMA1s) were registered in FY21, a slight increase from 1,558 in FY20 (7%). The total registration value for registered procurement contract management actions is \$3,876,320,113. These figures do not include “Intergovernmental Renewals” which are captured in TABLE VIII and “Grant Renewals” which are captured in TABLE X under “Grants.”

TABLE XI: HISTORICAL COMPARISON OF REGISTERED PROCUREMENT CONTRACT MANAGEMENT ACTIONS<sup>85</sup>

Award Method	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Renewals*	1,175	\$2,943,351,763	1,887	\$5,084,136,566	936	\$3,724,119,952	1,039	\$2,591,071,093
NAEs**	198	\$378,450,131	224	\$450,809,670	622	\$577,334,977	625	\$1,285,249,020
<b>TOTAL</b>	<b>1,373</b>	<b>\$3,321,801,894</b>	<b>2,111</b>	<b>\$5,534,946,237</b>	<b>1,558</b>	<b>\$4,301,454,929</b>	<b>1,664</b>	<b>\$3,876,320,113</b>

\*Excludes RCT1s, 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.<sup>86</sup>

In FY21, 1,039 Renewal Agreements were registered, representing a small increase from FY20 (11%) although the total registration value for Renewal Agreements decreased from \$3,724,119,952 in FY20 to \$2,591,071,093 in FY21 (30%). The total registration value in FY21 also represents the lowest amount in the last four fiscal years.

### Negotiated Acquisition Extensions

Negotiated Acquisition Extension (“NAEs”) is 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.<sup>87</sup>

In FY21, 625 NAEs were registered. While the total number of NAEs registered remained relatively the same, the total registration value identified a staggering increase from \$577,334,977 in FY20 to \$1,285,249,020 in FY21 (123%). The total registration value has steadily increased each fiscal year since FY18 and the FY21 total registration value also represents the highest amount in the last four fiscal years.

## Total Registered Revenue Contract Actions in FY21

### Contract Group No. 6 Registered Revenue Contract Actions by Contract Type

Contract Group No. 6 discussed in this *Report* is Revenue Actions. Franchises, Concessions and Revocable Consents, which are governed by Chapter 14 of the Charter. Unlike traditional procurements where the City spends money to receive goods or services, City agencies enter into revenue agreements to generate money by allowing a vendor to operate 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 franchises. Additional authority for these types of Revenue Action awards can be found in the following sections of the Rules of the City of New York: Chapter 1 of Title 12 (“Concession Rules”); Chapter 2 of Title 6 (“Department of Consumer Affairs Rules on Revocable Consents”); and Chapter 7 of Title 34 (“DOT’s Revocable Consent Rules”).

In terms of payment structure, concessions awarded 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.<sup>88</sup> In FY21, 152 Revenue Contract Actions were registered for a total registered value of \$451,241,021.

TABLE XII: HISTORICAL COMPARISON OF REGISTERED REVENUE CONTRACT ACTIONS BY CONTRACT TYPE<sup>89</sup>

Contract Type	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
Franchises	4	\$2,447,500	0	\$0	12	\$254,250,660	0	\$0
Concessions	71	\$47,536,139	102	\$19,872,894	43	\$29,413,274	63	\$41,673,878
Revocable Consents	367	\$13,532,684	605	\$20,592,386	474	\$31,802,059	32	\$689,977
Corpus Funded	32	\$177,010,310	42	\$484,582,000	42	\$234,943,108	50	\$403,093,450
Other	5	\$5,762,712	11	\$4,881,667	5	\$13,583,141	7	\$5,783,715
<b>TOTAL</b>	<b>479</b>	<b>\$246,289,345</b>	<b>760</b>	<b>\$529,928,947</b>	<b>576</b>	<b>\$563,992,242</b>	<b>152</b>	<b>\$451,241,021</b>

### Franchise Agreements

A Franchise Agreement is a grant by an agency of a right to occupy or use the inalienable property of the City to provide a public service.<sup>90</sup> An example of a Franchise are cable companies such as Spectrum and Verizon providing services to the public through franchise agreements entered into with DoITT.

There were no Franchise Agreements registered in FY21.

## Concession Agreements

A Concession Agreement is a grant made by an agency for the private use of City-owned property for which the City receives compensation other than a fee to cover administrative costs.<sup>91</sup> For example, the City's golf courses are operated by vendors through concession contracts (typically in the form of license agreements).

In FY21, 63 new Concession Agreement were registered for a total registered revenue value of \$41,673,878.

## Revocable Consent Agreements

A Revocable Consent Agreement is a grant of a right by the City, which is revocable at will, to three types of recipients (1) any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property; (2) an owner of real property or, with the consent of the owner, a tenant of real property to use adjacent inalienable property; or (3) a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.<sup>92</sup>

In FY21, the City entered into a total of 32 registered Revocable Consent Agreements for a total registration value of \$689,977. The total registration value for Revocable Consent Agreements decreased substantially from \$31,802,059 in FY20 (98%) and the total number of Revocable Consent Agreements decreased significantly from 474 in FY20 (93%).

## Corpus Funded Agreements

The Comptroller is the investment advisor to and custodian of assets of the City's five public pension funds. These pensions provide retirement funds for current and former City employees. The Comptroller is also a trustee to four of the five City Pension Funds. The City's pension assets are invested to generate consistent and strong returns, while managing risk and volatility in their investment portfolios. In furtherance of this responsibility, the Comptroller, through the Bureau of Asset Management, enters into agreements to carry out this duty. These contracts are paid from the corpus of the City pension funds.

In FY21, the Comptroller's Office entered into 50 Corpus Funded Agreements for \$403,093,450, representing increases in the total registration value from \$234,943,108 in FY20 (72%) and the total number of Corpus Funded Agreements from 42 in FY20 (19%).



## Part III

### Section 3: Agency Specific Data & Supplemental Analysis

The Bureau of Contract Administration 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.

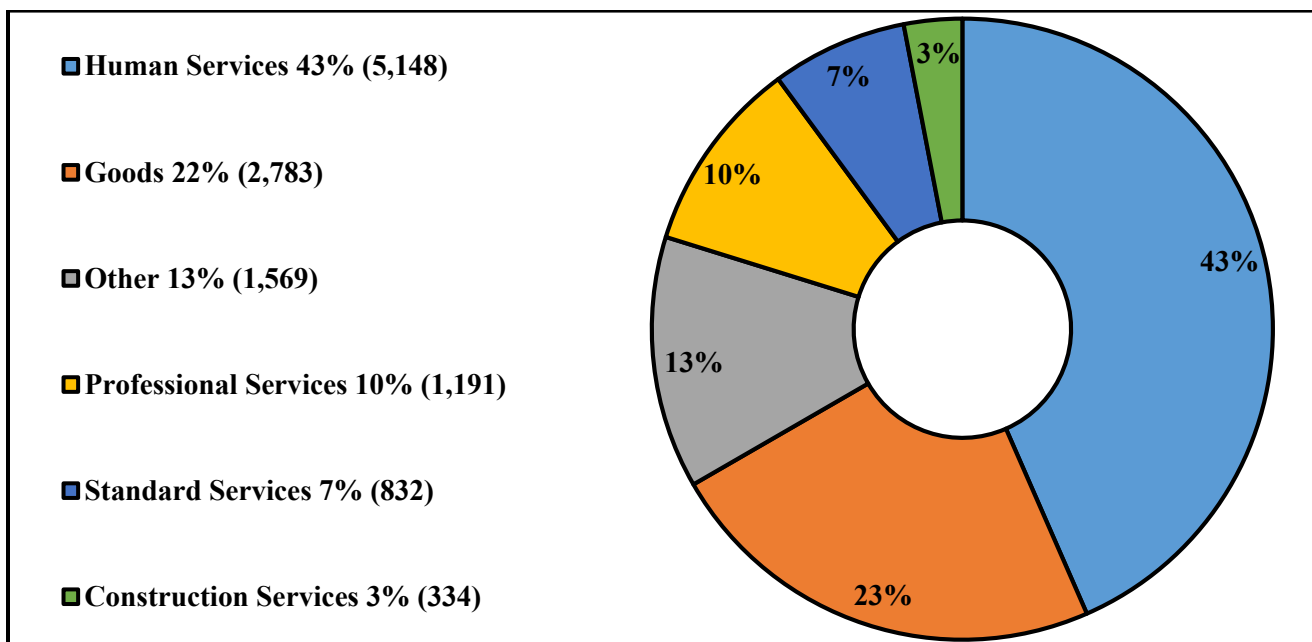
#### A. Registrations by Industry Classification

This part of the *Report* presents FY21 contract action registrations by industry classification based on industry categories established by Local Law 1 of 2013 (“LL1”). This information provides an alternate perspective of the contract data based on the industry classifications 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, the presentation of information below is not intended to constitute a LL1 compliance report. Rather, it is a report utilizing industry classification to detail overall agency registrations in FY21. As GRAPH III indicates, there are six primary industry classifications that a particular contract action may fall under and the percentages and number of registered contract actions for each industry classification are based on 11,857 new contract actions registered in FY21:

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

For example, there were 5,148 registered contracts actions in FY21 that are classified in the Human Services industry, representing 43% of the total contract actions registered in FY21.

GRAPH III: REGISTERED CONTRACT ACTIONS BY INDUSTRY CLASSIFICATION IN FY21<sup>93 94</sup>



## B. Registered Modifications

Modifications are used by a City agency to amend or adjust an existing registered agreement.<sup>95</sup> 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.<sup>96</sup> A Change Order, on the other hand, is a mechanism used by an agency to alter, change, amend, or modify an existing registered agreement.<sup>97</sup> Modifications are also registered for administrative actions, including changes to accounting lines and revisions to agreement end dates on construction completion contracts.

Table XIII provides a breakdown of the 51,847 Modifications (CTRs and MARs) that were registered in FY21. 50,845 CTRs to registered agreements classified by the Transaction Codes CT1 and CTA1. 1,002 MARs to registered agreements classified by the Transaction Codes MA1, MMA1 and RCT1.

Of the 50,845 CTRs registered in FY21, 48,435 include CTR Modifications where there was either a change to the term OR a change to the contract amount OR some other change (such as an administrative revision). 2,410 include CTR Modifications where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.

Of the 1,002 MARs registered in FY21, 737 include MAR Modifications where there was either a change to the term OR change to the contract amount OR some other change (such as an administrative revision). 265 include MAR Modifications where there was a change to the term of the agreement (start/end date) AND a change to the contract amount.

TABLE XIII: REGISTERED MODIFICATIONS IN FY21<sup>98</sup>

Modification Transaction Code	Modification Type		Total No. Registered
	Change in Term OR Amount OR Other Revision	Change in Term AND Amount	
<b>CTR Modifications*</b>	48,435	2,410	<b>50,845</b>
<b>MAR Modifications**</b>	737	265	<b>1,002</b>
<b>TOTAL</b>	<b>49,172</b>	<b>2,675</b>	<b>51,847</b>

\*CT1 and CTA1.

\*\*MA1, MMA1 and RCT1.

### C. Construction Change Order Registrations

As referenced in Section B, some Modifications are registered 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 registered via multiple contract types, this section highlights construction-related COs known as construction change orders (“CCO”).

CCOs are prevalent in the construction services industry due to complexities of construction that can be affected by a myriad of factors such as design omission and/or design errors, unexpected field conditions or extra work, and cost overruns or underruns. It is imperative and ever more important for municipalities to ensure that project timelines stay on schedule and contract costs stay on budget. In addition, a CCO can occur due to non-material changes in scope, as well as revised changes in scope that do not significantly alter the main purpose of the contract. City Rules, Regulations<sup>99</sup> and the Charter state that CCOs cannot be implemented until registered by the Comptroller.<sup>100</sup> CCOs may include changes to locations and limits of proposed work, specifications, drawings, sketches, and other technical information.

All CCOs are related to the construction services industry. During FY21, 657 CCOs (catalogued in FMS as CTRs and MARs) were registered where there was a change to the term of the agreement. Also, 1,684 CCOs were registered where there was a change to the contract amount. The total registered modification value in FY21 was \$417,810,260.

TABLE XIV: REGISTERED CONSTRUCTION CHANGE ORDERS IN FY21<sup>101</sup>

Modification Transaction Code	Modification Type			Total Registered Modification Value
	Change in Term	Change in Amount	Change in Term AND Amount	
<b>CTR Modifications</b>	656	1,665	287	<b>\$402,552,743</b>
<b>MAR Modifications</b>	1	19	1	<b>\$15,257,517</b>
<b>TOTAL</b>	<b>657</b>	<b>1,684</b>	<b>288</b>	<b>\$417,810,260</b>

## D. Registered Task Orders through Agency Master Agreements

Master agreements are created to provide general categories of goods and services potentially required by one or more agencies. Agencies may issue Task Orders (“TOs”) against master agreements to fulfill specific needs.<sup>102</sup> For example, DoITT’s Citywide System Integration Services contracts provides agencies with an effective mechanism to identify qualified consultants capable of supporting and completing agency IT projects.

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 through a second tier of competition utilizing a mini-bid or mini-proposal process. All master agreements and agency TOs are submitted to the Comptroller for registration.

In FY21, 821 TOs (catalogued in FMS as CTA1s) were registered pursuant to master agreements held by several City agencies for a total value of \$1,039,368,341. Of the 821 TOs, 137 TOs (16.7%) were registered through DoITT master contracts for IT goods and services for total registration value of \$113,767,673. The total number of registered TOs in FY21 represents the lowest number since FY18. Similarly, the total registration value in FY21 represents the lowest amount since FY18. For purposes of TABLE XV, “Agency” MMA1s refer to master agreements held by City agencies other than DoITT.

TABLE XV: HISTORICAL COMPARISON OF REGISTERED TASK ORDERS THROUGH AGENCY MASTER AGREEMENTS<sup>103</sup>

CTA1 Category	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CTA1s Registered through DoITT MMA1s	303	\$288,492,804	336	\$173,312,689	201	\$107,773,339	137	\$113,767,673
CTA1s Registered through Agency MMA1s	1306*	\$784,004,609	1,224*	\$1,049,698,768	778	\$1,390,764,409	684	\$925,600,668
<b>TOTAL</b>	<b>1,609</b>	<b>\$1,072,497,413</b>	<b>1,560</b>	<b>\$1,223,011,457</b>	<b>979</b>	<b>\$1,498,537,748</b>	<b>821</b>	<b>\$1,039,368,341</b>

\*One of the TOs included in this total was registered as a CTI and not as a CTA1.

## E. DOE Registered Contract Actions

The Department of Education (“DOE”) oversees schools that serve approximately one million students each year. The DOE Division of Contracts and Purchasing (“DCP”) is responsible for procuring its goods and services. Given the high volume of DOE procurements, DOE’s diverse contract portfolio, and its leverage from a purchasing, budget and accounting perspective, a thorough review of its FY21 procurement activity is included in this *Report*.

DOE’s procurement activity is governed by NYS Education Law (not the PPB Rules), which requires it to create, implement and follow administrative rules<sup>104</sup>, known as the *Procurement Policy and Procedures* (“PPP”), which were first approved by the Panel of Education Policy (“PEP”) on January 27, 2010.<sup>105</sup> Amendments to the PPP have been subsequently approved by PEP on December 21, 2012, February 24, 2016 and January 29, 2020. The January 29, 2020 amendments to the PPP include changes to section 1-07 that allow for the non-competitive procurement of goods, services, and construction from State or City certified M/WBE vendors, not to exceed \$500,000.

The PPP was enacted to “ensure the wise, prudent, and economical use of public money.”<sup>106</sup> Specifically, it was 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” and “to provide for increased public confidence in the DOE’s public procurement procedures.”<sup>107</sup>

Section 3-01(a) of the PPP authorizes use of the following fourteen procurement award methods by DOE and requires, unless otherwise authorized by law, that DOE use one of these methods for every award<sup>108</sup>:

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.

The PPP is very similar to the PPB in terms of purpose, award methods and requirements. However, there are some considerable differences between the two sets of rules that offer DOE significantly more discretion in the procurement, vetting and award process of contracts. 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. 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.*<sup>109</sup>

Although section 3-01(b) of the PPP specifies a “Preference for Competitive Sealed Bidding,” the majority of DOE’s FY21 procurements were awarded and registered via “Alternate Source Selection Methods pursuant to sections 3-01(c) and (d) of the PPP.”<sup>110</sup> 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.<sup>111</sup>*

Additionally (and similarly to the PPB Rules), the PPP does not require that POs and “Emergency” contracts be registered by the Comptroller’s Office prior to implementation.<sup>112</sup> Nevertheless, there is a significant distinction between the PPP and PPB concerning the process required to award “Emergency” contracts. Unlike the PPB, 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 PPP only requires prior approval by the Chancellor of the DOE and must be ratified by the PEP within 60 days.

As TABLE XVI indicates, below are a few notable observations pertaining to FY21 DOE registered agreements:

- DOE was responsible for the largest value of total registered contract actions in FY21 at \$8,323,881,545, representing approximately 26.2% of the City’s total value of procurement actions (See TABLE IV);
- 4,343 DOE contract actions represents 36.6% of the City’s 11,857 registered contract actions;
- 4,343 DOE contract actions were registered for a total registration value of \$8,323,881,545 in FY21, representing an exponential increase in total registered contract value (368.7%) from FY20 to FY21;
- The CSB Contracts registered decreased from 40 in FY20 to 13 in FY21 and the total registration value for CBS contract registered decreased from \$390,030,826 in FY20 to \$180,185,179 in FY21;
- For the first time in the last few fiscal years, a total of 11 new Leases and Licenses were registered, totaling \$196,356,205;
- Although the total registration value of DOE’s CSPs procured via Pre-Qualified Vendor List increased overall from \$256,273,780 in FY20 to \$872,373,063 in FY21, total number registered decreased from 129 in FY20 to 84 in FY21; and
- There was a decrease of 99 in the number of Assignments from FY20 to FY21 and a corresponding \$448,176,695 increase in value.

TABLE XVI: TOTAL DOE REGISTERED CONTRACT ACTIONS IN FY21<sup>113</sup>

Award Method	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
CSBs	73	\$368,202,891	77	\$736,280,297	40	\$390,030,826	13	\$180,185,179
CSPs	67	\$177,198,508	90	\$413,833,841	23	\$87,481,659	6	\$23,659,010
PQVL Comp. Sealed Proposals	176	\$159,366,265	222	\$283,131,085	129	\$256,273,780	84	\$872,373,063
Renewals	395	\$459,675,361	526	\$1,415,133,670	221	\$266,981,136	274	\$416,050,228
Determined by Legal Mandate	0	\$0	0	\$0	0	\$0	0	\$0
Determined by Gov't Mandate	34	\$13,490,063	42	\$15,039,116	19	\$7,982,748	9	\$2,797,648
Demonstration Project Contracts	1	\$3,300,000	0	\$0	0	\$0	0	\$0
Intergovernmental	16	\$27,591,075	67	\$40,129,338	22	\$93,904,961	48	\$10,700,060
Emergency Procurements	7	\$10,500,095	0	\$0	2	\$967,454	12	\$53,002,966
Negotiated Acquisitions	63	\$34,308,250	25	\$24,404,509	54	\$64,586,884	39	\$6,382,785,709
Discretionary Awards	29	\$6,466,500	23	\$3,783,500	30	\$13,089,453	32	\$17,612,821
Grants	6	\$1,447,006	0	\$0	5	\$2,208,653	0	\$0
SM Purch. Goods Services (100k)	0	\$0	0	\$0	0	\$0	0	\$0
Grant Renewals	0	\$0	0	\$0	0	\$0	0	\$0
DOE Listing Applications	23	\$54,254,113	13	\$25,386,440	11	\$49,711,988	23	\$59,081,944
Sole Sources	2	\$1,602,987	1	\$5,000,000	0	\$0	0	\$0
Small Purchase-Written	3,691	\$92,275,000	4,303	\$107,575,000	3,273	\$81,825,000	3,775	\$94,375,000
Corpus Funded	0	\$0	0	\$0	0	\$0	0	\$0
Government to Government	5	\$4,749,969	0	\$0	9	\$6,583,829	6	\$4,160,050
Assignments	32	\$33,691,598	64	\$119,268,177	108	\$451,918,556	9	\$3,741,861
Info Tech. - Small Purchase Contract	0	\$0	0	\$0	0	\$0	0	\$0
Innovative Procurements	0	\$0	0	\$0	0	\$0	0	\$0
M/WBE Purchase-Not Exceeding \$150K	0	\$0	0	\$0	0	\$0	1	\$200,200
Leesee Negotiation	0	\$0	0	\$0	0	\$0	11	\$196,356,205
Intergovernmental Renewals	0	\$0	1	\$2,500,000	1	\$2,500,000	1	\$6,799,600
<b>TOTAL</b>	<b>4,620</b>	<b>\$1,448,119,680</b>	<b>5,454</b>	<b>\$3,191,464,973</b>	<b>3,947</b>	<b>\$1,776,046,926</b>	<b>4,343</b>	<b>\$8,323,881,545</b>

## F. NYCEDC Registered Contract Actions

The New York City Economic Development Corporation (“NYCEDC”) is a non-profit organization incorporated under the Not-for-Profit Corporation Law of the State of New York. Its primary mission is to invest public funds to create employment opportunities and stimulate economic development in the City of New York. NYCEDC drives economic growth by investing in key industries, such as technology, life sciences, and advanced manufacturing, to diversify the City's economy and jobs, enhancing the City's emerging business sectors; providing significant infrastructure upgrades, capital projects, and real estate development; and managing leasing and sales opportunities for approximately 200 City-owned real estate properties for industrial, commercial, and retail businesses. In addition, the Corporation encourages the development of interstate, intrastate and international commerce and trade in the City.

Using the Sole Source Procurement award method under Section 3-05 of the PPB rules, SBS procures the Maritime and Master Citywide Economic Development Services contracts and retains NYCEDC to function as a development consultant and provide economic development-related services on behalf of the City. NYCEDC is subject to the direction, approval, and control of the Deputy Mayor, as set forth in Section 4.05 of the NYCEDC Master agreement and Section 4.02 of NYCEDC Maritime agreement, and in cooperation with SBS and other agencies of the City to carry out the public purposes of expansion of private investment and employment with the City. Each contract is for one year from the beginning to the end of each fiscal year and may be extended by up to one year. Funding sources for these capital projects include City capital budget, federal and state funds, as well as other financial assistance programs. NYCEDC capital budget includes the management, administration, oversight, and review of planning, design, and services connected to such projects. Scope of services, price and terms of agreements are reviewed and negotiated by SBS, Law Department and the Mayor’s Office.

The NYCEDC Master agreement authorizes NYCEDC to serve as the City’s representative and assist private, governmental, and quasi-governmental entities with their economic development projects associated with selected industrial, commercial, waterfront, maritime, market, aviation, rail freight, and intermodal transportation in the five boroughs. NYCEDC also negotiates and manages leases, as well as sells City-owned properties through the City’s approval process. To provide financial assistance, NYCEDC develops and awards loans, grants, funding agreements, and subsidies to support various Citywide programs, businesses, and services.

The NYCEDC Maritime agreement allows NYCEDC to assist with waterfront planning and improvement work in the City and undertakes capital projects related to navigational matters, such as marine terminals, wharf property, maritime streets, lands under water, markets, aviation, freight and intermodal transportation, carnage, dockage, and private ferry services. The Corporation coordinates with governmental entities, including the Federal Aviation Administration, on aviation matters and assist in obtaining the necessary public approvals to operate facilities within the City.

During FY21, 127 TOs under the NYCEDC Master agreement and 59 TOs under the NYCEDC Maritime agreement were registered at a total value of \$379,853,858 and \$143,702,541, respectively. While the data in this *Report* represent initial CTAs (or task orders) registered in FY21 only, it should be noted that NYCEDC contracts were issued pursuant to both the FY20 and FY21 NYCEDC Master and Maritime agreements. TABLE XVII and TABLE XVIII highlight the “Top Five” TOs, based on contract values, and was registered pursuant to NYCEDC’s FY20 and FY21 NYCEDC Master and Maritime agreements.



TABLE XVII: TOP FIVE FY21 TASK ORDERS REGISTERED UNDER NYCEDC MASTER ECONOMIC DEVELOPMENT CONTRACTS<sup>114</sup>

Rank	Contract No.	Vendor Name	Contract Description	Registered Value
1	20217206751	Wildlife Conservation Society	Restoration of the New York Aquarium including all elements necessary to restore all thirty-nine (39) FEMA eligible facilities to its pre-disaster design, function, and capacity.	\$89,324,103
2	20217201209	Skanska USA Building, Inc.	Engineering, design and construction administration services and related consultant services and construction management services, for the design and construction of East Midtown Greenway-53rd Street to 61st Street, a new waterfront esplanade to be located along the western shore of the East River in Manhattan, as well as certain improvements to existing nearby parklands.	\$54,448,225
3	20217202521	LiRo Engineers, Inc.	Construction management and related services, including pre-construction, construction and post-construction services, for the Lower Concourse improvements such as the reconstruction of Exterior Street between East 138th Street and East 150th Street in the Bronx and other improvements in the vicinity of such reconstruction and a new public park to be located between East 144th and East 146th Street along the Harlem River in the Bronx.	\$40,990,808
4	20217200196	Richmond Medical Center	Build a new Emergency Room and a Cogeneration Plant in Richmond University Medical Center.	\$34,424,000
5	20217206181	LiRo Engineers, Inc.	Construction management and related services, including pre-construction, construction and post-construction services to implement green infrastructure improvements to be constructed in the 2nd Ward 26W-003 and Newtown Creek NCB-015, Bronx River HP-002, -004, and -007, and Jamaica Bay 26W-004 and -005 combined sewer-overflow tributary areas in Brooklyn, Queens and the Bronx.	\$18,134,456

TABLE XVIII: TOP FIVE FY21 TASK ORDERS REGISTERED UNDER NYCEDC MASTER MARITIME ECONOMIC DEVELOPMENT CONTRACTS<sup>115</sup>

Rank	Contract No.	Vendor Name	Contract Description	Registered Value
1	20207209136	HNY Ferry, LLC	Purchase of additional Vessels.	\$41,194,126
2	20207210111	Skanska USA Building, Inc.	Construction Management and barge fabrication services related to the implementation of the Citywide Ferry Service Program and to provide a new barge for a Brooklyn Navy Yard landing.	\$19,628,733
3	20217200091	HNY Ferry, LLC	Increasing NYC Ferry service levels through purchasing new vessels and setting forth the manner of their delivery, use and operation.	\$15,310,873
4	20207208281	HNY Ferry, LLC	Increasing NYC Ferry service levels through purchasing new vessels and setting forth the manner of their delivery, use and operation.	\$15,099,632
5	20207207966	Hunter Roberts Construction Group, LLC	On-call construction management contracts pursuant to which construction management, pre-construction, construction and post-construction services may be undertaken by construction managers and their subcontractors for the New York City Ferry Homeport 2.	\$6,747,565

## High-Profile Projects

A few high-profile NYCEDC projects that are noteworthy for presentation below include the Wildlife Conservation Society's New York Aquarium restoration work, Citywide Ferry Services, East Midtown Greenway, Richmond University Medical Center, and Green Infrastructure projects.

NYCEDC has been working with the New York City Department of Cultural Affairs to provide restoration work for the Wildlife Conservation Society's New York Aquarium located in the borough of Brooklyn, after the facility sustained extensive damages caused by Superstorm Sandy. Approximately 90% of the City capital and expense funds for this project is expected to be reimbursed using Federal Emergency Management Agency funding.

Continuing under the impact of COVID-19, the NYC Ferry service was heavily affected during the second half of FY21, resulting in service reduction by 30%. Nonetheless, NYCEDC moved forward with the purchase of additional nine new vessels for \$71,604,631 in FY21 using three deemed registered contracts under the FY20 and FY21 Maritime Agreements.

Another high profile NYCEDC project to highlight is the East Midtown Greenway, which included the design and construction of a new waterfront esplanade and a new park located from East 53<sup>rd</sup> to 61<sup>st</sup> Streets along the western shore of the East River in Manhattan. This greenway is a part of the larger East Midtown Waterfront Project that serves the East Midtown neighborhood.

Using funding from the City Council and Staten Island Borough President, NYCEDC has been providing engineering and construction services to expand the current emergency room facilities and construct a new cogeneration plant for the Richmond University Medical Center located in Staten Island.

Partnering with DEP, NYCEDC is working on the agency's Green Infrastructure projects in Brooklyn, Queens and the Bronx. The Jamaica Bay tributary area green infrastructure project includes the construction of bioswales and other green infrastructure practices across DPR and NYCHA properties.

## G. H+H Registered Contract Actions

Health + Hospitals ("H+H") oversees and operates City public hospitals and clinics as a public benefit corporation (or quasi-public agency) created by the New York State Legislature.<sup>116</sup> By State law, H+H is classified as a municipality<sup>117</sup>, a political subdivision<sup>118</sup> and a contracting agency<sup>119</sup>. This agency has a public requirement to provide certain services to the City, including the provision of high-quality, dignified and comprehensive care to the ill and infirm.<sup>120</sup> The Board of Directors ("Board") consists of 16 members who are responsible for all procurement matters. Given H+H's unique and diverse contract portfolio and leverage from a purchasing, budget and accounting perspective, a thorough review of the agency's FY21 procurement activity is included in this *Report*.

H+H, whose procurement activity is governed by a set of rules called the *Operating Procedure 100-05* required by the NYC Public Authorities Act, is required to have written policies regulating its procurement activities. As part of H+H's efforts to leverage its purchasing ability and promote standardization, the agency centralized all of its procurement functions into a single office, Supply Chain Services, to achieve costs savings while ensuring the quality of goods and services. The *Operating Procedure 100-05* was adopted on September 22, 2011 and amended and subsequently approved by the Board on November 1, 2017.

The *Operating Procedure 100-05* is very similar to the PPB in terms of intent and award methods. However, there are considerable differences between the two sets of rules that provide H+H with flexibility to meet the

agency’s procurement needs while delivering high quality goods and services and affordable healthcare to all New Yorkers and protecting against corruption, fraud and abuse. Similar to other agencies, H+H uses procurement methods using City-funded money to acquire goods and services. Although the Comptroller’s Office is required to register H+H contracts that include City funds, this represents a small portion of the H+H’s budget and procurement portfolio.

As TABLE XIX indicates, 190 new contracts actions were registered for a total registered value of \$262,401,115 in FY21.

TABLE XIX: TOTAL H+H REGISTERED CONTRACT ACTIONS IN FY21<sup>121\*</sup>

Award Method**	Total No. Registered	Total Registered Value
CSB	22	\$78,840,091
CSP	37	\$63,163,989
Intergovernmental	114	\$80,900,421
Small Purchase	13	\$563,258
Government to Government	4	\$38,933,356
<b>TOTAL</b>	<b>190</b>	<b>\$262,401,115</b>

\*Table XIX includes Transaction Code MMA1.

\*\*Considering the vast differences between H+H’s Operating Procedures and the PPB Rules, the award methods utilized by H+H are aligned to be most practical to the agency’s business procedures.

## H. NYCHA Registered Contract Actions

In an effort to continue the office’s goal of transparency, this year’s *Report* incorporates details and data on the New York City Housing Authority (“NYCHA”). NYCHA is a New York State public-benefit corporation organized under the Public Housing Law and the largest public housing authority in North America. It was created in 1935 during Mayor Fiorello H. LaGuardia’s administration to help alleviate the housing crisis caused by the Great Depression and was the first agency in the United States to provide publicly funded housing. The NYCHA Board consists of seven members, three of which are residents, appointed by the Mayor of NYC.

More than 400,000 City residents live in NYCHA’s 326 public housing developments within the five boroughs. Another 235,000 New Yorkers receive subsidized rental assistance in private homes through the NYCHA-administered Section 8 Leased Housing Program.

Although the City funds approximately 10% of NYCHA’s budget primarily for the Housing Authority Police and also construction-related services, such as architectural, engineering, construction management, in various housing developments, the impact of NYCHA’s policies and contracts has a profound effect on so many NYC residents. Importantly, NYCHA is also under a court-supervised Monitorship that was the result of the Federal Government suing NYCHA, and the City, regarding various deficiencies in providing decent, safe, and sanitary housing, amongst other allegations. This Monitorship is ongoing and some of NYCHA’s contracts for FY20 are in furtherance of this Monitorship and the associated Agreement and Consent Decree between the U.S. Government, the Department of Housing and Urban Development, NYCHA, and the City. Further information can be found at <https://nychamonitor.com/>.

During FY21, NYCHA registered a total of 141 contracts for a value of \$260,282,099. NYCHA uses CT1 contracts for design and construction work to be performed at individual developments and MMA1 contracts for work across multiple locations. CTA1 contracts are the subsequent task orders registered against the MMA1 contracts. TABLE XX shows a breakdown of the various contract actions submitted to the Comptroller’s Office.

TABLE XX: TOTAL NYCHA REGISTERED CONTRACT ACTIONS IN FY21<sup>122</sup>

Transaction Code Category	Total No. Registered	Total Registered Value
CT1 Category	15	\$146,189,492
MMA1 Category	12	\$36,709,001
CTA1 Category	114	\$77,383,606
<b>TOTAL</b>	<b>141</b>	<b>\$260,282,099</b>

### I. Lease and License Registered Actions<sup>123</sup>

The Bureau of Contract Administration reviews and registers leases and licenses negotiated and entered into primarily by DCAS on behalf of other City agencies. Pursuant to section 824 of the Charter, the Commissioner of DCAS is responsible for purchasing, leasing, condemning or otherwise acquiring real property for the City. Leases and Licenses are typically submitted for registration using Award Method Code 07 (“Lessee Negotiation”) and Contract Type Codes 35 (“Lessee”) and 36 (“Miscellaneous Property Rental”), and include new agreements and amendments, extensions and renewals to existing agreements.

In FY21, a total of 66 new Leases and Licenses were registered, totaling \$ \$1,449,086,152.56, compared to a total of 43 such registrations valued at \$914,127,478 in FY20, which represented an increase in total contract actions and total contract value.

In FY21, the largest lease registered was for the New York City Council at 250 Broadway located in Manhattan for rent and expenses totaling \$264,816,040.00 for approximately 157,092 square feet and a term of 20 years.

### J. Emergency Procurements Approvals

As discussed in *Part II* of this *Report*, the PPB Rules require that the City’s mayoral agencies receive prior approval from both the Comptroller and the Corporation Counsel to utilize the “Emergency Purchases” procurement method once the agency determines that the particular circumstances present a case of unforeseen danger to life, safety, property or a necessary service.<sup>124</sup>

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

Unlike the Emergency Procurement Contracts registration data presented in *Part II* of this *Report*, here we highlight the number of prior approvals granted by the Comptroller’s Office to use the “Emergency Purchases” award method to enter into a procurement for goods and/or services, regardless of whether the procurement ultimately negotiated by the agency was also registered in FY21. For instance, a total of 15 agencies registered Emergency Procurement contracts in FY21. However, not all of the Emergency Procurement requests approved in any given fiscal year was also registered within that same fiscal year. While 95 Emergency Procurements were registered in FY21 across 15 agencies, the Comptroller’s Office granted a total of 61 initial prior approval requests received from nine agencies to utilize the Emergency Purchases procurement method during the same period.

As part of the registration review process, BCA reviews the final executed agreement, including both the scope of work and budget, to ensure that both the type and cost identified are consistent with and does not

exceed the parameters (*i.e.*, work is outside scope or budget costs exceed approved contract maximum) of the underlying written Emergency Procurement Approval Determination.

At 50, HPD received the most prior approvals of any all the City agencies during FY21. Of these, all 50 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 which notifies the structure’s owner of the requirement to begin work immediately to remediate the severity of the conditions. If the owner fails to take such remedial action or do so satisfactorily, the City performs the work as detailed in the Emergency Declaration and may seek to recover its expenses from the building owner. In many instances, HPD is responsible for contracting vendors to perform demolition services relating to a failing structure on an emergency basis.

In FY21, BCA also granted prior approval of a DDC Emergency Procurement (ERFY2021006) request relative to the hazardous conditions caused by Tropical Storm Isaias which damaged trees, sidewalks and streets. In August 2020 a severe tropical storm created high winds and rains which caused a significant number of trees to be damaged in varying degrees in all five boroughs, with the most extreme damage caused in Brooklyn, Queens and Staten Island. Whole trees, large branches and sections of trees fell onto City streets and sidewalks, while others fell in and outside of public parks and some fell partially onto private property including homes. In total, 28,903 cubic yards of debris was removed from public spaces. The contractors had to mobilize in multiple locations, at least 1,173 in total, throughout the Bronx, Brooklyn, Queens and Staten Island

The Comptroller’s Office did not receive any requests to amend or modify previously issued Emergency Procurement approvals in FY21. These subsequent approvals 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.

TABLE XXI provides a breakdown of the total number of Emergency Procurement approvals (by agency) granted by the Comptroller’s Office in FY21, regardless of whether the award or resulting contract(s) negotiated by the agency was ultimately registered in FY21.

TABLE XXI: EMERGENCY PROCUREMENT APPROVALS BY AGENCY IN FY21<sup>125</sup>

Agency	Total New Approvals	Total Amended Approvals	Total Approvals
HPD	50	0	50
DDC	2	0	2
DOC	2	0	2
DPR	2	0	2
DOF	1	0	1
DOHMH	1	0	1
MOCJ	1	0	1
OEM	1	0	1
SBS	1	0	1
<b>TOTAL</b>	<b>61</b>	<b>0</b>	<b>61</b>

## K. E.E.O. 101 Contract Actions<sup>126</sup>

In response to the COVID-19 pandemic, in March of 2020, Mayor Bill de Blasio issued a series of Emergency Executive Orders (“E.E.O.”), including E.E.O. 101. E.E.O. 101 suspended procurement laws and rules found in the New York City Charter, PPB Rules and New York City Administrative Code for the purpose of responding to the COVID-19 public health emergency quickly.

By suspending City procurement laws, the following requirements were suspended for emergency purchases and contracts:

1. Comptroller’s prior approval
2. Law Department’s prior approval
3. Comptroller’s registration
4. Issuance of Notices of Awards
5. PASSPort filings by vendors (the City’s online portal for procurement that includes information regarding vendor integrity, responsibility and past performance).

Under E.E.O. 101, issued on March 17, 2020 and rescinded on July 16, 2021, the City has entered into emergency contracts for goods, services and construction that include homeless shelters, emergency hotels, staffing, personal protective equipment (“PPE”), food, supplies, testing services, and ventilators. These contracts did not receive the prior approval of the Comptroller required for emergency contracts pursuant to NYC Charter § 315 nor were they registered by the Comptroller as required by NYC Charter § 328(a)(2). Instead, these E.E.O. 101 contract actions were registered by the Mayor’s Office of Contract Services (MOCS).

Although beyond the scope of this *Report*, Mayor Bill de Blasio again suspended procurement laws and rules to respond to the COVID-19 public health emergency in December of 2021, through E.E.O. 322. This suspension was extended by Mayor Adams through E.E.O. 2 and is still in effect as of the publication of this *Report*.

From March 17, 2020, to June 30, 2021, the City, referencing E.E.O. 101 as authority, registered 1,586 contract actions for a total original and amended contract value of \$7,834,879,003. In Fiscal Year 2020, the City registered 578 E.E.O. 101 contract actions for a total contract value of \$3,961,339,343. In Fiscal Year 2021, the City registered 1,008 E.E.O. 101 contract actions for a total contract value of \$3,873,539,660.

TABLE XXII presents a breakdown of E.E.O. 101 contract actions registered from March 17, 2020, to June 30, 2020 (Fiscal Year 2020) and from July 1, 2020, to June 30, 2021 (Fiscal Year 2021), by total contract actions, original contracts, and modifications.

As illustrated by the table below, 85% (491) of these E.E.O. 101 contract actions were new contracts in Fiscal Year 2020, as opposed to modifications to new contracts or pre-existing contracts. In Fiscal Year 2021, however, this dynamic reversed, with the 59% (596) of E.E.O. 101 contract actions being modifications to new or pre-existing contracts.

Additionally, the total value of modifications to new or pre-existing contracts was negative in Fiscal Year 2020, representing modifications of contracts to reduce the overall value. However, in Fiscal Year 2021, the value of contract modifications (\$2,083,427,782) exceeded the value of new, original contracts registered pursuant to E.E.O. 101 (\$1,790,111,878).

TABLE XXII: E.E.O. 101 CONTRACTS BREAKDOWN BY CONTRACT TYPES

Category	Fiscal Year 2020	Fiscal Year 2021
Total No. Of Contracts Actions Registered	578	1,008
Total Contract Value (Original and Modifications)	\$3,961,339,343	\$3,873,539,660
No. of New Contracts Actions (CTI, MMA1, CTA1)	491	412
Total Original Contract Value	\$4,190,053,013	\$1,790,111,878
No. of Modifications	87	596
Total Modification Contract Value	(228,713,670)	\$2,083,427,782

The below subsection divides E.E.O. 101 contract actions into the following Industry categories: Goods, Human Services, Professional Services, Standard Services, Construction Services, and Unclassified. TABLE XXIII shows a breakdown of these contracts by Industry categories registered during the Fiscal Year 2020 and Fiscal Year 2021. These Industry categories are selected by the contracting agency or entity, and do not reflect the subjective judgement of the Comptroller’s Office.

TABLE XXIII: E.E.O. 101 CONTRACTS ACTIONS BY INDUSTRY

Category	Fiscal Year 2020	Fiscal Year 2021
Goods	396 (69%)	303 (30%)
Human Services	53 (9%)	383 (38%)
Unclassified	33 (6%)	71 (7%)
Professional Services	62 (11%)	162 (16%)
Construction Services	8 (1%)	32 (3%)
Standard Services	26 (4%)	57 (6%)

TABLE XXIV: TOTAL E.E.O. 101 REGISTRATION VALUE BY INDUSTRY

Industry	Fiscal Year 2020		Fiscal Year 2021	
	Total No.	Total Registration	Total No.	Total Registration
Goods	396	\$1,755,193,233 (44%)	303	\$1,004,044,202 (26%)
Human Services	53	\$1,052,964,671 (27%)	383	\$1,709,807,293 (44%)
Unclassified	33	\$471,372,315 (12%)	71	\$596,850,240 (15%)
Professional Services	62	\$357,949,648 (9%)	162	\$232,678,341 (6%)
Construction	8	\$186,838,484 (5%)	32	\$149,186,114 (4%)
Standard Services	26	\$137,020,991 (3%)	57	\$180,973,470 (5%)

As TABLE XXIII indicates, with respect to Industry categories for contract actions during Fiscal Year 2021, 30% (303) of E.E.O. 101 contracts were registered for goods, compared to 69% (396) of E.E.O. 101 contract actions being registered for goods during Fiscal Year 2020. Rather, 38% (383) of the E.E.O. 101 contract actions registered in Fiscal Year 2021 were for human services, significantly greater a percentage than the 9% (53) of such human services contract actions registered pursuant to E.E.O. 101 in Fiscal Year 2020. The percentage of contract value by Industry category shown in TABLE XXIV shows a similar trend, with a higher percentage of human services contracts in Fiscal Year 2021 (44%) than Fiscal Year 2020 (27%) compared to the lower percentage of goods procurements in Fiscal Year 2021 (26%) than in Fiscal Year 2021 (44%).

Goods include personal protective equipment (“PPE”), such as N95 and other face masks, face shields, nitrile gloves, goggles and isolation gowns, as well as ventilators, syringes, and air purifiers. For example, one contract for air purifiers and filters entered into between DCAS and Delos Living, LLC., for \$21,715,950 was registered on April 12, 2021 (CT120215401517).

Human services include shelters, food access programs, and, importantly, certain vaccination services. For example, one contract for COVID-19 vaccination services at community-based locations entered into between OEM and Somos Healthcare Providers, Inc. was registered on May 24, 2021 for \$100,000,000 (CT120211424347).

Professional services include construction and IT contracts and consulting. For example, one contract for consultant support services for the COVID-19 service desk entered into between DHS and Unique Comp, Inc. for \$1,197,000 was registered on January 19, 2021 (CT120211414648).

While the Industry classification of E.E.O. 101 contract actions provide an informative overview of such contracts, detailed analysis of each contract action, as would normally occur during the registration process, will be necessary to fully understand the purpose of each contract action.

TABLE XXV, below, shows the ten largest individual, original contracts registered pursuant to E.E.O. 101 during Fiscal Year 2021.

TABLE XXV: TOP TEN FY21 E.E.O. 101 ORIGINAL CONTRACTS BY VALUE<sup>127</sup>

Rank	Contract No.	Agency	Vendor Name	Contract Description	Registered Value
1	20211421091	OEM	Aya Healthcare, Inc.	Temporary Vaccine Staff for Clinical Admin. Services-COVID19	\$400,000,000
2	20211422697	OEM	Rapid Reliable Testing NY, LLC	Clinical Staffing to perform COVID-19 Vaccinations	\$100,000,000
3	20211419202	OEM	SLSO, LP	COVID-19 Vaccination Site Property Management Services	\$100,000,000
4	20211424347	OEM	Somos Healthcare Providers, Inc.	COVID-19 Vaccination Services at Community Based Locations	\$100,000,000
5	20211403498	OEM	Hotel Engine, Inc.	Emergency Buy-Against for Hotel Lodging Management COVID19	\$80,000,000
6	20211404802	OEM	Hudson River Healthcare, Inc.	Healthcare Providers for Isolation Hotels - COVID19	\$50,000,000
7	20211423281	MAYOR	NYCEDC	COVID-19 MOU to provide emergency loans to hospitals.	\$50,000,000
8	20211402673	HRA	Metropolitan Foods, Inc.	New York City Food Reserve Emergency Solicitation	\$48,475,987
9	20211422501	DOHMH	New Partners, Inc.	Vaccination Services administering Flu and COVID-19	\$45,299,990
10	20201420916	DoITT	Dell Marketing, LP	EEO1 - COVID 19 Dell equipment, software, maintenance, and service	\$31,030,339
<b>TOTAL</b>					<b>\$1,053,775,977</b>

The largest original contract registered under E.E.O. 101 during Fiscal Year 2021 was a \$400,000,000 agreement between OEM and Aya Healthcare, Inc. (20211421091) for Medical Surge Staffing for COVID-19. Three contracts with a value of \$100,000,000 were registered under E.E.O. 101 for OEM for various needs related to COVID-19 vaccinations. The seventh largest contract registered under E.E.O. 101 during Fiscal Year 2021 was between the Mayoralty and NYCEDC (20211423281) to provide \$50,000,000 of emergency loans to hospitals.



TABLE XXVI: TOP TEN AGENCIES BY TOTAL REGISTERED E.E.O. 101 CONTRACT ACTION VALUE

Rank	Fiscal Year 2020		Fiscal Year 2021	
	Agency	Total Registration Value	Agency	Total Registration Value
1	DCAS	\$1,251,403,775	OEM	\$999,364,927
2	OEM	\$883,518,215	DHS	\$717,560,564
3	DDC	\$516,564,178	DSNY	\$682,489,526
4	DSNY	\$485,775,000	DOHMH	\$633,242,455
5	DHS	\$459,902,460	DoITT	\$402,061,508
6	DoITT	\$124,598,201	MAYOR	\$135,641,903
7	DOHMH	\$111,121,397	DYCD	\$124,090,413
8	HRA (DSS)	\$50,535,316	DDC	\$83,538,044
9	DFTA	\$34,720,619	HRA (DSS)	\$71,470,016
10	FDNY	\$23,006,103	DOB	\$24,394,838

TABLE XXVII: TOP TEN AGENCIES BY TOTAL REGISTERED E.E.O. 101 CONTRACT ACTIONS

Rank	Fiscal Year 2020		Fiscal Year 2021	
	Agency	Total Number Registered	Agency	Total Number Registered
1	DCAS	247	DYCD	194
2	DSNY	69	DSNY	189
3	DDC	49	DOHMH	127
4	OEM	45	DDC	127
5	FDNY	39	DHS	81
6	DOHMH	36	DCAS	69
7	DHS	27	MAYOR	62
8	DoITT	21	OEM	50
9	DFTA	15	DoITT	49
10	HRA (DSS)	6	FDNY	14

As illustrated by TABLE XXVI, the agency with the largest aggregate value of contracts registered under E.E.O. 101 during Fiscal Year 2021 was OEM, which registered a total contract value of \$999,364,927. The agency with the highest E.E.O. 101 contract value in Fiscal Year 2020, DCAS, did not make the top ten agencies in Fiscal Year 2021. Despite registering 26 original E.E.O. 101 contract actions with an aggregate value of \$68,539,856 in Fiscal Year 2021, DCAS also registered 43 modifications with an aggregate value of negative \$106,292,057. Thus, DCAS total aggregate contractual value in Fiscal Year 2021 was negative \$37,752,201, despite having new contracts registered pursuant to E.E.O. 101.

As illustrated in TABLES XXVI and XXVII, that high total contract value for OEM was the result of only 50 individual contract actions registered pursuant to E.E.O. 101, whereas the lower total contract value for DYCD, \$124,090,413, was the result of 194 separate contract actions, the highest for any agency during Fiscal Year 2021.

Finally, of note, on October 30, 2020 MOCS provided a “Termination Report” of 45 contracts registered by MOCS that were canceled or not fulfilled, totaling over \$527,243,980 in order value. The top three terminated contracts were for ventilators (\$91,000,000), isolation gowns (\$60,000,000) and PPE (\$57,500,000). By letter dated October 30, 2020, MOCS provided a partial status of the City’s efforts to recoup funds paid to vendors for any pre-paid unfulfilled contracts and recommitted to providing agency head determinations and case files

for the contracts it has registered. MOCS' October 30, 2020 letter listed three vendors with whom the City had entered into unfulfilled prepaid contracts for which the City had yet to recover funds, including Siege International (\$5,112,337 in dispute), Energy Solutions by RG, Inc. (\$1,102,500 in dispute), and Nations Fast Tax & Accounting (\$4,283,906 in dispute).<sup>128</sup>

Further information, data, and detail regarding all E.E.O. 101 registered contracts, and other COVID-19 related contracts and spending, can be found on CheckbookNYC.com. For a full breakdown of all COVID-19 related data available on CheckbookNYC.com, please refer to Comptroller Press Release dated December 17, 2021.

### Contract Retroactivity<sup>129</sup>

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

According to TABLE XXVIII, 6,294 of the 11,857 procurement actions registered in FY21 (or 53%) were retroactive. In addition to analyzing retroactivity for registered FY21 procurement contract actions, this *Report* also analyzes whether or not TOs or “CTA1s” awarded through agency MMAs were considered retroactive. As TABLE XXIX indicates, 83% of all registered FY21 TOs were retroactive (678 of 821 registered TOs). The aggregate number of retroactive TOs from the “Top Ten Agencies” (678) represents 69% of the total number of registered TOs in FY21. For more information and details on contract retroactivity, please see the Comptroller’s report Retroactivity Trends in NYC Agency Contracts: Fiscal Years 2021 and 2020, available online at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Retroactivity-Trends-in-NYC-Agency-Contracts-FY-2021-and-2020.pdf>.

TABLE XXVIII: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED PROCUREMENT CONTRACT ACTIONS IN FY21

Rank	Agency	Total No. Registered	Total Registered Value
1	DYCD	1,061	\$358,294,604
2	DOE	567	\$8,198,763,580
3	DOHMH	488	\$1,990,556,462
4	DFTA	424	\$157,512,040
5	HRA (DSS)	352	\$2,071,838,427
6	MAYOR	211	\$334,901,324
7	ACS	199	\$397,895,896
8	HHC	190	\$262,401,115
9	NYPD	184	\$133,708,249
10	HPD	181	\$232,691,978
<b>TOTAL (Top 10)</b>		<b>3,857</b>	<b>\$14,138,563,674</b>
Subtotal (All Others)		2,437	\$12,424,033,570
<b>TOTAL</b>		<b>6,294</b>	<b>\$26,562,597,244</b>

TABLE XXIX: TOP TEN AGENCIES BY NUMBER OF RETROACTIVE REGISTERED TASK ORDERS IN FY21

Rank	Agency	Total No. Registered	Total Registered Value
1	SBS	186	\$523,556,399
2	DDC	95	\$76,298,190
3	HPD	85	\$49,239,982
4	DOITT	75	\$38,714,317
5	DOT	37	\$16,562,547
6	HRA (DSS)	29	\$11,087,148
7	FISA	23	\$3,763,715
8	DOHMH	15	\$1,281,354
9	DHS	12	\$710,730
10	SBS	12	\$438,994
<b>TOTAL (Top 10)</b>		<b>569</b>	<b>\$721,653,376</b>
Subtotal (All Others)		109	\$137,519,513
<b>TOTAL</b>		<b>678</b>	<b>\$859,172,889</b>

## L. Prompt Payment.

City agencies are required to process contract payments to vendors doing business with the City efficiently and expeditiously.<sup>130</sup> 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 may be required to make 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 or lower than the maximum amount allowed by law. In FY21, the total interest paid by City agencies to contracted vendors was approximately \$138,228.

## M. Registered Agency Purchase Orders<sup>131</sup>

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.<sup>132</sup> FMS recognizes 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.<sup>133</sup>

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 Service payments. The total number of registered POs consistently decreased from 155,857 in FY19 to 113,045 in FY21 (27%). Conversely, as the total number of registered POs decreased, the total registration value of POs increased for the same period from \$17,438,595,213 in FY19 to \$19,185,556,767 in FY21 (10%). For more information on agency specific registered POs, please see TABLE XXXI.

TABLE XXX: HISTORICAL COMPARISON OF REGISTERED AGENCY POS BY TYPE

PO Type	Fiscal Year 2018		Fiscal Year 2019		Fiscal Year 2020		Fiscal Year 2021	
	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value	Total No. Reg.	Total Registration Value
PCC1	8,761	\$13,307,549	10,536	\$17,722,578	10,913	\$12,697,532	13,454	\$13,163,162
POD	19,636	\$94,204,191	19,609	\$91,993,979	16,990	\$85,060,851	13,067	\$73,602,401
POC	92,509	\$1,473,507,420	96,592	\$1,914,191,502	75,678	\$898,697,983	57,220	\$1,274,203,300.57
PON1	26,727	\$16,744,907,556	29,120	\$15,414,687,153	23,302	\$16,886,565,500	29,304	\$17,824,587,904
<b>TOTAL</b>	<b>147,633</b>	<b>\$18,325,926,716</b>	<b>155,857</b>	<b>\$17,438,595,213</b>	<b>126,883</b>	<b>\$17,883,021,866</b>	<b>113,045</b>	<b>\$19,185,556,767</b>

TABLE XXXI: TOP FIVE FY21 AGENCIES BY TOTAL NUMBER OF REGISTERED POS IN FY21

Top Five Agencies by Number PCCIs			
Rank	Agency	Total No. Registered	Total Registration Value
1	HPD	13,317	\$10,897,966
2	HHC	50	\$620,304
3	DPR	44	\$807,764
4	BPL	8	\$69,818
5	NYPD	6	\$206,500
<b>Total (Top 5)</b>		<b>13,425</b>	<b>\$12,602,351</b>
Subtotal (All Others)		29	\$560,811
<b>TOTAL</b>		<b>13,454</b>	<b>\$13,163,162</b>

Top Five Agencies by Number PONIs			
Rank	Agency	Total No. Registered	Total Registration Value
1	DOE	21,748	\$5,214,416,635
2	CUNY	4,763	\$77,258,208
3	CULT	1,220	\$98,323,698
4	HRA (DSS)	473	\$543,185,425
5	DEP	131	\$21,044,355
<b>Total (Top 5)</b>		<b>28,335</b>	<b>\$5,954,228,321</b>
Subtotal (All Others)		969	\$11,870,359,583
<b>TOTAL</b>		<b>29,304</b>	<b>\$17,824,587,904</b>

Top Five Agencies by Number PODs			
Rank	Agency	Total No. Registered	Total Registration Value
1	DEP	1,447	\$12,993,558
2	DPR	941	\$5,031,046
3	DOHMH	930	\$8,120,339
4	DSNY	735	\$4,105,032
5	CC	428	\$829,511
<b>Total (Top 5)</b>		<b>4,481</b>	<b>\$31,079,485</b>
Subtotal (All Others)		8,586	\$42,522,915
<b>TOTAL</b>		<b>13,067</b>	<b>\$73,602,401</b>

Top Five Agencies by Number POCs			
Rank	Agency	Total No. Registered	Total Registration Value
1	DOE	54,226	\$120,412,413
2	NYPD	1,780	\$11,024,532
3	DOT	286	\$3,834,094
4	LAW	272	\$2,863,629
5	HPD	224	\$1,110,699,310
<b>Total (Top 5)</b>		<b>56,788</b>	<b>\$1,248,833,978</b>
Subtotal (All Others)		432	\$25,369,323
<b>TOTAL</b>		<b>57,220</b>	<b>\$1,274,203,301</b>

## N. Design/Build

Although Governor Cuomo first introduced the applicable Design Build law in April 2018 to NYC, which allowed for three specific City projects to utilize the design-build method, this procurement method was available to NYS agencies. These specific projects are the revitalization of the Brooklyn-Queens Expressway (“BQE”), Borough-Based Jails (“BBJ”) Program, and the NYCHA Modernization Program. The anticipated benefits of design-build, which is a project delivery method whereby the agency hires a Design Builder to provide both the design and construction of a project, include cost savings and faster delivery of project completion. Since this was announced in 2018, the Comptroller’s Office has engaged with DDC, the Mayor’s Office of Criminal Justice, and NYCHA on how to best utilize the design-build procurement method for these projects.

On December 31, 2019, another design-build law was signed which expanded the City’s authority to utilize design-build beyond the limited number of projects enumerated in the April 2018 state law. This 2019 law allows agencies to utilize design-build contracts for projects that cost at least \$10 million, and in certain circumstances, for projects that cost \$1.2 million or more. Before the COVID-19, the City had stated that 49 major projects were being lined up that would utilize the design-build method.

Below is the status of the three design-build projects that are at various stages of procurement progress:

- BQE Triple Cantilever: DOT, along with other City agencies, are charged with utilizing the design-build method to rebuild and revitalize a portion of the BQE between Atlantic Avenue Interchange and Sands Street. This portion was completed in the 1950s and has only received minimal rehabilitation.

In June 2021, DOT registered a task order under a When and Where Structural Repair Requirement Contract to perform immediate structural repair work for the BQE, while the agency continues to evaluate long-term design build solution for the highway corridor.

- BBJ Program: The goal of this program is to close Rikers Island and build four modern jail facilities in Brooklyn, Queens, Manhattan, and the Bronx by 2026. The schedule for the various borough-based jails has been delayed by DDC and the Mayor’s Office of Criminal Justice due to the COVID-19, with an anticipated completion date of 2027. As of November 2021, DDC has awarded a \$107.4M BBJ program management contract, a \$1.115M Owner’s Representative contract, and an \$80M design build contract for the Queens Garage/Community Space Early Works.
- NYCHA Modernization Program: Design-build projects are being procured for NYCHA developments to replace central steam plants and domestic hot water production with electricity powered systems, while maintaining these systems uninterrupted throughout the project implementation, to reduce greenhouse gas emissions by 40% by 2030 and 80% by 2050 from a 2005 baseline. NYCHA is working on procuring one set of design-build contracts.

## O. Best Value

On November 21, 2019, the PPB adopted several rule changes relating to the best value process for awarding contracts. Best Value is a basis for awarding contracts for goods and standard services, which applies an objective and quantifiable analysis of factors, aside from price alone, to optimize quality, cost and efficiency, among responsive and responsible offerers.<sup>134</sup> It is the policy of the City of New York to foster the economic empowerment of minorities and women, and to cultivate the development of M/WBEs.<sup>135</sup> Accordingly, Best Value analysis may include M/WBE status as a factor in determining which offer represents the best value to an agency for a prospective contract.<sup>136</sup> The amendment adopted by the PPB became effective January 1, 2020, and consisted of the rule changes noted below. Although the total number of CSB and CSP contract actions registered since this change was in effect was 216 and 99, respectively, none of these registered contract actions utilized the best value process.

- PPB § 1-01(e) was amended to add a new definition for the term “State-certified M/WBE” and clarify the definition of “M/WBE” to effectuate the expanded applicability of the 10% price preference to both City and State-certified M/WBEs;
- PPB § 3-02(o)(1)(iv) was amended to expand the mandatory provision of a 10% price preference and evaluation of bids as if the price were 10% lower to both City and State-certified M/WBEs, authorized the CCPO to give such M/WBEs a price preference of a different percentage, and require the point preference percentage to be included in the invitation for bid;
- PPB § 3-03(a)(1) was amended to expand the competitive sealed price proposal quantitative preference, taken into consideration with price and other factors set forth in the request for proposal, to proposals submitted by both City and State-certified M/WBEs;
- PPB § 3-03(g) was amended to require a 5% price preference to be used for evaluating City and State-certified M/WBE proposers for professional and construction-related consulting services, authorized the CCPO to give such proposers a price preference of a different percentage or apply other methods of considering price to such proposers, and require the point preference percentage, if any, to be included in the RFP;
- PPB § 3-03(g)(6) was amended to expand the required application of either a 10% point preference to the total technical points earned in the evaluation of a proposal, or, if such proposal’s score was above a minimum threshold set in the RFP, the application of a 10% price preference or the above-referenced 10% point preference of the total technical points or such other percentage approved by the CCPO to

both City and State-certified M/WBEs, and require the point or price preference percentage, if any, to be included in the RFP.

## P. Contract Unlocks and Overrides<sup>137</sup>

Agencies that need to modify the contract amount, contract type, award method, accounting line, etc., on completed FMS Advice of Award documents must submit an Unlock request through Agency Request Portal or “ARP”. Once unlocked, only the changes specified in the request can be made by the agency. During FY21, BCA has received a combined total of 7,273 Unlock and Override requests of which 7,226 were completed and 47 of the submitted requests were cancelled by the submitting agency. Of the 7,273, requests 6,624 were Unlock requests and 649 were Override requests. TABLE XXXII and XXXIII provides a breakdown of the total top ten requests submitted by agency.

TABLE XXXII: TOP TEN FY21 AGENCIES  
BY NUMBER OF CONTRACT  
UNLOCK REQUESTS

Rank	Agency	Total Contract Unlock Requests
1	DOE	1,114
2	DEP	531
3	DDC	462
4	DYCD	372
5	DOHMH	338
6	DOT	299
7	SBS	296
8	DCAS	290
9	DOITT	262
10	DOHMH	333
<b>Total (Top 10)</b>		<b>4,165</b>
Subtotal (All Others)		2,459
<b>TOTAL</b>		<b>6,624</b>

TABLE XXXIII: TOP TEN FY21 AGENCIES  
BY NUMBER OF CONTRACT  
OVERRIDE REQUESTS

Rank	Agency	Total Contract Override Requests
1	DOE	122
2	DDC	77
3	DYCD	75
4	DEP	37
5	DOITT	35
6	DPR	26
7	MAYOR	24
8	HRA	21
9	ACS	21
10	SBS	17
<b>Total (Top 10)</b>		<b>455</b>
Subtotal (All Others)		196
<b>TOTAL</b>		<b>649</b>

## Part IV

### Section 4: Bureau of Labor Law FY21 NYC Administrative Code Sections 6-109 and 6-130 Data

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.<sup>138</sup>

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.<sup>139</sup> The required reporting information is presented in TABLE XXXIV below.

TABLE XXXIV: BLL FY21 DATA PURSUANT TO SECTIONS 6-109 AND 6-130 OF THE ADMINISTRATIVE CODE

Type of Work	No. of Pending Cases as of 7/1/2020	Number of New Cases Opened	Number of New Cases Opened	Closed Result
Temporary Office Services	3	0	0	N/A
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 Parsons with Cerebral Palsy	0	0	0	N/A

## 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, county, 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. Appendices<sup>140</sup>

Download of Appendices 1 – 21 are available online. Appendices 22 – 27 are immediately available.

[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](#)

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[Appendix 12: Registered NYCEDC Procurement Contract Actions](#)

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Appendix 22: Agency Codes

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Appendix 26: Analogizing FMS Award Method Codes to PPB Rules and the PPP

Appendix 27: Applicable Sections of the NYC Administrative Code

## Appendix 22: Agency Codes

Agency Code	Agency	Agency Short Name
002	Mayoralty	MAYOR
003	Board of Elections	BOE
004	Campaign Finance Board	CFB
008	Office of the Actuary	OTA
010	Borough President - Manhattan	MBP
011	Borough President - Bronx	BXBP
012	Borough President - Brooklyn	BKBP
013	Borough President - Queens	QBP
014	Borough President - Staten Island	SIBP
015	Office of the Comptroller	COMP
017	Department of Emergency Management	OEM
021	Office of Administrative Tax Appeals	OATA
025	Law Department	LAW
030	Department of City Planning	DCP
032	Department of Investigation	DOI
035	New York Research Libraries	NYRL
037	New York Public Library	NYPL
038	Brooklyn Public Library	BPL
039	Queens Borough Public Library	QBPL
040	Department of Education	DOE
042	City University of New York	CUNY
043	City University Construction Fund	CUCF
054	Civilian Complaint Review Board	CCRB
056	Police Department	NYPD
057	Fire Department	FDNY
059	Board of Standards & Appeals	BSA
063	Department of Veteran Services	DVS
068	Administration for Children's Services	ACS
069	Human Resources Administration (Department of Social Services)	HRA (DSS)
071	Department of Homeless Services	DHS
072	Department of Correction	DOC
073	Board of Correction	BOC
095	Pension Contributions	PENSION CONT
096	Human Resources Administration	HRA

Agency Code	Agency	Agency Short Name
099	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
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



Agency Code	Agency	Agency Short Name
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
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

<b>Agency Code</b>	<b>Agency</b>	<b>Agency Short Name</b>
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
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 23: 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
34	Small Purchase – Sole Source
35	Small Purchase – Publicly Let
36	Small Purchase – RFP
37	Small Purchase – PQL CSB

<b>Award Method Code</b>	<b>Award Method</b>
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	M/WBE Non-Competitive Small Purchase
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
113	Small Purchase Construction 50 to 100k
115	Multiple Awards
211	Negotiated Acquisition Extension and DOE Negotiated Services Extension
251	Intergovernmental Procurement Renewal
511	Grant Renewal

## Appendix 24: Contract Type Codes

<b>Contract Type Code</b>	<b>Contract Type</b>
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
80	DoITT – Requirements Contract
81	DMS – Requirements Contract

<b>Contract Type Code</b>	<b>Contract Type</b>
<b>83</b>	<b>Condemnations – Exempt OCA Processing</b>
<b>85</b>	<b>Intra-Agency Fund Agreements</b>
<b>86</b>	<b>Department of Education – Requirements Contract</b>
<b>88</b>	<b>New York City Bond Financing</b>
<b>99</b>	<b>Others</b>

## Appendix 25: Category Code

<b>Contract Category Code</b>	<b>Contract Category</b>
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
052	Family Services
053	Employment
054	Public Assistance/Child Support

<b>Contract Category Code</b>	<b>Contract Category</b>
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 26: 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.

## Appendix 27: Applicable Sections of the NYC Administrative 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<sup>141</sup>; 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.<sup>142</sup> For franchises, this information shall also include whether the authorizing resolution of the council was complied with.<sup>143</sup>

## Acknowledgments

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**Cover Image:** Municipal Building, 2005, photographer: Lisa Clifford. Courtesy NYC Municipal Archives.

## Endnotes

- <sup>1</sup> “City” refers to the City of New York.
- <sup>2</sup> NYC Charter § 328(a).
- <sup>3</sup> Id. at § 375.
- <sup>4</sup> NYC Admin. Code § 6-116.2(f).
- <sup>5</sup> Fiscal Year 2021 covers the period from July 1, 2020 to June 30, 2021.
- <sup>6</sup> NYC Admin Code § 6-116.2(a).
- <sup>7</sup> Note that the registration information provided in this Report is based on the contract data as inputted into FMS by the submitting agency.
- <sup>8</sup> NYC Admin. Code §§ 6-109 and 6-130.
- <sup>9</sup> 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 22*. In general, this list reflects those entities that registered at least one contract action in FY21.
- <sup>10</sup> 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.
- <sup>11</sup> NYC Admin. Code §§ 6-109, 6-130.
- <sup>12</sup> Id. at § 6-116.2(f).
- <sup>13</sup> 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.
- <sup>14</sup> Revenue Actions may also include instances where money is neither expended nor received by the City (“zero dollar” contracts).
- <sup>15</sup> For the purposes of this Report, POs include PCC1s, PODs, POCs, and PON1s.
- <sup>16</sup> Unless otherwise indicated, for the purposes of Table I and this Report, Procurement Contract Actions include the following Award Method 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.
- <sup>17</sup> Unless otherwise indicated, for the purposes of Table I and this *Report*, revenue actions include the following Contract Type Codes: 10, 15, 17, 20, 25, 29, 30, 72 and 99.
- <sup>18</sup> Award Method Codes refer to the type of procurement used to select the contractor or vendor. There are currently over 70 Award Method Codes to select from when entering registration-related data into FMS. See *Appendix 23* for a complete list.
- <sup>19</sup> Contract Type Codes refers to the purpose or nature of the contract. There are over 30 Contract Type Codes to select from when entering registration-related data into FMS. See *Appendix 24* for a complete list.
- <sup>20</sup> Contract Category Codes refers to the detailed information on the agreement, contracts for goods and services, leases, franchises and concessions. There are approximately 60 Contract Category Codes to select from when entering registration-related data into FMS. See *Appendix 25* for a complete list.
- <sup>21</sup> 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.
- <sup>22</sup> Due to the large volume of registered FY21 DOE Contract Actions, *Appendix 26* provides a side-by-side comparison of DOE award or contract types with PPB counterparts.
- <sup>23</sup> See *Appendix 23* for corresponding FMS AM Codes.
- <sup>24</sup> 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 FMS Transaction Code RCT1 and Contract Type in order to distinguish between them from the two categories.
- <sup>25</sup> NYC Charter § 328(a); 9 RCNY § 1-01(e).
- <sup>26</sup> 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.
- <sup>27</sup> NYC Admin. Code § 6-116.2(f).
- <sup>28</sup> See New York City Law Department; Opinion No. 11-90 (dated December 20, 1990).
- <sup>29</sup> 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.
- <sup>30</sup> For instance, this *Report* does include the FY21 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.
- <sup>31</sup> Contract registered by MOCS for the provision of goods and services pursuant to Mayoral Emergency Executive Order 101 and its successors, which suspends standard procurement rules for certain COVID-19 related contracts and bypasses the Comptroller's authority to register contract pursuant to Section 328(a) of the New York City Charter.
- <sup>32</sup> 9 RCNY § 3-01(c) & GML § 104.
- <sup>33</sup> GML §§ 103, 104.
- <sup>34</sup> NYC Charter § 317.
- <sup>35</sup> See *Appendix 1* for supporting data pertaining to Table VII.
- <sup>36</sup> NYC Charter § 312.
- <sup>37</sup> *Id.* at § 313.
- <sup>38</sup> 9 RCNY at 3-10.
- <sup>39</sup> NYC Charter § 317(b).
- <sup>40</sup> NYC Charter at § 319.
- <sup>41</sup> *Id.* at § 320.
- <sup>42</sup> 9 RCNY § 3-07.
- <sup>43</sup> 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.
- <sup>44</sup> 9 RCNY at § 3-08.
- <sup>45</sup> NYC Charter § 314.
- <sup>46</sup> 9 RCNY § 3-08.
- <sup>47</sup> 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.
- <sup>48</sup> Agencies must use the FMS Small Purchase Module or the Vendor Source List to build the 5+10 List.
- <sup>49</sup> 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 (Award Method Code 01), Small Purchase CSBs (Award Method Code 03), CSBs from a PQVL (Award Method Code 35) and Small Purchase CSBs from a PQVL (Award Method Code 37). A similar approach is used for CSPs.
- <sup>50</sup> 9 RCNY § 1-02(f)(1).
- <sup>51</sup> See *Appendix 2* for supporting data pertaining to Table VIII.
- <sup>52</sup> 9 RCNY § 1-02(e).
- <sup>53</sup> Chapter 98 of the Laws of 2019 and codified under New York City Charter § 311(i)(1).
- <sup>54</sup> NYC Charter § 316.
- <sup>55</sup> 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.
- <sup>56</sup> See GML §§ 103(1-b), 104, 104-a, and 104-b. The City has broad authority to use the contracts let by other governments.
- <sup>57</sup> SFL § 163(10)(e).
- <sup>58</sup> *Id.* at § 315.
- <sup>59</sup> 9 RCNY § 3-06(f)(2).
- <sup>60</sup> Contract registered by MOCS for the provision of goods and services pursuant to Mayoral Emergency Executive Order 101 and its successors, which suspends standard procurement rules for certain COVID-19 related contracts and bypasses the Comptroller's authority to register contract pursuant to Section 328(a) of the New York City Charter.
- <sup>61</sup> *Id.* at § 3-08(c)(2).
- <sup>62</sup> *Id.* at § 3-08(c)(1)(ii).
- <sup>63</sup> 9 RCNY § 3-04.
- <sup>64</sup> *Id.* at § 1-01(e).
- <sup>65</sup> *Id.* at § 1-02(d).
- <sup>66</sup> SFL § 162.
- <sup>67</sup> 9 RCNY § 3-05.



- <sup>68</sup> 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 28, 2021).
- <sup>69</sup> NYC Charter § 321.
- <sup>70</sup> 9 RCNY § 3-13(a).
- <sup>71</sup> 9 RCNY § 3-12(a).
- <sup>72</sup> Id. at § 3-11(a).
- <sup>73</sup> Id. at § 1-01(e).
- <sup>74</sup> See *Appendix 3* for supporting data pertaining to Table IX.
- <sup>75</sup> 5 NYC Charter § 824(a).
- <sup>76</sup> PPP § 3-06(a).
- <sup>77</sup> NYS Local Finance Law.
- <sup>78</sup> 9 RCNY § 1-02(f).
- <sup>79</sup> See *Appendix 4* for supporting data pertaining to Table X.
- <sup>80</sup> 9 RCNY §§ 1-01(e) and 1-02(f)(1).
- <sup>81</sup> 9 RCNY § 1-02(f)(2).
- <sup>82</sup> Id. at § 1-02(f)(3).
- <sup>83</sup> Id. at § 1-02(f)(4).
- <sup>84</sup> Id. at § 1-02(f)(5).
- <sup>85</sup> See *Appendix 5* for supporting data pertaining to Table XI.
- <sup>86</sup> 9 RCNY § 4-04(a).
- <sup>87</sup> Id. at § 3-04(b)(2)(iii).
- <sup>88</sup> NYC Charter § 104.
- <sup>89</sup> See *Appendix 6* for supporting data pertaining to Table XII.
- <sup>90</sup> NYC Charter § 362(b).
- <sup>91</sup> Id. at § 362(a).
- <sup>92</sup> Id. at § 362(d).
- <sup>93</sup> See *Appendix 7* for supporting data pertaining to Graph V.
- <sup>94</sup> For purposes of the FY21 Report, whenever the industry classification identified by OASIS for a particular contract differed from the industry classification identified by FMS, the FMS industry classification was used. In prior annual reports starting with FY17, the OASIS classification was defaulted to.
- <sup>95</sup> 9 RCNY § 4-02.
- <sup>96</sup> Id. at § 4-02(b)(iii).
- <sup>97</sup> Id. at § 1-01(e).
- <sup>98</sup> See *Appendix 8* for supporting data pertaining to Table XIII.
- <sup>99</sup> 9 RCNY § 2-12.
- <sup>100</sup> NYC Charter § 328(a).
- <sup>101</sup> See *Appendix 9* for data supporting Table XIV.
- <sup>102</sup> 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.”
- <sup>103</sup> See *Appendix 10* for supporting data pertaining to Table XV.
- <sup>104</sup> NYS Education Law § 2590-g.
- <sup>105</sup> 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.”
- <sup>106</sup> PPP § 1-01.
- <sup>107</sup> Id.
- <sup>108</sup> Id. at § 3-01(a).
- <sup>109</sup> Id. at § 2-09(a).
- <sup>110</sup> See PPP § 3-01(b) (“Except as otherwise provided in these Procedures, contracts shall be awarded by competitive sealed bidding.”).
- <sup>111</sup> PPP §§ 3-01(c) and (d).
- <sup>112</sup> 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.”).
- <sup>113</sup> See *Appendix 11* for supporting data pertaining to Table XVI.
- <sup>114</sup> See *Appendix 12* for supporting data pertaining to Table XVII.
- <sup>115</sup> See *Appendix 12* for supporting data pertaining to Table XVIII.

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- <sup>116</sup> New York City Health and Hospitals Act §§ 1-25.
- <sup>117</sup> *Id.* at § 4.
- <sup>118</sup> *Id.* at §§ 4-a, 8.
- <sup>119</sup> *Id.* at § 6.
- <sup>120</sup> New York Health + Hospitals By-Laws, as amended through December 17, 2015, Article II (a), p. 4.
- <sup>121</sup> See *Appendix 13* for supporting data pertaining to Table XIX.
- <sup>122</sup> See *Appendix 14* for supporting data pertaining to Table XX.
- <sup>123</sup> See *Appendix 15* for supporting data.
- <sup>124</sup> RCNY 3-06(a).
- <sup>125</sup> See *Appendix 16* for data supporting Table XXI.
- <sup>126</sup> See *Appendix 17* and *Appendix 18* for supporting data.
- <sup>127</sup> Contract registered by MOCS for the provision of goods and services pursuant to Mayoral Emergency Executive Order 101 and its successors, which suspends standard procurement rules for certain COVID-19 related contracts and bypasses the Comptroller's authority to register contracts pursuant to Section 328(a) of the New York City Charter.
- <sup>128</sup> MOCS' October 30, 2020 letter also indicated that one vendor who had failed to fulfill their contractual obligations is currently on a payment plan with the City.
- <sup>129</sup> See *Appendix 19* for supporting data.
- <sup>130</sup> 9 RCNY § 4-06.
- <sup>131</sup> See *Appendix 20* for supporting data.
- <sup>132</sup> 9 RCNY § 1-01(e).
- <sup>133</sup> 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.
- <sup>134</sup> State Finance Law ("SFL") § 163 (1) (j). Agencies may elect to use the Best Value award method after making the determination that it is not practicable or not advantageous to the City to use CSBs. See PPB § 3-01 (d).
- <sup>135</sup> PPB § 1-03 (b).
- <sup>136</sup> SFL § 163 (1) (j).
- <sup>137</sup> See *Appendix 21* for supporting data.
- <sup>138</sup> NYC Admin. Code § 6-109.
- <sup>139</sup> 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.
- <sup>140</sup> 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.
- <sup>141</sup> 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.
- <sup>142</sup> 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.
- <sup>143</sup> 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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