



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER

M/WBE Noncompetitive Small Purchase Method
Procedural Compliance Report: Fourth Quarter, Calendar 2023
(October 1, 2023 to December 31, 2023)

Background

In November 2019, the City’s Procurement Policy Board (PPB) unanimously voted to amend PPB Rule 3-08 to allow for direct purchases of goods, services and construction from City–certified Minority and Women-Owned Business Enterprises (M/WBEs) up to \$500,000, consistent with newly enacted state legislation. This rule change took effect on January 1, 2020. As a result of this update, the City of New York launched the updated M/WBE Noncompetitive Small Purchase Method in January 2020. A PPB rule change effective June 3, 2023, raised the method’s threshold to \$1 million. Effective December 19, 2023, the method’s threshold was raised to \$1.5 million.

To ensure compliance with the requisites to use the M/WBE Noncompetitive Small Purchase Method, Mayoral Agencies are required to perform a quarterly review of at least 10% of its purchases made using this Method. To demonstrate our commitment to this important program, the Comptroller’s Office will review all purchases made each quarter, beginning on January 1, 2020, when the rule took effect. This report covers the fourth quarter of 2023, from October 1, 2023, through December 31, 2023.

A description of this procedural review and the resulting findings are outlined below.

Approach and Methodology

Compliance with the procedural requirements for each contract awarded using the M/WBE Noncompetitive Small Purchase method was assessed based on the twenty-two (22) items listed in the Procedural Compliance Checklist on the following page. This report will measure compliance based on that checklist. Details of procedural compliance for this reporting period are described in Table 1.



OFFICE OF THE COMPTROLLER
PROCEDURAL COMPLIANCE CHECKLIST FOR USE OF THE
M/WBE NONCOMPETITIVE SMALL PURCHASE

Vendor Name: _____ Contract ID: _____

- Purchase was for Construction, Standard Services, Professional Services or Goods
- The value of the purchase was more than \$20,000 (\$35,000 for construction) and did not exceed \$1,500,000
- Purchase did not use federal funds
- Purchase was not for human services
- The purchase was not artificially split in order to fall below the \$1,500,000 threshold to qualify for the use of the noncompetitive small purchase method or otherwise meet the requirements of this method.
- Considerations to preferred source vendors was made first pursuant to New York State Finance Law Section 162
- Notice of opportunities was published on the Comptroller's website
- For professional or standard services valued at \$200,000 or more, the intended purchase was included in the Comptroller's Annual Contracting Plan prior to the actual purchase, in accordance with Local Law 63 of 2011 and New York City Charter Section 312(a) [N/A]
- All funding-related approvals were secured prior to award (e.g. Capital funding approval)
- Determination was made that the noncompetitive price selected was fair and reasonable
- Selected vendor was confirmed to be a current City-certified M/WBE
- The selected M/WBE vendor was determined to be a responsible vendor and a signed Responsibility Determination was included in the Contract File
- Contract Public Hearing was held [N/A (contract is less than \$100,000)]
- Vendor complied with the required PASSPort filings and disclosures [N/A (contract is less than \$250,000 and aggregate value of all contracts entered into by the Vendor in last 12 months does not exceed \$250,000)]
- A Vendor Name Check was received from the Department of Investigation [N/A (contract is less than \$250,000)]
- Vendor complied with the Local Law 34 of 2007 requirements (Doing Business Data requirements)
- Signed contract
- Contract was self-registered as a general contract (CT1) in FMS, using the award code associated for the M/WBE noncompetitive small purchase (code 72)
- A fully completed Determination of Award form is included, signed by the ACCO and the Agency's Chief Financial Officer
- Documentation indicating that the Comptroller obtained at least three price quotes from M/WBE vendors (verbal or written) was included in the Contract File (or documentation of its attempt to obtain at least three price quotes from M/WBE vendors or document its inability to do so)
- A copy of the "Contract File" is provided to the and a copy was submitted Comptroller's Bureau of Contract Administration for "filing purposes" not more than 30 days after registration
- A "Notice of Award" was posted in the City Record within 15 days after contract registration [N/A (contract was awarded prior to June 3, 2023)]

M/WBE Noncompetitive Small Purchase Method: Procedural Compliance Review – 2023 Q4

Table 1. Compliance Review Results by Contract (October 1, 2023 to December 31, 2023)

Contract ID	Contract Description	Contract Amount	Registration Date	Compliance Checklist	Comments
CT1 015 20241406212	Purchase of EveryAction Digital for 3 Years	\$31,577.00	12/29/2023	21/22	Due to administrative delays, Notice of Award was posted in the City Record outside of the required posting period