

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS
CITY COUNCIL
CITY OF NEW YORK

1

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PARKS AND RECREATION
JOINTLY WITH
COMMITTEE ON CONTRACTS

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September 29, 2025

Start: 1:17 p.m.

Recess: 4:08 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Shekar Krishnan, Chairperson of
Committee on Parks and Recreation

Julie Won, Chairperson of
Committee on Contracts

COUNCIL MEMBERS OF COMMITTEE ON PARKS AND
RECREATION:

Robert F. Holden
Linda Lee
Julie Menin
Mercedes Narcisse
Vickie Paladino
Sandra Ung

COUNCIL MEMBERS OF COMMITTEE ON CONTRACTS:

Erik D. Bottcher
Inna Vernikov

OTHER COUNCIL MEMBERS ATTENDING:

Lincoln Restler
Rafael Salamanca, Jr.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

2

A P P E A R A N C E S

John Katsorhis, Deputy City Chief Procurement
Officer at New York City Mayor's Office of
Contract Services

Yexenia Markland, First Deputy Director at New
York City Mayor's Office of Contract Services

Ray Sanchez, General Counsel for New York City
Mayor's Office of Contract Services

Matt Drury, Chief of Citywide Legislative
Affairs at New York City Parks

Jennifer Greenfeld, Deputy Commissioner for
Environment and Planning at New York City Parks

Christopher Adkins, Agency Chief Contracting
Officer for New York City Parks

Parmod Tripathi, Chief of Management
Services/Agency Chief Contracting Officer

Karla Hernandez, Laborers Local 1010 LECET

Max Barton, Laborers Local 1010

Russell Weaver, Research Director at the Buffalo
Office of the Cornell University School of
Industrial and Labor Relations

James Versocki, Counsel to Local 1010

Christopher Leon Johnson, self

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

3

SERGEANT-AT-ARMS: Good morning. This is a
microphone check for the Committee on Contracts
jointly with Parks and Recreation. Today's date is
September 29, 2025, located in the Chambers,
recording done by Pedro Lugo.

SERGEANT-AT-ARMS: Good afternoon, good
afternoon. Welcome to the New York City Council
hearing on the Committees on Parks and Recreation
joint with Contracts.

At this time, please silence all
electronics and do not approach the dais. I repeat,
please do not approach the dais.

If you have any questions or are
testifying, please see a Sergeant-at-Arms.

Chairs, you may begin.

CO-CHAIRPERSON KRISHNAN: Thank you so
much, Sergeant. [GAVEL]

Good afternoon, everyone. I am Council
Member Shekar Krishnan, Chair of the City Council's
Committee on Parks and Recreation. I'd like to thank
my Colleague and Co-Chair of this hearing, Council
Member Julie Won, Chair of the Contracts Committee,
for agreeing to hold this joint hearing.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

4

Today's hearing has one simple question, which is why are taxpayers on the hook paying for City services from companies that have been convicted of fraud and other illegal actions? When we talk about cutting government waste, inefficiencies, cost-saving measures, this seems like a glaring example of a place to start. I'd like to welcome you all to our hearing that will examine how the Parks Department administers its contracts with various vendors, specifically how it relates to how it engages with and oversees problematic vendors.

In order for Parks to perform its duties of maintenance throughout the park system, it employs thousands of individuals to carry out these functions. However, a large part of this work is performed by private individuals or entities with contracts with Parks to do this work, such as capital project construction and various forms of tree maintenance, such as planting, removal, and routine maintenance. The amount of money spent through this process is not trivial. During the most recent complete fiscal year, FY25, Parks had 284 contracts, with a total contract budget of just under 69 million. The amount of resources that goes into Parks

contracting shows how reliant the Park system is on the performance of private entities. However, over the years, it has become apparent that numerous contractors have behaved unethically and illegally, resulting in unnecessary stress to the health of our parks, trees, and wasted taxpayer dollars. For example, in 2023, Dragonetti Brothers Landscaping was awarded 40 million dollars in tree service contracts in Queens and Brooklyn. This was after two of its principals pled guilty to insurance fraud and filing false instruments regarding other City contracts. As a result, the City initially suspended work on their contract, but the Parks Department argued that they were prohibited from rebidding or terminating the contract to another bidder. This resulted in delays to pruning city trees in Brooklyn and Queens for nearly a year. The Parks Department eventually allowed Dragonetti to resume their work after Dragonetti agreed to enter into a monitorship under the Department of Investigation. Similarly, another vendor, Champion Electrical Mechanical Builder Group, was found to have falsified payroll records and committed over 200,000 dollars in wage theft on a Parks Department forestry contract in Brooklyn,

Queens, and Staten Island. After investigation by the Comptroller's Office, Champion agreed to pay 295,900 in back wages and civil penalties, and they are now banned from working on City contracts for five years. Most recently, on January 22nd, 2025, the Parks Department awarded Griffin's Landscaping Corporation a contract for tree planting in the Bronx for over 20 million. On June 11th, 2025, Glenn Griffin, the company's owner, was sentenced to two years in prison for bribing a town of Portland employee to gain unauthorized access to a facility so he could illegally dump loads of construction waste. Following these indictments, DPR put all pending and active contracts with Griffin on hold, but they allowed Griffin to resume work recently when Griffin agreed to various reform efforts, such as establishing a Code of Conduct and retaining a DOI Integrity Monitor. The issue here is that despite these various illegal and unethical acts, these firms were allowed to continue performing their City contracts. The Parks Department claims that there are very few other responsible bidders that are able to perform this work in a satisfactory manner. In other words, the Parks Department's rationale has been these

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

7

corporations with million-dollar contracts engaging
in serious fraud and other illegal actions are too
big to fail. And that is not an acceptable response,
especially when it comes to the payment of required
City services. And it seems to be an unnecessary
excuse by forcing the City to accept unethical
behavior and not engage in greater efforts to reach
out to more vendors that are no doubt capable of
doing the work that the Parks Department does and
requires. In other words, if it is true that the pool
is too small, such that these corporations with
serious convictions and in federal indictments are
too big to fail, then it's the pool itself that is
the problem, and we need to expand it to incorporate
more vendors that can do this work. I think the
process that oversees and awards contracts to these
types of vendors needs reform. Many of my Council
Colleagues and I and advocacy groups, from labor
unions to parks advocacy groups, have urged the Parks
Department to immediately halt all future street tree
planting contracts with Griffin for the duration of
DOI's monitorship. Instead, these contracts should be
redirected by Parks to qualified bidders who maintain
ethical business practices. Additionally, the Parks

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

8

Department should initiate a comprehensive review of the procurement process that allowed these contracts to be awarded in the first place and implement enhanced vetting procedures to prevent the awarding of future contracts to firms with histories of criminality or other unethical practices. Finally, the Parks Department should cease using companies with DOI monitorships when there are competent alternative bidders on the same projects that are not under an independent monitorship.

The harm caused by engaging with unethical contractors is not an academic one. We can see clearly with the lack of maintenance to our trees, parks, and other infrastructure that results from vendors who can't ethically perform their duties. It has a major impact on the services across the city. In the end, the taxpayers are the ones who have to shoulder a greater and greater burden, and public safety is put at risk for neglected infrastructure. We can and we must do better, and I look forward in this hearing to exploring this issue in greater detail today and to hearing what this Administration and advocates think about how we can reform this process.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

9

Thank you all and welcome to today's hearing, and I do want to recognize that we've been joined by Council Members Julie Menin and Council Member Mercedes Narcisse, and on virtual, not yet, okay, and I'll turn it over to my Co-Chair of the hearing, Council Member Julie Won.

CO-CHAIRPERSON WON: Thank you so much, Chair Krishnan. I also do want to acknowledge that Lincoln Restler is also here, just right there. I can't see him yet, but he's here.

Thank you so much, Chair Krishnan, for initiating this hearing and for your leadership on this critical issue. My name is Julie Won, and I have the privilege of Chairing the Council's Committee on Contracts.

As Chair Krishnan mentioned, today's hearing examines the Parks Department's contracting practices on the accountability of its vendors with a particular focus on how problematic contractors continue receiving contracts, especially those with criminal history. We hope to discuss several troubling cases today, including the 40-million-dollar contract awarded to Dragonetti Brothers Landscaping despite the company's insurance fraud

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

10

convictions, the 25 million dollars in new awards to
Griffins Landscaping while its owners serve federal
prison time for bribery, and Champion Electrical's
delayed debarment despite numerous cases of
documented wage theft from as far as 2016. It is now
the year 2025. The scale and severity of these
failures reflect the enormous challenge of ensuring
vendor responsibility across New York City's 20-
billion-dollar annual procurement system. The
Griffins Landscaping case alone involves a company
maintaining 15 million dollars in active contracts
and receiving 25 million dollars in new awards even
after the owner's guilty plea to federal charges.
While DOI's Integrity Monitoring Program attempts to
provide some degree of oversight, several questions
remain about why a slap-on-the-wrist monitoring
agreement is used instead of an outright debarment
for contractors with criminal convictions. I'm
particularly concerned about how citywide procurement
issues seem to be repeatedly manifest themselves
within the Parks Department. There is what appears to
be a pattern of failed oversight, with 47 percent of
parks projects not completed by its vendors on time,
which results in 13 million additional dollars cost

to the City paid by taxpayer dollars. This suggests there are systemic issues in how the Parks Department verifies contractor responsibility before awarding public funds. We also need to examine whether current procurement policy board rules provide enough in the way of enforcement mechanisms when agencies fail to properly vet contractors. For example, Dragonetti Brothers were debarred from the Department of Design and Construction, but the Parks Department continues to award them major tree services contracts. Are our existing rules capable of preventing contractors banned by one agency from simply moving their operations to another? If not, this loophole needs to be fixed. In short, we want to know why it seems that a vendor must be convicted criminals to plant trees for the City of New York. That's a pretty bad common denominator to have. The bottom line is that these aren't just administrative oversights. They represent millions in taxpayer dollars going to companies that have defrauded municipalities, violated labor laws, and committed environmental crimes. Property owners and residents depend on reliable contractors to maintain our parks and trees. When we award contracts to companies with criminal records instead of

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

12

responsible vendors, we failed our communities twice,
first through poor service and second by rewarding
bad actors. Today we have an opportunity to examine
these critical procurement failures and ensure our
contracting strategies protect public integrity while
meeting the City's operational needs. Both Committees
look forward to hearing from the Parks Department as
well as MOCS about how we can structure
accountability mechanisms to prevent problematic
contractors from exploiting gaps in our procurement
system and making profit.

Before we begin, I would like to thank
the Committee Staff, Senior Counsel Alex Paulenoff;
Policy Analyst Alex Yablon; Financial Analyst Owen
Kotowski, as well as my Chief-of-Staff Nick Gulotta;
my Legislative and Budget Director Neily Vera
Martinez; and Consumption Services Liaison Kalsang
Yangtso; and my Standing Comms Director Farah Salam
for their hard work in putting together today's
hearing.

I'll now turn it over to Committee
Counsel to administer the oath.

CO-CHAIRPERSON KRISHNAN: Thanks so much,
Chair Won.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

13

3 And just really quick, we also have
4 members who have joined on Zoom, Council Member Ung,
5 Council Member Lee, Council Member Holden, and
6 Council Member Paladino.

7 COMMITTEE COUNSEL: Thank you, Chairs.

8 Would representatives of the
9 administration please raise your right hand if you're
10 able?

11 Do you affirm to tell the truth, the
12 whole truth and nothing but the truth, in your
13 testimony before these Committees and to respond to
14 Council Member's questions honestly?

15 DEPUTY CITY CHIEF PROCUREMENT OFFICER

16 KATSORHIS: I do.

17 UNKNOWN: I do.

18 UNKNOWN: I do.

19 COMMITTEE COUNSEL: Thank you.

20 CO-CHAIRPERSON KRISHNAN: You may begin.

21 DEPUTY CITY CHIEF PROCUREMENT OFFICER

22 KATSORHIS: Good afternoon, Chair Won, Chair Krishnan,
23 Members of the Committee on Contracts, the Committee
24 on Parks and Recreation, and other Council Members.
25 Thank you for taking the time to hold this important
hearing today on the topic of contracting practices

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

14

and vendor accountability. My name is John Katsorhis,
and I serve as the Deputy City Chief Procurement
Officer at the Mayor's Office of Contract Services.
I'm joined by MOCS' First Deputy Director, Yexenia
Markland; and MOCS' General Counsel, Ray Sanchez, as
well as our colleagues from the Department of Parks
and Recreation.

As many of you know, MOCS is an oversight
agency dedicated to ensuring compliance with the
City's procurement rules and leading reform
initiatives to improve the City's procurement
processes. This responsibility grants MOCS a wide
purview over procurement. We implement technology
solutions to bring the process into the digital era,
lead investigative advocacy efforts to keep the
procurement rules in step with modern practices,
provide hands-on support for agencies and vendors to
eliminate procurement delays, and provide strategic
consultation to improve procurement outcomes for City
agencies and the New Yorkers they serve. With nearly
42 billion dollars in procurement value for Fiscal
Year 2025, we are keenly aware that the City's
contracting portfolio prevents a target for abuse,
and we are continuously seeking ways to safeguard and

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

15

ensure the responsible use of taxpayer dollars. A core component of this work involves reviewing agency solicitations and contractors for risk, supporting agencies and remedial actions necessary to mitigate those risks, and implementing safeguards to protect against waste, fraud, and abuse. We leverage all available tools to ensure that City contracts and the taxpayer money that funds them are awarded only to responsible vendors. In this regard, MOCS fits within a broad framework of risk prevention and assessment, based on practices and protocols that have been developed over decades. Through collaborative work across oversight and risk management agencies, including the Mayor's Office of Risk Management and Compliance, or MoRMC, and the Department of Investigation, or DOI, we continue to develop frameworks for preventing and detecting abuses of the procurement system. The Department of Parks and Recreation conducts high volume of procurements with a broad base of vendors, and incidents requiring significant oversight, intervention, or risk mitigation measures have been few and far between. In Fiscal Year 2025, the Department procured a combined 1,811 capital and expense contracts with 601 unique

vendors. As those figures indicate, the number of contractors with integrity or performance issues are extreme outliers when compared to the total number of vendors that the Department conducts business with overall. This comes to no surprise to MOCS and is a testament to the effectiveness of the City's oversight and control mechanisms, including the Department's sound judgment in conducting vendor responsibility determinations.

With regard to City-wide contracting practices, the Procurement Policy Board rules guide and govern the action of all City contracting agencies and vendors seeking to do business with the City. As a foundational principle of City contracting, the rules mandate that agencies make only purchases from and award contracts to responsible vendors. A responsible vendor is one that affirmatively demonstrates having, and I quote, "the capability in all respects to perform fully the contract requirements and the business integrity to justify the award of public tax dollars." However, it must be noted and emphasized that this is the policy of the City that vendors are not subject to debarment, except in very limited circumstances

prescribed by State law. This is explicitly stated in the PPB rules following the revisions made to the Charter. Any discussion of utilizing debarment would need serious consideration of constitutional and due process rights among other significant concerns regarding equity and ensuring the continuation of critical operations and services. To ensure that this standard is met in all contracting actions, the rules require all agencies to complete a vendor responsibility determination before awarding them a contract. The responsibility determination is a holistic assessment, which must be completed on a contract-by-contract basis. The rules provide a non-exhaustive list of factors that an agency may consider when making a responsibility determination. Factors affecting a vendor's responsibility may include the vendor's financial resources, technical qualifications, experience, capacity to carry out the work demanded by the contract, a satisfactory record of performance, and the vendor's business integrity, among others. A prospective contractor need not be perfect to be deemed responsible. The responsibility determination serves, among other purposes, to apprise the agency of the potential risks inherent in

contracting with the vendor and enables the City to proactively implement reasonable risk mitigation plans, including monitoring agreements and corrective action plans, as appropriate. Part of the business integrity assessment involves a review of the vendor's disclosures in PASSPort. All prospective City contractors are required to have accurate and up-to-date disclosures in PASSPort prior to being awarded a contract with the City. PASSPort disclosures are comprised of the vendor questionnaire and principal questionnaires. These disclosures provide pertinent information regarding the vendor's business, as well as their principals, managerial employees, and affiliates. Certain questions in the questionnaire are designed to generate a flag based on the vendor's response. If the information is provided by a vendor in response to such a question that generates a flag, those disclosures are not finalized until MOCS reviews the disclosures for completeness. If the vendor's disclosure responses do not generate a flag, then the disclosures are automatically filed.

In addition to review of the vendor's PASSPort disclosures, the agency also reviews the

vendor's PASSPort profile for any cautions. Cautions amount to flags that detail which an agency may wish to consider when conducting any sort of vetting, including as part of the agency vendor responsibility determination process. Cautions may be sourced in a variety of ways. First, cautions may be created based on a vendor's self-disclosure in responding to certain flag-generating questions in the vendor questionnaire and principal questionnaires. In these instances, PASSPort will generate a caution based on the vendor's disclosure, which MOCS will review and finalize. Second, the MOCS Vendor Integrity Unit creates cautions based on a weekly review of government websites such as the U.S. Department of Justice, New York Attorney General's websites for announcements of investigations, lawsuits, settlements, convictions, and other information pertaining to vendors and/or their principles in PASSPort. Third, agencies may initiate a caution on a vendor which is reviewed and approved by the MOCS Vendor Integrity Unit. Alternatively, agencies may submit a caution request to MOCS, and the MOCS Vendor Integrity Unit will create the caution on the agency's behalf. As stated in the MOCS Directive for

Standardizing Vendor Integrity Information, agencies are expected to review all relevant cautions prior to completing a responsibility determination. The determination must include an explanation as to why the existence of a caution or adverse information should not act as a barrier to contracting with the vendor.

It is important to note that the emergence of adverse information regarding a City contractor is not a rare phenomenon. Between Fiscal Year 2021 and Fiscal Year 2025, there were a total of 959 unique vendors with cautions placed on their profiles. Of that total, the Department of Parks and Recreation reported cautions on nine individual vendors. Though cautions may signify a need for additional due diligence, they are not inherently a cause for a finding of non-responsibility. In some cases, vendors with more significant performance or integrity issues may be required to enter into a DOI monitoring agreement or an agency corrective action plan in order to continue doing business with the City. In the period spanning Fiscal Years 2021 through 2025, 16 vendors were placed on DOI monitoring agreements and 17 vendors were placed on

agency corrective action plans. When these vendors demonstrate accountability and the willingness and the ability to act in accordance with the standards that contracting with the City demands, particularly under increased levels of focused oversight, there is reason to allow them access to future contracting opportunities. By working collaboratively to find solutions for these vendors, we maximize the number of vendors eligible to do business with the City and foster a more competitive environment to provide New Yorkers with the highest quality of goods and at the lowest possible prices.

Beyond the measures prescribed by the PPB rules, MOCS proactively collaborates with oversight agencies to develop innovative measures to safeguard the integrity of the City's procurement and contracting processes. MOCS and MoRMC have partnered to establish the Vendor Compliance Cabinet, or VCC, as a forum to agencies by alerting them to shared concerns involving individual vendors and providing strategies to mitigate vendor-related risks. The VCC meets at least quarterly, providing agencies with a venue to recommend measures to address potential gaps or inconsistencies in contracts, fiscal manuals, and

other key documents, and to provide feedback as responsive policies are developed and deployed. We will continue to work with our agency partners to develop additional policies and procedures to protect the integrity of the City's procurements as necessary and appropriate.

Thank you for calling this hearing to bring the attention to this very important topic and for giving us the opportunity to speak on some of the most meaningful work we do every day. I'm happy to keep the Council informed on these continued efforts, and I'd now like to pass it over to my colleagues, New York City Parks, for their testimony.

CHIEF DRURY: Thanks. Good afternoon, Chair Krishnan, Chair Won, Members of the Parks Committee, Contracts Committee, other Council Members. My name is Matt Drury. I serve as the Chief of Citywide Legislative Affairs for New York City Parks. Joining me, several of our senior staff, Jennifer Greenfeld, our Deputy Commissioner for Environment and Planning; Christopher Adkins, Agency Chief Contracting Officer; and Parmod Tripathi, Chief of Management Services/Agency Chief Contracting Officer. We're also very pleased to have been joined

by our colleagues at the Mayor's Office of Contract
Services and thank them for their help and support.

Like all contracting City agencies, New
York City Parks takes its responsibility as a steward
of public funds very seriously. We expect that any
vendors paid by the agency will adhere to relevant
laws and rules and deliver the agreed-upon goods and
services as dictated by the contract. We conduct all
of our contracting practices in accordance with
citywide rules and policies, and we work in close
consultation with partners, including New York City
Law Department and Mayor's Office of Contract
Services, to ensure that contracts are solicited and
executed appropriately. To that end, I want to
provide a very brief overview of our efforts to
procure both capital contracts and operational
expense contracts.

In Fiscal Year '25, our Parks Capital
Division awarded 355 prime contracts, totaling over
700 million dollars, to approximately 100 distinct
vendors for Park Capital projects. Through this
effort, 165 prime contractors and 929 subcontractors
were determined by Parks Capital to be responsible
vendors who were thoroughly vetted before being

determined to exhibit the business integrity and fitness to justify the awarding of City funds. These contracts are executed so we can advance park and playground renovations, tree planting, as well as upgrades and improvements to our pools, boardwalks, athletic fields, wild natural areas, and other public spaces. Many of our capital contracts are awarded via the City's competitive sealed bid process, which generally consists of three phases, requiring involvement from numerous entities outside of the agency. The pre-solicitation phase includes reviews by the contracting agency and New York City Law Department, resulting in the creation of a contract book, which contains all the relevant information for potential bidders. The solicitation phase includes public notice about that bidding opportunity and the sourcing of those bids from vendors for the required goods and services. And then the review and award phase includes the vetting of the vendors for responsibility and other detailed reviews, leading to the eventual awarding of the contract, generally made in response to the lowest bid from a responsive and responsible bidder.

After the award is made, additional budgeting approvals are issued from OMB and the Comptroller, the contract is formally registered, and a notice to proceed, sometimes called an order to work, can be issued, allowing the vendor to begin work. Turning quickly to expense-funded contracts, in Fiscal Year '25, our Purchasing and Accounting Team processed over 1,500 purchase orders and contracts, as well as 1,300 what we refer to as punch-out purchase orders, which are made via DCAS catalog goods contracts for common goods and services that are utilized by all City agencies, collectively totaled in payments of approximately 135 million dollars. This universe includes approximately 100 service contracts for various vital services, including automotive repair and maintenance, elevator repair and inspections, HVAC maintenance and repair, floodlight maintenance and repair, flagpoles, fire alarm maintenance and repair, IT services, as well as tree pruning, stump and tree removal, and the treatment of tree disease. The work to process these procurements include preparing bidding solicitations, price negotiations, vendor background checks and responsibility determinations, Comptroller

registration, contact administration and amendments,
as well as invoice review approvals and payment
processing.

Broadly speaking, City agencies'
procurement efforts are governed by numerous sources
of law, New York City State General Municipal Law,
New York City Charter, New York City Admin Code,
local laws passed by the City Council, and rules of
the Procurement Policy Board, which was created by
Chapter 13 of the New York City Charter, and tasked
with promulgating rules related to procurement,
followed by all Mayoral agencies, including New York
City Parks.

Agencies such as ours conduct thorough
background checks on every vendor by reviewing
multiple sources of information, along with other
research tools, such as databases maintained by
federal and state partners and other City agencies.
When a vendor's vetting search turns up adverse
information, the agency will first reach out to the
vendor to address or clarify those concerns before a
final responsibility determination is made.
Typically, this is handled at the agency level
through the provision of appropriate documentation

from that vendor, for example, by providing proof of payment of an outstanding ECB, Environmental Control Board, violation penalty. In the rare instances that the adverse information is more serious in nature, agencies will consult with their Agency General Counsel, MOCS, Law Department, and the Department of Investigation to determine, as needed, to see if further corrective action might be appropriate to address those adverse findings. Though it's rarely utilized, as you've heard in consultation with the Law Department and others, the City procurement process does include mechanisms that allow for the continuation of agency contracts with a vendor that has exhibited integrity concerns if it's determined to be in the best interest of the City to do so. These mechanisms can include monitorship agreements and additional compliance requirements for the vendor.

In closing, though the City's procurement process is quite complicated, New York City Parks remains committed to ensuring that contract awards are made fairly, transparently, and as quickly as to maintain essential services to New Yorkers. Thanks for allowing for us to testify today. Us and our

colleagues at MOCS will be happy to answer any
questions you might have.

CO-CHAIRPERSON KRISHNAN: Thank you so
much for your testimony, both from the Parks
Department and from MOCS, and I also see that we have
our Deputy Commissioner for Forestry here as well.
Good to see you.

This issue is one that seems so
straightforward and simple, and I think all of us in
the City Council genuinely want to work with you all
to figure this out because it justifies logic of how
we are in this position year after year. And so the
first question I would just ask is, obviously, I
would think the Parks Department agrees that its
contracts should be given out to responsible bidders,
right?

CHIEF DRURY: Yes, and the City's process
includes mechanisms in which various considerations
can be taken into account, including, and I believe
you've received written testimony from DOI explaining
sort of monitorship agreements in more detail, so I
don't want to speak for them, but that is one example
of a mechanism that exists to take that into account

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

29

3 and to address and restore integrity concerns as they
4 exist.

5 CO-CHAIRPERSON KRISHNAN: And I would
6 assume MOCS agrees that City contracts should be
7 given out to responsible bidders, correct?

8 DEPUTY CITY CHIEF PROCUREMENT OFFICER
9 KATSORHIS: Yes.

10 CO-CHAIRPERSON KRISHNAN: So we have a
11 situation now where the majority of street tree
12 contracts are given to two contractors who are
13 convicted of felonious actions that relate directly
14 to the performance of their job when there are other
15 qualified bidders to do this work. And, you know,
16 tree service and maintenance is one of the most
17 critical and crucial issues we face in the city.
18 Seven million trees across the city, you know, they
19 require extensive maintenance in different ways. And
20 yet we have, I just want to paint the picture again,
21 one contractor that has a contract of 20 million,
22 Griffin Landscaping, awarded this past January
23 despite conduct that included bid rigging and other
24 bribery and unauthorized dumping so conduct that
25 relates directly to their job responsibility,
bidding, as I mentioned before, bribery, yet they

hold now a new 20-million-dollar contract from the Parks Department. Then we have another company in Dragonetti that's got a 40-million-dollar award for tree services from the Parks Department for trees in Queens and Brooklyn despite being convicted of insurance fraud when it came to repairing City roads and sidewalks. And because the contract was suspended and then reinstated, there were numerous delays in the provision of services. So, given that picture and the total hundreds of millions of dollars in contracts we're talking about, or 100 million dollars that we're talking about, for such an important role in the Parks Department, my first question is genuinely wanting to understand why is it the majority of tree contracts are going to two vendors that have been convicted of felony actions that directly relate to their job performance?

CHIEF DRURY: Firstly, I want to characterize it's not my understanding that the awards in these case represent a majority of tree work. In fact, I don't believe it's anywhere close. I mean, stepping back, I think in terms of capital dollars, you know, over 700 million dollars in contracts and we are talking about sort of two

instances here which have represented, as you've heard, pretty extreme outliers so I just wanted just to level set in that regard. It's, you know, not to diminish your concerns, but just wanted to set that context fairly.

And I think in terms of process, again, these monitorship agreements and these arrangements that can be taken on collectively in consultation with various, you know, not taking on any individual agency's determinations, but determinations that are made collectively by the City include these mechanisms and have since the '90s, as I understand it, to help restore some of these concerns. So though rarely utilized, these mechanisms are in place to address these kinds of concerns when a determination is made that it's in the best interest of the city to continue that work.

CO-CHAIRPERSON KRISHNAN: And I would just also ask MOCS as well. I mean, we all agree that we need to have responsible bidders. So how do bidder companies with the history of criminal conduct, how are they qualified as responsible bidders? It's simply the DOI monitorship agreements that make them responsible? I mean, these are very, very serious

charges and convictions leveled against them. Again, not for unrelated actions, but directly germane to their job responsibilities and the services that we would seek from them or any other company so how is it that companies with this extensive history of criminal conduct are deemed responsible bidders by the City? What makes them responsible?

DEPUTY CITY CHIEF PROCUREMENT OFFICER

KATSORHIS: Thank you for the question, Council Member. The important part that I want to just bring back to my testimony earlier is that determination of responsibility is actually a holistic approach and involves several different factors in making that determination. The monitoring agreements or agency corrective action plans, whichever the most appropriate tool to be used would be, removes or mitigates that risk so in the cases that you're speaking to, the mitigating actions were to remove the bad actors from that situation, which then allowed the company to continue and be considered a responsible vendor.

CO-CHAIRPERSON KRISHNAN: And that's the extent of the inquiry, is these remedial actions are what makes them deemed responsible at that point?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

33

3 DEPUTY CITY CHIEF PROCUREMENT OFFICER

4 KATSORHIS: It's just one of several different
5 components to the overall determination of
6 responsibility.

7 CO-CHAIRPERSON WON: Okay. Help me
8 understand. So, it's clear that we're using personal
9 self-reporting to determine if these contractors are
10 responsible so help me get a clear definition of what
11 the City of New York determines as responsible, other
12 than these self-reporting measures that you have
13 because clearly I think we have a different
14 definition for what we deem responsible than the City
15 of New York.

16 DEPUTY CITY CHIEF PROCUREMENT OFFICER

17 KATSORHIS: Well, Chair Won, I understand the
18 question, or at least as I understand it. I think
19 what you're saying is that there's two different
20 definitions of what we consider to be responsible. I
21 think the City's, it's my understanding that the
22 City's position on responsibility is something that
23 we know that the vendor that we're preparing to award
24 public tax dollars for has the ability to perform and
25 the City is taking every step it can to mitigate any
risks before awarding public dollars.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

34

3 CO-CHAIRPERSON WON: Self-reporting is not
4 taking every single step to make sure that vendors
5 are responsible. And for the City to believe that 40-
6 million-dollar contracts awarded to a landscaper who
7 has insurance fraud convictions, 25 million dollars
8 to a landscaper who serves federal prison time and
9 bribery, and also another contractor that was delayed
10 debarment for several cases of wage theft, I don't
11 think you're doing everything you possibly could.
12 Because from the year 2021 to 2025, only 16 vendors
13 were placed on the DOI agreements. Within this term
14 alone under the current sitting Mayor, we had more
15 corruption on contract cases than 16. So clearly what
16 we're doing is not working. How many contracts did
17 the City award from 2021 to 2025? I would have to
18 guess millions.

19 DEPUTY CITY CHIEF PROCUREMENT OFFICER

20 KATSORHIS: I don't have the dollar figure.

21 CO-CHAIRPERSON WON: But the estimate is
22 probably over millions of contracts, correct, from
23 2021 to 2025?

24 DEPUTY CITY CHIEF PROCUREMENT OFFICER

25 KATSORHIS: Chair, I wouldn't care to speculate on the
dollar value, but I can certainly get back to that.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

35

3 CO-CHAIRPERSON WON: Not the dollar value,
4 but the quantity of contracts, the quantity of
5 contracts.

6 DEPUTY CITY CHIEF PROCUREMENT OFFICER
7 KATSORHIS: Again, that's something I'd have to get
8 back to.

9 CO-CHAIRPERSON WON: Okay. But the
10 quantity of contracts released, because we know that
11 it's about 20 percent of our City's budget every
12 single year, for us to only have 16 vendors, that is
13 shameful. I could probably pick out more New York
14 Post stories about the corrupt contracts that we've
15 given out to people who don't deserve it that are
16 more than 16. Something is not working in our vetting
17 system.

18 DEPUTY CITY CHIEF PROCUREMENT OFFICER
19 KATSORHIS: I think what's missing, Chair Won, from
20 this discussion is what our sister agency, Department
21 of Investigation, does to stand up these monitoring
22 agreements that gives us the assurance that the
23 actions that have been taken are reasonable.

24 CO-CHAIRPERSON WON: How many people in
25 MOCS are employed to work the Vendor Integrity Unit?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

36

3 DEPUTY CITY CHIEF PROCUREMENT OFFICER

4 KATSORHIS: It's a small number of...

5 CO-CHAIRPERSON WON: What is that number?

6 DEPUTY CITY CHIEF PROCUREMENT OFFICER

7 KATSORHIS: Less than 10.

8 CO-CHAIRPERSON WON: So less than 10

9 people to oversee about 20 percent of 118-billion-
10 dollar budget every single year for City contracts
11 where we have year after year, month after month,
12 fraudulent or corrupt contracts being doled out. Do
13 you think that's enough people to be working on the
14 Vendor Integrity Unit?

15 DEPUTY CITY CHIEF PROCUREMENT OFFICER

16 KATSORHIS: Chair Won, I think that while you raise a
17 good question, I think it's important to note that
18 it's not done just by the Vendor Integrity Unit
19 alone. We do this in consultation with other
20 agencies, other oversights. And so I'm happy to take
21 this discussion in further depth at another time if
22 you'd like to.

23 CO-CHAIRPERSON KRISHNAN: I just want to
24 follow up on a couple of points because I can't
25 understand how much do you tailor the analysis for
each specific bidder? I mean, let me read to you

here. According to the Procurement Policy Board rules, vendors for City agencies must be found to, quote, have the business integrity to justify the award of public tax dollars. And the offenses, including violations of state or local law, can indicate a lack of business integrity that seriously and directly affect responsibility as a City vendor. And that can be used as a reason to deny a contract or default on an existing contract. There's no doubt, no doubt that when we look at these two contractors as examples, their conduct flies in the face of this basic fundamental test as to what is a responsible bidder and what constitutes business integrity in this City, and I'm just wondering, in the analysis that MOCS and the Parks Department does, do you look at the specifics of each situation or is it a uniform test across the board? And if you look at the specifics across each situation, how do you arrive at the conclusion that Griffins Landscaping and Dragonetti conduct themselves with sufficient business integrity?

CHIEF DRURY: Speaking from Parks, I think you kind of nailed it here. It is a case-by-case determination that is made for every bid process,

right? And the collective totality of those
circumstances, which can include a wide variety of
circumstances, such as the vendor pool that's
available, broadly speaking, the importance and
urgency of the work that's being discussed, which can
be many times time-sensitive and very important,
those are among the considerations that need to be
taken into account, in addition to the details
regarding to alleged wrongdoings or what have you so
I think it's fair to say that we do approach each
sort of contract process. I don't know. Chris, I
don't know if you, I'm sorry, our ACCO here, Chris, I
don't know if you want to characterize maybe a
specific example. Chair Won mentioned earlier the
reliance on self-reporting. I just want to be clear
that that is far from the only consideration. There
are databases that are referred to and information
sources that are referred to well outside of self-
reporting. So for the record, I just want to clarify
that's far from the only reliance.

CO-CHAIRPERSON KRISHNAN: Let me just jump
back to that point, too, about the services they
provide, because I just want to set the stage of what
we have here, right? You have these definitions of

what constitutes business integrity, responsible bidder. Now, let's take Dragonetti Brothers, for example. As a landscaping company, they were debarred by the Department of Design and Construction. So besides the general definition, you have one agency debarring a company that the Parks Department continues to use. Two City agencies coming to entirely different conclusions about the fitness of a company to do business with the City. Can you explain to me how that's possible under these same rules?

CHIEF DRURY: Yeah. Firstly, just not to split hairs, but I believe from our perspective, debarment is a fairly technical term that is largely driven by violations of State law on the wage side, as I think has been referenced in other contexts. So I think in this instance, it's more a case of DDC had a contract, decided not to pursue it further for other work. I believe it was some other construction project. I'm not aware of the details. I'd have to refer to DDC there.

CO-CHAIRPERSON KRISHNAN: Was it for wage theft? Is that what it was for?

CHIEF DRURY: I don't recall. I'm not aware of the circumstances. But I do know it was

subject to state law and therefore triggered sort of
a different process that's not at issue with these
other two cases. And then in our circumstance, a
determine was made based on that tree-related work.
As I understand it, circumstances were quite
different than the decision that DDC made separately.
So yes, to go back to the point you raised, it is
made on a case-by-case basis, including the nature of
the work and the timing of that work that is
proposed.

CO-CHAIRPERSON KRISHNAN: And I have a
couple more questions then I want to turn over to my
Co-Chair and then to my Colleagues.

But I understand it's case-by-case. But
it just flies in the face of logic that in a case-by-
case analysis, one City agency finds a contractor
unfit, but another agency finds them fit for the very
same offenses, wage theft, fraud. These are things
that are affecting all the provision of City
services, whether it's DDC, whether it's the Parks
Department. And I suspect part of what's happening,
too, and I should add that even after the
convictions, even if the owners have gone to jail and
all those things, these companies are still getting

extraordinary paydays from the Parks Department,
despite serious misconduct, criminal misconduct, that
led to convictions and incarceration in the first
place, and so it doesn't make any sense to any of us
here, given how serious the street tree needs are,
why the Parks Department continues to use them. Now,
what I've heard before, too, is that companies like
Griffin's Landscaping provides critical specialized
services that justify continued use. I'd like to
understand what critical specialized services means,
and can you provide any specific evidence of
unsuccessful attempts to find alternative vendors to
provide these services?

CHIEF DRURY: Thanks for the question,
Council Member. It is unique, very specialized
technical work, and the agency prides itself on its
efforts it's made over the years to expand vendor
pools writ large for all sorts of Park-related work.
If I can call upon Commissioner Greenfeld to
characterize that, especially in the world of tree-
related work, I think she can characterize that
because I do think it's an important consideration.
And it was certainly an important consideration that
was taken into account.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

42

DEPUTY COMMISSIONER GREENFELD: Do you
need me to be sworn in?

CO-CHAIRPERSON KRISHNAN: Yes.

COMMITTEE COUNSEL: Thank you, Chairs.
Please raise your right hand if you're able.

Do you affirm to tell the truth, the
whole truth, and nothing but the truth in your
testimony before these Committees and to respond
honestly to Council Member questions?

DEPUTY COMMISSIONER GREENFELD:

(INAUDIBLE)

COMMITTEE COUNSEL: Can you please
respond?

DEPUTY COMMISSIONER GREENFELD: Thank you
very much for that question. I do.

COMMITTEE COUNSEL: Thank you.

DEPUTY COMMISSIONER GREENFELD: Thank you
for that question. There are a host of things. First
of all, it's a very difficult physical and regulatory
environment to work in in New York City. You know
what it's like to work along the streets of New York
City to maintain safety for both workers and people
who are walking and for the trees so it's a very
difficult space to work in. It's this rare

combination, tree planting of hard construction work and soft landscaping construction work. In fact, on the year that we're talking about, we only had four unique vendors for 17 contracts when we were talking about these tree planting contracts. We've done a lot of work, and we saw that coming. We saw the dip in contractors, and it took us years to work up from that, where it was working with SBS. We had numerous pre-bid conferences, one-on-one vendor meetings to talk to any vendors who expressed interest through different kinds of forums. We reviewed and adjusted contracting specs and also made contracts different sizes and lengths to make them more attractive to both smaller contractors and larger contractors. They used to be just all the same, 1 million to 3 million dollars. Now, we took advantage of certain contracting mechanisms lower than 1 million dollars and up to 13 million dollars so we really widened the group of contractors who might be interested in it. We worked directly with SBS to recruit vendors. We provided dedicated staff to new vendors to ensure their success. In fact, we had vendors who graduated from the smaller contracts to bid successfully on the larger contracts, and we continue to do outreach. We

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

44

3 really are making a concerted effort across the board
4 to increase our vendors. It takes time, and each
5 individual vendor is important to the process.

6 CO-CHAIRPERSON KRISHNAN: Deputy
7 Commissioner, if the current methods aren't working,
8 and this is the result of their producing, what
9 thoughts and conversations has the Parks Department
10 had to look at different ways to expand the pool
11 because that's really what I think needs to happen
12 here.

13 DEPUTY COMMISSIONER GREENFELD: Thank you
14 very much for that question, and we are always open
15 to new ideas. If there's something we haven't thought
16 of, we are happy to discuss it with you.

17 CO-CHAIRPERSON KRISHNAN: I would love to
18 hear more about it, too, and I'll just conclude here
19 for now. But just to say, when we see these kinds of
20 absurd results, it undermines public trust and
21 confidence in government, in the services we provide,
22 and it not only undercuts the serious efforts by the
23 Parks Department to address these issues, but it
24 really raises serious questions, too, about how our
25 public dollars, how taxpayer money is being spent,
and it erodes confidence in the system. We keep

having this conversation, but we're not seeing the changes fast enough that we need to see to address it.

I'll stop there for now and turn over to my Colleague, Co-Chair Won, to see if she has any questions.

CO-CHAIRPERSON WON: Thank you, Chair Krishnan. If you could just come back and take a seat, because I did not hear a clear answer on how the Parks Department is defining critical specialized services.

DEPUTY COMMISSIONER GREENFELD: Sure, thank you for that question. I'll just sort of summarize what I was saying before. Sorry, could you repeat that again? Critical?

CO-CHAIRPERSON WON: So I'm trying to understand why Griffin Landscaping was deemed responsible enough to give critical specialized services, so what is critical specialized services that no other landscaping company can provide for the Parks Department? That's what we want to understand.

DEPUTY COMMISSIONER GREENFELD: Okay. I'm not sure if there's anything different than the concept of being able to work under the speed and

safety, and there are a host of contract specifications. I can't go into them, but there are hundreds of things that they have to be able to follow. On the streets of New York City, it is very, very difficult. There's a lot of regulations they have to comply with, from Sanitation, DEP, DOT, they have to get permits.

CO-CHAIRPERSON WON: Yes. We understand the existing regulations. So how many vendors applied for that RFP response?

DEPUTY COMMISSIONER GREENFELD: I don't really know how many applied for them. We have between 2 and 10 bidders on any specific contract across the board.

CO-CHAIRPERSON WON: So out of 2 and 10 bidders, Griffin is the one that was awarded 25 million dollars for landscaping while the owner serves federal prison time for bribery. So out of 2 to 10 bidders, they were the only ones that could serve these critical specialized services?

DEPUTY COMMISSIONER GREENFELD: Thank you for that question. I don't know, Chris, if you want to take that one. Yeah.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

47

3 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

4 Thank you for the question, Council Member. If I may,
5 I want to clarify the process a little bit,
6 especially for tree planting contracts. Most of our
7 contracts, especially construction, have to be let by
8 competitive sealed bid, not by RFP. So, we can't
9 evaluate all of the vendors and then pick the best
10 one. That's not what we did here. We have to evaluate
11 the apparent low bidder. And then, of course, because
12 it's by competitive sealed bid low bid, if we were to
13 pass over a vendor, we would be going with a vendor
14 with a higher bid, so some of that kind of factors
15 into our analysis.

16 CO-CHAIRPERSON WON: Thank you. So has
17 Parks Department considered whether the current
18 sealed competitive bidding model for procurement
19 discourages responsible contractors from competing
20 when the same contractors like Griffin or Dragonetti
21 are allowed to get special monitoring agreements to
22 bid on the DPR tree work and are repeatedly awarded
23 for these contracts?

24 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

25 Thank you for the question, Council Member. We
consider that all the time. It is State law that

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

48

3 construction contract must be let by competitive
4 sealed bid. Happy to have a conversation with your
5 office about legislative reform.

6 CO-CHAIRPERSON WON: Okay. And then
7 doesn't the State law as well as City law try to have
8 some sort of integrity and ethics monitoring to make
9 sure that the owner of the company didn't go to jail
10 for bribery? How does that work?

11 DEPUTY CITY CHIEF PROCUREMENT OFFICER
12 KATSORHIS: Thanks for the question, Chair Won. That's
13 where we have the procedures that the City takes and
14 the monitoring agreements that DOI, who is I just
15 want to note is not with us today to answer that
16 question, but if they were here, I would believe that
17 they would answer to this and talk about the
18 substantial effort that goes into standing up these
19 monitoring agreements in order to mitigate the risks
20 effectively before awarding a contract.

21 CO-CHAIRPERSON WON: The 17 monitoring
22 agreements that you have from the year 2021 all the
23 way to 2025?

24 DEPUTY CITY CHIEF PROCUREMENT OFFICER
25 KATSORHIS: That's correct.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

49

3 CO-CHAIRPERSON WON: Only 17. It's hard
4 for me to believe that there's only 17 that need
5 this.

6 CHIEF DRURY: I just think that's a
7 testament to the fact of how unusual and rare these
8 sort of circumstances are, right... (CROSS-TALK)

9 CO-CHAIRPERSON WON: Or that it is a
10 testament...

11 CHIEF DRURY: Findings of extremely
12 adverse.

13 CO-CHAIRPERSON WON: Or a testament that
14 our current process is not working adequately with
15 the amount of corrupt contracts that have been doled
16 out over this past tenure of the current sitting
17 Mayor. So, can you help me understand for Griffin and
18 Dragonetti, how many contracts have they been awarded
19 now? Because we're hearing from advocates that it's
20 been repeatedly awarded to these two contractors. How
21 many contracts are you awarding to them?

22 CHIEF DRURY: I believe the two together
23 collectively hold 11 out of 32 tree-related
24 contracts, I believe.

25 CO-CHAIRPERSON WON: That's a pretty large
share of the 32 contracts for the City of New York.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

50

3 CO-CHAIRPERSON KRISHNAN: Sorry, Chair.
4 What's the total amount of those 11 contracts?

5 CHIEF DRURY: I think we'd have to double
6 check. The dollar figure, you mean?

7 CO-CHAIRPERSON KRISHNAN: Yeah.

8 CHIEF DRURY: Yeah. I'm afraid we'd have
9 to double check that.

10 CO-CHAIRPERSON WON: Well, according to
11 our numbers that we have from the Council side, it's
12 40 million plus 25 million so 65 million.

13 CHIEF DRURY: Yeah. We can double check
14 that.

15 CO-CHAIRPERSON WON: I'm sorry to beat a
16 dead horse, but I just want to go back to MOCS'
17 testimony. But we heard testified certain questions
18 in the questionnaire are designed to generate a flag
19 based on the vendor's response so self-reporting. If
20 the information provided by a vendor is in response
21 to such a question generates a flag, those
22 disclosures are not finalized until MOCS reviews the
23 disclosure for completeness. If the vendor's
24 disclosure response does not generate a flag, then
25 the disclosures are automatically, underscore,
automatically filed. If I were a bad actor, wouldn't

it be fair to assume that I would answer those vendor questionnaires in such a way that it would not generate a flag, so I would automatically bypass additional vetting, especially Dragonetti and our friends at Griffin who have been awarded multiple contracts? There seems to be a loophole.

DEPUTY CITY CHIEF PROCUREMENT OFFICER

KATSORHIS: Chair Won, thank you for pointing that out. There's one thing that I think that it's important to note, that the vendor questionnaires is also, again, one part of the process, and so that's what the vendor is self-disclosing, but that is not the entirety. We don't take it on its face value. That's what individual agencies do. That is part of that responsibility determination where individual agencies are now conducting their own line of vetting and then extends beyond. That is just one piece of the puzzle that is being used here.

CO-CHAIRPERSON WON: So, let's go back to the automatic part, that if I were a vendor like Griffin or Dragonetti who has been working in the system for a long time despite my corruptions and unethical behavior, that I'm going to automatically be able to bypass the MOCS/DOI review that you have.

So for Parks Department, what are you doing in addition that you decided that these two vendors were very responsible and you want to continue to do business with them contract after contract after contract that you're continuing to award them?

CHIEF DRURY: Thanks for the question, Council Member. I think Chris here can describe some of the many information sources that are referred to, broadly speaking, when reviewing for responsibility. I'll turn it to him.

AGENCY CHIEF CONTRACTING OFFICER ADKINS: Thank you, Council Member. Thank you, Matt. I just want to hopefully help clarify that, again, as my colleague from MOCS stated, I think he was describing in somewhat detail the vendor questionnaire process. It's just one process, right? So we have a number of searches that we do sort of in PASSPort and outside of PASSPort, a number of databases, including searching press, legal databases like LexisNexis. So to point out, to respond to your hypothetical, Council Member Won, if they were to disclose that they don't have any adverse findings, we're going to search and find out, and then they will have lied on their disclosure, and that's a big problem as well.

So we check other City agencies' databases, state
databases.

CO-CHAIRPERSON WON: That's actually more
concerning to me. So, I'm still trying to wrap my
head around the criteria that Parks Department and
MOCS uses on the City of New York to determine
whether a contractor is quote, unquote, responsible
bidder, or business integrity as defined under PBB
rules, because for you to tell me that you are aware...
so you were aware awarding these contractors of
company insurance fraud convictions. You were aware
of federal prison time for bribery. You were aware of
debarment for documented wage theft as far back as
2016. So, help me understand what criteria you're
using that allows you to think that these people are...
they should continue to be responsible vendors that
we allow to do business with integrity with the City
of New York for millions and millions of dollars. I
still don't understand.

AGENCY CHIEF CONTRACTING OFFICER ADKINS:
Thank you for the question, Council Member. We are
aware. We became aware as soon as the indictments,
you know, became public, and of course we take, you
know, any adverse information that we find on a

1 vendor, whether it is prior to award or after award,
2 very seriously. Our first step in the interest of due
3 process is always going to be to reach out to the
4 vendor to ask whether and how they're going to
5 address it, and we take that as a threshold issue
6 before we determine whether we can continue doing
7 business with them. My colleague Matt's testimony
8 made an example about, you know, an Environmental
9 Control Board lien coming up, right? This is
10 obviously a little bit different than that, but it is
11 because of the extraordinary steps that the companies
12 took to address the allegations, not just by entering
13 into a monitorship agreement, but also by removing
14 the indicted individual from the company,
15 implementing a company code of ethics, retaining an
16 internal integrity monitor at their cost, and of
17 course all of that is memorialized in the monitoring
18 agreement. That was, you know, how we addressed, how
19 the vendor was able to address these allegations, and
20 we were able to continue doing business after having
21 put the contracts on hold.

22
23 CO-CHAIRPERSON WON: I want to acknowledge
24 that we've been joined by Council Member Vernikov.

But, again, none of you have answered the question, what is the criteria used to determine that someone's responsible or that they have business integrity? What you guys are telling us, what you all are testifying is in response to, after you find out that someone that you've awarded contracts to is not someone with business integrity who should not be responsible. So, what benchmarks do you use to actually say that these people pass our threshold for responsible? That's what we're asking you, but we're not getting that answer from you. We're not hearing a response. We don't even know what the definition is for responsible. We don't understand what thresholds or criteria you're using to say that these people meet our benchmarks or that they actually are someone we want to do business with. That's what we keep on asking and we're not getting an answer for.

I'm going to turn it back to the Chair for more questions.

CO-CHAIRPERSON KRISHNAN: Thank you, Chair. I'm going to turn it over to some of our Colleagues now who had questions. Council Member Narcisse.

COUNCIL MEMBER NARCISSE: Thank you,
Chairs. Thank you for being here and being present to
ask the question.

For me, as a former contractor for New
York City, we have issues and I'm in agreement with
my Colleagues here for saying how could we let folks
come in that have issues, but there's other issues
that we have to deal with. It's management, money,
and money never come on time. Then you're not having
staff to deal with the problems. We're making sure
that they're on top of what's going on. For me, that
giving room for folks to get contract that should not
be getting contracts. Let's be honest with things.
Describe the invoices process, right? When a
contractor has completed requirement work on a
capital budget. How often are payment to contractors
delayed?

CHIEF DRURY: Thanks for the question,
Council Member. I can certainly confirm that paying
our vendors is extremely important. The City's
processes can be complicated to navigate, but I'll
turn to our ACCO here, Chris, to talk a little bit
more about, broadly speaking, vendor payments on that
front.

COUNCIL MEMBER NARCISSE: And by the way,
I have to be specific. I'm not talking about the
management just for presently. I'm talking about
management on top of management, because getting
delayed the money process is a big problem on the
part of getting great vendors as well so we need to
correct that. Yeah, you can answer your question.

AGENCY CHIEF CONTRACTING OFFICER ADKINS:
Thank you, Council Member, for the question. Thank
you, Matt. As Matt said, we pride ourselves on not
only making sure that payments are made on time as
much as possible, but also making sure that our
payment review and authorization process is compliant
with a number of City laws and governing laws and
requirements. The general process for payment
requisitions in a capital context is the vendor will
provide what we call a pencil copy or draft payment
requisition or invoice. Field staff will review the
draft and provide any corrections. Contractor then
submits their final payment requisition. There are
two levels of approval. At the agency level and the
program level, the payment goes to our accounting
team. It is audited by the engineering audit officer
and, you know, who can perform a desk audit or even

field audits. And then payment information is provided to the Financial Information Services Agency and then released by electronic funds transfer. With funding in place and, you know, in the absence of any holds on payments, such as, you know, deductions for noncompliance or investigation, liens, and so on, payments are typically released within 30 days of a final payment being submitted.

COUNCIL MEMBER NARCISSE: I don't think your payment really being 30 days (INAUDIBLE), but that's another story to itself process, because I know payment from the City has not been easy.

What process is used to ensure the contractor gets paid and the work is completed acceptably?

AGENCY CHIEF CONTRACTING OFFICER ADKINS:
Again, with the funding in place and an absence of holds or deductions on the payment, payments are nearly always released within 30 days of a final approved requisition. There are prompt payment provisions in the contract to help ensure subcontractors get paid for their work when the prime contractor is paid for that work. And performance on contract work is evaluated according to the

Procurement Policy Board, the PPB rules, and other governing laws, and then recorded in the PASSPort system. We also have contractual mechanisms like retainage, guarantee, bonds, default mechanisms, deductions, and liquidated damages in applicable contracts to help ensure performance of contract obligations.

COUNCIL MEMBER NARCISSE: And the interests are ridiculous. You know, I've been there, done it, so that's why I can tell you.

What criteria are agencies required to use to determine whether to competitively rebid versus renew?

CHIEF DRURY: So, during the process, during the competitive sealed bid, there can be a circumstance in which a bid comes in higher, bids come in higher than expected, is that what you're referring to?

COUNCIL MEMBER NARCISSE: What criteria do you use to determine? So, are you going to renew or are you going to give the rebid to the contract?

AGENCY CHIEF CONTRACTING OFFICER ADKINS: Understood, I think. Thank you, Council Member. We do have renewal provisions in some of our contracts, and

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

60

the determination that we make whether to exercise that renewal option which exists at the agency or the City's discretion versus competitively bid or, you know, issue a new RFP is, you know, dependent on a number of factors, most notably whether we are going to continue to get good pricing and good performance from that vendor. If the work is going well, then chances are that we would decide to renew rather than re-procure. Typically, re-procuring has a higher cost and can be a time delay.

COUNCIL MEMBER NARCISSE: Does MOCS track whether renewed contracts have higher rates of performance problems? You want me to repeat it? Does MOCS track whether renewed contracts have higher rates of performance problems?

DEPUTY CITY CHIEF PROCUREMENT OFFICER
KATSORHIS: Thank you for the question, Council Member. I'm sure that PASSPort does contain that information and that a report can be done to do that, but I don't have that information handy, and we can certainly follow up to answer your question at another time.

COUNCIL MEMBER NARCISSE: All right. I'm going to stop right here, but one of the

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

61

3 recommendations I'm going to give is to make sure
4 that vendors are getting their pay, and you can have
5 more competitive, and we cannot forget minority
6 business owned, and to be integrated in the process
7 if we want to address the inequities in our city. And
8 when you do have smaller contractors, I will say to
9 take a little close eye on that and try to support,
10 and that's why now you have bidders that can have
11 issues and you continue dealing business with. We're
12 not opening the process, and then actually be
13 transparent with the process and help those that are
14 coming to the field trying to do business with the
15 City of New York. So, I thank you, but let's do
16 better, because when you have corruption around all
17 over, it's just not looking good for us as a City,
18 and we need to do better. That's all I can say. Thank
19 you, Chairs.

20 CO-CHAIRPERSON KRISHNAN: Thank you,
21 Council Member Narcisse.

22 I also want to mention we've been joined
23 by Council Member Bottcher.

24 And I'll turn it over to Council Member
25 Vernikov.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

62

3 COUNCIL MEMBER VERNIKOV: Thank you,
4 Chairs.

5 Good afternoon. My questions are for
6 MOCS. My first question is what consequences do
7 agencies face when they award contracts to vendors
8 that later prove nonresponsible? Are there any
9 penalties for agencies that repeatedly fail to
10 appropriately investigate their vendors?

11 DEPUTY CITY CHIEF PROCUREMENT OFFICER
12 KATSORHIS: I'm sorry, Council Member. Can you repeat
13 the question one more time?

14 COUNCIL MEMBER VERNIKOV: Oh, sure. What
15 consequences do agencies face when they award
16 contracts to vendors that later prove nonresponsible?
17 Are there any penalties for agencies that repeatedly
18 fail to appropriately investigate their vendors?

19 DEPUTY CITY CHIEF PROCUREMENT OFFICER
20 KATSORHIS: Thank you for the question. As soon as
21 adverse information comes up that causes concern on
22 an existing contract, that's a different type of
23 discussion than a consideration prior to awarding a
24 new contract. Either way, the oversights are informed
25 both internally within the individual agencies as
well as the New York City Law Department, Department

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

63

3 of Investigation, MOCS, as needed, depending on the
4 issue. So, if there is a case where agencies may be
5 making questionable determinations on things or
6 actions, then MOCS would review its ability to
7 conduct the procurement process, and we may consider
8 limiting their delegated abilities to operate within
9 PASSPort, which would be a recommendation for award,
10 for example. We would have that delegation removed
11 from that agency to make sure that the oversights,
12 such as MOCS, would review each award as it comes
13 forward, so that it can have a review before anything
14 is let.

15 COUNCIL MEMBER VERNIKOV: But in regards
16 to penalties, are there penalties?

17 DEPUTY CITY CHIEF PROCUREMENT OFFICER
18 KATSORHIS: I'm not quite sure I understand what you
19 mean by penalties.

20 COUNCIL MEMBER VERNIKOV: Are there
21 penalties for any agencies that repeatedly fail to
22 appropriately investigate their vendors?

23 DEPUTY CITY CHIEF PROCUREMENT OFFICER
24 KATSORHIS: So, Council Member, there is no penalty
25 that I could think of.

COUNCIL MEMBER VERNIKOV: Okay.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

64

3 DEPUTY CITY CHIEF PROCUREMENT OFFICER

4 KATSORHIS: Because the process that exists will bring
5 the issue to light, and so I sincerely would question
6 whether or not an agency would be making actions
7 without any oversight involved.

8 COUNCIL MEMBER VERNIKOV: I'm sorry. You
9 would question?

10 DEPUTY CITY CHIEF PROCUREMENT OFFICER

11 KATSORHIS: I sincerely doubt that agencies would be
12 operating without its oversights involved, and any
13 kind of adverse information or issue that may arise
14 in the course of their contracts.

15 COUNCIL MEMBER VERNIKOV: The Comptroller
16 has also recommended prohibiting noncompetitive
17 procurement for entities under federal investigation.
18 Why hasn't MOCS implemented this recommendation?

19 DEPUTY CITY CHIEF PROCUREMENT OFFICER

20 KATSORHIS: Thank you for the question. As I mentioned
21 in my testimony earlier, it's the City's policy not
22 to debar, and so that would be that the City just
23 doesn't do that unless there's some extreme
24 circumstances, and so we do have a process in place
25 where we do check the vendor's responsibility, we do

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

65

3 have our oversights, and to take mitigating steps to
4 reduce the risk to the City.

5 COUNCIL MEMBER VERNIKOV: Okay. How many
6 contracts citywide are renewed without competition on
7 average each year?

8 DEPUTY CITY CHIEF PROCUREMENT OFFICER
9 KATSORHIS: I'm sorry. Council Member, let me make
10 sure I understand your question. When renewing a
11 contract, we're exercising the option that you have
12 in the existing contract to renew. So can you help me
13 understand?

14 COUNCIL MEMBER VERNIKOV: Yeah. The
15 question is how many contracts citywide are renewed
16 without competition on average each year if you know.

17 DEPUTY CITY CHIEF PROCUREMENT OFFICER
18 KATSORHIS: I can get back to you on that.

19 COUNCIL MEMBER VERNIKOV: Okay. What
20 criteria are agencies required to use to determine
21 whether to competitively rebid versus renew?

22 DEPUTY CITY CHIEF PROCUREMENT OFFICER
23 KATSORHIS: I'll have to follow up with you, Council
24 Member.

25

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

66

3 COUNCIL MEMBER VERNIKOV: Okay. Does MOCS
4 track whether renewed contracts have higher rates of
5 performance problems? Oh, I think that was asked.

6 DEPUTY CITY CHIEF PROCUREMENT OFFICER
7 KATSORHIS: Yes, Council Member. Again, equally good
8 question, but that's something I'll have to be able
9 to get back to you.

10 COUNCIL MEMBER VERNIKOV: Okay. Thank you.

11 CO-CHAIRPERSON WON: I have a follow-up
12 question. Have you ever considered just straight up
13 replacing the Agency Chief Procurement Officer at
14 Parks Department since there seems to be a lot of
15 contracts that should not be in place being awarded?

16 CHIEF DRURY: Our agency staff hires are
17 made at the Commissioner level. Those decisions are
18 made by the Commissioner. We're very proud of our
19 contracting staff, but to answer your question, I'm
20 not aware that there's been any consideration of
21 making those changes. As discussed today, the
22 arrangements that have been made were in highly
23 exceptional circumstances and were done pursuant to
24 policies that exist, that have existed since the '90s
25 in coordination with DOI and others so I think we
don't really... I think I guess I'll leave it at that.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

67

3 CO-CHAIRPERSON WON: Right. I'm going to
4 turn it over to Vickie Paladino for... well, she might
5 have to walk off.

6 CO-CHAIRPERSON KRISHNAN: Council Member
7 Narcisse has a quick followup, and then we're going
8 to turn it over to Council Member Paladino.

9 COUNCIL MEMBER NARCISSE: Yeah. I want to
10 find out, do you have contracts for the trees when it
11 comes to lantern flies, when it comes to bees,
12 because facing the community is at rage for those
13 things. They cannot touch the trees. That's the City
14 trees, but yet those flies are flying over their
15 houses. I have some terrible pictures. I know for
16 lantern flies, we are about to get rid of them very
17 soon with the weather, but how about bees? Different
18 things are going on. Do we have a contract in the
19 City for that?

20 CHIEF DRURY: Meaning like a beehive that
21 is in a tree?

22 COUNCIL MEMBER NARCISSE: To manage the
23 bees, yes, and the lantern flies. Like this summer
24 now, I have some picture that they had sent in the
25 office, horrible. And then they cannot touch the
trees.

CHIEF DRURY: I wouldn't say there's a standing contract for beehive removal, but, you know, if there is a severe concern about a beehive located in a tree, you know, if you could bring that to our attention, and I think we'd approach. To use a slightly different example, we certainly run into wasp nests, hornet's nests, beehives that are in, you know, in the eave of a Park's restroom building or, you know, another sort of facility, and our maintenance and operations staff certainly work, you know, with all due protection to remove said, you know, anything that's dangerous, you know, that's something we can address. Specific to hives in trees, I'm not as familiar with the details, but I think, you know, if there's a specific safety concern.

COUNCIL MEMBER NARCISSE: I have... (CROSS-TALK)

CHIEF DRURY: Please bring that to our attention. We'd take a closer look.

COUNCIL MEMBER NARCISSE: But they call Parks, but nobody's kind of like, it's passing the buck like, nobody's kind of have a plan to come and, and themselves, they cannot touch the City trees. But what do they do in that? Do you have contractors?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

69

3 CHIEF DRURY: There's not an existing...
4 (CROSS-TALK)

5 COUNCIL MEMBER NARCISSE: Do you have
6 contractors to take care of those?

7 CHIEF DRURY: I suspect that's the kind of
8 work that would probably be done in-house with Parks
9 employees, I suspect, but I could be wrong. Sorry.

10 DEPUTY COMMISSIONER GREENFELD: I will
11 also say that we give free tree work permits to
12 anybody who does want to go up in a tree and take
13 care of a bees or a wasp nest. If it's a concern to
14 account to a homeowner, we can work with you to offer
15 that permit. It's free.

16 CHIEF DRURY: So, it's not that they're
17 forbidden from doing it. They're forbidden from doing
18 it without consultation and approval.

19 COUNCIL MEMBER NARCISSE: All right. So
20 good to know. We'll follow up again. Thank you. I'll
21 wait.

22 CO-CHAIRPERSON KRISHNAN: Thank you,
23 Council Member Narcisse. Thank you for waiting too,
24 so that we have quorum.

25 And Council Member Paladino, you're up.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

70

3 COUNCIL MEMBER PALADINO: Good afternoon,
4 everybody. Can you hear me okay?

5 CO-CHAIRPERSON KRISHNAN: Yes.

6 COUNCIL MEMBER PALADINO: Good. Thank you,
7 both Chairs, for hosting this meeting.

8 This is extremely, extremely important.

9 You know, with everything that we have going on, I'm

10 breaking down numbers here. I guess I'm going to

11 throw it out there and you tell me who's going to be

12 able to answer first. We've already come to the

13 conclusion that this has been an absolute joke as far

14 as the amounts of millions and millions of dollars

15 that are being given out to corrupt companies.

16 Anybody who runs a Council office, like all of us

17 here do, we know that I'd go 75 to 80 percent of our

18 complaints, especially in a very residential area

19 such as mine, deals with trees and deals with

20 anything that has to do with forestry, as well as our

21 parks. Now, let me understand this. Is it true? Did I

22 hear correctly that there are only two tree

23 contractors for seven million trees in the City of

24 New York?

25 CHIEF DRURY: No. Hi, Council Member. No,

I don't believe that's correct. I believe we have...

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

71

3 how many different? It is a finite universe of
4 contractors that are qualified for this really kind
5 of unique and technical work. And I'll hand it over
6 to Commissioner Greenfield to provide more context.

7 DEPUTY COMMISSIONER GREENFELD: Sorry.

8 Thank you for that question. I think what you recall
9 is that I had said there were between two and eight
10 or something like that bidders per contract. I think
11 that may have been the number, but perhaps our ACCO
12 can, I don't know if we have the other number.

13 COUNCIL MEMBER PALADINO: Not to interrupt
14 you. Let's get to the quick. So how many actual tree
15 contractors do we have here in the City of New York?
16 Give me the borough of Queens. I'm from Queens. How
17 many tree contractors do we have?

18 AGENCY CHIEF CONTRACTING OFFICER ADKINS:
19 Thank you for the question, Council Member. We
20 counted 12 viable tree planting vendors.

21 COUNCIL MEMBER PALADINO: Well, that's
22 what I thought I heard ways ago.

23 Okay. Now, also, I want to dissect the
24 number. 325 contractors, am I reading that right, at
25 a price of 700 million dollars. What are we getting
for 700 million dollars?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

72

3 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

4 Thank you, Council Member, for the question. I think
5 you're reading from testimony that we awarded..

6 COUNCIL MEMBER PALADINO: I am.

7 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

8 We awarded 355 capital contracts for just over 700
9 million. Is that correct? And I'm sorry, do you mind
10 repeating your question, please?

11 COUNCIL MEMBER PALADINO: Yeah. 325

12 hundred contractors. And they are getting 700 million
13 dollars?

14 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

15 Yes. The Parks Capital Division awarded 355 prime
16 contracts totaling over 700 million dollars to
17 approximately 100 distinct prime vendors. Again,
18 that's the capital projects universe. And then not
19 counting the contractors individually, the awards
20 were to 165 prime contract awards and 929 subcontract
21 awards. Again, all determined each on their own on a
22 case-by-case basis to be responsible vendors under
23 the PPB rules.

24 COUNCIL MEMBER PALADINO: Okay. So, what

25 I'm trying to figure out here is the actual cost.

We're making people very, very wealthy here, aren't

we? I have some really simple solutions to this.
Since there's so much corruption and absolute
corruption breeds corruption absolutely, that's the
problem we have. And right now, what I'd like to see
happen, and I'm seriously considering this for my
District, I want to see my local small business
landscapers, tree contractors, of which we have many.
You tell me how we can localize this and make this,
localize this to 51 different Council Districts,
rather than give contracts out that are obviously to
this guy, Champion, Griffins, Dragonetti, three
contractors, okay, that we cannot seem to shake as
far as we're rehiring them and rehiring, giving them
more and more and more. I want my guys here in my
District, the small guys who've been operating
businesses for 20 years, 30 years, 40 years,
respectively so. And I am a contractor myself, former
contractor, and a landscaping contractor. My medians
look like hell. The sides of my roads look like hell.
My trees look like hell. My sidewalks are being
picked up. It takes 7 to 10 years trying to tell a
constituent, gee, I'm sorry, but you know what, you
need to wait another seven years. I know you applied
three years ago. So I think if we bring this down to

a local level, you tell me what a local contractor that lives in my neighborhood or is from in and around my District or surrounding Districts can start to bid properly and qualify so they can come into their Districts, know their Districts as they do, and get the work done for probably, to say less than half of what you're doing right now is an understatement. Tell me, let's fix this problem. This problem has a solution. Let's work on that. Tell me, give me some of your ideas.

CHIEF DRURY: Yeah. No, we appreciate that, Council Member. And I think as some of my colleagues have noted, Parks has worked aggressively to try to encourage more smaller businesses to consider doing business with the City and to get involved. I think some businesses find it a little daunting, maybe a little intimidating, and we really want to work as closely as possible. And those efforts can take a wide variety. That can be outreach events and fairs, things of that nature. It can be sort of more closely one-on-one for new applicants.

COUNCIL MEMBER PALADINO: I could pick up the phone and call them tomorrow and say, I'd like you to get a contract with the City. Are you

interested in doing that? You want to know what one of the biggest problems were when we took contracts with the City, my husband and myself with our business was getting paid. We were waiting 60 to 90 days, if not more. 60 days was a dream. Sometimes we were waiting six months, eight months. Can't run a business like that. So that's the deterrent that a lot of the smaller, more local, honest guys are going to get. I want to figure out a way that we can work this out on a timely basis. You know, when we talk Parks and we talk MOCS, we're talking in a very grand scheme of things. We're the City of New York. It's huge. I say we take that pie, we break it down, and we figure it out, and we can do this. So, I know they have to go through PASSPort and I know all of that. Give me something that I could say to my local contractors that would make it appealing to them to go through PASSPort, to try to get what they need to get, and the big thing would be money so tell me how we could figure that out.

CHIEF DRURY: We appreciate that, Council Member. And I think we'd like to take that back and put a little thought into the best way to sort of frame and package, you know, the sort of messaging

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

76

3 that could go out to, you know, we work really
4 closely with Small Business Services, you know, other
5 agencies, you know, in terms of, you know, the City
6 wants to do business with New York companies that are
7 out there. Local services are the best services,
8 right? We know that. So, you know, I think there's a
9 lot of work to do on that front. And, you know, happy
10 to work with you on that further.

11 COUNCIL MEMBER PALADINO: You just broke
12 up. I don't know if you can hear me.

13 CHIEF DRURY: We can hear you, Council
14 Member. I'll restate, you know, we'd like to actually
15 take this back and give it some more thought. And in
16 terms of the best way to frame that information for
17 small businesses out there that you can help connect
18 with, and we'd encourage, we'd love to partner with
19 all Council Members and all elected officials all
20 over the city to, you know, to encourage those
21 conversations all across the city so we'd like to
22 explore new and creative ways to do that anytime, for
23 sure.

24 COUNCIL MEMBER PALADINO: I mean, Griffin
25 came from Westchester. We're paying people who don't
even live in the City of New York to come down into

the Bronx. Westchester isn't far, I realize that. But there's got to be a better way to be able to do what we're doing, and if you can figure out a package, I think my Council Members would be thrilled to death to know that their Districts would be handled by their own contractors who live not far. These guys are hungry for money. They need the work. And I think if we could feed our own first, and these are honest small business people who want to make a living, I think we should try to figure that out. And since I am on the Parks Committee, I think between Julie with Contracts and Shekar as Chair, I think we could really put our heads together. Like I said, I did this for a living for over 35 years. I know from which I speak, and I know what goes into these things. I want to help. I want to work. I want to get my guys. I want my District to look as it should. Not a single homeowner should have to wait 7 to 10 years to get a tree trimmed, and sidewalks should not have to take 7 to 10 years to get repaired. Meanwhile, the homeowner gets sued when the sidewalk is lifted. Then we have a stump problem. That comes with trees. You take the tree down, and then you get the stump grinded down. The stumps is what's causing the

sidewalks to rise. People are getting sued. This is a problem. And it can't wait any longer. And the idea that these guys were making this kind of money and being convicted of felonies, and yet still being able to--this is ridiculous. But thank you, Shekar. Thank you, Julie. Thank you, everybody, for having this meeting. I think we really are going to cut some ground now, and we're going to figure this out. We can get this fixed. I know we can. Thank you.

CO-CHAIRPERSON KRISHNAN: Thank you so much, Council Member Paladino. I couldn't agree more that it's such a glaring problem, and it takes so long to get trees the service they need to. There's clearly a need on multiple levels to expand the pool of contractors, and I think what we are urging is Parks and MOCS all to come together to really figure this out, because we keep going back to the same well, and it's a very corrupt well, and it shouldn't be one that we should keep going back to to get services, while at the same time, there's, separate and apart from that, a great need for more contractors to reduce the delays in tree maintenance.

Next up, we have a question from Council Member Bottcher.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

79

3 COUNCIL MEMBER BOTTCHEER: Good afternoon.
4 Thank you to Chairs Won and thank you Council Member
5 Krishnan, for Chairing this Committee.

6 The Mayor's Office of Contract Services,
7 you oversee the procurement processes for the City,
8 and, you know, in many ways, I feel for you for what
9 you've had to inherit and the hard work you're doing
10 to reform this system, but I want to share with you
11 just one example of what we are seeing on the capital
12 side in our District with respect to the cost of
13 capital projects, and just one example is a bathroom
14 in DeWitt Clinton Park. How much would you guess a
15 restroom in DeWitt Clinton Park is going to cost to
16 renovate?

17 CHIEF DRURY: To clarify, that question is
18 directed at our MOCS colleague. Is that correct?

19 COUNCIL MEMBER BOTTCHEER: Yeah.

20 DEPUTY CITY CHIEF PROCUREMENT OFFICER
21 KATSORHIS: Thank you, Council Member. I'm afraid I
22 couldn't even begin.

23 COUNCIL MEMBER BOTTCHEER: I know. I know.
24 Six million dollars. There have been efforts to
25 address the ballooning costs, and I know that those
efforts are, you know, evidently still underway, but

could you just briefly just give us some hope, give my constituents some hope that there's going to be some sanity brought to these price tags, because I, as part of with my Council discretionary funding, I am able to fund these projects, and I struggle with funding them because it doesn't, in my view, it borders on being an abuse of the public's money when we're spending this much. You could rebuild my whole hometown for six million dollars, and this is a bathroom in a public park, so give us some hope that things are going to change.

CHIEF DRURY: I'm happy to interject here and maybe provide a little bit of hope. There's no denying that construction costs are remarkably high in New York City. I don't think that's unique to park projects. A recent study, I recall, I think New York City displaced, I think it was Zurich as the most expensive city in the world to construct things, so I think that's, and secondly, I just need to, just to clarify for everyone's benefit, the agency doesn't set prices, right, with like a price gun or something like that, right? Like this all goes through a competitive sealed bid process, just to be clear, and we share the frustration that these costs have risen

over the years, for sure, and the agency has taken really strong steps. That's been streamlining designs. We've actually had a really exciting, we're in the midst of a really exciting effort. We've installed one, what's referred to as the Portland Loo, which is sort of a standalone, six, is it, sorry, maybe six, but at a considerably lower cost. It is five, one per borough, and at a considerably lower cost. I think that came in around a million per site. There's a lot of complex work that comes with building restroom facilities, right, sewer connections, other utility connections. You know, it is not as simple as a small project in someone's home or what have you, but we fully acknowledge that those cost pressures can be frustrating. We share that, and it is not uncommon for the agency to have to reject a bid, bids that come in high over budget, right, and that's a difficult choice to make, you know, as opposed to going, you know, and then we sometimes have to go back to said Council Member who generously provided funding, you know, and so I think that is a frustration that's shared across the board, not just for Council-funded projects, but for those that are moving forward with Mayoral agency funding as well.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

82

3 COUNCIL MEMBER BOTTCHEER: The Trust for
4 Public Land renovates playgrounds in schoolyards.
5 They have done projects in our Council District in a
6 fraction of the time for a fraction of the cost, yet
7 they are not permitted to do capital projects in City
8 parks. Are you familiar with this dynamic?

9 CHIEF DRURY: I am. I understand they've
10 been involved in sort of what we call broadly the
11 Schoolyards to Playgrounds program, working closely
12 with NYC Schools, and I understand they've been a
13 great and excellent partner. Private entities that
14 perform, you know, work do have advantages
15 structurally sometimes in terms of timeline and
16 occasionally cost. We have seen that where, you know,
17 privately funded entities can advance work at a
18 given, and that's for a very complex set of reasons
19 largely relating, you know, to the City's procurement
20 system and the rules that are in place for City
21 agencies to follow. Some of these entities do have
22 some structural advantages in that regard. I am less
23 familiar with proposals for them to do work
24 elsewhere. I'd be curious to hear more, and that's
25 something, you know, we could always look at.

COUNCIL MEMBER BOTTCHER: Yeah. I've spoken to the Commissioner, the last couple Commissioners about this, because we fund the Trust for Public Land to renovate schoolyards. We fund them. We allocate money to them as a non-profit. They do the work in a fraction of the time for a fraction of the cost, yet we can't fund them to do work in our parks.

CHIEF DRURY: Yeah. I'd have to look into the funding piece there. I'm a little less familiar with as to how and where TPL, that work was funded. I guess that it wasn't my impression that it was City-funded or City/Council-funded.

COUNCIL MEMBER BOTTCHER: Yeah. It's a mix of funding, but we allocate funding to them. I just want to give them money...

CHIEF DRURY: Sure.

COUNCIL MEMBER BOTTCHER: So that they can do our playgrounds in our parks for a fraction of the price at a fraction of the time, and I understand that there's, you know, hurdles to overcome, but I think we should all try to figure that out, because to the extent that there's a public/private model here that could save a lot of money and get projects

done a lot quicker, I really want to work on this
with you.

CHIEF DRURY: Yeah. Thank you so much,
Council Member, and I think that's something we're
very interested in doing. We've worked with some
close partners, Central Park Conservancy and others,
to advance projects with a public-private model.
We've seen some considerable success. You know, will
it be replicable at every, you know, corner
neighborhood park? That, I'm not sure. I think that's
a nuanced and complicated discussion, but one we're
very eager to work with you on.

COUNCIL MEMBER BOTTCHER: Thank you.

CO-CHAIRPERSON KRISHNAN: Thank you,
Council Member Bottcher. I just want to second his
strong support for Trust for Public Land. They do
excellent work. They've done work in my District,
too, and, you know, really provides a model of ways
that this can be done quickly and efficiently.

Going back to the other questions that we
had, I know Council Member Narcisse touched on this a
bit, too, but just to look at it from a different
standpoint, these contractors also have a very, very
low to non-existent M/WBE participation rate, and my

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

85

question is, if you look at it from that standpoint,
too, what is the Parks Department doing, even moving
away from these very problematic contractors, to
expand the pool of M/WBE bidders, which provides yet
another avenue to move away from problematic
contractors and towards ones that align more with the
values of the City?

CHIEF DRURY: Broadly speaking, I'll just
start by saying that the agency is actually very
proud of its record, broadly speaking, with engaging
M/WBE vendors, especially in the sort of capital
world, but I'll turn to Chris to provide a little
more context on that front.

CO-CHAIRPERSON WON: Yeah. Could we have
some details of how many M/WBE contractors you have?

AGENCY CHIEF CONTRACTING OFFICER ADKINS:
Yes. Thank you, Council Members.

Parks is perennially among the top three
Mayoral agencies in contract dollars awarded to
M/WBEs. In Fiscal '25, Parks awarded 285 million
dollars to M/WBEs across prime and subcontracts,
which is 46.1 percent of our spending, which exceeds
the City's overall M/WBE utilization and targets.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

86

Specifically with regard to capital tree planting work, since 2023, 63 percent of our tree planting projects and 50 percent of our capital tree and sidewalk contracts were awarded to M/WBEs, and of the 12 vendors that we mentioned that are viable for tree planting work, six of them are M/WBEs. Very proud of the outreach and engagement efforts that that our Forestry Team has, you know, engaged in over the last several years, from cold calling vendors to holding informational sessions, working with the Department of Small Business Services to maximize outreach and engagement, and that's why we've been able to see more participation from small businesses and M/WBEs, and we've also been able to lower our tree prices as a result. Thank you.

CO-CHAIRPERSON KRISHNAN: Thank you. Our Council's analysis has shown that when it comes to street tree work, that entities under a monitorship have an incredible low or no M/WBE subcontracting. Is that correct? And if so, why is that the case?

AGENCY CHIEF CONTRACTING OFFICER ADKINS:
Thank you for the question, Council Member. M/WBE participation goals are for specific tree planting projects are usually low, given the very specialized,

specific nature of the work. There's limited subcontracting opportunities because the sites are very small. They're the size of a tree pit. They're spread across the city. They must be completed according to very aggressive productivity standards with steep liquidated damages provisions for not meeting them. In addition, there's technical requirements that make subcontracting the work impracticable for many reasons, cost, time, supervision, permits, tracking, administration. So when we do a goal-setting analysis, we typically determine that for, again, not just for these particular vendors, but for any street tree planting contract, that largely the contract has to be self-performed. The subcontracting opportunities for which there are M/WBEs available is typically limited to a little bit of tree guard work. Again, that does drive down the M/WBE goals for those particular contracts. But again, I want to point out that what we've been able to do with small businesses and M/WBEs, small purchases and outreach, we've been able to get our utilization overall for that program really, really high.

CO-CHAIRPERSON KRISHNAN: Thank you for the information. My concern is really the street tree program. I think we keep hearing about specialized services and reasons, and that just becomes a catch-all to keep justifying working with the problematic contractors, and I think we've got to find another way to figure this out, because by a lot of measures, by performance standards, by business integrity standards, by M/WBE standards, there's so many different reasons for parks to take a different approach to this.

Council Member Won, I think you had some questions too?

CO-CHAIRPERSON WON: Thank you so much, Chair Krishnan.

Yeah. It seems like we continue to ask the same questions. So if the Parks Department's hands are tied by the General Municipal Law competitive sealed bidding rules, and Parks must always take the lowest bid, then I believe bad actors are always going to put forth the lowest bid because they're doing wage theft, they have insurance fraud, some of them are in jail so it seems like a perverse incentive. Do you not agree with that? And what are

we doing to make sure that we aren't continuing in
this cycle of corruption?

CHIEF DRURY: As I think testimony from
both MOCS and Parks has shown today, I think there
are a variety of mechanisms in place to carefully
review bids that are submitted for projects and those
opportunities. I don't know that the City's approach
to competitive sealed bids necessarily invites anyone
to do anything other than submit the bid that they
think is best. I'm not aware of any external, but
perhaps contractors would have a different
perspective. I can't speak to that.

CO-CHAIRPERSON WON: So, you don't believe
there's anything wrong with our current process and
continuing... (CROSS-TALK)

CHIEF DRURY: I think our agency works
really hard to advance contracts appropriately as
quickly as possible so that the valuable work that's
included and reflected by these contracts is
delivered to New Yorkers. That's what I believe.

CO-CHAIRPERSON WON: Right. That's why
you're the echo officer. Could you also answer from
MOCS?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

90

3 DEPUTY CITY CHIEF PROCUREMENT OFFICER

4 KATSORHIS: Thank you, Chair Won. I'd be happy to have
5 the conversation with you on any legislative change
6 that you may want to suggest at the state level and
7 perhaps any changes to the New York City Procurement
8 Policy Board rules regarding competitive sealed
9 bidding.

10 CO-CHAIRPERSON WON: Okay. We'll
11 definitely follow up.

12 I'm sorry. You're not the ACCO Officer.
13 The one next to you is the ACCO Officer.

14 So we have other follow-up questions.
15 During the year-long delay in tree pruning caused by
16 Dragonetti Brothers' arrest, how many trees became
17 hazardous or died due to lack of maintenance, which
18 we all get complaints about in the City of New York?

19 CHIEF DRURY: I think we'd have to check
20 on the exact impact of any delays in processing those
21 contracts. Commissioner Greenfeld, I don't know if
22 you know off the top of your head.

23 DEPUTY COMMISSIONER GREENFELD: I wouldn't
24 know off the top of my head. We can tell you how many
25 trees we pruned each year compared to our goal, and
that's in the MMR. I don't have that at my

fingertips, but we report that every year. I would say that any delay, there would have been further delay had we gone through the termination process and rebidding. It would have taken as long, if not longer, as what we chose to do in consultation with all the other agencies who help us in our procurement decisions.

CO-CHAIRPERSON WON: Do you know how many emergency tree removals you had to do as a result of a year-long delay in tree pruning caused by Dragonetti Brothers' arrests?

DEPUTY COMMISSIONER GREENFELD: I don't have that information, but we can find out how many removals we did. We didn't see any increase in emergency tree removals or high-risk situations over the last whatever years. The only reason there would have been is if they had large storms, and that's when you'll see spikes in the work that we do.

CO-CHAIRPERSON WON: Can you also tell us the additional cost that it took that we had to recoup from City taxpayer dollars to do that for emergency tree removals due to the year-long delay?

DEPUTY COMMISSIONER GREENFELD: I don't anticipate that there were any increased costs to the

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

92

3 City due to the delay. I don't have that data in
4 front of me so I don't know for certain.

5 CO-CHAIRPERSON WON: So you believe that
6 even though there was a year-long delay in tree
7 pruning caused by the Dragonetti Brothers' arrests
8 with insurance fraud, that there was no emergency
9 removals or any other needs from the City of New York
10 with a year-long delay?

11 DEPUTY COMMISSIONER GREENFELD: I don't
12 believe so. We can look at the numbers at what tree
13 removals we had and what our risk numbers were, but
14 we monitor those sorts of trends very closely, and
15 I'm not aware of any trend that would have been
16 related to that delay.

17 CO-CHAIRPERSON WON: So do you have any
18 remorse as the Parks Department for the year-long
19 delay on tree pruning caused by the Dragonetti
20 Brothers?

21 DEPUTY COMMISSIONER GREENFELD: I'm sorry,
22 can you repeat that question?

23 CO-CHAIRPERSON WON: Does the Parks
24 Department have any sort of remorse or regret for
25 having hired the Dragonetti Brothers?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

93

3 DEPUTY COMMISSIONER GREENFELD: I think we
4 as a City take each of our decisions very carefully.
5 Parks Department doesn't do anything on its own. We
6 follow all procurement rules. We work with the MOCS
7 and with DOI and the City Law Department, and we made
8 the best decision, and we stand by that decision.

9 CO-CHAIRPERSON WON: So you believe that
10 hiring the brothers who caused the year-long delay in
11 tree pruning was the best decision the city could
12 have made?

13 DEPUTY COMMISSIONER GREENFELD: I think we
14 made the best decision.

15 CO-CHAIRPERSON WON: Okay. That's quite a
16 bold statement.

17 What percentage of Parks' total contracts
18 are renewals?

19 AGENCY CHIEF CONTRACTING OFFICER ADKINS:
20 Thank you for the question, Council Member. I'd like
21 to get back to you on that if we could. We don't have
22 that handy.

23 CO-CHAIRPERSON WON: Okay. Because we want
24 to know exactly how many contracts awarded to
25 Griffins Landscaping, Dragonetti Brothers, and
Champion Electrical were renewals versus new bids.

And we also have a lot of non-profit partners like Big Reuse that help with street tree cleaning, pruning, and of the sort. We want to understand how many non-profit organizations currently hold contracts with Parks, and have non-profit organizations expressed interest in taking over work from these problematic contractors?

CHIEF DRURY: Specific to tree-related work, I'm not aware that non-profits constitute a significant proportion of folks submitting bids. Anyone is welcome to, right? Nothing precludes a non-profit organization from building capacity and submitting a bid. It would be considered. I'm not aware that that's been a significant factor in recent years. We'd encourage anyone interested in doing tree work and doing business with the City of New York, regardless of how they're constituted, as a non-profit or for-profit. We'd be open to that. The City, Parks specifically, certainly has non-profit vendors that are paid through the agency. A big part of that, you might be familiar with, are Council discretionary awards, for example. These non-profits that are providing programming or what have you are sort of funded by the Council, but it's routed through the

Parks Department so that's probably the most significant category in which a non-profit entity is doing business with the City in that regard. But that's considerably different than sort of the large-scale construction work that's involved in tree work.

DEPUTY COMMISSIONER GREENFELD: Thank you for that question. I would also say that we facilitate, seek out, and work with non-profit partners for grant proposals. We do a lot to support other non-profit partners to get grant proposals. We streamline permitting. We help them find locations. And we try to make that as easy as possible. And they have been very successful in acquiring grants over the last several years.

CO-CHAIRPERSON WON: Okay. Over 30 elected officials demanded termination of Griffin's contracts. DPR didn't respond to any media inquiries. What are the Department's protocols to responding to Council and other elected officials' concerns about contractor integrity?

CHIEF DRURY: The agency, I believe to my knowledge, responds to each and every inquiry with a piece of correspondence. The agency has a correspondence system, as do all City agencies, and

we take inquiries and expressions from elected officials very seriously. So, I think you said something about press inquiries. I wouldn't be able to give you a number on the number of times we do or don't respond to an inquiry from the press. But specific to concerns that are expressed from elected officials, I think everyone on the dais today has sent us formal letters and have received formal responses so I think that's generally the agency's approach to the feedback from elected officials.

CO-CHAIRPERSON WON: Got it. So, what I'm still trying to understand, it sounds like from the testimony and what we're hearing on the dais is that the word responsible for responsible vendors is based on the discretion of the ACCO Officer or MOCS or everyone in between who are making these decisions and more towards can this contractor do the work. So, if bad actors continue to provide the lowest bid, we believe that other contractors who may not have issues with the government with fraud, wage theft, or bribery would be deterred from applying because they can't compete with the lowest bid. But for the standardized criteria in determining when integrity monitoring is appropriate versus outright debarment,

can you help me understand how you make those decisions in the City of New York? So when do you debar people? Like what is the threshold versus when you say we need to have integrity monitoring instead? And how does it work if the State debars? Because we know, as legislators, we are under the jurisdiction of State law. So how come that agencies we know have been barred, City can continue to do contracting work with them or continue to contract with them? That's what we're trying to understand. So, specifically as an example, how is it that a contractor convicted of defrauding several municipalities such as Griffin can continue to receive city contracts under monitoring?

DEPUTY CITY CHIEF PROCUREMENT OFFICER

KATSORHIS: So, Chair Won, thank you for the question. Just because I feel it necessary here, I'm just going to repeat parts of my testimony that I think addresses in part your question. So with regard to the City contracting practices, the PPB rules guide and govern the actions of City contracting agencies and vendors seeking to do business with the City as a foundational principle of City contracting. The rules mandate agencies make purchases from and award to contracts to responsible vendors. A responsible

vendor is one that affirmatively demonstrates having the capability in all respects to perform fully the contract requirements and the business integrity to justify the award of public tax dollars. I've also went on to say that it's noted and emphasized that it is the policy of the City that vendors are not subject to debarment except in very limited circumstances prescribed by State law. Now, a violation of labor law is one of those circumstances. Explicitly stated in the PPB rules following revisions that were recently made to the New City Charter, which I also think answers in part your question again, any discussion utilizing debarment would need serious consideration of constitutional and due process rights among other significant concerns regarding equity and ensuring the continuation of critical operations and services. So, stepping back for a moment, this is a very holistic approach to making this determination. It is not just one simple thing that is being used to apply broadly. It is a case-by-case that has to be taken very seriously. The City does take it very seriously. MOCS takes it very seriously. The contracting agencies and our other oversights, such as the Law Department and

the Department of Investigation. And so when we stand up in those cases where there is something questionable that may present a risk to the City that the Department of Investigation come in and if it sees as appropriate, will stand up a monitoring agreement that will satisfy the concerns that we have of the risk inherent in that situation, and so that enables the City then to make a determination. Keeping these circumstances in mind specific to this issue, we find that the vendor is capable of performing the way I had just described a responsible vendor is.

CO-CHAIRPERSON WON: I had always thought that the City of New York was risk adverse, but I'm seeing that we are very risk tolerant because a contractor like Griffin was convicted of defrauding several municipalities, but we just continue to do business with them. Interesting.

My next question is Dragonetti Brothers were debarred by DDC, but they continue to receive City Park contracts from the City, which we talked about already. So I'm trying to understand it. One, the Parks Department was aware of the debarment by DDC and does PASSPort from MOCS have a unified

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

100

debarment list that applies across all agencies so
that the agencies can see when another agency has
debarred a contractor?

DEPUTY CITY CHIEF PROCUREMENT OFFICER

KATSORHIS: I believe the information that you're
speaking to is caution information that may be the
result of a debarment specific to a City agency. It
wasn't to the City in general. That was a very, very
extreme circumstance in which we've already mentioned
that any of this adverse information would be
recorded in PASSPort for other agencies to see, and
it doesn't necessarily mean that the presence of that
information would cause an agency to automatically
overlook them or otherwise reject their proposal or
bid.

CO-CHAIRPERSON WON: So does PASSPort have
a unified system that has a debarment list for other
agencies to see when a City agency has debarred a
contractor?

DEPUTY CITY CHIEF PROCUREMENT OFFICER

KATSORHIS: No. The City does not have a debarment
list.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

101

3 CO-CHAIRPERSON WON: So was the Parks
4 Department aware of DDC's debarment when you accepted
5 the renewal?

6 AGENCY CHIEF CONTRACTING OFFICER ADKINS:
7 Thank you for the question, Council Member. I don't
8 believe, John, you can correct me if I'm wrong, that
9 we were aware of a debarment from DDC per se. They
10 may not have continued doing business with
11 Dragonetti. Again, a different case-by-case
12 situation. Parks decided to, again, after the steps
13 that were taken under this monitorship agreement,
14 Parks Determined to continue to do business with
15 them.

16 John.

17 DEPUTY CITY CHIEF PROCUREMENT OFFICER
18 KATSORHIS: Chair Won, I just want to also mention,
19 just because I received a copy of DOI's testimony
20 this morning just before walking in, and I do believe
21 that they go into detail about Dragonetti and the
22 three-year debarment from contracts with the
23 Department of Design and Construction and the three-
24 year condition of discharge, that this was a
25 condition of those particular circumstances of which
I don't have any more information other than what I

have in front of me, and I just wanted to bring that to the Council's attention as well to see what information that DOI has presented, but I would defer to DOI to give us any more details on the matter.

CO-CHAIRPERSON WON: Okay. I would really request that PASSPort have a new added feature that allows us to see debarment across the agencies so that agencies can be fully aware before they decide to do contracting with such vendors.

And I would also like to hear about what consequences agencies face when they award contracts to vendors that later prove non-responsible. Are there any? Are there any penalties for agencies that repeatedly fail to appropriately investigate their vendors?

DEPUTY CITY CHIEF PROCUREMENT OFFICER KATSORHIS: Thank you for the question, Chair Won. I'm not quite sure I understand the question. If I may try to rephrase the question back to you. If an agency awards a contract to a vendor that it's found responsible prior to award and then after the award of that contract, there are circumstances that may consider them to be, by whatever definition, not responsible. Am I understanding your question

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

103

3 correctly? I believe I had mentioned this earlier. I
4 believe the question had been asked. It's as
5 circumstances may arise in the course of a contract,
6 agencies take whatever action to respond to that
7 circumstance, whether that's bringing the issue to
8 MOCS, the Law Department, Department of
9 Investigation, or all three, but those circumstances
10 are raised in every case.

11 CO-CHAIRPERSON WON: Okay. So, there's no
12 penalty to the agency, but the agency just has to
13 take action when it's notified for contracting with a
14 vendor that is found to be corrupt or unethical, et
15 cetera.

16 DEPUTY CITY CHIEF PROCUREMENT OFFICER
17 KATSORHIS: There are no penalties that I would
18 consider worthy of an agency raising an issue to its
19 oversights.

20 CO-CHAIRPERSON WON: What are the courses
21 of action that contractors have to take when they are
22 found? So for example, for I believe it was
23 Dragonetti that caused a year of delays because they
24 have been having issues so what happens to these
25 contractors? Are they just continued to be paid out
until they can do the work?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

104

3 DEPUTY CITY CHIEF PROCUREMENT OFFICER

4 KATSORHIS: I would defer to my colleagues at the
5 Parks Department to speak to anything regarding
6 nonperformance in its contracts.

7 AGENCY CHIEF CONTRACTING OFFICER ADKINS:

8 Thank you, John. Thank you, Chair Won. Just want to
9 clarify that in the case of Dragonetti, that you used
10 it as an example, if I recall correctly, they were
11 indicted in late 2021 and established a monitoring
12 agreement after all the steps they took to address
13 the indictments and restore their business integrity
14 so I'm not sure exactly how long the contracts were
15 on pause for. It was a few months. I don't know
16 whether it was a year. But to answer your question,
17 no. They only get paid if they do contract work. And
18 after the indictments came out, we paused every type
19 of work except that which was necessary to protect
20 public safety and protect investments in grown trees
21 and things like that. And then, you know, the vendor
22 could not resume performing work on the contract and
23 thus not get paid for their contract work until we
24 had pre-established, you know, their integrity
25 through the monitorship and the steps that they took
in that regard.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

105

3 CO-CHAIRPERSON WON: Was there a process
4 where you could have just given that contract to a
5 vendor who did not have these issues?

6 AGENCY CHIEF CONTRACTING OFFICER ADKINS:
7 Thank you, Chair Won. That's a great question. Yes.
8 Again, you know, we take each contracting decision
9 very seriously and make sure we're compliant with all
10 relevant laws and rules, including the PPB rules.
11 There are provisions in the PPB rules for replacing a
12 terminated or defaulted contractor. We could have
13 followed those. That was part of our analysis.
14 Unfortunately, the length of time that it takes to
15 re-procure a defaulted contract plus the additional
16 expense that we would have incurred to find a
17 replacement contractor or go to the next lowest
18 bidder or find someone else to step in in the middle
19 of a contract were part of the factors that we
20 evaluated in making this determination.

21 CO-CHAIRPERSON KRISHNAN: Thank you, Chair
22 Won.

23 And now I'm going to turn it over to
24 Council Member Salamanca, who's joined us, who has
25 some questions as well.

COUNCIL MEMBER SALAMANCA: Thank you, Mr. Chair. Good afternoon. Excuse me. I came running from across the street.

So, I have questions about your contracts for the Forestry Department. Some of the issues that I'm encountering with some of my constituents is that there are trees that are encroaching into their property. We do a 3-1-1 complaint. They get a service number. The Forestry Department comes out and says, hey, the tree is healthy, regardless of the fact that the tree is encroaching into your property, and so they say, well, and we're not going to come and prune the tree to 2028 when they have it on a schedule, and so if you want to get this tree pruned, you have to come out, put in permits through the Parks Department, hire your own contractor, prune the tree, and then submit your receipts for the Comptroller's Office for reimbursement.

CHIEF DRURY: If there's damage to the home in that case. I think for the Comptrollers in terms of the... In in any case, sorry.

COUNCIL MEMBER SALAMANCA: So, no, I mean, so I just don't agree with this process. And, you know, first, is the Forestry Department fully funded?

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

107

CHIEF DRURY: Fully funded.

COUNCIL MEMBER SALAMANCA: Are there
vacancies in the Forestry Department? Before I was an
elected official, I was a District Manager for my
community board in the South Bronx. And one of the
most frustrations that I had was trying to get more
street lights with the Department of Transportation,
which it's very difficult to do, but many times my
streets are dark because our trees are not pruned.
And there's a schedule, every five to eight years,
whatever the schedule is. But now as an elected
official, I'm dealing with other issues, which is
that trees are encroaching into individuals'
properties. There's this one individual who's my
neighbor, and whatever the tree was releasing, it was
falling into his car, and there were damages to his
car, and so we try to help him go through the process
of putting in a permit and then trying to get
reimbursed for the damages. But the frustration that
we have... we love our trees... is that at times these
trees need to get pruned, and when we reached out to
the Forestry Department, they said, well, we have
contracts. We hire individuals for contracts, and
we've run out of the funding that we had in these

contracts, and therefore they cannot prune these trees. And so I just want some answers in terms of your Forestry Department, their contracts, and do they have the manpower and the funds necessary to prune trees?

CHIEF DRURY: Thanks for the question, Council Member. I think we're talking about maybe two different processes. One is sort of what you might call the preventative, what we call block pruning, and that's the cycle you're referring to. General industry standard for urban forestry is to prune proactively every seven years. Having said that, we do have in-house staff, climbers and pruners, that can assess and address, usually it's a dangling limb, something that prevents a pretty significant health and safety concern. Property damage, conflicts with surrounding infrastructure or property can arise. That's something the agency looks really closely at. It sounds in this instance as if the outcome wasn't what the property owner wanted, which, you know, duly noted, but Commissioner Greenfeld's here to maybe provide a little broader context about our approach.

DEPUTY COMMISSIONER GREENFELD: Thank you for that question, and I think that Matt really sort

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

109

3 of covered it. You described the system pretty well,
4 and I know it's sometimes very frustrating to
5 homeowners that they can't get exactly what they want
6 and need, but we do have to address issues that are a
7 risk to public safety first.

8 COUNCIL MEMBER SALAMANCA: All right.
9 Let's go back. How many contractors do you have to
10 prune trees in the Borough of the Bronx? This is a
11 Contracting Committee, right, and Parks? Yes. How
12 many contractors do you have in the Borough of the
13 Bronx to prune trees?

14 DEPUTY COMMISSIONER GREENFELD: I think
15 our pruning contractor, I think it's one, but we'd
16 have to double check.

17 COUNCIL MEMBER SALAMANCA: So, the Bronx
18 has the most green space out of all five boroughs,
19 correct, and you only have one contractor. There's 12
20 community boards, and you only have one contractor to
21 prune trees?

22 CHIEF DRURY: So, the way block pruning
23 works, you know, again, this preventative care, is
24 essentially one-seventh of every community board
25 district gets pruned every year. So, think of it as
sort of a rotation, a cycle, where one-seventh of

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

110

3 each, and that work currently is being conducted
4 through one contractor.

5 CO-CHAIRPERSON KRISHNAN: Just to jump in,
6 sorry, who is that one contractor in the Bronx?

7 DEPUTY COMMISSIONER GREENFELD: I don't
8 know offhand. We can find out.

9 COUNCIL MEMBER SALAMANCA: Do we know how
10 much that contractor is worth?

11 CHIEF DRURY: Specific to the Bronx? Yeah,
12 I think we need to confirm the number.

13 COUNCIL MEMBER SALAMANCA: All right. I'm
14 also, as a former District Manager, I have a good
15 relationship with all 12 of my District Managers, and
16 their frustration with dealing with your Forestry
17 Department is at the highest levels, and their
18 frustration is when they need trees to be pruned,
19 number one, in terms of the schedule. Number two,
20 constantly they're told that there's no more money in
21 the contract so that their trees and their
22 communities can be pruned. And I know that community
23 board 12, my friend George Torres, the District
24 Manager, has expressed this, and I'm just here to,
25 you know, relay the message. I think that you should
review the amount of contracts that you have in the

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

111

3 Borough of the Bronx. I think one is not enough. And
4 I think that the way forestry is managed in terms of
5 addressing our issues, in terms of pruning trees, and
6 making our public safety better, because they're
7 blocking the lights many times, should be reviewed.

8 CHIEF DRURY: Thanks for the feedback.

9 Council Member, I want to work with you and your team
10 to continue the dialogue. Thank you.

11 COUNCIL MEMBER SALAMANCA: All right.

12 Thank you, Mr. Chair.

13 CO-CHAIRPERSON KRISHNAN: Thank you,

14 Council Member. Look, Council Member Salamanca is
15 making a very important point here, and you all know
16 it too, and we've discussed this before as well. But
17 it's the delays in the tree maintenance in general,
18 and how long it takes, even though I know that there
19 are some industry standards. But the fact of the
20 matter is, for a lot of constituents, for a lot of
21 people, that's just too long. And then on top of
22 that, that problem is compounded by these really
23 problematic contractors that simply, you know, it's
24 shocking that the City continues to do business with
25 them.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

112

I'll turn it over now to Council Member
Vernikov.

COUNCIL MEMBER VERNIKOV: Thank you,
Chair. I have a couple more questions for contracts.

How much money is set aside for emergency
repairs in a fiscal year?

CHIEF DRURY: Sorry, emergency repairs.
Sorry, is this for Parks or MOCS?

COUNCIL MEMBER VERNIKOV: I'm sorry. For
Parks.

CHIEF DRURY: Okay. Emergency repairs to
what?

COUNCIL MEMBER VERNIKOV: Just in general,
emergency repairs. Because every time we have issues
with emergency repairs, we're constantly told there's
no money, we need more funding.

CHIEF DRURY: Specific to the realm of
maintenance or operations, like just for a park, for
a playground, is that what you mean?

COUNCIL MEMBER VERNIKOV: Yes.

CHIEF DRURY: Okay. Got it. Thank you. You
know, we do have maintenance and operation staff. We
have our Borough Trades Teams, or we have another
team known as the Citywide Services Division that

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

113

3 does provide, those are skilled, you know, trades,
4 you know, blacksmiths, carpenters, what have you,
5 that can provide what you might call emergency
6 repairs, planks of a boardwalk, or, you know, a bench
7 repair, something along those lines. Many times,
8 however, the problems being experienced by a park
9 feature are more significant and often require a full
10 capital project, which, you know, entails redesign
11 and what have you. So there are...

12 COUNCIL MEMBER VERNIKOV: We're always
13 told everything's a capital project. So, is there a
14 set amount of funding that's set aside for just
15 emergency repairs?

16 CHIEF DRURY: There is. There is in-house
17 funding for what you might... (CROSS-TALK)

18 COUNCIL MEMBER VERNIKOV: How much...

19 CHIEF DRURY: Call targeted repairs. I
20 don't know that. I don't know the dollar figure. I
21 apologize. Except to note that you're right, that it
22 is finite, as is the universe of repairs that sort of
23 qualify for that, if that makes sense. Because the
24 city also has to take into consideration, pardon the
25 expression, but throwing good money after bad, right?
Like the notion of like a targeted repair just to

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

114

3 bring something online, that can often be done in a
4 short-term circumstance but most often, more
5 significant comprehensive repairs are needed, and we
6 need to make sure that we're investing properly and,
7 you know, spending short-term dollars wisely for
8 normally health and safety concerns.

9 COUNCIL MEMBER VERNIKOV: Okay. And I'm
10 going to do what my Colleague, Council Member
11 Bottcher, did earlier and ask you, how much do you
12 think it should cost, in your opinion and experience,
13 to demolish a bandshell and build a mini turf field?

14 CHIEF DRURY: I suspect the number ended
15 up being quite high. I presume is where you're headed
16 with this, and as discussed, I personally don't have
17 an opinion about the level of price of bids that
18 contractors should be submitting. I think that's for
19 contractors to submit. They make those decisions. The
20 City has to make the best decision possible based on
21 the contract bids we have before us.

22 COUNCIL MEMBER VERNIKOV: Does 10 million
23 dollars make sense?

24 CHIEF DRURY: I think that sounds like
25 that was the bid that was submitted. So, if that was
the lowest responsible bidder, the City then needs to

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

115

3 make the decision about whether to continue that or
4 to rebid.

5 COUNCIL MEMBER VERNIKOV: It's just, you
6 know, I think it's awfully high, and we actually did
7 a search online, and, you know, it would cost about,
8 according to our research, 10,000 dollars to 100,000
9 dollars, approximately, to demolish a bandshell and
10 to install a new turf multipurpose field, 2.6 million
11 dollars. So, like, I was just wondering if you could
12 possibly reconcile the difference.

13 CHIEF DRURY: Well, perhaps, I mean, I'd
14 be curious to see if the contractors are aware of
15 that research. I mean, they should be submitting bids
16 that reflect the value of the work they intend to do.
17 We have to deal with the bids we receive. Again, we
18 don't walk around with a price gun and assigning
19 value, right? These are bids that are received by the
20 agency.

21 COUNCIL MEMBER VERNIKOV: Yeah. I think we
22 just want to know where this money is going.

23 My last question is, how many enforcement
24 officers does Park employ, if you know, does Parks
25 employ in New York City?

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

116

3 CHIEF DRURY: So there are about close to
4 300 year-round tax levy, that is to say, City-funded
5 Parks enforcement patrol officers, give or take.

6 COUNCIL MEMBER VERNIKOV: Do you know how
7 many in Brooklyn?

8 CHIEF DRURY: It's assigned generally
9 evenly. I don't know the exact number, but it equates
10 to roughly 50 per borough, a little lower in Staten
11 Island, and plus we have what's called a citywide
12 strike team that helps focus on other quality-of-life
13 concerns, so roughly 50.

14 COUNCIL MEMBER VERNIKOV: Okay. We were
15 told there were 10 in Brooklyn, so not sure if it's
16 10 or it's 50, but there's always a shortage in our
17 parks, and we are having a lot of issues in the
18 District, enforcement issues, and there seems to be
19 just never enough enforcement officers so are you
20 planning to hire more?

21 CHIEF DRURY: We appreciate the sentiment.
22 We're very proud of our Parks enforcement patrol
23 officers. We agree, they provide a really important
24 uniform presence, helping focus on those quality-of-
25 life concerns. Just to state the obvious, even if it
is 300 citywide, obviously that is relatively finite

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

117

3 compared to 40,000 police officers or what have you,
4 so we see our enforcement efforts as working in
5 lockstep with PD and other agencies.

6 In terms of plans to expand, we're in
7 constant dialogue with OMB. I think we are very proud
8 of the work our PEP officers do. We get a lot of
9 folks reporting quality-of-life concerns, and we do
10 our best to strategically target those enforcement
11 officers, but that can be a challenge, depending on
12 the nature of the concerns that are being faced, but
13 we take it really seriously. But admittedly, we're
14 always in dialogue with OMB about potential
15 expansion. That's true.

16 COUNCIL MEMBER VERNIKOV: So any plans to
17 hire more enforcement officers?

18 CHIEF DRURY: I would have to check the
19 latest levels of the most recently adopted budget. I
20 apologize. I'm not aware of an expansion on that
21 front. It was recently expanded about three or four
22 years ago, and I'd have to double check on this most
23 recent adopted budget if there were further
24 expansions in this budget, but in any case, the
25 dialogue continues.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

118

3 COUNCIL MEMBER VERNIKOV: Yeah. I would
4 encourage to hire more enforcement officers, and also
5 if you don't mind, just to get back to us regarding
6 the number in Brooklyn.

7 CHIEF DRURY: Yeah, we can get back to you
8 on that.

9 COUNCIL MEMBER VERNIKOV: Thank you.

10 CHIEF DRURY: No problem.

11 COUNCIL MEMBER VERNIKOV: Thank you.

12 CO-CHAIRPERSON WON: Okay. I have a few
13 more questions.

14 Many of our Council Colleagues are big
15 fans of Chair Krishnan because we want to be able to
16 allocate capital funding to non-profit organizations
17 who can quickly plant street trees. However, because
18 of the City's classification of tree planting as
19 expense rather than capital funding, it makes it
20 difficult to do this. Can Parks or MOCS share your
21 perspective on whether Council should be able to fund
22 non-profits to do tree planting through capital
23 funding allocations to the Parks Department, and do
24 your agencies support that change that would allow us
25 to do this, to use capital funding instead of expense
for tree planting?

CHIEF DRURY: Just to clarify, you mentioned due to a restriction. The restriction is on the Council allocating capital dollars to non-profits. Do I understand that correctly? What, sorry, you mentioned, I apologize if I misheard.

CO-CHAIRPERSON WON: Yes.

CHIEF DRURY: Tree planting, broadly speaking, is capitally eligible, so capital dollars, by and large, are used for tree planting.

CO-CHAIRPERSON WON: Okay. So, I'm guessing that the issue may be that the non-profits can't take our capital dollars to do the street tree planting? OMB clarifies it as an expense funding.

CHIEF DRURY: There seems to be a disconnect. Street tree planting is definitely capitally eligible. We use capital dollars for it quite robustly so, yeah, I guess I don't know what to say to that. Tree planting is definitely capitally eligible, and that is by far the general approach to which City tree planting is funded. But there may be a different, I'm guessing that there may be a different concern or issue or question that's about the Council mechanism to provide capital funding to non-profits. I'm not deeply familiar, but my

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

120

understanding is it's for pretty finite circumstances
where that's possible, like a non-profit's
headquarters. It has to be for property they own.
Again, I shouldn't speak to it. It's the Council's
process, so.

CO-CHAIRPERSON WON: Okay. We'll follow up
offline then.

Parks doesn't allow it to be funded
through participatory budgeting because OMB
classifies it as an expense for when we do tree
planting, which is a very popular topic.

CHIEF DRURY: Got it. That makes sense. It
might not be eligible for the Council's participatory
budgeting exercise. But to be fair, the Council has
dictated the terms, like the capital's exercise
concerns capital dollars. That wasn't our
determination. That was, so street tree planting.

CO-CHAIRPERSON WON: Okay. We'll follow up
with Chair Krishnan about this offline to get this
worked out.

In Griffin Landscaping contract, the
contract number specifically is QG424M. For Queen
Street tree planting in Fiscal Year '24, Community
Boards 11 to 13, Griffins Landscaping bid prices

1 listed out were 800 dollars per tree. The
2 horticulture society charges 2,800 per tree, so
3 that's 2,000 dollars less than the average that our
4 trusted partners are estimating. Why does the Parks
5 Department, though, charge Council offices 3,550
6 dollars per tree? We're trying to figure out this
7 math problem.

9 CHIEF DRURY: So, yeah, I think we could
10 talk a little bit about average planting cost. That
11 might help set some context here.

12 DEPUTY COMMISSIONER GREENFELD: Thank you
13 for that question. I think you got that backwards.
14 You said we are 800 and the hort is 2,800. That would
15 mean we're less expensive. But we have an average, we
16 calculate the average cost to plant a tree based on
17 the previous fiscal year cost to us, and it is what
18 it is. Right now it's actually under, it's about
19 2,900 dollars as a citywide average. Each borough is
20 different because it costs less, our bids come back
21 lower in Staten Island, for example, than they do in
22 Manhattan.

23 CO-CHAIRPERSON WON: So can you just help
24 me understand how the vendor, even though they're not
25 good, Griffin is saying that they need 800 dollars

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

122

3 per tree to plant it. Why is the City saying that
4 it's going to be 2,900 dollars per tree on average?
5 Where does the 2,000 dollars go?

6 DEPUTY COMMISSIONER GREENFELD: I'm not
7 quite sure where that 800 dollars comes from.

8 CO-CHAIRPERSON WON: It's from the
9 contract itself. We can tell you the exact page.

10 DEPUTY COMMISSIONER GREENFELD: Are you
11 talking about the planting item for 800 dollars?
12 There is probably a line item that says plant tree. I
13 have no idea what they bid on it. I would have to
14 look that up. But there are many, many line items in
15 a tree planting contract, and then they all sort of
16 kind of come together. Whether you're cutting out a
17 sidewalk, you're excavating the soil, you're planting
18 the tree itself. The cost of the actual tree is in a
19 separate contract that's not provided by the
20 contractor mostly. So that all sort of rolls up into
21 an average cost for planting a tree, and in that
22 site, each site costs something different.

23 CO-CHAIRPERSON WON: Got it. So the
24 breakdown of the 2,900 dollars on City average of the
25 cost of the tree plus everything you just named?

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

123

DEPUTY COMMISSIONER GREENFELD: Yes. And construction supervision, design, guarantee, and the tree itself, which is not going to be part of what you see as the Griffins contract. They might give us a planting with tree cost. I'm not 100 percent sure. But the trees are purchased under a different contract. Not the installation contracts.

CO-CHAIRPERSON WON: Okay. Got it.

My office has shared that when they report trees, which are clear public safety risks, they are deferred to future block pruning cycles, even when 3-1-1 requests show how urgent hazards like dead limbs or branch falls. Why is this? And what process exists to escalate a civic tree or block outside of its scheduled pruning year? And does Parks audit the quality of 3-1-1 responses to ensure they are site specific and not generic?

CHIEF DRURY: So just quickly, there are definitely mechanisms in place for the agency to responsibly inspect any reported safety concern. And so, you know, in many cases, that inspection results that there, for example, is not a pressing safety concern and that the tree can experience routine block pruning at the next appropriate juncture,

wherever they are in the cycle, but there is definitely in-house expertise in terms of inspections and tree work that's happening every day to make sure that we're addressing dangling limbs and really threatening, pressing tree conditions.

I don't know if Commissioner Greenfield, if you want to add anything more? Okay. But yes, there are some outcomes in which an inspection will determine by our arborists that there is not a pressing concern, and in those cases, it is true that the matter would be essentially deferred to the routine block pruning.

CO-CHAIRPERSON WON: We're just very concerned because in addition to what I just shared, for example, in Woodside, we have reported that when we have reports from constituents that when cars are parked blocking Parks crew from pruning trees, these locations are skipped, which could lead to one tree being pruned every 14 years. Why do pruning crews not return to complete the work when a tree is missed due to a parked vehicle?

DEPUTY COMMISSIONER GREENFELD: Thanks for that question, Council Member. I would love to follow up with you on the specific location. Certainly, that

is not our intention. Our intention is for block pruning to prune every tree on that street so please let us know if for some reason it was skipped in that circumstance and we can follow up.

CO-CHAIRPERSON WON: Okay. So, it's part of your protocol to go back if there's a parked vehicle and that tree was missed?

DEPUTY COMMISSIONER GREENFELD: Yeah. I mean, it's not my understanding that that happens, but the contractor should be doing every tree on the street, and please let us know if that has been an issue. Every eligible tree on the street, I should say. They don't always do the small ones. There are specific ones that are eligible.

CO-CHAIRPERSON WON: Okay. We'll send you a list of any trees that we have reported from our constituents.

And what is the current average timeline to complete Category C and D tree removals in Queens?

DEPUTY COMMISSIONER GREENFELD: Thank you for that question. I don't have that information right now. We don't have a timeline for Ds. They're considered negligible risk. We do Ds when there's

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

126

3 sort of debris left on the ground that tends to
4 happen so there's no specific timeline for Ds.

5 CO-CHAIRPERSON WON: Okay. Why does Parks
6 Department require a request from a Council Member to
7 act on confirmed dangerous or dead trees even after
8 3-1-1 and Forester inspections?

9 CHIEF DRURY: I don't think we would
10 characterize it that way whatsoever. I'm sorry. Why
11 do we...

12 CO-CHAIRPERSON WON: Require the Council
13 Member to act on confirmed dangerous or dead trees
14 even after 3-1-1 and Forester inspections?

15 CHIEF DRURY: Our agency is actively
16 inspecting and addressing dangerous concerns, again,
17 every day so I wouldn't agree with that
18 characterization.

19 CO-CHAIRPERSON WON: So you don't need our
20 confirmation before you do?

21 CHIEF DRURY: I think we welcome feedback
22 from all sorts of sources. That could be 3-1-1. That
23 can be staff observation. That can be a condition
24 that has come across through these routine block
25 pruning. They can see a very dangerous condition and
make sure that it's addressed. There's a variety of

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

127

sources. But elected officials as well can certainly,
or the local community board or...

DEPUTY COMMISSIONER GREENFELD: Yeah.

However, we make determinations based upon the
observations and analysis of our trained staff, not
based upon just somebody telling us it should be
done, regardless of whether that's a Council Member
ember or anybody else.

CO-CHAIRPERSON WON: Okay. Good to know.

How frequently are Parks datasets like
block pruning schedule and tree maps updated, and how
accurate are they compared to real-time field
conditions?

DEPUTY COMMISSIONER GREENFELD: Thank you
for that question. Well, everything's on Open Data,
and I'm not quite sure how often our data is updated
in Open Data, but I can find that out for you. So
literally everything in our database is on Open Data.
But the most accessible way is to be looking at the
tree map online, which actually does now, I think
because of a legislation, show the most recent
inspection and inspection results. I believe it's
updated daily. I would have to find out for sure if

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

128

3 there are any delays, but it should be reflecting
4 what's live in our database.

5 CO-CHAIRPERSON WON: Okay. We'll follow up
6 because our constituents are reporting that it is not
7 very accurate or frequently updated.

8 Just so that you're aware, the rough
9 average wait time in Council District 26 for 3-1-1
10 reports to take action is one-and-a-half to three
11 years for almost any forestry work, which is a very
12 long time. And 70 percent of Parks cases involve dead
13 trees or branches that are deemed unsafe by the
14 Foresters. And we had multiple cases where residents
15 resorted to wrapping caution tape around dangerous
16 trees, highlighting the community's desperation and
17 absence of parks intervention. Thank you so much. And
18 that is the end of my questioning.

19 CO-CHAIRPERSON KRISHNAN: Thank you very
20 much, Chair Won.

21 I think there are no more questions for
22 you all. You managed to survive through it. Thank you
23 all for your testimony.

24 I do think we're going to hear from the
25 public now too, but I do want to say, you're hearing
it from all of us here too, it's really an issue that

we've got to address within the Parks Department,
both from the standpoint of the work and the pool of
contractors, but also from a perception standpoint
too, and I look forward to finding ways to work
together to continue addressing this issue. And thank
you, MOCS, as well. I look forward to your
participation as well too.

Thank you. Now we'll turn it over to
public testimony.

I have to read this thing, which I will
read. I now open the hearing for public testimony. I
remind members of the public that this is a formal
government proceeding and that decorum shall be
observed at all times. As such, members of the public
shall remain silent at all times.

The witness table is reserved for people
who wish to testify. No video recording of
photography is allowed from the witness table.
Further, members of the public may not present audio
or video recordings as testimony, but may submit
transcripts of such recordings to Sergeant-at-Arms
for inclusion in the hearing record.

If you wish to speak at today's hearing,
please fill out an appearance card with the Sergeant-

at-Arms and wait to recognize. When recognized, you'll have two minutes to speak on today's hearing topic, which is about oversight of Parks Department's contracting practices and vendor accountability.

We have one panel, and we'll call up everybody together. Karla Hernandez, Max Barton, and James Versocki.

Okay. So we'll add to the panel, too, one more from virtual, which is Russell Weaver, is that who it is, so we'll do it all together.

CO-CHAIRPERSON KRISHNAN: You may begin.

KARLA HERNANDEZ: Okay. Good afternoon, Chair Krishnan, Chair Won, Members of the Committees on Parks and Contracts, and everyone who is present here today. My name is Karla Hernandez, and I'm here representing Laborers Local 1010 LECET. We're an entity of Local 1010 that focuses on contractor advocacy. On behalf of our members and contractors, I want to thank you for holding this joint oversight hearing to shine a light on the troubling procurement practices at the New York City Department of Parks and Recreation, and thank you for all of your thoughtful questions. Earlier this year, we raised serious concerns about Parks awarding millions of

dollars in forestry contracts to contractors with criminal convictions, including bribery, fraud, and wage theft. But despite those warnings, obviously, little has changed. Public record and testimony today show that Griffins Landscaping and Dragonetti Brothers currently hold multimillion-dollar active contracts with New York City Parks. These are not small, incidental awards. They represent significant shares of the Department's forestry contracting, totaling in over 50 million dollars in street tree planting work. Yet both of these contractors have principals who've been convicted of serious felony conduct on public work projects. The DPR found these criminals responsible bidders by allowing them to enter into monitoring agreements to receive Parks work, even when one of these contractors was denied work by another City agency. Have these contractors not shown that they are risk to the City? What is most concerning is that although 30 Council Members and two Borough Presidents agreed that the Parks Department should have rescinded Griffin Landscaping's most recent contract, DPR still awarded them the work after the criminal conviction of Glenn Griffin, Griffin's Landscaping's principal. DPR has

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

132

justified these awards by pointing to the use of independent monitorships, but it's no secret that monitorships do not erase crimes. They represent an outdated system that allows the City to do business with bad actors. Meanwhile, qualified responsible bidders, including several of our own M/WBEs, are bidding and being passed over for the same contracts. (TIMER CHIME) This is not a question of capacity or a lack of qualified bidders. The reality is that the Parks Department is choosing to reward the same contractors who break the law instead of giving more responsible contractors and M/WBE firms a fair chance. Taxpayer dollars should go to contractors who follow the law and deliver quality work, not those with criminal convictions. We stand ready to work hand in hand with the Council, the Parks Department, and responsible contractors to create clear rules, ensure accountability, and give union and M/WBE firms a fair chance so our communities can truly thrive. Thank you.

CO-CHAIRPERSON KRISHNAN: Thank you. Max.

MAX BARTON: Good afternoon and a quick thank you to all City Council Members on both the Parks and the Contracts Committees for holding this

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

133

meeting on the Parks Department contracting practices
and vendor accountability, especially Chair Krishnan
and Chair Won. My name is Max Barton. I work as a
representative conducting strategic research for
Laborers Local 1010, a union that represents over
2,500 laborers who build New York City's
infrastructure. If you've walked on it, driven on it,
or landed on it, there's a good chance our members
have worked on it. Today my testimony will discuss
the City's own data, reflects about the status of
Parks Department's bidding process and its results. I
will also discuss the potential changes to that
bidding process and tree planting contracts
distributed by the New York City Department of Parks
that can increase consistent contract results, cost
savings, and quality for New York City residents. I
would be happy to answer any questions the Committee
may have of me. I have reviewed data to counterpoints
made by the New York City Parks Department in its
August 1st, 2025 letter addressed to the Council
Chair of the Parks Committee, Shekhar Krishnan. In
the August 1st letter, the Parks Department advocates
for Griffin Landscaping, a tree contractor whose
owner was convicted of committing felonies and is

currently serving time in federal prison for fraud, bribery, and bid rigging. Parks has effectively stated this contractor and others like him should be able to bid due to lack of qualified bidders for street tree planting work. My testimony will counter that unsupportable notion. It will also address the abysmal track record of M/WBE engagement by the two largest street tree planting contractors who the Parks Department has kept in business with monitoring agreements after criminal convictions against those companies and their principals. Using Checkbook NYC, PASSPort, and the City Record, we were able to delve deeply into street planting tree contracts. As you know, Checkbook NYC is an online transparency tool provided by the New York City Comptroller's Office that provides data from 2010 until today. While the Parks Department states there are not enough contractors with the capacity, experience, equipment, or labor force to plant trees in New York (TIMER CHIME) City, the data shows otherwise. Nearly all Parks capital projects have forestry work attached to it, including tree planting, pruning, stump removal, and other similar tree work. A project such as the reconstruction of a multi-purpose area in Osborne

Park, Brooklyn. That might not sound like a forestry or tree project, but that project has tree removals, tree growth, regulators, tree pruning, nursing for existing trees, and decompaction. All that work is regularly performed by numerous contractors who are qualified bidders, many of who are M/WBEs. Our research was summarized in three attached charts demonstrated to the Parks Department's shockingly high reliance on contractors with questionable business integrity. The City Records show that 54 percent of all active street tree planting money is going directly to two contractors with criminal histories. Oh, it's 54 percent to two. The consolidation of tree work to Dragonetti and Griffin has led to five of the ten other top street tree planting contractors having no City tree planting work. We believe that less contractors doing the work means less opportunities for other contractors to reduce the City's reliance on these two contractors. And this is the very reliance that would seem to have created a vacuum that required Parks to seek monitorships for Dragonetti and Griffin when they should have not gotten any more City work. We believe consolidation means slower work and that slower work

means less street trees planted. This cycle remains unbroken and it could take up to three years to get a street tree planted in New York City. Survivability of these trees decreases when Parks Department preferred contractors receive tree planting work. There is a clear path to planting higher quality street trees across New York City more efficiently, cost effectively, and with longevity for our communities. Cornell is presenting their study today that shows projects completed by well-trained, skilled union workers are finished faster and lead to higher tree survival rates. M/WBE utilization by the Parks Department preferred contractors is abysmal. The street tree planting contracts reviewed show that contractors with criminal histories and wage theft claims have the worst M/WBE utilization. 15 years of forestry contracts reveals there are at least nine non-M/WBE general contractors awarded work that never gave M/WBE subcontractors any work, not one dime. City records show that these nine contractors received more than 130 million dollars' worth of work on 84 contracts. Separately, Griffin's Landscaping and Dragonetti Brothers received 59 contracts worth over 163 million dollars, yet less than three percent

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

137

of that work went to M/WBEs. This lack of opportunity for M/WBE subcontractors has effectively been rewarded by the Parks Department since these two subcontractors continue to receive a majority of street tree planting work even though they have never improved their M/WBE utilization or have ever come close to the City's 30 percent M/WBE goal. Local 1010 is proud to have a diverse membership that represents the diversity of the City of New York as well as a partnership with over 65 M/WBE signatory contractors, many who have met and can meet the Parks Department's street tree planting contracting needs. We hope this hearing highlights the historically bad procurement outcomes in the street tree planting program and that the Parks Department and Council can work together with Local 1010 and other advocates for our City to plant trees faster with greater survivability and cost savings to the taxpayers while also providing career opportunities to the working class of New Yorkers. Thank you for your time and consideration of this testimony and for letting me go over the time limit so much.

CO-CHAIRPERSON KRISHNAN: Thank you for
your testimony.

Do you want to turn to Zoom? We have
Russell Weaver. Thank you. You may begin.

RUSSELL WEAVER: Thank you. Good afternoon
and thank you to both Committees for hosting this
session today and for the chance to participate in
it. My name is Russell Weaver, and I'm the Research
Director at the Buffalo Office of the Cornell
University School of Industrial and Labor Relations,
the ILR School. Together with my colleague, Dr. Anne-
Marie Brady of the Cornell ILR Schools Worker
Institute, and in partnership with the Local 1010
Laborers Employers Cooperation and Education Trust,
I've been engaged in a months-long empirical
investigation of recent tree planting contracts
issued by the New York City Department of Parks and
Recreation. And I want to begin by saying just how
much I appreciate the City's and Parks commitment to
providing the public with rich, high-quality, and
well-documented data on all municipal activities
through the New York City Open Data Program. I'd also
like to express appreciation for the City's and
Parks' evident commitment to tree planting and to
tree care. Your team sets a high standard that cities
across New York and the nation would do well to

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

139

emulate. And on that note, I'll briefly describe the work that Dr. Brady and I have been doing and I'll summarize some of our key findings to date that I think will be relevant to this hearing. Our full report will be available for public distribution later this fall and we'll ensure that a member of the panel will forward the final documents to these Committees when it is available. In short, our report evaluates measurable outcomes from recent tree planting contracts, specifically those that have been issued between Fiscal Years 2021 and 2024. So right after the first year of the COVID pandemic up to and including the last fiscal year that's been finalized. In total, there are 43 DPR tree planting contracts that we identified as part of the study and were included in the analyses. Of those contracts, 36 were associated with competitive bidding processes and bid history data that we were able to obtain through the New York City PASSPort Central website. 12 of those 36 contracts, so about a third, were awarded to Local 1010 firms and the remaining two-thirds were awarded to non-Local 1010 firms. (TIMER CHIME) Drawing on street tree planting data from...

SERGEANT-AT-ARMS: Thank you. Your time
has expired.

CO-CHAIRPERSON KRISHNAN: You can continue
and conclude your testimony.

RUSSELL WEAVER: Sorry. What we found in
the analyses of those contracts is that of about
8,000 trees that were planted, those that were
performed under Local 1010 contracts were 1.25 times
more likely to survive, to not be rated as dead.
These were highly statistically significant results.
76 percent of those trees performed under Local 1010
contracts were rated as excellent compared to only 61
percent of trees awarded under other contracts. The
density of 3-1-1 complaints made related to DPR
unsafe sidewalks or defective sidewalks in the year
2025 around these contract areas was statistically
significantly less in spaces where Local 1010 firms
performed the work relative to all others. Based on
these findings, as well as their compatibility and
connectivity to long-standing literature on union
advantages in providing construction labor, our study
concludes that efforts to apply prevailing union
standards for work quality, wages, benefits, worker
training, and so on has the potential to save trees

with higher survivability time. Trees were planted roughly two weeks faster under Local 1010 contracts and ultimately money since trees are surviving longer in New York City. So thank you for allowing me to go over. I appreciate it.

CO-CHAIRPERSON KRISHNAN: Thank you for your testimony. I have a few questions, I don't know if there's more testimony or...

Sure. Why don't you go for it first and I'll ask afterwards.

JAMES VERSOCKI: Thank you. Good afternoon, Chairman Krishnan and Chairwoman Won and to Members of the Committee of Parks and Contracts. My name is James Versocki. I'm Counsel to Local 1010, and I'm sure you would be shocked to know that they invited me to speak here today, but they've asked me to be more because of my experience as a former Assistant Attorney General at the New York State Attorney General's Office, where I was responsible for procurement reform enforcement and also prevailing wage enforcement for nearly a decade. One of the issues that's come up today is that 1010 has continued to monitor and as you've rightly looked at, the issues involving unscrupulous contractors being

awarded monitoring agreements by the City of New York
and I'm going to present to you a lot more legal
technical testimony in my written submission, but
what we wanted to highlight today was address what
the real problem is here today. Monitorship
agreements were created by the Department of
Investigation to address a very specific concern
arising in the 1990s when I started prosecuting
cases. They were utilized by DOI and law enforcement
to root out corrupt contractors largely affiliated
with organized crime. What they've been utilized now
preemptively by agencies is to avoid the analysis of
what is business integrity, and in both of the cases
involving Griffin and Dragonetti, and I don't think
the Department or MOCS addressed this today, is that
monitorships were given before the business integrity
analysis was completed. There is a process to conduct
that integrity review and they've skipped it because
what happened is these monitorship agreements were
given to them before they even bid on another
project. We understand that contractors who were bid
and receive projects and then get in trouble, it is
necessary probably for them to finish their
contracts, right? But the (TIMER CHIME) problem here

is that they're preemptively given, and I apologize, may I just complete? They're preemptively given the monitorship agreements and that removes the ability of the City's Contracting Officer, Procurement Officer, which is the Director of MOCS, to receive a request to allow a monitorship agreement to be entered. So what's happened here is that there is a lack of ability for the City or agencies themselves to find somebody non-responsible because they're being told they're responsible. The remedy therefore we suggest for the Council is to tell agencies and MOCS what is business integrity, more importantly what is not business integrity, and what that means is that this Council could adapt legislation that revised the procurement sections of the City Charter under Section 311 to find that if you have a monitoring agreement or you commit certain felony conduct like you've highlighted here today, you could not have business integrity and you would not be awarded contracts. I thank you for your time today and your consideration allowing us to run over.

CO-CHAIRPERSON KRISHNAN: Thank you so much for your testimony. So I just wanted to, I had a couple questions to ask, but I wanted to clarify the

last point you made about preemptively being given or deemed having a business integrity. Can you just explain that one more time? So that's happening before these entities were awarded the contracts?

JAMES VERSOCKI: Correct. So these were long-standing bidders, so they had ongoing contracts when they got into criminal violations. What happened was as part of the plea deal that dealt with Dragonetti, let's start there, Dragonetti is convicted of a multi-million-dollar insurance fraud scheme on City public work projects. As part of the plea deal, they negotiate with DOI, somehow with Parks, to get a monitoring agreement to complete Parks work only and they were debarred in that same plea agreement, voluntarily debarred from DDC work, which would mean that they were debarred potentially or would be found non-responsible from all other City agency work. So, the monitoring agreement, an agency is not going to find somebody non-responsible because they don't want to face an Article 78 challenge or a PPB challenge if they already have a monitoring agreement because a monitoring agreement under the PPB rules presumptively finds you to be "rehabilitated." It's one of the key tools that the

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

145

3 City can use to rehabilitate a contractor. And what
4 the Parks Department didn't address today, and you
5 asked many, many times, is you asked what
6 specifically made these contractors so special that
7 they needed to be given this work, and that question
8 wasn't answered specifically today, I would submit to
9 you, because there is a section under the PPB rules
10 that says the agency has to engage in the process to
11 say what is special and then that will allow them to
12 potentially get a monitoring agreement. The process
13 is turned backwards here. You're giving a monitoring
14 agreement so you don't have to go through the process
15 that's set forth in the PPB rules.

16 CO-CHAIRPERSON KRISHNAN: And then a
17 monitoring agreement not only kind of, you know,
18 presumes or presumptively deems you eligible, but I
19 guess it also confers or it's validate preemptive
20 validation that you're also a specialized entity too?

21 JAMES VERSOCKI: Potentially. I think it
22 gives them both means to make that argument.

23 CO-CHAIRPERSON KRISHNAN: Got it.

24 JAMES VERSOCKI: But more importantly,
25 City agencies want to deliver products, and we
respect that. And we know that the procurement

process and the deliverables can take time so they don't want to engage in litigation. I think Council Member Won made this point, which is the risk adverse issue is twisted on its head here. Agencies don't want to get sued for making a responsibility determination because it delays projects. But then they get a monitoring agreement. They're never going to find someone non-responsible who has a monitoring agreement because it presumptively in a court of law, the court's going to say, but they have a monitoring agreement from DOI. How could they possibly be non-responsible? So as long as contractors like this, these that we're highlighting get monitoring agreements, it is my submission to you based on my 25 years of experience, no one's ever going to be found non-responsible.

CO-CHAIRPERSON KRISHNAN: I see. And also just to understand too, is it a case that in these areas where both companies received bid awards, there were other union contracting firms that had also submitted bids as well? Is that correct?

MAX BARTON: Yes. We'll just go for Griffin's Landscaping first because that one's off the top of my head, I know. Second place for two of

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

147

the contracts were J.R. Cruz. They're one of three contractors that finished street tree planting contracts in 2025, but have none right now so they were knocked out. They've done 100-million-dollar contracts so to say that they can't plant a tree because they're not special enough or whatever they said is outrageous. Another one is HTC Landscaping. They have a couple tree planting contracts right now. They're from Long Island, but it seems like they do good work and they use Long Island union labor. I think some 731 guys too.

CO-CHAIRPERSON KRISHNAN: And as you mentioned, these contractors, before they were knocked out and lost a bid, they had carried significant contracts with the Parks Department before for street trees.

MAX BARTON: Yes. HTC is active right now, but J.R. Cruz is totally knocked out.

CO-CHAIRPERSON KRISHNAN: And both of them have the capability to do this work?

MAX BARTON: Yes. They both have done street tree planting projects before. They've completed them on budget.

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

148

3 CO-CHAIRPERSON KRISHNAN: And this is a
4 question also for Russell, I think, or for anyone on
5 the panel too. I've read through the ILR report that
6 Russell had testified, and I just wanted to be clear.
7 The firms here that were union shops that had done
8 the work in an efficient manner, they were doing this
9 work all across New York City, correct?

10 RUSSELL WEAVER: Correct. Sorry, I was
11 still on mute. Yes, sir.

12 CO-CHAIRPERSON KRISHNAN: Sure. Across the
13 city. And on what contracts? Were they Parks
14 Department contracts? Were they other contracts?

15 RUSSELL WEAVER: They were Parks
16 Department contracts. I can provide a list of all of
17 the specific contract numbers that we looked at.

18 CO-CHAIRPERSON KRISHNAN: Got it. And so
19 in your opinion, these are firms that are already
20 contractors with the City, they've already been
21 vetted, so increasing their contracts or expanding
22 their scope to include the street trees, in your
23 opinion, would that be a significant lift by the
24 Parks Department as part of a way to expand the pool
25 of applicants here?

RUSSELL WEAVER: The data certainly suggests that. So the contracts that were awarded to the LECET 1010 firms operated faster, so they planted trees quicker. They were not significantly different in terms of their actual contract award price from non-Local 1010s. So effectively, the cost was about the same on the contracts when you look at the medians. And they were done, again, it seems with more efficiency in terms of how they are rated right now in the tree point data set in the DPR system. So, we see increased survivability, we see quicker planting, cost effectiveness, and good long-term outcomes.

CO-CHAIRPERSON KRISHNAN: And to anyone who's on the panel, have you have any of the companies, to your knowledge, had conversation with the Parks Department about why they weren't considered for street tree contracts, why they were the bids that lost out in the end?

JAMES VERSOCKI: Chairman, the concern is that most contractors will not have direct dialogue with an agency. There's a prohibited period when they can speak with them. And once they lose the contract, we don't think there's much feedback as to why you

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

150

1 didn't get it. What's happened in these cases with
2 Griffin and Dragonetti is because they were the
3 lowest deemed responsible bidder, there's no
4 conversation beyond that. The only way we would get
5 to the next second or third bidders would be for the
6 agency to find one of those vendors to be non-
7 responsible.
8

9 CO-CHAIRPERSON KRISHNAN: I see. But the
10 bottom line is the notion that the work is
11 specialized just doesn't seem consistent with the
12 fact that there are a number of other Parks
13 contractors that do this work. Am I right?

14 JAMES VERSOCKI: We would agree with that
15 statement, especially in the fact that the PPB rules
16 themselves require the ACCO of an agency to make a
17 determination about why a contractor is specialized
18 enough when they're evaluating business integrity. We
19 have FOILd and requested copies of the monitoring
20 reports and to get additional information about those
21 determinations, and we can testify to that that
22 information has not been provided to us to answer
23 that question. It's a question that only Parks can
24 answer it.
25

1 COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
2 COMMITTEE ON CONTRACTS

151

3 CO-CHAIRPERSON KRISHNAN: Got it. Thank
4 you for your testimony.

5 Chair, I don't know if you have any
6 questions.

7 Thank you very much to this panel. We
8 really appreciate it on Zoom as well.

9 And our final witness is Christopher
10 Johnson.

11 CHRISTOPHER LEON JOHNSON: Thank you.

12 Thank you, Chair Krishnan. My name is Christopher
13 Leon Johnson. I just want to ask the Chair Julie Won
14 from Contracts to support Ryder's Law, and I want her
15 to issue an open apology to everybody out there that
16 is telling the truth about Ryder's Law, about the
17 aspect of Ryder's Law, is that it's a land grab that
18 is done by the developers to remove the horse
19 stables. It's nothing but a land grab. But I support
20 the bill, and I hope she supports the bill too. I
21 understand there's unions involved, but she slandered
22 everybody on PIX11, on Dan Mariano, about Ryder's
23 Law. I know it's kind of off topic.

24 CO-CHAIRPERSON KRISHNAN: It is off topic,
25 Mr. Johnson.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

152

CHRISTOPHER LEON JOHNSON: All right, so
let's go forward. Sorry about that. Let's go forward.

I am calling the City Council with the
help of the Contracts Chair to really look into the
cop city situation, because I know that you, Mr.
Krishnan, just got that veto overwritten to where the
NYPD is not allowed to criminalize the street vendors
inside the parks. But the Parks Department law
enforcement people are criminalizing themselves so I
hope that you and Julie find a way to really have a
hearing about that, about what's up with the Parks
Department. Because, yeah, the NYPD won't be able to
help criminalize the vendors, especially if they go
inside the parks. But what about the Parks
Department? Because the Parks Department will be
outside City Hall giving these guys tickets like
hotcakes. You know that. So, you should have a
hearing, like another hearing with the Contracts
Committee in relating to that situation. So that's my
advice. That's my advice. And thank you so much, and
enjoy your day.

CO-CHAIRPERSON KRISHNAN: Thank you for
your testimony.

COMMITTEE ON PARKS AND RECREATION JOINTLY WITH
COMMITTEE ON CONTRACTS

153

Seeing no other witnesses, I want to
thank everyone who came out for today. We appreciate
your testimony. Thank you to the Parks Department and
MOCS for your testimony as well, and we look forward
to continuing to work on this important issue
together. Thanks, everyone.

This hearing is now closed. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 13, 2025