

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONTRACTS

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September 21, 2011  
Start: 10:05am  
Recess: 10:12am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
DARLENE MEALY  
Chairperson

COUNCIL MEMBERS:  
Robert Jackson  
Letitia James  
Melissa Mark-Viverito  
Michael C. Nelson

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CHAIRPERSON MEALY: Good morning.  
My name is Darlene Mealy. I serve as the chair of  
New York City Council's Committee on Contracts.  
It is my pleasure to welcome you here today.  
Thank you for attending. Before we proceed, I  
would like to recognize my colleagues who are  
present today from the Committee. That's Mike  
Nelson. We have Mark-Viverito and Robert Jackson,  
and we have Maria del Arroyo sitting in also.

This morning Committee will vote on  
proposed Intro 624-A legislation to amend local  
law 35 of 1994. Proposed Intro number 624-A would  
improve the procedure by which city agencies  
consider outsourcing service contracts. The  
Council - - enact local law 35 in 1994 to  
establish a procedure that would ensure that  
outsourced contracts that might displace city  
employees were in the best fiscal interest of New  
Yorkers, but since that time because the city's  
narrow reading of the law, the goals of local law  
35 have not been fully realized. Proposed Intro  
number 624-A should close the gap between the  
intent of the law and the way that it has been  
interpreted and applied.

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2 Proposed Intro 624-A will improve  
3 local law in four ways. First, the law will  
4 require the city to provide public notice if the  
5 intent of agencies to solicit bids, renew or  
6 extend existing service contracts. The mayor  
7 would be required to publish an annual contracting  
8 plan that at the beginning of each fiscal year  
9 that gives details of each agency's intended  
10 service contracts. What this additional  
11 transparency city employees and private vendors  
12 will benefit from an increased opportunity to  
13 compete for city work. Second, the law would  
14 expand the universe of service contracts. The  
15 revised law would apply to standards and  
16 professional services, such service contracts  
17 would include those based on specialized field  
18 experience, such as consulting, information  
19 technology and accounting as well as more  
20 commonalized [phonetic] work, such as secretarial,  
21 janitorial and food-related services. The law  
22 would also apply to contract extensions. Third,  
23 the law would change the way that agencies  
24 determine displacement. The law would amend the  
25 definition of displacement to include positions

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2 reduced through arbitration. Also because in the  
3 last ten years no agency has ever found  
4 displacement and performed a cost benefit  
5 analysis, the revised law would compel a cost  
6 benefit analysis under certain circumstances,  
7 including the announcement of a program to  
8 eliminate the gap or any other costs cutting  
9 announcements relevant to the city employees.  
10 Finally, the law would bolster the certification  
11 procedure when agencies determine that a contract  
12 would not displace city employees. Agencies would  
13 be required to provide detailed information  
14 concerning their non displacement determinations  
15 and the capacity within the agency to perform the  
16 work in house. Overall, the bill stands to bring  
17 transparency, accountability and cost efficiency  
18 to the city's outsourcing of service contracts. I  
19 am proud to sponsor this legislation, and again,  
20 thank you for attending today. Do any of my  
21 colleagues have—Mr. Robert Jackson has a  
22 statement.

23 COUNCIL MEMBER JACKSON: Well,  
24 thank you, Madam Chair. First let me thank you on  
25 behalf of all of the city employees that will

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2 continue to be impacted by this updated and local  
3 law 35, which is intro 624-A. Clearly, as you  
4 indicated in your opening remarks this is an  
5 update, but it's going to bring about the type of  
6 increased transparency. It will enhance  
7 competition and maximize cost efficiencies in the  
8 procurement of service contracts, and obviously,  
9 considering the fact that dollars are shrinking  
10 overall in the city of New York and there are  
11 employees being laid off, we must ensure that our  
12 dollars are being well spent, and that any service  
13 contracts are not duplicating work that's already  
14 being done by city employees, so let me thank you  
15 as a primary sponsor of this updated piece of  
16 legislation. I just think it's a good thing  
17 overall for the people of New York City. Thank  
18 you.

19 CHAIRPERSON MEALY: Thank you. Any  
20 other colleagues? I hope we can really look into  
21 this good and follow through. If there's no  
22 other—we're going to have a roll call. I vote  
23 aye. The clerk will do the roll call.

24 COMMITTEE CLERK: Kevin Pin,  
25 Committee Clerk, roll call in the Committee on

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Contracts. Council Member Mealy?

COUNCIL MEMBER MEALY: Aye.

COMMITTEE CLERK: Nelson?

COUNCIL MEMBER NELSON: Aye.

COMMITTEE CLERK: Jackson?

COUNCIL MEMBER JACKSON: Aye.

COMMITTEE CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: Aye.

COMMITTEE CLERK: By a vote of four  
in the affirmative, zero in the negative and no  
abstentions, the item has been adopted. Members,  
please sign the Committee report.

CHAIRPERSON MEALY: We will hold  
the vote open to 10:30. Thank you.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

*Kimberley Uhlig*

Date \_\_\_\_\_9/22/11\_\_\_\_\_