

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONTRACTS

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September 14, 2016
Start: 11:47 a.m.
Recess: 12:03 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: HELEN K. ROSENTHAL
Chairperson

COUNCIL MEMBERS: Peter A. Koo
Ruben Wills
Costa G. Constantinides
Chaim M. Deutsch
Corey D. Johnson
I. Daneek Miller

A P P E A R A N C E S (CONTINUED)

2 [sound check, pause]

3 SERGEANT-AT-ARMS: Have a seat, please.

4 CHAIRPERSON ROSENTHAL: Good morning.

5 I'm Council Member Helen Rosenthal, Chair of the City
6 Council Contracts Committee and I'm calling this
7 hearing to order. [gavel] Today the committee will
8 vote on a package of legislation that will bring
9 greater transparency to the city's contracting with
10 minority and women owned businesses enterprises,
11 M/WBEs. These bills will also encourage
12 collaboration and information sharing through
13 instituting training requirements for agency staff on
14 meeting the aspirational goals of the M/WBE program,
15 and requiring a standing advisory board to advise
16 this and future mayors on how to increase
17 participation by M/WBEs in city contracting. I would
18 like to briefly discuss the legislation that I have
19 sponsored, Intro No. 1019-A and Intro 1020, which
20 will not only make technical changes to MOCS
21 reporting requirements, but will present information
22 on the number and total-total dollar value of
23 contracts with M/WBEs in a more useful manner, but
24 will also require a more comprehensive explanation by
25 MOCS of the determination made by the City's chief

2 procurement officer whether or not to divide large
3 contracts into smaller ones that would enhance
4 competition for M/WBEs and other bidders. The public
5 deserves to know whether bids and proposals are being
6 formulated and solicited in a fair manner for all of
7 those who may be able to participate in the
8 contracting process. These bills will also change
9 the dates for the submission of M/WBE utilization
10 plans, and agency procurement plans to allow agencies
11 to consider their utilization plans in light of their
12 planned contracting for the year. I believe that
13 these changes are important steps ensuring that the
14 city is accountable for meeting the objectives of the
15 M/WBE program, and I would like to thank the
16 administration for working with us on those
17 proposals—the proposals and commend them for the
18 efforts they have undertaken on M/WBE issues. The
19 information we gleaned from this legislation will lay
20 the groundwork for how we can and will do a better—do
21 better by our minority and women owned businesses.

22 Additionally, we will be voting on
23 Proposed Resolution 105-A sponsored by Council Member
24 Cohen, a resolution condemning all efforts to
25 delegitimize the State of Israel, and the global

2 movement to boycott, divest from and sanction the
3 people of Israel. At our hearing last week, we heard
4 from more than 30 individuals representing over
5 organizations expressing points of view both for and
6 against the resolution. I also received dozens of
7 calls and emails since our hearing expressing a wide
8 range of views. There is one misconception in
9 particular that I'd like to address, and that is the
10 idea that Resolution 1058-A undermines individuals'
11 freedom of speech. The text of the resolution is
12 plain. It condemns the movement that delegitimizes
13 the State of Israel. Resolution 1058-A does not
14 prohibit or condemn criticism of the State of Israel.
15 Each individual not matter their viewpoint on a
16 particular issue must feel comfortable exercising
17 their First Amendment rights. I strongly value these
18 rights, and would never attach my name to a
19 resolution that had an impact on the right to free
20 speech or the right to protest. I'm comfortable
21 supporting this amended version, which pointed
22 condemns the global BDS movement that specifically
23 delegitimizes the State of Israel. I want to thank
24 the sponsors of these important measures. First,
25 Council Members for the M/WBE Council Members Cumbo,

2 Crowley, Cohen and Public Advocate Tish James as well
3 as to thank the committee staff Eric Bernstein,
4 Committee Counsel; Casey Addison, Policy Analyst;
5 John Russell; and Brendon West from the Finance
6 Division, and my Legislative Director Sarah Mallory.
7 I'd also like to thank and now give an opportunity to
8 Council Member Cohen, if you would like to say
9 anything about Intro 1058-A. Thank you.

10 COUNCIL MEMBER COHEN: Thank you, Chair.
11 I will take just a few seconds. Well, first and
12 foremost I really want to thank you for chairing last
13 week's hearing. I know that it was a challenge and
14 you did it really with a class and style that I
15 really, really appreciate in giving people an
16 opportunity to be heard. I am disappointed that many
17 people did not take advantage of the opportunity to
18 be heard, and chose to disrupt the hearing and not
19 participate, and—and waste an opportunity for real
20 dialogue. So I was disappointed about that, and I
21 don't know that I can do a better job of articulating
22 a rebuttal to some of the arguments that were made,
23 but they were not really germane to—to this
24 resolution that really was the—the thoughtful product
25 of listening to dialogue with our—with our

2 colleagues, and coming up with a resolution that had
3 broad support—support. There is nothing punitive in
4 this resolution. There's no blacklist. There's no—
5 there nothing that inhibits anybody's ability to
6 contract with the City of New York. There's no
7 infringement on anyone's right to free speech, and—
8 and our commitment to that is unwavering. And
9 ultimately there was one particular argument I found
10 particularly pernicious and it—it suggested there was
11 some impact on member items. It was just
12 disingenuous, and again, I think a lot of the
13 opposition perhaps didn't bother to read the
14 resolution, which I think is unfortunate. I do want
15 to thank the—the legislative staff—staff for the hard
16 work in developing a—a clean resolution that really
17 articulated what we wanted to say in this. I want to
18 thank Matt and—and the entire Leg staff, and—and you.
19 Thank you very much.

20 CHAIRPERSON ROSENTHAL: Thank you, Andy.
21 Does anyone else—would anyone else like to make a
22 statement [pause] and of the bills? Do you want to—
23 would you like to talk about your bill? Thank you.
24 [laughs] Good. Council Member Cumbo. Thank you and
25

2 thank you for your real-really tireless effort on
3 behalf of M/WBEs in the city.

4 COUNCIL MEMBER CUMBO: Thank you. Good
5 morning. I am Council Member Laurie Cumbo. I would
6 like to thank you all for coming today and allowing
7 me the opportunity to speak on my two bills:

8 Proposed Intro 923 and Intro 981 that are two of the
9 bills in this incredible M/WBE legislative package.

10 I want to thank Council Member Helen Rosenthal for
11 your partnership, and all of your support in these
12 efforts. Today we will hear throughout the day
13 testimony with the hope to vote on a package of
14 legislation intended to enhance transparency,
15 accountability, opportunities and resources to better
16 serve women and the businesses in this great city.

17 As Chair of the Committee on Women's Issues and Co-
18 Chair of the Women's Caucus with Council Member Helen
19 Rosenthal, I am elated that the six bills in the
20 M/WBE legislative package will be voted on at today's
21 Stated. For far too long we have been a city that
22 has put the priorities of women and minority women
23 businesses out of the spotlight. Today, I am proud
24 to congratulate my colleagues in government and the
25 fierce advocates that have created legislation that

2 bring greater transparency and accountability
3 procedures to the forefront in order to support and
4 highlight opportunities to advance M/WBEs. Today, we
5 will unlock the power of data to spur advancement
6 across the city to improve the quality of services,
7 programs and opportunities made possible by our city
8 agencies and partners such as the NYC Economic
9 Development Corporation. Intro 923 will require the
10 EDC to assess and evaluate whether contractors
11 receiving economic development benefits have fully
12 complied with M/WBE requirements as well as require
13 the Department of Small Business Services to submit a
14 report on EDC's assessment. These requirements bring
15 real oversight to the process, and support continued
16 development of M/WBEs.

17 Intro 981 marks the creation of an
18 advisory board, which is so critical to this process
19 to enhance City procurement opportunities for M/WBEs.
20 According to Checkbook NYC, New York City's
21 Controllers, an online transparency tool that tracks
22 the City's day-to-day spending in the public domain
23 it notes the prime spending by M/WBE share. And
24 unfortunately, in 2016, M/WBEs comprise only 4.6% of
25 spending, a total of \$751 million. Whereas spending

2 for non-M/WBEs is \$15.94 billion. So when you look
3 at the City of New York, when you look at the
4 African-American, the Asian women and Hispanics, we
5 certainly make up more than 4% of New York City.
6 Asian-Americans and M/WBE spending and contracts are
7 only 2.3%. African-Americans are only 0.3%, not even
8 a percentage point. Women are 1.5% and Hispanic
9 Americans are 0.6%. So, when we're looking at how
10 our tax paying dollars are being spent, communities
11 of color as well as women are paying into the city's
12 tax revenue, but are not receiving ample contracts
13 reflective of the city. As a city, we have a long
14 way to go to meet our 10-year goal of spending \$16
15 billion set out by the Mayor, but I am hopeful
16 through agency support and incredible leadership at
17 City Hall and agencies such as Small Business
18 Services and the Department of Design and
19 Construction we can raise opportunities and numbers.
20 This is a significant milestone in achieving our
21 greater goal of providing these enterprises with more
22 openings to participate in the procurement process
23 and to thrive in the City of New York's business
24 sector. I am confident that this package of
25 legislation will led us in the direction that we need

2 to go in, but there is an incredible amount of work
3 that still needs to be done in order to create true
4 equality in the City of New York. Thank you.

5 [applause]

6 SERGEANT-AT-ARMS: Keep it down, please.

7 CHAIRPERSON ROSENTHAL: Thank you so
8 much, Council Member Cumbo and congratulations to-on
9 your two incredibly important bills. It's truly an
10 exciting day for moving the box over. I'd like to
11 ask Billy Martin to now call the roll.

12 CLERK: William Martin, Committee Clerk,
13 roll call vote Committee on Contracts. All items are
14 coupled. Chair Rosenthal.

15 CHAIRPERSON ROSENTHAL: Aye.

16 CLERK: Koo.

17 COUNCIL MEMBER KOO: Aye.

18 CLERK: Deutsch.

19 COUNCIL MEMBER DEUTSCH: Thank you. I
20 just want to say that on Intro 1058-A the fact is is
21 that, um, um, Israel employs thousands of
22 Palestinians, and I support employment, I support
23 human life, and I support the State of Israel. So I
24 am—I'm following our intentions today. I want to
25 commend—I want—I want to commend the sponsor of the

2 bill as well as Laurie Cumbo on her bill, and I vote
3 aye on all. Thank you.

4 CLERK: Johnson.

5 COUNCIL MEMBER JOHNSON: Permission to
6 explain my vote. I want to thank you, Madam Chair,
7 for—I wasn't able to be here last week. I had a
8 family emergency, but from all of the coverage, you
9 did an incredible job chairing the hearing and
10 dealing with a very sensitive and difficult topic,
11 and I know that it was difficult, and so I'm grateful
12 for your leadership in handling it in such a good. I
13 want to thank Council Member Cohen and congratulate
14 Council Member Cumbo on this piece of legislation.
15 On 1058-A I want to say that I've been to Israel
16 twice, and I went with the City Council in our second
17 year in office, and a few of us were there. I know
18 Council Member Cohen, and Council Member Rosenthal we
19 were—we were on that trip together, and it is a
20 complicated place in the world. But the thing that I
21 think is important for us to recognize today is that
22 this resolution is condemning BDS because BDS does
23 not support a peaceful two-state solution to the
24 complications in that region. BDS is about
25 undermining Israel. BDS is about not having people

2 work together for a peaceful solution, and this
3 resolution states that both Israelis and Palestinians
4 have the right to live in safe and secure states free
5 from fear violence and with mutual recognition. And
6 that can only be achieved through a conversation
7 between Israelis and Palestinians. The BDS Movement
8 is not about having a conversation. The BDS Movement
9 is about delegitimizing a people. Israel is not
10 perfect. Israelis are not perfect. There are plenty
11 of people that have many, many problems with this
12 current government in Israel, but we in New York City
13 are the largest population of Jewish people around
14 the world outside of Israel, and it's important for
15 us to speak up, and lend our voices to this important
16 free and open society where LGBT people like myself
17 can live open and freely and with respect. So I am
18 proud to vote for this resolution today. I'm glad
19 that the Council is handling this. I want to thank
20 Council Cohen for putting this forward, and I want to
21 thank you, Madam Chair, for your leadership on this.
22 I vote aye on all.

23 CLERK: Miller.

24 COUNCIL MEMBER MILLER: [pause] I vote
25 aye on 923-A and 976-A and I vote on 1058-A. [pause]

2 CLERK: By a vote of 5 in the
3 affirmative, 0 in the negative and no abstentions all
4 items have been adopted on today's committee agenda,
5 with the exception of Resolution 1058, which was
6 adopted by a vote of 4 in the affirmative, 1 in the
7 negative and no abstentions.

8 CHAIRPERSON ROSENTHAL: Thank you very
9 much. I call this hearing to a close. [gavel]

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1 COMMITTEE ON CONTRACTS

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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 September 20, 2016